RULES OF PRACTICE

CIRCUIT COURT OF ILLINOIS

TWENTIETH JUDICIAL COURT

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TWENTIETH JUDICIAL CIRCUIT

Rules of the Circuit Court

St. Clair County, Illinois

October 2017

PART 1: ADMINISTRATION OF THE CIRCUIT COURT OF ST. CLAIR COUNTY

1.01 Rules of the Circuit Court of St. Clair County

A. Circuit Court Rules. These rules are promulgated pursuant to Illinois 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 supreme court rules and statutes and pursuant to Section 1-104(b) of the Code of Civil Procedure [735 ILCS 5/1-1049b)] providing that the circuit court may make rules regulating their dockets, calendars and business and pursuant.

B. Effective Date. These Local Rules shall become effective when adopted by a majority of the circuit judges and filed with the Director, Administrative Office of Illinois Courts. All prior rules of the Twentieth Judicial Circuit are hereby repealed upon enactment of these rules. Administrative Orders concerning dockets, calendars and court business not in conflict with these Rules or the laws of the State of Illinois shall remain in effect.

1.02 Chief Judge

A. Selection of Chief Judge. On the second Monday in December 2016, and on the second Monday in December every year thereafter, the circuit judges of the Twentieth Judicial Circuit shall cast secret ballots to select a circuit judge as the Chief Judge. The Chief Judge shall be elected by a majority vote of the circuit judges present and shall serve for a term of two (2) years beginning January 1st immediately following the vote. The Chief Judge serves at the pleasure of the circuit judges. The Chief Judge may be recalled upon a vote of the majority of the circuit judges.

B. Acting Chief Judge. On the occasion of the election of the Chief Judge, an Acting Chief Judge shall be elected by a majority vote of the circuit judges present and shall serve for a term of two (2) years beginning January 1st immediately following the vote. The Acting Chief Judge serves at the pleasure of the circuit judges. The Acting Chief Judge may be recalled upon a vote of the majority of the circuit judges. In the event of a vacancy, a successor Acting Chief Judge is to be elected in the same manner to fill the unexpired term of office.

C. Vacancy. Whenever a vacancy in the offices of the Chief Judge or of the Acting Chief Judge occurs, a majority of the circuit judges shall select a circuit judge to fill the unexpired term of office. The election shall be in the same manner as described in section A. above and shall be held within three weeks of the vacancy and with at least five days notice to all circuit judges.

1.03 Judicial Assignments.

A. Assignment. A Resident Circuit Judge shall be assigned to the county of the judge's residence. The Chief Judge may assign a Circuit Judge elected at large or an Associate Judge to any county or division of the court, or on a case-by-case basis.

B. Reassignment. Upon recusal or change of judge, the Chief Judge shall reassign the case to another judge. Another judge upon reassignment by the Chief Judge may hear any case assigned to a judge.

1.04 Judicial Meetings

A. Circuit Judges. The Chief Judge shall call a meeting of the circuit judges 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 designate shall meet with the associate judges at least quarterly 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 six circuit judges. Joint meetings of circuit and associate judges are special meetings. Special meetings shall be convened on no less than five days notice.

1.05 St. Clair County Law Library Committee. The president of the St. Clair County Bar Association with advice and consent of the Bar Association Board of Directors shall name the members of the law library committee. The committee shall advise the circuit judges as to the operation of the county law library.

1.06 Court Facilities

A. Designation of Court Facilities. The Chief Judge shall designate when and where court shall be held within the Twentieth Judicial Circuit pursuant to Article VI, Section 7(c) of the Constitution of the State of Illinois (1970).

B. Review of Court Facilities, Personnel and Resources. The Chief Judge shall, from time to time, appoint a committee of judges to inspect the court facilities within the circuit to determine if personnel and resource needs are current. The committee shall report their findings and any proposals to the Chief Judge. The Chief Judge may submit the proposals and recommendations to the appropriate county board for its consideration and action.

C. Enforcement. If suitable action is not taken by the County Board within a reasonable time as may be designated by the Chief Judge, the Chief Judge may enter an administrative order directing that action be taken. A proceeding to compel compliance with the administrative order shall be pursuant to Supreme Court Rule 21 (c).

D. Appointment of Counsel. The Chief Judge may designate a licensed attorney at law of this State to represent the Twentieth Judicial Circuit in any enforcement proceeding.

1.07 Limitations on Cases under Advisement

A. Decisions within Sixty Days. All judges are encouraged to render their decisions promptly when matters are ready for decision. No judge of this circuit shall keep a matter under advisement for interim ruling or final judgment for a period of time greater than sixty days from the date such matter is ready for decision. For the purposes of this rule, a matter is ready for decision at such time as the court has received all written submissions and heard all arguments as may have been ordered by the court.

B. Compliance. Any case taken under advisement that is then not yet ready for decision shall be given an automatic status date by the Circuit Clerk. The purpose of the status date is for the court to review the submissions of the parties and to insure that the case is then ready for decision. If the parties are delinquent in their submissions, the court shall take such steps that are necessary to make the case ready for decision. Any case which has not been decided by the judge within sixty of being ready for decision shall be reported by the judge to the Chief Judge together with an explanation of the reason such decision has not been rendered.

1.08 Divisions of the St. Clair County Court

A. Criminal Division. The court shall hear all matters pertaining to Criminal Felony (CF), Criminal Misdemeanor (CM), Traffic (TR), Ordinance Violation (OV), and Conservation Violation (CV) cases.

B. Civil Division. The court shall hear all matters pertaining to the jury trial of Law (L), Law Magistrate (LM), Small Claims (SC), and Forcible Entry and Detainer cases.

C. Miscellaneous Remedies Division. The court shall hear all matters pertaining to Miscellaneous Remedies (MR), Chancery (CH), Non-jury Law, Tax (TX), Municipal Corporations (MC), Eminent Domain (ED), and Probate (P) cases and shall conduct marriages.

D. Domestic Relations, Family and Juvenile Division. The court shall hear all matters pertaining to Dissolution of Marriage and Dissolution of Civil Union (D), Legal Separation, Invalidity of Marriage, Adoptions and Paternity (F), and actions that arise under Title IV-D of the Social Security Act and enforced under the Illinois Parentage Act, the Revised Uniform Reciprocal Enforcement of Support Act, and Article X of the Illinois Public Aid Code.

E. Other Divisions. The Chief Judge may by administrative order designate other divisions or redefine existing divisions of the court.

F. Supervising Judge. The Chief Judge may appoint a supervising judge to any division of the court. The supervising judge shall have administrative authority over that division..

1.09 Forms in St. Clair County. The Chief Judge may issue administrative orders that require litigants to use specified forms or facsimiles thereof. The Chief Judge before implementation of any change must approve revisions and modifications to forms. It is the duty of the litigant to provide and complete the appropriate form. The Circuit Clerk may reject any document that does not conform to the administrative orders of the Chief Judge.

PART 2: CLERK OF THE CIRCUIT COURT OF ST. CLAIR COUNTY

2.01 Maintaining a Daily Docket Sheet. The Circuit Clerk shall maintain a daily docket sheet for each judge showing the cases set before the judge and the hour of the day at which they shall be heard. The clerk shall make docket information available to the public.

2.02 Electronic Access to Circuit Clerk Records Via the Internet. Pursuant to Section 100.00 (c) of the Illinois Supreme Court policy on *Electronic Access for Circuit Court Records of the Illinois Courts (January 1, 2003),* any Circuit Clerk within the Twentieth Judicial Circuit is authorized to provide web access to Circuit Clerk records in accordance with said policy. This section does not require a Circuit Clerk to provide electronic access to records via the Internet.

2.03 Guidelines for Court Personnel in assisting *Pro Se* Litigants

A. *Pro Se Litigants.* A ***pro se*** litigant is a person who does not retain an attorney and appears in court on his or her own behalf. A ***pro se*** litigant, under the law, is held to the same standards and duties of an attorney. ***Pro se*** litigants are expected to know what the law requires and how to proceed in accordance with applicable statutes and court rules.

B. Advice to *pro se* litigants prohibited. In the performance of their official duties, court personnel, including the law library staff and the staff of the Circuit Clerk, are prohibited from offering advice or counsel a ***pro se*** litigant as to a specific case. This includes providing assistance to a ***pro se*** litigant in the completion of forms. Court personnel, however, may issue written procedural guidelines or instructions for general use as approved by the Chief Judge. It shall be the duty of the Circuit Clerk to enforce the provisions of this rule among the Clerk's personnel. It shall be the duty of the Chief Judge to enforce the provisions of this rule among other court personnel.

2.04 Custody and Disposition of Exhibits

A. Custody. Any exhibit being marked for identification and offered by a party for admission into the record shall be placed in the custody of the Circuit Clerk. Exhibits shall be retained by the Circuit Clerk until the last of the following events: the time for appeal has expired, or after judgment has been affirmed or reversed, but not remanded. Thereafter all exhibits may be returned to the parties or their counsel upon their receipt, which shall be filed in the cause.

B. Failure to Remove. If parties or their attorneys fail to remove exhibits as required by paragraph (A) of this rule, the Clerk of the Circuit Court shall dispose of the exhibits as the court may direct. If sold, the proceeds, less the expense of sale, shall be paid into the court, and then paid over to the county treasury.

2.05 Clerks to be provided. The Clerk of the Circuit Court shall provide an adequate number of deputy clerks for assistance at all sessions of court and as needed when the court is not in session.

2.06 Limited Filing of Documents Received by FAX OR E-MAIL. The Clerk of the Circuit Court shall accept for filing all facsimile or e-mail transmissions from another court related to any case originally filed in this Circuit or transferred or remanded to this Circuit, including but not limited to the Illinois Supreme Court, the Illinois Appellate Court, another Circuit Court and the Federal District Court. The Clerk of the Circuit Court shall not file other documents received by facsimile or e-mail transmission unless ordered to do so by a sitting judge. If a party transmits a facsimile or e-mail to the Circuit Clerk without leave of the sitting judge the transmittal does not constitute filing of the document with the court.

PART 3: SHERIFF

3.01 Bailiffs to be provided. The Sheriff shall provide a bailiff when requested by a judge.

3.02 Building Security in St. Clair County. The Sheriff of St. Clair County is responsible for assuring security in the St. Clair County Building. The Sheriff, in consultation with the Chief Judge, may adopt a protocol to assure security in the courtrooms and other areas of the St. Clair County Building. The Sheriff is authorized to use walk-through and/or hand-held metal detectors. Any individual triggering the detector will be subject to a pat-down search. Any item triggering the detector will be subject to a visual inspection.

PART 4: JURORS

4.01 Jurors in St. Clair County

A. Grand Jurors. The Chief Judge shall call Grand Jurors. Each Grand Jury and the members thereof shall serve until the impaneling of the next Grand Jury, unless sooner discharged. After being impaneled, instructed and sworn by the court, the Grand Jury shall sit at such time as the court may order and may be recessed from time to time to a day certain, or subject to recall.

B. Assessment of costs for unnecessary call of jury venire. If for any reason attributable to counsel or the parties, including settlement, the court is unable to commence a jury trial as scheduled, and a panel of prospective jurors has reported to the Courthouse for service, the court may assess against counsel or parties all or part of the cost of the panel.

PART 5: COURT REPORTERS

5.01 Circuit Court proceedings to be recorded in St. Clair County. All Circuit Court proceedings are to be recorded verbatim by a certified court stenographer approved by the Chief Judge or by digital electronic recording equipment. Electronic Digital Recordings remain under the control of the Circuit Court, with access to such recordings subject to the regulations promulgated by the Administrative Office of Illinois Courts and any further order of the Chief Judge.

5.02 Preparation of Transcripts

A. Request for Transcript. Any person ordering an original and/or copy of a transcript of proceedings shall do so in written form. This request must contain the style of the case including case number, the date(s) of the proceedings, and the number of copies requested. Except where the transcript is ordered by the State or any of its political subdivisions, a deposit of the estimated total fee for the transcript must accompany the order. The request shall be directed to the court reporter, if known, with a copy to the supervisor of Court Reporting Services. If the court reporter is not known or if the proceeding was electronically digitally recorded, the request shall be made to the supervisor of Court Reporting Services.

B. Digitally Recorded Proceedings. Digital recordings are not available to litigants, their attorneys or the public. Digitally recorded medium shall only be disseminated by transcript prepared and certified as true and accurate a certified court reporter. This transcript is the official record of the proceedings.

C. Expedited Transcripts. No party may require a court reporter to produce an expedited transcript without leave of court. The cost of any expedited transcript will be assessed as a court cost against the party or attorney requesting the transcript. Full payment for an expedited transcript is due upon delivery of the expedited transcript.

D. Daily Copy Transcripts. No party may require a court reporter to produce a daily transcript of a court proceeding without leave of court. In addition, to obtain daily copy of court proceedings a party must make written request of the judge assigned to the case at least twenty-one (21) days in advance of the proceeding. The party must send a copy of the request to the supervising court reporter. The cost of the transcript will be assessed as a court cost against the party or the attorney ordering it. Payment for a daily transcript is due upon delivery of a day's copy.

E. Free-lance Court Reporters. In the event that a party employs a free-lance court reporter to provide expedited or daily transcripts, an official court reporter will also attend the trial and will prepare the official transcript of the proceedings.

F. Failure to Order a Copy of a Transcript. Upon request of a transcript, the court reporter shall advise all parties to the proceeding that failure to order a copy at the time the original is transcribed may result in imposition of original preparation rate if a copy is ordered thereafter.

G. Partial Transcript on Appeal. In order to maintain the continuity of the report of the proceedings on appeal, a partial transcript may not be incorporated into the record.

PART 6: CIVIL TRIAL PRACTICE

6.01 Motion Practice in St. Clair County

A. Filing. All motions shall be filed with the Circuit Clerk prior to their presentation to the court. The title of each motion shall indicate the relief sought and shall indicate the section number of the Code of Civil Procedure or the Supreme Court Rule pursuant to which the motion is brought.

B. Notice. Written notice of hearing on all motions shall be given by the party requesting the hearing to all parties who have appeared and have not previously been defaulted for failure to plead, and to all parties whose time to appear has not expired on the date of notice. Notice shall be given in the manner prescribed in Supreme Court Rule 11. Notice that additional relief has been sought shall be given in accordance with Supreme Court Rule 105.

