RULES OF PRACTICE OF

THE CIRCUIT COURT

FOURTEENTH JUDICIAL CIRCUIT

OF ILLINOIS

ROCK ISLAND, HENRY, MERCER
AND WHITESIDE COUNTIES

Adopted: June 6, 2017
Effective: June 7, 2017

ADOPTION OF RULES AND FORMS

AS FORMATTED

These Rules of Practice and Appendix of Forms of the Fourteenth Judicial Circuit of the Fourteenth Judicial Circuit of the State of Illinois are adopted as formatted herein by a majority of the Circuit Judges.

WALTER D. BRAUD, CHIEF	JEFFREY W. O'CONNOR
LORI R. LEFSTEIN	MARK A. VANDEWIELE
JAMES G. CONWAY, JR.	STANLEY B. STEINES
FRANK R. FUHR	CLARENCE M. DARROW
LINNEA E. THOMPSON	TERRENCE M. PATTON
KATHLEEN E. MESICH	PATRICIA A. JOYCE

RULES OF PRACTICE

TABLE OF CONTENTS

PART 1. JUDICIAL ORGANIZATION

1.1 RULES OF COURT

(a) Power of court to adopt rules. These rules are promulgated pursuant to Section 1-104(b) of the Code of Civil Procedure providing that the Circuit Courts may make rules regulating their dockets, calendars, and business and Supreme Court Rule 21(a) providing that a majority of the circuit judges in each circuit may adopt rules governing civil and criminal cases consistent with rules and statutes.

(b) Existing rules repealed. These rules shall become effective on June 7, 2017. All prior rules of the Circuit Court of the Fourteenth Judicial Circuit are hereby repealed.

(c) Amendment of rules. Any amendment of these rules shall be passed by a majority vote of all circuit judges of the Fourteenth Judicial Circuit, with each voting judge being mailed a copy of the proposed amendment at least ten (10) days prior to the vote thereon.

1.2 CHIEF JUDGE

(a) Election and Tenure of Chief Judge:

In September of 2016 and every September of each even numbered year thereafter, or whenever a vacancy exists in the office, a meeting shall be called by the Chief Judge or Acting Chief or by any 2 circuit judges for the purpose of electing a Chief Judge.

The Chief Judge shall serve from the first Monday in December of every even numbered year until the first Monday of December of the next even numbered year. Commencing with the December 2016 term, (1) no circuit judge may serve more than two consecutive two-year terms as Chief Judge, and (2) any circuit judge who was elected to fill a vacancy in the office of Chief Judge, the term of which will not expire for 12 months or more, shall not serve more than one succeeding two-year term. A circuit judge rendered ineligible to serve as Chief Judge under either of these provisions shall again be eligible for election to the term commencing 2 years after expiration of the term to which that judge was last elected.

(b) Election Process:

This subsection on election process shall govern and be read to the circuit judges at the beginning of the election meeting.

1. Whenever a Chief Judge is to be elected, a ballot containing the names of all the circuit judges eligible to serve shall be given to each circuit judge, who shall indicate thereon the judge for whom he or she votes as Chief Judge.
2. Only circuit judges are allowed to be present during any portion of the meeting directly or indirectly related to the election.
3. Voting is by secret ballot.
4. There shall be no nominations for office.
5. Prior to balloting, candidates interested in being considered for Chief Judge shall be given the opportunity, but are not required, to address the other circuit judges.
6. A circuit judge who is otherwise unavailable to attend the election meeting due to illness, family emergency, travel, or other exigent circumstance may appear by phone. The circuit judge appearing by phone may announce and designate a fellow circuit judge to secretly vote the absent judge's preference during each round of balloting.

7. An election committee consisting of three circuit judges appointed by the Chief Judge or Acting Chief Judge (or if neither is then in office or present, by a chairman elected by those judges present) shall canvas the votes and shall announce the results after each round of voting.
8. Once a judge receives the votes of a majority of the circuit judges voting, that judge shall be declared elected as Chief Judge.

(c) Removal of Chief Judge:

A majority of the circuit judges may at any time, by written order, call a meeting for the circuit judges at a time and place stated for the purpose of considering the removal of the Chief Judge then in office. A copy of such order shall be delivered or mailed postage prepaid to each judge not joining in it at least five days before the time fixed for the meeting. At such time, the judges shall vote by ballot on the question: "Shall the present Chief Judge be removed from the office?" If a majority of the circuit judges voting vote in the affirmative, the Chief Judge is thereby removed from office, and the judges shall thereupon proceed to select one of the circuit judges to serve as new Chief Judge, to take office at once.

(d) Resignation of Chief Judge:

The Chief Judge may resign by calling a meeting of the circuit judges and presenting a written resignation. The circuit judges shall thereupon proceed to select one of the circuit judges to serve as new Chief Judge, to take office at once.

(e) Acting Chief Judge:

The Chief Judge shall designate one of the circuit judges to serve as Acting Chief Judge in his absence, who shall have the same powers and duties as the Chief Judge. If there is no such designation, or the Acting Chief Judge is also not available, then the circuit judge having the greatest seniority of judicial service and otherwise qualified shall serve as Acting Chief Judge. A Chief Judge is disqualified from serving as Acting Chief Judge for 24 months after leaving the position of Chief Judge.

(f) Vacancy:

Whenever a vacancy occurs in the office of Chief Judge, any two circuit judges may call a meeting of the circuit judges to select a circuit judge to fill the vacancy.

1.3 ESTABLISHMENT OF DIVISIONAL COURTS IN ROCK ISLAND COUNTY

There are established in Rock Island County the following divisions:

(1) Civil
(2) Criminal
(3) Juvenile
(4) Associate

Case designation shall be assigned to these divisions by administrative order of the Chief Judge.

1.4 PRESIDING JUDGE

(a) Designation. The Chief Judge shall designate a judge in Whiteside, Henry, and Mercer Counties as the Presiding Judge in that county. The Chief Judge shall designate a judge in the civil, criminal, juvenile and associate divisions, of Rock Island County, as presiding judge in each division.

(b) Responsibilities. The Presiding Judge shall have the responsibility of administering the judicial department of his division/county. He shall make a general

assignment of cases to the judges regularly sitting in his division/county. If so authorized by the Chief Judge, he may promulgate administrative orders within his division/county not inconsistent with these rules or the administrative orders of the Chief Judge.

1.5 JUDICIAL ASSIGNMENTS

(a) Assignments by the Chief Judge. The Chief Judge shall assign circuit judges and associate judges to the various divisions/counties within the circuit and may further assign all judges on a case-by-case basis.

(b) Assignments by the Presiding Judge. The Presiding Judge within each division/county may assign judicial duties to the circuit and associate judges regularly assigned to that division/county by the Chief Judge.

1.6 JUDICIAL MEETINGS

(a) Circuit Judges:

The circuit judges shall meet at least quarterly each year to discuss and take such action as may be required in connection with the business of the Court.

(b) Associate Judges:

The Chief Judge or his designee shall meet with the associate judges at least quarterly, separately, or with the other judges, in each year to discuss and take such action as may be required in connection with the business of the Court.

(c) Special Meetings:

Special meetings may be called at any time by the Chief Judge or by any two circuit judges upon five days' notice to all circuit judges.

1.7 ASSOCIATE JUDGES; APPOINTMENTS, TERMS OF SERVICE

The circuit judges of the Fourteenth Judicial Circuit shall appoint associate judges pursuant to Article VI, Section 8 and 10, of the 1970 Illinois Constitution, and Supreme Court Rule 39, as amended. Such associate judges shall reside in the Fourteenth Judicial Circuit and shall be appointed on a non-partisan, merit basis. Only a person licensed to practice law in Illinois and in good standing shall be eligible for the office of associate judge. All appointees shall be persons of good moral character and reputation.

PART 2. ASSIGNMENT AND SUBSTITUTION OF JUDGES IN CIVIL CASES

2.1 ASSIGNMENT OF JUDGES

All civil cases shall be assigned within the counties of this circuit as follows:

(a) In Rock Island County:

(1) All L, LM, MR, CH, TX, D, OP, F and ED cases are assigned on filing under procedures established by administrative order of the Presiding Judge of the Civil Division.

(2) SC cases are assigned by administrative order established by the Presiding Judge of the Civil Division only if they cannot be disposed of on the return date.

(3) AD (adoptions) cases are assigned on filing to the judge assigned to hear all juvenile matters.

(4) All guardianship cases of disabled adults and minors are assigned on filing to a judge per administrative order of the Presiding Judge, Civil Division.

(5) All probate matters not involving a contested hearing or complex legal issue will be heard on walk-in call before any walk-in judge in the civil division. Any contested matter will be assigned pursuant to administrative order of the Presiding Judge, Civil Division.

(b) In Henry, Mercer, and Whiteside Counties, all civil cases shall be assigned pursuant to administrative order of the presiding judge of those counties.

2.2 SUBSTITUTION OF JUDGE

(a) For Cause:

A verified application for a substitution for cause shall be filed as soon as possible after cause occurs and in any event no later than 21 days after the party or counsel first learns of the alleged cause.

(b) Re-Assignment:

1. Immediately on entry of any order allowing substitution from a judge as either a matter of right or upon cause shown or in the event of recusal by the judge, the cause shall be randomly reassigned by computer by the clerk or by the presiding judge.

2. The party filing a petition for substitution for cause shall apply to the presiding judge for assignment of the hearing on the petition to another judge other than the judge sought to be substituted. The cause shall be scheduled for hearing as soon as convenient on that judge's schedule.

(c) Continuance:

The substitution of a judge is not automatically cause for a continuance.

PART 3. CIVIL CASE MANAGEMENT CONFERENCE

3.1 SCHEDULING AND CONDUCT

(a) Initial case management conferences shall be set under Supreme Court Rule 218 and pursuant to administrative order.

All civil cases, which by virtue of an administrative order of the Chief Judge do not require the initial case management conference under Supreme Court Rule 218, shall be set for trial as soon after the return date as may be reasonable.

(b) The parties shall file and exchange no later than the initial case management conference as statement addressing those factors enumerated in Supreme Court Rule 218(a) (1) through (10).

(c) At the initial case management conference and at all subsequent case management conferences, an order shall be entered utilizing forms promulgated by the presiding judge.

(d) All continuances shall be to a date certain.

(e) When the plaintiff/counter-plaintiff fails to appear at a required Supreme Court Rule 218 conference, the case may be subject to summary dismissal. When the defendant/counter-defendant fails to appear at a required Supreme Court Rule 218 conference, the case may be subject to a default judgment.

The Clerk of Court shall send a copy of the order of dismissal/default within five days of entry.

PART 4. HEARING AND MOTIONS

4.1 NOTICE OF HEARINGS AND MOTIONS

(a) Notice required:

Written notice of hearing of all motions, unless excused by the Court, shall be given by the party requesting hearing to all parties who have appeared and have not theretofore been found by the Court to be in default for failure to plead and to all parties whose time to appear has not expired on the date of notice. Notice of motion made within a court day of trial shall be given as directed by the Court. Notice that additional relief has been sought shall be given in accordance with Supreme Court Rule 11.

(b) Content of Notice:

The notice of hearing shall show the title and number of action and the date and time and place when the motion will be presented. Notice of motion to be made shall state the nature of the motion. A copy of any written motion and of all papers presented therewith or a statement that they previously have been served shall be served with the notice.

(c) Manner of Service:

Notice (whether personal delivery, mail, email, or facsimile) shall be given in the manner and to the persons described in Supreme Court Rule 11.

(d) Time of Notice:

Unless otherwise provided, if notice of hearing is given by personal service, facsimile transmission or email, the notice shall be delivered not less than one court day preceding the hearing of the motion. If notice is given by mail, the notice shall be deposited in a United States Post Office or Post Office Box on the fourth court day preceding the hearing of the motion.

4.2 MOTIONS PRACTICE

(a) Every motion brought pursuant to Supreme Court Rule 219, Supreme Court Rule 137 or Sections 2-615, 2-619, 2-619.1 or 2-1005 of the Code of Civil Procedure shall be noticed for hearing for presentation of the motion to the Court at a 9:00 a.m. walk-in call, whereupon an order will be entered setting a briefing schedule and a hearing for arguments on the motion.

(b) Every motion, and each basis in the motion, brought pursuant to the Code of Civil Procedure or Supreme Court Rule shall be identified by the Code of Civil Procedure section and/or the Supreme Court Rule number under which it is brought.

(c) For every contested motion the parties shall deliver to the assigned judge not less than ten (10) days prior to the hearing paper copies of:

(1) The motion, response, reply and supporting depositions.
(2) Any pleadings involved in the motion, i.e. any pleading to which the court may need to refer in ruling on the motion.
(3) Any writing in support of or in opposition to the motion.
(4) Photocopies of cited legal authority on contested points of law
(5) All citations shall be in conformity with Supreme Court Rule 6.

(d) The parties shall file with the Clerk of the Court all written motions and responses, together with any supporting briefs and affidavits.

(e) Unless otherwise ordered by the court, and pursuant to Supreme Court Rule 191, motions for summary judgment under section 2-1005 of the Code of Civil Procedure and motions for involuntary dismissal under section 2-619 of the Code of Civil Procedure must be filed not later than 90 days before the trial date. The date for hearing of such motion shall be set for a date not less than 60 days prior to the date of trial. Any affidavits in support of the resistance shall be filed as set forth in 735 ILCS 5/2-1005 (c).

(f) No motion or writing in support of or in opposition to a motion shall exceed ten (10) pages in total length (excluding supporting documents) without prior leave of Court. All grounds attacking a pleading or paper shall be contained in a single motion and shall be subject to the foregoing page limits.

Motions to allow additional pages are not favored, and specific grounds establishing the necessity for excess pages shall be clearly set forth in an affidavit filed in support of the motion.

All documents submitted shall be double spaced and shall contain margins of at least one (1) inch at the top, bottom and each side. Type shall be no less than twelve (12) characters per inch. Failure to comply with this rule shall be sufficient grounds for the Court's refusal to consider the offending document.

4.3 EX PARTE AND EMERGENCY MOTIONS

(a) Filing With Clerk:

Every complaint or petition upon which it is sought to obtain ex parte, an order for the appointment of a receiver or a temporary restraining order, for a preliminary injunction, for an order of protection, or for an order of ne exeat republica shall be filed in the Office of the Clerk if that office is open before application to a judge for the order.

