

LOCAL COURT RULES

EFFECTIVE OCTOBER 24, 2016



**NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS**

Rule Organization: Table of Contents

CHAPTER 1 ADMINISTRATION OF THE COURTS	13
Part 1 Organization	13
Rule 1-1.01 Rules of Court	13
Rule 1-1.02 Chief Judge	14
Rule 1-1.03 Presiding Judge	14
Rule 1-1.04 Judicial Assignments	14
Rule 1-1.05 General Administrative Authority of Chief Judge	15
Rule 1-1.06 Courtroom Personnel	15
Rule 1-1.07 Judicial Meetings	15
Rule 1-1.08 Court Reporters	15
Rule 1-1.09 Files Present in Courtroom	18
Rule 1-1.10 Hours of Court and Legal Holidays	18
Rule 1-1.11 Record Keeping	18
Rule 1-1.12 Documents and Court Files	19
Rule 1-1.13 Court Administration	19
Rule 1-1.14 Records Inspection	19
Rule 1-1.15 County Law Library	21
Rule 1-1.16 Court Facilities	21
Rule 1-1.17 Courtroom Decorum	22
Rule 1-1.18 Court Appearance	22
Rule 1-1.19 Jurors	23
Rule 1-1.20 Committees	24
Rule 1-1.21 Prohibition as to Gratuities	24
Part 2.00 Electronic Filing of Court Records	24
Rule 1-2.01 Authority	24
Rule 1-2.02 Electronic Filing Case Types	25
Rule 1-2.03 Definitions	26
Rule 1-2.04 Authorized Users	27
Rule 1-2.05 Method of Filing	27
Rule 1-2.06 Maintenance of Original Documents	27

Rule 1-2.07 Privacy Issues	28
Rule 1-2.08 Format of Documents	29
Rule 1-2.09 Signatures	30
Rule 1-2.10 Time of Filing, Acceptance by the Clerk and Electronic Filing Stamp	31
Rule 1-2.11 Electronic Service, Courtesy Copies and Filing Proof of Service	31
Rule 1-2.12 Collection of Fees/Requests for Information	32
Rule 1-2.13 System or User Errors	33
Part 3.00 Electronic Access to Court Records	33
Part I General Provisions	33
Rule 1-3.01 Authority	33
Rule 1-3.02 Definitions	33
Rule 1-3.03 Availability of Court Records	34
Rule 1-3.04 Destruction of Court Records	35
Rule 1-3.05 Fees for Access	35
Part II Basic Access to Court Records	35
Rule 1-3.06 Basic Access to Court Records	35
Rule 1-3.07 Limitations to Electronic Access	36
Rule 1-3.08 Additional Court Records	37
Part III Enhanced Remote Electronic Access Program	37
Rule 1-3.09 Enhanced Remote Electronic Access Program	37
Rule 1-3.10 Subscriber Agreements	38
Rule 1-3.11 Accessible Records	38
Rule 1-3.12 Non-Accessible Records	38
Rule 1-3.13 Document Storage Fund	38
Part 4.00 Media	41
Rule 1-4.01 Photography, Radio, Television, Audio Recording Devices and Cellular Telephones	41
Rule 1-4.02 Extended Media Coverage	42
Appendix A: Request for Extended Media Coverage	46
Appendix B: Order on Request for Extended Media Coverage	47
Appendix C: Notice of Filing of Request for Extended Media Coverage (Clerk)	48
Appendix D: Objection of Party to Extended Media Coverage of Testimony	49
Appendix E: Notice of Filing of Request for Extended Media Coverage (Attorney)	50

Appendix F: Objection of Witness to Extended Media Coverage of Testimony.....	51
Part 5.00 Forms	52
Rule 1-5.01 Approval and Use of Forms	52
CHAPTER 2 CIVIL PROCEEDINGS	53
Part 1.00 Motions Notice	53
Rule 2-1.01 Motions Generally/Notice.....	53
Rule 2-1.02 Contested Motions.....	55
Rule 2-1.03 Motions for Consolidation of Cases.....	55
Rule 2-1.04 Motions for Summary Judgment	56
Rule 2-1.05 Emergency Motions	57
Rule 2-1.06 Remote Appearances	57
Rule 2-1.07 Orders	59
Part 2.00 Proceedings Before Trial	59
Rule 2-2.01 Appearances, Jury Demands.....	59
Rule 2-2.02 Pleadings to be Readily Comprehensible	60
Rule 2-2.03 Reassignment of Cases.....	60
Rule 2-2.04 Written Interrogatories	60
Rule 2-2.05 Discovery Documents.....	60
Rule 2-2.06 Days for Taking Depositions/Attendance	61
Rule 2-2.07 Apportionment of Time, Deposition	61
Rule 2-2.08 Seasonably Updating Discovery	61
Rule 2-2.09 Compliance with Supreme Court Rule 222	62
Rule 2-2.10 Local Subpoena Rules, Pretrial Discovery	62
Rule 2-2.11 Progress Calls	63
Rule 2-2.12 Supreme Court Rule 218 Case Management Conference	63
Rule 2-2.13 Dismissal for Want of Prosecution/Inactive Docket	63
Rule 2-2.14 Procedures for Initial Case Management Conference in Law Cases (ad damnum over \$50,000)	64
Rule 2-2.15 Trial Calendar	65
Rule 2-2.16 Medical Experts	65
Part 3.00 Conferences Before Trial	65
Rule 2-3.01 Pre-trial settlement conferences	65

Rule 2-3.02 Final Trial conferences.....	66
Rule 2-3.03 Jury Instructions.....	67
Part 4.00 Trials	67
Rule 2-4.01 Counsel to be Present	67
Rule 2-4.02 Stipulations	67
Rule 2-4.03 Jury Trials	67
Part 5.00 Post-Judgment Proceedings	67
Rule 2-5.01 Post-Judgment Notices.....	67
Rule 2-5.02 Post-Trial Motions and Supplemental Proceedings to Enforce Judgments.....	68
Rule 2-5.03 Citation to Discover Assets	68
Rule 2-5.04 Rule to Show Cause	68
Rule 2-5.05 Issuance of Order of Body Attachment	69
Rule 2-5.06 Copy of Rule or Order.....	69
Rule 2-5.07 Satisfaction of Judgment by Court Order	69
Rule 2-5.08 Deposit with Clerk of Court and Order of Satisfaction of Judgment.....	69
Rule 2-5.09 Deposit for Preparation by Clerk of Appeal Record in Civil Cases	70
CHAPTER 3 SMALL CLAIMS	71
Part 1.00 Small Claims	71
Rule 3-1.01 Forms of Summons and Complaints	71
Rule 3-1.02 Default	72
Rule 3-1.03 Contested Cases	72
Rule 3-1.04 Motions	72
Rule 3-1.05 Referral to Arbitration When a Jury is Demanded	72
Rule 3-1.06 Dismissal for Want of Prosecution	72
Rule 3-1.07 Costs in Small Claims	73
Rule 3-1.08 Small Claims Mediation	73
Part 2.00 Post-Judgment Proceedings	75
Rule 3-2.01 Post-Judgment Notices.....	75
Rule 3-2.02 Post-Trial Motions and Supplemental Proceedings to Enforce Judgments.....	75
Rule 3-2.03 Citation to Discover Assets	75
Rule 3-2.04 Rule to Show Cause	76
Rule 3-2.05 Issuance of Order of Body Attachment	76

Rule 3-2.06 Copy of Rule or Order.....	76
Rule 3-2.07 Satisfaction of Judgment by Court Order	76
Rule 3-2.08 Deposit with Clerk of Court and Order of Satisfaction of Judgment.....	77
Rule 3-2.09 Deposit for Preparation by Clerk of Appeal Record in Civil Cases	77
CHAPTER 4 FAMILY AND ADOPTION PROCEEDINGS.....	78
Part 1.00 Motions Notice	78
Rule 4-1.01 Motions Generally/Notice.....	78
Rule 4-1.02 Contested Motions.....	80
Rule 4-1.03 Motions for Consolidation of Cases.....	80
Rule 4-1.04 Motions for Summary Judgment	81
Rule 4-1.05 Orders	82
Part 2.00 Proceedings Before Trial	82
Rule 4-2.01 Appearances, Jury Demands.....	82
Rule 4-2.02 Pleadings to be Readily Comprehensible	82
Rule 4-2.03 Reassignment of Cases.....	83
Rule 4-2.04 Written Interrogatories	83
Rule 4-2.05 Discovery Documents.....	83
Rule 4-2.06 Days for Taking Depositions/Attendance	84
Rule 4-2.07 Apportionment of Time, Deposition.....	84
Rule 4-2.08 Seasonably Updating Discovery	84
Rule 4-2.09 Local Subpoena Rules, Pretrial Discovery	84
Rule 4-2.10 Progress Calls	86
Rule 4-2.11 Supreme Court Rule 218 Case Management Conference	86
Rule 4-2.12 Dismissal for Want of Prosecution/Inactive Docket	86
Part 3.00 Family Law Cases	86
Rule 4-3.01 Scope	86
Rule 4-3.02 Affidavit of Parties and Production of Documents	87
Rule 4-3.03 Uniform Child-Custody Jurisdiction and Enforcement Act Declaration	88
Rule 4-3.04 Interrogatories	88
Rule 4-3.05 Notice For Withholding.....	88
Rule 4-3.06 Conciliation, Mediation, Advice to Court, Investigations and Reports.....	89

Rule 4-3.07 Appointment of Guardians Ad Litem, Child Representatives, and Attorneys for Children	89
Rule 4-3.08 Evaluator Referral List	91
Rule 4-3.09 Reserved	95
Rule 4-3.10 Pre-Trial Case Management Procedures	95
Rule 4-3.11 Settlement Conference	97
Rule 4-3.12 Subsequent Case Management Conferences.....	97
Rule 4-3.13 Trial Conference	98
Rule 4-3.14 Parenting Education	99
Rule 4-3.15 Motion Practice and Emergency Motions	100
Rule 4-3.16 Report of Proceedings/Prove-Up Forms	102
Rule 4-3.17 Joint Simplified Dissolution Procedure	102
Rule 4-3.18 Post-Trial Motions and Supplemental Proceedings.....	102
Rule 4-3.19 Family Mediation Program	103
Part 4.00 Enforcement of Child Support	110
Rule 4-4.01 Payments Ordered Through the Clerk of the Circuit Court	110
Rule 4-4.02 Notice of Entry of Support Order	111
Rule 4-4.03 Procedure upon Default of Payment	111
Part 5.00 Adoption Cases	113
Rule 4-5.01 Filing of Petition	113
Rule 4-5.02 Investigation Reports	113
Rule 4-5.03 Consents	113
Rule 4-5.04 Confidential Intermediary	114
Part 6.00 Post-Judgment Proceedings	114
Rule 4-6.01 Post-Judgment Notices.....	114
Rule 4-6.02 Post-Trial Motions and Supplemental Proceedings to Enforce Judgments....	114
Rule 4-6.03 Citation to Discover Assets	114
Rule 4-6.04 Rule to Show Cause	115
Rule 4-6.05 Issuance of Order of Body Attachment	115
Rule 4-6.06 Copy of Rule or Order.....	115
Rule 4-6.07 Satisfaction of Judgment by Court Order	115
Rule 4-6.08 Deposit with Clerk of Court and Order of Satisfaction of Judgment.....	116
Rule 4-6.09 Deposit for Preparation by Clerk of Appeal Record in Civil Cases	116

CHAPTER 5 PROBATE	117
Part 1.00 Motions Notice	117
Rule 5-1.01 Motions Generally/Notice	117
Rule 5-1.02 Contested Motions	119
Rule 5-1.03 Motions for Consolidation of Cases	119
Rule 5-1.04 Motions for Summary Judgment	120
Rule 5-1.05 Emergency Motions	121
Rule 5-1.06 Remote Appearances	121
Rule 5-1.07 Orders	123
Part 2.00 Proceedings Before Trial	123
Rule 5-2.01 Appearances, Jury Demands	123
Rule 5-2.02 Pleadings to be Readily Comprehensible	124
Rule 5-2.03 Reassignment of Cases	124
Rule 5-2.04 Written Interrogatories	124
Rule 5-2.05 Discovery Documents	124
Rule 5-2.06 Days for Taking Depositions/Attendance	125
Rule 5-2.07 Apportionment of Time, Deposition	125
Rule 5-2.08 Seasonably Updating Discovery	125
Rule 5-2.09 Local Subpoena Rules, Pretrial Discovery	126
Rule 5-2.10 Progress Calls	127
Rule 5-2.11 Supreme Court Rule 218 Case Management Conference	127
Rule 5-2.12 Dismissal for Want of Prosecution/Inactive Docket	127
Rule 5-2.13 Trial Calendar	128
Rule 5-2.14 Medical Experts	128
Part 3.00 Probate Proceedings	128
Rule 5-3.01 General	128
Rule 5-3.02 Bonds: Personal Sureties	129
Rule 5-3.03 Excuse of Surety on Guardian's Bond in Cash Deposits	129
Rule 5-3.04 Surety Companies	130
Rule 5-3.05 Opening a Safe Deposit Box	130
Rule 5-3.06 Periodic Accounting	130
Rule 5-3.07 Notice of Hearing on Accounts	131

Rule 5-3.08 Proof of Service	132
Rule 5-3.09 Notice of Claim Call	132
Rule 5-3.10 Vouchers	133
Rule 5-3.11 Final Account and Settlement of Guardianship Estates.....	133
Rule 5-3.12 Distribution to a Minor, a Disabled Person or a Deceased Heir, Devisee or Legatee.....	133
Rule 5-3.13 Closing of an Estate.....	133
Rule 5-3.14 Change in Heirship or Distributive Rights.....	134
Rule 5-3.15 Alternative Distribution to Resident of Foreign Country	134
Rule 5-3.16 Assignment of Interest - Power of Attorney	134
Rule 5-3.17 Notice to Beneficiaries of Testamentary Trusts	135
Rule 5-3.18 Termination of Small Estates of Wards	135
Rule 5-3.19 Petition for Expenditures on Behalf of a Ward.....	135
Rule 5-3.20 Allowance of Fees	136
Rule 5-3.21 Withdrawal of Deposit with County Treasurer	136
Rule 5-3.22 Jury Demands	136
Rule 5-3.23 Procedures for Settlement of Personal Injury and Wrongful Death Claims in Probate Court	137
Rule 5-3.24 Procedure for Disposition of Pending Law Cases in Personal Injury Actions Involving Claims of Minor or Disabled Person, by Trial Court.....	138
Rule 5-3.25 Procedure for Disposition of Pending Law Cases in Wrongful Death Actions, by Trial Court.....	139
Rule 5-3.26 Appointment of Special Administrator Where No Probate Estate Has Been Opened.....	140
Rule 5-3.27 Probate Mediation Program	140
Rule 5-3.28 Probate Referral List for Guardians ad Litem and Court Appointed Attorneys	145
CHAPTER 6 CHANCERY	148
Part 1.00 Receivers.....	148
Rule 6-1.01 Appointment of Receivers.....	148
Rule 6-1.02 Inventories of Receivers	149
Rule 6-1.03 Appraisal for Receivers	149
Rule 6-1.04 Reports of Receivers	149
Part 2.00 Sureties	149

Rule 6-2.01 Definitions	149
Rule 6-2.02 Authorization to Serve as Surety	150
Rule 6-2.03 Petition and Hearing for Authorization or Renewal	150
Rule 6-2.04 Revocation of Authorization	151
Rule 6-2.05 Justification of Sureties	151
Rule 6-2.06 Solicitation Prohibited	152
Part 3.00 Real Estate Sales Pursuant to Judgment or Order	152
Rule 6-3.01 Application	152
Rule 6-3.02 Counsel to Prepare Necessary Documents	152
Rule 6-3.03 Pre-Sale Requirements	153
Rule 6-3.04 Time of Sale	153
Rule 6-3.05 Documents to be Presented by Counsel to Designated Officer Following Sale	153
Rule 6-3.06 Deed after Confirmation of Sale	154
Rule 6-3.07 Miscellaneous	154
CHAPTER 7 ALTERNATIVE DISPUTE RESOLUTION	155
Part 1.00 Mandatory Arbitration Rules	155
Rule 7-1.01 Actions Subject to Mandatory Arbitration (Supreme Court Rule 86)	155
Rule 7-1.02 Appointment, Qualification and Compensation of Arbitrators (Supreme Court Rule 87)	156
Rule 7-1.03 Scheduling of Hearings (Supreme Court Rule 88)	156
Rule 7-1.04 Motions	158
Rule 7-1.05 Discovery (Supreme Court Rule 89)	158
Rule 7-1.06 Conduct of the Hearing (Supreme Court Rules 90 and 91)	158
Rule 7-1.07 Award and Judgment on Award (Supreme Court Rule 92)	159
Rule 7-1.08 Rejection of Award (Supreme Court Rule 93)	160
Rule 7-1.09 Refiling After Nonsuit	160
Rule 7-1.10 Location of Arbitration Hearing	160
Rule 7-1.11 Forms	160
Rule 7-1.12 Administration of Mandatory Arbitration	160
Rule 7-1.13 Dismissal for Want of Prosecution	160
Part 2.00 Mortgage Foreclosure Mediation Program	161
Rule 7-2.01 Purpose	161

Rule 7-2.02 Actions Eligible for Referral to Mediation	161
Rule 7-2.03 Definitions.....	161
Rule 7-2.04 Filing Fee, Costs Charged, Sustainability Plan	163
Rule 7-2.05 Overview of Foreclosure Mediation Procedure/ Stay of Litigation	163
Rule 7-2.06 Service of Process and Mediation Notices	163
Rule 7-2.07 E-mail Notice	164
Rule 7-2.08 Housing Counseling.....	164
Rule 7-2.09 Scheduling and Conduct of Mediation Conference(s)	165
Rule 7-2.10 Termination and Report of Mediation Conference(s).....	165
Rule 7-2.11 Resources Available	166
Rule 7-2.12 Appointment, Qualifications and Compensation of the Mediators	166
Rule 7-2.13 Training for Judges, Key Court Personnel and Volunteers	168
Rule 7-2.14 Discovery	168
Rule 7-2.15 Confidentiality	168
Rule 7-2.16 Immunity	168
Rule 7-2.17 Mechanism for Reporting to the Supreme Court on the Mediation Program..	168
Rule 7-2.18 Cooperation with the Program and Sanctions	168
Rule 7-2.19 Return to Mediation Following a Change in Circumstances	169
Rule 7-2.20 Termination or Suspension of Program.....	169
Rule 7-2.21 Effective Date	169
Part 3.00 Civil Division Mediation Program.....	169
Rule 7-3.01 Applicability.....	169
Rule 7-3.02 Actions Eligible for Court-Annexed Mediation	170
Rule 7-3.03 Scheduling of Mediation.....	170
Rule 7-3.04 Mediation Rules and Procedures	171
Rule 7-3.05 Mediator Qualifications	173
Rule 7-3.06 Court-Ordered Mediation in Civil Cases	174
Rule 7-3.07 Duties of Supervising Judge for Mediation of Civil Cases	174
CHAPTER 8 JUVENILE PROCEEDINGS.....	175
Part 1.00 Juvenile Proceedings.....	175
Rule 8-1.01 Purpose and Policy	175
Rule 8-1.02 Definitions.....	175

Rule 8-1.03 Juvenile Court Judges	175
Rule 8-1.04 Release of Confidential Information	175
Rule 8-1.05 Expungements.....	175
Rule 8-1.06 Interstate Compact on Juveniles	175
Rule 8-1.07 Pre-Hearing Conference	176
Rule 8-1.08 Discovery.....	176
Rule 8-1.09 Answer to Petition other than Delinquency.....	176
Rule 8-1.10 Intake Procedure	177
Rule 8-1.11 Intake of Minors Not Released from Custody.....	177
Rule 8-1.12 Secure Detention	177
Rule 8-1.13 Home Detention.....	177
CHAPTER 9 CRIMINAL PROCEEDINGS	178
Part 1.00 Criminal Cases.....	178
Rule 9-1.01 General Rules.....	178
Rule 9-1.02 Forms of Criminal Procedure	178
Rule 9-1.03 Consolidation of Offenses.....	178
Rule 9-1.04 Continuances.....	178
Rule 9-1.05 Filing Appearance of Attorneys	179
Rule 9-1.06 Motion Practice	179
Rule 9-1.07 Jury Trials	180
Rule 9-1.08 Alcohol Related Evaluations	180
Rule 9-1.09 Demands for a Speedy Trial	180
Rule 9-1.10 Trials.....	181
Rule 9-1.11 Pre-Trial Subpoena for Production of Specified Documents, Objects or Tangible Things	181
Rule 9-1.12 Trial Subpoena for Production of Specified Documents, Objects or Tangible Things.....	182
Rule 9-1.13 Expert Witnesses.....	182
Rule 9-1.14 Disposition of Cases Involving Court Supervision	182
Rule 9-1.15 Appointment of the Public Defender.....	183
CHAPTER 10 CONTEMPT	184
Part 1.00 Contempt of Court	184
Rule 10-1.01 Contempt of Court	184

Rule 10-1.02 Direct Criminal Contempt.....	184
Rule 10-1.03 Indirect Criminal Contempt	185
Rule 10-1.04 Civil Contempt	186

CHAPTER 1 ADMINISTRATION OF THE COURTS

Part 1 Organization

Rule 1-1.01 Rules of Court

- A. The Nineteenth Judicial Circuit adopts the following Local Court Rules for the conduct, government and management of business, operations, proceedings, and other functions and services of the Court.
- B. These Rules shall be applied, construed and enforced so as to avoid inconsistency with other Rules of court and statutes governing proceedings, functions and services of this Court. In their application and administration, they shall be construed and employed so as to provide fairness and simplicity in procedure to avoid delay; and to secure just and expeditious determination of all actions and proceedings.
- C. These Rules are promulgated pursuant to Section 5/1-104(b) of the Code of Civil Procedure, providing that the Nineteenth Judicial Circuit may make Rules regulating their dockets, calendars and business, and Supreme Court Rule 21(a), providing that a majority of the Circuit Judges may adopt Rules governing civil and criminal cases consistent with statutes and Supreme Court Rules.
- D. These Rules shall become effective on the 24th day of October, 2016, and Rules in effect prior thereto will no longer be in effect. Rules promulgated hereafter become effective on the date of their approval by the Circuit Judges.
- E. Any amendment of these Rules shall be passed by a majority vote of all Circuit Judges of the Nineteenth Judicial Circuit.
- F. All Rules of this Court, and amendments thereto, shall be filed with the Director of the Administrative Office of the Illinois Courts, Springfield, Illinois, within ten days after adoption thereof pursuant to Supreme Court Rule 21. Copies of said Rules and amendments shall be filed with the Clerk of the Circuit Court.
- G. Any amendments to the Local Court Rules shall contain Chapter, Part, Rule and Section numbers for appropriate placement within the body of the Rules. The Judicial Committee responsible for review of these Rules shall specify the placement of any amendment at the time of the amendment's adoption. These Rules shall be cited as Chapter, Part, Rule and Section number in the following manner: LCR 1-1.08(B)(1).
- H. The law governing the construction of statutes (5 ILCS 70/1, et seq.) shall apply to the construction of these Rules. In the event of any conflict between the content of a Rule and that of an Administrative Order, the Rule shall prevail.
- I. These Rules shall apply to all civil and criminal proceedings, unless contained in a Chapter, Part or Rule which limits its application.

- J. Any reference in these Rules to "he," "she," "his," or "her" is intended to be gender neutral and shall be construed to apply to each gender.

Rule 1-1.02 Chief Judge

- A. The Chief Judge shall be a Circuit Judge elected by a majority of the Circuit Judges within the Nineteenth Judicial Circuit for a term of one year commencing on the 1st Monday of January of each year. The election shall occur on or before the 30th day of June in the year preceding the year that the Chief is to begin his term. The Chief Judge shall serve at the pleasure of the Circuit Judges.
- B. The Chief Judge shall be the Chief Judicial Officer of the Circuit and shall be the liaison in all judicial administrative matters. He shall exercise administrative supervision over all courts within the Nineteenth Judicial Circuit. The Chief Judge may enter Administrative Orders over his signature, except as otherwise provided by Supreme Court or Local Court Rule. The Chief Judge has at his disposal the Administrative Office of the Nineteenth Judicial Circuit. This resource shall serve the Chief Judge in carrying out his administrative duties in order for the judicial circuit to best serve the citizenry of Lake County.
- C. The Chief Judge shall designate a Circuit Judge to serve as Deputy Chief Judge. The Deputy Chief Judge shall serve in the absence of the Chief Judge or when he is unable to serve. The Deputy Chief Judge shall have the same powers and duties as the Chief Judge when so acting. The Deputy Chief Judge shall attend all meetings of the Presiding Judges and perform such other duties as assigned.
- D. Whenever a vacancy in the office of Chief Judge occurs, any two Circuit Judges may call a meeting of the Circuit Judges for the purpose of electing a Chief Judge to fill the unexpired term of office.
- E. The Chief Judge or his designee shall call and impanel Grand and Petit Juries.
- F. Non-judicial appointments vested in the Nineteenth Judicial Circuit shall be made by the Chief Judge with the approval of a majority of the Circuit Judges.

Rule 1-1.03 Presiding Judge

The Chief Judge may designate such divisions as he, from time to time, deems necessary and may designate a Presiding Judge of each division.

Rule 1-1.04 Judicial Assignments

The Chief Judge shall assign Circuit Judges and Associate Judges to such specific duties and responsibilities as he deems appropriate.

Rule 1-1.05 General Administrative Authority of Chief Judge

The Chief Judge may enter Administrative Orders in the exercise of his general administrative authority, including, but not limited to, orders providing for assignment of Judges, general or specialized divisions, and times and places of holding court. General Administrative Orders that concern the public, courthouse personnel and attorneys as determined by the Chief Judge shall be published, made available on the Court's website and distributed to the local bar associations. Nothing contained in these Rules is intended to restrict authority vested by law in the Chief Judge.

Rule 1-1.06 Courtroom Personnel

- A. A full courtroom staff consists, at a minimum, of a Judge, one courtroom clerk and one court officer. A full courtroom staff shall be maintained at all times unless waived by the Court for good cause.
- B. The courtroom clerk shall be the Circuit Clerk or a Deputy Circuit Clerk authorized to swear witnesses. The clerk shall attend court when court is in session unless excused on a case-by-case basis by the Judge presiding in the particular courtroom. The clerk shall obtain all necessary files and docket sheets for cases to be heard that day, swear witnesses, maintain custody of all exhibits upon receipt from the reporter pursuant to LCR 1-1.08, until further Order of Court, and perform such other duties as may be directed by the Court.
- C. The court officer shall open and close court, preserve order in the courtroom, attend upon the jury when placed in his custody, and perform such other duties as may be directed by the Court.
- D. Court Reporters as needed. See LCR 1-1.08.

Rule 1-1.07 Judicial Meetings

- A. The Circuit Judges shall, from time to time, upon call of the Chief Judge, hold meetings to discuss and resolve administrative issues of the Court, including approval of the Local Court Rules, issuance of supplemental Orders, special assignments, uniform practices and any other matter relating to the overall functions of the Court.
- B. The Circuit Judges shall meet at least twice each year to discuss and take such action as may be requested in connection with business of the Nineteenth Judicial Circuit. Such meetings shall include the Associate Judges of the Nineteenth Judicial Circuit and invited non-judicial staff or guests.
- C. Special meetings may be called at any time by any two Circuit Judges within the Nineteenth Judicial Circuit upon five days' Notice to all Circuit Judges.

Rule 1-1.08 Court Reporters

- A. Only one court reporter shall be used at any one time.
- B. The Court will provide court reporters in the following criminal, quasi-criminal, or Juvenile Court proceedings:
 - 1. Jury and bench trials and evidentiary proceedings in felony cases and misdemeanor cases where incarceration may result;
 - 2. All criminal proceedings under Supreme Court Rules 401 and 402 in which a court reporter is required;
 - 3. Felony sentencing hearings and misdemeanor sentencing hearings in which incarceration may result;
 - 4. Post-conviction matters;
 - 5. Juvenile Court proceedings other than reviews, status hearings and hearings set solely to change or to determine dates of future hearings;
 - 6. Indirect criminal contempt proceedings;
 - 7. Any other proceeding required by Supreme Court Rule.
- C. The Court will provide court reporters in the following civil proceedings unless the Court directs or authorizes the parties in advance of hearing or trial to provide a private court reporter:
 - 1. Domestic relations prove-ups and pre-judgment trials;
 - 2. Chancery trials, excluding foreclosures and excluding mechanic's lien and other lien cases where the amount in controversy does not exceed \$15,000.00;
 - 3. Jury and bench trials in law division cases;
 - 4. Trials and evidentiary hearings in paternity matters for the determination of parentage;
 - 5. Hearings on petitions for adjudication of disability and for appointment of a guardian of the estate, or person, or both, held in petitions regarding disabled adults pursuant to the Probate Act;
 - 6. Hearings on petitions for involuntary civil commitments and on petitions for discharge following any commitment.
- D. Unless ordered by the Court, no court reporter will be provided for the following proceedings:
 - 1. Civil motions and petitions, including without limitation those involving testimony;
 - 2. Voir dire and reading of instructions to the jury in civil cases;

3. Civil bench and jury trials in SC, LM and other cases wherein the amount in controversy does not exceed \$50,000;
 4. Foreclosure proceedings;
 5. Mechanic's lien and other lien cases where the amount in controversy does not exceed \$15,000.00;
 6. Motions and other issues during jury deliberations, taking of the verdict, and polling of the jury in civil cases and criminal cases in which no incarceration may result;
 7. Traffic, misdemeanor, conservation and ordinance cases in which no incarceration may result;
 8. Proceedings for the collection or enforcement of Judgments, fines or costs;
 9. Probate matters, except as noted under Section C of this Rule;
 10. Post-Judgment family court proceedings.
- E. Where an official court reporter is not furnished by the Court under Section C and the parties have not been given reasonable notice of the unavailability of an official court reporter, such unavailability shall be grounds for a continuance. In those cases where the Court does not provide an official court reporter under Section D, unavailability of a court reporter shall not be grounds for a continuance.
- F. In cases where an official court reporter is not furnished by the Court, parties may employ a private court reporter upon approval of the Court and under the following conditions:
1. The party providing the court reporter shall inform the clerk of the court reporter's name, address, reporting firm and State of Illinois license number before commencing;
 2. The court reporter station in the courtroom shall be used;
 3. Any disagreement among the parties concerning qualifications of or which party's court reporter shall be used shall be presented to the Court for ruling as in all other motions;
 4. Such other terms and conditions as the Court deems appropriate;
 5. All requests for transcripts shall be addressed to the court reporter in writing, shall specify the portion of the proceedings to be transcribed, and a copy of the request shall be filed by the party requesting it within the court file. If a transcript of all or part of a proceeding is ordered, the party or attorney shall order an original to be filed with the Court and the original shall be filed with the Court by the court reporter before copies are delivered to the parties and the attorneys.
- G. This Rule applies in both the case of official court reporters and private court reporters.
- H. Assignment of all official court reporters in the circuit is at the discretion of the Chief Judge.

- I. All official court reporters will be responsible for exhibits offered during the course of trial or other evidentiary hearing. If a private court reporter is used, or in cases where no court reporter is used, the court clerk shall be responsible for exhibits during the course of trial or hearing. During trial, the Court may order exhibits of money, other valuables, firearms and contraband to be placed in the custody of the Sheriff, who will receipt same to the court reporter. At the conclusion of the trial or evidentiary hearing, exhibits shall be turned over to the Clerk of the Circuit Court with the inventory of all exhibits, and a copy of which inventory shall be placed in the court file.

Rule 1-1.09 Files Present in Courtroom

The Clerk shall have present in Court the files of case matters set on the Court's call together with such other files as the Judge may direct. Upon request by the Court, the Clerk shall deliver a file, or any part thereof, in any case to one of the courtroom staff.

Rule 1-1.10 Hours of Court and Legal Holidays

- A. Unless otherwise directed by the Trial Judge, the hours of Court are 9:00 a.m. – 4:30 p.m. Courtrooms shall be opened and staffed fifteen minutes prior to the beginning of Court.
- B. The Administrative Office of the Nineteenth Judicial Circuit will be open for business from 8:00 a.m. – 5:00 p.m., except Saturday, Sunday and holidays as prescribed annually by Administrative Order.
- C. The Office of Clerk of the Circuit Court will be open for business from 8:30 a.m. – 5:00 p.m., except Saturday, Sunday and holidays as prescribed annually by Administrative Order. Upon request of the Clerk of the Circuit Court, and upon approval by the Chief Judges, hours may be expanded.
- D. The hours of holiday bond court will be established by Administrative Order.
- E. The legal holidays of the Nineteenth Judicial Circuit shall be those holidays specified by the Chief Judge of the Nineteenth Judicial Circuit. All matters returnable on legal holidays shall be continued to the next business day of this Court. The time for filing all motions and pleadings shall be extended to the next business day of this Court.
- F. Dates upon which court will be closed shall be posted in the courthouse and on the website of the Nineteenth Judicial Circuit.

Rule 1-1.11 Record Keeping

The Clerk shall assign numbers on all cases filed, in accordance with the *Supreme Court Manual on Recordkeeping* and such classification designation as may be required by Local Court Rule or Administrative Order of the Chief Judge.

Rule 1-1.12 Documents and Court Files

- A. All documents shall be filed with the Clerk of the Circuit Court pursuant to Supreme Court Rules. Upon presentment to the Clerk of the Circuit Court, the Clerk shall place a file mark on the first page of each document in the upper right hand corner in the space provided. All pleadings shall include a case caption and number, contain a space at least 2 inches by 2 inches at the upper right portion of the first page for the Clerk's file mark, shall not contain a backing sheet and, if such pleading contains more than one page, shall be stapled at the upper left corner. Each document, form and exhibit, shall be printed on only one side of each page. The case number shall not be placed in such a position that it will be obliterated by the Clerk's file mark. The Clerk shall not file a pleading unless accompanied by the proper filing fee, if any.
- B. All documents filed or served in any cause shall contain the attorney's name, address, e-mail address, telephone number and State of Illinois attorney registration number. All documents filed or served in any cause by self-represented litigants shall contain the self-represented litigant's name, address and telephone number. Additionally, if a self-represented litigant has designated an e-mail address, that e-mail address should be included as well. In the event a law firm is listed, the full name, telephone number and attorney registration number of the attorney with primary responsibility shall be listed.
- C. The Clerk is not required to accept for filing any document that does not comply with the Supreme Court Rules or these Rules.
- D. No pleading or entry of appearance shall be notarized by any attorney or member or employee of his firm, for an opposing party.
- E. Original files, documents or exhibits shall not be removed from the Office of the Clerk of the Circuit Court or courtroom except by written Order of Court and thereupon the party removing such item shall give the Clerk of the Circuit Court a receipt therefore. Such files, documents or exhibits shall not be retained by the party removing same for more than two days without further leave of Court.

Rule 1-1.13 Court Administration

- A. The Chief Judge may promulgate general Rules for court administration.
- B. The Chief Judge shall appoint a Court Administrator, who will function as the chief non-judicial officer of the court. In addition to assisting the development and supervision of the Court's operations, probation, jury, law library, budgeting and personnel systems, the Administrator shall implement the administrative decisions of the Court and perform such other duties as may be assigned by the Court.

Rule 1-1.14 Records Inspection

- A. The following Rules are established pursuant to the authority conferred upon the Chief Judge of the Nineteenth Judicial Circuit by the Constitution of the State of Illinois, the

directives of 705 ILCS 105/22 requiring that the Judges shall, as often as once in each year, make an examination of the offices of the clerks of their respective courts, and may give such directions and make such Orders in regard to the keeping of the same, and the records and papers thereof, not contrary to law, as they shall deem best, and the inherent authority of the Court to oversee the recordkeeping of the Clerk of the Circuit Court.

- B.** The Chief Judge shall create a committee composed of Judges of the Nineteenth Judicial Circuit for the purpose of examining the recordkeeping and offices of the Clerk of the Circuit Court. The committee shall review the recordkeeping, offices of the Clerk of the Circuit Court and any record or evidence storage facilities and shall make recommendations to the Chief Judge regarding the same.
- C.** The "Court record" includes but is not limited to:
1. Any document, information or other item that is filed, docketed, or lodged by a court or Clerk of Court in connection with a judicial proceeding;
 2. Any index, calendar, docket, register of actions, official record of the proceedings, Order, Decree, Judgment, minute, and any information in an automated record and/or case management system created by or prepared by the Court or Clerk of Court that is related to a judicial proceeding, including existing case management reports;
 3. Any actual or physical evidence presented by the parties in a case;
 4. Any writing containing information relating to the conduct or administration of the public's business, prepared, owned, used or retained by the judicial branch;
 5. Any physical record relating to the judicial branch record, including a court record, that exists in physical form, irrespective of whether it also exists in electronic form;
 6. Any electronic record representations of text or graphic documents, electronic image, including a video, of a document, exhibit or other items kept and maintained by the Clerk of the Circuit Court;
 7. Any data in the fields or files of an electronic database, records management system (CRIMS) or a case management system;
 8. Any audio or visual recording, analog or digital, of an event or notes in an electronic file from which a transcript of an event can be prepared; irrespective of whether it also exists in physical form; and,
 9. All records maintained relating to the storage, management, record keeping (both physical and electronic), of the actual or physical evidence relating to matters of this Court.
- D.** The Chief Judge may periodically enter Orders or give directions to the Clerk of the Circuit Court regarding the keeping, maintenance and storage of the court records and any facilities in which court records and evidence are maintained or stored.

Rule 1-1.15 County Law Library

The Nineteenth Judicial Circuit shall have and maintain a Law Library that conveniently serves the legal community and public.