C. Notice by FAX OR E-MAIL TRANSMISSION. Personal service as prescribed in Supreme Court Rule 11(b)(1) may be effected by service of the Notice of Motion and other pertinent documents through electronic facsimile mailing (FAX) (11(b)(5)) or email transmission (11(b)(6)). In case of service by facsimile transmission, by certificate of the person, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012), who transmitted the document via facsimile machine, stating the time and place of transmission, the telephone number to which the transmission was sent, and the number of pages transmitted; or in case of service by e-mail, by certificate of the person, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012), who transmitted the document via e-mail, stating the time and place of transmission to a designated e-mail address of record.

D. Content of Notice. The notice of hearing shall contain the title and number of the cause of action, the date, time, and designated courtroom for the motion, and shall include a short statement of the nature of the motion. A copy of any written motion and of papers presented therewith, or a statement that they have been previously served, shall be served with the notice.

E. Advance Notice of Hearing. Unless otherwise ordered by the court, notice by personal service shall be made not less than seven days prior to the hearing, and notice by U.S. Mail shall be mailed not less than ten days prior to hearing. Delivery by FAX or e-mail, authenticated as described in subparagraph (c) above, shall be deemed personal service. Proof of service or mailing shall be made of record.

F. Summary Judgment. All motions for summary judgment shall be filed and duly noticed for hearing such that the motion comes before the court for initial presentation and entry of a briefing schedule not later than forty-five (45) days before the trial date, except by prior leave of court and for good cause shown or unless a deadline for dispositive motions is otherwise specified in the case management order.

G. Failure of Movant to Call Motion for Hearing. The burden of obtaining a motion setting in a civil case is on the party making the motion. If the moving party does

not obtain a motion setting within ninety days from the date it is filed, the court may deem the motion withdrawn and deny the relief requested with or without prejudice.

H. Length of Written Argument. Unless the sitting judge grants leave, no brief or memorandum in support of or in opposition to any motion shall exceed ten (10) typewritten, double-spaced pages.

6.02 Emergency and *Ex Parte* Motions Where Notice is Not Required

A. 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 giving prior notice and without calling the motion for hearing. Emergency motions shall, so far as possible, be given precedence. Orders pursuant to stipulation of the parties may be entered without giving notice.

B. 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 the judge who heard the motion, the date of the hearing, and the ruling of the court thereon, shall be served, by the attorney obtaining the order, upon all parties who have appeared and have not theretofore been found by the court to be in default for the failure to plead, and upon all parties whose time to appear had not expired on the date of hearing, and proof of service thereof shall be filed with the clerk, within 48 hours after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

C. Order upon denial. If a motion heard without prior notice is denied, an order of the denial shall be entered of record.

6.03 Motions for Consolidation

Motions for consolidation of cases shall be presented to the judge to whom the oldest numbered case is assigned after notice to all parties of record in all cases involved in proposed consolidation. Unless otherwise ordered by the court, cases shall be consolidated and further processed under the oldest case number. Thereafter, the Circuit Clerk shall file any court document filed in any of the consolidated cases in the file under which the cases are consolidated.

6.04 Regulation of Discovery

A. Discovery Materials shall not be filed with the Circuit Clerk. Interrogatories, and answers or objections thereto; requests for production or inspection, and responses or objections thereto; and depositions, unless filed pursuant to Supreme Court Rule 207; and notices of depositions shall be served upon opposing counsel or parties but **shall not be filed** with the Circuit Clerk except by special order of Court. This rule does not apply to a Request to Admit Fact or Genuineness of Documents pursuant to Illinois Supreme Court Rule 216 and responses or objections thereto.

B. Custodian of Discovery Materials. The party responsible for the service of discovery materials shall retain the originals as custodian.

C. Filing of Discovery Materials for Motions related to Discovery Disputes. Any portion of discovery material necessary to the consideration of a pretrial motion or for a final order on any issue shall be filed contemporaneously with the motion or response thereto and attached as an exhibit thereto.

D. Prevention of Identity Theft. All parties are barred from seeking information that identifies a person's social security, driver's license, credit card or other personal identity or account numbers without written leave of court. If written leave of court is granted to disclose said personal identity information the parties shall submit a Protective Order regarding use of the information. No party shall include said personal identity information in any pleading or other paper filed in the case.

6.05 Limitation on Interrogatories

No party shall serve on any other party more than thirty written interrogatories in the aggregate including subsections except upon agreement of the parties or leave of court granted upon a showing of good cause. A motion for leave of court to serve more than thirty interrogatories must be in writing and shall set forth the proposed interrogatories and the reasons establishing good cause for their use.

6.06 Remote Electronic Means Depositions

Consistent with Supreme Court Rule 206(h)(1-4), any party may take a deposition by telephone, videoconference, or other remote electronic means by stating in the notice the specific electronic means to be used for the deposition, subject to the right to object. Such a deposition is deemed taken at the place where the deponent is to answer questions. Except as otherwise provided in this paragraph, the rules governing the practice, procedures and use of depositions shall apply to remote electronic means depositions.

(1) The deponent shall be in the presence of the officer administering the oath and recording the the deposition, unless otherwise agreed by the parties.

(2) Any exhibits or other demonstrative evidence to be presented to the deponent by any party at the deposition shall be provided to the officer administering the oath and all other parties within a reasonable period of time prior to the deposition.

(3) Nothing in this paragraph shall prohibit any party from being with the deponent during the deposition, at that party's expense; provided, however, that a party attending a deposition shall give written notice of that party's intention to appear at the deposition to all other parties within a reasonable time prior to the deposition.

(4) The party at whose instance the remote electronic deposition is taken shall pay all costs of the remote electronic means deposition, unless otherwise agreed by the parties.

6.07 Case Management and Automatic Status Conferences in St. Clair County

A. Initial Status Conference in the major Civil Law (L) Division. All cases in this division shall be given an Initial Case Management Conference date no later than one hundred

twenty days from the date of filing. The purpose of the conference is to prevent delay in the disposition of the case by achieving early court intervention in the case. In addition, the conference is to be utilized to promote settlement, to consider referral to mediation under **Part 9** of these Rules, to hear pending motions, to set discovery limits, and to monitor compliance with scheduled court events.

B. Other Divisions shall schedule Automatic Status Conferences. The **Arbitration (AR) Division** is controlled by **Part 7** of these local rules. Pursuant to Illinois Supreme Court Rule 218 (a) the following divisions are exempt from the Initial Case Management Conference requirements of the Rule 218, but all such cases are subject to use of an automatic status conference date the first of which shall be set no later than sixty days from the date of filing: **Adoption (A), Chancery (CH), Dissolution (D), Family (F), Law Magistrate (LM), Mental Health (MH), Miscellaneous Remedy (MR), Municipal Corporation (MC), Order of Protection (OP), Probate (P), Small Claim (SC) and Tax (T).**

C. Mandatory Future Court Date. At the time of the automatic status conference or case management conference, and thereafter at any date to which the case is continued, the court shall assign a future court date until such case is closed. The purpose of any future court date shall be designated by court event type.

D. Failure to Appear. Failure of counsel or *pro se* parties to appear at the status conference, case management conference or any date to which the case is continued may result in dismissal for want of prosecution or default upon the court's own motion. Any motion to set aside a dismissal or default for violation of this rule shall be directed to the judge that dismissed the case or entered the default.

6.08 Pleadings to be Comprehensible

A. Multiple Count Pleadings. If a pleading contains multiple counts or affirmative defenses, each count or defense shall bear a short title concisely stating the theory of liability or defense. If the pleading is filed on behalf of or against multiple parties and all such parties are not asserting the same claims or defenses as to all opposing parties, the title of each count or defense shall also concisely designate the subgroup of parties to whom it pertains.

B. Illinois State Bar Number. In addition to all other requirements regarding identification, all pleadings must contain the Illinois State Bar Number of the attorney filing the pleading.

C. Attorney E-mail Address. In addition to all other requirements regarding identification, all pleadings must contain the e-mail address of the attorney filing the pleading.

6.09 Settlement Prior to Trial

In the event of settlement prior to trial, the attorneys shall notify the judge assigned to the case in writing that the cause has been settled.

6.10 Motions for Continuance

It is the policy of the Circuit Court that events occur on their scheduled date. No party should presume a case would be continued even though all parties are in agreement. If a motion to continue is contested, the burden is on the movant to obtain a setting for the motion. If the motion is uncontested, the motion and proposed order shall recite the consent of all parties to continue the trial of the case.

6.11 Statement of the Nature of the Case

Prior to the commencement of a civil jury trial, each party shall prepare and submit to the court and to each opposing party a Statement of the Nature of the Case to be read to the jury.

PART 7: MANDATORY ARBITRATION OF CERTAIN CIVIL CASES

7.01 Rules of Mandatory Arbitration

The mandatory arbitration program of the Circuit Court of St. Clair County, Illinois, is governed by the Supreme Court Rules for the Conduct of Mandatory Arbitration Proceedings (Supreme Court Rules 86-95, inclusive). These local rules are adopted pursuant to Supreme Court Rule 86(c). Since arbitration proceedings in this St. Clair County are governed by both sets of rules, reference is made in the caption of each local rule to the Supreme Court Rule governing the same subject.

7.02 Administration of Mandatory Arbitration

A. Supervising Judge. The Chief Judge shall appoint a Supervising Judge for Arbitration in St. Clair County, who shall have the powers and responsibilities set forth in these rules and who shall serve at the pleasure of the Chief Judge.

B. Arbitration Administrator. The Chief Judge shall appoint an Arbitration Administrator who shall have the authority and responsibilities set forth in these rules, and who shall serve at the pleasure of the Chief Judge.

C. Clerical and Support Staff. Clerical and support staff necessary for the effective administration of the arbitration program shall be appointed by the Chief Judge. The Supreme Court shall approve the number of clerical and support personnel, and the compensation paid to such employees. Clerical and support personnel shall serve at the pleasure of the Chief Judge and may be removed by the Chief Judge.

D. State to pay for staff. The amount of compensation to be paid any Arbitration Administrator or clerical and support personnel shall be paid by the State.

E. Conflict of Interest. No administrative, clerical or support personnel receiving compensation from any public funds under the provisions of these rules shall receive any compensation, gift, or gratuity whatsoever from any person, firm, or corporation for doing or refraining from doing any official act in any way connected with any proceeding then pending or yet to be instituted before any court or arbitration panel. Violation of this rule shall be grounds for immediate termination.

7.03 Civil Actions Subject to Mandatory Arbitration (S. Ct. Rule 86)

A. Certain Civil Actions are Subject Mandatory Arbitration. All civil actions will be subject to Mandatory Arbitration on claims exclusively for money in an amount exceeding $5,000 but not exceeding $50,000.00. These civil actions shall be assigned to the Arbitration Calendar of the Circuit Court of St. Clair County at the time of initial case filing with the Clerk of the Circuit Court, St. Clair County, Illinois.

. **B. Filing Fees**. Civil actions seeking money damages in excess of $5,000.00 but not exceeding $15,000.00 require filing fees for cases of the “AR” division. Civil actions seeking money damages in excess of $15,000.00 but not exceeding $50,000.00, require filing fees for cases filed of the "L" division.

C. Transfer to Mandatory Arbitration. On the motion of either party, by agreement of the parties or by order of court on its own motion, cases not originally assigned to the Arbitration Calendar may be ordered to arbitration pursuant to Supreme Court Rule 86(d) when it appears to the court that no claim in the action has a value in excess of $50,000.00 irrespective of defenses. In such cases there will be no adjustment to the filing fee previously paid.

7.04 Appointment, Qualification, and Compensation of Arbitrators (S. Ct. Rule 87)

A. Qualification of Applicant. An applicant shall be eligible for appointment to serve as members of an arbitration panel, other than as chairpersons, by filing with the Arbitration Administrator an application form certifying that the applicant:

(1) Has attended a mandatory arbitration seminar, and

(2) Has read and is informed of the rules of the Supreme Court and the Act relating to mandatory arbitration, and

(3) Is presently licensed to practice law in Illinois, and

(4) Has engaged in the practice of law in Illinois for a minimum of three (3) years; or is a retired judge, and

(5) Maintains a law office in St. Clair County, Illinois.

B. Chairperson. Applicants, who further certify in their applications that they have engaged in trial practice in Illinois for a minimum of five (5) years, or who are retired judges, shall be eligible to serve as chairperson.

C. Assignment of Arbitrator. The Arbitration Administrator shall maintain an alphabetical list of persons qualified to serve as arbitrators who shall be assigned on a rotating basis. The Arbitration Administrator shall also maintain a list of those persons who have indicated on their application a willingness to serve on an emergency basis. Such individuals, when appointed to serve, shall also be assigned on a rotating basis.

D. Notice to Arbitrator. Except for those persons requested to serve on an emergency basis, all other persons assigned as arbitrators shall received not less than sixty (60) days notice of the date, time and place of service.

E. Conflict of Arbitrator. Only one member or associate of a firm, office, or association of attorneys shall be appointed to the panel. Upon assignment to a case, an arbitrator shall notify the Arbitration Administer of any conflict and withdraw from the case if any grounds for disqualification appear to exist pursuant to the Illinois Code of Judicial Conduct.

F. Arbitrator to take Oath. Each arbitrator shall take an oath of office in conformity with the form provided in Supreme Court Rule 94 in advance of the hearing.

G. Arbitrator to submit Voucher. Upon completion of each day of service, the Arbitration Administrator shall process the appropriate vouchers for the prompt payment of the arbitrators.

H. Comment and Contact Prohibited. An Arbitrator may not be contacted, nor publicly comment, or respond to questions regarding a particular arbitration case heard by that arbitrator during the pendency of that case.

I. Periodic Review of List of Arbitrators. The Arbitration Administrator and the Chief Judge shall periodically review the eligibility of attorneys currently on the alphabetical list of persons qualified to serve as arbitrators and may suspend or revoke arbitrators' eligibility within their discretion when necessary.

7.05 Scheduling of Hearings (Sup. Ct. Rule 88)

A. Calendar of Arbitration Hearing Dates. On or before the first day of each July, the Arbitration Administrator will provide the Clerk of the Circuit Court a schedule of available arbitration hearing dates for the next calendar year.