(b) Notice Not Required:

Emergency motions and motions which by law may be made ex parte may, in the discretion of the Court, be heard without calling the motion for hearing. Emergency motions shall, so far as possible, be given precedence.

(c) Notice After Hearing:

If a motion is heard without prior notice under this rule, written notice of the hearing of the motion showing the title and number of the action, the name of judge who heard the motion, date of the hearing, and the order of the Court thereon, whether granted or denied, shall be served by the attorney obtaining the order upon all parties not theretofore found by the Court to be in default for failure to plead and proof of service thereon shall be filed with the clerk within two days after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

4.4 TELEPHONE CONFERENCES

(a) Pursuant to Supreme Court Rule 185, any party requesting that a hearing on a motion or other matter be held by telephonic conference, shall schedule the conference call by reserving the time with the approval of the Court. No hearing shall be scheduled without prior
consultation with any pro se party or attorneys of record.

The party scheduling same shall serve and file a notice of hearing as on other matters before the Court, unless notice is waived by the parties, and that party shall initiate and pay for the call unless otherwise agreed between the parties or ordered by the Court.

(b) Telephone calls to a judge on a case shall be governed by Supreme Court Rule 63A

PART 5.
RESERVED

PART 6. FINAL PRE-TRIAL CONFERENCE

6.1 REQUIREMENTS OF FINAL PRE-TRIAL CONFERENCE

Upon motion of any party or on its own motion, the Court may order that a final pre-trial conference be held in any civil action, pursuant to Supreme Court Rule.

(a) Duty To Prepare:

In actions in which a pre-trial conference is ordered, the attorneys for each of the parties and each litigant not represented by an attorney shall file and serve such pre-trial typewritten documents required by the trial judge in the form required by the Court at least four court days prior to the conference. Unless otherwise ordered, the pre-trial documents shall include the following:

(1) witness lists;
(2) exhibit lists;
(3) voir dire questions;
(4) jury instructions;
(5) trial memoranda;
(6) statements of the case;
(7) motions in limine & responses to motions in limine;
(8) evidence deposition transcripts, objections & index, per Rule 6.8;
(9) Supreme Court Rule 213(f) disclosures, discovery depositions, and deposition index, per Rule 6.10.

(b) Settlement Prior to Trial:

In the event of settlement prior to a scheduled pre-trial conference, the attorneys for the parties and each individual litigant not represented by an attorney shall notify the pretrial judge promptly, but, in any event, prior to the scheduled conference.

(c) Attendance at Pre-Trial Conference:

Unless excused by the Court, the following representatives shall be present at the final pre-trial conference:

(1) attorney for each party who will try the case;
(2) all parties not represented by counsel;
(3) the plaintiff (s);
(4) a representative of the defendant (s) who has authority to settle the case

6.2 LIST OF WITNESSES

The parties shall provide the Court and opposing counsel with a typewritten list identifying all witnesses who a party intends to testify during the trial.

6.3 EXHIBITS

At the pre-trial conference with the Court, the parties shall produce all of the exhibits (unless too cumbersome or unavailable at the time of the pre-trial conference) they expect to offer in evidence. Each exhibit shall be pre-marked for identification by the attorneys or parties.

The parties shall then stipulate to the exhibits to which there is no objection, and such exhibits shall be admitted in evidence without the necessity of further foundation.

In addition, the attorneys for the parties or any party not represented by an attorney is required to submit at the pre-trial conference a typed "Exhibit List" which shall identify all exhibits intended to be offered by each party, itemizing such exhibits numerically by their identifying number.
The exhibit list shall provide columns on the right hand side for notation by the Court and parties during trial as to whether each exhibit is "Identified," "Admitted," "Refused," or "Reserved".

6.4 TRIAL MEMORANDUM

The parties shall submit a written trial memorandum. The pre-trial memoranda shall include factual and evidentiary issues which are anticipated to arise during the trial and provide both legal authority and argument to assist the Court in reaching required rulings on these issues.

If the application or interpretation of a statute or rule of law is deemed of particular significance by counsel for any party or by a pro se litigant, such matter shall be called to the Court's attention in this trial memorandum.

6.5 PROPOSED VOIR DIRE

Parties shall submit a list of questions which they request the Court to ask prospective jurors during voir dire examination.

6.6 STATEMENT OF CASE

In jury trials, each party shall provide a typed statement of the case to be read by the Court to the jury.

6.7 PROPOSED JURY INSTRUCTIONS

Proposed jury instructions shall be presented by each side to the Court at this pre-trial conference and exchanged with opposing counsel. If any non I.P.I. instructions are tendered, case citations are to be attached regarding supporting authority. Each party shall also provide a document listing all instructions by number (such as, "Plaintiff's Tendered Instruction No. 1"), by the Court and parties during trial as to whether each instruction is "Withdrawn" "Given" or "Refused".

6.8 EVIDENCE DEPOSITIONS

Unless otherwise ordered, all evidence depositions shall be presented to the trial judge no later than 10 days prior to the pre-trial conference together with a typed index showing page and line of any unresolved objections. The Court will promptly rule on such unresolved objections notifying the attorneys of the Court's ruling so that the evidence depositions to be presented at trial can be appropriately marked (or edited in the case of videotaped depositions) prior to the commencement of trial.

6.9 MOTIONS IN LIMINE

All motions in limine and responses to motions in limine shall be filed with the Court four days prior to the pre-trial conference, with copies served upon opposing counsel or to any party not represented by an attorney not later than seven days prior to the final pre-trial conference.

6.10 SUPREME COURT RULE 213(f) DISCLOSURES

(a) For each Supreme Court Rule 213(f) (1), (2), and (3) witness that will be called live at trial to testify, the party calling that witness shall provide to the court at the final pretrial conference a copy of the Supreme Court Rule 213(f) disclosure and supplements provided in discovery for that witness.

(b) For each (f)(2) and (f)(3) witness called live at trial, the party calling the witness shall also provide to the court at the final pretrial conference:

(1) A copy of the discovery deposition (if one was taken);
(2) A discovery deposition index showing line and page number for the Supreme Court Rule 213(f) opinions contained in the deposition.

(3) The index contemplated by this rule would be similar to this:

1. Causation, looping p.15, line 10
2. Causation, age p. 25, line 1
3. Deviation from the standard of care, p. 30, line 5

PART 7.
RECEIVERS

7.1 DISQUALIFICATION

Except as provided in (7.2) of this rule or any applicable statute, an appointment as receiver shall not be granted to an individual or to a corporation having a principal officer, who:

(a) is related by blood or marriage to a party or attorney in the action;

(b) is an attorney for or of counsel for any party in the action;

(c) is an officer, director, stockholder, or employee of a corporation the assets of which are in question, or;

(d) stands in any relation to the subject of the controversy that would tend to interfere with the impartial discharge of his duties as an officer of the Court.

7.2 EXCEPTION

If the Court is satisfied that the best interests of the estate would be served, an individual or corporation otherwise disqualified under section (7.1) of this rule may be appointed as receiver by an order specifically setting forth the reasons for departing from the general rule. A receiver so appointed shall serve wholly without compensation unless otherwise ordered by the Court upon good cause shown.

7.3 ATTORNEYS FOR RECEIVERS

An attorney for the receiver shall be employed only upon order of the Court upon written motion of the receiver stating the reasons for the requested employment and naming the attorney to be employed.

7.4 INVENTORIES OF RECEIVERS

No later than 30 days after his appointment, the receiver shall file with the Court a detailed report and inventory of all property, real or personal, of the estate and designating the property within his possession or control.

7.5 APPRAISAL FOR RECEIVERS

(a) Appraisers:

Appraisers for receivers may be appointed only upon order of Court or agreement of the parties with the approval of the Court. If appraisers are appointed, they shall be selected by the Court.

(b) Appraisal by Receiver:

If no appraisers are appointed, the receiver shall investigate the value of the property of the estate and show in the inventory the value of the several items listed as disclosed by the investigation.

7.6 REPORTS OF RECEIVERS

(a) Time of Filing:

The receiver shall file his first report at the time of filing his inventory and additional reports annually thereafter. Special reports may be ordered by the Court and a final report shall be filed upon the termination of the receivership.

(b) Forms:

The Court may prescribe forms to be used for reports of a receiver.

7.7 RECEIVER'S BOND

(a) Personal Sureties:

Bonds with personal sureties shall be approved by the Court. Unless excused by the Court, sureties shall execute and file schedules of property in a form approved by the Court.

(b) Surety Companies:

Bond with a corporation or association licensed to transact surety business in this State as surety will be approved only if a current certified copy of the surety's authority to transact business in the State, as issued by the Director of Insurance, is on file with the Clerk of the Court and verified power of attorney of attorney or certificates of authority for all persons authorized to execute bonds for the surety is attached to the bond.

PART 8. RULES RELATING TO PROBATE

(a) Probate forms now on file and numbered p-1A through p-145, as amended from time to time, shall be used in the Fourteenth Judicial Circuit.

(b) Where multi-page documents are required, the backs of the papers shall be utilized in such manner that same may be read without removing same from the file or turning the file 180 degrees. Two post binding at the top of the paper shall be used.

(c) Required filings which are not included in the published forms shall be prepared in the above form.

(d) Filings not according to rule or not on approved forms may be filed only by leave of Court.

(e) Wills and trusts heretofore executed on long paper may be filed, but wills etc., prepared after January 1, 1982, should be on 8 1/2" by 11" paper.

(f) Where addenda are required to furnish information which will not fit in the space provided on the form, recite same in the applicable space and refer to a clearly marked exhibit prepared on 8 1/2" by 11" paper.

(g) A list of approved forms should be kept on file in the office of the Clerk of each Court.

(h) Typewritten or printed papers shall have a 1 1/2" minimum blank space at the binding end of the paper.

(i) Inapplicable alternatives printed on the forms shall be deleted prior to filing.

(j) Pursuant to the discretionary authority vested with the Court under Section 755 ILCS 5/24-1, 5/24-3(a), 5/24-11, Illinois Probate Code, all legal representatives of estates in cases filed in the various courts of the Fourteenth Judicial Circuit, shall file an annual report or account. The first such report or account shall be due, unless otherwise ordered by the Court, by the first Monday of the month following one year from the issuance of Letters of Office. Thereafter, unless otherwise ordered by the Court, an annual report or account will be due on each anniversary or until the estate is closed. Each report filed shall contain the name, address, and telephone number of the attorney for the estate and the representative. The report shall include a schedule for the closing of the estate and an explanation of any problems which would delay closing.

(k) In cases involving the guardianship of a minor, a child custody affidavit shall be filed as required by 750 ILCS 36/209. (See Appendix of Forms of the Fourteenth Judicial Circuit, Form 9(a) [as the same may be from time to time amended]).

PART 9(A) RULES RELATING TO DISSOLUTIONS LEGAL SEPARATION, PARENTAGE AND ALLOCATION OF PARENTAL RESPONSIBILITIES

RULES RELATING TO "FAMILY" (750 ILCS) CASES

(a) Filing of Child Custody Affidavits:

In any proceeding wherein a custody or allocation of parental responsibilities determination is to be made by the Court or wherein the Court is asked to approve an agreed stipulation for modification of a previous custody or allocation of parental responsibilities determination, there shall be on file prior to the entry of an order affecting custody, visitation, allocation of parental responsibilities or parenting time, a child custody affidavit as required by 750 ILCS 36/209. (See Appendix of Forms of the Fourteenth Judicial Circuit, Form 9(a) [as the same may be from time to time amended]).

(b) Financial Affidavit:

In all proceedings for dissolution of marriage, legal separation, declaration of invalidity of marriage, or other actions brought under 750 ILCS where the relief sought includes a request for any of the following:

1. Property distribution;
2. Temporary, permanent, or rehabilitative maintenance;
3. Temporary or permanent child support;
4. Attorneys' fees (actions where sought based on the ability of one party to pay and the inability of other party to pay); or
5. Allowable court costs;

the parties shall file a financial affidavit. If temporary relief is sought the parties shall file the financial affidavit approved by the Illinois Supreme Court and mandated by 750 ILCS 5/501. Until August 1, 2017 parties seeking other relief may file either the financial affidavit approved by the Illinois Supreme Court or the affidavit set forth in the Appendix of Forms of the Fourteenth Judicial Circuit as Form 9(b) (as the same may from time to time be revised). A financial affidavit shall be filed with a party's initial pleading. After August 1, 2017 the Form 9(b) financial affidavit shall not be utilized. The official financial affidavit forms contain the minimum information that shall be disclosed. Attorneys or parties may not alter the document by deleting content from the official financial affidavit form used.

If the financial affidavit previously filed is no longer accurate, amendments shall be timely filed and served. It is within the trial Court's discretion to accept the latest financial affidavit on file as the testimony of that party for the information contained therein if that party is also present and available to testify under cross-examination.

Violations of these provisions may result in sanctions pursuant to Supreme Court Rule 219.

(c) Face-to-Face Settlement Conference:

1. The parties and their respective counsel, including any guardian ad litem where applicable, shall attend in person or, for good cause shown, by conference telephone call, a face-to-face settlement conference. The joint settlement conference may be held at such place and time as agreed or ordered by the Court.

2. At the face-to-face conference, the parties and their respective counsel and guardian ad litem, if applicable, shall:

(a) Conduct good faith settlement negotiations;

(b) Identify the disputed issues which the Court needs to resolve and prepare a stipulation as to the disputed issues;

(c) Prepare any stipulation with respect to agreed matters;

(d) Complete the appropriate pre-trial memorandum as required under subsection (1) of this Rule 9(d) and sign the same;

(e) Consider any other matters which may aid, expedite, or simplify the pending matter including preparing an update amendment to any previously filed financial affidavit.

(d) Pre-Trial Memorandum and Order:

1. Before a contested second half hearing on a petition for dissolution of marriage, legal separation, or declaration of invalidity can be heard, the parties and their respective attorneys shall submit their joint pre-trial memorandum as set forth in the Appendix of Forms of the Fourteenth Judicial Circuit as Form 9(d) 1 (as the same may from time to time be amended).

2. Before a contested hearing on allocation of parental responsibilities and/or parenting time, the parties and their respective attorneys shall submit a joint parenting plan setting forth the agreements of the parties along with an appendix setting forth the parties' respective positions on issues in dispute. (If the contested hearing is conducted within 120

days of service or filing of a petition for allocation of parental responsibilities the filing of this document will satisfy the requirements of 750 ILCS 5/602.1 to file a parenting plan plan)

3. Unless otherwise ordered by the judge assigned to the case, the petitioner shall complete his/her portion of the document(s) required under this Rule 9(d) and serve the same to respondent so that respondent receives them no later than six court days prior to a trial. Respondent shall complete his/her portion of the document(s) and serve the same on petitioner so that petitioner receives them no later than three court days prior to the hearing date. Petitioner shall complete and file the document(s) no later than two court days prior to the hearing date, then on the same day hand deliver a file stamped paper courtesy copy to the judge and to respondent via email, facsimile or hand delivery.