Rule 1-1.16 Court Facilities

- A. The Chief Judge shall designate when and where court shall be held within the circuit pursuant to Article VI, Section 7(c) of the Constitution of the State of Illinois (1970).
- B. The Nineteenth Judicial Circuit shall be open to the public during regular business hours. The building may be closed to the public during regular business hours when situations require this action to ensure safety and the orderly conduct of court business. The decision to close the building during regular business hours shall be made by the Chief Judge or his designee. The building shall be closed to the public after regular business hours unless otherwise approved by the Chief Judge.
- C. The willful destruction of or damage to any court facility or its contents, the creation of any hazard, and the throwing of articles of any kind within court facilities or from court facilities is prohibited.
- D. The Chief Judge may, from time to time, appoint a committee of Judges to inspect the court facilities within the Circuit and to determine if the personnel and resource needs of the Court are being met. The committee shall report to the Circuit Judges as to whether each courtroom, jury room and chambers meets minimum standards as provided by the Supreme Court, and whether the personnel and resources presently being provided to the Courts are adequate. The committee may prepare and submit proposals and recommendations to the County Board for its consideration and action. If appropriate action is not taken within a reasonable time as may be designated by the committee, the provisions of Section E of this Rule shall apply.
- E. Upon the failure of the County Board to act pursuant to Section D of this Rule, the committee shall so report to the Chief Judge and submit to the Chief Judge its proposals and recommendations together with the response and action taken by the County Board. If the Chief Judge deems appropriate, he shall set the matter of the proposals and recommendations of the committee for administrative hearing over which he shall preside. The Clerk of the Circuit Court shall give Notice of the hearing to the Chairman of the County Board and to any other person whom the Chief Judge deems to be an interested party. The Notice shall be by regular U.S. mail, state the time, date and place of hearing, the matter to be reviewed, and include a copy of the proposals of the committee. The Clerk's certificate of mailing shall be made of record. The hearing shall not be held until after thirty days from the date of mailing Notice.

If after hearing, the Chief Judge finds that deficiencies exist, he shall delineate the particular deficiencies, specify the corrective action to be taken by the County Board, and the time by which the corrective action is to be completed. If the County Board fails or refuses to comply, a proceeding to enforce the Chief Judge's directive may be filed pursuant to Article XIV of the Code of Civil Procedure or in a manner as may be provided by the Supreme Court. The Chief Judge may appoint any such experts deemed necessary to examine the

facilities and to present evidence at the hearing before the Chief Judge and/or upon hearing of the Complaint for Mandamus.

- F. When appropriate, the Attorney General or the State's Attorney may represent the Court in the hearing before the Chief Judge and in the Complaint for Mandamus. If the Attorney General or State's Attorney is not able to represent the Court, the Chief Judge may designate another attorney licensed in the State of Illinois.

Rule 1-1.17 Courtroom Decorum

- A. It shall be the responsibility of each Judge sitting within the Nineteenth Judicial Circuit to enforce proper courtroom decorum of all court staff, attorneys and persons within the courtroom in which he is presiding.
- B. Improper behavior shall immediately be brought to the attention of the particular individual involved and, if not corrected, the Court may take appropriate action.
- C. Any conduct in a court facility which creates loud or unusual noise or a nuisance; which unreasonably obstructs the usual entrances, foyers, lobbies, corridors, offices, elevators, work areas, stairways or courtrooms; which otherwise impedes or disrupts the performance of official duties by Judges and/or court personnel; or which prevents the general public from obtaining the services provided in the various court facilities in a safe and timely manner is prohibited.
- D. No person shall enter into or remain in a court facility while under the influence of alcohol or drugs. This prohibition shall not apply in cases where a drug is being used as prescribed for a patient by a licensed physician.
- E. Dogs and other animals, except service animals, shall not be brought into any court facility without leave of Court.
- F. Distribution, posting or affixing materials, such as pamphlets, handbills or flyers, on bulletin boards or elsewhere within or upon any court facility is prohibited, except as authorized.

Rule 1-1.18 Court Appearance

Judges shall begin court promptly at the designated time. All attorneys and parties shall appear promptly before the Court. In the event that a party or attorney fails to appear promptly, the Court may impose such sanctions or take such remedial action as it deems appropriate. In the event that the failure of a party or attorney to appear promptly renders it impossible to proceed, the Court may order the party or attorney failing to appear promptly to pay reasonable costs and expenses, including attorney's fees, to the opposing party or attorney. If counsel is required to be present in another courtroom in the same jurisdiction at the same time, he shall first check in with the clerk of the courtroom where he cannot be present at the start of the court call, provide the location of the other courtroom where he will be present and so notify all other parties involved. Upon completion of the other court matter, he shall immediately return to any courtroom where he has matters pending.

Rule 1-1.19 Jurors

- A.** All matters pertaining to the selection of jurors, terms of jury service and organization of the Jury Commission shall be consistent with statutes and shall be governed by Administrative Orders.
- B.** Whenever a person lawfully summoned to jury duty has failed to appear and has failed to provide a reasonable and timely excuse, the Jury Commission shall assign a new date not less than thirty days from the original date of service and issue a Notice by first class mail advising the person of the delinquency and the new date.
 - 1. If a summoned juror fails to appear and complete his or her jury duty, the State's Attorney on behalf of the Jury Commissioner, may upon proper Notice to the prospective juror, motion the Court for a hearing *instanter* on a Petition for Rule to Show Cause asking why the prospective juror should not be held in contempt of Court for failing to appear and complete his or her jury duty.
 - 2. If the Court grants the Jury Commissioner's Petition, in Section (B)(1) above, and a Rule to Show Cause issues, then the Court shall set the matter for hearing and require that the prospective juror be served personally or by proper substitute service pursuant to the Illinois Code of Civil Procedure. 735 ILCS 5/2-203.
 - 3. At the hearing on the Rule to Show Cause, the Presiding Judge, or his designee, may take testimony and may, on good cause shown, excuse the prospective juror, cause his or her name to be returned to the jury list, defer the juror to a date certain or enter such other Orders or sanctions as may be appropriate.
- C.** All prospective and impaneled grand and petit jurors shall be compensated in a timely fashion from the County Treasury for per diem services and travel expenses. Said amounts are set by the County Board pursuant to statute. Approximately once each week, a list of jurors shall be submitted to the County Treasurer, indicating in itemized format the amount to be paid to each juror for their fees and travel expenses. Upon receipt of such a list, the Treasurer shall issue appropriate checks. The stub of each check shall certify the number of days served by the juror.
- D.** Jury service for inquests of the County Coroner shall be provided by the Jury Commissioner, according to such Rules and procedures as the Jury Commissioner deems appropriate.
- E.** Examination of Juror Personal History and Profile Forms.
 - 1. Juror Personal History and Profile forms are confidential and are not public records.
 - 2. All such forms shall be kept on file by the Jury Commission for a period of three years from the date they are filled out.
 - 3. The only persons allowed to examine said forms are:
 - a. the Jury Commission;
 - b. the Judges of the Court;

- c. the Clerk of the Circuit Court and Deputy Clerks;
 - d. parties to a trial and their attorneys, during the jury selection process, but only concerning jurors on the panel for that cause; and
 - e. persons granted access by Court Order.
- 4. The answers contained on any such form shall not be publicly disclosed.
 - 5. Parties to a case and their attorneys may examine such forms after conclusion of jury selection only by Order of the Trial Judge, or in his absence, by Order of the Presiding Judge of the division in which the case is pending. Requests by other individuals or entities must be made to the Chief Judge or his designee.
- F. No party, agent of a party, or attorney shall communicate or attempt to communicate with any member of the petit jury during his term of service with the Court.

The Jury Commissioner shall report all such incidents to the Chief Judge or his designee.

Rule 1-1.20 Committees

The Chief Judge may create and dissolve standing or ad hoc committees, and may appoint Judges and administrative staff to any such committees. The standing committees shall be determined by Administrative Order.

The Chief Judge shall be an ad hoc member of each said committee.

Rule 1-1.21 Prohibition as to Gratuities

No attorney or party shall give, either directly or indirectly, any gratuity or gift to any employee of the Nineteenth Judicial Circuit, or any officer serving the Court where such attorney has had or is likely to have any professional or official transaction with the Court; nor shall any employee of the Nineteenth Judicial Circuit, or any officer serving the Court, accept any gratuity or gift either directly or indirectly from any attorney or other person who has had or is likely to have any professional or official transactions with the Court or officer.

Part 2.00 Electronic Filing of Court Records

Rule 1-2.01 Authority

Electronic filing of Court records is undertaken and conducted in the Nineteenth Judicial Circuit, in compliance with the Electronic Filing Standards and Principles established by the Supreme Court of Illinois.

Rule 1-2.02 Electronic Filing Case Types

- A.** This Court hereby authorizes all civil cases except those noted at LCR 1-2.02(D) as permissible electronic filing case types. From time to time, the Court may authorize, by written Administrative Order, additional case types to be processed via electronic filing. The Clerk of the Circuit Court shall direct the phasing in of additional case type implementation. Electronic filing in these case types is permissive. However, once an initial pleading and/or Appearance utilize the E-Filing system, the case will proceed thereafter as an e-filed case. Documents filed previously in the conventional manner will be scanned and included in the electronic case file.
- B.** The following documents may be filed electronically:
1. Post-Judgment enforcement proceedings in cases previously e-filed;
 2. Notice of appeal documents authorized to be filed in the Nineteenth Judicial Circuit; and
 3. Documents required to be filed with the Appellate or Supreme Court (may only be filed and served in accordance with Supreme Court Rules).
- C.** The following documents, including exhibits and/or attachments, may not be electronically filed, and shall only be filed conventionally:
1. Documents containing confidential information, as specified in Supreme Court Rule 15;
 2. Documents containing personal identity information, as specified in Supreme Court Rule 138;
 3. Documents containing the identity of individuals contained in reports made pursuant to the Communicable Disease Report Act, 745 ILCS 45/1;
 4. Reports relating to an individual's disability pursuant to the Illinois Income Tax Act, 35 ILCS 5/917(a)(11);
 5. Confessions of Judgment;
 6. Documents required by law, Rule, or Order to be filed and maintained in their original form;
 7. Exhibits that do not conform to the size requirements herein;
 8. Petitions for Marriage license by an underage Petitioner;
 9. Petitions for an Order of Protection, No Contact Order, or Stalking No Contact Order;
 10. Registrations of Illinois Court Judgment;
 11. Registrations of Administrative Judgment;

12. Any documents when the individual document or the entire case is impounded or sealed by law, Rule, or Order.

D. The following case types shall not be allowed to be filed electronically:

1. Adoption;
2. Emancipation of a Minor;
3. Eminent Domain;
4. Juvenile Court;
5. Mental Health;
6. Ordinance Violations;
7. Fictitious Vital Records pursuant to the Vital Records Act, 410 ILCS 535/15.1;
8. Proceedings pursuant to the Illinois Sexually Transmissible Disease Control Act, 410 ILCS 325/1, *et seq.*;
9. Petition for Judicial Waiver of Notice under the Parental Notice of Abortion Act of 1995, 750 ILCS 70/1 *et seq.*;
10. Any other type of case required to be impounded or sealed by law, Rule or Order.

Rule 1-2.03 Definitions

- A. Conventional manner of filing** refers to the filing of paper documents with the Clerk of the Circuit Court as is done in cases that are not e-filed cases.
- B. Electronic Document** ("e-document") means an electronic file containing informational text.
- C. Electronic Filing** ("e-file") refers to an electronic transmission of information between the Clerk of the Circuit Court and a subscriber for the purposes of case processing.
- D. Electronic Image** ("e-image") means an electronic representation of a document that has been transformed to a graphical or image format.
- E. Electronic Service** ("e-service") refers to an electronic transmission of documents to a party, attorney or representative in a case. However, e-service is not capable of conferring jurisdiction under circumstances where personal service is required as a matter of law.
- F. Portable Document Format** (PDF) refers to a file format that preserves all fonts, formatting colors and graphics of any source document regardless of the application platform used.
- G. Subscriber** means one contracting to use the E-Filing system. A subscriber may be an attorney, self-represented litigant, or any other user of the E-Filing system.

- H. **Vendor** means 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 Nineteenth Judicial Circuit.

Rule 1-2.04 Authorized Users

- A. In order to become a subscriber to use the E-Filing system one must first register with the E-Filing system. An attorney shall register by using their Illinois ARDC number. Self-represented litigants and other users will be required to provide their name, mailing address, e-mail address and telephone number to register with the E-Filing system. All other Court partner agencies shall be registered upon confirmation of authorization by the Clerk of the Circuit Court. Filings from Court partner agencies using integrated systems within a secure domain shall not require individual registrations. Court partner agency users and individual registrations will be used to identify the source of the e-filed document submitted to the Court electronically.
- B. As part of the registration process, each individual will be prompted to create a user name and password. The user name and password created will be used to log on to the E-Filing system and to confirm the filing was approved by a subscriber. No subscriber shall knowingly permit his or her logon to be used by anyone other than his or her authorized agents or employees. Misuse of the E-Filing system may result in the loss of a subscriber's registration.
- C. It is the responsibility of a subscriber to keep all contact information, including the subscriber's e-mail address, current with the E-Filing system.

Rule 1-2.05 Method of Filing

- A. Initial case filings will require all parties to be identified, the Plaintiff's Attorney, case type, case subtype, *ad damnum* if required and the document being filed. These fields for all filings after the initial pleading will be automatically included and only new parties, attorneys or documents need be indicated.
- B. Upon good cause shown, the Court may allow a non-registered user to file a document or pleading using the conventional manner of filing. In those circumstances, the Clerk of the Circuit Court shall scan conventionally filed documents into the electronic file as text-searchable PDF documents.
- 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 physical exhibits for which an image will not suffice shall be filed in their physical form at the Office of the Clerk of the Circuit Court or in the courtroom, as directed by Order of Court. The Motion and Notice of Motion for permission to file any of these physical items may be done electronically in e-filed cases.

Rule 1-2.06 Maintenance of Original Documents

- A. Subscribers filing an electronic document that requires an original signature certify by so filing that the original signed document exists in the subscriber's possession. Unless otherwise ordered by the Court, the subscriber shall maintain and preserve all documents containing original signatures that are filed electronically. The subscriber shall make those signed originals available for inspection by the Court, the Clerk of the Circuit Court or by other counsel in the case, upon five days' Notice.
- B. All documents that are required to be maintained and preserved must be kept for one year after the appellate process period has been completed, or for a longer period of time as directed by Court Order or statute.

Rule 1-2.07 Privacy Issues

- A. It is the responsibility of the subscriber to ensure that documents filed electronically do not disclose confidential, impounded, sealed or personal identity information as defined in Supreme Court Rules 15 and 138.
- B. Subscribers shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all documents electronically filed with the Court, including exhibits, unless otherwise ordered by the Court:
 - 1. Social Security and Taxpayer-identification Numbers - If an individual's social security or taxpayer-identification number is required for a particular filing, only the last four digits of the number shall be used. Pursuant to Supreme Court Rule 15, the filing must be accompanied by a "Notice of Confidential Information Within Court Filing" form.
 - 2. Financial Account Numbers - If financial account numbers are relevant, only the last four digits of these numbers shall be used.
 - 3. Debit and Credit Card Numbers- If such numbers are relevant, only the last four digits of these numbers shall be used.
 - 4. Driver's License Numbers- If an individual's driver's license number must be included in the document, only the last four digits shall be used.
 - 5. Previously or statutorily impounded or sealed information.
- C. In addition to the above, subscribers shall exercise caution when filing documents that contain 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.

- D. Documents required to be maintained in original form pursuant to the Supreme Court's *General Administrative Order on Recordkeeping in the Circuit Courts*, other Rule or statute are excluded from electronic filing. All documents in confidential, impounded, or sealed cases must be submitted conventionally to the Clerk of the Circuit Court's office for filing. A subscriber who has a legal basis for filing a document under seal without prior Court Order must electronically file a Motion for leave to file under seal. The Motion must include the reasons the document meets the legal standards for filing sealed documents. The document in question may not be attached to the Motion as an attachment.
- E. When the filing of personal identity information in its entirety is required by law, ordered by the Court, or otherwise necessary to effect disposition of a matter, the filing must be accompanied by the "Notice of Personal Identity Information Within Court Filing" form which shall provide the required personal identity information without redaction. The Notice and any attachments shall be filed under seal and remain confidential, except as provided in LCR 1-2.07(F), or as the Court may order.
- F. The information contained in the "Notice of Personal Identity Information Within Court Filing" shall be available to parties and their counsel, the Court and the Clerk of the Circuit Court in performance of any requirement provided by law. It shall also include the transfer of such information to appropriate justice partners, such as the Sheriff, Guardian Ad Litem, and the State Disbursement Unit (SDU).

Rule 1-2.08 Format of Documents

- A. All uploaded documents that are not exhibits or attachments created by word processing programs must be formatted as follows: (a) the size of the type in the body of the text must be no less than twelve point font, and footnotes no less than ten point font; (b) the size of the pages must be 8½ by 11 inches; and (c) the margins on each side of the page must each be a minimum of 1 inch; and (d) the top right 2" x 2" corner of the first page of each pleading shall be left blank for the Clerk of the Circuit Court's stamp. Additionally, each electronically filed document shall include the case title, case number and the nature of the filing on each document.
- B. Each electronically filed document shall also include the typed name, e-mail address, address and telephone number of the subscriber filing such document. Attorneys shall include their Illinois ARDC Attorney Number or *Pro Hac Vice* designation on all documents.
- C. Any electronically filed document must be unalterable (sealed PDF), be able to be printed with the same contents and formats as if printed from its authoring program and must allow the text to be searched. In the event that proposed Orders are uploaded in a case, the PDF of the proposed Order must be generated directly from the word processing program that created the document.
- D. The maximum file size for the submission of electronically filed documents is 2 MB. Any electronically filed document which exceeds the maximum file size may be filed in multiple parts each under the maximum file size. In such case, the subscriber will be responsible for dividing the document into appropriately-sized parts.

- E. Bulk filings of multiple cases or multiple documents combined into one PDF document shall not be accepted. Documents with different case numbers must be filed individually in separate transactions. Filings of individual documents within a case will be accepted in a single electronic filing transaction.
- F. File exhibits not readily available in electronic form (e.g. blueprints, large maps) may be filed conventionally. If possible, however, a subscriber should scan a paper exhibit and file it electronically, in accordance with the size and scanning limitations set by Local Court Rule or Order. A subscriber electronically filing evidentiary materials must attach an index listing each item of evidence and identifying the related paper.
- G. Documents not complying with the format specified by the applicable statute or this Rule may be rejected. Documents filed by self-represented parties that do not comply with the format specified by the applicable statute or Rule shall be reviewed for acceptance by the Court prior to rejection.
- H. Electronic documents containing links to material either within the filed document or external to the filed document are for convenience purposes only. The external material behind the link is not considered part of the filing of the basic record.

Rule 1-2.09 Signatures

- A. Each electronically filed document that requires an original signature when conventionally filed, shall bear a facsimile or typographical signature of the attorney or self-represented litigant 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 subscriber 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 may be filed electronically and shall bear a facsimile or typographical signature. If a document requires the signature[s] of one or more persons not a party to the case or not registered for electronic filing (e.g. settlement agreement with a self-represented litigant, or a witness' affidavit), the subscriber must confirm all persons required to sign the document approve it. Original signatures of all non-registered persons must be obtained before filing the document. The document must indicate the identity of each non-registered signatory. The subscriber must retain the original document for one year after the date that the Judgment has become final by the conclusion of direct review or the expiration of the time for seeking such review.
- D. Signatures as defined in Sections A, B, C, F and G of LCR 1-2.09, satisfy Supreme Court Rules and statutes regarding original signatures on Court documents, and give rise to the application of available sanctions when appropriate.
- E. The original signed document that has been electronically filed pursuant to Sections A, B and C above, shall be maintained and preserved as required by LCR 1-2.06.

- F. Where the Clerk of the Circuit Court 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.
- G. Documents filed in the E-Filing system under a judicial officer's logon id and password shall be deemed entered by that judicial officer. All Judges' and other necessary electronic signatures shall be captured and maintained by the Clerk of the Circuit Court. Each signature shall be protected by internal system security measures and encrypted passwords to authenticate the use of the e-signature.

Rule 1-2.10 Time of Filing, Acceptance by the Clerk and Electronic Filing Stamp

- A. Any electronic document submitted to the Clerk of the Circuit Court for filing shall be deemed filed if not rejected by the Clerk. The transmission date and time of transfer shall govern the electronic file mark.
- B. A subscriber 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. Pleadings received by the Clerk of the Circuit Court before midnight on a day the courthouse is open shall be deemed filed that day if accepted by the Clerk. If filed on a day the courthouse is not open for business, the document will be deemed filed the next business day of the Court.
- D. The Clerk of the Circuit Court shall issue a confirmation to the subscriber of an electronically submitted document. This confirmation shall serve as proof of such submission, but not of acceptance of the submission by the Clerk. A subscriber will receive e-mail notification from the Clerk indicating the reason for the rejection if a document is not accepted by the Clerk of the Circuit Court's office. In that event, the subscriber may be required to re-file the document to meet necessary filing requirements.
- E. Each document reviewed and accepted for filing by the Clerk of the Circuit Court shall receive an electronic file stamp. The stamp shall be endorsed with the identification of the Nineteenth Judicial Circuit Court, Lake County, Illinois, in the name of the Clerk of the Circuit Court by the deputy clerk accepting the filing, and shall include the official time and date of filing and contain the word "FILED". This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed online. 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.

Rule 1-2.11 Electronic Service, Courtesy Copies and Filing Proof of Service

- A. Electronic service 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 the E-Filing system, but must be served in the conventional manner.
- B. All other documents may be served upon the other parties or their representatives electronically. The subscriber shall be responsible for completing electronic service of these

other documents. By their registration in the e-filing program, subscribers consent to receipt of all other documents e-filed and e-served upon them. Service of documents on parties not registered as an e-filing or e-service registrant shall be made as otherwise required by Rule or statute.

- C. E-service shall be deemed complete at the filed date and time listed by the E-Filing system. However, for the purpose of computing time for any other party to respond, any document served is deemed to be served on the next business day following the date of transmission. The electronic service of a pleading or other document shall be considered as valid and effective service on all parties and shall have the same legal effect as personal service of an original paper document.
- D. The E-Filing system is required to maintain an e-service list for each e-filed case. The Clerk of the Circuit Court shall immediately update the service list upon being given Notice of new contact information. Whenever a document is submitted for service upon other parties, the most current e-service list to perform service shall be used.
- E. All subscribers and other participants must notify other parties and the Clerk of the Circuit Court of any change of firm name, delivery address, fax number or e-mail address, not later than ten business days prior to when such a change takes effect.
- F. The Court, through the Clerk of the Circuit Court, may issue Notices, Orders and other documents electronically. The Clerk of the Circuit Court may also issue Notices and other documents electronically. When service is required by the Clerk of the Circuit Court, the Clerk shall record in the official Court record the effective date and time of service.
- G. Paper courtesy copies of documents customarily required to be provided to the Court may continue to be required in e-filed cases by individual Judges' Standing Order.

Rule 1-2.12 Collection of Fees/Requests for Information

- A. The e-filing of a document requiring payment of a statutory filing fee to the Clerk of the Circuit Court in order to achieve valid filing status shall be filed electronically in the same manner as any other e-filed document. The E-Filing system shall electronically return to the filer the electronically filed documents of each accepted filing without additional costs to the subscriber.
- B. The Clerk of the Circuit Court shall provide a procedure for response to requests for case information, including the appropriate certification. Copies of any documents or certification may be provided electronically and shall be available to the requesting party at reasonable cost, including all applicable fees as set by Rule or statute.
- C. If a merchant vendor is used, the vendor shall electronically transmit to the Clerk of the Circuit Court's bank account all statutory filing fees required for that day's electronic filings at the end of each business day. The vendor shall electronically provide the Clerk's Accounting Department a detailed breakdown including case number, type of transaction and party being billed for the payment for each deposit. Allowable methods of payment include credit card, draw down accounts or other methods of payment as approved by the Clerk of the Circuit Court.

- D. Fees charged to e-filing subscribers for services are solely the property of the merchant vendor and are in addition to any statutory filing fees.

Rule 1-2.13 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. Subscribers shall attempt, in good faith, to resolve filing and service errors based on technical failures, such as: (1) an error in the transmission of the document to the E-Filing system which was unknown to the sending party; or (2) a failure to process the electronic filing when received by the E-Filing system; or (3) rejection by the Clerk of the Circuit Court; or (4) other technical problems experienced by the filer; or (5) the party was erroneously excluded from the service list. If the subscribers are unable to resolve the problem, the Court may, upon good cause shown, enter an order permitting the document to be subsequently filed effective as of the date of the attempted first filing.
- C. In the case of a filing error, absent extraordinary circumstances, 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.

Part 3.00 Electronic Access to Court Records

Part I General Provisions

Rule 1-3.01 Authority

- A. Electronic filing and access of court records is undertaken and conducted in the Nineteenth Judicial Circuit, in compliance with the Electronic Filing Standards and Principles established by the Supreme Court of Illinois, M.R. 18368, effective January 1, 2013 or as may be amended in the future and access to the electronic records will be in compliance with the *Electronic Access Policy for Circuit Court Records of the Illinois Courts* dated April 1, 2004.
- B. The Nineteenth Judicial Circuit seeks to provide for electronic access to court records in a manner that provides maximum accessibility to court records; promotes governmental accountability; supports the role of the judiciary, court clerk and staff; protects individual privacy rights and interests; protects proprietary business information and minimizes reluctance to use the Court to resolve disputes.
- C. These Rules shall become effective upon filing with the Clerk of the Circuit Court and remain in effect until further Order.

Rule 1-3.02 Definitions

- A. **Basic Access** refers to an electronic system provided by the Clerk of the Circuit Court that allows remote users access to basic court information and records that are otherwise available at the courthouse, without cost or pre-registration. This system complies with the requirements set forth in the *Electronic Access Policy for Circuit Court Records of the Illinois Courts*, effective January 1, 2003 and revised April 1, 2004.
- B. **Basic Court Record** means the basic record as defined under Part 1 of the *Manual on Recordkeeping*.
- C. **Bulk Dissemination** refers to a request for all, or a significant subset, of the information in court records that is maintained in electronic form, as is and without modification or compilation.
- D. **Compiled information** means information derived from the selection, aggregation or manipulation of court information from more than one individual court record, including statistical reports, and information that is not already available in an existing record or report.
- E. **Court Rule** means any Rule of the Supreme Court of Illinois and any Local Rule or Administrative Order established as provided by Supreme Court Rule 21.
- F. **Electronic Access** refers to inspection of the electronic court record made through the use of technology, such as the Internet, direct dial, kiosk, etc., as provided by Local Rule.
- G. **Electronic Court Record** means information related to the indexes, calendars, record sheets, pleadings, Complaints, Orders, dispositions, and other case information which are maintained by the Clerk of the Circuit Court in electronic form and not excluded under LCR 1-3.04 and 1-3.08 of this Part, Order of Court, or other law.
- H. **Enhanced Remote Access** means an electronic system provided by the Clerk of the Circuit Court that allows subscription access to compiled and bulk dissemination of court records. This system involves a subscription fee, pre-registration and setup, and complies with the requirements set forth in the bulk dissemination and compiled records exceptions of Section 4 of the *Electronic Access Policy for Circuit Court Records of the Illinois Courts*, effective January 1, 2003 and revised April 1, 2004.
- I. **In Electronic Form** refers to information in a court record that exists as:
 - 1. electronic representations of text or graphic documents;
 - 2. an image, including a video image, of a document, exhibit or other thing; or
 - 3. data in the fields or files of an electronic database.
- J. **Law** refers to any federal or state statute passed by the U. S. Congress or the Illinois General Assembly.

Rule 1-3.03 Availability of Court Records

- A. These Rules do not limit or expand access to the official court records maintained by the Clerk of the Circuit Court. Access to the record is governed by the Supreme Court's *General Administrative Order on Recordkeeping in the Circuit Courts* and applicable laws. The official court record held by the Clerk of Court is available for inspection during regular office hours for that office.
- B. Electronic court records will be available for access subject to unexpected technical failures, or system maintenance.
- C. Except as provided in LCR 1-3.04 and 1-3.07 of this Part, the electronic court record is an exact representation of the official court record.

Rule 1-3.04 Destruction of Court Records

- A. The *General Administrative Order on Recordkeeping in the Circuit Courts* provides for the destruction of certain court records. Any record which has been approved to be destroyed pursuant to those provisions may no longer be available for inspection in electronic form.
- B. Pursuant to the *General Administrative Order on Recordkeeping in the Circuit Courts*, the Clerk of the Circuit Court may elect to continue to provide access to all or part of the electronic court record where approval has been received to destroy the basic record of the case.
- C. A court's case management system may necessitate that portions of the electronic court record be removed from or not be made available by electronic access.

Rule 1-3.05 Fees for Access

- A. There shall be no additional fee for electronic access to the court record as provided for in these Rules. However, this does not limit a Clerk of the Circuit Court from charging fees for copies of documents filed with the clerk, regardless of the form, format, or medium of the exchange of those documents.
- B. This Rule does not apply to contractual relationships for the provision of any service under the Enhanced Remote Electronic Access Program or as allowed by Court Rule or law.

Part II Basic Access to Court Records

Rule 1-3.06 Basic Access to Court Records

Every member of the public will have the same electronic access to court records as provided in these Rules except as provided in LCR 1-3.04 and 1-3.07.

- A. "Public" includes:
 - 1. any person and any business or non-profit entity, organization or association;

2. any public governmental agency for which there is no existing Court Rule, Order, or law defining the agency's access to court records;
 3. media organizations; and
 4. entities that gather and disseminate information for whatever reason, and regardless of whether it is done with the intent of making a profit, without distinction as to nature or extent of access.
- B. "Public" does not include:
1. court or clerk of court employees;
 2. people or entities, private or governmental, who assist the Court in providing court services;
 3. public or governmental agencies whose access to court records is defined by another Court Rule, Order or law; and
 4. attorneys of record who may be allowed greater electronic access to their specific cases by Local Court Rule, dependent upon the capabilities of the case management system on which those records are stored.
- C. Electronic records listed under the Basic View Field List per the Attachment to LCR 1-3.00 will be available under the Basic Electronic Access Program.

Rule 1-3.07 Limitations to Electronic Access

- A. Certain Electronic Court Records are excluded from public access as follows:
1. Information that is impounded, sealed, or expunged pursuant to law or by Court Rule, Order of Court, or pursuant to the *Manual on Recordkeeping* shall be excluded from public access in electronic form. Access and inspection of this information is governed by the existing Court Rules and laws for public access of the official court record. Requests for inspection of this information must be made in person at the office of the Clerk of the Circuit Court.
 2. Information that is excluded from public access in electronic form pursuant to Supreme Court Rules 15 and 138, unless access is provided at the Office of the Clerk of the Circuit Court through the use of a computer terminal which does not allow information to be downloaded or exported and only if such access is not otherwise prohibited by these Rules. Information that is excluded in electronic form is:
 - a. Financial information that provides identifying account numbers of specific assets, liabilities, accounts or, credit cards, first five digits of social security numbers, or P.I.N. numbers of individuals or business entities;

- b. Proprietary business information such as trade secrets, customer lists, financial information, or business tax returns;
 - c. Information constituting trade secrets, copyrighted or patented material or which is otherwise owned by the state or local government and whose release would infringe on the government's proprietary interests;
 - d. Notes, drafts and work products prepared by a Judge or for a Judge by court staff or individuals working for the Judge related to cases before the Court;
 - e. Names, addresses, or telephone numbers of potential or sworn jurors in a criminal case;
 - f. Juror questionnaires and transcripts of voir dire of prospective jurors;
 - g. Wills deposited with the Court pursuant to the *Manual on Recordkeeping*;
 - h. Arrest warrants (at least prior to the arrest of the person named).
- B.** Requests for Bulk Dissemination of bulk information in electronic form is not permitted for court records, except as provided for in Part III of these Rules, Court Order, or other law.
- C.** Dissemination of compiled information in electronic form is not permitted, except where explicitly provided for in Part III of these Rules, Court Order, or other law.

Rule 1-3.08 Additional Court Records

- A.** The following information in court records will be made electronically accessible through the basic access system if it exists in electronic form, except as provided in LCR 1-3.04 and 1-3.07:
- 1. Indexes to cases as provided in the *Manual on Recordkeeping*;
 - 2. Calendars of court proceedings;
 - 3. The record sheet as provided for in the *Manual on Recordkeeping*;
 - 4. Sentencing information in criminal and quasi-criminal cases.

Part III Enhanced Remote Electronic Access Program

Rule 1-3.09 Enhanced Remote Electronic Access Program

The Nineteenth Judicial Circuit hereby establishes a policy to allow access to court records maintained by the Clerk of the Circuit Court through the Enhanced Remote Electronic Access Program. The Circuit Judges of the Nineteenth Judicial Circuit, by this Rule, hereby authorize the establishment of the Enhanced Remote Electronic Access Program to the Clerk of the

Circuit Court's File Databases, as a way to process compiled records requests and bulk dissemination of court records.

Rule 1-3.10 Subscriber Agreements

- A. The Clerk of the Circuit Court shall maintain a log/index, which may be maintained manually and/or by computer, of all Subscriber Agreements entered into by the Clerk under the provisions of this Rule. The log/index shall include:
 - 1. Name, address, and telephone number of the subscriber;
 - 2. Name of the contact person for the subscriber;
 - 3. Beginning date of the Subscriber Agreement;
 - 4. The date of any termination or cancellation of the Subscriber Agreement;
 - 5. Reason for termination or cancellation.
- B. A current copy of the subscriber's log/index shall be made available to the Chief Judge or his designee.
- C. A subscriber will be terminated from the Enhanced Remote Electronic Access Program for violation of any of the access Rules contained herein, running scripts or any attempt to modify the access program.

Rule 1-3.11 Accessible Records

Electronic records listed under the Enhanced Access Field List per the Attachment to LCR 1-3.00 will be available under the Enhanced Remote Electronic Access Program.

Rule 1-3.12 Non-Accessible Records

- A. The following records may not be accessed by subscribers under the Enhanced Remote Electronic Access Program:
 - 1. Any records excluded from Basic Access under LCR 1-3.04 except as specifically allowed by LCR 1-3.11.
 - 2. Any records excluded from Basic Access under LCR 1-3.07 except as specifically allowed by LCR 1-3.11.
- B. Reserved

Rule 1-3.13 Document Storage Fund

Any fees collected by the Clerk of the Circuit Court under this program shall be deposited in the Clerk's Document Storage Fund and shall be used solely for the purposes authorized by the applicable law. The Clerk of the Circuit Court shall annually provide an accounting of all receipts pursuant to the Enhanced Remote Electronic Access Program to the Chief Judge or his designee.

ATTACHMENT TO LCR 1-3.00

INFORMATION FIELD LIST AVAILABLE FOR ELECTRONIC ACCESS

Search criteria to include: Last Name, First Initial, Year of Birth, Case Type and Case Number. The Year of Birth will only be used to initiate and narrow the search, it will not display on records that are returned.

Regardless of possessing either the Basic or Enhanced Access permission, no records concerning juvenile, adoption, mental health, sealed, impounded or other records excluded by LCR 1-3.04 or 1-3.07 will be displayed.

Basic Access Field List

Case Number
Overall Case Status
(e.g., Active, Probation, Closed, etc.)
Parties' Name and Role
Civil Party's Status
Charges for criminal/traffic cases
Overall Disposition for the charge
(e.g., Guilty, Dismissed, etc. via CRIMS
Disposition codes)
Disposition Type
(e.g., Bench Jury, Partial Negotiated Plea,
etc. via CRIMS Disposition Type codes)
Sentencing Information
(all SENT and LENGTH fields)
Restitution Amount Ordered
Individual Fines, Fees, and Costs Amount
Ordered
Subtype
Date Case Filed
Date Case Current Status
Arresting Agency
Attorneys
(both Responsible Attorney and Firm
information)
Addresses of all attorneys and self-
represented litigants
All Court Appearance Dates
Attendance Records
(participants present and their role)
Events
(Events only marked with "Y%" - meaning
that they actually occurred. Notes fields

Enhanced Access Field List

Date of Birth
(Criminal cases only)
Parties' Addresses
Payment History on Fees, Fines and Costs
Payment History on Restitution

attached to an Event will not be displayed)

Judge Assigned

All Future Court Dates

Courtroom

Events Set

Judgment Amount

Total Amount Due

Total Amount Paid

Bond Type

Bond Amount

Papers Filed

(Date filed, Paper Code and Paper Type)

Part 4.00 Media

Rule 1-4.01 Photography, Radio, Television, Audio Recording Devices and Cellular Telephones

- A. Pursuant to Supreme Court Rule 63A(8), the taking of photographs in the courtroom during sessions of court or recesses between proceedings, and the videotaping, audio recording, transmitting, broadcasting or the televising of proceedings, is permitted only to the extent authorized by this Rule and/or LCR 1-4.02. Photography, videotaping, audio recording, transmitting, broadcasting or televising of circuit court proceedings is otherwise prohibited.
- B. The photography, videotaping, audio recording, transmitting, televising or broadcasting of events and activities in a courtroom or its environs is also prohibited unless expressly authorized by this Rule and/or LCR 1-4.02. For the purpose of this Rule, the use of the terms "photographs, videotaping, audio recording, transmitting, televising or broadcasting" includes audio or video transmissions or recordings made by cell phones, personal data assistants, laptop computers, and other data transmission and recording devices.
- C. Photographs, videotapes, audio recordings, and transmitting, including broadcasting or televising of non-judicial events and activities, or of judicial personnel, or facilities, may be authorized by the Court for educational, instructional, informational or ceremonial purposes, provided that Court is not in session during such photographing, videotaping, audio recording, transmitting, broadcasting, or televising. Such non-judicial events and activities would include: weddings, bar association activities, induction ceremonies, award ceremonies, dedication ceremonies, mock trials, seminars, speeches, demonstrations, training sessions, journalistic undertakings, public awareness activities, and similar events and activities.
- D. Micro cassette recorders or handheld dictating devices may be used in the public hallways or conference rooms adjacent to said hallways, provided that such use does not interfere with the use of said premises by others present. Any such micro cassette recorders or handheld dictating devices brought into a courtroom must be turned to the "off" position and kept enclosed in a briefcase or similar container. In the event that a person possessing such a device enters a private hallway, anteroom or Judge's chambers, such device must first be given to the court officer in charge of said courtroom.
- E. Photographing or recording via wireless communication devices that have the capability of recording and/or transmitting sound, pictures and video, such as, but not limited to, cell phones, camera phones, personal data assistants (PDAs), notebook computers, and laptop computers in the courtroom or its environs is prohibited unless expressly waived by the Court. Notwithstanding the foregoing, attorneys, court employees, including but not limited to probation and detention officers, and Sheriff's personnel may use the device in the courtroom for non-verbal communication such as texting or conducting electronic legal research. Any wireless communication device brought into the courtroom or its environs must be in the "silent" mode.