B. Complaint, Summons and Answer Date. Upon the filing of a civil action subject to Mandatory Arbitration, 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 that the plaintiff or the plaintiff's attorney and all defendants or their attorneys shall appear at the time and place indicated. The complaint and all summonses shall state in upper case letter on the upper right-hand corner: **"THIS IS AN ARBITRATION CASE**."

C. Scheduling of Hearing Dates. If the Court finds upon the return date of the summons that all parties have appeared, the Court shall assign an arbitration hearing date on the earliest available date thereafter, provided that not less than sixty (60) days written notice is given to the parties or their attorneys of record. When a civil action not originally assigned to the Arbitration Calendar is subsequently assigned to the Arbitration Calendar, the Court shall promptly assign an arbitration hearing date. Except by agreement of counsel for all parties, and subject to approval by the court, any arbitration hearing date shall not be less than sixty (60) days nor more than one hundred eighty (180) days from the date of the assignment to the Arbitration Calendar.

D. Advancement or Postponement of Hearing Date. Any party to a case may request advancement or postponement of a scheduled arbitration hearing date by filing a written motion with the Clerk of the Circuit Court requesting the change. The notice of hearing and motion shall be served upon counsel for all other parties, upon ***pro se*** parties as provided by Supreme Court Rule and Rules of the Circuit Court of the Twentieth Judicial Circuit, and upon the Arbitration Administrator. The motion shall be set for hearing on the calendar of the Supervising Judge for Arbitration. The motion shall be verified, 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.

E. Notification upon Settlement. Upon settlement of any case scheduled for arbitration, counsel for plaintiff shall immediately notify the Arbitration Administrator in writing. Failure to do so may result in the imposition of sanctions.

7.06 Length of Arbitration Hearing

It is anticipated that the majority of cases to be heard by an arbitration panel will require a maximum of 2 hours for presentation and decision. It shall be the responsibility of counsel for the plaintiff to confer with counsel for all other parties, obtain an

approximation of the length of time required for presentation of the case and advise the Arbitration Administrator at least 14 days in advance of the hearing date as to any additional time required.

7.07 Discovery (Sup. Ct. Rule 89)

A. Compliance with Rule 222. All parties shall comply with the provisions of Illinois Supreme Court Rule 222. Plaintiff shall file an initial Rule 222 Disclosure statement with the Clerk of the Court with the initial pleading. Thereafter, defendant or third party defendant if applicable shall file an initial Rule 222 Disclosure Statement with the Clerk of the Circuit Court not later than 28 days after their first court appearance or as otherwise ordered by the court. Discovery may be conducted in accordance with the established rules and shall be completed (unless the parties otherwise agree) not less than thirty (30) days prior to the arbitration hearing. No discovery shall be permitted after the hearing, except upon leave of court and good cause shown.

B. Compliance with Rule 222 in transfer cases. If a case is transferred to the Arbitration call by order of court, all parties shall comply with disclosure not later than 28 days after the date of transfer. Failure to serve the disclosure statement, as provided by rule, or as the court allows may result in the imposition of sanctions as prescribed in Supreme Court Rule 219(c) and Rule 222(g). Discovery may be conducted in accordance with the established rules and shall be completed (unless the parties otherwise agree) not less than thirty days prior to the arbitration hearing. No discovery shall be permitted after the hearing, except upon leave of court and good cause shown.

7.08 Conduct of Hearing. (Sup. Ct. Rule 90)

A. Supervising Judge. The Supervising Judge for Arbitration shall have full supervisory powers with regard to questions arising in any arbitration proceeding, including the application of these rules. The Supervising Judge shall hear all motions related to the case including those motions that arise after the case has been scheduled for arbitration.

B. Stenographic Record. A stenographic record or a recording of the hearing shall not be made unless a party does so at his/her own expense. If a party has a stenographic record or a recording made, a copy shall be furnished to any other party requesting it upon payment of a proportionate share of the total cost of making the record or recordings.

C. Chairperson to preside at hearing. Established rules of evidence shall be followed in all hearings before arbitrators, except as provided in Illinois Supreme Court Rule 90 (c) and (d). Hearings are to be conducted to facilitate disclosure of all relevant evidence and to obtain substantial justice for all of the parties. The chairperson shall administer oaths and affirmation to witnesses. The arbitrators shall determine the admissibility of evidence and decide the law and facts of the case. The chairperson of the panel shall make rulings on objections to evidence or on other issues, which arise during the hearing.

D. Stipulations as to Nature of the Case. At the commencement of the hearing, the attorneys for the parties will provide a brief written statement of the nature of the case, which shall include a stipulation as to all of the relevant facts to which the parties agree. The stipulation shall include, if applicable, relevant contract terms, dates, times, places, location of traffic control devices, year, make and model of automobiles of other vehicles, equipment or goods and products which are involved in the litigation and other relevant and material facts. The time devoted to the presentation of evidence should be limited to those facts upon which the parties genuinely disagree.

E. Witness and Expert Statements. A statement or affidavit of a witness, which may be presumptively admissible under Supreme Court Rule 90 (c) and (d) must include the name and address of the witness.

F. Language Interpreter. Any party requiring the services of a language interpreter during the hearing shall be responsible for providing it. Any party requiring the services of an interpreter or other assistance for the deaf or hearing impaired shall notify the Arbitration Administrator of said need not less than seven (7) days prior to the hearing.

G. Hearings to proceed at scheduled time. Cases should be ready at the scheduled time. The Arbitration Administer may extend the time for good cause shown. If no notice is given to the Arbitration Administer, a party who does not answer ready within fifteen minutes of the time called will be found to be in default and the hearing will proceed ***ex parte***. If a party calls the Arbitration Center and indicates they will be late, the case will be held for a reasonable time. Any time delay will be deducted from the presentation time of the party causing the delay.

H. Witness fees and costs. Witness fees and costs shall be in the same amount and shall be paid by the same party or parties, as provided for in trials in the Circuit Court of St. Clair County, except as otherwise provided by Rule 90(e).

7.09 Exhibits must be retrieved

The arbitration administration shall not be responsible for storing exhibits left by litigants with the arbitration panel. Parties wishing to retrieve exhibits are advised to do so at the time the panel tenders the award to the arbitration administration. All exhibits not retrieved on or before the date set for entry of judgment on the arbitration award shall be destroyed.

7.10 Default of a Party (Sup. Ct. Rule 91)

A. Failure of a Party to Appear. A defendant who fails to appear at the scheduled arbitration hearing may have an award entered against that defendant, upon which the Court may enter judgment. If a defendant appears and a plaintiff fails to appear, an award may be entered for the defendant and the court may enter judgment on the award.

B. Default Order Set Aside. Costs that may be assessed under Supreme Court Rule 91 if the default judgment on the award is vacated or the complaint reinstated may include, but are not limited to, filing fees, attorney fees, witness fees, stenographic costs and any

reasonable out-of-pocket expenses incurred by any party or witness for appearing at the arbitration hearing.

7.11 Award and Judgment on Award (Sup. Ct. Rule 92)

The arbitration 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 Arbitration Administrator has the discretion to FAX or e-mail the award to the parties to the arbitration. The Clerk of the Circuit Court shall serve a notice of the award upon all parties who have filed an appearance.

7.12 Rejection of Award. (Supreme Court Rule 93)

Rejection of the award of the Arbitrators shall be in strict compliance with Supreme Court Rule 93. In all cases where the arbitration award exceeds $30,000.00, the rejection fee shall be $500.00 and the award shall be marked to make this clear to all parties.

PART 8 - DOMESTIC RELATIONS

8.01 Notice of Dispute as to Child Custody or Allocation of Parental Responsibilities.

If custody, allocation of parental responsibilities, visitation, parenting time, relocation or access to child(ren) is in dispute, either party shall inform the assigned judge at the initial case management conference or as soon as a dispute is known to exist. The assigned judge shall issue a mediation order and set the case for a mediation status within forty-five (45) days.

8.02 Financial Disclosure Statement of Income, Expenses, Property & Debt

Pursuant to Illinois Supreme Court Rule 201 (c)(2), and other relevant Supreme Court rules that may be adopted, a sworn Financial Disclosure Statement must be filed by the parties no later than forty-eight (48) hours before hearing on a pleading seeking to establish, modify or otherwise affect issues of support or maintenance or disposition of property, whether temporary or permanent in nature. If such affidavit has been filed for purposes of a hearing on a temporary relief, an additional affidavit need not be filed prior to a hearing for permanent relief unless there has been a change in financial circumstances. Failure to comply with this rule may result in sanctions pursuant to Illinois Supreme Court Rule 219(c). The parties may opt out of the requirements of the Rule by written agreement and with the permission of the court, or the court may waive this requirement at the court's discretion. The court adopts a uniform financial statement disclosure form available on the Circuit Clerk's website at http://www.circuitclerk.co.st-clair.il.us/DocumentsForms/Family+Division/

8.03 Position Statement

In any disputed case involving property, attorney's fees, custody, allocation of parental responsibilities, parenting time, visitation, maintenance, or child support, the attorneys and/or pro se parties shall file a statement of proposed resolution of all issues not less than seven days before final hearing. The court adopts a Model 8.03 Position Statement and said document is available on the Circuit Clerk's website at http://www.circuitclerk.co.st-clair.il.us/DocumentsForms/Family+Division/.

If the issues before the court are on limited grounds, it is only necessary to submit the appropriate attachment from the Model 8.03 Position Statement (*i.e.* if disputed issues concern child support only, then submit "Attachment C - Child Support Worksheet").

8.04 Emergency Matters

Designation of a matter as an "emergency" is an extraordinary measure. The proponent of an alleged emergency matter shall have the burden of proving the existence

of an emergency. Matters designated "emergency" shall be heard at the discretion of the Court:

(A) Without notice to opposing party – No less than two (2) business days' notice shall be given to the opposing party unless the emergency qualifies for ex parte relief. If no prior notice is given to opposing party, proponent must comply with local rule 601(B).

(B) If the Court determines that the matter does not meet the criteria for emergency relief, an order so finding shall be entered. If such a finding is made, the party or the party's counsel who responds to a motion propounded as, but found not to be, an emergency may be entitled to reimbursement by the proponent for actual expenses and attorney fees incurred in responding to said motion.

8.05 Domestic Violence Orders of Protection

(**A)** Emergency Order of Protection

Petitions for emergency orders of protection shall generally be heard by the judge assigned to the Domestic Violence Courtroom. Petitions for emergency orders of protection shall be heard promptly and need not be scheduled in advance. Hearings on Petitions to dissolve or modify emergency orders of protection shall be given priority by the Court.

(B) Pending Domestic Relations Cases

It is the goal of this circuit to have all proceedings related to a child(ren) conducted by a single judge where possible. Therefore, when domestic violence allegations arise while a domestic relations case is pending, and all allegations of the Petition for an Emergency Order of Protection (EOP) involve custody, allocation of parental responsibilities, visitation, parenting time, relocation or access to a child(ren), the EOP shall be heard by the judge assigned the domestic relations case if that judge is available.

8.06 Case Management Conference St. Clair County

(A) Domestic Relations and Family Cases

The assigned judge shall convene a case management conference in domestic relations and family cases no later than sixty (60) days from the date of filing.

(B) The purpose of the case management conference is to prevent delay in the disposition of the case by achieving early court intervention and compliance with Supreme Court Rule 218. In addition, the conference is to promote settlement, to determine whether allocation of parental responsibilities, custody, parenting time, visitation, relocation or access to child(ren) is at issue, to set discovery limits & hear discovery motions and to monitor compliance with Court Orders, Children First and Mediation.

(C) Failure to Appear

Failure of counsel or pro se parties to appear at the case management conference or any future court date scheduled by the Court may result in dismissal for want of prosecution or default upon the Court's own motion. Any motion to set aside a dismissal or default for violation of this rule shall be heard by the judge that dismissed the case or entered the default.

(D) Effective January 1, 2012 all pre-trial conferences shall be held at 8:30 a.m. despite any previous order stating 9:00 a.m.

(E) All uncontested prove-ups shall be heard from 8:15 – 8:30 a.m. in the first available courtroom. Any other uncontested prove-ups must be brought to the respective clerk to confirm scheduling.

(F) The first pre-trial conference is a mandatory appearance for the attorneys of record (or the pro-se Party).

(G) If an attorney wishes to have temporary issues heard at the first pre-trial conference, this attorney must provide timely notice of the request (consistent with the local rules) with the Petition for Dissolution or immediately thereafter. The attorney (or the pro-se moving Party) will be limited to one temporary relief hearing on a pre-trial date per case, unless the court enters an order to the contrary.

(H) Provided there is proper notice, the parties must be present at the pre-trial conference. The court will address financial issues related to child support, maintenance, and other temporary bill payment issues in this morning session. The issue of temporary parenting time with the child/ren may be addressed if necessary. Consistent with Supreme Court Rules and the Local Rules, mediation must occur before anything substantive takes place on parenting or custody issues. If an agreement is not reached in this morning session with the assistance of the court, the temporary issues will be heard the same day in the afternoon, with each hearing to be limited to 15 minutes (time permitted).

(I) The attorneys must bring to the first pre-trial conference current pay stub or wage slip information with year-to-date totals, a financial disclosure statement properly filled out and at least the preceding year's tax return.

(J) At the first pre-trial conference, a scheduling order shall be entered including, but not limited to, a date for final hearing if no parenting or custody issues exist, and a later date for a final hearing that would address parenting or custody issues.

(K) If an attorney either does not appear or is not properly prepared to go forward with the pre-trial conference as set forth herein, sanctions may be requested by the opposing party.

8.07 Mandatory Future Court Dates

Every active case shall have a future court date.

8.08 Children First Program in St. Clair County

Prior to the entry of a final order regarding custody or allocation of parental responsibilities, the parties shall attend the Children First Program as required by Supreme Court Rule 924. A certificate of satisfactory completion must be filed no later than sixty (60) days after the initial case management conference. A Children First Parenting Education Internet Class is available for good cause shown by a party who cannot physically attend the class. A prior Court order is required to use the Internet version. This requirement shall not be waived except for extreme hardship shown.

8.09 Children First Program in Monroe, Perry, Randolph and Washington

The Children First Program may be used as directed by the presiding judge of that county.