(e) Uncontested Call:

1. Uncontested, default, or agreed matters arising under 750 ILCS will be heard on any established uncontested call, and before the "domestic relations walk-in" judge if time permits.

2. Any matter which is uncontested or agreed may be set and heard without the necessity of a pre-trial memorandum being filed; but in all cases the agreed order shall contain recitations regarding the parties' gross and net monthly income, as the same are defined by 750 ILCS 5/505 if the Order affects issues of support or maintenance.

(f) Filing of Confidential Information

1. In an effort to limit identity theft, the following information should not be contained in pleadings open to the general public and filed with the Circuit Clerk:
    a. Date of Birth
    b. Social Security Number (it is acceptable to identify the last four digits in the public portion of the record)
    c. Driver's license Number
    d. Children's Date of Birth (acceptable to identify the age of the child at the time of the pleading)
    e. Children's Social Security Number

2. The information identified in paragraph f (1) above should be filed with the Circuit Clerk under seal using the form called Confidential Disclosure Statement as set forth in the Forms portion of these rules, and hereinafter called f (1) Confidential Disclosure Statement.

3. The Circuit Clerk shall file the f (1) Confidential Disclosure Statement under seal and note the date and which party filed the f (1) Confidential Disclosure Statement under seal on the public docket. Only judges, the parties, and their present attorneys of record shall have access to the sealed information without a Court Order. Anyone else seeking access to the information must file a petition setting forth the basis for needing the information and set the matter for hearing after notice to the parties and attorneys of record pursuant to local rule. A judge of this circuit will then review the petition and sealed information *in camera* to determine whether or not the information merits disclosure.

(g) All initial appearances in Rock Island County only shall have Summons, Notice, Rule(s) and initial Orders returned to appear before the Domestic Relations Walk-

In Judge at 9:00 AM. This shall not apply to injunctive relief under 750 ILCS 5/501 and 701.

(h) All attorneys shall post their email address on the pleadings. Until such time as e-filing requirements eliminate mandatory paper filings with the clerk, if a document is served by email, original paper copies with original signatures must still be filed with the Circuit Clerk, (unless the document was e-filed under permissive e-filing)

(i) In cases where each party has an attorney of record, no attorney shall set a hearing without first making reasonable attempts to schedule a mutually convenient date with opposing counsel. Reasonable attempts shall be deemed made if a telephone call is placed to opposing council and no response is received within 48 hours.

(j) In cases where each party has an attorney of record, no attorney shall participate, directly or indirectly, in obtaining an Ex Parte Order of Protection without providing advance telephone notice to opposing counsel as soon as practicable.

(k) All modifications, rules or actions under 735 ILCS 5/2-1401 filed more than 30 days after entry of the second half judgment of dissolution, a final order allocating parental responsibilities and/or parenting time, a final order of child support or support per 750 ILCS 5/513, or a final order of maintenance, shall be deemed a new proceeding and service shall be made upon the party as opposed to any prior attorney of record.

(l) Parenting Education Requirement

In all "child custody cases" contemplated by Supreme Court Rule 924, except when excused by the court for good cause shown in a written motion that details the reasons therefore, the parties shall complete a four hour parenting education program covering the subjects of visitation, custody and their impact on children.

The Clerk's office in each county in the circuit shall maintain a list of parenting education programs approved as provided in this Part.

When a parent resides outside a radius of 125 miles from the court facility wherein the case is being heard, the parent may file a written motion requesting that such parent be allowed to complete a parenting education program offered in the jurisdiction where he or she resides. The motion may be granted if it appears from that motion and any supporting documents that such other program conforms to the standards of this circuit.

(m) Family Mediation Program

1. Pursuant to Supreme Court Rule 905, all cases filed on or after January 1, 2007, and, at the discretion of the Court, all matters filed before that time, involving contested hearings of custody, allocation of parental responsibilities, visitation, parenting time, and relocation shall be subject to mediation in accordance with the following rules except when the court grants an exemption because it determines that an impediment to mediation exists.

2. Definitions

(A) Mediation. When the word "mediation" is used herein, it means a cooperative process for resolving conflict with the assistance of a court-appointed neutral third party, whose role is to facilitate communication, to help define issues, and to assist the parties in identifying and negotiating fair solutions that are mutually agreeable. Fundamental to the mediation process, described herein, are principles of safety, self-determination, procedural

informality, privacy, confidentiality, and full disclosure of relevant information between the parties.

"Shuttle mediation" is a variant of the standard process in which the mediator meets separately with each party so that direct communication is only with the mediator who relays information, defines issues and suggests possible solutions as the participants remain in separate rooms.

"Co-mediation" is where two mediators mediate with the participants at the same time.

(B) Impediment. When the word "impediment" is used herein, it means any condition, including, but not limited to, family violence, mental or cognitive impairment, alcohol abuse or chemical dependency, or other circumstances, the existence of which, in an individual or in a relationship, may render mediation inappropriate or would unreasonably interfere with the mediation process. The identification of forms of impediment is not designed to require treatment, but to insure that only parties having a present, undiminished ability to negotiate are directed by court order to mediate.

(C) Child Custody Case. A "child custody case" is that type of proceeding that is defined as such by the appropriate and current Illinois Supreme Court Rule and includes child custody, allocation of parental responsibilities, visitation, parenting time and relocation.

(D) Mediator. The terms "mediator" or "qualified mediator" when used in this Part means any person approved as such by the Chief Judge or Circuit Court Advisory Committee as provided herein.

3. Mediation Mandatory in Certain Cases

(A) Matters Subject to Mediation. The assigned judge shall order mediation (pursuant to the court approved order form) of any contested child custody case unless the court determines an impediment exists. The parties may not proceed to a judicial hearing on contested issues, except temporary relief, without leave of court, or until the mediation process has been concluded and its outcome has been reported to the court. (See Form 9(m)3(A) for the court approved order form.) **The parties shall provide a copy of the Mediation Order to the Court Administrator.**

(B) Commencement of Mediation. The court shall enter a referral order to mediation no later than 90 days after the petition has been served upon the respondent. However, in no event shall mediation occur before a case has been screened for eligibility pursuant to safety protocols for mediators. (See Form 9(m)(3)(B)).

(C) Exemption From Mediation. A "child custody case" may be exempted from the requirement of mediation as required in sub-paragraph (B) above if the court determines that there is an impediment to such mediation. The determination that an impediment exists may be made pursuant to a motion alleging relevant facts, by the court's concurrence in a separate written stipulation of the parties, or by an agreed Case Management Considerations and Order under Supreme Court Rule 904 or 923.

(D) Discovery. Discovery may continue throughout the mediation.

4. Referral and Assignment Procedure

(A) A mediator may be selected by agreement of the parties from the list of qualified mediators maintained by the Clerk's office in each county of this circuit. Absent an agreement, the trial judge shall select a mediator. Mediators shall be compensated by the parties at the rate and under the payment terms agreed to by the parties and the mediator unless the parties cannot agree upon a mediator. If the Court must select one, the mediator will be compensated in an amount not less than the amount per hour specified in Part 26, Rule 4B.3 of these Circuit Rules and shall be entitled to a minimum of one-hour compensation. Unless the matter is a "reduced fee" or "pro bono" case, the mediator shall be entitled to a retainer of $500.

(i) The Court may designate in its order what percentage of the mediation fee should be paid by each party and/or whether the case should be considered for a reduced fee or pro bono case. In making the percentage designation, the Court may do so in a non-evidentiary summary fashion from the Part 9(b) affidavits required to be filed under these Circuit Rules.

(ii) The Court shall indicate in its order whether legal counsel for the parties may or must attend mediation session(s).

(iii) The parties shall participate in mediation in good faith, and their attorneys shall encourage them to do so.

(iv) The parties shall contact the mediator within ten business days after the referral order is signed for the purpose of scheduling mediation.

(B) Conflict of Interest

(i) If the mediator appointed has any possible conflict, including but not limited to, a current or previous therapeutic, personal or economic relationship with the mother, father, child, sibling, step-parent, grandparent, household member, counsel or anyone else directly involved in the case, he or she shall decline the appointment or disclose that relationship to the parties- any of who may ask that the mediator decline the appointment. Should the mediator refuse to decline, either one or both parties may file a motion with the court requesting that the mediator be removed. If there is a conflict or removal, the parties may agree upon, or the court shall appoint, another mediator.

(ii) No person acting as a mediator who is a mental health professional shall provide counseling or therapy to the parties or their children during or after the mediation or represent either party in any matter during the mediation process or in a dispute between the
parties after the mediation process.

(C) Ethical Conduct: Inclusion of a mediator in the 14th Judicial Circuit approved mediators list indicates explicit agreement by that mediator to maintain high standards of ethical practice. Failure to comply may result in removal of the mediator's name from the approved list.

5. Mediation Process

(A) At or prior to commencing the initial session, the mediator

shall: (i) determine the issues to be mediated;

(ii) explain that no legal advice, therapy or counseling will be provided;

(iii) disclose the nature and extent of any existing relationships with the parties or their attorneys and any personal, financial, or other interests that could result in bias or conflict
of interest on the part of the mediator;

(iv) determine if the Court has required legal counsel to be present during the mediation process, and, if so, the role to be played by them;

(v) inform the parties that

(1) mediation can be suspended or terminated at the request of either party after three (3) hours, or, in the discretion of the mediator, at any time as outlined in the following subsection-Part 9(m)5(A)(v)(2);

(2) the mediator may suspend or terminate the mediation if there has been a failure to comply with any payment terms contemplated by Part 9(m)4(A), if an impediment exists, if either party is acting in bad faith or appears not to understand the negotiation, if the prospects of achieving a responsible agreement appear unlikely, or if the needs and interests of the minor children are not being considered. In the event of a suspension or termination, the mediator may suggest a referral for outside professional services;

(vi) explain that the mediation process is confidential as outlined in Part 9(m)7;

(vii) confirm the parties' understanding regarding the fee for services and the payment arrangements or orders thereof;

(viii) reach an understanding with the parties as to whether the mediator may communicate with either party or his/her legal counsel or with other persons to discuss the issues in mediation in the absence of the parties. Any separate communication that does occur should
be disclosed to the parties at the first opportunity;

(ix) advise each party that children may be allowed to participate in mediation so long as all parties and the mediator consent to said participation, in writing, and that each parent or the child's representative or guardian ad litem, if applicable, has the right to withhold consent.

(B) Co-mediation or Shuttle Mediation. Co-mediation or shuttle mediation may be used as deemed appropriate by the mediator.

(C) Reporting Risk of Bodily Harm. While mediation is in progress, the mediator may report to an appropriate law enforcement agency any information revealed in mediation necessary to prevent an individual from committing an act that is likely to result in imminent, serious bodily harm to another. When the identity of an endangered person is known to the mediator, the mediator may warn that person and his attorney of the threat of harm. Such notification shall not be considered a breach of confidentiality mandated by this rule.

(D) Place of Mediation. Unless both parties and the mediator otherwise agree, mediation should be held in the county where the case is pending.

(E) Unless the mediator has been selected by the Court because the parties could not agree upon a mediator, mediators are encouraged to enter into a written "Memorandum of Engagement" which, at a minimum, sets out a fee for services and payment arrangements agreed to by the parties and the mediator.

6. Application of Safeguards in Case of Impediment

(A) Duty to Assess. While mediation is in progress, the mediator should continuously assess whether the parties manifest any impediments affecting their ability to mediate safely, competently and in good faith.

(B) Safety: If an impediment affecting safety arises during the course of mediation, the mediator may adjourn the session to confer separately with the parties, implement protective measures, make appropriate referrals to community service providers, or advise the parties of their right to terminate and thereafter either should

(i) terminate mediation when circumstances indicate that protective measures are inadequate to maintain safety or

(ii) proceed with mediation after consulting separately with each party to ascertain whether mediation in any format should continue.

(C) Competency or Good Faith. If an impediment affecting competency or good faith, but not safety, arises during the course of mediation, the mediator may make any appropriate referrals to community service providers and either

(i) suspend mediation when there is a reasonable likelihood the impaired condition of an affected party is only temporary or

(ii) terminate mediation when circumstances indicate an affected party's ability to negotiate cannot be adequately restored.

(D) Effect of Termination. No mediation terminated shall proceed further unless ordered by the court upon motion of a party. In the absence of such an order, the case shall be returned to the docket for adjudication in the manner prescribed by law.

7. Confidentiality

(A) Privacy of Sessions. Mediation sessions shall be private. The mediator shall have authority to exclude all persons other than the parties and their attorneys or other representatives from sessions at which negotiations are to occur.

(B) Confidentiality: Except as otherwise provided by law, all written and verbal communications made in a mediation session conducted pursuant to these rules are confidential and may not be disclosed by the mediator, any participant or observer of the mediation, except that the parties may report these communications to their attorneys if their attorneys have signed a confidentiality agreement. Prior to the commencement of mediation, all participants, representatives, observers and mediators in the mediation shall sign a confidentiality agreement. (See Form 9(m)7(B)).

(i) Limitation of Disclosure. Admissions, representations, statements and other communications made, or disclosed in confidence by any participant in the course of a mediation session shall not be admissible as evidence in any court proceeding. Except as identified herein, a mediator may not be called as a witness in any proceeding by any party
or by the court to testify regarding matters disclosed in a mediation session, nor may a party be compelled to testify regarding matters disclosed during a mediation session. These restrictions shall not prohibit any person from obtaining the same information independent of the mediation, or from discovery conducted pursuant to law or court rule.

(ii) Exceptions. Admissions, representations, statements and other communications are not confidential if:

(1) all parties consent in writing to the disclosure or

(2) the communication reveals either an act of violence committed against another during mediation, or an intent to commit an act that may result in bodily harm to another or

(3) the communication reveals evidence of abuse or neglect of a child or

(4) non-identifying information is made available for research or evaluation purposes approved by the court or

(5) the communication is probative evidence in a pending action alleging negligence or willful misconduct of the mediator.