- F. Voice communication via wireless telephone is allowed only in the public hallways and conference rooms adjacent to said hallways, provided that such use does not interfere with the use of said premises by others present.
- G. Tape recording by an official court reporter or court authorized court reporter in the courtroom or its environs is permitted.
- H. The word "environs" includes the private and public hallways, rooms immediately adjacent to said hallways and to the courtroom, and the jury assembly/deliberation rooms; and it shall be understood that, in the interest of a fair trial, the Court may expand the area of environs in a written Order.
- I. When the nature of a case, or the nature of the media coverage of a case, requires, the Court, on Motion of either party, or on its own Motion, may issue an Order governing such matters as extra-judicial statements by parties and witnesses which might interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom and spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an Order.

Rule 1-4.02 Extended Media Coverage

- A. Extended media coverage in the Nineteenth Judicial Circuit is permitted in accordance with the provisions contained in Illinois Supreme Court Order M.R. 2634 and the *Policy for Extended Media Coverage in Circuit Courts of Illinois*.

News media organizations shall comply with the Rules regarding the general use of cellular phones and other electronic devices within the courtrooms and outside of the courtrooms, but still within the confines of the courthouse. Nothing in this Rule shall limit or restrict the power, authority or responsibility otherwise vested in the Chief Judge of the Circuit; and the Judge presiding to: control the conduct of any proceeding; maintain decorum and prevent distractions; guarantee the safety of the courtroom, including any party, witness, or juror; and ensure the fair and impartial administration of justice in the pending cause.

B. Media Coordinator and Court Media Liaison

1. **Media Coordinator.** A single representative acting on behalf of all news media organizations shall be selected to organize and submit requests for extended media coverage and administer all aspects of extended media coverage for the news media. The Media Coordinator shall be selected by and among representatives of the news media and shall be approved by the Chief Judge.
2. **Court Media Liaison.** A representative from Court Administration shall serve as the Court Media Liaison. The Court Media Liaison is responsible to the Court and shall work with the Media Coordinator on all matters pertaining to extended media coverage. The Media Liaison may consult with the Trial Judge regarding any questions or concerns from the media and may direct the media consistent with the rulings of the Trial Judge.

regarding extended media coverage of any case. The Trial Judge may direct the Media Liaison to convey any changes or alterations to the Order entered in the case to interested individuals or organizations.

C. Requests, Objections and Orders

1. **Notice of Requests for Extended Media Coverage.** Notices for Requests for Extended Media Coverage shall be filed with the Office of the Clerk of the Circuit Court. The form for filing a Request for Extended Media Coverage shall be as prescribed in Appendix "A."
2. **Notices of Requests for Extended Media Coverage.** The Office of the Clerk of the Circuit Court shall send a written Notice and copy of the Request for Extended Media Coverage to the following persons:
 - a. Attorneys of Record;
 - b. Self-represented litigants;
 - c. The Court Media Liaison;
 - d. The Judge presiding over the case for which extended media coverage is sought;
 - e. The Chief Judge.

The form of the Notice to be sent by the Clerk of the Circuit Court shall be as prescribed in Appendix "C."

The Notice and copy of the Request shall be sent by first class mail or facsimile transmission or delivered by personal service, no later than the close of business on the day following the filing of the Request. The Chief Judge may order alternate means of service, such as electronic mail, for persons identified in Sections C through E of this Rule.

3. **Objections by Parties.** The form for a party to object to extended media coverage shall be as prescribed in Appendix "D."
4. **Objections by Witnesses.** All witnesses shall be notified by counsel proposing to introduce testimony from a witness of their right to object to extended media coverage. Notification shall be provided by using the form as prescribed in Appendix "E," or a substantially similar form. Objections by witnesses shall be filed with the Clerk of the Circuit Court prior to the commencement of the proceeding. Any objecting witness shall file his or her objection using the form as prescribed in Appendix "F," or a substantially similar form. Counsel shall file proof that Notice was provided to the witness(es) each counsel intends to call at trial.
5. **Notice of Objections.** The Office of the Clerk of the Circuit Court shall provide written Notice of all filed objections to extended media coverage to the persons designated in Section (C)(2) and to the Media Coordinator.

6. **Written Orders.** The Judge shall enter a written Order on all requests for extended media coverage specifying the scope of coverage permitted. An Order for extended media coverage shall be effective for all subsequent proceedings until the conclusion of the involved case(s) or as otherwise ordered by the Court and subject to ruling on any filed objections. The form of an Order for Extended Media Coverage shall be as prescribed in Appendix "B."
7. **Timeframe for Request and Objections.** Calendar days shall be used for the purpose of calculating the timeframes for the filing of requests and objections.
8. **Certain Trial Proceedings Prohibited from Extended Media Coverage.** Extended media coverage is prohibited in any court proceeding required under Illinois law to be held in private. No coverage shall be permitted in any juvenile, dissolution, adoption, child custody, evidence suppression or trade secret cases. Extended media coverage is also prohibited as to evidentiary pre-trial motions, including Motions in *Limine* and in all Specialty Court proceedings including drug court, veteran's court and mental health court due to the sensitive nature of these proceedings unless otherwise ordered by the Court.

D. Equipment and Courtroom Conduct

1. **Enhanced Microphones.** Parabolic or other highly sensitive long range microphones are prohibited.
2. **Assigned Locations.** The Court, in consultation with the Court's Court Media Liaison or designee will direct the news media to their assigned spot(s). Still photographers and videographers must stay seated unless they are positioned beyond the last row of spectator seats.
3. **Decorum.** In the courtroom, members of the news media shall:
 - a. Not make comments in the courtroom during court proceedings;
 - b. Not comment to or within hearing of the jury or any member thereof at any time before the jury is dismissed;
 - c. Not conduct interviews in the courtroom; and
 - d. Comply with the Orders and directives of the Court.
4. **Prohibition on Certain Materials.** Focusing on and photographing of materials on counsel tables, materials on evidence carts, or materials that have not yet been presented as evidence is prohibited.

E. General Provisions

1. **Temporary and Permanent Installations.** The Judge may order the news media to install any manner of temporary courtroom alterations including, but not limited, to a screen or divider to conceal the jury from the view of recording equipment. No permanent installation of any audio or visual recording equipment shall be made nor

shall any court facility be altered, unless approved in advance by the Chief Judge. All expenses for permanent or temporary installations shall be borne by the news media.

2. **Sub-contracting and Assignment.** Permission for extended media coverage shall not be sub-contracted or assigned.
3. **Non-exclusivity.** This Rule shall not preclude coverage of a judicial proceeding by other members of the news media who have not been granted permission for extended media coverage.
4. **Courthouse Security.** Court security policies require all persons and equipment entering the courthouse to pass through a magnetometer. News media representatives will not be permitted to bypass screening and should allow sufficient time to get through the magnetometer in advance of the commencement of proceedings.
5. **Inadmissibility in Proceedings.** Film, videotape, photograph and audio reproductions obtained by and through extended media coverage shall not affect the official court record of the proceeding for purposes of appeal or otherwise. Nor shall the same be admissible as evidence in the proceeding out of which it arose or in any proceeding subsequent or collateral thereto.
6. **Knowledge of Plan Provisions.** The Media Coordinator is charged with actual and constructive knowledge of the provisions contained within the *Policy for Extended Media Coverage in Circuit Courts of Illinois* and this Rule. By the submission of a Request for Extended Media Coverage, the Media Coordinator, respective agents from involved news media organizations and designees of such, acknowledge and agree to abide by all applicable provisions.
7. **Sanctions.** In addition to contempt and any other sanctions allowed by law, the Judge or Chief Judge may remove anyone violating the *Policy for Extended Media Coverage in Circuit Courts of Illinois* or this Rule from the courtroom and revoke the privileges for extended media coverage.
8. **Revocation of Permission.** If the Media Coordinator or any media representative fails to comply with the conditions set forth in the *Policy for Extended Media Coverage in Circuit Courts of Illinois*, this Rule or other Orders imposed by the Judge or Chief Judge, the Judge or Chief Judge may impose restrictions on the dissemination, broadcast and/or publication of extended media coverage.

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

vs.

Case No. _____

**REQUEST FOR
EXTENDED MEDIA COVERAGE**

NOW COMES the undersigned Media Coordinator, who states as follows:

1. This request is being made on behalf of all news media organizations.
2. Extended media coverage is requested for the ☐ trial ☐ proceeding _____
scheduled to commence on _____, 20 ____ at ☐ AM ☐ PM in courtroom C- ____ at the Lake
County Courthouse in Waukegan, Illinois.
3. The type of media coverage requested is as follows (include type of equipment and number of personnel):
☐ Still photography: _____
☐ Video Recording (with existing audio recording): _____
☐ Audio Recording: _____
4. This request for extended media coverage is filed (check the appropriate box):
☐ at least fourteen (14) days in advance of the proceeding identified above; or
☐ less than fourteen (14) days in advance of the proceeding identified above because _____

5. Notice of this request needs to be provided to:
Counsel of record: _____
Parties appearing without counsel: _____
The Court Media Liaison: _____
6. I will abide by all the provisions of the Policy for Extended Media Coverage in Circuit Courts of Illinois and the
Nineteenth Judicial Circuit Court Local Rule on Extended Media Coverage and perform all duties required of me as
the Media Coordinator.

Respectfully submitted,

SIGNATURE

MEDIA COORDINATOR (Print Name)

News Media Organization: _____
Address: _____
Telephone: _____
Email: _____

LCR 1-4.02(C)
Appendix A

VS.

Case No. _____

This matter coming before the Court on a filed request for extended media coverage, the Court hereby orders as follows:

- By means of:

- The following exceptions and/or additional restrictions shall apply:

- Enter:**

Page 47

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

_____	)	
	)	
vs.	)	Case No. _____
	)	
_____	)	

NOTICE OF FILING OF REQUEST FOR EXTENDED MEDIA COVERAGE

TO: Attorneys of record in the above cause; parties, if any, appearing without counsel in the above cause; the Court Media Liaison; the Judge presiding over the above-captioned case, the Presiding Judge of the division in which the above case pends; and, the Chief Judge.

PLEASE TAKE NOTICE that the attached Request for Extended Media Coverage has been filed in the above case. Local Rule 1-4.02(C) controls the disposition of this Request and any objections thereto. In accord with the Local Rule, any party objecting to the attached Request must file a written objection at least three days before the commencement of the proceeding and any witness objecting must file a written objection before the commencement of the proceeding. The Local Rule and suggested forms are available at the Office of the Circuit Court Clerk, 18 North County Street, Waukegan, Illinois 60085.

Dated: _____

Clerk of the Circuit Court

LCR 1-4.02(C)
Appendix C

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

vs.

Case No. _____

OBJECTION OF PARTY
TO EXTENDED MEDIA COVERAGE OF TESTIMONY

NOW COMES _____, who states as follows:
(name of objecting party)

1. Extended media coverage has been requested for the above matter.
2. There is good cause to believe that the presence of extended media coverage, under the particular circumstances of this trial or proceeding, would materially interfere with the fair and impartial administration of justice. The specific facts and circumstance in support of this allegation are as follows:

3. This objection is filed at least three (3) calendar days before the commencement of the trial or proceeding for which extended media coverage has been requested.
4. Notice of this objection needs to be provided to all counsel of record, parties appearing without counsel, the Media Coordinator and the Court Media Liaison.

WHEREFORE, I object to extended media coverage of this proceeding for the above stated reasons.

Respectfully submitted,

SIGNATURE _____

Name (Print Name) _____

Telephone: _____

E-Mail: _____

LCR 1-4.02(C)
Appendix D

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

_____))
vs.))
_____))
_____))
_____)

Case No. _____

NOTICE OF FILING OF REQUEST FOR EXTENDED MEDIA COVERAGE

TO: Witness in the above entitled proceeding

PLEASE TAKE NOTICE that the attached Request for Extended Media Coverage has been filed in the above case. Local Rule 1-4.02(C) controls the disposition of this Request and any objections thereto. In accord with the Local Rule, any party objecting to the attached Request must file a written objection at least three days before the commencement of the proceeding and any witness objecting must file a written objection before the commencement of the proceeding. The Local Rule and suggested forms are available at the Office of the Circuit Court Clerk, 18 North County Street, Waukegan, Illinois 60085.

Dated: _____

Attorney of Record

LCR 1-4.02(C)
Appendix E

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

	)	
vs.	)	Case No. _____
	)	
	)	
	)	

**OBJECTION OF WITNESS
TO EXTENDED MEDIA COVERAGE OF TESTIMONY**

NOW COMES _____, who states as follows:
(name of objecting witness)

1. Extended media coverage has been requested for the above matter.
2. I expect to be called as a witness for the above matter.
3. I object to extended media coverage of my testimony for the following reasons (please be specific):

4. This objection is filed with Clerk of the Court prior to the commencement of the trial or proceeding for which extended media coverage has been requested.
5. Notice of this objection needs to be provided to all counsel of record, parties appearing without counsel, the Media Coordinator and the Court Media Liaison.

WHEREFORE, I object to extended media coverage of my testimony.

Respectfully submitted,

SIGNATURE

Name (Print Name)

Telephone: _____

E-Mail: _____

LCR 1-4.02(C)
Appendix F

Part 5.00 Forms

Rule 1-5.01 Approval and Use of Forms

- A.** All pre-printed forms used by the Court, including Publication Notices, shall be approved by the Chief Judge or the Supreme Court prior to use.
- B.** It shall be the duty of the Clerk of the Circuit Court to make available to the public, free of charge, all pre-printed forms that have been approved by the Chief Judge or the Supreme Court.
- C.** Revisions and modifications to existing pre-printed Nineteenth Judicial Circuit forms must be approved by the Chief Judge, prior to implementation of the change.

CHAPTER 2 CIVIL PROCEEDINGS

Part 1.00 Motions Notice

Rule 2-1.01 Motions Generally/Notice

- A. For the purpose of these Rules, "Motion" includes any pleading or paper in the nature of a Petition or Motion, other than a Petition or Complaint which initiates a cause of action.
- B. Each Motion shall be in writing. Each Notice of Motion shall have appended thereto a copy of the relevant motion, unless otherwise ordered by Court.
- C. Each Motion, Petition and Appearance form shall contain in typewritten form or clear printing the name, address, e-mail address, telephone number and State of Illinois attorney registration number of the attorney representing the party on whose behalf the document is filed.
- D. Each Motion shall be captioned with the case name and number and shall include the Supreme Court Rule, Code of Civil Procedure Section and/or other statutory Section upon which it is based.
- E. All dispositive motions shall be initially scheduled before the Court for presentment. Unless otherwise directed by the Court, no contested motion shall be heard if it has not been scheduled for hearing by the Court.
- F. Written Notice of Motion of all motions shall be given by the party requesting the hearing. The Notice shall be given to all parties who are not in default pursuant to a finding of the Court. Additional Notice may be ordered by the Court. Where a party is represented by an attorney of record, Notice shall be given to that party's attorney and not the party himself.
- G. The Notice of Motion shall designate the Judge to whom the Motion will be presented for hearing; shall show the title and number of the action, the title of the Motion, the date when the Motion will be presented, the time it will be presented, the courtroom where it will be presented, and the address of the Courthouse or Branch Court as appropriate. Copies of all papers presented to the Court with the Motion shall be served with the Notice or the Notice shall state that copies have been previously served.
- H. Notice of Motion shall be given in the manner and to the persons described in Supreme Court Rule 11. Service as prescribed in Supreme Court Rule 11(b)(5) may be effected by service of the Notice of Motion and other pertinent documents by any one of the following alternative methods:
 - 1. Electronic facsimile mailing (FAX), if allowed pursuant to Supreme Court Rule 11(b)(5). Service by FAX shall be complete only if, at the time of court presentation of the Notice of Motion, the transaction statement produced by the FAX machine is attached to said Notice, and the transaction statement reflects the date and time of service, the telephone number to which the documents were transmitted, and an acknowledgment from the receiving FAX machine that the transmission has been received. In the event that the

receiving FAX machine does not produce an acknowledgment to the sending machine, the Notice shall include an affidavit setting forth the date and time of service, telephone number to which documents were transmitted and a statement that the sending office has orally confirmed with the receiving office that the documents have been received.

2. Service by e-mail to all primary and secondary e-mail addresses of record designated by the attorney or self-represented party.
 3. Service by any of the methods set forth in Supreme Court Rule 11.
- I. If Notice of Motion is given by personal service, the Notice shall be delivered by 4:00 p.m. of the second court date preceding the hearing of the Motion. Delivery by FAX, authenticated as described in Section H above, shall be deemed personal service, but it is not complete until the first court day following transmission. If the Notice is given by mail, then Notice shall be deposited in the United States Post Office or Post Office Box on the fifth day preceding the hearing of the Motion. Delivery by e-mail shall be deemed personal service and is complete the first court day following transmission. See Supreme Court Rule 12 for proof of service in the trial court and effective date of service.
 - J. If a Motion is heard without prior Notice under this Rule, a copy of the Orders entered at the hearing shall be served personally or by U.S. Mail upon all parties not theretofore found by the Court to be in default for failure to plead, and proof of service thereof shall be filed with the Clerk of the Circuit Court within two days of the hearing thereon.
 - K. If a Motion presented without prior Notice is denied, or hearing thereon is denied, an Order of the Court's ruling shall be entered.
 - L. The burden of calling for hearing any Motion previously filed is on the party making the Motion. If any such Motion is not called for hearing within sixty days from the date it is filed, the Court may consider the Motion denied by reason of delay.
 - M. No Motion to Continue shall be allowed for other than good cause shown. Agreements of counsel as to a Motion to Continue shall not be binding on the Court. The Court may require affidavits of the parties and counsel.
 - N. The movant, or his attorney, seeking an Order of Default shall notify the court clerk at least one court day prior to the date of the hearing and shall request that the court file be present upon hearing of the Motion.
 - O. Motions presented and ruled upon before one Judge shall not be renewed before another Judge without leave of Court and a statement in the Notice of Hearing that the Motion has previously been ruled upon, naming the Judge who ruled on the Motion.
 - P. Motions not presented or supported by the moving party when called, pursuant to Notice, may be denied or stricken.
 - Q. There is no entitlement to a briefing schedule or oral argument. In its discretion, the Court may permit or require briefs or oral argument or both. The Court may also exercise its discretion to decide a Motion without briefs or oral arguments.

Rule 2-1.02 Contested Motions

- A. For purposes of LCR 2-1.02, any Motion which is opposed is a contested motion and may be heard at the end of the call or at such other time designated by the Court.
- B. Page Limitations.**
1. No Motion or Response shall exceed fifteen typewritten double-spaced pages without prior approval of the Court. This page limit includes any separately filed Memorandum or Brief in support of a Motion or Response.
 2. No Reply or Memorandum in support thereof shall exceed five typewritten pages without prior leave of Court. Any such Brief or Memorandum shall be limited to responding to new matters raised in the opponent's Response Brief or Memorandum.
 3. Neither narrow margins nor any other formatting device shall be employed to evade the page limitations set forth in this Rule. Footnotes, if any, shall be used sparingly.
 4. Failure to comply with this Rule shall be sufficient grounds for striking the Motion, Response, or Reply, or for the Court's refusal to consider the excess pages of the document and to consider the matters contained therein to have been waived.
- C. For every contested motion, including those brought pursuant to Supreme Court Rule 219, Supreme Court Rule 137 or Sections 2-615, 2-619, 2-619.1 or 2-1005 of the Code of Civil Procedure, movant's counsel shall deliver to the chambers of the assigned Judge, not less than five court days prior to hearing, a copy of:
1. the Motion,
 2. any challenged pleading, and
 3. any writing in support of or in opposition to the Motion.
- D. Not less than five court days prior to hearing, a party shall provide the Court and all opposing counsel with a complete citation to any case or other authority upon which the party intends to rely on in oral argument and which is not included in a supporting or opposing writing; and the party shall provide the Court with a full copy of any decision of a State Court outside the State of Illinois. Any cover letter delivered to the Court in compliance with the above requirements shall be copied to all counsel of record.
- E. Any writing in support of or in opposition to a Motion shall be served upon the opposing party at the time of service of Notice of Motion, or, if not then available, as soon thereafter as practicable and prior to hearing on said Motion.

Rule 2-1.03 Motions for Consolidation of Cases

Motions for consolidation of cases shall be presented to the Judge to whom the oldest case is assigned, when the cases are of the same case type. When the cases are filed in the same

division but are different case types, the Motion shall be brought before the Judge assigned to the case with the higher designation. The Law Division ("L") is the highest designation for the purpose of this Rule, followed by: MR, CH, TX, P, LM, AR and SC.

If the cases sought to be consolidated are from different divisions, the Motion shall be brought before the Presiding Judge of either division.

Rule 2-1.04 Motions for Summary Judgment

A. In all filings pursuant to 735 ILCS 5/2-1005, the moving party shall serve and file or cause to be received by the Clerk of the Circuit Court:

1. any affidavits and other materials referred to in Supreme Court Rule 191,
2. the Motion for Summary Judgment and supporting Memorandum of law, which shall not exceed fifteen pages without leave of Court,
3. a statement of material facts as to which the moving party contends there is no genuine issue and that entitles the moving party to a Judgment as a matter of law, and that also includes:
 - a. a description of the parties, and
 - b. all facts supporting venue and jurisdiction in this Court.

The statement referred to in Section (A)(3) shall consist of short numbered paragraphs, including within each paragraph specific references to affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial or striking of the Motion.

If additional material facts are submitted by the opposing party pursuant to Section B of this Rule, the moving party may submit a concise statement in the form prescribed in Section B for a Response. All material facts set forth in the statement filed pursuant to Section B will be deemed admitted unless controverted by the statement of the moving party.

B. Each party opposing a Motion filed pursuant to 735 ILCS 5/2-1005 as described above shall serve and file or cause to be received by the Clerk of the Circuit Court:

1. any affidavits and other materials referred to in Supreme Court Rule 191,
2. a Response to a Motion for Summary Judgment and supporting Memorandum of law, which shall not exceed fifteen pages without leave of Court,
3. a concise response to the movant's statement that shall contain:
 - a. a response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to the affidavits, parts of the record, and other supporting materials relied upon, and

- b. a statement consisting of short numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record, and other supporting materials relied upon. All material facts set forth in the statement required of the moving party will be deemed to be admitted unless controverted by the statement of the opposing party.

C. Absent leave of Court, a Reply Brief shall not exceed five pages.

Rule 2-1.05 Emergency Motions

- A. If emergency relief is requested, application shall be made to the assigned Judge, or if unavailable, to the Judge specifically assigned to sit in his stead. If neither Judge is available, application shall be made to the Presiding Judge of the division to which the case is assigned.
- B. Each application for emergency relief shall be accompanied by an affidavit of the movant or movant's attorney stating the reason for emergency relief; and, in cases where the request is without Notice, except as permitted by law, said affidavit shall state what attempts have been made to notify opposing counsel or the opposing party. Failure to attach said affidavits to the request for emergency relief may be grounds for denial of the Motion. A party and/or his or her counsel who respond to a Motion propounded as, but found not to be, an emergency may be entitled to reimbursement by the proponent of actual expenses, fees and costs incurred in responding to the said Motion.
- C. Every Complaint or Petition requesting an Ex Parte Order for the appointment of a receiver, Temporary Restraining Order, or any other emergency relief, shall be filed in the Office of the Clerk of the Circuit Court, if during court hours, before application to the Court for the Order.
- D. If a Motion is heard without prior Notice under this Rule and any Respondent or other party fails to appear, a copy of the Orders entered at the hearing shall be served personally, or by US Mail, upon all parties not previously found by the Court to be in default for failure to plead, and proof of service thereof shall be filed with the Clerk of the Circuit Court within two days of the hearing thereon.
- E. Counsel shall use every reasonable effort to notify opposing parties or counsel of entry of each Order, at the earliest opportunity.

Rule 2-1.06 Remote Appearances

- A. This Court hereby authorizes, as a means to increase efficiencies and reduce costs to participants and pursuant to the provisions of Supreme Court Rule 185, use of an independent conference servicing company, to be designated by the Chief Judge by Administrative Order (hereinafter "Vendor") for remote appearances for parties by counsel of record in civil cases except for juvenile and family case types.
- B. Remote appearances shall not be permitted for argument on contested or briefed motions, for evidentiary hearings, or for more than three consecutive Case Management Conferences

unless allowed by prior Court Order. In any matter, the Court may deny the use of remote appearances.

- C. Parties and their counsel are responsible for the preparation and submission of all Orders to the Court following any remote court appearance. Counsel appearing in the courtroom is responsible for immediate presentation of an Order in compliance with the Court's pronouncements. If no counsel is present in the courtroom, unless otherwise directed by the Court, the counsel for the Plaintiff is responsible for submitting such Orders approved as to form by opposing counsel before 3:00 p.m. on the same day of the remote conference, either in person, by facsimile or electronic transmission, or as directed by the Court.
- D. No remote appearance will be allowed as requested by a party or counsel unless it is made through the Vendor. The Court reserves the right to initiate a remote conference by conference call.
 - 1. The Vendor facilitates the remote appearance of persons at hearings which have already been scheduled by regular means with the Clerk of the Circuit Court. The Vendor does not set or calendar hearings for the Court. If a court date is not already set, or a Motion is not scheduled and noticed via the Clerk's Office in the same manner as any other Motion, the case will not appear on the Judge's call and will not be heard.
 - 2. Remote appearances must be arranged by contacting the Vendor by phone no later than 4:00 p.m. (CST) on the second court day preceding a hearing date.
 - 3. Persons electing to make a remote appearance shall notify all parties of the same in writing no less than twenty-four hours prior to the scheduled court date. Nothing in this Rule shall be construed as modifying the Notice of Motion requirements set forth in Supreme Court Rule 12 and LCR 2-1.01.
- E. It is the responsibility of the person making a remote appearance to dial into the call no later than five minutes prior to any scheduled hearing(s), and to check in with the Vendor's clerk.
 - 1. Any person appearing remotely shall state his or her name for the record each time he or she speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance.
 - 2. Unless otherwise permitted by Order of Court, to ensure the quality of the record, the use of car phones, cellular phones, speakerphones, public telephone booths, or phones in other public places is prohibited.
 - 3. If a person schedules a remote appearance and then fails to respond when the matter is called, the Court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous remote appearances in multiple courts does not excuse a failure to appear.
- F. The Vendor is an independent service provider. By using the services of the Vendor, individuals are knowingly entering into a service agreement and are subject to follow any additional terms and conditions imposed by the Vendor and shall be solely responsible for any costs or other expenses incurred for those services provided. Under no circumstance shall the Court bear any costs for any remote appearance of any party or attorney.

G. Rejections and Suspension of Privileges

1. The fact that a remote appearance is scheduled with the Vendor shall not be construed as a determination that the remote appearance is permitted by the Court. Parties and counsel are solely responsible for compliance with the Court's Rules and procedures for remote appearances. The Court reserves the right, at any time, to reject any remote appearance in violation with this Rule or as otherwise necessary for the administration of justice.
 2. The Court reserves the right to halt any remote appearance in progress on any matter and order the attorneys to personally appear at a later date and time.
 3. The Court reserves the right and sole discretion to suspend any person's ability to appear remotely using the Vendor's services, and to bar any remote appearance in any given case.
- H. The Court may, in its discretion, pursuant to Supreme Court Rule 185, allow a party or counsel to participate by remote call.

Rule 2-1.07 Orders

All Orders entered following the hearing upon any Motion shall be governed by Supreme Court Rule 271. The attorney who prepares the Order shall print clearly "prepared by" and his name, address, e-mail address, telephone number and State of Illinois attorney registration number (ARDC #) at the bottom of the Order. The preparer shall serve a copy of the Order upon all parties of record.

Part 2.00 Proceedings Before Trial

Rule 2-2.01 Appearances, Jury Demands

- A. Attorneys appearing in any matter shall file an Appearance form in a separate document which includes in typewritten form or in legible printing the attorney's name, address, telephone number, e-mail and State of Illinois attorney registration number. A self-represented litigant appearing in any matter shall file an Appearance form in a separate document, which includes in typewritten form or in legible printing, the self-represented litigant's name, mailing address, and telephone number. Additionally, a self-represented litigant may designate a single e-mail address to which service may be directed. If the attorney or self-represented litigant wishes to consent to facsimile service pursuant to Supreme Court Rule 11(b)(5), a designated facsimile number shall be included on the Appearance as well. When an Appearance is filed by other than a sole practitioner, the name of an individual attorney responsible for trial of the cause shall be designated.
- B. A written Jury Demand filed by a party in any matter shall be contained in a separate document, and the Clerk of the Circuit Court shall not record any Jury Demand not so filed.

- C. In any civil matter, including D and F cases, the Claimant/Plaintiff/Petitioner shall file the appropriate Certificate of Attorney identifying the type of case being filed. Each division within the Nineteenth Judicial Circuit may develop its own Certificate of Attorney.

Rule 2-2.02 Pleadings to be Readily Comprehensible

- A. Pages of all pleadings shall be numbered. Paragraphs and factual allegations in pleadings shall be numbered and each paragraph shall contain only one factual allegation.
- B. 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.
- C. Incorporation of facts by reference is permitted pursuant to Supreme Court Rule 134, provided the pleading remains readily comprehensible.
- D. The Court may order a consolidation of pleadings into one finished comprehensible set.

Rule 2-2.03 Reassignment of Cases

- A. Any case being re-filed under a new number after a voluntary or involuntary dismissal, shall be assigned to the Judge who was assigned to the original dismissed case and placed in the same procedural posture as the original case.
- B. Upon the filing of any Declaratory Judgment action, the case shall be assigned to the Judge assigned to the underlying case.
- C. The Clerk of the Circuit Court shall require a Certificate of Attorney to be filed with all pleadings initiating a civil case.

Rule 2-2.04 Written Interrogatories

A party may serve written Interrogatories pursuant to Supreme Court Rule 213. Except to the extent that a different limitation is imposed pursuant to Supreme Court Rule or the Code of Civil Procedure, no party may serve more than thirty Interrogatories, including subparts, during the pendency of the case.

Rule 2-2.05 Discovery Documents

- A. Unless otherwise ordered by the Court, Depositions, Interrogatories, Requests, Answers or Responses, and other Discovery documents shall not be filed with the Clerk of the Circuit Court except as necessary to resolve disputed issues of procedure, fact, or substantive law or pursuant to Supreme Court Rule 201(o) or 207.

- B. Discovery documents and Notice of Filing shall be served pursuant to Supreme Court Rules 11 and 12. The Proof of Service, upon being filed with the Clerk of Court, shall be prima facie evidence that such document was served. When a party issues a Subpoena for documents pursuant to Supreme Court Rule 204(a)(4), that party shall file with the Clerk of Court Notice and Proof of Service upon all remaining parties certifying that copies of such documents were provided to those parties at their expense or that specified parties have declined copies.

Rule 2-2.06 Days for Taking Depositions/Attendance

- A. Unless otherwise agreed by the parties or ordered by the Court, Depositions shall not be taken on Saturdays, Sundays or Court holidays, shall be noticed to be taken no earlier than 8:30 a.m., and shall be concluded or recessed not later than 6:00 p.m.
- B. In the absence of agreement of all parties attending a Deposition, or Order of Court, only the parties, including a representative of a corporation, partnership or like entity, the parent or next friend of a minor, attorneys of record and purely consulting experts may attend Discovery Depositions.

Rule 2-2.07 Apportionment of Time, Deposition

Except by Court Order, the parties to a Deposition shall apportion the time among themselves prior to the start of any Deposition. Absent agreement, time shall be equally divided among the parties, excluding the party being deposed, without prejudice to brief clarification.

Rule 2-2.08 Seasonably Updating Discovery

Supreme Court Rules 213(i) and 214 require a party to seasonably supplement or amend prior Answers, Responses or disclosures whenever new or additional information becomes known to that party.

Pursuant to said Rules, every party shall have the duty to seasonably supplement through trial.

"Seasonably" shall be defined in the following terms:

- A. When the trial is sixty days or more in the future, the party discovering the new information and/or documents that must be disclosed to the opposing party(ies), shall tender the information as soon as practicable, but in any event no later than fourteen days after discovering the information.
- B. When the trial is less than sixty days in the future, the party discovering new information and/or documents that must be disclosed to the opposing party(ies), shall tender the information immediately and without delay.
- C. When the information and/or documents are discovered during trial, the party(ies) shall tender immediately and without delay.

Any party who fails to comply with this Rule is subject to sanctions under Supreme Court Rule 219.

Rule 2-2.09 Compliance with Supreme Court Rule 222

A Plaintiff shall comply with the disclosure requirements of Supreme Court Rule 222 at the time the Complaint is filed, and each Defendant shall so comply within thirty days of filing an Answer.

Rule 2-2.10 Local Subpoena Rules, Pretrial Discovery

- A. Upon request, the Clerk of the Circuit Court shall issue a Subpoena limited to the production of specified documents, objects or tangible things. A Subpoena, whether issued by the Clerk of Court or an attorney, shall direct the person or entity to whom the Subpoena is directed to produce the designated documents, objects or tangible things. Any item may be sought which constitutes or contains evidence relating to any of the matters within the scope of the examination permitted under the Supreme Court Rules. No oral examination of any person served or responding to a Subpoena issued pursuant to this Rule is permitted.
- B. Subpoenas issued pursuant to this Rule shall be served in accordance with the Supreme Court Rules. A copy of said Subpoena and Proof of Service shall be served within forty-eight hours of issuance upon all parties who have appeared in the action.
- C. The recipient of a Subpoena who has actual or constructive possession or control of the specified documents, objects or tangible things sought by the Subpoena shall respond to any lawful Subpoena of which he has actual knowledge, if payment of the fee and mileage has been tendered. Service of a Subpoena by mail may be proved prima facie by return receipt showing delivery to the deponent or his authorized agent by certified or registered mail at least seven days before the date on which compliance is required, and an affidavit showing that the mailing was prepaid and was addressed to the deponent, restricted delivery, return receipt requested, showing to whom, date and address of delivery, with a check or money order for the fee and mileage enclosed.

The recipient of the Subpoena who has constructive or actual possession or control of the specified documents, objects or tangible things, may comply with said Subpoena, without personal appearance, by forwarding complete and legible copies, by first class, prepaid mail to the party or attorney causing the Subpoena to have been issued. The person or custodian of records of the entity responding to the Subpoena shall certify in writing that compliance is complete and accurate.

- D. Any Subpoena issued under this provision seeking specified documents, objects or tangible things shall bear the following legend on the face of said Subpoena, or conspicuously attached thereto:

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING LEGIBLE AND COMPLETE COPIES OF ALL SPECIFIED DOCUMENTS, OBJECTS OR TANGIBLE THINGS REQUESTED IN THIS SUBPOENA TO THE PARTY OR LAW FIRM WHOSE ADDRESS APPEARS BELOW. COMPLIANCE BY MAIL REQUIRES A CERTIFICATION THAT THE DOCUMENTS, OBJECTS OR

TANGIBLE THINGS MAILED ARE COMPLETE AND ACCURATE AND
CONSTITUTE GOOD FAITH COMPLIANCE WITH THE MATERIALS
REQUESTED BY SAID SUBPOENA.

**DO NOT FORWARD MATERIALS BEFORE DATE STATED ON
SUBPOENA.**

- E. No Subpoena issued under this provision may be returnable less than seven days following its date of service. Within said seven days, any party may timely object to the Subpoena and, for good cause shown by the objecting party, the Court may quash the Subpoena, or impose such conditions or limitations as the Court deems equitable.
- F. The party causing the Subpoena to be issued shall be liable to the party subpoenaed for the reasonable costs of copying or reproduction. The Court may enter such Orders as may be necessary to enforce the payment of said copying costs, or apply any sanction authorized by Supreme Court Rule 219.

Any party may request copies of all materials obtained by any party pursuant to this Rule. Expenses of copying shall be borne by the party requesting copies, and said materials shall be reproduced and forwarded to the requesting party not less than ten business days following receipt of the subpoenaed materials.

- G. If a party or person unreasonably refuses to comply with this Rule, or any Order entered under this Rule, the Court may find said person or party in contempt and punish said party or person accordingly, and may impose any sanction authorized by Supreme Court Rule 219.