8.10 Certificate of Dissolution, Invalidity of Marriage or Legal Separation

No Judgment of Dissolution, Invalidity of Marriage or Legal Separation shall be entered without simultaneous submission of the Certificate from the Illinois Department of Public Health, Division of Vital Records.

8.11 Attorney Qualification in Child Custody or Allocation of Parental Responsibilities Matters

(A) This circuit shall maintain a list of approved attorneys qualified to be appointed in child custody, allocation of parental responsibilities, parenting time and visitation matters covered under Section IX of the Supreme Court Rules as guardians ad litem, child representatives, or attorneys for children.

(B) In order to qualify for the approved list, each applicant for the list shall meet 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 or allocation of parental responsibilities cases or equivalent education programs consisting of a minimum of ten (10) hours of continuing legal education credit within the two (2) 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 (2) year period and submit verification of attendance to the Office of the Chief Judge and Presiding Domestic Relations Judge at the time of attendance or upon request. The ten (10) hours may include courses in child development; ethics in child custody or allocation of parental

responsibilities cases, relevant substantive law in custody, allocation of parental responsibilities, guardianship, visitation or 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 any additional programs sponsored by this circuit may be included as a portion of this continuing education requirement.

4. Each attorney must adhere to the minimum duties and responsibilities of attorneys for minor children as delineated in Supreme Court Rule 907.

(C) Each attorney placed on the approved list for this circuit shall be paid by the parties to the litigation as ordered by the judge handling the case or as agreed between the parties. The court may enforce the orders and judgments as in other proceedings, including but not limited to, the imposition of sanctions or allowing the withdrawal of the appointed attorney.

(D) If the Court finds that the parties are both indigent, the Court may appoint an attorney from the approved list to serve pro bono.

(E) The Chief Judge and/or the Presiding Judge of the Family division shall maintain the list of approved attorneys and shall rotate the appointment of pro bono representatives.

(F) Each attorney on the approved list shall only be required to accept one (1) pro bono appointment each calendar year.

(G) The Chief Judge of this Circuit maintains the authority to remove any attorney from the list of approved attorneys based upon the failure of any appointed attorney to perform as provided in Supreme Court Rule 907.

8.12 Mediation of Custody, Allocation of Parental Responsibilities, Parenting Time and Visitation

(A) This circuit shall maintain a list of approved persons qualified to be appointed as mediator in child custody, allocation of parental responsibilities, parenting time or visitation matters covered under Article IX of the Supreme Court Rules.

(B) This Circuit Court expressly adopts and incorporates by reference the Local Court Rules for the Twentieth Judicial Circuit, Mediation of Custody, Allocation of Parental Responsibilities, Parenting Time and Visitation Issues Program consisting of six (6) pages as Addendum A to these rules.

8.13 Uniform Order of Withholding

Each order of child support or maintenance shall include a form Uniform Order for Support, Child Support Data Sheet, Child Support & Maintenance Worksheet and

Order/Notice to Withhold Income for Child Support. The Uniform Order shall include a provision for payment of the Maintenance/Child Support Clerk Collection Fee.

Upon expiration, termination or modification of support, the person owing support has the responsibility to terminate the Uniform Order of Withholding.

8.14 Judgment of Dissolution Required Provisions

Each Judgment of Dissolution of Marriage must contain the following provisions, unless such provision does not apply. Each such provision shall be separately captioned to aid the Court in review of the proposed judgment:

1. The basis for personal and subject matter jurisdiction
2. The statutory net income of the parents and the dollar amount of the child support pursuant to the statutory guidelines of 750 ILCS 5/505 and any deviation therefrom.
3. The identification of the parent(s) who shall cover the child(ren) for medical insurance and uninsured medical expenses.
4. The provision that maintenance is waived, reserved or awarded; if awarded, the type and duration of maintenance.
5. The award of decision-making responsibility, either sole, joint or a combination thereof, of the child(ren), along with a finding of best interest, and a parenting time schedule for each parent.
6. The assignment of non-marital property, award of marital property and allocation of debt.
7. Where applicable, a QDRO or QILDRO or other pension/retirement document. An Order shall be entered setting forth who is responsible for preparing same, and a future status date for its entry shall be scheduled.

Failure of counsel to comply with this rule may result in the Court's refusal to enter the proposed judgment.

8.15 Formal Orders

If a case is taken under advisement by the Court it shall be decided within sixty (60) days per Local Rule 1.08. If the counsel is preparing a typewritten version of a handwritten order, the order shall recite same and a status date shall be given to submit the typewritten version. The Order is valid as of the handwritten version.

8.16 Social Security Numbers

The Circuit Clerk may certify a copy of the document with only the final four numbers of the Social Security number. Child support data sheets shall be filed with full social security numbers and placed under seal. See also Supreme Court Rule 138.

8.17 Notice of Claim for Bail Bond Disbursement Pursuant to a Domestic Support Judgment/Lien

1. In criminal and traffic cases where a bond has been posted pursuant to the provisions of 725 ILCS 5/110-7 and Supreme Court Rule 530, and the Court orders a judgment and conviction be entered and the bond to be applied, and where a Notice of Claim for bond disbursement pursuant to a domestic support judgment has been filed in the criminal/traffic case prior to disbursement of any bonds, a Notice setting the matter for hearing shall be provided to all interested parties.

2. The court shall refer to any Notice of Claim for bond disbursement pursuant to a domestic support judgment which has been filed by an interested party and/or his or her attorney.

3. The Notice of Claim for bond disbursement pursuant to a domestic support judgment shall be sent to the prosecuting attorney, the Defendant (and defense attorney of record) and any other claimants of record with a proof of service showing sending of same by U.S. Mail to the last known address as listed in the court file.

8.18 Rule on Admissibility of Medical and Mental Health Records

Mental health records are governed by statute, including but not limited to 740 ILCS 110/1 et. seq.

If at least 30 days' written notice of the intention to offer the following documents in evidence is given to the opposing party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof: bills, records and reports of hospitals, doctors, dentists, orthodontists, registered nurses, licensed practical nurses and physical therapists, or other health-care providers.

If the opposing party objects to the authenticity of such documents produced pursuant to this rule, such objection shall be filed in writing no later than 21 days prior to hearing. Said objection shall be heard prior to the hearing at which said documents are to be introduced as evidence. The court shall have the discretion to apportion costs of proving authenticity and/or foundation.

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.

8.19 Model Forms

The court adopts as model forms for St. Clair County those available on the Circuit Clerk's Website at http://www.circuitclerk.co.st-clair.il.us/documentsForms/Family+Division/

ADDENDUM A

LOCAL COURT RULES FOR THE TWENTIETH JUDICIAL CIRCUIT MEDIATION OF CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, PARENTING TIME AND VISITATION ISSUES PROGRAM

RULE 1. DEFINITIONS

A. Mediation: When the word "mediation" is used herein, it means a cooperative process for resolving conflict with the assistance of a trained court-appointed, neutral third party, whose role is to facilitate communication, to help define issues, and to assist the parties in identifying and negotiation fair solutions that are mutually agreeable. Fundamental to the mediation process, describes herein, are the principles of safety, self-determination, procedural informality, privacy, confidentiality, and full disclosure of relevant information between the parties.

B. Impediment. When the word "impediment" is used herein, it means any condition, including but not limited to domestic violence or intimidation, substance abuse, or mental illness, the existence of which, in an individual, or in a relationship, may hinder the ability of any party to negotiate safely, competently, and in good faith. The identification of forms of impediment is designed not to require treatment, but to insure that only parties have a present, undiminished ability to negotiate are directed by court order to mediate. Mediation is based on a full disclosure of all facts related to the disputes so that a fair and equitable agreement can be achieved by the parties.

RULE 2. MEDIATION MANDATORY

A. Matters subject to Mediation: The designated judge shall order mediation of any contested issue of parental responsibilities, custody, visitation, parenting time, guardianship, relocation or access to children arising in any action not otherwise determined to be ineligible pursuant to this program. The parties may not proceed to a judicial hearing on contested issues arising relating to custody or allocation of parental responsibilities as defined by Supreme Court Rules until the mediation process has been concluded and its outcome has been reported to the court unless by specific leave of court.

B. Prerequisite to Mediation: The parties referred to mediation by the court shall complete the parent education program prior to starting mediation or as soon after starting mediation as the parent education program's schedule allows.

C. Commencement of Mediation: The mediation process shall commence as provided by Supreme Court Rule 923(a) (3). In no event shall mediation occur before a case has been screened for eligibility pursuant to safety protocols for mediators. The designated judge shall be advised by counsel and/or the parties concerning:

1. Impediment of the parties as defined herein. Reason to believe that an impediment may exist should result in referrals that may address the impediment(s) to mediation.
2. Other circumstances exist which would unreasonably interfere with mediation.
3. Mediation shall not be required if the court determines, upon motion of a party, that a case is ineligible for mediation. Said motion shall be supported by affidavit setting forth specific facts detailing why mediation would be inappropriate.

D. Discovery: Discovery may continue through the mediation unless otherwise ordered by the Court.

RULE 3. REFERRAL ASSIGNMENT PROCEDURE

A. Upon the court's order for the parties to participate in mediation, a mediator may be selected by agreement of the parties from the list of qualified mediators maintained by the Chief Judge or his/her designee. Absent an agreement, the trial judge shall select the mediator and assign the mediator a 45-day status date on the issue of progress of the mediation. The mediators shall be compensated by the parties at the rate agreed to by the parties and the mediator.
    1. The Court shall designate in its order what percentage of the mediation fee should be paid by the party and/or whether the case is a reduced fee case.
    2. The parties shall contact the mediator within seven days after the referral order is signed for the purpose of setting an appointment.
    3. The attorneys shall encourage the parties to mediate in good faith. The parties shall participate in mediation in good faith.
    4. On or before the status date set by the court for parties who are participating in mediation, the mediator shall submit a report to the court and the parties' legal counsel, which shall include the information required by these Rules.
B. Conflict of Interest.
    1. If the mediator appointed has or had any possible conflict of interest, including but not limited to, a current or previous therapeutic, personal or economic relationship with 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 attorneys and may be removed for that reason. If there is a conflict, the parties may select or the court shall appoint another mediator.
    2. A mediator who is a mental health professional shall not provide counseling or therapy to the parties or their children during or after the mediation. An attorney-mediator may not 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 Twentieth 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.

RULE 4. APPLICATION OF SAFEGUARDS IN CASE OF IMPEDIMENT

A. Duty to Assess: While mediation is in progress, the mediator shall assess continuously 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 shall adjourn the session to confer separately with the parties, may implement appropriate safeguards such as arranging future mediations in a court facility with security, mediating with the parties in separate rooms, or making referrals to community service providers. The mediator may:

1. Terminate mediation when circumstances indicate that protective measures are inadequate to maintain safety; or

2. Proceed with mediation after consulting separately with each party and determining whether mediation in some 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:

1. Suspend mediation when there is a reasonable likelihood the impaired condition of an affected party is only temporary; or

2. 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, including possible mediation by a judge rather than a private mediator to enhance safety and the ability of each party to mediate on an appropriate basis.

RULE 5. CONFIDENTIALITY.

A. Privacy of Sessions: Mediation sessions shall be private. Except as otherwise provided in these Rules, the mediator shall have authority to exclude all persons other than the parties 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 or any other participant or observer of the mediation, except that the parties may report these communications to their attorneys or counselors. Prior to the commencement of mediation, all

participants in the mediation shall sign the confidentiality agreement prescribed by these Rules.

C. 1. Limitation of Disclosure: Admissions, representation, statements and other communications made, or disclosed in confidence by any participant in the course of 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 as to privileged communications. 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.

1. Exceptions: Admissions, representations, statements and other communications are not confidential if:
    a. All 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.

RULE 6. ATTENDANCE AND TERMINATION OF MEDIATION

A. Attendance: The parties shall attend the mediation session(s) and shall attend a minimum of four (4) hours of mediation. Further participation may be extended by order of court or agreement of the parties. Mediation may be terminated or suspended prior to completion of the four (4) hours upon resolution of all mediated issues.

B. Termination or Suspension: The mediation may be terminated or suspended at the option of the mediator or 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 Rule.

D. Sanctions for Failure to Appear: If a party fails to appear without good cause at a previously agreed upon mediation conference or a mediation conference ordered by the court, 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, the mediator shall provide a written account of the agreements to the parties and their attorneys (if any), but the mediator shall not

provide this written account to the court. The mediator shall advise each party to obtain legal assistance in drafting or reviewing any final agreements. The mediator shall advise the parties that agreements reached during mediation will not be legally binding until they are reviewed by the court and signed by the judge.

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:
    1. Mediator's Report: The mediator shall prepare a report on the prescribed form within ten days of the termination of the last mediation session. These reports will be filed with the Circuit Clerk.
    2. Statistics: The mediator shall prepare a statistical report for each case on the prescribed form and file them at least quarterly with the trial court administrator.
    3. Reports to the Supreme Court: The trial 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 or mediations conducted the number or 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.

H. Appointment of a Child Representative/Guardian ad litem: If the mediator has concerns for the welfare or safety of the minor child (ren) or feels that it is in the best interests of the minor(s), the mediator shall recommend to the court in the report that a child(ren) representative or guardian ad litem be appointed for the minor(s).

RULE 7. ENTRY OF JUDGMENT OR ORDER

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

B. Approval by Court: The court shall examine the parties as to the content and intent of the agreement and shall reject the agreement in any of its provisions are found by the court to be unconscionable or contrary to the best interests of a minor child. Unless the agreement is rejected, 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 or such agreement are also the terms of the judgment or order.

RULE 8. QUALIFICATIONS AND TRAINING OF MEDIATORS

A. Requirements: Mediators in the Twentieth Judicial Circuit must meet all of the following requirements:
   1. Formal education: A mediator must possess a degree in law or a master's or other advanced degree in a field that includes the study of psychiatry, psychology, social work, human development, family counseling or other behavioral science substantially related to marriage and family interpersonal relationships or a related field or other degree program approved by the Chief Judge or his/her designee. If engaged in a licensed discipline, the mediator must maintain said license in full force and effect.
   2. Training: A mediator must complete a specialized training in family mediation consisting of a circuit-approved course of study or certification, consisting of at least 40 hours including the following areas:
      a. Conflict resolution
      b. Psychological issues in separation, dissolution and family dynamics
      c. Issues and needs of children in dissolution
      d. Mediation process, skills and techniques; and
      e. Screening for and addressing domestic violence, child abuse, substance abuse and mental illness.
   3. Insurance: Court-approved mediators must secure and maintain professional liability insurance which covers the mediation process and provide evidence of insurance to the Chief Judge annually.