8. Attendance and Termination of Mediation

(A) Attendance. The parties shall attend a minimum of three hours of mediation. Further participation may be extended by order of court or agreement of the parties.

Mediation may be terminated prior to completion of the three hours upon resolution of all mediated issues.

(B) Termination or Suspension. The mediation may be terminated or suspended at the option of the mediator under the provisions of this Part or by the court.

(C) Notice to Court. The mediator shall immediately advise the court in writing if he or she suspends or terminates mediation or in the event that either or both parties fail to comply with the terms of this Part.

(D) Sanctions for Failure to Appear or Compensate. If a party fails to appear without good cause at a previously agreed upon mediation conference or a mediation conference ordered
by the court and/or fails to comply with the terms of any previously agreed payment arrangements or order, the court, upon motion, may impose sanctions, including an award of mediator and attorney fees and other costs, against the party failing to appear.

(E) Termination with Agreement. When agreements or partial agreements are reached by the parties during mediation, there shall be produced a written account of the same. If applicable, the mediator should advise each party to obtain legal assistance in drafting or reviewing any final agreements. The mediator should advise the parties that agreements reached during mediation will not be legally binding until the court approves the same.

(F) Termination Without an Agreement. Upon termination without agreement, the mediator shall file with the court a final mediator report stating that the mediation has concluded without disclosing any reasons for the parties' failure to reach an agreement.

(G) Reporting Procedures.

(i) Mediator's Report. The mediator shall prepare and file a Mediator's Report on the prescribed form within twenty (20) business days of the termination of mediation and,
if the ordered mediation has not yet been terminated, every ninety (90) days from the entry of the initial Order appointing the Mediator. (See Form 9(m)8(G)(i)).

(ii) Statistics. The mediator shall prepare a statistical report for each case on the prescribed form and file them at least quarterly with the Court Administrator. (See Form 9(m)8(G)(ii)).

(iii) Reports to the Supreme Court. The Court Administrator or his/her designee shall provide for the maintenance of records of mediations conducted pursuant to these rules. The information shall include the number of mediations conducted, the number of mediations resulting in an agreement and those resulting in no agreement. Such information shall be furnished to the Supreme Court through its administrative office once a year or at such other interval as may be directed.

9. Entry of Judgment or Order.

(A) Presentation of Order. Each mediated agreement shall be presented by the parties or their attorneys (if applicable) to the court within 30 days following the filing of the final Mediator's Report.

(B) Approval by Court. The court shall enter an appropriate judgment or order stating its findings and shall incorporate, either explicitly or by reference, the agreement so the terms of such agreement are also the terms of the judgment or order.

10. Circuit Court Advisory Committee.

(A) Membership. The most senior circuit judges of each county in the circuit not including the Chief Judge shall establish an advisory committee whose membership shall consist of at least five (5) persons, including a judge, an attorney, a mediator, a representative of the domestic violence community and a mental health professional. This committee shall be the Circuit Court Advisory Committee for the Fourteenth Judicial Circuit.

(B) Duties of the Committee. The Circuit Court Advisory committee shall advise the Chief Judge in establishing and implementing administrative policy consistent with these rules for the fair and efficient delivery of parenting education, mediation and guardian ad litem services. The subject matter shall include local rules of procedure, qualifications, standards
of conduct, and systematic review of performance. The Committee shall also, on written request as provided hereinafter, review and decide upon any application for approval as a parent educator or child custody mediator that has been denied or any person or program previously approved and later decertified.

PART 9(B). QUALIFICATIONS, APPROVAL, LISTING, AND DECERTIFICATION

1. Qualifications.

(A) Parent Educators. Those seeking approval as a qualified parenting education program of the 14th Judicial Circuit shall submit to the Chief Judge

(i) a curriculum/syllabus that details a four hour session for parents of minor children covering the issues of custody, visitation and adult behavior and how the same impacts children. Included therein should be an outline of the topics to be covered, goals, materials and the sources from which the same are derived.

(ii) The educational and experience minimums for those teaching the program.

(B) Mediators. Those seeking approval as a qualified child custody mediator for the 14th Judicial Circuit shall submit to the Chief Judge an application or curriculum vitae showing appropriate training in that the person

(i) has a graduate degree
(1) in law or
(2) in a field that includes the study of psychiatry, psychology, social work, human development, family counseling or other behavioral science substantially
related to family interpersonal relationships, and

(ii) has completed a specialized training in family mediation consisting of at least 40 hours, and

(iii) has familiarized him or herself with the provisions of the Uniform Mediation Act found at 710 ILCS 35/1, et seq., and

(iv) has a recognition that he or she should mediate a minimum of four pro bono or reduced fee cases annually, and

(v) has familiarized him or herself with Supreme Court Rules 900 et seq. and Part

9(m) of these Rules of Practice of the Circuit Court.

(C) Guardians ad litem, Child Representatives and Attorneys for a Child. An attorney seeking approval as a guardian ad litem, child representative or attorney for a child must submit to the court a curriculum vitae showing that the attorney meets the following minimum requirements:

(1) Each attorney shall be licensed and in good standing with the Illinois Supreme Court.

(2) Each attorney shall have attended the education program created by the Illinois State Bar Association for education of attorneys appointed in child custody cases or equivalent education programs consisting of a minimum of ten (10) hours of continuing legal education credit within the two years prior to the date the attorney qualifies to be appointed. (3) To remain on the approved list, each attorney shall attend continuing legal education courses consisting of at least ten (10) hours every two year period and submit verification of attendance to the Office of the Chief Circuit Judge at the time of attendance or upon request. The ten hours should include courses in child development; ethics in child custody/allocation of parental responsibilities cases; relevant substantive law in custody/allocation of parental responsibilities, guardianship, visitation, and parenting time issues; domestic violence; family dynamics including substance abuse and mental health issues; and education on the roles and responsibilities of guardians ad litem, child representatives, and attorneys for children. Attendance at programs sponsored by this circuit may be included as a portion of this continuing education requirement.

(D) Application Process and Approval of Parent Educators and Child Custody Mediators. The Chief Judge shall review all applications or curriculum vitae of those seeking approval as a parent educator or child custody mediator. The Chief Judge may require any biographical or other relevant information not heretofore mentioned from an applicant in order to determine whether the applicant should be included on the list. The Chief Judge has the right to approve any person or program, make the approval subject to conditions subsequent, reject the application of any person who applies and to subsequently remove any person or program from the list. Inclusion on the list by the court shall not be considered a warranty of any kind. The Chief Judge shall consistently provide each of the Circuit Clerks of the four counties of the circuit an up-to-date listing of approved (including those approved by the Circuit Court Advisory Committee) parent educators and mediators. The Circuit Clerks of each of the four counties of the circuit shall make this list easily and publicly available.

(i) Relief From Denial. An applicant denied inclusion on, or removed from, the court approved list may appeal the decision in writing within ten (10) days to the Circuit Court Advisory Committee. The Committee shall decide the appeal after consideration of the application submitted to the Chief Judge, any supplementary material from the applicant and an opportunity for the applicant to be heard.

(E) Decertification of Parent Educators and Mediators. The eligibility of each parent educator and mediator to retain approved status shall be periodically reviewed by the Chief Judge, and in any event no longer than three (3) years after the date of appointment. Failure of a mediator to adhere to the standards of conduct as provided herein or, in the case of parent educators, to provide appropriate services as described in their previously submitted curriculum/syllabus may result in the decertification or conditional re-approval by the Chief Judge. If the Chief Judge decertifies or conditionally re-approves a parent educator or mediator, that parent educator or mediator may appeal such decision for review to the Circuit Court Advisory Committee as provided in Part (n)1(D)(i) above.

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT
_____ COUNTY

IN RE THE MARRIAGE OF:	)	
	)	
Petitioner,	)	
	)	
and	)	CASE NO._____
	)	
Respondent.	)	

ORDER APPOINTING MEDIATOR

The court being advised in the premises and having jurisdiction of the subject matter,

IT IS THEREFORE ORDERED that:

1. The parties are to participate in mediation.
2. By agreement of the parties, _____ is appointed as the mediator. As the parties can not agree on a mediator, _____ is appointed as the mediator, and such mediator is to be advanced a retainer of $500 prior to the commencement of mediation.
3. Each party is to individually call the mediator within ten business days of this date to schedule a mediation session.
4. The Petitioner is responsible for _____ % of the mediation costs and the Respondent/Defendant is responsible for the remaining portion.
5. Legal counsel for the parties may must attend the mediation session(s).
6. The parties shall provide a copy of the order to the mediator.
7. **The parties shall provide a copy of the order to the Court Administrator.**
8. **_____.**

DATED this _____ day of _____, year _____

ENTER:

_____
JUDGE

Petitioner: _____
Name

_____ _____ _____
City *Petitioner's Attorney* *Attorney or pro se Phone*

Respondent: _____
Name

_____ _____ _____
City *Respondent's Attorney* *Attorney or pro se Phone*

FORM 9A(m)3(A)

SCREENING PROTOCOLS FOR MEDIATORS

Pursuant to Rule 3 of the 14th Judicial Circuit Family Mediation Program, the following safety protocols are adopted in an attempt to protect against the occurrence of violence in the course of mediation and to enable each party in mediation to negotiate without feelings of undue influence or coercion. Mediators are encouraged to abide by the following protocols:

A. When first contacted to serve as a mediator, the mediator or the mediator's designee should ask the party calling:

1. If any party or any of the children had any medical treatment or hospitalization for psychiatric disorders?

2. If there are any concerns regarding the use of alcohol and/or drugs by any party?

3. If there has ever been any physical confrontations between the parties?

4. If any of the parties have any other concerns about their own emotional or physical safety?

5. If any party is afraid to meet with the other party and the mediator.

B. When a mediation appointment is made with one of the parties, regardless of whether any concerns about exclusion were raised, the mediator should call the other party to confirm the appointment. The questions in Section A above should be asked of the second party.

C. Whenever an active Order of Protection is in force, the mediator may schedule the initial meeting with the parties at separate times and determine from these meetings whether it will be advisable to meet jointly with the parties.

D. Where there has been a history of domestic violence, and the parties meet jointly, the mediator should set firm ground rules for negotiation — e.g., no name calling, no shouting, etc.

CONFIDENTIALITY AGREEMENT

IT IS HEREBY AGREED by and between the mediation participants, _____and _____, their representatives, _____ and _____, and the mediator, _____ that all matters discussed during any and all mediation sessions shall be confidential and shall not be disclosed by the participants or the mediator in any court proceeding or any court of law, except as follows:

A. if the parties consent in writing to the disclosure; or

B. the communication reveals either an act of violence committed against another during mediation, or an intent to commit an act that may result in bodily harm to another; or

C. the communication reveals evidence of abuse or neglect of a child; or

D. non-identifying information is made available for research or evaluation purposes approved by the court; or

E. the communication is probative evidence in a pending action alleging negligence or willful misconduct of the mediator.

DATED:_____

SO AGREED:

_____

_____

_____

_____

_____

FORM 9A(m)7(B)

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
_____ COUNTY

Petitioner,	)	
and	)	No._____
Respondent.	)	

MEDIATOR'S REPORT

No mediation occurred because a prior agreement resolving all issues was reached.

No mediation occurred because _____ failed to appear.

↑ I have mediated with _____ and _____

I met with them on _____ for a total of _____ hours.

A. The mediation has now been concluded because:
1. The parties have reached an agreement as to all disputed issues.
2. The parties have reached an agreement as to some of the disputed issues and are at an impasse in regard to the remaining issues.
3. The parties were unable to reach an agreement.
4. Pursuant to local court rule, mediation has been terminated.

B. Mediation continues with the next session scheduled on _____ and it is anticipated that an additional _____ days will be needed to complete the process.

C. Other matters:

_____

_____

DATED: _____ SIGNED:

_____MEDIATOR_____

NAME: _____

ADDRESS: _____

PHONE: _____

FORM 9A(m)8(G)(i)

14TH JUDICIAL CIRCUIT FAMILY MEDIATION PROGRAM
STATISTICAL TERMINATION RECORD

Please complete this form following the termination of each mediation case that you conduct. This information will be used to help evaluate the program.

1] Rock Island County Case Henry County Case
Whiteside County Case Mercer County Case

2] Referral source: Attorney Court Order Self-Referred Other_____

3] Was mediation required by a joint parenting agreement? Yes No

4] Parties involved in mediation: Mother Father Grandparents
Other Relatives Other Adults _____

5] Did children participate in mediation sessions? Yes No
How many____When *(i.e. first session, last session)*_____

6] Length of time couple was separated or divorced prior to the beginning of mediation_____

7] When did mediation begin: prior to final hearing
after final initial court settlement: post decree

8] Original issues presented for mediation: Custody Visitation Removal Other a]

What other issues were resolved? _____

b] What other issues surfaced during mediation which were not resolved?

_____

9] Did mediation result in an agreement by both parties?
No Yes Written or Verbal Signed or Unsigned

10] If no agreement was reached, was mediation terminated by:
Mediator Couple Mother Father All agreed to terminate
No Show_____

11] Total number of sessions in mediation_____

12] Total number of hours in mediation_____

13] Time span required in mediation process:
Date of initial mediation session_____ Date of termination session_____

14] Total cost of mediation: _____

15] Which parties negotiated in good faith? Both One None

FORM 9A(m)8(G)(ii)REVISED 2-15-06, REVISED 3-24-06 EFFECTIVE July 1, 2006

PART 10. DISMISSAL FOR WANT OF PROSECUTION

(a) All civil cases and supplemental proceeding pending in civil cases, in or upon which no action has been taken or no attempt made for trial or disposition during the preceding year may be dismissed for want of prosecution and summarily stricken from the docket. All matters subject to dismissal under this rule may be dismissed and stricken upon 14 days notice by mail.

(b) On or before the strike day, any attorney of record or party not represented by an attorney may schedule for hearing before the judge who is designated in the "strike list" notice, or that judge's designee, a written motion to remove the case from the strike list. The motion must include a proposed Case Management Order. Notice of hearing on this motion shall be given to all attorneys of record and to all parties not represented by an attorney. Failure of any person noticed to appear at the hearing on the motion shall be deemed acquiescence in the plan submitted by the moving party.

(c) All cases removed from the strike list may be assigned to a designated judge and shall thereafter be supervised by the assigned judge pursuant to Supreme Court Rule 218, local court rules, and administrative order as applicable.