Rule 2-2.11 Progress Calls

The Chief Judge, by Administrative Order, may provide for regular progress calls of cases filed in the Civil and Family Divisions. In connection with such a progress call, the Judge shall request the Clerk to notify the attorneys of record or self-represented litigant who has filed an Appearance that the case will be called on a date certain for the purpose of a Case Management Conference. A failure to appear at such progress call shall constitute grounds for dismissal except for good cause shown.

Rule 2-2.12 Supreme Court Rule 218 Case Management Conference

Supreme Court Rule 218 Case Management Procedures are mandatory for Law and Family cases. In all other civil matters, Rule 218 conferences shall be governed by Local Court Rule, Administrative Order of the Chief Judge or, in their absence, by the discretion of the assigned Judge and shall be scheduled at the discretion of the Court.

Rule 2-2.13 Dismissal for Want of Prosecution/Inactive Docket

- A. In all civil cases, except for cases governed by a separate Local Rule, where no appeal is pending and there has been no action of record for a period of one year, the Court may summarily dismiss the cause of action.
- B. In all cases subject to mandatory arbitration pursuant to Supreme Court Rule 86 *et seq.*, where no appeal is pending and there has been no action of record for a period of forty-five days, the Court may summarily dismiss the cause of action.
- C. Whenever the Probate Court determines that there has been no action of record for a period not less than one year, or determines that a representative has failed to comply with the provisions of LCR 5-3.06, the Court may order transfer of the estate to an inactive docket or dismiss the case for want of prosecution. The case shall thereafter be designated closed by the Clerk of the Circuit Court. The estate may be reopened and removed from the inactive docket on the Motion and Order of the Court.
- D. In all Small Claims cases where there has been no action of record for a period of forty-five days, the Court may summarily dismiss the cause of action.
- E. Upon dismissal of any cause for want of prosecution, the Clerk of the Circuit Court shall give all self-represented litigants and all attorneys of record Notice of the dismissal by regular U.S. Mail within ten days of the dismissal. A copy of the Notice with the Clerk's certificate of mailing shall be made of record.

Rule 2-2.14 Procedures for Initial Case Management Conference in Law Cases (ad damnum over \$50,000)

- A. In all Law cases, at the time of filing of the initial Complaint, the Clerk shall stamp on all Complaints and Summons a time and date for an Initial Case Management Conference. Said date shall be approximately seventy-five days from the date of filing of the initial Complaint. In setting the Conference, the Clerk shall choose from those dates and times provided by the administrative office. The assigned date and time shall be incorporated into the following Notice:

NOTICE
PURSUANT TO LCR 2-2.14

THIS CASE IS HEREBY SET FOR AN INITIAL CASE MANAGEMENT
CONFERENCE
IN COURTROOM _____ ON
_____, _____ AT _____ A.M./P.M.

**FAILURE TO APPEAR MAY RESULT IN THE CASE BEING DISMISSED OR
AN ORDER OF DEFAULT BEING ENTERED.**

- B. If the parties are "at issue" more than thirty-five days prior to the scheduled Conference, it shall be the obligation of the Plaintiff(s) to appear before the assigned Judge within ten days of being at issue for the purpose of setting the matter for an Initial Case Management

Conference. Proper Notice shall be sent to all appearing parties. The parties shall be considered "at issue" when the last required Answer is filed.

- C. In all Law cases, the party filing the initial pleading is required to maintain a lower or bottom margin of no less than two and one-quarter inches on the first page of the initial pleading, and all copies thereof, so as to allow sufficient space for the Clerk to affix the Case Management Conference Notice.

Rule 2-2.15 Trial Calendar

- A. Each division of court shall keep and maintain such calendars of cases for trial as shall be designated by Administrative Order.
- B. Failure of a party to be ready when the case is reached for trial will subject the cause to dismissal for want of prosecution or other sanctions as set forth in the Supreme Court Rules.

Rule 2-2.16 Medical Experts

- A. Charges for medical-legal services should be no higher than a physician's charges for other medical services, and shall be computed having due regard for the time, effort and skill required.
- B. A physician, who has not been paid for treatment rendered to a patient, should still cooperate fully with the patient's attorney. The physician should neither refuse nor delay the submission of medical records or reports, participation in conferences with the attorneys, testimony at Depositions or trial, or any other actions necessary to the resolution of the patient's legal claim.
- C. If any party files a Motion which raises the issue of reasonableness of a physician's fee for testimony at a Deposition or at trial, the Court may issue an Order to be served upon the physician, requiring the physician to demonstrate by records or in person that the fee requested is reasonable.

Part 3.00 Conferences Before Trial

Rule 2-3.01 Pre-trial settlement conferences

- A. Any party on Motion may request a pre-trial settlement conference in any civil action. In addition, the Court may order that a pre-trial settlement conference be held.
- B. At least one pre-trial settlement conference shall be held in all civil jury actions.
- C. The responsible attorneys who will try the case shall attend pre-trial settlement conferences.

- D. The attorney for each party shall have ascertained in advance of the pre-trial settlement conference the extent of settlement authority. Each attorney shall have present in person or immediately available by telephone a representative with authority to discuss and determine each aspect of potential settlement.
- E. It shall be the duty of the attorneys for each of the parties involved in a cause of action to prepare a full and complete typewritten Pre-Trial Memorandum in form in accordance with these Rules. Unless otherwise ordered, the foregoing requirement shall not apply to a pre-trial settlement conference held in connection with a special progress call under LCR 2-2.11.
- F. All pre-trial settlement conferences shall be governed by the Supreme Court Rules.
- G. In the event of settlement prior to a scheduled pre-trial settlement conference or prior to trial, the attorneys shall immediately notify the Judge that the cause has been settled.

Rule 2-3.02 Final Trial conferences

- A. In addition to the pre-trial settlement conference, the Court, in its discretion, may order a final trial conference during which the attorneys for each party shall be prepared to exhaust any possibility of settlement and discuss all issues remaining prior to trial.
- B. All attorneys responsible for conducting the trial shall appear in court for the final trial conference and at the time the case is called for trial. If any such attorney is unable to appear, alternate counsel shall present an affidavit of the responsible counsel setting forth the reasons he is unable to appear.
- C. Counsel appearing for the final trial conference shall be familiar with and comply with the Trial Judge's Standing Order relating to trial deadlines and the conduct of the trial. Counsel responsible for conducting the trial shall appear, with full authority of their clients to discuss each issue.
- D. Each attorney shall have present in person or immediately available by telephone a representative with authority to discuss and determine each aspect of potential settlement.
- E. Motions *in Limine* shall be in writing and shall be presented to the Court at the final trial conference unless the Court orders that they be presented on a different date. The Court, in its discretion, may consider Motions *in Limine* presented after the final trial conference if it determines that the grounds became known subsequent to the deadline or for other good cause. All Orders on Motions *in Limine* shall be reduced to writing by movant's counsel and presented to the Court for signature prior to *voir dire* examination in jury cases and opening statements in bench cases.
- F. At the final trial conference or at any other time as may be designated by the Court, the parties shall produce all of the exhibits they expect to offer into evidence. Each of the exhibits shall be marked for identification by the attorneys, or as the Court may direct. The parties shall then stipulate as to the exhibits to which there are no objections, and such exhibits shall be admitted into evidence without the necessity of further foundation.

Rule 2-3.03 Jury Instructions

Any party submitting jury instructions shall provide the Court with two copies of each instruction, typed double-spaced on 8½ inches x 11 inches plain paper. One set of instructions shall be unmarked. The second set of instructions shall be marked in advance in the following manner: the party's designation and instruction number, the I.P.I. number or citation to legal authority supporting the giving of the instruction, and the words "Given," or "Objected," or "Refused," followed by an underlined area to be checked as appropriate. In civil cases, the Plaintiff, after the Court has approved the jury instructions, shall be responsible for providing the Court with written copies of the instructions for each juror prior to the start of closing arguments, in accordance with Supreme Court Rule 239(e).

Part 4.00 Trials

Rule 2-4.01 Counsel to be Present

All attorneys responsible for conducting the trial shall appear in court at the time any case is called for trial. If any such attorney is unable to appear, alternate counsel shall present an affidavit of the responsible counsel setting forth the reasons he is unable to appear.

Rule 2-4.02 Stipulations

All stipulations in relation to pleadings, dismissals, evidentiary matters or statement of facts to be used in the trial or hearing of any cause must be reduced to writing, signed by the parties or the attorneys, and filed in the cause or dictated to the court reporter during trial or hearing.

Rule 2-4.03 Jury Trials

- A. Unless the Court orders otherwise, in all civil jury cases the Plaintiff's attorney shall prepare and submit to the Court and opposing parties a statement of the nature of the case to be read by the Court to the venire prior to *voir dire* examination. The statement shall include the time, date, and place of the alleged occurrence or offense and a brief description thereof, the name of the parties involved and their counsel and a list of witnesses, occupation if relevant and town of residence, whom the parties expect to call. Opposing counsel may suggest amendments to the statement prior to it being read to the venire.
- B. Counsel may submit written questions to the Court for its consideration for use in *voir dire* examination.

Part 5.00 Post-Judgment Proceedings

Rule 2-5.01 Post-Judgment Notices

Notices of hearings on Citations to Discover Assets, Rules to Show Cause and any other hearing where a body attachment or warrant of arrest may issue for a party's failure to appear after receipt of Notice shall contain the time, date and place of hearing, and shall conform to the Code of Civil Procedure and Supreme Court Rules.

Rule 2-5.02 Post-Trial Motions and Supplemental Proceedings to Enforce Judgments

- A. Post-trial motions brought pursuant to 735 ILCS 5/2-1202 or 735 ILCS 5/2-1203 shall be heard by the Judge who heard the trial, unless such Judge is no longer serving by reason of retirement, death, illness or any other reason preventing his hearing such matters within a reasonable time. In such event the Chief Judge shall assign such matters to another Judge for determination.
- B. Certified copies of Judgment Orders shall be obtained from the Office of the Clerk of the Circuit Court.
- C. All supplemental proceedings to enforce money judgments shall be filed under the original case number, if filed in the county of origin, and shall be heard by the Judge then presiding in the Small Claims Court of the Nineteenth Judicial Circuit, unless otherwise designated by Order of the Chief Judge.
- D. Supplemental proceedings brought by the Child Support Enforcement Division of the State's Attorney's Office, or the Attorney General in its stead, shall be heard by the Judge then assigned to hear support cases.

Rule 2-5.03 Citation to Discover Assets

- A. The Clerk shall, upon request, issue a Citation to Discover Assets for service upon a Judgment Debtor and in the form set forth in the Code of Civil Procedure and Supreme Court Rules.
- B. A Citation to Discover Assets shall be served in conformity with the Code of Civil Procedure and the Supreme Court Rules.
- C. Upon Respondent's failure to appear in response to a properly served Citation to Discover Assets, a Rule to Show Cause may issue pursuant to LCR 2-5.04.

Rule 2-5.04 Rule to Show Cause

- A. Upon the failure of a Respondent to comply with a duly entered order of the Court or failure to appear in response to a Citation to Discover Assets pursuant to LCR 2-5.03(C) and upon the filing of a Verified Petition or after hearing sworn testimony on an unverified Petition, due Notice having been given to the Respondent, the Court may issue a Rule to Show Cause, which includes the date, time and location for hearing.

- B. If the Respondent appears pursuant to Notice on the Petition and the Court issues a Rule to Show Cause, the Court may direct that the Respondent then and there be served with the Rule to Show Cause. If not then heard, the Court shall schedule a date, time and place for hearing, further advising the Respondent that failure to appear for such hearing may result in the issuance of a body attachment for his arrest.

Rule 2-5.05 Issuance of Order of Body Attachment

Upon the failure of the Respondent to appear pursuant to personal or abode service of a Rule to Show Cause, the Court in its discretion may issue an Order of Body Attachment, with or without bond, directing the Sheriff to arrest and have the Respondent brought forthwith before the Judge issuing the Order to Show Cause why he should not be held in contempt of Court.

Rule 2-5.06 Copy of Rule or Order

The copy of a Rule to Show Cause or Order served upon any person and the return of service of same shall be accompanied by the certificate of the attorney for the party obtaining the Rule to Show Cause or Order that it is a true and correct copy of the Rule or Order entered.

Rule 2-5.07 Satisfaction of Judgment by Court Order

A money judgment may be satisfied upon written Motion of the Judgment Debtor supported by affidavit stating the following:

- A. That the full amount of the Judgment, including accrued interest and costs has been paid; or
- B. That the debtor is ready, willing and able to tender the full amount of the Judgment or balance due thereon; that after the exercise of due diligence the Judgment Creditor and his attorney cannot be found for the purpose of tender in satisfaction of the Judgment, or that the Judgment Creditor or his attorney fails or refuses to accept payment or deliver a satisfaction of judgment upon tender of the amount due; and
- C. That Notice of the Motion and affidavit have been sent by mail to the Judgment Creditor and his attorney of record at their last known addresses.

If the Court is satisfied that the Judgment Debtor has satisfied the outstanding Judgment in its entirety, it may grant the Motion and enter an Order in satisfaction of judgment.

Rule 2-5.08 Deposit with Clerk of Court and Order of Satisfaction of Judgment

If the Judgment Creditor is unavailable to receive tender or refuses to do so and the Court grants the Motion pursuant to LCR 2-5.07, the Court shall enter an Order directing the Clerk of the Circuit Court to receive the outstanding balance due on the Judgment, including accrued interest and costs on behalf of the Judgment Creditor. After receipt of payment, the Court shall enter an Order satisfying the Judgment and showing the amount deposited with the Clerk who shall hold the money subject to further Order of Court.

Rule 2-5.09 Deposit for Preparation by Clerk of Appeal Record in Civil Cases

At the time that any request is made to the Clerk of the Circuit Court for Certification or Authentication of an Appeal Record, pursuant to 705 ILCS 105/27.1a(k), a deposit of not less than fifty dollars shall be paid to the Clerk's Office to be applied against the total fees, delivery charges and costs authorized by the above statute. The balance of the statutorily prescribed fee and delivery costs, or the balance of the Clerk's estimate of said fee and costs, shall be paid prior to the Clerk's transmission or delivery of the record on appeal pursuant to Supreme Court Rule 325.

CHAPTER 3 SMALL CLAIMS

Part 1.00 Small Claims

Rule 3-1.01 Forms of Summons and Complaints

- A. An approved Summons form provided by the Clerk of the Circuit Court, substantially in the form set forth in the Illinois Supreme Court Rules, shall be used in any Small Claims action.
- B. Small Claims actions may be commenced by filing a Complaint on forms supplied by the Clerk of the Circuit Court or the Center for Self-Representation. The Complaint shall state the amount of and the basis for Plaintiff's claim, giving dates and relevant facts.
- C. If the claim is based on a written document, a copy of the written document must be attached to the original and all copies of the Complaint. If the written document is not available to the Plaintiff, an affidavit stating that the written document is unavailable shall be attached to the Complaint.
- D. A copy of the Complaint and Small Claims Summons (along with any written instrument required to be attached) shall be served upon each Defendant by any of the methods allowed by law, including certified or registered mail in compliance with Supreme Court Rule 284.
- E. Copies of Complaints served upon Defendants shall have attached to them two blank Appearance forms which may be used by the Defendants.
- F. The Small Claims Summons, when issued, shall contain Notice to Defendant setting forth the following language:

"If you wish to contest this claim you must do the following:

Pay the statutory Appearance fee and file a written Appearance (forms may be obtained online or in the main office of the Clerk of the Circuit Court) on or before the date and time specified above for your appearance, hereafter called the return date. You must mail or otherwise deliver to the opposing party a copy of your Appearance. If the Appearance is timely filed and the fee paid, you are not required to appear in court in person on the return date. Your case will then be tried on the 14th day after the return date, and you should be present in court at the above specified address prepared to proceed to trial.

In the event the trial day falls upon a court holiday, the trial shall be held on the next court date following that court holiday.

If you do not wish to contest this claim, you need not appear in person or file a written Appearance and a Judgment will be entered against you on the return date, for the amount claimed by the Plaintiff in the Complaint plus court costs."

Rule 3-1.02 Default

If a Defendant, who has been duly served with a Summons, fails to appear on or before the date and time designated as the return date, the Court may take the allegations in the Complaint as admitted by the Defendant. Upon Motion and without Notice, the Court may enter a Judgment by default against Defendant for the amount claimed plus court costs. Such Judgment may be entered on the return date, or any time thereafter. The Court may in its discretion, require the presentation of evidence and continue the case for prove-up.

Rule 3-1.03 Contested Cases

- A. A Defendant desiring to contest the Plaintiff's claim must do one of the following after service of Summons:
 - 1. File a written Appearance in the main office of the Clerk of the Circuit Court on or before the time on the return date stated in Plaintiff's Summons; or
 - 2. Appear in person before the Court on the return date.
- B. In either event, trial of Plaintiff's Complaint shall be automatically set for the fourteenth day after the return date. When the Defendant has contested Plaintiff's Complaint by filing an Appearance, neither the Plaintiff nor the Defendant need appear on the return date.
- C. No trial will be heard on the return date, unless by agreement of the parties and the Court. Unless the Court orders otherwise, or upon proper Notice and Motion, or by agreement of the parties approved by the Court, no cause will be set for trial on any date other than the fourteenth day after the return date.

Rule 3-1.04 Motions

Motions shall be noticed and heard in accordance with Chapter 2, Part 1.00. Any Motion shall be noticed for a hearing on a date prior to the trial date. If, with leave of Court, a Motion is scheduled for hearing on the trial date, the parties shall be prepared to proceed to trial immediately after hearing of said Motion.

Rule 3-1.05 Referral to Arbitration When a Jury is Demanded

No Jury Demand in a Small Claims action shall be allowed unless filed by the Plaintiff at the time the action is commenced or by the Defendant not later than the return date, unless otherwise allowed by the Court. In the event that any party files a Jury Demand in a Small Claims action, that fact shall be brought to the attention of the Judge presiding by the party filing the demand, and the case shall be referred to Court-Annexed Mandatory Arbitration for a hearing before a trial is scheduled.

Rule 3-1.06 Dismissal for Want of Prosecution

Any Small Claims case which remains inactive for forty-five days may be dismissed for want of prosecution on the Court's own Motion, without Notice.

Rule 3-1.07 Costs in Small Claims

If the prevailing party requests costs other than those supported by the record at the time of the entry of Judgment, said party shall tender an affidavit individually listing each such cost and the amount sought, together with a statement by affiant that those costs have been paid by affiant.

Rule 3-1.08 Small Claims Mediation

- A. Purpose.** The bench and bar of the Nineteenth Judicial Circuit recognize the success of court-annexed alternate dispute programs and a particular need in the area of Small Claims and Law Magistrate cases, especially but not limited to matters where parties represent themselves. The Circuit Judges of the Nineteenth Judicial Circuit adopt these Rules to assist the litigants in Small Claims disputes and to maximize efficiency of court time in Small Claims system.
- B. Actions Eligible.** This program is intended to assist in Small Claims and Law Magistrate cases in which any parties represent themselves at the initial return date. In addition, this service may be offered to any other Small Claims and Law Magistrate case which the Judge presiding feels might be appropriate or in which the parties agree to participate.
- C. Confidentiality.** All oral or written communications in a mediation conference, other than executed settlement agreements, shall be exempt from Discovery and shall be confidential and inadmissible as evidence in the underlying cause of action unless all parties agree otherwise. Evidence with respect to alleged settlement agreements shall be admissible in proceedings to enforce the settlement. Subject to the foregoing, unless authorized by the parties, the mediator may not disclose any information obtained during the mediation process.
- D. Scheduling, Referral, Conduct, Termination and Report of Mediation Conference.** Volunteer mediators will be scheduled by the Arbitration Administrator as available for Small Claims and Law Magistrate calls. In cases deemed appropriate for the mediation program, the Judge will send the parties to a designated area for immediate mediation, or schedule a mediation date. At this point, the volunteer mediators will conduct settlement discussions. The mediator shall at all times be in control of the mediation and the procedures to be followed in mediation. Counsel shall be permitted to communicate privately with their clients. The mediator may meet and consult privately with either party and his representative during the mediation process. Upon completion of the mediation session, the mediator shall immediately send the parties back to the courtroom and file with the Court a report in a form prescribed by the Chief Judge, as to whether or not an agreement was reached by the parties. The report shall be signed by the mediator and shall designate, "full agreement," "partial agreement," "no agreement", or a determination by the mediator that an agreement on voluntary terms is unlikely to be reached by prolonging the negotiations. A copy of the report must be given to the parties and to the Arbitration Center.

- E. Discovery.** If and to the extent the Court has previously authorized Discovery, Discovery may proceed during the mediation process.
- F. Mediator Appointment, Training, Qualifications, Compensation.** The approved list of Small Claims Mediators shall be maintained by the Arbitration Center. Mediators certified pursuant to the Nineteenth Judicial Circuit Rules for Civil, Family or Probate Mediators are qualified to serve as Small Claims Mediators and shall be automatically included on the approved list. To otherwise qualify for inclusion on the approved list of Small Claims Mediators, a volunteer must be a member of the Lake County Bar Association and must have completed basic training to act as a Small Claims Mediator. The training may be conducted by one of the mediators certified pursuant to the Nineteenth Judicial Circuit Rules for Civil, Family or Probate Mediators. When in the judgment of the trainer the candidate is qualified, he or she will present the name of the trainee to the Supervising Judge for Mediation for final approval. This program is offered as a service to the litigants. Small Claims Mediators are volunteers who shall not be compensated.
- G. Forms and Finalization of Agreement/Mechanism for Reporting.** Mediation forms will include a "Confidentiality Agreement," a form "Agreement" to be filed in the event that a settlement agreement is reached and two form Court Orders. One form Court Order will dismiss the case with prejudice, but allow the Court to retain jurisdiction for a period of time to enforce the settlement. The second form Order will acknowledge that the parties did not settle the case at mediation and will contain a blank space for the Judge to fill in a trial date. The Clerk of the Circuit Court shall keep and maintain compiled statistics and records on all cases referred to mediation and shall file reports with the Administrative Office of the Illinois Courts, as directed by the Chief Judge.
- H. Absence of a Party and Sanctions.** Parties are required to participate in good faith and must be present at all scheduled mediation sessions.
1. All parties, attorneys, representatives with settlement authority and other individuals necessary to facilitate settlement of the dispute shall be present at the mediation conference unless excused by Court Order. 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,
 - b. The party's counsel of record if any.
 2. Upon Motion, the Court may impose appropriate sanctions against any party or attorney who fails to comply with this Rule.
- I. Statistics and Reporting.** Commencing with formal adoption, approval and implementation of these Rules, the office of the Clerk of the Circuit Court will note the occurrence and results of any mediation into the appropriate court record and disperse copies of referrals and orders to the Arbitration Administrator. The Arbitration Administrator will maintain statistics indicating the number of cases sent to mediation and the results of the mediation process. These statistics will be reviewed periodically by the Judge(s) presiding over Small Claims and Law Magistrate matters to determine the effectiveness of the program.

- J. Termination or Suspension of Program.** The Chief Judge or the Supervising Judge for Mediation of Civil Cases may, at any time, suspend or discontinue this program should he or she feel it is no longer effective or necessary.

Part 2.00 Post-Judgment Proceedings

Rule 3-2.01 Post-Judgment Notices

Notices of hearings on Citations to Discover Assets, Rules to Show Cause and any other hearing where a body attachment or warrant of arrest may issue for a party's failure to appear after receipt of Notice shall contain the time, date and place of hearing, and shall conform to the Code of Civil Procedure and Supreme Court Rules.

Rule 3-2.02 Post-Trial Motions and Supplemental Proceedings to Enforce Judgments

- A.** Post-trial motions brought pursuant to 735 ILCS 5/2-1202 or 735 ILCS 5/2-1203 shall be heard by the Judge who heard the trial, unless such Judge is no longer serving by reason of retirement, death, illness or any other reason preventing his hearing such matters within a reasonable time. In such event the Chief Judge shall assign such matters to another Judge for determination.
- B.** Certified copies of Judgment Orders shall be obtained from the Office of the Clerk of the Circuit Court.
- C.** All supplemental proceedings to enforce money judgments shall be filed under the original case number, if filed in the county of origin, and shall be heard by the Judge then presiding in the Small Claims Court of the Nineteenth Judicial Circuit, unless otherwise designated by Order of the Chief Judge.
- D.** Supplemental proceedings brought by the Child Support Enforcement Division of the State's Attorney's Office, or the Attorney General in its stead, shall be heard by the Judge then assigned to hear support cases.

Rule 3-2.03 Citation to Discover Assets

- A.** The Clerk shall, upon request, issue a Citation to Discover Assets for service upon a Judgment Debtor and in the form set forth in the Code of Civil Procedure and Supreme Court Rules.
- B.** A Citation to Discover Assets shall be served in conformity with the Code of Civil Procedure and the Supreme Court Rules.
- C.** Upon Respondent's failure to appear in response to a properly served Citation to Discover Assets, a Rule to Show Cause may issue pursuant to LCR 3-2.04.

Rule 3-2.04 Rule to Show Cause

- A.** Upon the failure of a Respondent to comply with a duly entered Order of the Court or failure to appear in response to a Citation to Discover Assets pursuant to LCR 3-2.03(C) and upon the filing of a Verified Petition or after hearing sworn testimony on an unverified Petition, due Notice having been given to the Respondent, the Court may issue a Rule to Show Cause, which includes the date, time and location for hearing.
- B.** If the Respondent appears pursuant to Notice on the Petition and the Court issues a Rule to Show Cause, the Court may direct that the Respondent then and there be served with the Rule to Show Cause. If not then heard, the Court shall schedule a date, time and place for hearing, further advising the Respondent that failure to appear for such hearing may result in the issuance of a body attachment for his arrest.

Rule 3-2.05 Issuance of Order of Body Attachment

Upon the failure of the Respondent to appear pursuant to personal or abode service of a Rule to Show Cause, the Court in its discretion may issue an Order of Body Attachment, with or without bond, directing the Sheriff to arrest and have the Respondent brought forthwith before the Judge issuing the Order to Show Cause why he should not be held in contempt of Court.

Rule 3-2.06 Copy of Rule or Order

The copy of a Rule to Show Cause or Order served upon any person and the return of service of same shall be accompanied by the certificate of the attorney for the party obtaining the Rule to Show Cause or Order that it is a true and correct copy of the Rule or Order entered.

Rule 3-2.07 Satisfaction of Judgment by Court Order

A money judgment may be satisfied upon written Motion of the Judgment Debtor supported by affidavit stating the following:

- A.** That the full amount of the Judgment, including accrued interest and costs has been paid; or
- B.** That the debtor is ready, willing and able to tender the full amount of the Judgment or balance due thereon; that after the exercise of due diligence the Judgment Creditor and his attorney cannot be found for the purpose of tender in satisfaction of the judgment, or that the Judgment Creditor or his attorney fails or refuses to accept payment or deliver a satisfaction of judgment upon tender of the amount due; and
- C.** That Notice of the Motion and affidavit have been sent by mail to the Judgment Creditor and his attorney of record at their last known addresses.

If the Court is satisfied that the Judgment Debtor has satisfied the outstanding judgment in its entirety, it may grant the Motion and enter an Order in satisfaction of judgment.

Rule 3-2.08 Deposit with Clerk of Court and Order of Satisfaction of Judgment

If the Judgment Creditor is unavailable to receive tender or refuses to do so and the Court grants the Motion pursuant to LCR 3-2.07, the Court shall enter an Order directing the Clerk of the Circuit Court to receive the outstanding balance due on the Judgment, including accrued interest and costs on behalf of the Judgment Creditor. After receipt of payment, the Court shall enter an Order satisfying the judgment and showing the amount deposited with the Clerk who shall hold the money subject to further Order of Court.

Rule 3-2.09 Deposit for Preparation by Clerk of Appeal Record in Civil Cases

At the time that any request is made to the Clerk of the Circuit Court for Certification or Authentication of an Appeal Record, pursuant to 705 ILCS 105/27.1a(k), a deposit of not less than fifty dollars shall be paid to the Clerk's Office to be applied against the total fees, delivery charges and costs authorized by the above statute. The balance of the statutorily prescribed fee and delivery costs, or the balance of the Clerk's estimate of said fee and costs, shall be paid prior to the Clerk's transmission or delivery of the record on appeal pursuant to Supreme Court Rule 325.

CHAPTER 4 FAMILY AND ADOPTION PROCEEDINGS

Part 1.00 Motions Notice

Rule 4-1.01 Motions Generally/Notice

- A. For the purpose of these Rules, "Motion" includes any pleading or paper in the nature of a Petition or Motion, other than a Petition or Complaint which initiates a cause of action.
- B. Each Motion shall be in writing. Each Notice of Motion shall have appended thereto a copy of the relevant Motion, unless otherwise ordered by Court.
- C. Each Motion, Petition and Appearance form shall contain in typewritten form or clear printing the name, address, e-mail address, telephone number and State of Illinois attorney registration number of the attorney representing the party on whose behalf the document is filed.
- D. Each Motion shall be captioned with the case name and number and shall include the Supreme Court Rule, Code of Civil Procedure Section and/or other statutory Section upon which it is based.
- E. All dispositive motions shall be initially scheduled before the Court for presentment. Unless otherwise directed by the Court, no contested motion shall be heard if it has not been scheduled for hearing by the Court.
- F. Written Notice of Motion of all Motions shall be given by the party requesting the hearing. The Notice shall be given to all parties who are not in default pursuant to a finding of the Court. Additional Notice may be ordered by the Court. Where a party is represented by an attorney of record, Notice shall be given to that party's attorney and not the party himself.
- G. The Notice of Motion shall designate the Judge to whom the Motion will be presented for hearing; shall show the title and number of the action, the title of the Motion, the date when the Motion will be presented the time it will be presented, the courtroom where it will be presented, and the address of the Courthouse or Branch Court as appropriate. Copies of all papers presented to the Court with the Motion shall be served with the Notice or the Notice shall state that copies have been previously served.
- H. Notice of Motion shall be given in the manner and to the persons described in Supreme Court Rule 11. Service as prescribed in Supreme Court Rule 11(b)(5) may be effected by service of the Notice of Motion and other pertinent documents by any one of the following alternative methods:
 - 1. Electronic facsimile mailing (FAX), if allowed pursuant to Supreme Court Rule 11(b)(5). Service by FAX shall be complete only if, at the time of court presentation of the Notice of Motion, the transaction statement produced by the FAX machine is attached to said Notice, and the transaction statement reflects the date and time of service, the telephone number to which the documents were transmitted, and an acknowledgment from the

receiving FAX machine that the transmission has been received. In the event that the receiving FAX machine does not produce an acknowledgment to the sending machine, the Notice shall include an affidavit setting forth the date and time of service, telephone number to which documents were transmitted and a statement that the sending office has orally confirmed with the receiving office that the documents have been received.

2. Service by e-mail to all primary and secondary e-mail addresses of record designated by the attorney or self-represented party.
3. Service by any of the methods set forth in Supreme Court Rule 11.
- I. If Notice of Motion is given by personal service, the Notice shall be delivered by 4:00 p.m. of the second court date preceding the hearing of the Motion. Delivery by FAX, authenticated as described in Section H above, shall be deemed personal service, but it is not complete until the first court day following transmission. If the Notice is given by mail, then Notice shall be deposited in the United States Post Office or Post Office Box on the fifth day preceding the hearing of the Motion. Delivery by e-mail shall be deemed personal service and is complete the first court day following transmission. See Supreme Court Rule 12 for proof of service in the trial court and effective date of service
- J. If a Motion is heard without prior Notice under this Rule, a copy of the orders entered at the hearing shall be served personally or by U.S. Mail upon all parties not theretofore found by the Court to be in default for failure to plead, and proof of service thereof shall be filed with the Clerk of the Circuit Court within two days of the hearing thereon.
- K. If a Motion presented without prior Notice is denied, or hearing thereon is denied, an Order of the Court's ruling shall be entered.
- L. The burden of calling for hearing any Motion previously filed is on the party making the Motion. If any such Motion is not called for hearing within sixty days from the date it is filed, the Court may consider the Motion denied by reason of delay.
- M. No Motion to Continue shall be allowed for other than good cause shown. Agreements of counsel as to a Motion to Continue shall not be binding on the Court. The Court may require affidavits of the parties and counsel.
- N. The movant, or his attorney, seeking an Order of Default shall notify the court clerk at least one court day prior to the date of the hearing and shall request that the court file be present upon hearing of the Motion.
- O. Motions presented and ruled upon before one Judge shall not be renewed before another Judge without leave of Court and a statement in the Notice of Hearing that the Motion has previously been ruled upon, naming the Judge who ruled on the Motion.
- P. Motions not presented or supported by the moving party when called, pursuant to Notice, may be denied or stricken.
- Q. There is no entitlement to a briefing schedule or oral argument. In its discretion, the Court may permit or require briefs or oral argument or both. The Court may also exercise its discretion to decide a Motion without briefs or oral arguments.

Rule 4-1.02 Contested Motions

- A. For purposes of LCR 4-1.02, any Motion which is opposed is a contested motion and may be heard at the end of the call or at such other time designated by the Court.
- B. Page Limitations.**
1. No Motion or Response shall exceed fifteen typewritten double-spaced pages without prior approval of the Court. This page limit includes any separately filed Memorandum or brief in support of a Motion or Response.
 2. No Reply or Memorandum in support thereof shall exceed five typewritten pages without prior leave of Court. Any such Brief or Memorandum shall be limited to responding to new matters raised in the opponent's Response Brief or Memorandum.
 3. Neither narrow margins nor any other formatting device shall be employed to evade the page limitations set forth in this Rule. Footnotes, if any, shall be used sparingly.
 4. Failure to comply with this Rule shall be sufficient grounds for striking the Motion, Response, or Reply, or for the Court's refusal to consider the excess pages of the document and to consider the matters contained therein to have been waived.
- C. For every contested motion, including those brought pursuant to Supreme Court Rule 219, Supreme Court Rule 137 or Sections 2-615, 2-619, 2-619.1 or 2-1005 of the Code of Civil Procedure, movant's counsel shall deliver to the chambers of the assigned Judge, not less than five court days prior to hearing, a copy of:
1. the Motion,
 2. any challenged pleading, and
 3. any writing in support of or in opposition to the Motion.
- D. Not less than five court days prior to hearing, a party shall provide the Court and all opposing counsel with a complete citation to any case or other authority upon which the party intends to rely on in oral argument and which is not included in a supporting or opposing writing; and the party shall provide the Court with a full copy of any decision of a State Court outside the State of Illinois. Any cover letter delivered to the Court in compliance with the above requirements shall be copied to all counsel of record.
- E. Any writing in support of or in opposition to a Motion shall be served upon the opposing party at the time of service of Notice of Motion, or, if not then available, as soon thereafter as practicable and prior to hearing on said Motion.

Rule 4-1.03 Motions for Consolidation of Cases

Motions for consolidation of cases shall be presented to the Judge to whom the oldest case is assigned, when the cases are of the same case type. When the cases are filed in the same

division but are different case types, the Motion shall be brought before the Judge assigned to the case with the higher designation. The Law Division ("L") is the highest designation for the purpose of this Rule, followed by: MR, CH, TX, P, LM, AR and SC.

If the cases sought to be consolidated are from different divisions, the Motion shall be brought before the Presiding Judge of either division.

Rule 4-1.04 Motions for Summary Judgment

A. In all filings pursuant to 735 ILCS 5/2-1005, the moving party shall serve and file or cause to be received by the Clerk of the Circuit Court:

1. any affidavits and other materials referred to in Supreme Court Rule 191,
2. the Motion for Summary Judgment and supporting Memorandum of law, which shall not exceed fifteen pages without leave of Court,
3. a statement of material facts as to which the moving party contends there is no genuine issue and that entitles the moving party to a Judgment as a matter of law, and that also includes:
 - a. a description of the parties, and
 - b. all facts supporting venue and jurisdiction in this Court.

The statement referred to in Section (A)(3) shall consist of short numbered paragraphs, including within each paragraph specific references to affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial or striking of the Motion.

If additional material facts are submitted by the opposing party pursuant to Section B of this Rule, the moving party may submit a concise statement in the form prescribed in Section B for a Response. All material facts set forth in the statement filed pursuant to Section B will be deemed admitted unless controverted by the statement of the moving party.

B. Opposing Party. Each party opposing a Motion filed pursuant to 735 ILCS 5/2-1005 as described above shall serve and file or cause to be received by the Clerk of the Circuit Court:

1. any affidavits and other materials referred to in Supreme Court Rule 191,
2. a Response to a Motion for Summary Judgment and supporting Memorandum of law, which shall not exceed fifteen pages without leave of Court,
3. a concise response to the movant's statement that shall contain:

- a. a response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to the affidavits, parts of the record, and other supporting materials relied upon, and
- b. a statement consisting of short numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record, and other supporting materials relied upon. All material facts set forth in the statement required of the moving party will be deemed to be admitted unless controverted by the statement of the opposing party.

C. Absent leave of Court, a Reply Brief shall not exceed five pages.

Rule 4-1.05 Orders

All orders entered following the hearing upon any Motion shall be governed by Supreme Court Rule 271. The attorney who prepares the Order shall print clearly "prepared by" and his name, address, e-mail address, telephone number and State of Illinois attorney registration number (ARDC #) at the bottom of the Order. The preparer shall serve a copy of the Order upon all parties of record.