B. Continuing Education: Approved mediators are required to complete ten (10) hours of circuit-approved continuing education every two (2) years of which two (2) hours must cover domestic violence issues and provide evidence of completion of to the Chief/Presiding Judge every two (2) years.

C. Establishment of List: The Judicial Circuit shall establish a list of court-approved mediators. All applicants for inclusion on the list shall possess the minimum qualifications set out in this circuit Rule. The Chief Judge or his/her designee in his/her discretion may require any biographical or other relevant information from an applicant in order to determine the applicant's qualifications for inclusion on the list. For good cause shown, the Chief Judge or his/her designee reserves the right to reject the application of any person who applies and to remove any mediator from the list. Inclusion on the list by the court shall not be considered a warranty that such mediator can successfully mediate any specific dispute.

D. Denial/Removal from List: An applicant denied inclusion on or removed from the court-approved list may appeal the decision in writing within ten (10) days to the Chief Judge or his/her designee. The Chief Judge or his/her designee shall decide the appeal after an opportunity for the applicant or mediator to be heard.

E. Pro Bono Requirement: Each circuit-approved mediator shall agree to mediate cases for a reduced fee as assigned by the Court. The Court will rotate the assignment of reduced fee cases so as not to unreasonably burden any individual mediator..

Part 9: COURT-ANNEXED MEDIATION IN ST. CLAIR COUNTY

9.01 Court-annexed Mediation

In an effort to provide an expeditious and expense-saving alternative to traditional litigation in the resolution of controversies, there is hereby established a program of court-annexed mediation, which shall operate in cases pending in the Law Division of the Circuit Court of St. Clair County. In order to further this purpose, there is a presumption in favor of court-annexed mediation for all cases eligible under these rules. Mediation pursuant to this Rule involves a confidential process by which a neutral mediator, selected by the parties or selected by or with the assistance of the Court, assists the litigants in reaching a mutually acceptable agreement. The role of the mediator is to assist in identifying the issues, reducing misunderstandings, exploring and clarifying the parties' respective interests and priorities, and identifying and exploring possible solutions that will satisfy the interests of all parties and thereby resolve some or all of the issues in dispute. Any agreement reached by the parties is to be based on the autonomous decisions of the parties and not the decisions of the mediator. Parties and their representatives are required to mediate in good faith, but are not compelled to reach any agreement. A person approved by the Court to act as a mediator under this Rule shall, pursuant to Supreme Court Rule 99, have judicial immunity in the same manner and to the same extent as a judge.

9.02 Civil Actions Eligible for Mediation

All civil actions seeking claims exclusively for money damages in an amount in excess of eligibility for Mandatory Arbitration under Part 7 of these Rules shall be eligible for court-annexed mediation. In all civil actions eligible for court-annexed mediation, the complaint and all summonses shall state in upper case letters on the upper right-hand corner, **"THIS CASE IS ELIGIBLE FOR COURT-ANNEXED MEDIATION."** All filings must be in compliance with Local Rules.

9.03 Referral by Judge or by Stipulation for Order of Referral

The presiding judge may order any contested civil matter pending in the Law Division to mediation by entering an Order of Referral. An Order of Referral may be entered by the presiding judge *sua sponte* or upon the motion of any party. Standard case management orders shall include a section addressing when the matter will be considered for mediation. In addition, the parties to any such matter may file a written stipulation to mediate any case or issue between them at any time. Any stipulation shall be incorporated into the Order of Referral.

9.04 Case Management of Cases for Mediation

A. In all cases filed in the Law Division the presiding judge shall use the initial or subsequent case management conferences under Illinois Supreme Court Rule 218 to

consult with the parties regarding entry of an Order of Referral to mediation. Referrals to mediation should occur at the earliest possible time.

B. If the case is referred to mediation, the presiding judge shall schedule a case management conference in order audit the outcome of the mediation.

C. The Clerk of the Circuit Court shall assure that a case referred to mediation is properly coded to reflect the referral, the result of mediation of the case and the continuation of the case for any necessary future court dates.

9.05 Discovery While Case Is Being Mediated

Discovery shall proceed as in all other civil actions. Whenever possible, the parties are encouraged to design discovery to develop information necessary for the parties to evaluate their case and to facilitate an early referral to court-annexed mediation.

9.06 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 as mediator the applicant must:

(1) Complete a mediation training program approved by the Chief Judge of the 20th Judicial Circuit; and

(2) Be a member in good standing of the Illinois Bar with at least eight (8) years of trial practice or be a retired judge; and

(3) Have no pending ARDC and JIB sanctions; and

(4) Submit an approved application form with the Chief Judge. Such applicant shall certify that he or she is licensed to practice law in the State of Illinois, that his or her license is in good standing, and that he or she has engaged in litigation for not less than eight (8) years, and that he or she has filed proof of legal malpractice insurance.

B. Mediator General Standards. In each case, the mediator shall comply with such general standards as may be established and promulgated in writing by the Chief Judge of the 20th Judicial Circuit. The Chief Judge may revise these Rules by administrative order to include continued legal education for all certified mediators.

C. Mediator by Agreement. Notwithstanding section A. (1) above, the presiding judge may appoint a mediator nominated by agreement of all the parties, if the nominee, by virtue of experience or training, has skills that are particular to the nature of the case.
The Judge retains his or her discretion to select an alternative mediator from the approved mediator list.

D. Decertification of Mediators. The Chief Judge may periodically review the eligibility of each mediator to retain the status of a certified mediator. Failure to adhere to these Rules may result in the decertification of the mediator.

9.07 Mediator Confidentiality

A. General Rule of Mediator Confidentiality. All oral and written communications made during the mediation process at any time, other than executed settlement agreements, shall be deemed confidential and privileged in accordance with the provisions of the Uniform Mediation Act [710 I.L.C.S. 35/1-99 (2004)] As identified in Form 2: Confidentiality Agreement and Nonrepresentation Acknowledgement. All such communications are subject to an evidentiary privilege and shall be exempt from discovery and inadmissible as evidence in any action or proceeding. However, evidence that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its use in a mediation session.

B. Exceptions to General Rule of Mediator Confidentiality. The general rule of confidentiality does not apply:

1. In situations where professional misconduct reporting rules, such as the Rules of Professional Conduct, require reporting of a mediation communication;
2. As necessary to defend against a lawsuit or claim for malpractice or other misconduct; or
3. In the case of threat of a prospective crime or of serious imminent harm to any person. In such circumstances, the reporting party may testify to or report only the necessary information to the appropriate authorities. The mediator shall not be compelled to provide evidence of a mediation communication in any lawsuit or claim against an attorney or party participating in the mediation.

9.08 Compensation of the Mediator

Unless otherwise agreed in writing, the mediator shall be compensated at the rate of $200 per hour with each party responsible for a proportionate share of the total fees of the mediator. The mediator's fee shall be subject to appropriate order or judgment for enforcement. Each court-certified mediator shall agree to mediate one case without compensation when a Court has determined that mediation might be beneficial and that none of the parties has the resources to compensate a mediator.

9.09 Appointment of the Mediator

A. Appointment by Stipulation. Within fourteen days of the Order of Referral, the parties are to make a good faith effort to agree upon a mediator taken from court-certified list of mediators.

B. Appointment by Motion. If the parties cannot agree upon a mediator from the court-certified list of mediators, the parties shall join in a motion directed to the presiding judge who shall appoint a mediator from the court-certified list of mediators.

C. Appointment of Noncertified Mediator in Specialized Cases. The presiding judge may appoint a licensed attorney who does not meet the certification requirement of Rule 9.06 if, by training or experience, the attorney has specialized qualifications to mediate some or all of the issues in the particular case.

9.10 Scheduling and Conduct of Mediation

A. Scheduling Mediation. Unless otherwise ordered by the Court, the first mediation session shall be held within sixty (60) days of the date of entry of the Order of Referral. When the date, time and place of the initial mediation session have been agreed upon, the mediator shall send written confirmation of the date, time and place to the Program Administrator; the Circuit Clerk's Office; all parties; and the Court.

B. Conduct of Mediation

[1] Parties to Prepare Pre-Mediation Submission. At least ten (10) days before the session, each side shall present to the mediator a brief, written summary of the case containing a list of issues as to each party, unless the mediator has requested a different procedure to be followed. 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 delivered to the mediator. The summary shall include the facts of the occurrence, opinions on liability, all damage and injury information, and any offers or demands regarding settlement. Names of all participants and their relationship to the parties in the mediation shall be disclosed to the mediator in the summary prior to the session.

[2] Mandatory Appearance. 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 or by the mediator. A party is deemed to appear at a mediation conference if the following persons are physically present:

(a) 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

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

(c) 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; and,

(d) If a party is a public entity, that party shall be deemed to appear at a mediation session by the physical presence of a representative of the party with full authority

to negotiate on behalf of the party and to recommend settlement to the appropriate decision-making body and the party's counsel of record.

[3] Failure to appear. If a party fails to appear at mediation session without good cause, the Court upon motion may impose sanctions against the party failing to appear. Such sanctions may include an assessment against the party failing to appear of the attorneys' fees incurred by the other parties in preparing for and attending the mediation session and the fees of the mediator for preparing for and attending the mediation session.

[4] Communication with Parties. The mediator may, during the course of the mediation, speak privately to one or more of the parties outside the presence of other parties.

[5] Counsel. Parties and their respective counsel shall be permitted to confer privately at any time.

[6] Adjournments. The mediator may adjourn the mediation session at any time and may set times for reconvening the adjourned session. The mediator may suggest that specific additional discovery be completed on an expedited schedule in order to aid in arriving at a settlement of some or all of the issues. The mediator shall confirm in writing any stipulation regarding additional discovery and confirm to all parties the date, time, and place for reconvening the adjourned session. Mediation shall be completed within ninety (90) days of the first mediation session unless extended by order of the court or by stipulation of the parties.

C. Parties to Expend Good Faith Effort to Settle. The parties and their representatives are required to mediate in good faith but are not compelled to reach an agreement. Settlement agreement must result from the parties' assent, and not as the result of the mediator's decision or coercion.

9.11 Completion of Mediation

A. Duties of the Parties and the Mediator upon Completion of Mediation by Settlement. If agreement is reached it shall be reduced to writing by the parties and signed by each of the parties. Following execution of the written settlement agreement by all parties, the parties shall file with the Court a Memorandum of Agreement. The mediator shall file a Mediator Report with the Office of Court Administrator, 10 Public Square, Belleville, IL 62220-1623 and with the presiding judge of the case.

B. Completion of Mediation upon Mediator's Certification of No Agreement. If the parties have reached no agreement and the mediator concludes that further mediation would not be likely to result in agreement, the mediator shall file a Memorandum of No Agreement and a Mediator Report with the presiding judge. The presiding judge shall then call the matter for case management conference.

C. Termination of Mediation by Court Order. Upon the motion of a party, the Court may enter an order terminating mediation upon good cause shown. The presiding judge shall then call the matter for case management conference.

D. Mediated Agreement as a Contract Among the Parties. In the event of a breach or failure to perform under the written settlement agreement, the presiding judge may impose sanctions, including costs, attorneys' fees, or other appropriate remedies including entry of judgment on the agreement. The mediator may only testify to the existence or lack of existence of a fully executed written settlement agreement and shall not agree to or be compelled to testify as to any mediation communication or give interpretation of any mediation communication.

9.12 Reports to the Administrative Office of Illinois Courts

The Circuit Court of St. Clair County through the Office of the Chief Judge shall submit report as required and/or requested by the AOIC.

9.13 Forms

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

Form 1: **COURT-ANNEXED MEDIATION REFERRAL ORDER**
Form2: **CONFIDENTIALITY AGREEMENT AND NONREPRESENTATION ACKNOWLEDGEMENT**
Form 3: **MEMORANDUM OF AGREEMENT/NO AGREEMENT**
Form 4: **MEDIATION AGREEMENT**
Form 5: **MEDIATOR REPORT**

Other forms may be promulgated by the Chief Judge to aid in reporting on or evaluating the mediation process as required by Supreme Court Rule 99.

PART 10. RESIDENTIAL FORECLOSURE MEDIATION

10.1 PURPOSE:

The Foreclosure Mediation Program (Program) is designed to alleviate the burden of costs and expenses to lenders, borrowers and taxpayers caused by residential mortgage foreclosures. The Program aims to keep families in homes and prevent vacant and abandoned homes that negatively impact property values and destabilize neighborhoods. The Program also promotes greater efficiency in the administration of justice by reducing the backlog of court cases in the lengthy foreclosure process.

10.2 ACTIONS ELIGIBLE FOR MEDIATION:

The Program is mandatory and limited to owner-occupied residential property that serves as the homeowner's primary residence. Foreclosures of non-residential, investment, or commercial properties are not eligible for the Program.

10.3 EFFECT OF THE PROGRAM RULES ON PENDING COURT CASE:

The borrower must file an answer and appearance in the foreclosure action if he or she wishes to litigate the case. The borrower does not have to file an answer and appearance to participate in the mandatory mediation program. No dispositive motions, including motion for default judgment, shall be allowed until mediation is completed. In addition, unless otherwise ordered by the court, no discovery shall take place until after the mediation is complete. If the case is subject to mandatory mediation, both parties are required to submit documents and provide information necessary for the mediation process and required by the mediation rules.

If a borrower fails to appear for the Initial Intake Conference for mandatory mediation, all motions shall be allowed, including but not limited to, a motion for default judgment.

The court retains jurisdiction to hear any and all motions relevant to mediation.

10.4 MEDIATION PROCEDURE:

1) ADMINISTRATION OF PROGRAM/KEY COURT PERSONNEL:

The Mediation Program will be managed by an Administrator. The Administrator refers to an individual or organization funded to oversee the project, or if no such person exists, to the Circuit Clerk.