PART 11. JURY DEMAND IN MISDEMEANOR, TRAFFIC AND ORDINANCE CASES

11.1 IN ALL COUNTIES

Whenever a traffic, misdemeanor or ordinance violation case cannot be heard in a city division because a jury has not been waived, pre-trials and jury trials shall be scheduled pursuant to Administrative Order.

11.2 POLICY - CONTINUANCES

It is the policy of the Circuit that all such cases shall be set for trial and tried by jury or on jury waiver or otherwise disposed of as soon as possible, and that continuances not be granted in such case, except for good cause shown.

PART 12. GRAND JURORS

12.1 GRAND JURORS

Grand jurors shall be called by order of the Chief Judge or Presiding Judge.

12.2 TIME OF CALL

The grand jurors in each county shall be called to serve on the Court's own motion or on motion of the State's Attorney.

12.3 PERIOD OF SERVICE

Grand jurors shall be summoned to appear at 9:00 a.m. After being impaneled, sworn, and instructed by the Court, the grand jury shall sit at such times as the Court may order and may be recessed from time to time to a day certain or subject to recall. Each grand jury and the members thereof shall serve for the period stated in the Court's order, or until the impaneling of a new grand jury or the expiration of 18 months, whichever first occurs.

12.4 EXCUSE

The Chief Judge or Presiding Judge shall have charge of excusing summoned jurors from service. If a grand juror dies or is disqualified after being sworn, the Court may order the clerk to summon a replacement juror from the Supplemental panel summoned at the same time the jury was first called to service.

PART 13. PETIT JURORS

13.1 TIME OF CALL

Petit jurors shall be summoned to appear on such days and in such numbers as may be designated by the Presiding Judge.

13.2 PERIOD OF SERVICE:

(a) Rock Island County petit jurors shall sit at such times as the Court may order and may be recessed from time to time to a day certain or subject to recall, provided such jurors shall not be called upon or impaneled to commence trial of a case after that juror has been accepted to sit upon one case already called during the term of the jurors' current summons.

(b) In the counties of Henry, Whiteside, and Mercer, petit jurors shall sit at such times as the Court may order and may be recessed from time to time to a day certain or subject to recall, provided such jurors shall not be called upon or impaneled to commence trial of a case after any members of the panel have been engaged in the trial of cases for a total of ten day unless ordered by the Presiding Judge.

13.3 NUMBER TO BE SELECTED BY COUNTY BOARDS

The number of persons to serve as petit jurors in counties not having jury commissioners in the Fourteenth Judicial Circuit shall be as follows: 300 in Mercer County. The Circuit Clerk in each of the said counties shall certify the number of jurors so determined to the county board of such county for selection by the board from the jury list at the September meeting thereof each year.

13.4 EXCUSE

The Chief Judge or Presiding Judge shall have charge of excusing summoned jurors from service and regulating their assignments to the various judges.

13.5 ASSESSABLE COSTS OF JURY VENIRE

If for any reason attributable to counsel or parties, including a settlement, change of plea, or waiver of jury, the Court is unable to commence a jury trial as scheduled, and a panel of prospective jurors has reported to the courthouse for voir dire, the Court may assess against counsel or parties responsible for all or part of the cost of the panel.

PART 14. CLERK'S OFFICE HOURS

Except as otherwise ordered by the Chief Judge, the office of the Clerks and Associate Clerks of this Court shall be open each day, except Saturday, Sundays and legal holidays, from 8:00 a.m. to 4:30 p.m. in Rock Island County, and from 8:00 a.m. to 4:00 p.m. in Mercer and Henry County, and 8:30 a.m. to 4:30 p.m. in Whiteside County, unless otherwise extended by the Clerk of Court.

PART 15. MOTIONS AND PRE-TRIAL ORDERS IN CRIMINAL CASES

Motions and Pre-trial orders in criminal cases shall be according to administrative order of the Chief Judge or Presiding Judge.

PART 16. RESPONSIBILITY OF ATTORNEYS WHEN HEARINGS ARE CANCELLED

No scheduled hearing shall be cancelled by agreement of the parties without concurrence of the assigned judge. The attorneys are responsible for preparing any required order for continuance and shall immediately notify the scheduling clerk and shall reschedule the hearing at once. A failure to notify shall, in appropriate cases, justify imposition of sanctions upon the offending party or attorneys.

PART 17. ASSIGNMENT OF JUDGES IN FELONY CRIMINAL CASES

In felony criminal cases, no prosecutor or defense attorney shall present any matter relating to a plea of guilty, plea agreement, reduction of bond, motion for suppression of evidence, confession, or testimony or motion for continuance, to any judge of this Circuit other than to the judge to whom the matter has been assigned by the Presiding Judge. If for any reason the matter is not disposed of by the judge to whom the matter is originally assigned, the matter shall be referred back to the Presiding Judge for reassignment.

PART 18. REIMBURSEMENT FOR SERVICES BY DEFENDANTS FOR COURT-APPOINTED ATTORNEYS IN CRIMINAL CASES

(a) It shall be the policy of this Circuit to seek reimbursement from defendants in criminal cases for the legal services provided by public defenders and other Court-appointed attorneys. Such reimbursement shall be pursuant to 725 ILCS 5/113-3.1.

(b) At the time an attorney is appointed, the judge shall advise the defendant that he or she may be required to reimburse the county for the legal services the defendant has received.

PART 19. DRAFT ORDERS AND POST-JUDGMENT NOTICES

PART 19.1 WRITTEN DRAFT ORDERS

In all court proceedings in which an order is to be submitted, the attorney for the prevailing party shall prepare and within 10 court days present to the Court a written draft of the order, unless the Court directs otherwise. When the opposing party is represented by counsel, the draft order shall be presented to counsel for examination before entry by the Court, except when otherwise directed by the Court.

If the parties cannot agree as to the contents of the draft order, the prevailing party shall set a special hearing on the entry of the draft order within 14 court days following the announcement of the decision. The other party may submit at such hearing that party's recommended draft order.

An order agreed as to substance shall be so designated and executed by the affected parties, their representatives or attorneys.

Nothing shall preclude the Court from drawing its own order with or without hearing.

19.2 POST-JUDGMENT NOTICES: WHEN WARNINGS REQUIRED

Notices of hearings to discover assets, petitions for adjudication of contempt, and any other hearing where a warrant of arrest may issue for a party's failure to appear after receipt of notice shall, in addition to the time, date and place of hearing, include the following words in bold type or underlined: "Your failure to appear at this hearing may result in the issuance of a warrant for your arrest."

PART 20. INSPECTION AND CERTIFICATION OF COURT FACILITIES

20.1 TIMES AND PLACES OF HOLDING COURT

The Chief Circuit Judge shall designate, as provided in Article VI, Section 8 (c), of the Constitution of 1970, the times and places of holding Court in each county of the circuit.

20.2 COMMITTEE ON COURT FACILITIES

There shall be in the Fourteenth Judicial Circuit a committee on court facilities. The Chief judge shall appoint from the Circuit and Associate Judges of the Circuit those who shall serve on the committee, and shall designate one of its members as chairman. The Chief Judge may not serve as a member of the committee.

(a) When directed by the Chief Circuit Judge, the committee shall inspect each courtroom, jury quarters, chambers, ancillary court spaces, and offices of the Clerk of the Court within any county of the Circuit.

(b) The Committee shall file a preliminary report of the inspection, together with the committee's recommendations, with the Chief Circuit Judge. The Chief Circuit Judge shall transmit a copy of the report and proposals for corrective action to bring such facilities within applicable standards to the chairman of the county board in which the facility in question is located. If corrective action is not commenced and completed within the time period established by the committee, then it shall promptly file therein any additional recommendations. The Chief Circuit Judge shall transmit a copy of the supplemental report to the chairman of the county board. Within 90 days of such transmittal, or such other period as may be designated by the chairman of the committee, the county board must either: (1) correct the condition of the facility in question pursuant to the committee's report and recommendations, the (2) bind the county contractually and irrevocably to have the facility so corrected within six months or such other time as may be designated by the committee.

20.3 INFORMATION HEARING

In the event the county board fails to comply with Rule 20.2(b), the chairman of the committee shall file a petition, styled, "In re the Court facilities of Rock Island County," with the Clerk of the Court of the county in which the facility in question is located. The petition shall specify the deficiencies of each such facility, the remedial action proposed, any action taken by the county board, and prayer for appropriate relief. Upon such filing, the Chief Circuit Judge shall forthwith designate a time, date and place for hearing thereon.

(a) The chairman of the committee shall cause summons, together with a copy of the petition, to issue and to be served on the chairman and each member of the county board not less than 21 days prior to the hearing. The chairman of the committee may direct the Circuit Clerk to give notice of the hearing to such other persons as he or she deems appropriate by placing such notice and a copy of the petition in an envelope having prepaid first class postage thereon and depositing it in the United States Mail not less than 21 days prior to the hearing. The Clerk's certificate of mailing notice shall be made of record.

(b) An informal and public hearing on the petition shall be held in the county in which the court facility in question is located. The Chief Circuit Judge shall preside over the hearing, which shall be transcribed by a court reporter. The Chief Circuit Judge may direct that a subpoena issue to any witness deemed appropriate and may take judicial notice of reports filed by the committee.

(c) Following the informational hearing, the Chief Circuit Judge shall file with the Circuit Clerk his or her findings and order regarding the facility in question, together with a certification that the facility:

(1) meets applicable standards; or
(2) does meet applicable standards, but may be temporarily certified until a period ending on a date certain; or
(3) does not meet applicable standards, but may be conditionally certified upon the condition that specified action is taken and completed by a date certain; or
(4) does not meet applicable standards and will be discontinued for Court use.

(d) Before the Chief Circuit Judge may order that new or additional court facilities be constructed or remodeled, he or she must first determine that exigent circumstances exist requiring that such an order be entered. The Chief Circuit Judge may also order that such construction or remodeling be completed by a specified date. Any such orders regarding construction or remodeling of new court facilities shall be entered against the county board of the county in which the facility in question is located, as well as personally against each member of that county board. A finding of exigent circumstances need not be made in an order concerning existing courtrooms and ancillary facilities.

(e) An information hearing under this subsection need not be held if:

(1) The Chief Circuit Judge certifies that the facility in question meets applicable standards; or
(2) Both the chairman of the county board and the Chief Circuit Judge waive such hearing in writing.

20.4 HEARING PURSUANT TO SUPREME COURT RULE 21 (C):

1. If the county board does not comply with the order of the Chief Judge as set forth in Rule 20.3, then the Chief Circuit Judge shall file a "Petition to Compel Compliance" with the Circuit Clerk of the County in which the informational hearing was held.

2. The Chief Circuit Judge shall thereafter request the Supreme Court to assign a judge from a circuit other than the circuit in which the petition is filed to preside at the hearing under this paragraph. The Attorney General or an attorney appointed by the Chief Circuit Judge pursuant to those Rules.

3. A showing by the Chief Circuit Judge of compliance with Rules 20.2 and 20.3 constitutes prima facie evidence of validity and enforceability of any orders entered by the Chief Circuit Judge pursuant to those Rules.

4. After hearing, the judge shall file his written findings, order, and certification, and shall have available all appropriate remedies under law of this State.

20.5 COSTS, FEES AND EXPENSES:

In proceedings held pursuant to this rule, costs, attorney fees and other expenses, including but not limited to expert witness fees incurred by or taxable to the Chief Circuit Judge, shall be paid by the county in which the court facility in question is located.

(Rule 20 Amended October 27, 2009, to correct scrivener's error)

PART 21. CONTEMPT OF COURT

21.1 PROCEEDINGS IN CONTEMPT

Contumacious conduct defined. Contumacious conduct consists of verbal or non-verbal acts which (1) embarrass or obstruct the Court in its administration of justice or derogate from its authority or dignity, (2) bring the administration of justice into disrepute, or (3) constitute disobedience of a Court order or judgment. Any petition alleging contempt shall state whether it is civil or criminal in nature and the relief sought.

21.2 DIRECT CRIMINAL CONTEMPT

(a) Direct criminal contempt defined. Contumacious conduct constitutes a direct criminal contempt if it is committed in such a manner that no evidentiary hearing is necessary to determine the facts establishing such conduct and is committed in an integral part of the Court while the Court is performing its judicial functions.

(b) Court's alternatives. Upon the commission of an act constituting a direct criminal contempt, the Court may (1) summarily find the contemnor in contempt and impose sanctions instanter, (2) summarily find the contemnor in contempt and impose sanctions within a reasonable time, or (3) delay the finding of contempt and the imposition of sanctions until a later time. When the finding of contempt is delayed, the contempt proceeding shall be conducted in the same manner as an indirect criminal contempt as provided in Rule 21.3 of these rules.

(c) Conduct specified/statement in mitigation. Prior to an entry of a finding of contempt, the Court shall inform the contemnor of the specific conduct forming the basis of the finding. Prior to the imposition of sanctions, the Court shall permit the contemnor an opportunity to present a statement in mitigation.

(d) Sanctions. Upon a finding of direct criminal contempt, the Court may impose a fine not to exceed $500, incarceration in a penal institution other than a penitentiary for a term not to exceed six (6) months, or both, unless the contemnor is afforded the right to trial by jury, in which case, if the jury finds the contemnor guilty of contempt, the Court is not limited in the fine or incarceration it may impose. The Court, in the exercise of its discretion, may impose such other sanctions as it deems appropriate.

(e) Written order required. Upon imposition of sanctions, the Court shall enter a written judgment order setting forth the factual basis of the finding and specifying the sanctions imposed.

(f) When referral to another judge required. Where a controversy between the judge and the contemnor is integrated with the alleged contumacious conduct and embroils the judge to a degree that the judge's objectivity can reasonably be questioned, referral to another judge on both the issue of contempt and the issue of an appropriate sanction is required. In this event, the judge before whom the alleged contempt transpired shall specify in writing the nature of the alleged acts of contempt, shall direct that a record of the proceedings surrounding the said acts be prepared, and shall transfer the matter to the appropriate assignment judge for reassignment. The judge hearing the proceedings after the reassignment shall base his findings and adjudication of the contempt charge solely on the transferred written charge and the record.

21.3 INDIRECT CRIMINAL CONTEMPT

(a) Indirect criminal contempt defined. A contumacious act constitutes indirect criminal contempt when it occurs outside the presence of the Court or in an area that is not integral or constituent part of the Court, or the elements of the offense are otherwise not within the personal knowledge of the judge. A contumacious act committed in the presence of the Court, but not summarily treated as a direct criminal contempt as provided in Rule 20.2 of these rules, may be prosecuted as an indirect criminal contempt.