Part 2.00 Proceedings Before Trial

Rule 4-2.01 Appearances, Jury Demands

- A. Attorneys appearing in any matter shall file an Appearance form in a separate document which includes in typewritten form or in legible printing the attorney's name, address, telephone number, e-mail and State of Illinois attorney registration number. A self-represented litigant appearing in any matter shall file an Appearance form in a separate document, which includes in typewritten form or in legible printing, the self-represented litigant's name, mailing address, and telephone number. Additionally, a self-represented litigant may designate a single e-mail address to which service may be directed. If the attorney or self-represented litigant wishes to consent to facsimile service pursuant to Supreme Court Rule 11(b)(5), a designated facsimile number shall be included on the Appearance as well. When an Appearance is filed by other than a sole practitioner, the name of an individual attorney responsible for trial of the cause shall be designated.
- B. A written Jury Demand filed by a party in any matter shall be contained in a separate document, and the Clerk of the Circuit Court shall not record any Jury Demand not so filed.
- C. In any civil matter, including D and F cases, the Claimant/Plaintiff/Petitioner shall file the appropriate Certificate of Attorney identifying the type of case being filed. Each division within the Nineteenth Judicial Circuit may develop its own Certificate of Attorney.

Rule 4-2.02 Pleadings to be Readily Comprehensible

- A. Pages of all pleadings shall be numbered. Paragraphs and factual allegations in pleadings shall be numbered and each paragraph shall contain only one factual allegation.

- B. 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.
- C. Incorporation of facts by reference is permitted pursuant to Supreme Court Rule 134, provided the pleading remains readily comprehensible.
- D. The Court may order a consolidation of pleadings into one finished comprehensible set.

Rule 4-2.03 Reassignment of Cases

- A. Any case being re-filed under a new number after a voluntary or involuntary dismissal, shall be assigned to the Judge who was assigned to the original dismissed case and placed in the same procedural posture as the original case.
- B. Upon the filing of any Declaratory Judgment action, the case shall be assigned to the Judge assigned to the underlying case.
- C. The Clerk of the Circuit Court shall require a Certificate of Attorney to be filed with all pleadings initiating a civil case.

Rule 4-2.04 Written Interrogatories

A party may serve written Interrogatories pursuant to Supreme Court Rule 213. Except to the extent that a different limitation is imposed pursuant to Supreme Court Rule or the Code of Civil Procedure, no party may serve more than thirty Interrogatories, including subparts, during the pendency of the case.

Rule 4-2.05 Discovery Documents

- A. Unless otherwise ordered by the Court, Depositions, Interrogatories, Requests, Answers or Responses, and other Discovery documents shall not be filed with the Clerk of the Circuit Court except as necessary to resolve disputed issues of procedure, fact, or substantive law or pursuant to Supreme Court Rule 201(o) or 207.
- B. Discovery documents and Notice of Filing shall be served pursuant to Supreme Court Rules 11 and 12. The Proof of Service, upon being filed with the Clerk of Court, shall be prima facie evidence that such document was served. When a party issues a Subpoena for documents pursuant to Supreme Court Rule 204(a)(4), that party shall file with the Clerk of Court Notice and Proof of Service upon all remaining parties certifying that copies of such documents were provided to those parties at their expense or that specified parties have declined copies.

Rule 4-2.06 Days for Taking Depositions/Attendance

- A. Unless otherwise agreed by the parties or ordered by the Court, Depositions shall not be taken on Saturdays, Sundays or Court holidays, shall be noticed to be taken no earlier than 8:30 a.m., and shall be concluded or recessed not later than 6:00 p.m.
- B. In the absence of agreement of all parties attending a Deposition, or Order of Court, only the parties, including a representative of a corporation, partnership or like entity, the parent or next friend of a minor, attorneys of record and purely consulting experts may attend Discovery Depositions.

Rule 4-2.07 Apportionment of Time, Deposition

Except by Court Order, the parties to a Deposition shall apportion the time among themselves prior to the start of any Deposition. Absent agreement, time shall be equally divided among the parties, excluding the party being deposed, without prejudice to brief clarification.

Rule 4-2.08 Seasonably Updating Discovery

Supreme Court Rules 213(i) and 214 require a party to seasonably supplement or amend prior Answers, Responses or disclosures whenever new or additional information becomes known to that party.

Pursuant to said Rules, every party shall have the duty to seasonably supplement through trial.

"Seasonably" shall be defined in the following terms:

- A. When the trial is sixty days or more in the future, the party discovering the new information and/or documents that must be disclosed to the opposing party(ies), shall tender the information as soon as practicable, but in any event no later than fourteen days after discovering the information.
- B. When the trial is less than sixty days in the future, the party discovering new information and/or documents that must be disclosed to the opposing party(ies), shall tender the information immediately and without delay.
- C. When the information and/or documents are discovered during trial, the party(ies) shall tender immediately and without delay.

Any party who fails to comply with this Rule is subject to sanctions under Supreme Court Rule 219.

Rule 4-2.09 Local Subpoena Rules, Pretrial Discovery

- A. Upon request, the Clerk of the Circuit Court shall issue a Subpoena limited to the production of specified documents, objects or tangible things. A Subpoena, whether issued by the Clerk of Court or an attorney, shall direct the person or entity to whom the Subpoena is directed to

produce the designated documents, objects or tangible things. Any item may be sought which constitutes or contains evidence relating to any of the matters within the scope of the examination permitted under the Supreme Court Rules. No oral examination of any person served or responding to a Subpoena issued pursuant to this Rule is permitted.

- B. Subpoenas issued pursuant to this Rule shall be served in accordance with the Supreme Court Rules. A copy of said Subpoena and Proof of Service shall be served within forty-eight hours of issuance upon all parties who have appeared in the action.
- C. The recipient of a Subpoena who has actual or constructive possession or control of the specified documents, objects or tangible things sought by the Subpoena shall respond to any lawful Subpoena of which he has actual knowledge, if payment of the fee and mileage has been tendered. Service of a Subpoena by mail may be proved prima facie by return receipt showing delivery to the deponent or his authorized agent by certified or registered mail at least seven days before the date on which compliance is required, and an affidavit showing that the mailing was prepaid and was addressed to the deponent, restricted delivery, return receipt requested, showing to whom, date and address of delivery, with a check or money order for the fee and mileage enclosed.

The recipient of a Subpoena who has constructive or actual possession or control of the specified documents, objects or tangible things, may comply with said Subpoena, without personal appearance, by forwarding complete and legible copies, by first class, prepaid mail to the party or attorney causing the Subpoena to have been issued. The person or custodian of records of the entity responding to the Subpoena shall certify in writing that compliance is complete and accurate.

- D. Any Subpoena issued under this provision seeking specified documents, objects or tangible things shall bear the following legend on the face of said Subpoena, or conspicuously attached thereto:

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING LEGIBLE AND
COMPLETE COPIES OF ALL SPECIFIED DOCUMENTS, OBJECTS OR
TANGIBLE THINGS REQUESTED IN THIS SUBPOENA TO THE PARTY OR
LAW FIRM WHOSE ADDRESS APPEARS BELOW. COMPLIANCE BY MAIL
REQUIRES A CERTIFICATION THAT THE DOCUMENTS, OBJECTS OR
TANGIBLE THINGS MAILED ARE COMPLETE AND ACCURATE AND
CONSTITUTE GOOD FAITH COMPLIANCE WITH THE MATERIALS
REQUESTED BY SAID SUBPOENA.

**DO NOT FORWARD MATERIALS BEFORE DATE STATED ON
SUBPOENA.**

- E. No Subpoena issued under this provision may be returnable less than seven days following its date of service. Within said seven days, any party may timely object to the Subpoena and, for good cause shown by the objecting party, the Court may quash the Subpoena, or impose such conditions or limitations as the Court deems equitable.
- F. The party causing the Subpoena to be issued shall be liable to the party subpoenaed for the reasonable costs of copying or reproduction. The Court may enter such Orders as may be

necessary to enforce the payment of said copying costs, or apply any sanction authorized by Supreme Court Rule 219.

Any party may request copies of all materials obtained by any party pursuant to this Rule. Expenses of copying shall be borne by the party requesting copies, and said materials shall be reproduced and forwarded to the requesting party not less than ten business days following receipt of the subpoenaed materials.

- G. If a party or person unreasonably refuses to comply with this Rule, or any Order entered under this Rule, the Court may find said person or party in contempt and punish said party or person accordingly, and may impose any sanction authorized by Supreme Court Rule 219.

Rule 4-2.10 Progress Calls

The Chief Judge, by Administrative Order, may provide for regular progress calls of cases filed in the Civil and Family Divisions. In connection with such a progress call, the Judge shall request the Clerk to notify the attorneys of record or self-represented litigant who has filed an Appearance that the case will be called on a date certain for the purpose of a Case Management Conference. A failure to appear at such progress call shall constitute grounds for dismissal except for good cause shown.

Rule 4-2.11 Supreme Court Rule 218 Case Management Conference

Supreme Court Rule 218 Case Management Procedures are mandatory for Law and Family cases. In all other civil matters, Rule 218 conferences shall be governed by Local Court Rule, Administrative Order of the Chief Judge or, in their absence, by the discretion of the assigned Judge and shall be scheduled at the discretion of the Court.

Rule 4-2.12 Dismissal for Want of Prosecution/Inactive Docket

- A. In all civil cases, except for cases governed by a separate Local Court Rule, where no appeal is pending and there has been no action of record for a period of one year, the Court may summarily dismiss the cause of action.
- B. Upon dismissal of any cause for want of prosecution, the Clerk of the Circuit Court shall give all self-represented litigants and all attorneys of record Notice of the dismissal by regular U.S. Mail within ten days of the dismissal. A copy of the Notice with the Clerk's certificate of mailing shall be made of record.

Part 3.00 Family Law Cases

Rule 4-3.01 Scope

Family law cases are defined as any proceeding assigned to the Family Division, excluding Juvenile and Child Support petitions filed by a public office as defined in LCR 4-4.01.

Rule 4-3.02 Affidavit of Parties and Production of Documents

A. Prior to the Initial Case Management Conference.

1. Seven days prior to the Initial Case Management Conference in any proceeding for dissolution of marriage or civil union, legal separation, or parentage, the parties of record shall exchange completed Comprehensive Financial Affidavits of income, expenses, assets and liabilities along with any financial documents in the form approved by the Nineteenth Judicial Circuit or Supreme Court, unless a Comprehensive Financial Affidavit has previously been exchanged.
2. The Comprehensive Financial Affidavit and any financial documents shall not be filed with the Clerk of the Circuit Court.
3. On or before the Initial Case Management Conference, each party of record shall file with the Clerk of the Circuit Court a certificate of compliance certifying that the Comprehensive Financial Affidavit has been completed and setting forth the date the completed Comprehensive Financial Affidavit was served upon the opposing party.

B. Hearings on Motions for Financial Relief or Trial

1. Any Motion regarding financial relief including attorney's fees, costs, maintenance, or child support shall be served pursuant to Supreme Court Rule 11 and shall be supported by a current (prepared within thirty days of hearing or trial) Comprehensive Financial Affidavit with all financial documents identified in Section C of this Rule, which shall be exchanged with all parties entitled to Notice.
2. No less than fourteen days prior to the scheduled hearing, or upon Order of the Court, the responding party shall exchange his or her current Comprehensive Financial Affidavit with all parties entitled to Notice.
3. Proof of service of the Comprehensive Financial Affidavit shall be filed on, or before the date set for hearing on the Motion. The parties shall have sufficient copies of the Comprehensive Financial Affidavit in court for all parties who appear on the date of the hearing. A party shall not be entitled to a continuance based on their own failure to provide the Comprehensive Financial Affidavit.
4. In pre and post-judgment proceedings, a party shall serve the other party with a completed Comprehensive Financial Affidavit before seeking Discovery pursuant to Supreme Court Rule 201 unless otherwise ordered by the Court for good cause shown.
5. In the event a party files an objection based on subject matter or personal jurisdiction, the time for service of the Comprehensive Financial Affidavit shall be tolled pending the Court's ruling on the jurisdiction issue.

C. Production of Documents.

1. No less than fourteen days prior to the scheduled hearing or trial on the motions for financial relief, each party shall support the Comprehensive Financial Affidavit with the following documentary evidence, including, but not limited to:

- a. The party's last two pay stubs;
 - b. The party's last three federal and state income tax returns filed complete with all schedules and attachments;
 - c. The party's records of any additional income not reflected in their pay stub;
 - d. The party's joint and individual banking statements for the last three months.
2. A party shall not be entitled to a continuance based on their own failure to provide the documents referenced in Subsection 1 of this Section.

Rule 4-3.03 Uniform Child-Custody Jurisdiction and Enforcement Act Declaration

- A. The requirement to file the Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) Declaration shall include any proceeding for divorce, separation, paternity, and protection from domestic violence, in which the issue may appear, but not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under Article 3 of the UCCJEA.
- B. In any proceeding in which allocation of parental responsibility, or allocation of parenting time with respect to a child is an issue, prior to Initial Case Management Conference, the entry of a judgment, decree, or other Order of a Court providing for the allocation of parental responsibility, or allocation of parenting time with respect to a child, the parties must provide the Court with the information required pursuant to Section 209 of the UCCJEA by submitting a Declaration in a form approved by the Court, if not previously done.

Rule 4-3.04 Interrogatories

No party shall serve on any other party more than thirty written Interrogatories in the aggregate, including any Subsections thereof, without leave of Court or prior written stipulation of the parties, except as authorized in Supreme Court Rule 213.

Rule 4-3.05 Notice For Withholding

- A. The Nineteenth Judicial Circuit Notice for Withholding form shall be used in family cases in conjunction with a Uniform Order of Support.
- B. At the time of entry of Judgment, or any time child support or maintenance is set or modified, a Uniform Order of Support shall be entered and a Uniform Notice for Withholding shall be issued absent an agreement between the parties.
- C. A Proof of Service of Notice for Withholding shall be filed at the time of service of the Notice for Withholding. If the Notice for Withholding is sent via certified mail then the return receipt

shall be filed with a Proof of Receipt of Notice for Withholding unless served by another manner in 750 ILCS 28/20(g).

- D. All Notices to Withhold shall be reviewed and approved by the Court prior to issuance.

Rule 4-3.06 Conciliation, Mediation, Advice to Court, Investigations and Reports

Local procedures for conciliation, mediation, advice to the Court, investigations and reports as authorized under the Illinois Marriage and Dissolution of Marriage Act may be implemented by Court Rule or by Administrative Order of the Chief Judge of this Circuit.

Rule 4-3.07 Appointment of Guardians Ad Litem, Child Representatives, and Attorneys for Children

- A. The Presiding Judge of the Family Division shall prepare a list of qualified Guardians ad Litem, Child Representatives, and Attorneys for Children in accordance with the requirements of 750 ILCS 5/506 of the Illinois Marriage and Dissolution of Marriage Act, Illinois Supreme Court Rules and the provisions and standards set forth in this Rule in the interests of maintaining the highest levels of competence and professionalism. The list shall be referred to as the 506 Referral List and shall be submitted to the Chief Judge, who shall have the discretion to include or remove persons from the 506 Referral List at any time, or to waive any of the requirements of this Rule, when necessary to promote the highest standards of competency.
- B. Membership on the 506 Referral List shall be by approval of the Chief Judge.
- C. An applicant denied inclusion on, or removed from the 506 Referral List, may appeal the decision in writing within ten days to the Chief Judge. The Chief Judge shall decide the appeal after an opportunity for the applicant or member to be heard. The decision of the Chief Judge shall be final. The list shall be reviewed in every even numbered year.
- D. Any attorney who meets the following criteria is eligible to apply to serve as a Guardian ad Litem, Child Representative, or Attorney for a Child for the purposes of this Rule:
1. Have a license to practice law in the State of Illinois and be in good standing with the Illinois Supreme Court.
 2. Have experience in the area of child custody litigation.
 3. Provide proof of professional liability insurance, with satisfactory coverage for liability in the representation of children.
 4. Prior to the initial appointment to the 506 Referral List, attend ten hours of continuing legal education approved by the Chief Judge on the following topics:
 - a. The roles of Guardian Ad Litem and child representatives;

- b. Ethics in child custody cases;
 - c. Relevant substantive state and federal statutory and case law in custody and visitation matters;
 - d. Child development;
 - e. Family dynamics, including substance abuse, domestic abuse and mental health issues.
- 5. Attend at least ten hours of continuing legal education courses every two years in child custody-related topics. The attorney shall be responsible to provide proof of attendance by way of affidavit, of the specific course, seminar, or class attended to the Presiding Judge of the Family Division at least thirty days prior to his or her two-year anniversary date of certification. Training offered by the Illinois State Bar Association, the Lake County Bar Association, the Nineteenth Judicial Circuit, other judicial circuits in the State of Illinois, or other organizations approved by the Chief Judge will qualify for continuing legal education credits required by this Rule.
- 6. Accept appointment as a Guardian ad Litem, a Child Representative, or an Attorney for the Child in at least two cases per year on a pro bono basis, in families where the parties are indigent.
- E. All attorneys who meet the above requirements and are interested in Court appointments to serve as a Guardian ad Litem, a Child Representative or an Attorney for Children shall complete the Nineteenth Judicial Circuit Child Representative/Guardian ad Litem/Attorney for the Child Application and provide proof by way of affidavit, supported by documentation of the aforesaid requirements, to the Presiding Judge of the Family Division, or to the person otherwise designated by the Chief Judge.
- F. Any attorney who is appointed as a Child Representative, Guardian ad Litem or Attorney for a minor child shall perform the following minimum duties and responsibilities:
 - 1. Adhere to all ethical rules governing attorneys in professional practice, be mindful of any conflicts in the representation of children and take appropriate action to address such conflicts.
 - 2. Interview his or her client(s) without any limitation or impediment or if the child is too young to be interviewed, observe the child.
 - 3. Take reasonable steps to obtain all information pertaining to issues affecting the child, including interviewing family members and others possessing special knowledge of the child's circumstances.
 - 4. Take whatever reasonable steps necessary to determine what services the family needs to address the dispute, make appropriate recommendations to the parties and seek appropriate relief in court, if required, in order to serve the best interest of the child.

5. Determine whether a settlement of the dispute can be achieved by agreement, and to the extent feasible, shall attempt to resolve such disputes by an agreement that serves the best interest of the child.
- G.** The requirements of this Rule apply to representation of children in Guardianship Proceedings under the Illinois Probate Act as well as proceedings under the Illinois Marriage and Dissolution of Marriage Act and the Illinois Parentage Act.

Rule 4-3.08 Evaluator Referral List

- A.** Judges hearing allocation of parental responsibility or allocation of parenting time cases under the Illinois Marriage and Dissolution of Marriage Act or under the Illinois Parentage Act of 2016 are authorized to secure the assistance of mental health professionals.
- B.** The Chief Judge is authorized to establish a list of qualified mental health professionals in accordance with the provisions and standards set forth in this Rule. In the interests of efficient administration and to maintain the highest level of competence, the Chief Judge may, in his or her discretion, limit the number of members on the list. The list shall be known as the Evaluator Referral List.

C. Qualifications

Members of the Evaluator Referral List shall meet the following qualifications:

1. Have a minimum of a master's degree in a field of mental health.
2. Be licensed by the State of Illinois as a social worker, marriage and family counselor, psychologist or psychiatrist.
3. Have five years of experience in the field of family counseling.
4. Have training and two years of experience in performing allocation of parental responsibility evaluations or agree to participate in the Family Division "Education, Observation, and Supervision" (EOS) Mentoring program, which will include three sections, (1) Education (2) Observation and (3) Supervision as follows:
 - a. For Education, the prospective Member, hereafter "Mentee" must, at their own expense, complete a basic two day Child Custody Evaluation Training Program sponsored by the Association of Family and Conciliation Courts (AFCC), the American Board of Professional Psychologists or other comparable program approved by the Presiding Judge of the Family Division;
 - b. For Observation, the Mentee must observe (without intervention or interference) one full allocation of parental responsibility evaluation performed by a current member of the Evaluator Referral list (hereinafter referred to as "Mentor"), who is a current member of the Evaluator Referral list, commencing prior to the first contact with the parties through the completion of the written allocation of parental responsibility report; and

- c. For Supervision, the Mentee must be mentored for a period of two years. This period of supervision shall include personally mentoring the Mentee as the Mentee performs his or her first full allocation of parental responsibility evaluation for the Family Division, commencing prior to the first contact with the parties through the completion of the written allocation of parental responsibility report. Over the two year period of supervision, the Mentor shall also review other reports prepared by the Mentee for the Family Division and provide continuing advice and guidance.
 - d. The Mentee shall not charge for the Mentee's time during the observation section of this program or during the one full allocation of parental responsibility evaluation of the Supervision section of this program. The Mentor may charge their regular fee for the allocation of parental responsibility evaluation performed exclusively by them during the Observation section of this program. The Mentor shall charge a reduced fee for his or her time spent supervising the Mentee during the Mentee's first allocation of parental responsibility evaluation. This reduced fee for the allocation of parental responsibility evaluation may be considered one of the Mentor's obligatory "reduced fee" evaluations as outlined in LCR 4-3.08(F)(2).
 - e. All attorneys and parties to the allocation of parental responsibility evaluations outlined herein shall be informed of the training of the Mentee. The Evaluator Referral List would reflect the Mentee's name, address, hourly rate and report fee, as well as the Mentee's status as "Mentored Evaluator" and the name of the Mentor. This label would be deleted after compliance is had with the Family Division Mentoring Program as outlined above.
5. Maintain professional liability insurance which covers services provided as a result of the referral.

E. Approval of Membership on the Evaluator Referral List

- 1. The Presiding Judge of the Family Division shall prepare a list of qualified evaluators in accordance with the requirements of the Illinois Marriage and Dissolution of Marriage Act, these Local Court Rules and the applicable professional standards of the individual evaluator. The list shall be submitted to the Chief Judge, who shall have the discretion to include or remove persons from the list at any time, or to waive any of the requirements of this Rule, when necessary to promote the highest standards of competency.
- 2. Membership on the Evaluator Referral List shall be by approval of the Chief Judge.
- 3. The list shall be reviewed every odd numbered year.
- 4. Applicants shall provide proof of qualification by way of affidavit that is supported by documentation.
- 5. In selecting evaluators to serve on the list, or to continue to serve on the list, the Presiding Judge of the Family Division or the Chief Judge may seek the advice of judges, lawyers, and mental health professionals experienced in family matters.

6. The Chief Judge shall have the discretion to limit the size of the list. In his or her discretion, the Chief Judge may add a member to or remove a member from the list when necessary to promote the highest standards of competency. An applicant denied inclusion on, or removed from the list, may appeal the decision in writing within ten days to the Chief Judge. The Chief Judge shall decide the appeal after an opportunity for the applicant or member to be heard. The decision of the Chief Judge shall be final.

F. Selection of an Evaluator

Selection of an evaluator pursuant to the Illinois Marriage and Dissolution of Marriage Act, or pursuant to the inherent powers of the Court to protect the best interests and welfare of a child, shall be in the sole discretion of the judge making the referral. In making a referral, the judge shall take in to account the wishes of the parties, the nature of the dispute, and any other relevant factors. Nothing shall prevent a judge from making a referral to a qualified professional who is not on the approved Evaluator Referral List.

G. Conditions of Membership

Selection for membership on the Evaluator Referral List does not guarantee a member receipt of referrals and is conditioned upon the agreement of the applicant to the following terms:

1. To abide by the Model Standards of Practice for Child Custody Evaluation developed by the Association of Family and Conciliation Courts, as may be approved from time to time.
2. To provide services in a minimum of two selected cases "without fee", or for a "reduced fee", on a reasonable basis at the request of a Judge of the Family Division or the Presiding Judge.
3. To attend meetings of the Evaluator Referral List members as scheduled by the Presiding Judge of the Family Division and to assume responsibility for the leadership of the meetings on a rotating basis, unless otherwise excused by the Presiding Judge of the Family Court or the Presiding Judge's Designee(s).
4. To attend ten hours of professional continuing education seminars or courses every two years on topics related to allocation of parental responsibility and allocation of parenting time issues, four of which must cover issues of domestic violence.
5. To submit a written report to the Court containing the results of a court ordered evaluation or investigation regardless of whether the fee for the services has been paid in full. If the report is not completed by the date required by the Court Order, to submit a report to the Court, with copies to counsel and to unrepresented parties, stating the reason why the report is not finished and when it will be.
6. To inform the Court within seven days if he or she has been disciplined by any licensing agency or professional organization to which he or she belongs.

7. To inform the Court of his or her current contact information, hourly fee for direct contact hours and the separate charge for preparation of a written report, if any. This information will be disclosed on the publically disseminated Evaluator Referral List.
8. To make reasonable efforts to complete an evaluation or investigation after spending no more than twelve hours of direct contact with or on behalf of the parties unless an extension is otherwise approved by the Court. The preparation of the report may be in addition to the direct contact hours.

H. Fees

The fee for court ordered services by a member of the Evaluator Referral List shall be paid by the parties based on the rates reasonably and customarily charged by the evaluator for the services rendered. The Court shall allocate the responsibility for payment between the parties based on ability to pay. In cases of indigents, the Court may appoint a member of the Evaluator Referral List who shall perform the evaluation on a "without fee" or "reduced fee basis."

I. Acceptance of appointment

When an evaluator is appointed by the Court to perform a court ordered evaluation or investigation, counseling or supervised allocation of parenting time services, the Court Administrator's Office shall send the provider a copy of the Order of appointment. Upon receipt of the Order, the evaluator shall sign an acceptance of appointment form provided by the Court and return the form to the Court Administrator's Office to be placed in the court file. A provider may decline to accept a case for any reason. An evaluator shall decline to accept an appointment to a case in which he or she has a conflict of interest, including but not limited to, a current or previous therapeutic, economic, or close personal relationship with any party, child, step-parent, other relative, counsel, or anyone else involved in the case, unless the conflict of interest has been specifically waived by the parties in writing. If an evaluator deems it necessary to decline to accept an appointment, he or she shall immediately notify the Court with copies to counsel and unrepresented parties.

J. Psychological tests

In conducting an evaluation or investigation, the evaluator shall not conduct psychological tests unless specifically authorized to do so by Court Order.

K. Written Evaluation Reports

1. The professional's report must, at a minimum, set forth the following:
 - a. a description of the procedures employed during the evaluation;
 - b. a report of the data collected;
 - c. all test results;

- d. any conclusions of the professional relating to the allocation of parental responsibilities;
 - e. any recommendations of the professional concerning the allocation of parental responsibilities or the child's relocation; and
 - f. an explanation of any limitations in the evaluation or any reservations of the professional regarding the resulting recommendations.
2. The professional shall send his or her report to all attorneys of record, and to any party not represented, at least sixty days before the hearing on the allocation of parental responsibilities.

L. Prohibition against counseling, therapy or legal representation

Evaluators shall not provide counseling or therapy to the parties, either individually or jointly, during the evaluation process.

M. Statistical information

Upon request of the Court, evaluators will provide statistical information regarding fees and hours expended in order to allow the Court to evaluate the program in a format identified by the Court.

Rule 4-3.09 Reserved

Rule 4-3.10 Pre-Trial Case Management Procedures

- A.** This Rule applies to the following case types:
1. All pre-judgment "D" (dissolution) cases.
 2. All pre-judgment "F" (family) cases in which the Family Division Cover sheet indicates that an aspect of the case involves the allocation of parental responsibility or allocation of parenting time of children.
 3. All post-judgment "D" and "F" cases in which the Family Division Cover Sheet indicates that an aspect of the case involves the allocation of parental responsibility or allocation of parenting time of children, or by Court Order.
- B.** The Clerk of the Circuit Court shall set an Initial Case Management Conference on a date approximately ninety days from the filing of the initial pleading on a schedule established by the Court. The Clerk shall send Notice of the date approximately forty-five days prior to the date to all parties of record.
- C.** The Clerk shall provide the Petitioner upon the filing of the initial pleading with an informational Notice approved by the Court containing information about the Initial Case Management Conference.

- D. The Petitioner shall serve upon each Respondent a copy of the informational Notice along with the service of the Summons and pleadings in a pre-judgment case or with the service of Notice and pleadings in a post-judgment case.
- E. Failure to appear in court in person or by counsel for a Case Management Conference may subject a party to sanctions from the Court pursuant to Supreme Court Rule 219 including but not limited to monetary sanctions and/or dismissal of the case for want of prosecution, unless the case has already been resolved by Order or Judgment.
- F. The Initial Case Management Conference shall be conducted pursuant to Supreme Court Rule. The parties will be expected to inform the Court as to whether the case would be best handled on an expedited track, a standard track, or a complex track and to enter a Case Management Order.
- G. At the Initial Case Management Conference the Court will verify that Comprehensive Financial Affidavits were exchanged at least seven days prior to the conference by reviewing of the Certificates of Compliance.
- H. Pursuant to Supreme Court Rule, the following requirements apply to the Initial Case Management Conference in cases involving minor children:
 - 1. The parties must submit a completed Declaration pursuant to the Uniform Child-Custody Jurisdiction and Enforcement Act.
 - 2. The parties must report whether they have attended the required parenting education program offered by the College of Lake County or such other parenting program approved by the Court.
 - 3. If the parties have reached agreement on allocation of parental responsibility, they must provide the Court with an agreed Order regarding allocation of parental responsibility and an agreed Parenting Plan
 - 4. If the parties have not reached an agreed Parenting Plan, the Court shall schedule the date by which the parties must file their proposed parenting plans and shall schedule the case for mediation unless the Court determines that an impediment to mediation exists. The cost of mediation shall be allocated between the parties.
 - 5. If the parties are unable to resolve the issues of allocation of parental responsibility and/or allocation of parenting time, the Court may appoint counsel as a child representative or a Guardian ad Litem to represent the child(ren) and/or the Court may order an allocation of parental responsibility evaluation by a court appointed professional. The cost of an evaluation and attorney fees for counsel for the children shall be allocated between the parties.
- I. In addition to the procedure for setting a Case Management Conference set forth in Section B of this Rule, the Court, on its own Motion or on Motion of a party, may set a Case Management Conference at any time in any pre or post-judgment D or F case.

Rule 4-3.11 Settlement Conference

- A.** Settlement conferences shall be mandatory in all contested pre-judgment Family Division cases and contested post-judgment allocation of parental responsibility and relocation petitions unless specifically excused by Court Order. No such case shall proceed to trial or hearing as a contested matter until a settlement conference has been held.
- B.** A Settlement Conference Memorandum shall be provided by each party to the Court and opposing counsel or self-represented party two court days prior to the settlement conference. The Settlement Conference Memorandum shall be in the form approved by the Court.
- C.** Settlement conferences shall be set by Order of Court pursuant to the Court's own Motion or Notice and Motion or by agreement of the parties. It shall be mandatory for the parties and the trial attorneys to be present at all settlement conferences unless otherwise excused for good cause by prior Court Order.
- D.** Any party and/or attorney required under this Rule to attend a settlement conference who, without good cause, fails to attend after having been given due and proper Notice or fails to provide a Settlement Conference Memorandum, shall be subject to the sanctioning power of this Court including, but not limited to, those authorized under Supreme Court Rule 219(c), such as civil or criminal contempt, dismissal, imposition of attorney's fees, and imposition of monetary sanctions.

Rule 4-3.12 Subsequent Case Management Conferences

- A.** In cases where there are minor children and a Final Parenting Plan Order has not been entered by the Court, the purpose of a Subsequent Case Management Conference is:
 - 1. To verify compliance with the Initial Case Management Order regarding completion of the UCCJEA Declaration, the Parenting Education Program, the filing of a Proposed or Final Parenting Plan and completion of Mediation;
 - 2. To verify compliance with the filing of a Comprehensive Financial Affidavit and Discovery requests for the purpose of setting temporary child support and other child related expenses;
 - 3. To consider the necessity of the appointment of an attorney for the child(ren), Guardian ad Litem or child's representative;
 - 4. To consider the necessity of the appointment of an Evaluator to address issues of allocation of parental responsibilities, parenting time or relocation;
- B.** In cases with no minor children or, in which a Final Parenting Plan Order has been entered by the Court, the purpose of the Subsequent Case Management Conference is:
 - 1. The identification and simplification of the issues, including the elimination of frivolous claims;

2. Determining whether amendments to the pleadings are necessary or desirable;
 3. Obtaining admissions of fact and documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings from the Court on the admissibility of evidence including written Motions in *Limine*;
 4. The avoidance of unnecessary proofs and of cumulative evidence;
 5. The identification of the number of witnesses and exhibits, the need and schedule for filing and exchanging briefs, and the date or dates of further conferences;
 6. The identification of any unresolved petitions, including attorney's fees of attorneys previously involved in the case; and
 7. Such other matters as may aid in the disposition of the action.
- C. Failure to comply with Case Management Orders without good cause, shall be subject to the power of the Court to impose sanctions including, but not limited to, those authorized under Supreme Court Rule 219(c).

Rule 4-3.13 Trial Conference

- A. Prior to the Trial Conference, the attorneys for all the parties and the unrepresented parties shall meet either in person, by telephone, or as otherwise ordered by the Court. At such meeting, they shall:
1. Reach an agreement on stipulations narrowing the issues of law or fact;
 2. Exchange copies of exhibits that will be offered in evidence at the trial, in such form as may be ordered by the Court;
 3. Perform such other acts as have been ordered by the Court; and
 4. Jointly prepare a Trial Conference Memorandum in the form approved by the Court.

It shall be the continuing duty of all of the parties and attorneys to meet, respond and cooperate to fulfill the terms of this Rule.

- B. At the Trial Conference each party shall be represented by the attorney who will be representing him or her in the trial of the case, unless otherwise permitted by Court Order. All the parties and attorneys must attend the Trial Conference. Any attorney having a pending fee petition must also attend the conference.
- C. On the date of the trial conference, counsel shall be present in court at 9:00 a.m. prepared to tender the following to all counsel and the Court:
1. Copies of all pre-marked, trial exhibits in a tabbed, three ring binder; the effective pleadings shall also be included;

2. An exhibit list at the front of the binder describing the exhibit with columns labeled, "Offered", "Admitted", and "Refused";
 3. All stipulations;
 4. All preliminary motions and Motions in *Limine*;
 5. A witness list.
- D. The copies in the exhibit binder given to the Court are for the Court's use during trial. Counsel shall have a separate set of exhibits to be offered into evidence and made part of the court record.
- E. The parties shall stipulate as to any exhibits to which there are no objections, and such exhibits shall be admitted into evidence without the necessity of further foundation.
- F. After the Trial Conference has taken place pursuant to this Rule, an Order shall be entered reciting the actions taken. This Order shall control the subsequent course of the case unless modified by subsequent Order. The Order following a Trial Conference shall be modified only to prevent manifest injustice.
- G. If a party or party's attorney or any attorney having a pending fee petition, fails to do one or more of the following:
1. Obey a scheduling or Trial Conference Order;
 2. Appear at the Subsequent Case Management or Trial Conference;
 3. Properly prepare to participate in the conference; or
 4. Participate in good faith;

the Court upon Motion or on its own Motion, may make such Order with regard thereto as is just, and assess sanctions pursuant to Supreme Court Rule 219(c), including attorney's fees, and monetary sanctions, unless the Court finds that noncompliance was substantially justified or that other circumstances make an award of expenses or the imposition of sanctions unjust.

Rule 4-3.14 Parenting Education

- A. It is to the benefit of all parents, regardless of their parenting skills and in the best interests of their minor children, that they take time from their immediate personal concerns to consider the impact of the dissolution process on their minor children.
- B. Pursuant to the provisions of Illinois Supreme Court Rule 924 and the Illinois Marriage and Dissolution of Marriage Act, a Parenting Education Program ("PEP") shall be established as a resource to the Nineteenth Judicial Circuit.

1. The PEP shall be created by the Court Administrator of the Nineteenth Judicial Circuit and contracted for by the Chief Judge or designee.
 2. The contents of the PEP shall be directed to the best interests of the minor children of parties to dissolution, or post dissolution proceedings and shall concern the effects of these proceedings on the children. The program shall be educational in nature and not designed for individual therapy. The program shall be at least four hours in duration.
 3. The PEP described above shall be financially self-supportive through court assessed fees paid by the parties attending the program. The amount of the fee to be assessed for the program shall be related to the cost of conducting the program and shall be determined by the Chief Judge or designee.
- C. All parents of minor children who have appeared or who have otherwise personally submitted to the jurisdiction of the Nineteenth Judicial Circuit in any pre or post-judgment D or F case in which an aspect of the case involves the allocation of parental responsibility or allocation of parenting time of the children, shall attend the PEP prior to the initial LCR 4-3.10 Case Management Conference, unless otherwise ordered for good cause shown.
- D. The trial court may, in the best interest of the minor children, delay the presentment of evidence or the entry of part or all of the Court's findings pending completion by the parents of the PEP.
- E. The judge assigned to a case other than described in Section C above may, in his or her discretion, require parents of minor children or other parties to attend the PEP.
- F. Where a party required to attend the PEP resides outside of the Nineteenth Judicial Circuit, the Court may order attendance either online or at another similar parenting program in lieu of the Nineteenth Judicial Circuit PEP.
- G. Persons registered for a session who do not attend and do not cancel at least twenty-four hours in advance shall be required to re-register and pay an additional full fee.

Rule 4-3.15 Motion Practice and Emergency Motions

A. Contested Motions

1. Any Motion which is opposed is a contested motion and may be heard at the end of the call or at such other time designated by the Court.
2. **Page Limitations.**
 - a. No Motion or Response shall exceed fifteen typewritten double-spaced pages without prior approval of the Court. This page limit includes any separately filed Memorandum or Brief in support of a Motion or Response.
 - b. No Reply or Memorandum in support thereof shall exceed five typewritten pages without prior leave of Court. Any such Brief or Memorandum shall be limited to responding to new matters raised in the opponent's Response Brief or Memorandum.