2) GRANT FUNDING AND FILING FEES:

Funding has been secured from the Attorney General to provide mediator fees and administrative fees for a period of three years. The start date of the grant is 05/01/2013.

A) FILING FEES:

The effective date of the increased filing fee will be upon notification by the Illinois Supreme Court that these Rules have been adopted. As of 07/01/2013, the base filing fee is $302.00, plus an additional $50.00 fee to fund the Foreclosure Prevention Program Fund. There is a second fee, ranging from $50.00, $250.00, or $500.00 pursuant to 735 ILCS 5/15/1504.1 Thus, the total filing fee would range from $402.00 to $852.00. The additional $100.00 filing fee would raise the overall filing fee range to a range of $502.00 to $952.00.

B) MEDIATORS' FEES:

Combined funding from grant funds and additional filing fees: The Attorney General grant will fund 100 cases for mediation per grant year, at $250.00 per case mediated. As there are approximately 1000 foreclosures filed in St. Clair County each year, additional funding must be available to ensure all homeowners opting into the programs can have their case mediated. To ensure continuation of mediators' fees after 100 mediations have been heard, in counties where the program is implemented, the Circuit Clerk shall charge an additional $100.00 filing fee on residential foreclosure filings. Any unused fees will be kept in reserve to supplement the 100 mediations for each remaining year of the grant. After the completion of the grant, remaining funds will be used to independently fund the mediation program.

C) ADMINISTRATION COSTS:

The Attorney General grant will fund the Administration/Mediation Coordinator position for a period of three years. To ensure sustainability of the administration for this position after the grant expires, it is the intent of the program that any reserves from the additional $100.00 filing fee on complaints filed to foreclose a real estate mortgage, will be used to support the cost of administration.

10.5 COMPLAINT AND SUMMONS :

1] COMPLAINT AND ATTACHMENTS:

The Complaint shall clearly designate whether the case is subject to mediation. Beneath the caption title “Complaint”, the plaintiff shall include “Subject to Mandatory Mediation” or “Not Subject to Mandatory Mediation”. All homeowner-occupied residential foreclosures are subject to mandatory mediation.

After the foreclosure complaint is filed, the homeowner is served with the summons, notice of mandatory mediation and the foreclosure mediation program initial questionnaire. The notice of mandatory mediation shall: advise the borrower to bring certain documents to the Initial Intake Conference; contain a list of housing counselors certified by the Housing and Urban Development that may be available to assist the borrowers in foreclosure; advise the borrower of free legal assistance in the area,

specifically, Land of Lincoln Legal Assistance Foundation; and advise the borrower that a language interpreter is available without cost upon contacting the Administrator.

In cases subject to mandatory mediation, in addition to the forms required by the Illinois Supreme Court Rules, plaintiff shall use the following forms: Summons (Exhibit A), Notice of Mandatory Mediation (Exhibit B), and Foreclosure Program Initial Questionnaire (Exhibit C).

2] SUMMONS:

In all mandatory mediation cases, the plaintiff shall select a date and time for the Initial Intake Conference from a list of dates issued by the Circuit Court, to be included in the Summons. The date shall be at least thirty (30) days from the issuance of the Summons.

If service is by Publication, the plaintiff shall pick a date from the Circuit Court list at least sixty (60) days from the date of first publication.

The Circuit Clerk will set the case to the Initial Intake Conference calendar on the date selected on the summons or the affidavit for publication, both of which shall contain an Initial Intake Conference date.

Where there is more than one homeowner subject to the mortgage, and at least one of the homeowners appears at the initial intake conference, the Mediation Administrator (Administrator) shall accept the case into the Program, which shall include each homeowner subject to the mortgage.

10.6 REQUIRED DOCUMENTS TO BE PROVIDED AT THE INITIAL INTAKE CONFERENCE AND PRE-MEDIATION CONFERENCES:

1] Initial Intake Conference:

The lender or its representative shall provide the following at or before the initial intake conference:
The lender's current loan modification packet and information on the loan. The plaintiff may mail an assistance packet directly to the homeowner and send a copy to the Administrator, or the plaintiff may send an assistance packet to the Administrator to provide to the homeowner at the Initial Intake Conference. The plaintiff will provide a list of supporting documents and the plaintiff counsel's information for submissions by email or mail. The plaintiff shall notify the Administrator who is the owner of the loan and if there are any issues that prevent a loan modification or non-retention option.

2] Pre-Mediation Conference:

The lender or its representative shall provide the following at the first pre-mediation conference:

A) Proof of the Plaintiff's standing to file the foreclosure;
B) Proof of the mortgage holder's standing and status as the real party in interest;
C) Any pooling and servicing agreement;
D) Loan origination documents;
E) Appraisal at the time of the loan origination and any subsequent appraisal;
F) Payment history records with respect to the mortgage, including all fees and costs incurred;
G) An itemization of the amounts needed to cure and payoff the mortgage.

The homeowner shall provide the following at the first pre-mediation conference:

A) Proof of income, e.g. pay stubs or benefit statements.

10.7 PURPOSE AND GOALS OF THE INITIAL INTAKE CONFERENCE, PRE-MEDIATION CONFERENCES AND MEDIATION CONFERENCES:

The purpose of these conferences and the Program itself is to assist homeowners to reach mutually acceptable solutions with lenders regarding their homes. Solutions include but are not limited to a loan modification or other options that may be available in lieu of foreclosure.

10.8 INITIAL INTAKE CONFERENCES:

The Circuit Clerk and the Administrator shall work together to compile a list of available dates for Initial Intake Conferences. The Circuit Clerk shall notify the Administrator when Initial Intake Conferences are scheduled.

The location of the Initial Intake Conferences will be included in the Summons and will be held in the St. Clair County Courthouse Law Library, unless otherwise noted.

The Initial Intake Conference will not count for the purposes of Rule 7's limitation on the number of pre-mediation conferences.

During the Initial Intake Conference, the homeowner and the Administrator will discuss options available for the borrower through the Program. If the homeowner(s) fails to attend the Initial Intake Conference and have been properly served under the mediation rule, the mediation case will be terminated. Homeowners who are currently in bankruptcy or are not residing in the residence of which the mortgage is being foreclosed cannot proceed with mediation. When possible, housing counseling and legal service agencies will be present to present information to the borrowers, screen the homeowner

to see if they qualify for the services the agency provides, and answer questions on the foreclosure process. If the Administrator believes a loan modification or dignified exit option is feasible, the Administrator shall give the assistance packet, provided by the plaintiff prior to the conference, to the homeowner if the homeowner does not have one, and the homeowner will be given time to submit the packet to the plaintiffs' counsel. The Administrator shall set a first pre-mediation conference between the plaintiff, plaintiff counsel and the homeowner within 45 days of the Initial Intake Conference, and the Administrator will send notice of the first pre-mediation conference to the plaintiff and homeowner.

10.9 PRE-MEDIATION CONFERENCES:

At the first pre-mediation conference, the lender will provide the homeowner with all the required documents as listed in the rules. The homeowner will provide the information available regarding proof of income, if any. If the defendant did not submit the assistance packet before the pre-mediation conference, the mediation may be terminated unless otherwise agreed to by the parties. The Administrator will inquire as to the status of the assistance packet. Additional pre-mediation conferences to review the status of the case will be scheduled according to Rules 7, 8 and 9 or as agreed to by the parties. The time period between pre-mediation conferences will depend on the options for which the defendant is being reviewed, which may include: a loan modification; a deed in lieu of foreclosure; a consent to a judgment waiving any deficiency judgment against the homeowner; a shortsale; or any other agreement or settlement resulting in a dignified exit from the residence.

If the information provided by the borrower indicates a substantial loss of income so severe that a loan modification could not be feasible, and the homeowner desires to keep the house and will not accept another option resulting in a dignified exit from the resident, the Administrator shall terminate the premediation and remand the case back to court.

As noted in Rules 10 and 12, it is not acceptable for a lender as a matter of the lender's policies, to refuse to offer an option other than a loan modification or other workout. If a lender refuses to offer another option, the Administrator will set the case for mediation. The mediator will inquire further, as to why another feasible option is not available.

If a pre-mediation conference results in a temporary agreement or a permanent agreement, the Administrator will not send the case to mediation, but follow the steps as outlined in Rule 11.

10.10 MEDIATION CONFERENCES:

A mediator can set subsequent mediation conferences 30 or 45 days apart, depending on the progress of mediation and the likelihood that the case will be resolved by mediation.

At any time during these conferences, the mediator may refer a borrower to a housing counseling agency, an organization providing mortgage assistance, lawyer referral agency, or the local legal aid office.

10.11 PARTIES REQUIRED TO ATTEND INITIAL INTAKE, PRE-MEDIATION AND MEDIATION CONFERENCES:

The following persons must appear at the initial intake conference:

The homeowner

The following persons must participate in the pre-mediation and mediation conferences:

The homeowner; and
The homeowner's attorney if any;
The lender; (in person or by telephone) and
The lender's attorney with actual settlement authority.

Additional parties:

The mediator may include in the mediation any person the mediator determines would assist in the mediation.

10.12 NUMBER AND DURATION OF CONFERENCES:

There is a limit of two pre-mediation conferences and two mediation conferences unless one extension is granted as provided in these rules. Each conference is limited to two hours, but can be extended beyond the time limit if the mediator believes an agreement appears imminent.

10.13 CONTINUANCES:

Unless a temporary agreement has been reached as outlined in Rule 11, a party may, upon good cause shown, request a continuance of one pre-mediation or one mediation. If a party is requesting a continuance, the request must be sent to all parties and the Administrator. The Administrator will continue the conference and provide the parties and mediator (if applicable) with a new date.

10.14 EXTENSION REQUEST BEYOND THE FOUR CONFERENCES:

Unless a temporary agreement has been reached as outlined in Rule 11, a party may for good cause shown, request one extension of the conferences, resulting in a total of 5 conferences. The party must support the request for extension with substantial facts that the mediator believes will result in a successful mediation.

10.14 OBLIGATION TO MEDIATE IN GOOD FAITH:

Each mediation party or authorized representative of a mediation party shall make a good faith effort to mediate all issues, including production of all documents outlined in these rules to be produced.

A mediation party shall cooperate with the Administrator and mediator to produce the information requested to permit the mediation process to function effectively.

A good faith effort to mediate requires the lender to conduct the following loss mitigation analysis:

A) Evaluate the borrower(s) eligibility for alternatives to foreclosure, including but not limited to reinstatement, loan modification, forbearance, short sale, and deed in lieu of foreclosure.
B) Offer the borrower a loan modification at the best terms available for a loan modification if the borrower(s) is eligible for one.
C) If the lender does not reach a loan modification with the borrower(s) during the mediation, the lender shall provide a written analysis of its position, demonstrating that the net present value of receiving payments pursuant to a modified mortgage loan is less than the anticipated net recovery following foreclosure.
D) If the lender rejects a proposed settlement that offers an alternative to the foreclosure other than a loan modification or other renegotiated terms of the residential mortgage that would result in a lower cost than foreclosure to the lender, the lender shall provide a written explanation for the rejection of the proposal.

10.15 TEMPORARY AND PERMANENT AGREEMENTS:

A temporary or permanent agreement may be reached during mediation. A temporary agreement may include, but is not limited to: a trial loan modification, a deferment agreement or a forbearance agreement. During this time, the mediation case remains pending, and is not remanded back to court.

If a temporary agreement has been reached, and such agreement will result in a longer period between conferences than generally allowed by these rules, the parties can extend the mediation conference date out to a date that incorporates the end of the trial period. The Administrator or the mediator will file with the court notice that a temporary agreement has been reached, the terms of the agreement, and the date of the next conference.

If a permanent agreement is reached, a Summary of Agreement, outlining the terms of the agreement, shall be drafted by the mediator or the lender if the mediator directs. The agreement shall be signed by the homeowner, the homeowners attorney or

representative, the lender, (an attorney can sign for the lender) the lender's attorney, and filed in the mediation file and with the court, as outlined in Rule 14.

10.16) FAILURE TO MEDIATE IN GOOD FAITH:

Either mediation party will be deemed to not be acting in good faith if the party:
A) Fails to provide the information and documentation as required by these rules;
B) Fails to attend a pre-mediation or mediation as scheduled by the mediator.

A lender, and or the lender's attorney with actual settlement authority, will be deemed to not be acting in good faith if the lender:

A) Fails to make a good faith effort to evaluate the borrower for a renegotiation of the terms of the residential mortgage, including a loan modification as outlined in these rules;
B) Fails to provide a written explanation of the rejection of any possible renegotiation of the terms of the loan;
C) Fails to make a good faith effort to evaluate the borrower for other alternatives available to the homeowner, such as deed in lieu or a short sale; or
D) Fails to provide a written explanation of the rejection of other possible alternatives available to the homeowner.

10.17) TERMINATION OF MEDIATION CONFERENCE:
A mediator may terminate the Mediation at any time during the mediation process for the following reasons:

A) A permanent agreement has been reached between the parties;
B) In the mediator's opinion, no purpose would be served by continuing the Mediation; or
C) A party has failed to mediate in good faith.

10.18) REPORT TO THE COURT AT THE TERMINATION OF MEDIATION:
The Administrator or a mediator will file with the trial court a certificate indicating the following:

A) The parties came to a permanent agreement, and the nature of that agreement;
B) There is no purpose served by continuing with the Mediation; or
C) A party did not mediate in good faith, and the nature of the failure to mediate in good faith.

10.19) COURT STATUS DATE POST MEDIATION REPORT:
The foreclosure case shall be set for a status date within 21 days after the Administrators Report or the mediator's report is submitted to the court. If the parties were able to reach an agreement through the mediation process, the foreclosure case shall be dismissed at the status date unless the agreement includes a trial modification.

A) If the agreement includes a trial modification, the court will retain jurisdiction and the case will be set for review at the end of the trial period. If a homeowner has successfully complied with all requirements for the modification or loss mitigation workout at the time of review, the foreclosure case shall be dismissed.
B) If the parties mediated in good faith but could not reach an agreement, and there is no purpose in continuing with mediation, the court shall issue an order terminating mediation and allowing litigation to go forward.
C) If the mediation was terminated for failure to mediate in good faith, the court shall review the nature of the mediator's complaint. The court may order sanctions including but not limited to the following: The court may impose a fine against the lender, order the case back to mediation, order the terms of a settlement agreement to be honored, dismiss the foreclosure action against the homeowner, and/or waive all costs assessed by the lender against the borrower in the foreclosure action.