(b) Petition for adjudication. An indirect criminal contempt proceeding shall be initiated by the filing of a petition for adjudication of indirect criminal contempt. The petition shall be verified and set forth with particularity the nature of the alleged contemptuous conduct. The charge may be prosecuted by the state's attorney or, if he declines, by an attorney appointed by the Court.

(c) Notice of hearing. If the Court finds that the petition sets forth allegations which support the charge, it shall set the matter for hearing and order notice to be given the respondent. Notice of the hearing and a copy of the petition shall be served and returned in the manner as provided in Supreme Court Rule 105(b) or returned in the manner as provided in Supreme Court Rule 105(b) or, if the Court so directs, the Clerk of the Court or petitioner's attorney may give notice by regular U.S. Mail, postage prepaid, to the respondent's last known address. If notice is made by regular U.S. Mail, proof of mailing notice shall be made part of the record. Notice by personal service shall be served not less than seven (7) days prior to the hearing and notice by U.S. Mail shall be mailed not less than ten (10) days prior to the hearing. The provisions of Rule 18.2 of these rules shall apply to this notice. If the respondent fails to appear after due notice, or if the Court has reason to believe the respondent will not appear in response to the notice, the Court may issue a bench warrant directed to the respondent. When a warrant issues, the Court shall set bail as authorized in criminal cases. The amount of bail shall be indicated on the order of attachment.

(d) Explanation of rights. Upon the first appearance of the respondent, the Court shall inform the respondent of his rights to (1) notice of the charge and of the time and place of hearing thereon; (2) an evidentiary hearing, including the right to subpoena witnesses, confront the witnesses against him and make a response to the charge; (3) counsel and, if indigent, to the appointment thereof; (4) freedom from self-incrimination; (5) the presumption of innocence; (6) the right to be proven guilty only by proof of guilt beyond a reasonable doubt; and (7) trial by jury if the Court, prior to the commencement of the hearing, declares that a sentence of incarceration of more than six (6) months, a fine of more than $500, or both, may be imposed as a sanction upon a finding of guilty.

(e) When referral to another judge required. Referral of the petition to another judge for the hearing on the issues of contempt and the imposition of sanctions is required where a controversy between the judge and the alleged contemnor is integrated with the alleged contumacious conduct and embroils the judge to the degree that the judge's objectivity may be reasonably questioned.

(f) Statement in mitigation. Upon an adjudication of contempt, the judge shall afford the contemnor the opportunity to make a statement in mitigation prior to the imposition of any sanction.

(g) Sanctions. The Court, in the exercise of its discretion, may impose sanctions as it deems appropriate.

(h) Written order required. Upon adjudication of contempt, the Court shall enter a written judgment order setting forth the factual basis for the finding and specifying the sanctions imposed.

(i) Appeal. An appeal from a judgment of indirect criminal contempt may be taken as in the case of direct criminal contempt as specified in Rule 20.2(g) of these rules.

21.4 CIVIL CONTEMPT

(a) Civil contempt defined. A contumacious act constitutes a civil contempt if (1) the act consists of the failure to obey a Court order or judgment, and (2) coercive rather than punitive sanctions are sought to compel compliance with the order or judgment.

(b) Petition for adjudication. A civil contempt proceeding arising out of a civil case shall be initiated by the filing of a petition for adjudication of civil contempt unless the act is committed in the presence of the Court. The petition shall be verified and shall set forth with particularity that portion of the Court order that is alleged to have been violated and the nature of the violation. If the Court finds that the petition sets forth allegations which support the charge, it shall set the matter for hearing and order that notice be given to the respondent.

(c) Notice. Notice of the hearing and a copy of the petition shall be served on the respondent and made of record in the manner specified in Rule 21.3 (c) of these rules. If, after notice, the respondent fails to appear, the Court may order a body attachment to issue and may set bail as further provided in that paragraph.

(d) Response/burden of proof. No later than three (3) days prior to the hearing, the respondent may file a written answer denying, with specificity, any of the allegations together with any affirmative defense. Subsequent written or oral denials and affirmative defenses may be made only with leave of Court. Those allegations of the petition not specifically denied may be deemed admitted and the remaining allegations in issue shall be proven by a preponderance of the evidence. If the basis of the charge of civil contempt is the failure of the respondent to make Court ordered payments to the Clerk of Court, the records of the Clerk shall be prima facie evidence of the amount paid and disbursed by the Clerk.

(e) Method of hearing. Civil contempt proceedings shall be tried before the Court without a jury.

(f) Sanctions. If the Court finds the respondent in civil contempt, it may continue the matter for a reasonable time before the imposition of sanctions or it may impose sanctions forthwith. Prior to the imposition of sanctions, the contemnor shall have the right to make a statement in mitigation. Sanctions may include a continuing fine and/or incarceration in a penal institution other than a penitentiary. The sanctions imposed shall remain in full force and effect until the respondent purges himself of contempt or is otherwise discharged by due process of law. The Court may assess reasonable costs and attorney's fees in favor of the aggrieved party.

(g) Written order required. Upon an adjudication of civil contempt, a written judgment order shall be entered specifying the contumacious conduct, sanctions imposed, and the means by which the respondent may purge himself. A copy of the judgment shall be provided the contemnor.

(h) Appeal. An appeal from a judgment of civil contempt may be taken as in civil cases. Upon the filing of a notice of appeal, the Court may fix bond and may stay the execution of any sanction imposed pending the disposition of the appeal.

PART 22. DORMANT CALENDAR

A dormant calendar is hereby established in the Circuit Court of the Fourteenth Judicial Circuit.

(a) Transfer of cases. Any circuit or associate judge may, by order entered in the case on the Court's own motion, transfer to the dormant calendar any pending case in which a party is also a party to a bankruptcy proceeding in Federal Court which causes a stay of proceedings in said cause or in which a party is on active duty in the military service of the United States. Cases transferred to the dormant calendar pursuant to the order shall not be considered as pending cases for statistical purposes.

(b) Reinstatement to active calendar. Upon the removal of such bankruptcy stay or upon such active duty status terminating, any circuit or associate judge shall, by order in the case, transfer said case to the active calendar of the Court to be disposed of accordingly and said case shall be considered as a pending case for statistical purposes.

(c) Call of dormant calendar. Annually on the first Monday of August, the Circuit Clerk of each county of the Fourteenth Judicial Circuit shall prepare a list of all cases transferred to the dormant calendar that have been pending on the dormant calendar for over 12 months. A copy of the list shall be mailed by the judge of each division wherein transfers have been ordered to the dormant calendar. The presiding judge of the division receiving a list of cases pending on the dormant calendar for more than 12 months shall order a call of the case so pending in the month of September annually.

On the annual call of the dormant calendar, determination shall be made whether the case shall remain on the calendar, be dismissed or reinstated as an active case. Failure to appear for the call will subject the case to a dismissal or other appropriate order.

PART 23. WARRANT CALENDAR

(a) Transfer of cases. Any pending case in which a warrant for arrest has been outstanding and unserved for a period of six months is, by operation of this Rule, transferred to the warrant calendar. Cases transferred to the warrant calendar pursuant to this Rule shall not be considered as pending cases for statistical purposes.

(b) Reinstatement to active calendar. Upon the arrest of any defendant in a cause previously transferred to the warrant calendar, the cause is reinstated to the active calendar of the Court to be considered as a pending case for statistical purposes.

(c) Call of warrant calendar. Annually on the first Monday of May, the Circuit Clerk of each county of the Fourteenth Judicial Circuit shall prepare a list of all cases transferred to the warrant calendar that have been pending on the warrant calendar for over 12 months. A copy of the list shall be delivered by the Clerk to the office of the State's Attorney of the county and to the Presiding Judge of the criminal division wherein transfers have been ordered to the warrant calendar. The Presiding Judge of the criminal division for more than 12 months shall call the cases so pending in the month of June annually.

On the annual call of warrant calendar, determination shall be made whether the case should remain on the calendar, or be dismissed.

PART 24. MANDATORY ARBITRATION

(a) Supervising Judge for Arbitration. The chief judge shall appoint in each county of the circuit having a mandatory arbitration program, a judge to act as supervising judge for arbitration, who shall have the powers and responsibilities set forth in these rules and who shall serve at the discretion of the chief judge.

(b) Arbitration Administrator. The chief judge shall designate an arbitration administrator who shall have the authority and responsibilities set forth in these rules. The arbitration administrator shall serve at the discretion of the chief judge under the immediate direction of the court administrator.

(c) Arbitration Center. The chief judge shall designate an arbitration center(s) for arbitration hearings.

(d) Mandatory Arbitration of Certain Cases. The arbitration program of the Fourteenth Judicial Circuit is governed by the Supreme Court Rules for the Conduct of Mandatory Arbitration Proceedings (Supreme Court Rules 86-95 incl.). Pursuant to Supreme Court Rule 86(c), these local rules are adopted, effective March 1, 2000. Since arbitration proceedings are governed by both sets of rules, reference is made in the caption of each local rule to the Supreme Court Rule controlling the subject.
[Adopted eff. March 1, 2000.]

Table of Rules Under Part 24

RULE 1. CIVIL ACTIONS SUBJECT TO MANDATORY ARBITRATION (S. CT. RULE 86)

(a) Mandatory Arbitration proceedings are undertaken and conducted in the Circuit Court for the 14th Judicial Circuit, pursuant to Order of the Illinois Supreme Court entered during the November 1999 term.

(b) Every complaint or counterclaim filed shall contain specific prayers for relief except that in actions for injury to the person, the ad damnum may be pleaded except to state whether the damages sought are greater than $5,000 but not exceeding $50,000.

(c) All civil actions will be subject to Mandatory Arbitration on all claims exclusively for money damages in an amount exceeding $5,000 but not exceeding $50,000, exclusive of interest and costs. These civil actions shall be assigned to the Arbitration Calendar of the Circuit Court of the 14th Judicial Circuit at the time of initial case filing with the Clerk of the Circuit Court in Rock Island, Henry, Whiteside and Mercer Counties.

(d) Cases not originally assigned to the Arbitration Calendar may be ordered to arbitration on the motion of either party, by agreement of the parties or by order of court at a status call or pretrial conference when it appears to the Court that no claim in the action has a value in excess of $50,000, irrespective of defenses.

(e) When a civil action not originally assigned to the Arbitration Calendar is subsequently assigned to the Arbitration Calendar, pursuant to Supreme Court Rule 86(d), the Supervising Judge for Arbitration shall promptly assign an arbitration hearing date. All arbitration hearing dates shall be not less than 60 days nor more than 180 days from the date of the assignment to the Arbitration Calendar.

[Adopted eff. March 1, 2000.]

RULE 2. APPOINTMENT, QUALIFICATION AND COMPENSATION OF ARBITRATORS (S. CT. RULE 87)

(a) Attorneys shall all be eligible for appointment by filing the appropriate form with the Arbitration Administrator, certifying that they have engaged in the active practice of law for a minimum of one year. Retired judges shall also be eligible for appointment. Chairpersons must have been engaged in active trial practice for a period of five years or be a retired judge.

(b) The Arbitration Administrator shall maintain an alphabetical list of approved arbitrators to be called for service on a rotating basis. The list shall designate the arbitrators who are approved to serve as chairpersons and those arbitrators and chairpersons who are available to serve as substitutes. Each panel will consist of one chairperson and two panel members. Eligible arbitration panel members shall have attended the Arbitration Seminar prior to active service on and arbitration panel. The eligibility of each attorney to serve as arbitrators may, from time to time, be reviewed by the Chief Judge or Supervising Judge. Where possible, the Arbitration Administrator shall notify such arbitrators of the date at least 60 days prior to the assigned hearing date.

(c) Reserved.

(d) Reserved.

(e) Upon completion of each day's arbitration hearings, the Arbitration Administrator will process the necessary voucher through the Administrative Office of the Illinois Courts for payment of arbitrators.

[Adopted eff. March 1, 2000]

RULE 3. SCHEDULING OF HEARINGS (S. CT. RULE 88)

(a) On or before the first day of each July, the Arbitration Administrator shall provide the Circuit Clerk's offices with a schedule of available arbitration hearing dates for the next calendar year.

Upon the filing of a civil action subject to these rules the Clerk of the Circuit Court shall set a return date for the summons not less than 21 days nor more than 40 days after filing,

returnable before the Supervising Judge for Arbitration. The summons shall require the plaintiff or the representative of the plaintiff and all defendants or their representatives to appear at the time and place indicated. The complaint and all summonses shall state in upper case letters on the upper right-hand corner "THIS IS AN ARBITRATION CASE."

Upon the return date of the summons and the court finding that all parties have appeared, the court shall assign an arbitration hearing date on the earliest available date thereafter, provided that not less than 60 days written notice be given to the parties or their attorneys of record. If one or more defendants have not been served within 90 days from the date of filing, the court may in its discretion dismiss the case as to unserved defendants for lack of diligence.

(b) Any party to a case may request advancement or postponement of a scheduled arbitration hearing date by filing written motion with the office of the circuit clerk requesting such change. Such motion and notice of hearing thereon shall be served upon counsel for all other parties and upon pro-se parties in the same manner as other motions and a copy of the motion and notice of time of hearing thereon on the calendar of the Supervising Judge for Arbitration, and shall likewise be served upon the Arbitration Administrator. The motion shall contain a concise statement of the reason for the change of hearing date. The Supervising Judge may grant such advancement or postponement upon good cause shown.

(c) Consolidated actions shall be heard on the date assigned to the latest case involved.

(d) Counsel shall give immediate notification to the arbitration administrator of any settlement of cases or changes of appearance. Failure to do so may result in the imposition of sanctions.

(e) It is anticipated that the majority of cases to be heard by an arbitration panel will require 2 hours or less for presentation and decision. It shall be the responsibility of counsel for the plaintiff to confer with counsel for all other parties, to obtain an approximation of the length of time required for presentation of the case and advise the Arbitration Administrator at least 21 days in advance of the hearing date in the event additional hearing time is anticipated and the length of such additional time.

[Adopted eff. March 1, 2000]

RULE 4. DISCOVERY (S. CT. RULE 89)

(a) All parties shall comply with the provisions of Supreme Court Rule 222. However, unless otherwise ordered by the court, the parties shall file with the court their initial disclosure under Supreme Court Rule 222 within 14 days of the first return court appearance date.

[Adopted eff. March 1, 2000.]