- c. Neither narrow margins nor any other formatting device shall be employed to evade the page limitations set forth in this Rule. Footnotes, if any, shall be used sparingly.
 - d. Failure to comply with this Rule shall be sufficient grounds for striking the Motion, Response, or Reply, or for the Court's refusal to consider the excess pages of the document and to consider the matters contained therein to have been waived.
- 3. For every contested motion, including those brought pursuant to Supreme Court Rule 219, Supreme Court Rule 137 or Sections 2-615, 2-619, 2-619.1 or 2-1005 of the Code of Civil Procedure, movant's counsel shall deliver to the chambers of the assigned judge, not less than five court days prior to hearing, a copy of:
 - a. the Motion,
 - b. any challenged pleading, and
 - c. any writing in support of or in opposition to the Motion.
- 4. Not less than five court days prior to hearing, a party shall provide the Court and all opposing counsel with a complete citation to any case or other authority upon which the party intends to rely on in oral argument and which is not included in a supporting or opposing writing; and the party shall provide the Court with a full copy of any decision of a State Court outside the State of Illinois. Any cover letter delivered to the Court in compliance with the above requirements shall be copied to all counsel of record.
- 5. Any writing in support of or in opposition to a Motion shall be served upon the opposing party at the time of service of Notice of Motion, or, if not then available, as soon thereafter as practicable and prior to hearing on said Motion.

B. Emergency Motions

- 1. If emergency relief is requested, application shall be made to the assigned judge, or if unavailable, to the judge specifically assigned to sit in his stead. If neither judge is available, application shall be made to the presiding judge of the division to which the case is assigned.
- 2. An Emergency Motion shall be labeled as such and shall be heard only if the Court first determines that an emergency exists and that reasonable attempts at Notice have been made. Each application for emergency relief shall be accompanied by an affidavit of the movant or movant's attorney stating the reason for emergency relief; and, in cases where the request is without Notice, except as permitted by law, said affidavit shall state what attempts have been made to notify opposing counsel or the opposing party. Failure to attach said affidavits to the request for emergency relief may be grounds for denial of the Motion. A party and/or his or her counsel who respond to a Motion propounded as, but found not to be, an emergency may be entitled to reimbursement by the proponent of actual expenses, fees and costs incurred in responding to the said Motion.

3. Every Complaint or Petition requesting an Ex Parte Order for Emergency Relief, shall be filed in the Office of the Clerk of the Circuit Court, if during Court hours, before application to the Court for the Order.
4. If a Motion is heard without prior Notice under this Rule and any Respondent or other party fails to appear, a copy of the Orders entered at the hearing shall be served personally, or by US Mail, upon all parties not previously found by the Court to be in default for failure to plead, and proof of service thereof shall be filed with the Clerk of the Circuit Court within two days of the hearing thereon.
5. Counsel shall use every reasonable effort to notify opposing parties or counsel of entry of each Order, at the earliest opportunity.

Rule 4-3.16 Report of Proceedings/Prove-Up Forms

- A. The report of proceedings from all domestic relations prove-ups shall be transcribed and filed within thirty days, unless excused by Order of the Court.
- B. At the prove-up or upon the entry of the Judgment for Dissolution, the Petitioner shall submit a Certificate of Dissolution of Marriage, Invalidity or Legal Separation as required by the State of Illinois.
- C. Prior to the entry of a Judgment for Dissolution in cases involving the allocation of parental responsibility of children, the parties must file the Uniform Child-Custody Jurisdiction and Enforcement Act Declaration, if not previously filed in accordance with LCR 4-3.03.

Rule 4-3.17 Joint Simplified Dissolution Procedure

Parties seeking a joint simplified dissolution pursuant to the Illinois Marriage and Dissolution of Marriage Act shall use forms approved by the Nineteenth Judicial Circuit or Supreme Court which shall be available upon request from the Clerk of the Circuit Court. After filing the joint petition, the Clerk of the Circuit Court shall schedule a hearing date at which both parties shall appear in person before the Court on the assigned date and a hearing will be held. No transcript of the hearing shall be required. Brochures approved by the Chief Judge explaining the joint simplified dissolution procedures shall be provided by the Clerk of the Circuit Court.

Rule 4-3.18 Post-Trial Motions and Supplemental Proceedings

- A. Post-trial motions brought pursuant to 735 ILCS 5/2-1202 or 735 ILCS 5/2-1203 shall be heard by the judge who heard the trial or to whom the case was assigned, unless such judge is no longer serving by reason of retirement, death, illness or any other reason preventing his hearing such matters within a reasonable time. In such event the Chief Judge shall assign such matters to another judge for determination.
- B. Certified copies of Judgment Orders shall be obtained from the Office of the Clerk of the Circuit Court.

- C. All supplemental proceedings to enforce money judgments shall be filed under the original case number, if filed in the county of origin, and shall be heard by the Judge then presiding in the Small Claims Court of the Nineteenth Judicial Circuit, unless otherwise designated by Order of the Chief Judge.
- D. Supplemental proceedings brought by the Child Support Enforcement Division of the State's Attorney's Office, or the Attorney General in its stead, shall be heard by the Judge then assigned to hear support cases.

Rule 4-3.19 Family Mediation Program

The Chief Judge is authorized to establish a list of qualified mediators in accordance with the provisions and standards set forth in this Rule. In the interests of efficient administration, and to maintain the highest level of competence, the Chief Judge may, in his or her discretion, add or remove members of the list at any time. The list shall be known as the Family Division Mediator List.

A. Definitions

1. These Rules hereby adopt by reference the definitions contained in 710 ILCS 35/2 as if fully set forth herein. In addition to those definitions, the following definition applies.
2. An "impediment to mediation" is any condition, including but not limited to domestic violence or intimidation, substance abuse, child abuse, mental illness or a cognitive impairment, that hinders the ability of a party to negotiate safely, competently, and in good faith. Pursuant to these Rules, the identification of impediments in a case is necessary to determine whether mediation should be required, and to insure that only those parties having a present, undiminished ability to negotiate are directed by the Court to mediate under this Rule.

B. Referral to Mediation; Time for Referral; Time for Disposition

1. Mediation shall be ordered by the Court, except upon a showing of the existence of an impediment to mediation or for other good cause shown, for all disputes involving child allocation of parental responsibility, allocation of parenting time, removal, or other non-economic issues relating to the child or children, either pre-judgment or post-judgment. Mediation shall be limited to the issues specified by the Court in the referral Order.
2. Parties who do not present the Court with a Parenting Plan at the Initial Case Management Conference shall be referred to mediation. Upon referral to mediation, the Court will set a 7-week status date, at which time the parties must report on their progress in dealing with all child-related issues. At this status date, the Court will order continued mediation if the parties are willing to attempt further efforts to resolve their disputes, or the Court will schedule a subsequent Case Management Conference within thirty days thereafter as required by the Illinois Supreme Court Rule 218.
3. At the Initial Case Management Conference, the Court shall set a trial date that complies with Illinois Supreme Court Rule 922, which mandates that all allocation of parental responsibility proceedings be resolved to final Order within eighteen months from the

date of service of the Petition or Complaint, unless otherwise ordered for good cause shown.

4. The failure of a party, or counsel for a party, to appear in court at the Initial Case Management Conference, or at the 7-week status date set subsequent to mediation referral, or any scheduled Case Management Conferences under Rule 218, may subject that party to all available sanctions under Illinois Supreme Court Rule 219. Such sanctions may include dismissal of the entire proceeding if Petitioner fails to appear, or the imposition of attorney's fees, monetary sanctions, and/or the opposing party's cost of transportation, loss of income and other expenses incident to that party's attendance at the conference.

C. Subject Matter of Mediation

1. Mediation may also be ordered for issues other than those described in Section (B)(1), including economic issues. For mediation of these other issues, the Court shall take into account the qualifications and professional background of the individual mediator appointed.
2. Economic issues may not be mediated unless specifically ordered by the Court or agreed upon by the parties if they are mediating with an attorney-mediator.

D. Screening for Impediments

1. At the initial orientation session and from time to time as necessary during the course of mediation, the mediator shall screen the parties for the presence of an impediment to mediation as defined under Section (A)(2) of this Rule.
2. If a mediator determines that an impairment exists that hinders the ability of the parties to negotiate safely, competently, or in good faith, mediation shall terminate and the case shall be returned to court for further proceedings, unless the parties agree to continue in mediation the mediator determines that the implementation of safeguards would remove the impediment(s) to safe and productive mediation.
3. If the parties to mediation are subject to an Order of Protection, mediation may nevertheless continue if both parties agree and the mediator determines that the sessions will be safe and productive. If the Order of Protection prohibits contact, the parties shall not meet in joint sessions.

E. Qualifications, Requirements and Selection of Dissolution Mediators

1. Any person who meets the following criteria is eligible to apply to serve as a mediator for the purposes of this Rule:
 - a. The applicant must satisfactorily complete a 40-hour divorce mediation training program approved by the Court. In addition, the applicant must have completed training specific to domestic violence, child abuse, substance abuse and mental illness, providing the applicant an understanding of the issues relating to these impairments, and of the parties' ability to negotiate effectively when impacted by one or more of these impairments.

- b. The applicant must have a degree in law, or a graduate 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 otherwise approved by a Presiding Judge of the Family Division.
 - c. The applicant must be a member in good standing in the professional organization of his or her respective disciplines.
 - d. The applicant must provide proof of professional liability insurance covering the mediation process, providing coverage satisfactory to the Presiding Judge of the Family Division.
 - e. The applicant must have a minimum of two years of work experience in his or her discipline or profession, or otherwise be supervised by a qualified mediator.
 - f. The applicant must maintain an office in the Nineteenth Judicial Circuit.
2. All persons who meet the above requirements and are interested in acting as a Court appointed mediator shall provide proof by way of affidavit, supported by documentation of the aforesaid requirements, to the Presiding Judge of the Family Division or to the person otherwise designated to receive such material.
3. A law school student who has been certified under Supreme Court Rule 711 to render legal services and meets the program requirements at the law school certifying the law school student may participate in the Family Law Student Mediation Program. The student must meet the following additional criteria in Subsections 3a through 3c:
- a. Students must either have family law experience, have completed a family law course, or be registered for a family law course during the current semester; and
 - b. Students must have completed a 40-hour mediation training program; and
 - c. Students must be supervised by an approved mediator on the days the students are working with the Court. The law school certifying the law school student will provide an attorney/case manager to supervise students.
 - d. Students will observe mediations, co-mediate and if deemed "qualified," mediate independently, under circumstances consistent with Supreme Court Rule 711. Students may mediate independently only if a Presiding judge, or their designee, and the law school certifying the law school student are in agreement. Students will also perform activities that are helpful to the approved mediator, the Court and the family law volunteer mediation program.
4. The Presiding Judge of the Family Division shall prepare a list of approved mediators. The list shall be submitted to the Chief Judge, who shall have the discretion to include or remove persons from the list at any time, or to waive any of the above requirements, when necessary to promote the highest standards of competency. An applicant denied inclusion on, or removed from the list, may appeal the decision in writing within ten days

to the Chief Judge. The Chief Judge shall decide the appeal after an opportunity for the applicant or member to be heard. The decision of the Chief Judge shall be final. The list shall be reviewed in every even numbered year.

5. An approved mediator shall attend ten hours of continuing education every two years, on subjects related to child allocation of parental responsibility, allocation of parenting time, domestic violence, substance abuse, mental illness or the mediation process. The mediator shall be responsible to provide proof of attendance by way of affidavit, of the specific course, seminar, or class attended to the Presiding judge of the Family Division at least thirty days prior to his or her two-year anniversary date of certification.
6. From time to time, mediators may be required to attend specific trainings offered or sponsored by the Family Mediation Program, the Bar Association or other individuals or organizations.
7. Each year, a mediator shall mediate two low-income cases, as identified by the Court, at a reduced fee. In addition, each mediator shall volunteer to staff a room to which judges in the Family Division can refer parties who have discrete issues requiring resolution. The room will be staffed by volunteers, as necessary. Mediators can sign up for available days on a calendar that will be located at the reception desk for Court administration.

F. Referral Procedure

1. Upon the Court's Order or the parties' agreement to participate in mediation, the case shall be assigned a mediator. This mediator may be chosen by agreement of the parties. Absent such an agreement, the Court shall assign a mediator from the list of qualified mediators, and the selection of the mediator shall be in the sole discretion of the judge. A Mediation Order shall be issued and signed by the Court. A mediation status date will be set for no later than seven weeks from the date the Mediation Order was issued.
2. The Court may also designate in its Order what percentage of the mediation fee should be paid by each party, and/or whether the case should be considered a low-income case.
3. Parties are obligated to participate in the mediation process when ordered by the Court. The parties' attorneys shall encourage their clients to mediate in good faith, and the parties shall participate in mediation in good faith.
4. After entry of a Mediation Order by the Court, the absence of a party at a mediation session or the lack of a party's participation in the mediation process may result in sanctions, including reasonable costs to the other party for mediation and attorney's fees.
5. If the appointed mediator has any conflict of interest, another mediator shall be appointed from the list. If the mediator appointed on a designated low-income case has already met his or her annual requirement for mediating low-income cases, and so informs the Court, the Court shall appoint another mediator. The Presiding Judge of the Family Division, or the person otherwise designated, shall keep a record of low-income cases assigned to each mediator to ensure a fair distribution of these cases.

6. By the status date, the mediator shall submit a Mediator Report to the Court and the parties' legal counsel. The required form and contents of the Mediator Report are specified in Section L, below.

G. Conflict of Interest

1. Conflict of Interest: These Rules hereby adopt by reference the provisions of 710 ILCS 35/9 as if fully set forth herein. In addition to those provisions, the following requirements apply to mediations under these Rules.
2. Imputed Disqualification: No mediator associated with a law firm or a counseling agency shall mediate a dispute when the mediator knows or reasonably should know that another attorney or counselor associated with that firm or agency would be prohibited from undertaking the mediation.
3. Exception: A therapist-mediator who would otherwise be disqualified from mediation as a result of imputed disqualification may undertake the mediation only under the following circumstances:
 - a. There has been full disclosure to both parties about the conflict of interest and the imputed disqualification of the mediator, including the extent to which information is shared by personnel within the agency; and
 - b. Both parties consent to the mediation in writing.

H. Confidentiality, Privilege, Admissibility, Discovery

These Rules hereby adopt by reference the provisions on privilege, admissibility, Discovery, waiver, preclusion, and exceptions to privilege as contained in 710 ILCS 35/4, 710 ILCS 35/5, 710 ILCS 35/6, and 710 ILCS 35/8 as if fully set forth herein.

I. Orientation Session

The parties shall attend an initial orientation session with the mediator within twenty-one days of the Court's entry of the Mediation Order. At the orientation session, the mediator shall screen for the existence of impediments as required by Section D and shall inform the parties about the rules of confidentiality. In addition, the mediator shall inform the parties of the following:

1. That neither therapy nor marriage counseling is part of the mediator's function.
2. That the mediator will not give legal advice.
3. That an attorney-mediator will not act as an attorney for either or both parties and no attorney-client relationship will be formed. Thus, the attorney-client privilege will not apply.
4. The mediation is subject to the rules of confidentiality.

J. The Mediation Process

1. At the initial session the mediator shall provide the parties with a written agreement outlining the guidelines under which mediation shall occur and the expectations of the parties and mediator. This initial agreement shall include at a minimum, all of the foregoing information in Section I. Either or both of the parties shall be permitted to consult their respective legal counsel before executing this agreement.
2. The mediator shall assess the ability and willingness of the parties to mediate at the orientation session and throughout the process, and shall advise the parties in the event the case is inappropriate for mediation.
3. In accordance with 710 ILCS 35/10 (titled "Participation in mediation"), an attorney or other individual designated by a party may accompany the party to and participate in a mediation. A waiver of participation given before the mediation may be rescinded.

K. Termination of Mediation

The parties are expected to attempt to mediate their dispute in good faith. Failure to attend a mediation session or failure to participate in mediation in good faith may subject a party to sanctions. Sanctions may include an assessment of mediation costs and/or attorney's fees incurred by the other party.

Mediation shall terminate upon the following:

1. When all issues referred for mediation have been resolved, or
2. When an individual necessary to facilitate settlement of the dispute is not present, or
3. When, in the opinion of the mediator, no purpose would be served by continuing the mediation, or
4. When the mediator determines that an impairment exists which hinders the ability of the parties to negotiate safely, competently, or in good faith, or
5. Upon Order of the Court for good cause shown.

L. Mediator Report

1. These Rules hereby adopt by reference the provisions on prohibited mediator reports as contained in 710 ILCS 35/7 as if fully set forth herein. In addition to those provisions, the following requirements apply to mediations under this Rule.
2. A mediator report in compliance with 710 ILCS 35/7(b) must be filed prior to the status date and within fourteen days after the last day of the mediation conference, and shall state the following:
 - a. Whether an agreement has been reached by the parties.

- b. The number and duration of sessions conducted to date, and the names of those in attendance.
 - c. Whether mediation has been terminated or suspended.
 - d. The fee charged, whether that fee has been paid in full, and, if not, the outstanding amount owed. For any outstanding amount owed, the Court may direct the parties to pay that amount, and establish what percentage each party will pay.
 - e. Whether any additional mediation sessions are recommended.
 - f. Other relevant information not considered privileged or confidential under this Rule or the Uniform Mediation Act. 710 ILCS 35/1 et seq.
 - g. Any agreement reached by the parties which is evidenced by a record signed by all parties to the agreement.
3. In the event that all of the above information cannot be provided on the due date of the Mediator Report, the mediator shall advise the Court as to the time necessary for the completion of the mediation process. It shall be within the Court's discretion to extend mediation after the seven-week status date.
 4. In addition to the report furnished to the Court, the mediator will prepare and furnish to the parties and their attorneys a written summary memorializing any agreement reached during mediation. The written summary will not be submitted to the Court unless signed by all of the parties.

M. Discovery

Unless otherwise ordered by the Court, Discovery shall be limited to written Discovery until mediation is terminated by Order of the Court.

N. Payment of Fees

The mediator shall charge an hourly fee to the parties, which they shall pay in equal shares unless the parties otherwise agree or the Court orders a different payment distribution. This hourly fee shall be paid to the mediator at the time of each session for the time spent in mediation at the session. In addition to the hourly fee, the mediator may request an advance deposit covering up to two hours' time to be paid at the first session. Such deposit may be applied to services rendered by the mediator outside of the mediation session, such as telephone conferences, correspondence, consultation with attorneys or other individuals, preparation of the Mediator Report, and any other work performed by the mediator on the behalf of the parties. Any additional fees that exceed the deposit or the fees collected at the time of sessions for services rendered by the mediator shall be paid as required by the mediator. In the event payments are not made as required under this Rule, or otherwise agreed to by the mediator and the parties, the mediation process may be suspended by the mediator pending compliance.

O. Judicial Immunity of Mediators

Mediators and other program participants shall be entitled to such immunity as may be provided by law.

P. Statistics

The Court Administrator will be responsible for all statistical data. Data shall include the number of cases referred to mediation, the number of low-income cases referred, the number and duration of sessions per case and the final outcome of each case. These statistics shall be forwarded annually to the Chief Judge, and to the Presiding Judge of the Family Division. The Chief Judge shall report annually to the Supreme Court of Illinois on this mediation program, including a count of the number of cases assigned to Court-Ordered Mediation and the results achieved.

Q. Never-Married Parents

The judge hearing child support enforcement matters may order never-married parents involved in disputes concerning the allocation of parental responsibility and/or parenting time to attend mediation with a court annexed mediator who meets the qualifications set forth in this Rule. The mediator shall be available on site in the courthouse and shall provide mediation services consistent with this Rule without charge to the parties.

Part 4.00 Enforcement of Child Support

Rule 4-4.01 Payments Ordered Through the Clerk of the Circuit Court

A. Definitions

1. **Obligor** means the individual who owes a duty to make payments under an Order for support.
2. **Obligee** means the individual to whom a duty of support is owed or the individual's legal representative.
3. **Public Office** means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an Order for support, including, but not limited to: the Attorney General, the Illinois Department of Healthcare and Family Services, the Illinois Department of Human Services, the Illinois Department of Children and Family Services, and the various State's Attorneys, Clerks of the Circuit Court and supervisors of general assistance.

B. When Applicable – Procedure

All payment of child support shall be made through the State Disbursement Unit (SDU) unless otherwise ordered by the Court. For good cause shown, the Court, by written Order may provide for payment of child support through the Clerk of the Circuit Court. When payment is ordered to be paid through the Clerk of the Circuit Court, payment shall be

made in the form of cash, cashier's check or money order payable to the Clerk of the Circuit Court. The Clerk of the Circuit Court shall promptly forward the payment to the SDU.

C. Payment

When support payments are to be made through the Clerk of the Circuit Court, the payments shall be delivered personally or transmitted by mail so that such payment arrives in the office of the Clerk of the Circuit Court no later than the day designated for such payment.

Rule 4-4.02 Notice of Entry of Support Order

- A. At the time a child support Order is entered by the Court, a written copy of the Order shall be given to the obligor. If the obligor is not provided with a copy of the support Order at the time of its entry, the Court shall direct the obligee to mail by regular U.S. Mail a copy of the support Order to the obligor's last known address, within seven days of its entry. The certificate of mailing shall be filed of record.
- B. If the obligee or the child(ren) is a recipient of child support enforcement services under Title IV, Part D of the Social Security Act and Article X of the Illinois Public Aid Code, the obligee or representative of the public office shall mail a copy of the support Order to the Department of Healthcare and Family Services.

Rule 4-4.03 Procedure upon Default of Payment

A. Petition for Adjudication of Contempt

- 1. If the obligor is in default of payment, counsel representing the interest of the obligee or the public office, or a self-represented obligee, may file a Petition for Adjudication of Contempt or Rule to Show Cause against such obligor. The Petition shall be verified and set forth with particularity that the portion(s) of the Court Order that is alleged to have been violated and the nature of the violation. If the Court finds that the Petition sets forth allegations which support the charge, it shall set the matter for hearing and order counsel representing the obligee, or a self-represented obligee, to give Notice to the obligor and provide proof thereof.
- 2. Notice of the hearing and a copy of the Petition shall be served and returned in the manner provided in Supreme Court Rule 105(b)(1) or by regular U.S. Mail addressed to the obligor's last known address. Proof of mailing Notice shall be made a part of the record. Notice by personal service shall be served not less than seven days prior to hearing, and Notice by U.S. Mail shall be mailed not less than ten days prior to hearing. In addition to the time, date and place of hearing, the Notice shall include the following words in bold type: **"YOUR FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN YOUR ARREST."**
- 3. Upon hearing of the Petition, if the obligor fails to show that non-compliance with the support Order was not willful because there was a valid excuse for the failure to pay, the obligor may be found in indirect civil contempt and sanctioned according to law.

4. If the basis of the charge of civil contempt is the failure of the Respondent to make court ordered payments to the SDU or Clerk of the Circuit Court, the records of the SDU or Clerk shall be prima facie evidence of the amount paid and disbursed by the Clerk.
5. If, after Notice, the Respondent fails to appear, the Court may order a body attachment to issue and set bail.
6. If the Court finds the Respondent in civil contempt, it may continue the matter for a reasonable time before the imposition of sanctions or; it may impose sanctions immediately. Prior to the imposition of sanctions, the obligor shall have the right to make a statement in mitigation. Sanctions may include a continuing fine and/or incarceration in the county jail. The sanctions imposed shall remain in full force and effect until the Respondent purges himself of contempt or is otherwise discharged by due process of law. The Court shall assess reasonable costs and attorney's fees against the obligor.
7. Upon an adjudication of civil contempt, the Court shall enter a written Judgment Order specifying the factual basis for the finding of contempt, the sanction imposed, and the means by which the Respondent may purge himself of contempt. A copy of the Order shall be provided to the obligor.
8. An appeal from a Judgment of civil contempt may be taken as in civil cases. Upon filing a Notice of Appeal, the Court may fix bond and may stay the execution of any sanction imposed pending the outcome of the appeal.

B. Body Attachment

1. If the obligor fails to appear at the hearing after receiving due Notice, or if the Court has reason to believe the obligor will not appear in response to the Notice, the Court may issue a body attachment directed to the obligor.
2. When an attachment issues, the Court shall set bail as authorized in criminal cases. The amount of bail shall be indicated on the Order of Attachment.

C. Bail Posted or Purge Paid

1. When bail is posted pursuant to a Body Attachment, the funds shall be held by the Clerk of the Circuit Court, and after hearing on the Rule to Show Cause shall be disbursed pursuant to Order of Court. If the Order of the Court is to retain the posted bail funds as payment for child support arrearages, the Clerk of the Circuit Court shall promptly forward these funds to the SDU.
2. When a purge is paid pursuant to an Order of Contempt, the funds shall be held by the Clerk of the Circuit Court and unless the Court has ordered otherwise, the Clerk of the Circuit Court shall promptly forward these funds to the SDU.

Part 5.00 Adoption Cases

Rule 4-5.01 Filing of Petition

- A.** Upon the filing of a Petition for the Adoption of a Minor, the Court shall appoint a licensed attorney to serve as a Guardian ad Litem for the child sought to be adopted. In addition, the Court shall appoint a licensed attorney to serve as a Guardian ad Litem for all named minors or Defendants who are persons under legal disability.

The clerk shall mail a copy of the Order appointing a Guardian ad Litem to the Petitioners, or the Petitioners' attorney, and to the guardian(s) ad litem. Upon the filing of an Appearance by any other party in the proceeding, Petitioner shall mail a copy of said Order to that party or his attorney.

- B.** In those cases in which the Court appoints Juvenile Probation/Detention Services or another agency to investigate the circumstances of the adoption, the Petitioner's attorney shall have the duty of notifying the investigating agency of the appointment by the Court within five days after the Order appointing the agency is entered.

- C.** Petitioner's attorney shall provide the following information to the agency appointed to conduct the investigation:

1. the baby's sex;
2. baby's time, date of birth, or due date;
3. place of birth;
4. names, addresses and ages of biological parents;
5. names and addresses of Petitioners, and
6. case number.

Rule 4-5.02 Investigation Reports

- A.** A minimum of twenty-four hours before a hearing on the entry of an Interim Order, the investigating agency shall conduct a preliminary investigation and provide a written report to the Court for its consideration on the issues of interim relief.
- B.** Charges for this service, as established by Administrative Order, will be billed to Petitioners' attorneys.

Rule 4-5.03 Consents

A Petitioner who is seeking to default any necessary party to an adoption proceeding based upon service by publication must file a supporting affidavit establishing factually the action taken

that demonstrates honest and well directed efforts to ascertain the whereabouts of the person sought to be defaulted by such service, as well as an Affidavit of Military Service.

Rule 4-5.04 Confidential Intermediary

The signature of a Petitioner for the appointment of a confidential intermediary pursuant to 750 ILCS 50/18.3a shall be executed before a notary public.

If the Petitioner for the appointment of a confidential intermediary cannot appear in Court to present the Petition, the Petition must be accompanied by a Motion requesting that the appearance of the Petitioner be waived.

Part 6.00 Post-Judgment Proceedings

Rule 4-6.01 Post-Judgment Notices

Notices of hearings on Citations to Discover Assets, Rules to Show Cause and any other hearing where a body attachment or warrant of arrest may issue for a party's failure to appear after receipt of Notice shall contain the time, date and place of hearing, and shall conform to the Code of Civil Procedure and Supreme Court Rules.

Rule 4-6.02 Post-Trial Motions and Supplemental Proceedings to Enforce Judgments

- A. Post-trial motions brought pursuant to 735 ILCS 5/2-1202 or 735 ILCS 5/2-1203 shall be heard by the Judge who heard the trial, unless such Judge is no longer serving by reason of retirement, death, illness or any other reason preventing his hearing such matters within a reasonable time. In such event the Chief Judge shall assign such matters to another Judge for determination.
- B. Certified copies of Judgment Orders shall be obtained from the Office of the Clerk of the Circuit Court.
- C. All supplemental proceedings to enforce money judgments shall be filed under the original case number, if filed in the county of origin, and shall be heard by the Judge then presiding in the Small Claims Court of the Nineteenth Judicial Circuit, unless otherwise designated by Order of the Chief Judge.
- D. Supplemental proceedings brought by the Child Support Enforcement Division of the State's Attorney's Office, or the Attorney General in its stead, shall be heard by the Judge then assigned to hear support cases.

Rule 4-6.03 Citation to Discover Assets

- A. The Clerk shall, upon request, issue a Citation to Discover Assets for service upon a Judgment Debtor and in the form set forth in the Code of Civil Procedure and Supreme Court Rules.
- B. A Citation to Discover Assets shall be served in conformity with the Code of Civil Procedure and the Supreme Court Rules.
- C. Upon Respondent's failure to appear in response to a properly served Citation to Discover Assets, a Rule to Show Cause may issue pursuant to LCR 4-6.04.

Rule 4-6.04 Rule to Show Cause

- A. Upon the failure of a Respondent to comply with a duly entered Order of the Court or failure to appear in response to a Citation to Discover Assets pursuant to LCR 4-6.03(C) and upon the filing of a Verified Petition or after hearing sworn testimony on an unverified Petition, due Notice having been given to the Respondent, the Court may issue a Rule to Show Cause, which includes the date, time and location for hearing.
- B. If the Respondent appears pursuant to Notice on the Petition and the Court issues a Rule to Show Cause, the Court may direct that the Respondent then and there be served with the Rule to Show Cause. If not then heard, the Court shall schedule a date, time and place for hearing, further advising the Respondent that failure to appear for such hearing may result in the issuance of a body attachment for his arrest.

Rule 4-6.05 Issuance of Order of Body Attachment

Upon the failure of the Respondent to appear pursuant to personal or abode service of a Rule to Show Cause, the Court in its discretion may issue an Order of Body Attachment, with or without bond, directing the Sheriff to arrest and have the Respondent brought forthwith before the Judge issuing the Order to Show Cause why he should not be held in contempt of Court.

Rule 4-6.06 Copy of Rule or Order

The copy of a Rule to Show Cause or Order served upon any person and the return of service of same shall be accompanied by the certificate of the attorney for the party obtaining the Rule to Show Cause or Order that it is a true and correct copy of the Rule or Order entered.

Rule 4-6.07 Satisfaction of Judgment by Court Order

A money judgment may be satisfied upon written Motion of the Judgment Debtor supported by affidavit stating the following:

- A. That the full amount of the Judgment, including accrued interest and costs has been paid; or
- B. That the debtor is ready, willing and able to tender the full amount of the Judgment or balance due thereon; that after the exercise of due diligence the Judgment Creditor and his

attorney cannot be found for the purpose of tender in satisfaction of the judgment, or that the Judgment Creditor or his attorney fails or refuses to accept payment or deliver a satisfaction of judgment upon tender of the amount due; and

- C. That Notice of the Motion and affidavit have been sent by mail to the Judgment Creditor and his attorney of record at their last known addresses.

If the Court is satisfied that the Judgment Debtor has satisfied the outstanding judgment in its entirety, it may grant the Motion and enter an Order in satisfaction of judgment.

Rule 4-6.08 Deposit with Clerk of Court and Order of Satisfaction of Judgment

If the Judgment Creditor is unavailable to receive tender or refuses to do so and the Court grants the Motion pursuant to LCR 4-6.07, the Court shall enter an Order directing the Clerk of the Circuit Court to receive the outstanding balance due on the Judgment, including accrued interest and costs on behalf of the Judgment Creditor. After receipt of payment, the Court shall enter an Order satisfying the judgment and showing the amount deposited with the Clerk who shall hold the money subject to further Order of Court.

Rule 4-6.09 Deposit for Preparation by Clerk of Appeal Record in Civil Cases

At the time that any request is made to the Clerk of the Circuit Court for Certification or Authentication of an Appeal Record, pursuant to 705 ILCS 105/27.1a(k), a deposit of not less than fifty dollars shall be paid to the Clerk's Office to be applied against the total fees, delivery charges and costs authorized by the above statute. The balance of the statutorily prescribed fee and delivery costs, or the balance of the Clerk's estimate of said fee and costs, shall be paid prior to the Clerk's transmission or delivery of the record on appeal pursuant to Supreme Court Rule 325.

CHAPTER 5 PROBATE

Part 1.00 Motions Notice

Rule 5-1.01 Motions Generally/Notice

- A. For the purpose of these Rules, "Motion" includes any pleading or paper in the nature of a Petition or Motion, other than a Petition or Complaint which initiates a cause of action.
- B. Each Motion shall be in writing. Each Notice of Motion shall have appended thereto a copy of the relevant Motion, unless otherwise ordered by Court.
- C. Each Motion, Petition and Appearance form shall contain in typewritten form or clear printing the name, address, e-mail address, telephone number and State of Illinois attorney registration number of the attorney representing the party on whose behalf the document is filed.
- D. Each Motion shall be captioned with the case name and number and shall include the Supreme Court Rule, Code of Civil Procedure Section and/or other statutory Section upon which it is based.
- E. All dispositive motions shall be initially scheduled before the Court for presentment. Unless otherwise directed by the Court, no contested motion shall be heard if it has not been scheduled for hearing by the Court.
- F. Written Notice of Motion of all Motions shall be given by the party requesting the hearing. The Notice shall be given to all parties who are not in default pursuant to a finding of the Court. Additional Notice may be ordered by the Court. Where a party is represented by an attorney of record, Notice shall be given to that party's attorney and not the party himself.
- G. The Notice of Motion shall designate the Judge to whom the Motion will be presented for hearing; shall show the title and number of the action, the title of the Motion, the date when the Motion will be presented, the time it will be presented, the courtroom where it will be presented, and the address of the Courthouse or Branch Court as appropriate. Copies of all papers presented to the Court with the Motion shall be served with the Notice or the Notice shall state that copies have been previously served.
- H. Notice of Motion shall be given in the manner and to the persons described in Supreme Court Rule 11. Service as prescribed in Supreme Court Rule 11(b)(5) may be effected by service of the Notice of Motion and other pertinent documents by any one of the following alternative methods:
 - 1. Electronic facsimile mailing (FAX), if allowed pursuant to Supreme Court Rule 11(b)(5). Service by FAX shall be complete only if, at the time of court presentation of the Notice of Motion, the transaction statement produced by the FAX machine is attached to said Notice, and the transaction statement reflects the date and time of service, the telephone number to which the documents were transmitted, and an acknowledgment from the receiving FAX machine that the transmission has been received. In the event that the receiving FAX machine does not produce an acknowledgment to the sending machine,

the Notice shall include an affidavit setting forth the date and time of service, telephone number to which documents were transmitted and a statement that the sending office has orally confirmed with the receiving office that the documents have been received.

2. Service by e-mail to all primary and secondary e-mail addresses of record designed by the attorney or self-represented party.
3. Service by any of the methods set forth in Supreme Court Rule 11.
- I. If Notice of Motion is given by personal service, the Notice shall be delivered by 4:00 p.m. of the second court date preceding the hearing of the Motion. Delivery by FAX, authenticated as described in Section H above, shall be deemed personal service, but it is not complete until the first court day following transmission. If the Notice is given by mail, then Notice shall be deposited in the United States Post Office or Post Office Box on the fifth day preceding the hearing of the Motion. Delivery by e-mail shall be deemed personal service and is complete the first court day following transmission. See Supreme Court Rule 12 for proof of service in the trial court and effective date of service.
- J. If a Motion is heard without prior Notice under this Rule, a copy of the Orders entered at the hearing shall be served personally or by U.S. Mail upon all parties not theretofore found by the Court to be in default for failure to plead, and proof of service thereof shall be filed with the Clerk of the Circuit Court within two days of the hearing thereon.
- K. If a Motion presented without prior Notice is denied, or hearing thereon is denied, an Order of the Court's ruling shall be entered.
- L. The burden of calling for hearing any Motion previously filed is on the party making the Motion. If any such Motion is not called for hearing within sixty days from the date it is filed, the Court may consider the Motion denied by reason of delay.
- M. No Motion to Continue shall be allowed for other than good cause shown. Agreements of counsel as to a Motion to Continue shall not be binding on the Court. The Court may require affidavits of the parties and counsel.
- N. The movant, or his attorney, seeking an Order of Default shall notify the Court clerk at least one court day prior to the date of the hearing and shall request that the court file be present upon hearing of the Motion.
- O. Motions presented and ruled upon before one Judge shall not be renewed before another Judge without leave of Court and a statement in the Notice of hearing that the Motion has previously been ruled upon, naming the Judge who ruled on the Motion.
- P. Motions not presented or supported by the moving party when called, pursuant to Notice, may be denied or stricken.
- Q. There is no entitlement to a briefing schedule or oral argument. In its discretion, the Court may permit or require briefs or oral argument or both. The Court may also exercise its discretion to decide a Motion without briefs or oral arguments.

Rule 5-1.02 Contested Motions

- A. For purposes of LCR 5-1.02, any Motion which is opposed is a contested motion and may be heard at the end of the call or at such other time designated by the Court.
- B. Page Limitations.**
1. No Motion or Response shall exceed fifteen typewritten double-spaced pages without prior approval of the Court. This page limit includes any separately filed Memorandum or Brief in support of a Motion or Response.
 2. No Reply or Memorandum in support thereof shall exceed five typewritten pages without prior leave of Court. Any such Brief or Memorandum shall be limited to responding to new matters raised in the opponent's Response Brief or Memorandum.
 3. Neither narrow margins nor any other formatting device shall be employed to evade the page limitations set forth in this Rule. Footnotes, if any, shall be used sparingly.
 4. Failure to comply with this Rule shall be sufficient grounds for striking the Motion, Response, or Reply, or for the Court's refusal to consider the excess pages of the document and to consider the matters contained therein to have been waived.
- C. For every contested motion, including those brought pursuant to Supreme Court Rule 219, Supreme Court Rule 137 or Sections 2-615, 2-619, 2-619.1 or 2-1005 of the Code of Civil Procedure, movant's counsel shall deliver to the chambers of the assigned Judge, not less than five court days prior to hearing, a copy of:
1. the Motion,
 2. any challenged pleading, and
 3. any writing in support of or in opposition to the Motion.
- D. Not less than five court days prior to hearing, a party shall provide the Court and all opposing counsel with a complete citation to any case or other authority upon which the party intends to rely on in oral argument and which is not included in a supporting or opposing writing; and the party shall provide the Court with a full copy of any decision of a State Court outside the State of Illinois. Any cover letter delivered to the Court in compliance with the above requirements shall be copied to all counsel of record.
- E. Any writing in support of or in opposition to a Motion shall be served upon the opposing party at the time of service of Notice of Motion, or, if not then available, as soon thereafter as practicable and prior to hearing on said Motion.