10.20 JUDICIAL REFERRAL TO MEDIATION AT ANY TIME PRIOR TO THE SALE OF THE RESIDENCE:
During the foreclosure case, if it comes to the court's attention that there are facts that warrant mediation, the court can stay the foreclosure proceedings further, and remand the case to the Program. Facts to consider may include:

A) The homeowner had no opportunity to attend an Initial Intake Conference because service by publication or personal service was before the implementation of the mediation program, as updated.
B) The homeowner has been working with the lender and has been placed in a loan modification, but the case has continued to move through the foreclosure process.
C) The homeowner has actively engaged the lender with the possibility of a loan modification, but has met with insurmountable barriers such as being advised the documents have been lost, misplaced, or not received.
D) The homeowner now has income with which to enter into a loan modification.
E) Other circumstances the court find persuasive.

10.21 TRAINING OF JUDGES, KEY COURT PERSONNEL AND VOLUNTEER MEDIATORS

1) JUDGES:

The Chief Judge shall select Associate and Circuit Judges to be trained in the Twentieth Judicial Court Foreclosure Mediation Program (Foreclosure Mediation Seminar).

2) ADMINISTRATION/KEY COURT PERSONNEL:

The Administrator shall review the Foreclosure Mediation Program Rules and will develop and implement a process for foreclosure mediation. After development and implementation, the Administrator will present on the relevant portion at the Foreclosure Mediation Seminar.

In addition, the Circuit Clerk shall assign individual clerks to attend the Foreclosure Mediation Seminar.

3) MEDIATORS:

Unless a retired judge or previously certified mediator, all individuals wanting to participate as mediators must attend a court approved mediation skills program to become certified. In addition, all individuals must attend the Foreclosure Mediation Seminar.

10.22 MEDIATORS

1) QUALIFICATIONS, APPOINTMENT, AND COMPENSATION:

Applicants shall be eligible for appointment to serve as mediators by filing with the Program Administrator an application form certifying the following:

A) Is a retired judge, or;
B) Is a certified mediator in any Illinois Circuit Court mediation program or any federal mediation program, and;
C) Has attended a mandatory Foreclosure Mediation Seminar, and;
D) Has read and is informed of the rules of Supreme Court relating to Mediation Programs, and the Foreclosure Mediation Program Rules of the Twentieth Judicial Circuit.

Each application must be reviewed and approved by the Chief Judge or his or her designee.

The Administrator shall maintain an alphabetical list of persons qualified to serve as mediators who shall be assigned on a rotating basis.

Mediators shall be compensated $250.00 for each case that is subject to mediation.

Upon completion of the mediation process, the mediator will file a voucher with the Administrator. The Administrator shall process the vouchers for payment to the mediators.

2) CONFIDENTIALITY:

Unless otherwise authorized by the parties, all oral or written communications made in the course of mediation, other than written agreements between the parties and documents filed of record, shall be exempt from discovery and shall be confidential and inadmissible as evidence in the underlying cause of action.

3) IMMUNITY:

Any person approved to act as a mediator under these rules, while acting within the scope of his or her duties as a mediator, shall have judicial immunity in the same manner and to the same extent as a judge in the State of Illinois, as provided in Illinois Supreme Court Rule 99.

4) IMPARTIALITY:

A mediator shall conduct mediation in an impartial manner and avoid conduct that gives the appearance of partiality. Mediators shall not act with partiality or prejudice based on any participant's personal characteristics, background, values and beliefs, or any other reason. If at any time a mediator is unable to conduct mediation in an impartial manner, the mediator shall withdraw.

5) CONFLICT OF INTEREST:

A mediator shall avoid a conflict of interest or the appearance of a conflict of interest during the mediation process. A mediator shall not mediate a foreclosure case without both parties' consent if the mediator has any past or present personal or professional relationship with either party involved in the mediation that reasonably raises a question of a mediator's impartiality. A mediator shall disclose, as soon as possible, all actual and potential conflicts of interest that are reasonably known to the mediator and could reasonably be seen as raising a question about the mediator's impartiality. After disclosure, if all parties agree, the mediator may proceed with the mediation.

10.23 CAPACITY TO PROVIDE LANGUAGE ASSISTANCE

For those individuals whose principal language is not English, or for individuals that are hearing impaired, the Judicial Case Coordinator will provide assistance using either local language interpreters, or level five certified deaf interpreters.

10.24 QUARTERLY AND ANNUAL REPORTING TO THE ILLINOIS SUPREME COURT

The Administrator will capture specific case information on each residential foreclosure filed in St. Clair County. This information will include the number of homeowners that entered into the mediation program and the outcome of the mediation.

The information will be submitted to the Supreme Court on a quarterly basis. The report is to be received by the 30th day following the month the quarter has ended.

An annual report will be submitted to the Supreme Court by the 31st day of January, following the end of the previous fiscal year.

PART 11.00: E-FILING

11.01 Authority

A. By the issuance of Order Number M.R. 18368, the Illinois Supreme Court has approved electronic filing for Circuit Courts in the state of Illinois. The Order, dated October 24, 2012, was effective January 1, 2013. Electronic filing shall run pursuant to the *Electronic Filing Standards and Principles* set out in the Supreme Court Order.
B. Specific authority for electronic signatures, time of electronic filing and electronic service has been granted by Supreme Court Order M.R. 18368, filed October 24, 2012 and amended on September 14, 2014.

11.02 Designation of Electronic Filing Case Types

A. This Court hereby authorizes civil and criminal case types (including citations) that are originally filed as such, as permissible electronic filing case types. From time to time the Court may authorize, by written Administrative Order, additional types of cases to be processed via electronic filing. The Circuit Court Clerk shall direct the phasing in of initial implementation.
B. On or after the effective date, each new case shall become an e-file case subject to these rules when a Plaintiff or the State's Attorney files a complaint electronically or a Defendant files an answer electronically.
C. All appellate and post-judgment enforcement proceeding documents and notices shall be filed and served in the conventional manner and not by means of e-filing including but not limited to the notice of appeal and notice to prepare.
D. Documents and notices in entirely impounded, sealed, expunged, or confidential cases shall be filed in the conventional manner and not by means of e-filing. Documents and notices involving impounded, sealed, expunged, or confidential documents within an otherwise open case shall also be filed in the conventional manner and not by means of e-filing. Electronically filed documents subsequently impounded, sealed, or expunged by order of the Court shall be subject to the same rules and restrictions as paper copies of filed documents retained by attorneys or other officers of the Court subsequently impounded, sealed, or expunged.
E. Documents required to be maintained in their original form pursuant to the *Manual on Recordkeeping in the Circuit Courts* or other rule or statue are excluded from electronic filing.

11.03 Definitions

The following terms in these rules are defined as follows:
Conventional manner of filing – The filing of paper documents with the Clerk as is done in cases that are not e-file cases.
Attorney Account – An account established by an attorney in agreement with Clerk of the Court from which filing fees can be applied.

Electronic Document ("e-document") – An electronic file containing informational text.
Electronic Filing ("e-filing") – An electronic transmission of information between the Clerk of the Circuit Court and a vendor for the purposes of case processing.
Electronic Image ("e-image") – An electronic representation of a document that has been transformed to a graphical or image format.
PDF – A file format that preserves all fonts, formatting colors and graphics of any source document regardless of the application platform used.
Subscriber – One contracting with a Vendor to use the e-filing system.
Vendor – A company or organization that has an executed Electronic Information Project Agreement with the Clerk of the Circuit Court to provide e-filing services for the 20th Judicial Circuit.

11.04 Authorized Users

A. The Court and the Clerk of the Circuit Court shall provide a list of staff members designated to operate the e-filing system within the scope of their duties, and the names of any other individuals, as deemed necessary by the Court. The Circuit Clerk shall maintain a current list containing the names and contact information for all Vendors approved to provide e-filing services within the County. The Vendor or Vendors shall assign confidential user identifications and passwords to the Clerk, which will be used by the listed individuals to access the Vendors' product services. No user shall knowingly authorize or permit the Clerk's confidential user identifications and passwords to be used by anyone other than staff members designated by the Court or the Clerk of the Court.
B. Upon receipt by the Vendor of a properly executed E-file Subscriber Agreement/Registration, and notification to the Clerk of the Circuit Court in writing, the vendor shall assign to the Subscriber confidential user identification and password. The Subscriber shall use this confidential user identification and password to file, serve, receive, review and retrieve electronically filed pleadings, orders and other documents in an assigned case. No confidential user identification and password holder shall knowingly authorize or permit his or her confidential user identification and password to be used by anyone other than authorized attorneys or employees of the attorney's law firm or designated co-counsel, where it has been established in writing by the confidential user identification and password holder that designated counsel may file documents on behalf of the assigning counsel.
C. Without charge during normal business hours, the Clerk of the Circuit Court shall provide attorneys and parties in e-file cases access to an e-file computer workstation. Any attorney or party of a designated e-file case who is not a subscriber that requests to file a document shall be given a temporary confidential user identification and password, and allowed to spend a reasonable time at the workstation in connection with e-filing cases.
D. When available, court partner agencies shall not be required to register individually while using integrated systems.

11.05 Method of Filing

A. The Circuit Court hereby authorizes electronic filing in each of the designated cases as identified in Rule 11.02, above. Once a case becomes an e-file case the Clerk of the Circuit Court may accept subsequent filings electronically through an approved Vendor online or through the Clerk's computer workstation, hereafter.
B. At no time shall the ability to file electronically prevent or exclude the ability to file any valid pleading with the Clerk of the 20th Judicial Circuit Court in conventional paper format. The Clerk shall scan conventionally filed documents into the electronic file.
C. Physical items for which a photograph may be substituted may be electronically imaged and e-filed. Items not conducive to electronic filing, such as documents under seal and physical exhibits for which an image will not suffice, shall be filed in their physical form at the Clerk's Office or in the Courtroom, as directed by order of the Court. The Motion and Notice of Motion for permission to file any of these physical items may be done electronically in e-file cases. The Court in its discretion may deem that certain documents may be filed in a conventional manner.
D. Electronic documents containing links to material either within the filed document or external to the filed document are not considered part of the filing or the official court file.
E. The Court, through the Clerk of the Court, may issue e-filing notices and other documents electronically in an e-file case.

11.06 Maintenance of Original Documents

A. Anyone filing an electronic document that requires an original signature certifies by so filing, that the original signed document exists in the filing person's possession. Unless otherwise ordered by the Court, the filing party shall maintain and preserve all documents containing original signatures that are filed electronically. The filing party shall make those signed originals available for inspection by the Court, the Clerk of the Court or by other counsel in the case, upon five (5) days' notice. At any time, the Clerk of the Court may request from the filing party a hard copy of an electronically filed document, which shall be provided within five (5) business days upon reasonable notice.
B. All documents that are required to be maintained and preserved must be kept by the filing party for one year after the appellate process period has been exhausted when a final mandate of the appellate court has been issued.

11.07 Privacy Issues

Easy access to electronic documents raises many privacy issues, some of which have been addressed in the "Electronic Access Policy for Circuit Court Records of the Illinois Courts", Revision effective April 1, 2004. While the Electronic Access Policy allows for greater access of electronic documents by attorneys of record and litigants, e-filing users must be sensitive to confidential and personal information not filed under seal, even though electronically filed documents will be exchanged though a secure transmission. Once the document is filed electronically, it becomes part of the Official Court Record and

would be open for public inspection at the Clerk's office, unless otherwise ordered by the Court. It is the responsibility of counsel and the parties to be sure that all pleadings do not disclose previously statutorily impounded or sealed information or private information defined in Supreme Court Rule 15 (Social Security Numbers, effective April 26, 2012) and Supreme Court Rule 138 (Personal Identity Information, effective July 1, 2013).

In addition, persons filing electronically shall exercise extreme caution when filing documents that contains the following:

1. Personal identifying numbers.
2. Medical records, such as treatment and diagnosis.
3. Employment history information.
4. Individual financial information.
5. Proprietary or trade secret information.
6. Names of Minor Children.
7. Any similar information or data.

E-filed documents which contain any of the above information may be immediately sealed by the assigned judge with a redacted copy placed in the file with notice provided to parties within ten (10) days of the sealing. Any objection to the sealing shall be heard pursuant to motions requesting same.

11.08 Format of Documents

A. All electronically filed documents shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper documents. Additionally, each electronically filed pleading and document shall include the case title, case number and the nature of the filing.
B. Each electronically filed document shall also include the typed name, e-mail address, address and telephone number of the attorney filing such document. Attorneys shall include their ARDC Number and attorney or firm suspense account number on all documents.
C. Bulk filings of multiple cases within a single electronic filing transaction will not be accepted. Documents with different case numbers must be electronically filed individually. Individual pleadings, motions, affidavits, addendums, and otherwise distinct court documents within a case may be filed in a single transaction.
D. Bulk filings of multiple cases within a single electronic filing transaction will be accepted when filed directly from the law enforcement agency.
E. Any electronically filed document must be unalterable by the vendor (sealed, text searchable PDF format), and be able to be printed with the same contents and formats as if printed from its authoring program. The E-filing vendor is required to make each electronically filed document that is not infected by a virus available for transmission to the Clerk immediately after successful receipt and virus checking of the document. The Clerk

will digitally store approved unalterable documents in a TIFF format converted from the sealed PDF.
F. If proposed orders are submitted electronically, the proposed orders must be in PDF format.
G. Individual electronic filing transactions must not exceed 5 MB. However, the filer can divide the document into multiple transactions, under the maximum file size, for electronic filing of documents exceeding the maximum file size.
H. Documents filed that do not comply with the format specified by the applicable statute or rule may be rejected.