RULE 5. CONDUCT OF THE HEARINGS (S. CT. RULE 90)

(a) Powers of Arbitrators. The arbitrators shall have the power to administer oaths and affirmations to witnesses, to determine the admissibility of evidence and to decide the law and the facts of the case. Rulings on objections to evidence or on other issues which arise during the hearing shall be made by the chairperson of the panel.

(b) Established Rules of Evidence Apply. Except as prescribed by this rule, the established rules of evidence shall be followed in all hearings before arbitrators.

(c) Documents Presumptively Admissible. All documents referred to under this provision shall be accompanied by a summary cover sheet listing each item that is included detailing the money damages incurred by the categories as set forth in this rule and specifying whether each bill is paid or unpaid. If at least 30 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof:

(1) bills (specified as paid or unpaid), records and reports of hospitals, doctors, dentists, registered nurses, licensed practical nurses and physical therapists, or other health-care providers;

(2) bills for drugs, medical appliances and prostheses (specified as paid or unpaid);

(3) property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;

(4) a report of the rate of earnings and time lost from work or lost compensation prepared by an employer;

(5) the written statement of any expert witness, the deposition of a witness, the statement of a witness which the witness would be allowed to express if testifying in person, if the statement is made by affidavit or by certification as provided in section 1-109 of the Code of Civil Procedure;

(6) any other document not specifically covered by any of the foregoing provisions, and which is otherwise admissible under the rules of evidence.

[Rule 90(c) Cover Sheet]

IN THE CIRCUIT COURT OF 14TH JUICIAL CIRCUIT
COUNTY, STATE OF ILLINOIS

Plaintiff,	)	
	)	
	)	
v.	)	No.
	)	
	)	
Defendant.	)	

NOTICE OF INTENT
PURSUANT TO SUPREME COURT RULE 90(C)

Pursuant to Supreme Court Rule 90(c), the plaintiff(s) intend(s) to offer the following documents that are attached into evidence at the arbitration proceeding:

I. Healthcare Provider Bills Amount Paid Amount Unpaid

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

II. Other Items of Compensable Damages

1.
2.
3.
4.
5.

_____

Attorney for Plaintiff

(d) Opinions of Expert Witnesses. A party who proposes to use a written opinion of an expert witness or the testimony of an expert witness at the hearing may do so provided a written notice of such intention is given to every other party not less than 30 days prior to the date of hearing, accompanied by a statement containing the identity of the expert witness, the expert's qualifications, the subject matter, the basis of the expert's conclusions, and the expert's opinion as well as any other information required by Rule 222(d)(6).

(e) Right to Subpoena Maker of the Document. Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of the Code of Civil Procedure relative to subpoenas, section 2–1101, shall be applicable to arbitration hearings and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

(f) Adverse Examination of Parties or Agents. The provisions of the Code of Civil Procedure relative to the adverse examination of parties or agents, section 2–1102, shall be applicable to arbitration hearings as upon the trial of a case.

(g) Compelling Appearance of Witness at Hearing. The provisions of Rule 237, herein, shall be equally applicable to arbitration hearings as they are to trials. The presence of a party may be waived by stipulation or excused by court order for good cause shown not less than seven days prior to the hearing. Remedies upon a party's failure to comply with notice pursuant to Rule 237(b) may include an order debarring that party from rejecting the award.

(h) The Supervising Judge for Arbitration shall have full supervisory powers over questions arising in any arbitration on proceeding, including the application of these rules.

(i) A stenographic record or a recording of the hearing shall not be made unless a party does so at one's own expense. If a party has a stenographic record or a recording made, a copy shall be furnished to any other party requesting same upon payment of a proportionate share of the total cost of making the record or recording.

[Adopted eff. March 1, 2000, amended April, 1, 2005, effective immediately]

RULE 6. DEFAULT OF A PARTY (S. CT. RULE 91)

(a) A party who fails to appear and participate in the hearing, upon motion to the court by the party present, shall be found to be in default. Costs that may be assessed under Supreme Court Rule 91 upon vacation of a default include, but are not limited to, payment of costs, attorney fees, witness fees, stenographic fees and any other out-of-pocket expenses incurred by any party or witness.

(b) Reserved.

[Adopted eff. March 1, 2000.]

RULE 7. AWARD AND JUDGMENT ON AWARD (S. CT. RULE 92)

The panel shall render its decision and enter an award on the same day of the hearing. The Chairperson shall present the award to the Arbitration Administrator who shall then file same with the Clerk of the Circuit Court. The Clerk of the Circuit Court shall serve a notice of the award upon all parties who have filed an appearance.

[Adopted eff. March 1, 2000.]

RULE 8. REJECTION OF AWARD (S. CT. RULE 93) [RESERVED]

RULE 9. FORM OF OATH, AWARD AND NOTICE OF ENTRY OF AWARD (S. CT. RULE 94)

(a) The Arbitration Administrator shall provide the forms called for by these rules.

[Adopted eff. March 1, 2000.]

RULE 10. FORM OF NOTICE OF REJECTION OF AWARD (S. CT. RULE 95) [RESERVED]

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT

_____ COUNTY, ILLINOIS

	)	
	)	
Plaintiff(s),	)	THIS IS AN ARBITRATION CASE
	)	
v.	)	NO._____
	)	
	)	
Defendant(s).	)	

OATH

We do solemnly swear (or affirm) that we will support, obey, and defend the Constitution of the United States and the Constitution of the State of Illinois and that we will faithfully discharge the duties of our office.

_____
(Chairperson/Arbitrator)

_____
(Arbitrator)

_____
(Arbitrator)

Dated this _____ day of _____, 20_____.

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT

_____ COUNTY, ILLINOIS

	)	
	)	
Plaintiff(s),	)	THIS IS AN ARBITRATION CASE
	)	
v.	)	NO._____
	)	
	)	
Defendant(s).	)	

AWARD OF ARBITRATORS

We, the undersigned arbitrators, having been duly appointed and sworn (or affirmed), make the following award:

_____

_____

_____

_____

_____
(Chairperson/Arbitrator)

_____
(Address and I.D. No.)

_____
(Arbitrator)

_____
(Address and I.D. No.)

_____
(Arbitrator)

_____
(Address and I.D. No.)

_____Dissents

Dated this _____ day of _____, 20_____.

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT

_____ COUNTY, ILLINOIS

Plaintiff(s),	)	THIS IS AN ARBITRATION CASE
v.	)	NO._____
Defendant(s).	)	

NOTICE OF AWARD

On the _____ day of _____, 2000, the award of the arbitrators dated _____ _____, 2000, a copy of which is attached hereto, was filed and entered of record in this Cause. A copy of this NOTICE has on this date been sent by regular mail, postage prepaid, addressed to each of the parties appearing herein, a their last known address, or to their attorney of record.

Dated this _____ day of _____, 2000.

_____
Clerk of the Circuit Court

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT

_____ COUNTY, ILLINOIS

	)	
	)	
Plaintiff(s),	)	THIS IS AN ARBITRATION CASE
	)	
v.	)	NO._____
	)	
	)	
Defendant(s).	)	

NOTICE OF REJECTION OF AWARD

To the Clerk of the Circuit Court:

Notice is given that _____rejects the award of the arbitrators entered in this cause on the _____ day of _____, 20_____, and hereby requests a trial of this action.

_____

By: _____

(Certificate of Notice of Attorney)

PART. 25 RESERVED

PART 26. COURT-ANNEXED CIVIL MEDIATION

TABLE OF RULES

PART 26. COURT-ANNEXED CIVIL MEDIATION PROGRAM RULES

RULE 1. PURPOSE OF THE MEDIATION PROCESS

Mediation under these rules involves a voluntary confidential process whereby a neutral mediator, selected by the parties or appointed by the court, assists the litigants in reaching a mutually acceptable agreement. It is an informal and non-adversarial process. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem-solving, exploring settlement alternatives, and reaching an agreement. Parties and their representatives are required to mediate in good faith.

RULE 2. ACTIONS ELIGIBLE FOR COURT-ANNEXED MEDIATION

A. Referral by Judge or Stipulation.

Except as hereinafter provided, the judge to whom a matter is assigned may order any contested civil matter asserting a claim having a value, irrespective of defenses or set-offs, in an amount in excess of eligibility for Mandatory Arbitration in this circuit, referred to mediation on or after May 1, 2001. In addition, the parties to any such matter may file a written stipulation to mediate any issue between them at any time. Such stipulation shall be incorporated into the order of referral.

B. Exclusions From Mediation.

Except as otherwise set forth in subparagraph 2 (a) above, matters as may be specified by administrative order of the chief judge of the circuit shall not be referred to mediation except upon petition of all parties.

RULE 3. SCHEDULING OF MEDIATION

A. Conference or Hearing Date.

Unless otherwise ordered by the court, the first mediation conference shall be held within eight (8) weeks of the Order of Referral.

At least ten (10) days before the conference, each side shall present to the mediator a brief, written summary of the case containing a list of issues as to each party. If the attorney filing the summary wishes its contents to remain confidential, she/he should advise the mediator in writing at the same time the summary is filed. The summary shall include the facts of the occurrence, opinions on liability, all damages and injury information, and any offers or demands regarding settlement. Names of all participants in the mediation shall be disclosed to the mediator in the summary prior to the session.

B. Notice of Date, Time, and Place.

Within 28 days after the Order of Referral, the mediator shall notify the parties in writing of the date and time of the mediation conference. Unless all parties and the mediator otherwise agree: Rock Island County mediations will be held at the Rock Island County Arbitration Center; and Henry County mediations will be held at the Henry County Courthouse, Cambridge, Illinois 61238, Mercer County mediations will be held at the Mercer County Courthouse, Aledo, Illinois 61231, and Whiteside County mediations will be held at the Whiteside County Courthouse, 200 E. Knox Street, Morrison, Illinois 61270.

C. Motion to Dispense With Mediation.

A party may move, within 14 days after the Order of Referral, to dispense with mediation if:

1. The issue to be considered has been previously mediated between the same parties.

2. The issue presents a question of law only;

3. The order violates subparagraph 2 (b) of this General Order;

4. Other good cause is shown.

D. Motion to Defer Mediation.

Within 14 days of the Order of Referral, any party may file a motion with the court to defer the mediation. The movant shall set the motion to defer the mediation proceeding prior to the scheduled date for mediation. Notice of the hearing shall be provided to all interested parties, including any mediator who has been appointed. The motion shall set forth, in detail, the facts and circumstances supporting the motion. Mediation shall be tolled until disposition of the motion.

RULE 4. MEDIATION RULES AND PROCEDURES

A. Appointment of the Mediator.

1. Within 14 days of the Order of Referral, the parties may agree upon a stipulation with the court designating:

   a. A certified mediator; or

   b. A mediator who does not meet the certification requirements of these rules but who, in the opinion of the parties and upon review by and approval of the presiding judge, is otherwise qualified by training or experience to mediate all or some of the issues in the particular case.

2. If the parties cannot agree upon a mediator within 14 days of the Order of Referral, the plaintiff's attorney (or another attorney agreed upon by all attorneys) shall so notify the court within the next 7 days, and the court shall appoint a certified mediator selected by rotation or by such other procedures as may be adopted by administrative order of the chief judge in the circuit in which the action is pending.

B. Compensation of the Mediator.

1. When the mediator is selected by the parties, the mediator's compensation shall be paid by the parties as agreed upon between the parties and the mediator, or as ordered by the Court.

2. When the parties cannot agree on a mediator, the Court shall appoint a mediator from the list of mediators as provided in 5 (a) of these rules. The

compensation for a mediator so appointed shall be shared proportionately by all parties participating in the mediation conference. The fee for a mediator so appointed shall be in the discretion of the Court, but at the rate of not less than $150.00 per hour. Once a mediator has been appointed, the mediator shall be entitled to a minimum of one hour's compensation.

3. If any party has been granted leave to sue or defend as a poor person pursuant to Supreme Court Rule 298, the parties shall agree or the Court shall appoint a mediator who shall serve pro bono without compensation from the indigent party in the action. A mediator shall not be required to serve pro bono more than once in a twelve month period.

4. The fee of an appointed mediator shall be subject to appropriate order or judgment for enforcement.

C. Disqualification of a Mediator.

Any party may move to enter an order disqualifying a mediator for good cause. If the court rules that a mediator is disqualified from hearing a case, an order shall be entered setting forth the name of a qualified replacement. Nothing in this provision shall preclude mediators from disqualifying themselves or refusing any assignment. The time for mediation shall be tolled during any periods in which a motion to disqualify is pending.

D. Interim or Emergency Relief.

A party may apply to the court for interim or emergency relief at any time. Mediation shall continue while such a motion is pending absent a contrary order of the court or a decision of the mediator to adjourn pending disposition of the motion.

E. Attendance at a Mediation Conference.

1. All parties, attorneys, representatives with settlement authority, and other individuals necessary to facilitate settlement of the dispute shall be present at each mediation conference unless excused by court order.

A party is deemed to appear at a mediation conference if the following persons are physically present:

(i) The party or its representative having full authority to settle without further consultation, and in all instances, the plaintiff must appear at the mediation conference; and

(ii) The party's counsel of record, if any; and

(iii) A representative of the insurance carrier for any insured party who is not such carrier's outside counsel and who has full authority to negotiate and recommend settlements to the limits of the policy or the most recent demand, whichever is lower without further consultation.

2. Upon motion, the Court may impose sanctions against any party, or attorney, who fails to comply with this rule, including, but not limited to, mediation costs and reasonable attorney fees relating to the mediation process.

F. Adjournments.

The mediator may adjourn the mediation conference at any time and may set times for reconvening the adjourned conference. No further notification is required for parties present at the adjourned conference.

G. Counsel.

The mediator shall at all times be in control of the mediation and the procedures to be followed in mediation. Counsel shall be permitted to communicate privately with their clients.

H. Communication with Parties.

The mediator may meet and consult privately with either party and his/her representative during the mediation process.

I. Completion of Mediation.

Mediation shall be completed within seven (7) weeks of the first mediation conference unless extended by the order of the court or by stipulation of the parties.

J. Report of Mediator.

The mediator shall report to the court in writing whether or not an agreement was reached by the parties, within 14 days after the last day of the mediation conference. The report shall designate, "full agreement", "partial agreement" or "no agreement". This report shall be signed by the mediator and shall be filed with the Circuit Court Clerk within fourteen (14) days after the last day of mediation conference.