Rule 5-1.03 Motions for Consolidation of Cases

Motions for consolidation of cases shall be presented to the Judge to whom the oldest case is assigned, when the cases are of the same case type. When the cases are filed in the same

division but are different case types, the Motion shall be brought before the Judge assigned to the case with the higher designation. The Law Division ("L") is the highest designation for the purpose of this Rule, followed by: MR, CH, TX, P, LM, AR and SC.

If the cases sought to be consolidated are from different divisions, the Motion shall be brought before the Presiding Judge of either division.

Rule 5-1.04 Motions for Summary Judgment

A. In all filings pursuant to 735 ILCS 5/2-1005, the moving party shall serve and file or cause to be received by the Clerk of the Circuit Court:

1. any affidavits and other materials referred to in Supreme Court Rule 191,
2. the Motion for Summary Judgment and supporting Memorandum of law, which shall not exceed fifteen pages without leave of Court,
3. a statement of material facts as to which the moving party contends there is no genuine issue and that entitles the moving party to a Judgment as a matter of law, and that also includes:
 - a. a description of the parties, and
 - b. all facts supporting venue and jurisdiction in this Court.

The statement referred to in Section (A)(3) shall consist of short numbered paragraphs, including within each paragraph specific references to affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial or striking of the Motion.

If additional material facts are submitted by the opposing party pursuant to Section B of this Rule, the moving party may submit a concise statement in the form prescribed in Section B for a Response. All material facts set forth in the statement filed pursuant to Section B will be deemed admitted unless controverted by the statement of the moving party.

B. Opposing Party. Each party opposing a Motion filed pursuant to 735 ILCS 5/2-1005 as described above shall serve and file or cause to be received by the Clerk of the Circuit Court:

1. any affidavits and other materials referred to in Supreme Court Rule 191,
2. a Response to a Motion for Summary Judgment and supporting Memorandum of law, which shall not exceed fifteen pages without leave of Court,
3. a concise response to the movant's statement that shall contain:
 - a. a response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to the affidavits, parts of the record, and other supporting materials relied upon, and

- b. a statement consisting of short numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record, and other supporting materials relied upon. All material facts set forth in the statement required of the moving party will be deemed to be admitted unless controverted by the statement of the opposing party.

C. Absent leave of Court, a Reply Brief shall not exceed five pages.

Rule 5-1.05 Emergency Motions

- A. If emergency relief is requested, application shall be made to the assigned Judge, or if unavailable, to the Judge specifically assigned to sit in his stead. If neither Judge is available, application shall be made to the Presiding Judge of the division to which the case is assigned.
- B. Each application for emergency relief shall be accompanied by an affidavit of the movant or movant's attorney stating the reason for emergency relief; and, in cases where the request is without Notice, except as permitted by law, said affidavit shall state what attempts have been made to notify opposing counsel or the opposing party. Failure to attach said affidavits to the request for emergency relief may be grounds for denial of the Motion. A party and/or his or her counsel who respond to a Motion propounded as, but found not to be, an emergency may be entitled to reimbursement by the proponent of actual expenses, fees and costs incurred in responding to the said Motion.
- C. Every Complaint or Petition requesting an Ex parte Order for the appointment of a receiver, temporary restraining order, or any other emergency relief, shall be filed in the Office of the Clerk of the Circuit Court if during Court hours, before application to the Court for the Order.
- D. If a Motion is heard without prior Notice under this Rule and any Respondent or other party fails to appear, a copy of the Orders entered at the hearing shall be served personally, or by US Mail, upon all parties not previously found by the Court to be in default for failure to plead, and proof of service thereof shall be filed with the Clerk of the Circuit Court within two days of the hearing thereon.
- E. Counsel shall use every reasonable effort to notify opposing parties or counsel of entry of each Order, at the earliest opportunity.

Rule 5-1.06 Remote Appearances

- A. This Court hereby authorizes, as a means to increase efficiencies and reduce costs to participants and pursuant to the provisions of Supreme Court Rule 185, use of an independent conference servicing company, to be designated by the Chief Judge by Administrative Order (hereinafter "Vendor") for remote appearances for parties by counsel of record in civil cases except for juvenile and family case types.
- B. Remote appearances shall not be permitted for argument on contested or briefed motions, for evidentiary hearings, or for more than three consecutive Case Management Conferences

unless allowed by prior Court Order. In any matter, the Court may deny the use of remote appearances.

- C. Parties and their counsel are responsible for the preparation and submission of all Orders to the Court following any remote court appearance. Counsel appearing in the courtroom is responsible for immediate presentation of an Order in compliance with the Court's pronouncements. If no counsel is present in the courtroom, unless otherwise directed by the Court, the counsel for the Plaintiff is responsible for submitting such Orders approved as to form by opposing counsel before 3:00 p.m. on the same day of the remote conference, either in person, by facsimile or electronic transmission, or as directed by the Court.
- D. No remote appearance will be allowed as requested by a party or counsel unless it is made through the Vendor. The Court reserves the right to initiate a remote conference by conference call.
 - 1. The Vendor facilitates the remote appearance of persons at hearings which have already been scheduled by regular means with the Clerk of the Circuit Court. The Vendor does not set or calendar hearings for the Court. If a court date is not already set, or a Motion is not scheduled and noticed via the Clerk's Office in the same manner as any other Motion, the case will not appear on the Judge's call and will not be heard.
 - 2. Remote appearances must be arranged by contacting the Vendor by phone no later than 4:00 p.m. (CST) on the second court day preceding a hearing date.
 - 3. Persons electing to make a remote appearance shall notify all parties of the same in writing no less than twenty-four hours prior to the scheduled court date. Nothing in this Rule shall be construed as modifying the Notice of Motion requirements set forth in Supreme Court Rule 12 and LCR 5-1.01.
- E. It is the responsibility of the person making a remote appearance to dial into the call no later than five minutes prior to any scheduled hearing(s), and to check in with the Vendor's clerk.
 - 1. Any person appearing remotely shall state his or her name for the record each time he or she speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance.
 - 2. Unless otherwise permitted by Order of Court, to ensure the quality of the record, the use of car phones, cellular phones, speakerphones, public telephone booths, or phones in other public places is prohibited.
 - 3. If a person schedules a remote appearance and then fails to respond when the matter is called, the Court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous remote appearances in multiple courts does not excuse a failure to appear.
- F. The Vendor is an independent service provider. By using the services of the Vendor, individuals are knowingly entering into a service agreement and are subject to follow any additional terms and conditions imposed by the Vendor and shall be solely responsible for any costs or other expenses incurred for those services provided. Under no circumstance shall the Court bear any costs for any remote appearance of any party or attorney.

G. Rejections and Suspension of Privileges.

1. The fact that a remote appearance is scheduled with the Vendor shall not be construed as a determination that the remote appearance is permitted by the Court. Parties and counsel are solely responsible for compliance with the Court's Rules and procedures for remote appearances. The Court reserves the right, at any time, to reject any remote appearance in violation with this Rule or as otherwise necessary for the administration of justice.
 2. The Court reserves the right to halt any remote appearance in progress on any matter and order the attorneys to personally appear at a later date and time.
 3. The Court reserves the right and sole discretion to suspend any person's ability to appear remotely using the Vendor's services, and to bar any remote appearance in any given case.
- H. The Court may, in its discretion, pursuant to Supreme Court Rule 185, allow a party or counsel to participate by remote call.

Rule 5-1.07 Orders

All Orders entered following the hearing upon any Motion shall be governed by Supreme Court Rule 271. The attorney who prepares the order shall print clearly "prepared by" and his name, address, e-mail address, telephone number and State of Illinois attorney registration number (ARDC #) at the bottom of the Order. The preparer shall serve a copy of the Order upon all parties of record.

Part 2.00 Proceedings Before Trial

Rule 5-2.01 Appearances, Jury Demands

- A. Attorneys appearing in any matter shall file an Appearance form in a separate document which includes in typewritten form or in legible printing the attorney's name, address, telephone number, e-mail and State of Illinois attorney registration number. A self-represented litigant appearing in any matter shall file an Appearance form in a separate document, which includes in typewritten form or in legible printing, the self-represented litigant's name, mailing address, and telephone number. Additionally, a self-represented litigant may designate a single e-mail address to which service may be directed. If the attorney or self-represented litigant wishes to consent to facsimile service pursuant to Supreme Court Rule 11(b)(5), a designated facsimile number shall be included on the Appearance as well. When an Appearance is filed by other than a sole practitioner, the name of an individual attorney responsible for trial of the cause shall be designated.
- B. A written Jury Demand filed by a party in any matter shall be contained in a separate document, and the Clerk of the Circuit Court shall not record any Jury Demand not so filed.

- C. In any civil matter, including D and F cases, the Claimant/Plaintiff/Petitioner shall file the appropriate Certificate of Attorney identifying the type of case being filed. Each division within the Nineteenth Judicial Circuit may develop its own Certificate of Attorney.

Rule 5-2.02 Pleadings to be Readily Comprehensible

- A. Pages of all pleadings shall be numbered. Paragraphs and factual allegations in pleadings shall be numbered and each paragraph shall contain only one factual allegation.
- B. 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.
- C. Incorporation of facts by reference is permitted pursuant to Supreme Court Rule 134, provided the pleading remains readily comprehensible.
- D. The Court may order a consolidation of pleadings into one finished comprehensible set.

Rule 5-2.03 Reassignment of Cases

- A. Any case being re-filed under a new number after a voluntary or involuntary dismissal, shall be assigned to the Judge who was assigned to the original dismissed case and placed in the same procedural posture as the original case.
- B. Upon the filing of any Declaratory Judgment action, the case shall be assigned to the Judge assigned to the underlying case.
- C. The Clerk of the Circuit Court shall require a Certificate of Attorney to be filed with all pleadings initiating a civil case.

Rule 5-2.04 Written Interrogatories

A party may serve written Interrogatories pursuant to Supreme Court Rule 213. Except to the extent that a different limitation is imposed pursuant to Supreme Court Rule or the Code of Civil Procedure, no party may serve more than thirty Interrogatories, including subparts, during the pendency of the case.

Rule 5-2.05 Discovery Documents

- A. Unless otherwise ordered by the Court, Depositions, Interrogatories, requests, Answers or Responses, and other Discovery documents shall not be filed with the Clerk of the Circuit Court except as necessary to resolve disputed issues of procedure, fact, or substantive law or pursuant to Supreme Court Rule 201(o) or 207.

- B. Discovery documents and Notice of Filing shall be served pursuant to Supreme Court Rules 11 and 12. The Proof of Service, upon being filed with the Clerk of Court, shall be prima facie evidence that such document was served. When a party issues a Subpoena for documents pursuant to Supreme Court Rule 204(a)(4), that party shall file with the Clerk of Court Notice and Proof of Service upon all remaining parties certifying that copies of such documents were provided to those parties at their expense or that specified parties have declined copies.

Rule 5-2.06 Days for Taking Depositions/Attendance

- A. Unless otherwise agreed by the parties or ordered by the Court, depositions shall not be taken on Saturdays, Sundays or Court holidays, shall be noticed to be taken no earlier than 8:30 a.m., and shall be concluded or recessed not later than 6:00 p.m.
- B. In the absence of agreement of all parties attending a deposition, or Order of Court, only the parties, including a representative of a corporation, partnership or like entity, the parent or next friend of a minor, attorneys of record and purely consulting experts may attend Discovery Depositions.

Rule 5-2.07 Apportionment of Time, Deposition

Except by Court Order, the parties to a deposition shall apportion the time among themselves prior to the start of any deposition. Absent agreement, time shall be equally divided among the parties, excluding the party being deposed, without prejudice to brief clarification.

Rule 5-2.08 Seasonably Updating Discovery

Supreme Court Rules 213(i) and 214 require a party to seasonably supplement or amend prior Answers, Responses or disclosures whenever new or additional information becomes known to that party.

Pursuant to said Rules, every party shall have the duty to seasonably supplement through trial.

"Seasonably" shall be defined in the following terms:

- A. When the trial is sixty days or more in the future, the party discovering the new information and/or documents that must be disclosed to the opposing party(ies), shall tender the information as soon as practicable, but in any event no later than fourteen days after discovering the information.
- B. When the trial is less than sixty days in the future, the party discovering new information and/or documents that must be disclosed to the opposing party(ies), shall tender the information immediately and without delay.
- C. When the information and/or documents are discovered during trial, the party(ies) shall tender immediately and without delay.

Any party who fails to comply with this Rule is subject to sanctions under Supreme Court Rule 219.

Rule 5-2.09 Local Subpoena Rules, Pretrial Discovery

- A. Upon request, the Clerk of the Circuit Court shall issue a Subpoena limited to the production of specified documents, objects or tangible things. A Subpoena, whether issued by the Clerk of Court or an attorney, shall direct the person or entity to whom the Subpoena is directed to produce the designated documents, objects or tangible things. Any item may be sought which constitutes or contains evidence relating to any of the matters within the scope of the examination permitted under the Supreme Court Rules. No oral examination of any person served or responding to a Subpoena issued pursuant to this Rule is permitted.
- B. Subpoenas issued pursuant to this Rule shall be served in accordance with the Supreme Court Rules. A copy of said Subpoena and Proof of Service shall be served within forty-eight hours of issuance upon all parties who have appeared in the action.
- C. The recipient of a Subpoena who has actual or constructive possession or control of the specified documents, objects or tangible things sought by the Subpoena shall respond to any lawful Subpoena of which he has actual knowledge, if payment of the fee and mileage has been tendered. Service of a Subpoena by mail may be proved prima facie by return receipt showing delivery to the deponent or his authorized agent by certified or registered mail at least seven days before the date on which compliance is required, and an affidavit showing that the mailing was prepaid and was addressed to the deponent, restricted delivery, return receipt requested, showing to whom, date and address of delivery, with a check or money order for the fee and mileage enclosed.

The recipient of the Subpoena who has constructive or actual possession or control of the specified documents, objects or tangible things, may comply with said Subpoena, without personal appearance, by forwarding complete and legible copies, by first class, prepaid mail to the party or attorney causing the Subpoena to have been issued. The person or custodian of records of the entity responding to the Subpoena shall certify in writing that compliance is complete and accurate.

- D. Any Subpoena issued under this provision seeking specified documents, objects or tangible things shall bear the following legend on the face of said Subpoena, or conspicuously attached thereto:

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING LEGIBLE AND
COMPLETE COPIES OF ALL SPECIFIED DOCUMENTS, OBJECTS OR
TANGIBLE THINGS REQUESTED IN THIS SUBPOENA TO THE PARTY OR
LAW FIRM WHOSE ADDRESS APPEARS BELOW. COMPLIANCE BY MAIL
REQUIRES A CERTIFICATION THAT THE DOCUMENTS, OBJECTS OR
TANGIBLE THINGS MAILED ARE COMPLETE AND ACCURATE AND
CONSTITUTE GOOD FAITH COMPLIANCE WITH THE MATERIALS
REQUESTED BY SAID SUBPOENA.

**DO NOT FORWARD MATERIALS BEFORE DATE STATED ON
SUBPOENA.**

- E. No Subpoena issued under this provision may be returnable less than seven days following its date of service. Within said seven days, any party may timely object to the Subpoena and, for good cause shown by the objecting party, the Court may quash the Subpoena, or impose such conditions or limitations as the Court deems equitable.
- F. The party causing the Subpoena to be issued shall be liable to the party subpoenaed for the reasonable costs of copying or reproduction. The Court may enter such Orders as may be necessary to enforce the payment of said copying costs, or apply any sanction authorized by Supreme Court Rule 219.

Any party may request copies of all materials obtained by any party pursuant to this Rule. Expenses of copying shall be borne by the party requesting copies, and said materials shall be reproduced and forwarded to the requesting party not less than ten business days following receipt of the subpoenaed materials.

- G. If a party or person unreasonably refuses to comply with this Rule, or any Order entered under this Rule, the Court may find said person or party in contempt and punish said party or person accordingly, and may impose any sanction authorized by Supreme Court Rule 219.

Rule 5-2.10 Progress Calls

The Chief Judge, by Administrative Order, may provide for regular progress calls of cases filed in the Civil and Family Divisions. In connection with such a progress call, the Judge shall request the Clerk to notify the attorneys of record or self-represented litigant who has filed an Appearance that the case will be called on a date certain for the purpose of a Case Management Conference. A failure to appear at such progress call shall constitute grounds for dismissal except for good cause shown.

Rule 5-2.11 Supreme Court Rule 218 Case Management Conference

Supreme Court Rule 218 Case Management Procedures are mandatory for Law and Family cases. In all other civil matters, Rule 218 conferences shall be governed by Local Court Rule, Administrative Order of the Chief Judge or, in their absence, by the discretion of the assigned Judge and shall be scheduled at the discretion of the Court.

Rule 5-2.12 Dismissal for Want of Prosecution/Inactive Docket

- A. In all civil cases, except for cases governed by a separate Local Court Rule, where no appeal is pending and there has been no action of record for a period of one year, the Court may summarily dismiss the cause of action.
- B. In all cases subject to mandatory arbitration pursuant to Supreme Court Rule 86 *et seq.*, where no appeal is pending and there has been no action of record for a period of forty-five days, the Court may summarily dismiss the cause of action.

- C. Whenever the Probate Court determines that there has been no action of record for a period not less than one year, or determines that a representative has failed to comply with the provisions of LCR 5-3.06, the Court may order transfer of the estate to an inactive docket or dismiss the case for want of prosecution. The case shall thereafter be designated closed by the Clerk of the Circuit Court. The estate may be reopened and removed from the inactive docket on the Motion and Order of the Court.
- D. In all Small Claims cases where there has been no action of record for a period of forty-five days, the Court may summarily dismiss the cause of action.
- E. Upon dismissal of any cause for want of prosecution, the Clerk of the Circuit Court shall give all self-represented litigants and all attorneys of record Notice of the dismissal by regular U.S. Mail within ten days of the dismissal. A copy of the Notice with the Clerk's certificate of mailing shall be made of record.

Rule 5-2.13 Trial Calendar

- A. Each division of Court shall keep and maintain such calendars of cases for trial as shall be designated by Administrative Order.
- B. Failure of a party to be ready when the case is reached for trial will subject the cause to dismissal for want of prosecution or other sanctions as set forth in the Supreme Court Rules.

Rule 5-2.14 Medical Experts

- A. Charges for medical-legal services should be no higher than a physician's charges for other medical services, and shall be computed having due regard for the time, effort and skill required.
- B. A physician, who has not been paid for treatment rendered to a patient, should still cooperate fully with the patient's attorney. The physician should neither refuse nor delay the submission of medical records or reports, participation in conferences with the attorneys, testimony at Depositions or trial, or any other actions necessary to the resolution of the patient's legal claim.
- C. If any party files a Motion which raises the issue of reasonableness of a physician's fee for testimony at a deposition or at trial, the Court may issue an Order to be served upon the physician, requiring the physician to demonstrate by records or in person that the fee requested is reasonable.

Part 3.00 Probate Proceedings

Rule 5-3.01 General

- A. The following definitions shall apply to these Rules:
 - 1. **Court** refers to Probate Court.

2. **Judge** means a Circuit Judge or Associate Judge assigned to the Probate Court.
 3. **Representative** includes executor, administrator, administrator to collect, administrator with will annexed, standby guardian, guardian, and temporary guardian, but does not include an independent representative or executor.
 4. **Independent representative** means an executor or administrator as defined in Article XXVIII of the Probate Act.
 5. **Ward** includes minor and disabled person.
- B. Section references are to Sections of the Probate Act of 1975, as amended from time to time.

Rule 5-3.02 Bonds: Personal Sureties

- A. If a bond with personal sureties is proffered, it must be accompanied by:
1. A Petition, verified by the representative, stating:
 - a. the gross value of the personal estate, excluding real estate, but including the income derived therefrom, if any,
 - b. The estimated monthly maintenance expenses for the ward,
 - c. The estimated amount of claims and taxes, and
 - d. Whether the adult heirs or legatees or the nearest relatives of a ward approve the bond, with their approvals attached, and
 2. A schedule of the property and net worth of each proposed surety, executed under oath by the proposed surety, unless the filing of a schedule is excused by the Court upon the consent of all heirs and/or legatees in a decedent's estate or upon good cause shown in a ward's estate.
- B. If the proffered bond is approved by the Court, the Petition and the schedules shall be filed with and become a part of the bond. The personal representative or his attorney, within seven days, shall mail copies of the Petition, bond, and schedules to each heir, legatee or nearest relative, as the case may be, except to those whose approval is on file. Proof of mailing shall be filed with the clerk.

Rule 5-3.03 Excuse of Surety on Guardian's Bond in Cash Deposits

- A. When the funds of a ward's estate, derived from any source, are to be deposited pursuant to Section 24-21 of the Probate Act, the Court may waive the filing of a bond by the entry of an Order which authorizes the deposit and which requires:

1. that a distribution to the ward's estate be made payable jointly to the guardian, if any, and the depository, and
 2. that the receipt certified by the depository be filed with the Clerk of the Circuit Court. The receipt shall be executed by an authorized agent of the depository and shall certify that no withdrawals may be made without Court approval.
- B. If a representative of the ward's estate has been appointed, the filing of the receipt of the depository, as prescribed herein, may be considered a final account, whereupon the Court may release the representative and the sureties on his bond. The case shall thereafter be designated closed by the Clerk of the Circuit Court.

Rule 5-3.04 Surety Companies

A bond with a corporation or association licensed to transact surety business in the State of Illinois as surety will be approved only if a current copy of the surety's authority to transact business in this State, as issued by the Director of Insurance, and a verified power of attorney or a certificate of authority for all persons authorized to execute bonds for the surety are attached to the bond and the corporation or association has complied with the Local Court Rule bonds and surety requirements for registration.

Rule 5-3.05 Opening a Safe Deposit Box

- A. The Petition for appointment of a representative of a decedent or a ward shall disclose, if known, whether or not there exists a safe deposit box belonging to the estate or ward and the location thereof.
- B. The initial inventory shall list the existence of any known safe deposit box and the location thereof.
- C. The representative shall prepare an itemized statement of the contents of the safe deposit box, which shall be certified as true and correct by the representative. An itemized statement of the contents shall be included in the inventory prepared by the representative.
- D. Any after-discovered safe deposit box shall be inventoried forthwith in accordance with this Rule and a supplemental inventory listing the box and, in supervised administration, its contents shall be filed with the Clerk of the Circuit Court no later than thirty days from the date of Discovery.

Rule 5-3.06 Periodic Accounting

- A. Unless excused by the Court pursuant to Section 24-1(b) of the Probate Act, every representative of a decedent's estate shall present to the Court, for approval, a verified account of the administration of the estate as required by Section 24-1(a) of the Probate Act within sixty days after the expiration of one year after the issuance of letters of office. Thereafter, a verified account shall be filed annually within sixty days after the anniversary date of the issuance of letters of office until the administration is completed.

- B. Whenever an Order is entered granting independent administration pursuant to Section 28-2 of the Probate Act, the independent representative shall file in open Court a verified report on the status of the estate each year within thirty days after the anniversary date of the entry of the initial Order granting independent administration until the estate is closed.
- C. Unless excused by the Court, every guardian shall present to the Court for approval the verified account and evidence required by Section 24-11(a) of the Probate Act within sixty days after the expiration of one year after the issuance of letters and annually thereafter within sixty days after the anniversary date of the first verified account until the estate is closed.
- D. Each current report shall disclose to the Court the pendency of any claim, suit or proceeding by or against the estate or the representative of the estate and, in estates of deceased persons, any other reason which prevents final distribution and termination of the estate.
- E. Each account shall include to the satisfaction of the Court, the following categories:
 - 1. The assets on hand at the beginning of the period of time covered by the account.
 - 2. The income received during the period of time covered by the account.
 - 3. The disbursements made during the period of time covered by the account.
 - 4. The assets on hand at the close of the period of time covered by the account.
- F. No representative shall be discharged until a final account has been filed and approved by the Court.
- G. In an estate in which an account and/or report has not been filed and approved as required by Sections A, B or C above, the Clerk shall issue and mail a Notice to both the representative and attorney of record in the estate, advising them that an account and/or report must be filed in accordance with these Rules, and notifying them that in the event an account and/or report is not so filed they must appear on a date certain fixed by the Court to explain why they have not done so and further notifying them that failure to appear on the date so fixed may subject them to contempt proceedings and the imposition of sanctions.

Rule 5-3.07 Notice of Hearing on Accounts

- A. Notice of the hearing on a final account of a representative or on a current account that is intended to be binding pursuant to Section 24-2 of the Probate Act, shall be given to the persons described in Section 24-2 of the Probate Act, as follows:
 - 1. Such Notice shall be in writing accompanied by a copy of the account, except where Notice is to be given by publication.
 - 2. The Notice shall contain the time, place and nature of the hearing and substantially the following sentence: "If the account is approved by the Court upon the hearing, in the

absence of fraud, accident or mistake, the account as approved may be binding upon all persons to whom this Notice is given."

3. The Notice shall be given at least seven days prior to the hearing in the manner provided by Supreme Court Rule 11 except when Notice is by publication as herein provided, and except that whenever the person resides outside the continental limits of the United States, the Notice shall be by airmail at least twenty-one days prior to the date of hearing.
 4. Whenever the name or place of residence of any such person is unknown and upon due diligence cannot be ascertained, and an affidavit to that effect is filed with the Clerk of the Circuit Court by the executor or administrator, then Notice shall be given to such person by mailing the same to the last known address and by publication at least once in some newspaper of general circulation published in the County at least twenty-one days prior to the date of the hearing.
 5. Proof of such Notice shall be filed with the Clerk of the Circuit Court on or before the date of the hearing.
 6. No Notice need be given to any person from whom a receipt in full is filed with the Court or who entered his Appearance in writing and waives Notice.
- B. Notice of the hearing on a current or final account of a guardian shall be given to the ward, if living, to each Claimant whose claim has been filed and remains undetermined or unpaid, to the heirs at law or legal representative of a deceased ward, and where entitled, to the Chief Attorney of the Administrator of Veteran Affairs. Such Notice shall be given in the manner provided for in Section A of this Rule.

Rule 5-3.08 Proof of Service

When proof of service of a document is required by the Probate Act, proof of service shall be filed with the Clerk in the manner provided in Supreme Court Rule 12.

Rule 5-3.09 Notice of Claim Call

When a claim against the estate of a decedent or a ward is filed with the Court pursuant to Section 18-1 of the Probate Act, the Clerk of the Circuit Court shall send to the representative of the estate and to the Claimant, or to their attorneys, if they are represented by counsel, a Notice setting a call of the claim pursuant to Section 18-7 of the Probate Act. Such Notice shall be sent within seven days of the filing of the claim. The Notice shall set the call of the claim no less than sixty days from the date of the filing of the claim and shall inform the parties that if the Claimant fails to appear for the call of the claim, the claim may be dismissed for want of prosecution and that if the representative fails to appear, and no other person, whose interests may be affected by the allowance of the claim objects, the claim may be allowed against the estate. No less than thirty days prior to the date of the call of the claim, the representative shall notify all other parties of record of the call of the claim by forwarding to them a copy of the claim and of the Notice from the Clerk. The representative shall file proof of such Notice with the Clerk on or before the date of the call of the claim.

Rule 5-3.10 Vouchers

Upon presentation of an account, the representative shall furnish receipts for any distributions set forth in the account and a certificate of the representative stating that vouchers evidencing the disbursements are in the possession of the representative. The Court may require the presentation of vouchers for examination.

Rule 5-3.11 Final Account and Settlement of Guardianship Estates

On the final account and settlement of a ward's estate, when the person entitled to the estate is the ward, the guardian will not be discharged unless the ward appears before the Court and acknowledges the settlement and approves the final account in open Court. The personal attendance of the ward may be waived by the Court whenever the Court is satisfied, by affidavit of the ward filed with the Clerk or by other evidence, that the final settlement is just and equitable, that the ward is in possession of all of his estate, and that the personal attendance of the ward is impracticable.

Rule 5-3.12 Distribution to a Minor, a Disabled Person or a Deceased Heir, Devisee or Legatee

- A. If an heir-at-law of an intestate estate or a devisee or legatee of a testate estate is a minor, or dies or is adjudicated incompetent, such fact shall be set forth in any Petition requesting authority to make distribution.
- B. Except where the distributive share is qualified for distribution under Article XXV of the Probate Act, or under 20 ILCS 1705/22, (Mental Health and Developmental Disabilities Administration Act) distribution will be authorized only to the legal representative of such person.

Rule 5-3.13 Closing of an Estate

Closing of an estate will not be authorized unless:

- A. Receipts on the distribution or other evidence of distribution satisfactory to the Court are on file with the Court from all distributees; and
- B. The legal representative has filed a verified final report, in addition to the final account. The final report shall verify that all procedures and administrative duties have been completed and that proper Notice has been given to all heirs and/or legatees who have not previously appeared and consented, and shall include a statement that:
 - 1. all Court costs have been paid,
 - 2. all claims filed have been satisfied or dismissed, and

3. all applicable state and federal taxes, if any, have been paid or otherwise provided for, or that the estate is not subject to death taxes.

Rule 5-3.14 Change in Heirship or Distributive Rights

- A. If any interested person has cause to believe that the Order declaring heirship is erroneous or incomplete, he shall bring it promptly to the attention of the Court upon proper Notice and Motion.
- B. If there is a change in distributive rights during the administration of an estate, including a change resulting from death, renunciation, disclaimer or other election provided by law, upon Motion of any person or the Court's own Motion, and Order shall be entered determining the appropriate distribution.

Rule 5-3.15 Alternative Distribution to Resident of Foreign Country

The distributive share of a citizen and resident of a foreign country may be paid to the attorney-in-fact for such distributee or to the official representative of such foreign country (hereinafter referred to as "ORFC") who is entitled thereto pursuant to treaty or convention between that country and the United States, if the following conditions are met:

- A. Such ORFC or such attorney-in-fact has presented satisfactory evidence to the Court that his principal is, in fact, the person entitled to receive such distributive share and that such ORFC has been duly authorized by treaty or convention or that such attorney-in-fact has been duly authorized by a power of attorney, to receive such distributive share.
- B. Each power of attorney has been signed by the distributee and properly authenticated and acknowledged before the American Consul of the jurisdiction in which the foreign distributee resides, unless the Court shall be satisfied with other evidence of the genuineness or validity of the power of attorney.
- C. The ORFC or attorney-in-fact has acknowledged receipt in writing of the distributive share received from the representative of the estate. The representative of the estate shall file the receipt with the Court.

Rule 5-3.16 Assignment of Interest - Power of Attorney

- A. No distribution shall be made pursuant to an assignment or a power of attorney signed by a distributee of an estate unless the assignment or power of attorney has been approved by the Court upon the filing of a Verified Petition with appropriate Notice stating that the power of attorney or assignment has not been revoked and setting forth the following:
 1. The consideration paid or to be paid and fees and expenses charged or to be charged to the grantor of the power of attorney or the assignor of the assignment.
 2. The name and address of the grantor and grantee of the power of attorney or the assignor and assignee of the assignment.

- B. Each power of attorney or assignment shall be signed and acknowledged by the grantor of the power of attorney or by the assignor of the assignment in accordance with the Illinois Uniform Recognition of Acknowledgment Act. 765 ILCS 30/1 et seq.
- C. The representative, on making any distribution to an assignee or person acting under authority of a power of attorney, shall not make any distribution without first receiving a certification from the assignee or holder of power of attorney that the assignment or grant of power of attorney has not been revoked.

Rule 5-3.17 Notice to Beneficiaries of Testamentary Trusts

- A. Prior to, or at the time of the closing of an estate in which a testamentary trust has been established, the trustees shall file with their receipt for the trust assets, proof that the beneficiaries of said trust have been given Notice of their right to petition the Court for the purpose of construing the trust or to take over supervision of the trust should the trustees fail to abide by the terms of the trust or to make annual accountings thereof to the beneficiaries.
- B. Such Notice shall also be given to a properly appointed personal fiduciary or the Guardian ad Litem and to the guardian of any minor or disabled beneficiary.
- C. The proof of service of the Notice to beneficiaries shall be filed with the Clerk of the Circuit Court prior to closing of the estate.

Rule 5-3.18 Termination of Small Estates of Wards

- A. If money has been deposited as provided in Section 24-21 of the Probate Act and the balance drops below the amount which may be transferred pursuant to Section 25-2 of the Probate Act and no part of the estate consists of real estate or a pending cause of action for personal injuries, a Petition may be filed requesting distribution of the balance of the funds without further administration.
- B. When a guardian is acting and the estate under administration is or becomes less than the amount which may be transferred pursuant to Section 25-2 of the Probate Act and no part of the estate consists of real estate or a pending cause of action for personal injuries, a Petition may be filed requesting distribution of the estate without further administration. If it appears that there is no unpaid creditor and that it is for the best interest of the estate and the ward, the Court may order the guardian to file his final account and make distribution as the Court directs. Upon filing of a receipt on distribution, the guardian may be discharged and the estate closed.

Rule 5-3.19 Petition for Expenditures on Behalf of a Ward

- A. Any Petition to withdraw funds pursuant to Section 24-21 of the Probate Act as well as any Petition by a guardian for the expenditure of funds on behalf of a ward shall state the following:

1. The value of the estate at the time of presenting the Petition; and
 2. The annual income of the ward and the source of the income.
- B.** The Petitioner shall present the Petition in person unless personal presentation is excused by the Court. The Petitioner shall furnish evidence that the sums to be used are necessary for the ward's support, comfort, education or other benefit to the ward or his dependents.

Rule 5-3.20 Allowance of Fees

- A.** In supervised administration of a decedent's estate or the administration of a guardianship estate, all fees payable to a representative or to an attorney for a representative must be approved by the Court. A Verified Petition with Notice to all interested parties must be filed with the Clerk of the Circuit Court.
- B.** In independent administration of a decedent's estate, if the fees in a specific dollar amount have been consented to in writing by all interested parties as defined in Section 1-2.11 of the Probate Act, then the report required by Section 28-11 of the Probate Act shall so indicate and no Petition for fees need be filed or approved.
- C.** A Petition for fees shall state the following:
1. the gross value of the estate,
 2. the hours expended and details of work done,
 3. a detailed itemization of any expense for which reimbursement is sought; and,
 4. any other pertinent factor described in the Illinois Rules of Professional Conduct of 2010, Rule 1.5, as now and hereafter amended.
- D.** In a ward's estate, fees will be considered only when a Petition for fees is presented for the Court's approval except as otherwise provided in LCR 5-3.24.
- E.** An attorney who withdraws from representing a representative must file a Petition for fees and costs within thirty days after the withdrawal is approved by the Court or within any extension of time granted by the Court.

Rule 5-3.21 Withdrawal of Deposit with County Treasurer

Any Claimant applying to the Court to obtain funds deposited with the County Treasurer shall give Notice of his application to obtain funds to the State's Attorney and to such other persons as the Court directs.

Rule 5-3.22 Jury Demands

- A.** A Petitioner or Claimant must file a Jury Demand with the Clerk of the Circuit Court and pay the fee at the time he files his Petition or claim, where permitted, except in cases involving

disabled adults. A representative, citation Respondent, or other party in interest opposing the Petition, Citation, or claim and desirous of a trial by jury must file a Jury Demand and pay the fee at the time he files his Answer or other responsive pleading. If the Petitioner or Claimant files a Jury Demand and thereafter waives a jury, the representative, citation Respondent, or other interested party opposing the claim will be granted a jury trial upon demand promptly made after being advised of the waiver and upon payment of the fee.

- B. Jury Demands in cases involving disabled adults shall be governed by the requirements of Section 11a-11 of the Probate Act.
- C. A written Jury Demand filed by a party in any matter shall be contained in a separate document, and the Clerk of the Circuit Court shall not record any Jury Demand not so filed.

Rule 5-3.23 Procedures for Settlement of Personal Injury and Wrongful Death Claims in Probate Court

- A. Each Petition for leave to settle a cause of action for personal injuries sustained by a minor or disabled person, or a cause of action for the wrongful death of a person whose estate is in the course of administration, when no separate lawsuit is pending, shall be executed by the representative. The attorney for the representative, if any, shall certify in writing as a part of the Petition that, in his opinion, based upon the law and the facts and law applicable thereto, the proposed settlement is just and proper. Courtesy copies of the Petition and attachments shall be provided to the Court at least five court days in advance of the hearing.
- B. In the case of a minor, the minor shall appear in open court at the hearing on the Petition.
- C. The Court may, on its own Motion, appoint a Guardian ad Litem to investigate the merits of the proposed settlement.
- D. Any Order in the Probate Court approving a settlement of a wrongful death action shall also establish the distributive rights of the persons entitled to the proceeds.
- E. A Petition to settle an action on behalf of a minor or disabled person shall have attached thereto a report of the attending physician stating the nature and extent of the injury.
- F. If the Petition proposes a "structured settlement," future payments must be guaranteed by an entity rated "A" or higher by Best's Insurance Guide or other rating service found acceptable to the Court.
- G. The Order entered approving settlement shall provide for the distribution of the settlement funds and the filing of vouchers, which evidence receipt of any portion of the fund, with the Court within a time prescribed by the Court.
- H. When any settlement funds are to be received by a parent or legal representative on behalf of a minor child, such funds shall be required to be deposited in an account in a financial institution approved by the Court for the benefit of the minor, and shall not be withdrawn without approval by Court Order. The financial institution shall be insured by the Federal Deposit Insurance Corporation (F.D.I.C.) or by such other entity as may be approved by the Court.