11.09 Signatures

A. Each electronically filed document, including all pleadings, motions, papers, etc., that require an original signature when conventionally filed, shall bear a facsimile or typographical signature of the attorney authorizing such filing, (e.g., "/s/ Adam Attorney"), and shall be deemed to have been signed in person by the individual identified.
B. In the absence of a facsimile or typographical signature, any document electronically filed with a user identification and password is deemed to have been personally signed by the holder of the user identification and password.
C. Documents containing signatures of third parties or non-electronic filers may be filed electronically and shall bear a facsimile or typographical signature.
D. Any document electronically signed by the court pursuant to this section satisfies Supreme Court Rules and statutes regarding original signatures on court documents.
E. The Chief Judge's office will maintain an electronic file of all presiding judges' signatures for verification or authentication. The judicial e-signature will be authenticated when the judicial officer completes a secure sign on process to gain access to the e-file vendor's system.
F. Orders issued by the Presiding Judge shall bear a typographic or electronic signature and an official e-filing court stamp, and shall be e-filed and served. The date of the official court stamp shall constitute the date of entry of the order.
G. Signatures as defined in this section, satisfy Supreme Court Rules and statutes regarding signatures, and give rise to the application of available sanctions when appropriate.
H. The original signed document that has been electronically filed pursuant to this section, shall be maintained and preserved as required by Rule 11.06.
I. Where a Clerk is required to endorse a document, the typed name of the Clerk shall be deemed to be the Clerk's signature on an electronic document.

11.10 Time of Filing, Acceptance by the Clerk and Electronic Filing Stamp

A. Any document filed electronically shall be in the custody of the Clerk of the Circuit Court upon review and acceptance. The transmission date and time shall determine the Clerk's electronic filing stamp. Electronic filing is available to the user twenty-four hours, seven days a week. Documents electronically filed before midnight on a day the courthouse is open shall be deemed filed that day. If filed on a day the courthouse is not open for

business, shall be file stamped the next business day. All document(s) shall be capable of being printed, without the need for modification by the Clerk, in conformance with the following standards and as required for documents conventionally filed:
1. Electronic documents should print on individual sheets measuring 8.5 inches by 11 inches.
2. The text of documents filed electronically shall use the color black. Signatures and dates shall also be black in color.
3. The electronic document shall have a clean margin of at least one (1) inch on the top, bottom and each side. Margins may be used for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers and customer notations.
4. The first page of the electronic document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner, to provide space for the application of the Clerk's file stamp.
B. A person who files a document electronically shall have the same responsibility as a person filing a document in the conventional manner for ensuring that the document is complete, readable and properly filed.
C. Upon receipt by the Vendor, and submission of an electronic document to the Clerk, the Vendor shall issue a confirmation to the Subscriber. The confirmation shall indicate the time and date of receipt, and serve as proof that the document has been submitted to the Clerk. A subscriber will receive e-mail notification from the Vendor if a document is not accepted by the Clerk's office. In that event, the Subscriber may be required to re-file the document to meet necessary filing requirements.
D. Each document reviewed and accepted for filing by the Clerk of Court shall receive an electronic file stamp. The stamp shall be endorsed in the name of the Circuit Clerk by the deputy clerk accepting the filing, and shall include the identification of the court, official time and date of filing and contain the word "ELECTRONICALLY FILED". This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line. Electronic documents are not officially filed without the electronic filing stamp. Filings so endorsed shall have the same force and effect as documents time stamped in the conventional manner.

11.11 Service, Changes of Address

A. Electronic filing is not capable of conferring jurisdiction. Documents that require personal service to confer jurisdiction as a matter of law may not be served electronically through an e-file vendor, but must be served in the conventional manner. Parties shall continue to provide service by mail or as otherwise as provided by Supreme Court Rule 12 for all documents filed electronically.
B. All Subscribers and other participants must immediately, but not later than ten business days prior to when such a change takes effect, notify other parties, the Clerk and the e-filing Vendor of any change of firm name, delivery address, fax number or e-mail address.
C. A means of electronic service on registered attorneys in criminal cases may be established as part of the e-filing system. When service is required by the clerk, the clerk of

the court may serve electronically to the attorney and shall record in the official court record the effective date and time of service. Service of documents in criminal cases to a pro se defendant who is not represented by counsel shall, unless waived, be made as otherwise provided by rule or statute.

11.12 Collection of Fees

A. The e-filing of documents requiring payment of a statutory filing fee to the Clerk of the Court in order to achieve valid filing status, shall be filed electronically in the same manner as any other e-file document.
B. Copies of any document or certification of same may be provided conventionally or electronically and shall be available to the requesting party at a reasonable cost, including all fees as set by statutes, rule, or law.
C. By agreement with the Clerk, Subscribers may deposit funds into accounts established by the Clerk in advance of actual filings. Upon e-filing documents requiring payment of statutory filing fees, the Clerk shall apply funds from these attorney or firm suspense accounts toward the payment of these fees. The Circuit Court Clerk shall oversee these accounts and provide an account summary report to the Chief Judge upon request.
D. When the electronic filing includes a request for the waiver of fees by a petition for indigence, payment of the requisite filing fees shall be stayed until the court rules on the petition.
E. Fees charged to e-filing Subscribers by the Vendor for Vendor services are solely the property of the Vendor and are in addition to any statutory fees associated with statutory filing fees.
F. Any Vendor providing e-filing services shall be subject to audit to ensure that proposed and collected fees are reasonable and in the public interest.

11.13 System or User Errors

A. The Court and Clerk of the Circuit Court shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed or served documents.
B. If the electronic filing is not filed with the Clerk because of (1) an error in the transmission of the document to the Vendor which was unknown to the sending party; (2) a failure to process the electronic filing when received by the Vendor; (3) rejection by the Circuit Court Clerk; (4) other technical problems experienced by the filer; (5) the party was erroneously excluded from the service list; or (6) for good cause shown, the Court may upon satisfactory proof enter an order permitting the document to be subsequently filed effective as of the date filing was first attempted.
C. Anyone prejudiced by the court's order to accept a subsequent filing effective as of the date filing was first attempted, shall be entitled to an order extending the date for any response, or the period within which any right, duty or other act must be performed.
D. The Data Processing Department shall at least quarterly or as additionally directed by the Chief Judge or Circuit Clerk, test the backup and recovery process for electronically imaged documents. Data Processing shall verify that all electronically imaged documents

are backed up and recoverable and notify the Chief Judge and Circuit Clerk in writing of each test result.

11.14 Vendor Conditions

A. E-Filing Vendor(s) with Electronic Information Project Agreements executed with the Clerk of the Circuit Court are hereby appointed to be the agent of the Clerk of the Circuit Court regarding electronic filing, receipt, and/or retrieval of any pleading or document via the e-filing Vendor system.
B. The e-filing Vendor shall make electronically filed documents available to subscribers and the designated court authorized users through the e-filing Vendor's system in accordance with the current contract between the Clerk and the e-filing Vendor, and consistent with the Supreme Court's Electronic Access Policy for Circuit Court Records of the Illinois Courts.
C. The e-filing Vendor shall provide a method for authentication of judicial office actions.
D. Ownership of the documents and access to the data associated with all e-filed documents remains with the Court.
E. The e-filing Vendor may require payment of a fee or impose other reasonable requirements by contract with a Subscriber as conditions for processing electronic filings. Pursuant to contract terms, the e-filing Vendor must provide services, but is not permitted to require payment of a fee for government users or parties deemed indigent by the Court.
F. Filings initiated by court partner agencies in criminal cases (e.g., State's Attorney, Public Defender, Attorney General, law enforcement) shall be exempted from the payment of filing fees and vendor fees when appropriate.
G. The Vendor shall have a disaster recovery plan to restore e-filing operations within a reasonable time frame due to failure causing an interruption in service.
H. The Chief Judge of the Court or his/her designee, in coordination with the Clerk of the Court, shall review and approve the terms of the Subscriber Agreement. The Vendor shall provide at least 30 days' notice prior to the effective date of any Subscriber Agreement changes.

Part 12: POST-JUDGMENT PROCEEDINGS

12.01 Post-Judgment Notices

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 include the time, date, and place of hearing, and the following words in bold type or underlined: **"YOUR FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN YOUR ARREST."**

12.02 Rule to Show Cause for Failure to Appear

Upon respondent's failure to appear, pursuant either a notice of a Citation to Discover Assets or order of court, the court may order a date, time and courtroom for respondent's appearance to show cause why he should not be held in contempt of court for failure to appear as commanded by a Citation to Discover Assets or order of court. A Rule to Show Cause issued pursuant to this rule shall be served personally upon respondent as provided by Civil Practice Act § 2-202 and shall advise the respondent of the consequences of failure to appear as required by Rule 10.01 above.

12.03 Order of Attachment

If the respondent fails to appear after proper service of a Rule to Show Cause, the court may order the Circuit Clerk to issue an order of attachment with bond to have the defendant appear before the judge issuing the order, to show cause why he should not be held in civil contempt of court. If the respondent is unable to make bond, he shall be brought forthwith before the court sitting to hear matters of arraignment.

12.04 Service upon Persons not Parties

Service of rule or order upon a person not a party to the action shall be made by personal service or by certified mail with return receipt requested and delivery to addressee only. No attachment against a person not a party to the action shall issue without personal service of the rule or order.

12.05 Notice of Exemption Rights in Bank Accounts

The judgment creditor is directed to send the "Notice of Rights in Bank Account" in the form approved by administrative order to all individual, non-business judgment debtors in Non-Wage Garnishment proceedings within five (5) days from the date that the garnishment summons is served on garnishee. Thereafter, if within ten (10) days of the Notice the judgment debtor shall file an answer to claim an exemption, the Circuit Clerk shall set a hearing date on the claim of the debtor. If no answer to claim exemption is filed within ten

(10) days or if the judgment debtor fails to appear, the judgment creditor may obtain an order to pay over the garnished funds.

12.06 Automatic Termination of Representation and Service on a Party

No attorney shall be required to file a motion to withdraw his or her appearance for a party, as set forth in Supreme Court Rule 13, in order to terminate representation of that party after a period of thirty (30) days has elapsed from the entry of a final judgment. Service of any pleadings filed in a cause of action after thirty (30) days following final judgment has been entered shall be made on the named party, and not upon the former attorney of record.

PART 13. PROBATE PROCEEDINGS
GUARDIANSHIPS FOR MINORS

13.01 WHO MAY ACT AS TEMPORARY GUARDIAN OF A MINOR

A person is qualified to act as temporary guardian of the person of a minor if the court finds that the proposed temporary guardian is capable of providing an active and suitable program of guardianship for the minor and that the proposed guardian:

(1) has attained the age of 18 years;
(2) is a resident of the United States;
(3) is not of unsound mind;
(4) is not an adjudged disabled person as defined in the Probate Act; and
(5) has not been convicted of a felony, unless the court finds appointment of the person convicted of a felony to be in the minor's best interests, and as part of the best interest determination, the court has considered the nature of the offense, the date of the offense, and the evidence of the proposed guardian's rehabilitation. No person shall be appointed temporary guardian who has been convicted of a felony involving harm or threat to a child, including a felony sexual offense.

13.02 APPOINTMENT OF TEMPORARY GUARDIAN OF A MINOR

(a) The Court may appoint a temporary guardian of the person of a minor upon a showing, by clear and convincing evidence, the necessity therefore for the immediate welfare, support, and protection of the person of the minor. In determining the necessity for temporary guardianship, the immediate welfare and protection of the person minor shall be of paramount concern, and the interest of the petitioner, any care provider, or any other party shall not outweigh or conflict with the interest of the minor. The temporary guardian shall have all of the powers and duties of a plenary guardian of the person which shall be specifically enumerated by court order. The court order shall state the actual harm identified by the court that necessitates temporary guardianship or any extension thereof.

(b) Documents and information necessary to aid the court in its clear and convincing determination include but is not limited to; police reports, physician's statements or hospital records, death certificates, or notarized consents from parents.

(c) The temporary guardianship shall expire after 30 days of the appointment or whenever a plenary guardian is regularly appointed, whichever occurs first. If the hearing on the petition for plenary guardian is scheduled after the temporary guardianship expires, however, the temporary guardianship will remain in effect until the scheduled plenary guardianship hearing or any continuation thereof unless it is determined by the court that it is not in the best interest of the minor for the temporary guardianship to ensue.

13.03 PARENTAL RIGHT TO CUSTODY

The court lacks jurisdiction to proceed on a petition for temporary guardianship of a minor or plenary guardianship if it finds that (1) the minor has a living parent, adoptive parent or adjudicated parent, whose parental rights have not been terminated, (2) whose whereabouts are known, and (3) who is willing and able to make and carry out day-to-day child care decisions concerning the minor.

13.04 ISSUANCE OF LETTERS OF ADMINISTRATION

When a person dies intestate, Letters of Administration will not be issued before a hearing date is scheduled and the petitioner has notified each person named in the petition whose post office address is stated and who is entitled either to administer or to nominate a person to administer equally with or in preference to the petitioner. Letters of Office may be issued without a hearing on the petition if (1) the petitioner is the surviving spouse of the decedent, (2) is the only living heir of the decedent or (3) the petitioner has obtained consents from each person named in the petition.

13.05 BONDS: PERSONAL SURETIES

If a bond with personal sureties is proffered, it must be accompanied by an acknowledgement by the sureties that they are financially capable of meeting his/her statutory obligation as surety unless the filing of said document is excused by the Court upon good cause shown or with the consent of all heirs and/or legatees in a decedent's estate. Neither bond nor sureties are required when an estate is survived by a lone beneficiary who is also the representative of the estate.

PART 14: SMALL CLAIMS

14.01 PAYMENT OF FILING FEES

Unless an Application to Sue or Defend as a Poor Person has been granted, no complaint or other filing shall be accepted by the Circuit Clerk without the appropriate fee.

14.02 FAILURE TO OBTAIN SERVICE – DISMISSAL

If there has been no service on the defendant by the date the case is set for first appearance, the case shall be continued for a period of six (6) months for the purpose of obtaining service on the defendant. If at the end of six months it appears that the defendant has not been served, the case shall be dismissed without prejudice.

14.03 MANDATORY FUTURE COURT DATES

The Court shall assign a court date in all cases. The purpose of the court date shall be designated by court event type.

14.04 FAILURE TO APPEAR

Failure of counsel or *pro se* parties to appear at any court date may result in dismissal for want of prosecution or default upon the Court's own motion. Any motion to set aside a dismissal or default for violation of this Rule shall be directed to the judge who dismissed the case or entered the default.