K. Imposition of Sanctions.

a. If a party fails to appear at a duly noticed mediation conference without good cause, the Court shall impose sanctions, including but not limited to, an award of mediator and/or attorneys' fees and other costs against the missing party.

b. In the event of any breach or failure to perform under the agreement, the court upon motion may impose sanctions, including costs, attorney fees, or other appropriate remedies including entry of judgment on the agreement.

L. Discovery.

Whenever possible, the parties are encouraged to limit discovery (prior to completing the mediation process) to the development of the information necessary to facilitate a meaningful mediation conference. Discovery may continue throughout mediation.

M. Confidentiality of Communications.

All oral or written communications in a mediation conference, other than executed settlement agreements, shall be exempt from discovery and shall be confidential and inadmissible as evidence in the underlying cause of action unless all parties agree otherwise. Evidence with respect to alleged settlement agreements shall be admissible in proceedings to enforce the settlement. Subject to the foregoing, unless authorized by the parties, the mediator may not disclose any information obtained during the mediation process.

N. Forms.

The following forms shall be used in conjunction with court-annexed mediation:

1. Order of Referral to Court-Annexed Mediation
2. Confidentiality Agreement and Non-representative Acknowledgment
3. Mediation Held/No Agreement Resulted
4. Memorandum of Agreement

RULE 5. MEDIATOR QUALIFICATIONS

A. Circuit Court Mediators.

The Chief Judge shall maintain a list of mediators who have been certified by the court and who have registered for appointment.

For certification a mediator of circuit court civil matters in an amount in excess of eligibility for Mandatory Arbitration in this circuit must:

1. Complete a mediation training program approved by the Chief Judge of the 14th Judicial Circuit; and
2. Be a member in good standing of the Illinois Bar with at least eight years of practice or be a retired judge; and
3. Be of good moral character; and
4. Submit an application that is approved by the Chief Judge or his designee.

B. Mediator General Standards.

In each case, the mediator shall comply with such general standards as may, from time to time, be established and promulgated in writing by the Chief Judge of the 14th Judicial Circuit.

C. Decertification of Mediators.

The eligibility of each mediator to retain the status of a certified mediator shall be periodically reviewed by the Chief Judge, and in any event no longer than three (3) years

after the date of appointment. Failure to adhere to this general order governing mediation or the general standards provided for above may result in the decertification of the mediator, by the Chief Judge or his designee.

RULE 6. COURT-ORDERED MEDIATION IN CIVIL CASES

The Chief Judge or his designee of the 14th Judicial Circuit may appoint a judge or judges of the 14th Judicial Circuit to act as Supervising Judge for Court-Ordered Mediation in Civil cases in each of the four counties, who shall serve at the direction of the Chief Judge.

RULE 7. DUTIES OF SUPERVISING JUDGE FOR MEDIATION

The duties of the Supervising Judge for Mediation shall include the following:

a. Approve or appoint Mediator.

b. Hear motions to interpret all Mediation rules.

c. Hear motions to advance, postpone or defer hearings.

d. Hear motions to disqualify a Mediator.

e. Hear all post-mediation Motions, including motions for entry of judgment, or other dispositive motions, prior to reassignment.

f. Transfer unresolved, post-mediation cases to originally assigned trial court.

RULE 8. MEDIATOR IMMUNITY

Mediators appointed by court order issued pursuant to local rules of the Fourteenth Judicial Circuit are recognized as non-judicial officials of the Court during the term of their appointment and shall be deemed to require the use of discretion in making their own judgments as to what is necessary and proper in guiding the mediation process.

Mediators appointed by court order issued pursuant to local rules of the Fourteenth Judicial Circuit are deemed to be assigned a function that is integrally associated with the judicial process of civil litigation and is necessary for resolving disputes between parties within the meaning of *Antoine v. Byers and Anderson, Inc.*, 508 U.S. 429; 113 S.Ct. 2167, 2171; 124 L.Ed.2d 391, (1993) as it recognizes the doctrine of quasi-judicial immunity. *Ryan v. DuPage County Jury Commission*, 837 F. Supp. 898 (1993), Eastern Division of the Northern District of Illinois.

RULE 9. FINALIZATION OF AGREEMENT

(a) No Agreement. If the parties do not reach an agreement as to any matter as a result of mediation, the mediator shall report the lack of an agreement to the court without comment or recommendation. With the consent of the parties, the mediator's report may also identify any pending motions or outstanding legal issues, discovery process, or other action by any party which, if resolved or completed, would facilitate the possibility of a settlement.

(b) Agreement. If a partial or final agreement is reached, it shall be reduced to writing and signed by the parties and their counsel, if any. The agreement shall be filed when required by law or with the parties' consent. A report of the agreement shall be submitted to the court or a stipulation of dismissal shall be filed. By stipulation of the parties, the agreement may be electronically or stenographically recorded. In such event, the transcript may be filed with the court. The mediator shall report the existence of the signed or transcribed agreement to the court without comment within 10 days thereof. No agreement under this rule shall be reported to the court except as provided herein.

RULE 10. REPORTS TO THE ILLINOIS SUPREME COURT

The Administrative Assistant for the Fourteenth Circuit Court-Annexed Civil Mediation Program shall report to the Illinois Supreme Court on a yearly basis the following information.

The number of:

Partial agreement after mediation

Full agreement after mediation

No agreement after mediation _____

Agreement after failed mediation but before trial _____

RULE 11. TERMINATION AND REPORT OF MEDIATION CONFERENCE

A. At any time after the mediation conference has begun, the mediator may continue or terminate the conference when:

(i) in the mediator's opinion, no purpose would be served by continuing the conference, or

(ii) an individual necessary to facilitate settlement of the dispute is not present.

FORM 4(n)(1) ORDER OF REFERRAL
TO COURT ANNEXED MEDIATION

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

	)	
Plaintiff(s),	)	
	)	No.
vs.	)	
	)	TYPE OF CASE: _____
Defendant(s).	)	(Personal Injury – Auto, Contract – Real Estate, etc.)

ORDER OF REFERRAL TO COURT ANNEXED MEDIATION

THIS CAUSE came before the Court pursuant to the Civil Division Mediation Program Rules (Part 26) of the 14th Judicial Circuit for referral to mediation;

THE COURT HEREBY ORDERS:

1. All parties are required to participate in mediation.

a. The appearance of counsel who will try the case and each party or representative of each party with full authority to enter into a full and complete compromise and settlement is mandatory. If insurance is involved, an adjuster with authority to negotiate and recommend settlements shall attend. All parties are urged to bring interested individuals who might assist in facilitating settlement to the negotiation session (For example, lienholders, governmental officials and others whose approval is necessary or those whose interest may need to be negotiated and compromised).

b. The Court may impose sanctions against parties who do not attend the conference or violate the terms of this Order.

c. At least ten (10) days before the conference, each side shall present to mediator a brief written summary of the case containing a list of issues as to each party. If the attorney filing the summary wishes its contents to remain confidential, she/he should advise the mediator in writing at the same time the summary is filed. The summary shall include the facts of the occurrence, opinions of liability, all damages and injury information, and any offers or demands regarding settlement. Names of all participants in the mediation shall be disclosed to the mediator in the summary prior to the session.

d. All discussions, representations and statements made at the mediation conference shall be privileged consistent with the Confidentiality Agreement to be signed on behalf of each party prior to the commencement of the first mediation conference. The Confidentiality Agreement shall be made a part of the court record in the case.

e. The mediator shall be compensated by the parties as they agree or at the rate of not less than $150.00 per hour if the mediator is appointed by the Court. The mediator's fee shall be shared equally unless otherwise agreed by the parties. The hourly rate shall include preparation time and hearing time. The mediator shall serve pro bono if a party qualifies under local rules to sue or defend as a poor person.

f. The mediator has no power to compel or enforce settlement agreements and does not give legal advice. If a settlement is reached in this case, the attorneys shall reduce the agreement to writing immediately after the mediation

2. The plaintiff's attorney (or another attorney agreed upon by all attorneys) shall be responsible for obtaining a mediator agreed upon by the attorneys and contact the mediator within 14 days of this Order of Referral. A date and time and place for mediation convenient to all shall be obtained from the mediator. The places designated in Rule 3(B) are hereby deemed a convenient place to all participants.

3. If the parties cannot agree on a mediator within 14 days of this Order of Referral, the responsible attorney shall notify the Court within seven days of the expiration of the 14-day period, and the Court shall appoint a certified mediator selected by rotation.

4. The mediation shall be completed within seven weeks of the first mediation conference unless extended by order of the Court.

5. This cause is set for Status on the ____day of _____, 20___, at ____ _m.

6. The plaintiff shall provide a copy of this order to the ADR Center, 1617 2nd Avenue, Suite 100, Rock Island, Illinois, 61201, phone 309-794-3605, fax 309-794-3607, within 7 days.

ENTERED: _____

_____
Judge

MEDIATION SCHEDULE

1. Date of Referral Order: _____

2. Mediator must be selected by: _____
(14 days from Order)

3. Mediator shall notify counsel for the parties within 28 days of this Order, in writing, of date and time of first mediation conference (must be held within 8 weeks of this Order).

4. Mediation process must be completed within seven (7) weeks of initial mediation conference unless extended by court.

ENTERED: _____

_____
Judge

White – Original Green – Plaintiff Canary – Defendant Pink – ADR Center Goldenrod - Mediator

FORM 4(n)(2) CONFIDENTIALITY AGREEMENT AND NONREPRESENTATION ACKNOWLEDGMENT

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

Plaintiff(s),	)	
vs.	)	No.
Defendant(s).	)	

CONFIDENTIALITY AGREEMENT AND NONREPRESENTATION ACKNOWLEDGEMENT

IT IS HEREBY AGREED by the mediation participants, _____

_____
(Insert all persons, attorneys and other present)

_____

and _____, Mediator, that all matters discussed during the mediation sessions shall be confidential and shall not be disclosed by the participants or the mediator in any court of law. It is further acknowledged by the parties to this lawsuit that the mediator, _____, and his law firm, _____, are not representing any party to this lawsuit and are not providing any legal advice to any party. Parties agree that the mediator shall not be called as a witness in any proceeding concerning this mediation.

DATED: _____

_____
Mediator

_____ _____

_____ _____

_____ _____

_____ _____

FORM 4(n)(3) MEDIATION HELD/NO AGREEMENT RESULTED

MEDIATION HELD/NO AGREEMENT RESULTED

Date [INSERT DATE]
Case No. [INSERT CASE NO.]
IN THE MATTER OF MEDIATION BETWEEN:

[INSERT CAPTION]

[INSERT NAMES AND STATUS OF ALL PERSONS IN ATTENDANCE], [INSERT MEDIATOR'S NAME], Mediator, appeared for mediation at [INSERT PLACE OF MEDIATION] on [INSERT DATE] for their scheduled mediation.

We appreciate their appearance and their good faith effort to attempt mediation of the dispute that exists between them.

Unfortunately, they were unable to resolve their dispute through our services.

_____
[INSERT MEDIATOR'S NAME],
MEDIATOR

FORM 4(n)(4) MEMORANDUM OF AGREEMENT

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

	)	
	)	
Plaintiff(s),	)	
vs.	)	No.
	)	
	)	
Defendant(s).	)	

MEMORANDUM OF AGREEMENT (OR PARTIAL AGREEMENT)

We, the undersigned, having participated in a mediation conference on _____, and being satisfied that the provisions of the resolution of our dispute are fair and reasonable, hereby agree to abide by and fulfill the following:

It is further understood that no agreement was made on the following issues:

Dated: _____ _____
Mediator

_____ _____

_____ _____

_____ _____

PART 27. ELECTRONIC COURT RECORD EXCLUDED FROM PUBLIC ACCESS

Section 4.30 – ELECTRONIC COURT RECORDS EXCLUDED FROM PUBLIC ACCESS. THE SUPREME COURT'S ELECTRONIC ACCESS POLICY FOR CIRCUIT COURT RECORDS IS INCORPORATED INTO THE CIRCUIT COURT RULES FOR THE 14TH JUDICIAL CIRCUIT BY AND FOR REFERENCE, VIS.:

(a) Information that is impounded, sealed, or expunged pursuant to law or by court rule, order of court, or pursuant to the Manual on Recordkeeping shall be excluded from public access in electronic form. Access and inspection of this information is governed by the existing court rules and laws for public access of the official court record. Requests for inspection must be made in person at the office of the clerk of court.

(b) While there is no authority prohibiting public access to certain other categories of information, there is no need to disclose such information to the public in an electronic form. The following information is excluded from public access in electronic form, unless access is provided at the office of the clerk of court. Such access shall be through the use of a computer terminal which does not allow information to be downloaded or exported, and only if such access is not otherwise prohibited by this Policy.

- Financial information that provides identifying account numbers on specific assets, liabilities, accounts, credit cards, first five digits of social security number or P.I.N. numbers of individuals or business entities;
- Proprietary business information such as trade secrets, customer lists, financial information or business tax returns;
- Information constituting trade secrets, copyrighted or patented material or which is otherwise owned by the state or local government and whose release would infringe on the government's proprietary interest;
- Notes, drafts and work products prepared by a judge or for a judge by court staff or individuals working for the judge related to cases before the court;
- Names, addresses, or telephone numbers of potential or sworn jurors in a criminal case;
- Juror questionnaires and transcripts of voir dire of prospective jurors;
- Wills deposited with the court pursuant to the Manual on Recordkeeping;
- Arrest warrants (at least prior to the arrest of the person named);
- Any documents filed or imaged, i.e. complaint, pleading, order.

(c) Information not covered in subsections (a) and (b) may be excluded from public access in electronic form by local rule.

RULE 1. AUTHORITY

Authority for this Rule is derived from the Illinois Supreme Court's Electronic Access Policy for Circuit Court Records of the Illinois Courts, Effective April 1, 2004.

RULE 2. PURPOSE

The purpose of this Rule is to protect sensitive personal and financial information from being disseminated over the Internet.

RULE 3. RECORDS RESTRICTED BY LOCAL RULE

A. The Circuit Clerks shall cause the following recorded information not to be provided on the Internet for access by the general public:

1. Driver's License Numbers
2. Medical Records
3. Employment History Information
4. Residential Street Addresses
5. All ordinance violations that are committed by minors under the age of seventeen (17) shall not be identified or disseminated over the Internet.
6. Names of Minor Children

B. The above in no way limits access to these records by Judges, State's Attorneys, Attorneys of Record in the case, or authorized members of law enforcement.

(Adopted Effective May 1, 2005)