The Court shall continue the case to a specific date for the purpose of having a voucher from the financial institution filed. The voucher from the depository shall acknowledge receipt of the funds and a copy of the Order of the Court approving settlement and shall include the express language that "No withdrawals shall be made from this account, unless authorized by Order of Court, at any time prior to [date upon which the minor will reach the age of majority]."

- I. A Petition for withdrawal from said account prior to the minor reaching the age of majority shall be in writing and shall state the amount in the account at the time of presenting the Petition, the annual income available to the minor, the amount and purpose for the withdrawal, and the amount of the last authorization for withdrawal from the account for the same purpose.
- J. Unless a statute provides for a lesser fee amount, any allowance for fees out of a settlement of a cause of action for personal injuries to a minor or disabled person or out of a distribution to a ward as a result of the settlement of a wrongful death cause of action shall not exceed twenty-five percent of the settlement. However, if it shall appear to the Court upon the filing of a Verified Petition by the attorney prosecuting the cause of action that the twenty-five percent fee would not fairly compensate the attorney for the work performed, the Court shall fix the fee at whatever amount it determines to be fair and reasonable.

Rule 5-3.24 Procedure for Disposition of Pending Law Cases in Personal Injury Actions Involving Claims of Minor or Disabled Person, by Trial Court

- A. The settlement without trial of a pending lawsuit for personal injuries sustained by a minor or disabled person shall be presented for approval to the Judge hearing the case. Approval shall be subject to the provisions of LCR 5-3.23, except that the Judge hearing the case may waive the filing of a written Petition under LCR 5-3.23 for the approval of attorney's fees in excess of twenty-five percent of the settlement. If the Judge hearing the case approves the settlement, the Order approving the settlement shall set forth the attorney's compensation, the cost, the expenses, and the net amount distributable to the minor or disabled person.
- B. For distribution to be made as a result of a lawsuit for personal injuries sustained by a minor or disabled person where a Judgment has been entered after trial, the Judge hearing the case shall enter an Order for distribution setting forth the amount of the Judgment, the attorney's fees, the costs, the expenses, and the net amount distributable to the minor or disabled person. Distribution shall be subject to the provisions of LCR 5-3.23, except that the Judge hearing the case may waive the filing of a written Petition under LCR 5-3.23 for approval of attorney's fees in excess of twenty-five percent of the award.
- C. The Order setting forth the distribution shall provide that the amount distributable to the minor or disabled person shall be paid only to the representative of the minor or disabled person appointed by the Probate Court in the estate filed on behalf of the minor or disabled person and that vouchers evidencing receipt of the funds be filed with the Court within a time prescribed by the Court. In the event that an estate has not yet been opened, a Petition for Guardianship shall be filed with and heard by the Probate Court within thirty days of the

Trial Judge's Order. A copy of the Trial Judge's Order shall be attached to the Petition for Guardianship.

- D. If the Petition proposes a "structured settlement", future payments must be guaranteed by an entity rated "A" or higher by Best's Insurance Guide or other rating service found acceptable to the Court.
- E. When any funds are to be received by a parent or legal representative on behalf of a minor child, such funds shall be required to be deposited in an account in a financial institution approved by the Court for the benefit of the minor, and shall not be withdrawn without approval by Court Order. The financial institution so approved by the Court shall be insured either by the Federal Deposit Insurance Corporation (F.D.I.C.) or by the Federal Savings and Loan Insurance Corporation (F.S.L.I.C.).
- F. The Court shall continue the case to a specific date for the purpose of having a voucher from the financial institution filed. The voucher from the depository shall acknowledge receipt of the funds and a copy of the Order of the Court approving settlement and shall include the express language that "No withdrawals shall be made from this account, unless authorized by Order of Court, at any time prior to [date upon which the minor will reach the age of majority]".
- G. A Petition for withdrawal from said account prior to the minor reaching the age of majority shall be in writing and shall state the amount in the account the time of presenting the Petition, the annual income available to the minor, the amount and purpose for the withdrawal, and the amount of the last authorization for withdrawal from the account for the same purpose.
- H. If the amount distributable to the minor or disabled person is less than the amount provided in Section 25-2 of the Probate Act, the Judge hearing the case may, by order, provide for distribution in accordance with the provisions of Section 25-2 of the Probate Act.

Rule 5-3.25 Procedure for Disposition of Pending Law Cases in Wrongful Death Actions, by Trial Court

The procedure to be followed in law cases involving actions for wrongful death brought on behalf of a decedent by the representative appointed in the decedent's estate by the Probate Court, when pending in a Court other than the Probate Court shall be as follows:

- A. The settlement of a pending lawsuit for wrongful death without trial shall be presented for approval to the Judge hearing the case. Unless waived by the Judge hearing the case, the provisions of LCR 5-3.23 shall apply. If the Judge hearing the case approves the settlement, the Order approving the settlement shall set forth the attorney's compensation, the costs, the expenses, and the net amount distributable to the legal representative or to each person entitled thereto pursuant to the provisions of the Wrongful Death Act.
- B. For distribution to be made under a pending lawsuit in a wrongful death case where a Judgment has been entered after trial, the Judge hearing the case shall enter an Order for distribution setting forth the amount of the Judgment, the attorney's fees, the costs, the

expenses, and the net amount distributable to the legal representative or to each person entitled thereto pursuant to the provisions of the Wrongful Death Act.

- C. When the distributable amount received by a representative pursuant to the provisions of this Rule is an asset of the decedent's estate and is further subject to the provisions, of the Probate Act, it shall be accounted for and administered in the decedent's estate. It shall be the responsibility of the representative to furnish a bond in sufficient amount to cover any increase in the value of the personal estate occasioned by the distribution.

Rule 5-3.26 Appointment of Special Administrator Where No Probate Estate Has Been Opened

In cases involving actions for wrongful death brought pursuant to 740 ILCS 180/2.1, where no probate proceedings have been opened on behalf of the decedent's estate, the Judge to whom the wrongful death action is assigned may appoint a special administrator for the deceased party without the necessity of opening a decedent's estate upon the filing of a Verified Petition with Notice to the heirs and legatees of the decedent, as the Court directs.

Rule 5-3.27 Probate Mediation Program

- A. **Applicability.** This Rule is intended to govern mediation in probate matters. Unless otherwise addressed in these Rules, the provisions of the Uniform Mediation Act (710 ILCS 35/1 et seq.) shall apply.
- B. **Purpose of Mediation Process.** Mediation under these Rules involves a voluntary confidential process where by a neutral mediator, selected by the parties or appointed by the Probate Judge, assists the parties in reaching a mutually acceptable agreement. It is an informal and non-adversarial process. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem-solving, exploring settlement alternatives and reaching an agreement. Parties and their representatives are required to mediate in good faith.
- C. **Disputes Eligible for Court-Annexed Mediation.** Except as hereinafter provided, the Judge may order any contested probate matter referred to mediation. In addition, the parties to any such matter may file a written stipulation to mediate any issue between them at any time. Such stipulation shall be incorporated into an Order of Referral.

D. Mediator Qualifications

- 1. **List of Probate Mediators.** The Judge shall maintain a list of probate mediators who have been certified by the Court and who have registered for appointment. The list shall be submitted to the Judge, who shall have the discretion to include or remove persons from the list at any time or to waive any of the requirements below, when necessary to promote the highest standards of competency. An applicant denied inclusion on or removed from the list, may appeal the decision in writing within ten days to the Chief Judge. The Chief Judge shall decide the appeal after an opportunity for the applicant or member to be heard. The decision of the Chief Judge shall be final. The list shall be reviewed in every even numbered year.

2. **Certification.** Any person who meets the following criteria is eligible to apply to serve as a mediator for the purposes of this Rule, if the applicant:
 - a. Completes a forty hour mediation training program approved by the Chief Judge of the Nineteenth Judicial Circuit; and,
 - b. Is a member in good standing of the Illinois Bar with at least eight years of practice or a retired Judge; and,
 - c. Is of good moral character; and,
 - d. Submits an application that is approved by the Chief Judge or her/his designee; and,
 - e. Maintains an office in the Nineteenth Judicial Circuit and has a substantial concentration of her/his practice in probate; and,
 - f. Provides satisfactory proof of professional liability insurance covering the mediation process to the Judge.
3. **Continuing Legal Education.** An approved mediator shall attend ten hours of continuing education every two years on subjects related to probate, trusts, guardianships, taxation or other areas relevant to practice in probate. The mediator shall be responsible to provide proof of attendance by way of affidavit, of the specific course, seminar, or class attended to the Judge at least thirty days prior to her/his two-year anniversary date of certification.
4. **Mediator General Standards.** In each case, the mediator shall comply with such general standards as may, from time to time, be established and promulgated in writing by the Chief Judge of the Nineteenth Judicial Circuit.
5. **Decertification of Mediators.** The eligibility of each mediator to retain the status of a certified mediator shall be periodically reviewed by the Chief Judge and in any event no longer than three years after date of appointment. Failure to adhere to this general Order governing mediation or the general standards provided for above may result in the decertification of the mediator by the Chief Judge or her/his designee.
6. **Special Programs.** From time to time, mediators may be required to attend specific trainings offered or sponsored by the Nineteenth Judicial Circuit, the Bar Association or other individuals or organizations.
7. **Low Income Cases.** Each calendar year, a mediator shall mediate two low-income cases, as identified by the Probate Court, at a reduced fee.

E. Appointment of the Mediator.

1. **Appointment by Stipulation.** In the Order of Referral or within fourteen days of the entry of the Order of Referral, the parties may agree upon a stipulation with the Court designating:

- a. A mediator certified by the Nineteenth Judicial Circuit to serve as a Probate mediator; or
 - b. A mediator who does not meet the certification requirements of these Rules but who, in the opinion of the parties and upon review by and approval of the Judge, is otherwise qualified by training or experience to mediate all or some of the issues in the particular case.
2. **Appointment by Court.** If the parties cannot agree on a mediator within fourteen days of the entry of the Order of Referral, the Petitioner's attorney (or another attorney agreed upon by all attorneys) shall so notify the Judge within the next seven days and the Court shall appoint a certified mediator selected by rotation or by such other procedures as may be adopted by Administrative Order of the Chief Judge.
3. **Disqualification of a Mediator.** Any party may move to enter an Order disqualifying a mediator for good cause. If the Court rules that the mediator is disqualified from hearing a case, an Order shall be entered setting forth the name of a qualified replacement. Nothing in this provision shall preclude mediators from disqualifying themselves or refusing an assignment. The time for mediation shall be tolled during any periods in which a Motion to Disqualify is pending.

F. Motions to Dispense, Defer or for Emergency Relief.

1. **Motion to Dispense with Mediation.** A party may move, within fourteen days after the entry of the Order of Referral, to dispense with mediation if:
 - a. The issue to be considered has been previously mediated between the same parties pursuant to Local Court Rules of the Nineteenth Judicial Circuit;
 - b. The issue presents a question of law only;
 - c. Other good cause is shown.
2. **Motion to Defer Mediation.** Within fourteen days of the Order of Referral, any party may file a Motion with the Court to defer the mediation. The movant shall set the Motion to defer the mediation proceeding for hearing prior to the scheduled date for mediation. Notice of the hearing shall be provided to all interested parties, including any mediator who has been appointed. The Motion shall set forth in detail, the facts and circumstances supporting the Motion. Mediation shall be tolled until disposition of the Motion.
3. **Interim or Emergency Relief.** A party may apply to the Court for interim or emergency relief at any time. Mediation shall continue while such a Motion is pending absent a contrary Order of the Court or a decision of the mediator to adjourn pending disposition of the Motion.

G. Scheduling of Mediation.

1. **Conference or Hearing Date.** Unless otherwise ordered by the Court, the first mediation conference shall be held within eight weeks of the Order of Referral.
2. **Notice of Date, Time and Place.** Within twenty-eight days of being advised of the entry of an Order of Referral, the mediator shall notify the parties in writing of the date and time of the mediation conference. Unless all parties and the mediator otherwise agree, all probate mediations will be held at the Lake County Arbitration Center, 415 Washington Street, Suite 106, Waukegan, IL 60085.

H. Mediation Procedures.

1. **Mediator.** The mediator shall at all times be in control of the mediation and the procedures to be followed in mediation.
2. **Mediation Summary.** At least seven days before the conference, each side shall present to the mediator a brief (one page), written summary of the case containing a list of issues as to each party. If the attorney filing the summary wishes its contents to remain confidential, she/he should advise the mediator in writing at the same time this summary is filed. The summary shall include the names of all participants in the mediation, the facts underlying the dispute, statement of the law, positions advocated by the parties and any offers or demands regarding settlement.
3. **Attendance at a Mediation Conference.** All parties, attorneys, representatives with settlement authority and other individuals necessary to facilitate settlement of the dispute, who are identified in the Order of Referral, shall be present at each mediation conference unless excused by Court Order.

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

- a. The party or its representative having full authority to settle without further consultation; and,
- b. The party's counsel of record, if any.

Upon Motion, the Court may impose sanctions against any party or attorney who fails to attend the mediation conference and participate in good faith, as provided above, including, but not limited to, mediation costs and reasonable attorney fees relating to the mediation process.

4. **Adjournments.** The mediator may adjourn the mediation conference at any time and may set times for reconvening the adjourned conference. No further notification is required for parties present at the adjourned conference.
5. **Counsel.** Counsel shall be permitted to communicate privately with their clients.
6. **Communication with Parties.** The mediator may meet and consult privately with each party and her/his representative during the mediation process.

7. **Termination of Mediation.** Mediation shall be completed within seven weeks of the first mediation conference unless extended by the Order of the Court or by stipulation of the parties. Mediation shall terminate prior to the end of seven weeks in the following circumstances:
 - a. All issues referred for mediation have been resolved.
 - b. The parties have reached an impasse, as determined by the mediator.
 - c. The mediator concludes that the willingness or ability of any party to participate meaningfully is so lacking that an agreement on voluntary terms is unlikely to be reached by prolonging the negotiations.
8. **Report of Mediator.** Within fourteen days after the termination of mediation for any reason, the mediator shall file with the Court a report in a form prescribed by the Chief Judge as to whether or not an agreement was reached by the parties. The report shall be signed by the mediator and shall designate, "full agreement," "partial agreement" or "no agreement." A copy of the report must be sent to the parties and to the Arbitration Center.
9. **Sanctions.** In the event of any breach or failure to perform under the settlement agreement, the Court upon Motion may impose sanctions, including costs, attorney fees, or other appropriate remedies including entry of judgment on the agreement.
10. **Discovery.** Whenever possible, the parties are encouraged to limit Discovery (prior to completing the mediation process) to the development of the information necessary to facilitate a meaningful mediation conference. Discovery may continue throughout mediation.
11. **Confidentiality of Communications.** All oral or written communications in a mediation conference, other than executed settlement agreements, shall be exempt from Discovery and shall be confidential and inadmissible as evidence in the underlying cause of action unless all parties agree otherwise. Evidence with respect to alleged settlement agreements shall be admissible in proceedings to enforce the settlement. Subject to the foregoing, unless authorized by the parties, the mediator may not disclose any information obtained during the mediation process.

I. Compensation of the Mediator.

1. **Hourly Fee.** The mediator shall charge an hourly fee to the parties, which they shall pay in equal shares unless the parties otherwise agree or the Court orders a different payment distribution. This hourly fee shall be paid to the mediator at the time of each session for the time spent in mediation at the session.
2. **Advance.** In addition to the hourly fee, the mediator may request an advance deposit covering up to two hours' time to be paid at the first session which shall be due simultaneously with the Mediation Summary. Such deposit may be applied to services rendered by the mediator outside of the mediation session, such as telephone conferences, correspondence, consultation with attorneys or other individuals,

preparation of the Mediator Report and any other work performed by the mediator on the behalf of the parties.

3. **Additional Fees.** Any additional fees that exceed the deposit or the fees collected at the time of sessions for services rendered by the mediator shall be paid as required by the mediator.
 4. **Suspension of Mediation.** In the event payments are not made as required under this Rule or otherwise agreed to by the mediator and the parties, the mediation process may be suspended by the mediator pending compliance.
 5. **Expense of Administration.** Any fees charged to an estate shall be deemed an expense of administration.
 6. **Pro Bono Cases.** If any party has been granted leave to sue or defend as an indigent person pursuant to Supreme Court Rule 298, the Probate Judge shall appoint a mediator who shall serve pro bono as to that party. Any such appointment shall be credited toward the obligation in LCR 5-3.27(D)(7), unless the indigent party receives an award sufficient, as determined by the Probate Court, to pay the mediator's fee.
- J. Immunity.** Mediators shall be entitled to such immunity as shall be provided by law.
- K. Mechanism for Reporting.** The Clerk of the Circuit Court shall keep and maintain compiled statistics and records on all cases referred to mediation; and shall file reports with the Administrative Office of the Illinois Courts, as directed by the Chief Judge.
- L. Supervising Judge for Mediation of Probate Cases.** The Presiding Judge of the Civil Division, or such other Judge as appointed by the Chief Judge, shall be the Supervising Judge for Mediation of Probate cases.
- M. Duties of Probate Judge.** The duties of the Probate Judge shall include the following:
1. Approve or appoint the mediator.
 2. Hear motions to interpret all mediation rules.
 3. Hear motions to disqualify a mediator.
 4. Hear motions to advance, postpone or defer a mediation conference.
 5. Hear all motions or petitions regarding the mediator's compensation.
- N. Authority of the Court.** Nothing in this Rule shall limit the Court's authority to enter any Order it deems appropriate on its own Motion or any party's Motion.

Rule 5-3.28 Probate Referral List for Guardians ad Litem and Court Appointed Attorneys

- A. The Probate Judge shall prepare a Probate Referral List of qualified Guardians ad Litem and attorneys accepting Court appointments in accordance with the Illinois Supreme Court Rules, the Illinois Probate Act and the provisions and standards set forth in this Rule in the interests of maintaining the highest levels of competence and professionalism. The Presiding Judge of the Civil Division shall review the Probate Referral List for approval and it shall then be submitted to the Chief Judge.
- B. The Chief Judge shall have the discretion to include or remove persons from the list at any time, or to waive any of the requirements of this Rule, when necessary to promote the highest standards of competency. An applicant denied inclusion on, or removed from the Probate Referral List, may appeal the decision in writing within ten days to the Chief Judge. The Chief Judge shall decide the appeal after an opportunity for the applicant or member to be heard. The decision of the Chief Judge shall be final. The Probate Referral List shall be reviewed in every odd numbered year.
- C. Any attorney who meets the following criteria is eligible to apply to serve as a Guardian ad Litem or a Court appointed attorney for a period of two years for the purposes of this Rule:
1. Licensed to practice law in the State of Illinois and be in good standing with the Illinois Supreme Court.
 2. Experienced in the area of Minor and Disabled Persons Guardianship litigation.
 3. Provided proof of professional liability insurance, with satisfactory coverage for liability in the representation of Minors and Disabled Persons.
 4. Prior to the initial appointment to the list, attended three and a half hours of continuing legal education approved by the Chief Judge on the following topics:
 - a. The role of Guardian ad Litem;
 - b. Ethics in guardianship and probate cases;
 - c. Relevant substantive state and federal statutory and case law in parental responsibility and parenting time matters, as well as disabled person guardianships and other probate matters;
 - d. Child development and Elder issues;
 - e. Family dynamics, including substance abuse, domestic abuse and mental health issues.
 5. After initial appointment, the attorney must attend at least seven hours of continuing legal education courses every two years in topics related to issues outlined above. The attorney shall provide proof of attendance by way of affidavit, of the specific course, seminar, or class attended to the Judge of the Probate Court at least thirty days prior to his or her two-year anniversary date of certification. Training offered by the Illinois State Bar Association, the Lake

County Bar Association, the Nineteenth Judicial Circuit, other judicial circuits in the State of Illinois, or other organizations approved by the Chief Judge will qualify for continuing legal education credits required by this Rule.

6. Attorneys appointed to participate in child custody and visitation matters must meet the additional qualifications delineated by Supreme Court Rule 906.
 7. Accept appointment as a Guardian ad Litem, or Court-appointed attorney in at least two cases per year on a pro bono basis, in families where the parties are indigent.
- D. All persons who meet the above requirements and are interested in acting as a Guardian ad Litem, or Attorney for Minors or alleged Disabled Persons shall complete the Nineteenth Judicial Circuit Application for Probate Court Appointments and provide proof by way of affidavit, supported by documentation of the aforesaid requirements.
- E. A Guardian ad Litem or Court appointed attorney shall file an Appearance and Answer and shall defend on behalf of the Minor or alleged Disabled Person.

CHAPTER 6 CHANCERY

Part 1.00 Receivers

Rule 6-1.01 Appointment of Receivers

- A. A receiver shall in all cases be a resident of this State or a corporation authorized to act as receiver, which corporation may be a domestic corporation or a foreign corporation authorized to transact business in this state, and shall give such bond as the Court may direct with such sureties as the Court may require.
- B. Except as provided in Section C of this Rule or any applicable statute, an appointment as receiver shall not be granted to an individual, or to a corporation having a principal officer who:
 - 1. is related by blood or marriage to a party or attorney in the action or to a Judge presiding in the matter;
 - 2. is an attorney for, or of counsel for any party in the action;
 - 3. is an officer, director, stockholder, or employee of a corporation the assets of which are in question; or
 - 4. stands in any relation to the subject of the controversy that would tend to interfere with the impartial discharge of his duties as an officer of the Court.
- C. If the Court is satisfied that the best interests of the parties would be served, an individual or corporation otherwise disqualified under Section B of this Rule may be appointed as receiver by an Order specifically setting forth the reason for departing from the general rule. A receiver so appointed shall serve wholly without compensation, unless otherwise ordered by the Court upon good cause shown.
- D. An attorney for the receiver shall be employed only upon Order of the Court based upon written Motion of the receiver stating the reasons for the requested employment and naming the attorney to be employed. No attorney shall be employed for the receiver who is directly or indirectly interested in the action or in the receivership estate. The Court may require upon the request of any party, that any attorney so employed establish, by affidavit or otherwise, that no such interest exists.
- E. A Petition for the appointment of a receiver shall set forth sufficient facts to warrant the appointment; mere conclusions will not suffice.
- F. The Petition for the appointment of a receiver shall provide for bond to the adverse party in such amount as the Court may order and with security to be approved by the Court conditioned to pay all damages including reasonable attorney's fees sustained by reason of the appointment and acts of such receiver.

- G. Bond need not be required, when for good cause shown, and upon Notice and full hearing, the Court is of the opinion that a receiver ought to be appointed without such bond. The Order appointing the receiver must specifically excuse the bond requirement and set forth facts or the specific reason why bond is not required.

Rule 6-1.02 Inventories of Receivers

No later than thirty days after appointment, the receiver shall file with the Court a detailed report and/or inventory of all property, real or personal, of the subject matter under receivership and designating the property within his possession or control. The Court may, within its discretion, grant additional time for the filing of the inventory. Unless the Court orders otherwise, the receiver shall file with the required inventory a list of the then known liabilities of the subject matter under receivership. No inventory shall be required of a receiver in mortgage foreclosure cases except when ordered by the Court.

Rule 6-1.03 Appraisal for Receivers

- A. Appraisers for receivers may be appointed only upon Order of Court or agreement of the parties with the approval of the Court. If appraisers are appointed, they shall be selected by the Court.
- B. If no appraiser is appointed, the receiver shall investigate the value of the property subject to the receivership, and show in the inventory the value of the several items listed as disclosed by the investigation. No investigation of value or inventory is required in mortgage foreclosure cases except when ordered by the Court.

Rule 6-1.04 Reports of Receivers

- A. The receiver shall file the first report at the time of filing his inventory, if required, and additional reports annually thereafter. Special reports may be ordered by the Court and a final report shall be filed upon the termination of the receivership.
- B. The Court may prescribe forms to be used for reports of a receiver.

Part 2.00 Sureties

Rule 6-2.01 Definitions

- A. **Civil Surety** means any company currently licensed as a surety under the Illinois Insurance Code.
- B. **Personal Surety** means any individual not licensed as a surety and not regularly engaged in the business of acting as surety or guarantor for the performance of an act of another.

Rule 6-2.02 Authorization to Serve as Surety

- A. Civil Sureties.** Bond with a civil surety will be approved only if a current, certified copy of the surety's license (issued under the Illinois Insurance Code or the Illinois Bail Bond Act) is on file with the Clerk of the Circuit Court, and a verified power of attorney or certificate of authority for each person authorized to execute bonds for the surety is attached to the bond.
- B. Personal Sureties.** The Court may require that any personal surety execute a schedule of property in a form approved by the Court. If the person offered as a surety is accepted by the Court, the schedules of property shall be filed with the bond, and shall be served upon all opposing parties in the manner prescribed by Supreme Court Rule 11 within forty-eight hours after the Court accepts the surety.
- C. Period of Authorization.** Authorization to act as a surety shall not exceed one year, and in any event shall expire on the first day of the July next following the authorization.
- D. Renewal of Authorization.** A Petition for Renewal of Authorization shall be filed between the first and thirtieth days of April preceding the expiration of authorization.
- E. Interim Authorization.** Upon the filing of an initial Petition for Authorization, the Court may grant the Petitioner interim authority to act as a surety on bonds in the Court pending determination of the Petition.

Rule 6-2.03 Petition and Hearing for Authorization or Renewal

- A. Civil Surety.** To obtain authorization or renewal to act as a civil surety in the Court, the applicant shall file a Verified Petition for Authorization stating that the Petitioner has complied with all applicable laws and regulations. There shall be attached to the Petition:
 - 1. A certified copy of the license issued to the Petitioner, attested by the Director of Insurance;
 - 2. A verified statement of its assets and liabilities at the close of business on the thirty-first day of December of the preceding year or at any subsequent date prior to the filing of the Petition;
 - 3. Power of attorney or certificates of authority for all persons authorized to execute bonds for the Petitioner in the Court, in a form approved by the Court.
 - 4. A verified schedule of all actions pending in any court against the Petitioner at the time of the filing of the Petition upon bonds executed by it in the courts of record in Illinois; the schedule shall state the title and number of the action, the names of the attorneys of record, the amount claimed, the nature of the claim, and the reasons for contesting the claim; and
 - 5. A verified schedule of all claims of liability, not the subject of any pending action, which have been made against the Petitioner and are undischarged at the time of the filing of the Petition, upon bonds executed by the Petitioner in the Court of record in Illinois; the

schedule shall state the name of the Claimant, the amount claimed, the nature of the claim and the reasons for contesting the claim.

- B. Foreign Acknowledgments.** Acknowledgments and affidavits presented under LCR 6-2.03 which have been executed outside the State shall be accompanied by a certificate of the proper keeper of records, under the seal of the keeper of records' office, stating that the person before whom the acknowledgment was made or by whom the oath was administered was duly authorized to take acknowledgments or to administer oaths, and that that person's signature is believed to be genuine.
- C. Notice.** Upon the filing of the Petition, the Court, upon Motion, will set the Petition for hearing before the Presiding Judge of the Law Division. The Clerk of the Circuit Court shall then publish Notice in a newspaper of general circulation in the county of the pendency of the Petition showing the date set for hearing.
- D. Objection.** Any person may file written objections to the Petition with the Clerk of the Circuit Court not less than ten days before the date set for hearing, stating the reasons why the Petition should not be allowed. The Petitioner may file his Answer to the objections not later than five days before the date set for hearing. A copy of the objections shall be served upon the Petitioner, and a copy of the Answer shall be served upon the objector, not later than the time of the respective filings.
- E. Hearing.** The Petitioner and the objector may introduce evidence at the hearing. If the Court finds that the Petitioner has not complied with LCR 6-2.03 or that the Petition should be disallowed, the Petitioner shall be disqualified from acting as surety in the Court until further Order of the Court.
- F. Change of Agents.** A civil surety may file a supplemental Petition to change the persons authorized to execute bonds on its behalf.

Rule 6-2.04 Revocation of Authorization

The Court, upon its own Motion or upon request of any party, may at any time enter a Rule against any civil surety to show cause why its authorization should not be revoked. The Order entering the Rule shall set a date, not less than thirty days after the entry of the Rule, for hearing upon the return of the Rule. The Clerk of the Circuit Court shall serve Notice of the entry of the Rule and of the date set for hearing of the return upon the surety. The return shall contain the information required by LCR 6-2.03 for an original Petition for Authorization to act as surety.

Rule 6-2.05 Justification of Sureties

Any persons assured by a bond executed in this Court may by Motion request the sureties to justify by showing their capacity to become sureties and their ability to respond in the amount of the suretyship obligation. The Motion shall be accompanied by an affidavit showing grounds for believing the sureties to be insufficient, the manner of inquiry and the facts ascertained. If the Court finds that the affiant's belief is well-founded, it may order that either the sureties shall justify within a time specified or a new bond be furnished with sufficient sureties.

Rule 6-2.06 Solicitation Prohibited

- A. No individual or corporation authorized to act as surety or guarantor, or any agent of such person or corporation, shall solicit, directly or indirectly, the aid of any clerk, deputy clerk, court officer, or any police officer, in inducing any person to employ such individual or corporation authorized to act as surety or guarantor in any case within the jurisdiction of the Court.
- B. No individual or corporation authorized to act as surety or guarantor shall, by agent or otherwise, solicit business or advertise in any court building.
- C. Any individual or agent of a corporation authorized by the Court to act as surety in cases within the jurisdiction of the Court that violates this Rule, directly or indirectly, shall be subject to having the order authorizing him to act as surety revoked.

Part 3.00 Real Estate Sales Pursuant to Judgment or Order

Rule 6-3.01 Application

- A. This Rule is applicable to sales of real estate conducted by the Sheriff, Judges or other officers and entities pursuant to Judgments or Orders of the Court.
- B. Except where otherwise required by law or ordered by the Court, all sales shall be conducted by the Sheriff (hereinafter referred to as "designated officer").
- C. All judicial sales shall be assigned to the designated officer by the Court at the time the Judgment of Foreclosure is entered, and the Plaintiff shall prepare all necessary documents in connection therewith.

Rule 6-3.02 Counsel to Prepare Necessary Documents

- A. In all foreclosure sales, the Plaintiff shall use, in substance, the forms set forth below:
 - 1. Notice of Judicial Sale
 - 2. Report of Sale
 - 3. Receipt of Sale
 - 4. Certificate of Sale
 - 5. Order Confirming Sale
- B. The Plaintiff shall:

1. Prepare the Notice for the sale in accordance with the form available in the Clerk's Office and shall comply with all of the notice requirements set forth in 735 ILCS 5/15-1507 as it now exists or as amended in the future. The date of sale shall be confirmed with the designated officer.
2. Prepare reports of sale.
3. Prepare certificate of sale in duplicate.
4. Prepare receipt of sale.

Rule 6-3.03 Pre-Sale Requirements

- A. All judicial sales shall be assigned to an officer designated by the Court at the time the Judgment of Foreclosure is entered, and the Plaintiff shall prepare all necessary documents in connection therewith.
- B. At the time of setting a sale date with the designated officer, the Plaintiff shall deliver to the designated officer a file-stamped, certified or conformed copy of the Judgment or Order which shall include an adjudication of the date of expiration of the period of redemption, and a non-refundable portion of the sale fee.
- C. At least two days prior to the sale, Plaintiff shall deliver to the designated officer a copy of the Publication Notice.

Rule 6-3.04 Time of Sale

Bids at the time of the sale:

- A. May be made by the Plaintiff by mail, fax or e-mail by 5:00 p.m. of the preceding day as directed by the designated officer.
- B. May be made by persons present.
- C. If by third-party bidders, shall be for cash with an immediate payment by the successful bidder of at least ten percent of the purchase price and the balance within two business days, unless otherwise agreed to by those present entitled to the proceeds of the sale.
- D. Shall be paid in cash, cashier's check, credit against the Judgment or the equivalent.

Rule 6-3.05 Documents to be Presented by Counsel to Designated Officer Following Sale

- A. Not later than the next business day after the sale, Plaintiff shall present to the designated officer for signature, the following:

1. Report of Sale
 2. Receipt of Sale
 3. Certificate of Sale
- B. The designated officer shall, upon receipt of the aforesaid documents and after signature:
1. Deliver to the Plaintiff the Report of Sale.
 2. Issue the Receipt of Sale and the Certificate of Sale with duplicate copy to the successful bidder.

Rule 6-3.06 Deed after Confirmation of Sale

The designated officer shall issue a Deed sufficient to convey title to the holder of the Certificate of Sale upon receipt of the following:

- A. Certificate of Sale
- B. File-stamped, conformed or certified copy of the Order Confirming Sale.
- C. Payment of the purchase price and any other amount required to be paid, including any remaining portion of the sale fee due to the designated officer.

Rule 6-3.07 Miscellaneous

- A. All communications should be properly addressed by mail, fax or e-mail to the designated officer to whom the sale is assigned.
- B. All required documents, including Publication Notices, shall be substantially in accordance with the forms provided by the Clerk of the Circuit Court.
- C. All monies paid to the designated officer conducting judicial sales under the Orders and Judgments of this Court shall be deposited in a special account subject to further Order of the Court.
- D. The designated officer is not responsible for recording any documents.
- E. Upon the cancellation of a scheduled sale, the designated officer will retain the non-refundable portion of the sale fee.

CHAPTER 7 ALTERNATIVE DISPUTE RESOLUTION

Part 1.00 Mandatory Arbitration Rules

Rule 7-1.01 Actions Subject to Mandatory Arbitration (Supreme Court Rule 86)

- A. Mandatory arbitration proceedings are undertaken and conducted in the Nineteenth Judicial Circuit, pursuant to Orders of the Illinois Supreme Court dated December 19, 1988, November 27, 1990 and November 22, 1993. On January 17, 2002, the Supreme Court increased the jurisdictional limit of cases subject to mandatory arbitration in the Nineteenth Judicial Circuit to \$50,000.
- B. Mandatory arbitration proceedings are a part of the underlying civil action, and therefore, all Rules of Practice contained in the Illinois Code of Civil Procedure and the Illinois Supreme Court Rules shall apply to these proceedings.
- C. All civil actions, except confessions of judgment on promissory notes, will be subject to mandatory arbitration if each claim is exclusively for money in an amount exceeding \$10,000 but not exceeding \$50,000, exclusive of interest, costs, and attorney's fees.
- D. Every Complaint or Counterclaim filed shall contain specific prayers for relief except that in actions for injury to the person no ad damnum may be pleaded except to state whether the damages sought are: (1) greater than \$10,000 but not exceeding \$15,000; (2) greater than \$15,000 but not exceeding \$50,000; (3) greater than \$50,000.
- E. Any case not assigned to an arbitration calendar, including cases transferred from another jurisdiction, may be ordered to arbitration at a status call, pre-trial conference, or upon receipt from another jurisdiction, when it appears to the Court that any claim in the action has a value exceeding \$10,000 and that no claim in the action has a value in excess of \$50,000. Within fourteen days of such determination any such case shall be transferred to and set on the Motion call of the Supervising Judge of Arbitration, at which time an arbitration hearing date shall be scheduled no more than one hundred, eighty days from the date of such transfer. In cases transferred from another jurisdiction it shall be incumbent upon the clerk to provide timely Notice of such hearing to all parties of record.
- F. Section E above shall allow the ordering to arbitration of cases filed prior to the effective date of these Rules as amended.
- G. The award of the arbitration panel shall be limited to the amount originally prayed for in the Complaint, Counterclaim, or Third Party Complaint, unless prior to the arbitration hearing, leave of Court is given to increase the ad damnum with the appropriate difference in filing fee paid but in no event shall the award be in excess of \$50,000.
- H. Small claims cases in which a Jury Demand is filed shall be subject to mandatory arbitration pursuant to LCR 3-1.05.

**Rule 7-1.02 Appointment, Qualification and Compensation of Arbitrators
(Supreme Court Rule 87)**

- A. Retired Judges, licensed to practice in Illinois and residing in the Nineteenth Judicial Circuit shall be eligible as arbitrators upon filing the appropriate form with the Arbitration Administrator.
- B. All attorneys licensed in Illinois who reside in, maintain offices in, or practice in the Nineteenth Judicial Circuit, shall be eligible for appointment as arbitrators by filing the appropriate form with the Arbitration Administrator. Panel members must certify that they have engaged in the active practice of law for a minimum of two years within the five years immediately preceding the filing of the application. Eligible arbitration panel members shall be certified by attending The Arbitration Seminar prior to active service on an arbitration panel.
- C. The Arbitration Administrator shall maintain a list of approved arbitrators. These arbitrators will be called for service on a random, rotating basis. The list shall identify those arbitrators who are approved to serve as chairpersons. Every panel of arbitrators shall be chaired by a member of the bar who has been engaged in trial practice for at least five years within the preceding ten years of the filing of the application, or a retired Judge. Except for emergency calls, Notice of the date set for arbitration shall be provided to the arbitrators not less than forty-five days prior to the scheduled date. Each panel will consist of three arbitrators, or such lesser number as may be agreed upon in writing by the parties. The eligibility of each attorney to serve as arbitrators may, from time to time, be reviewed by the Arbitration Administrator and determined by the Supervising Judge of Arbitration.
- D. Not more than one number or associate of a firm, office or association of attorneys shall be appointed to the same panel. Upon appointment to the case, an arbitrator shall notify the Court and withdraw from the case if any grounds appear to exist for disqualification pursuant to Illinois Code of Judicial Conduct.
- E. Each arbitrator shall take an oath of office in conformity with the form provided in Supreme Court Rule 94. In addition, an arbitrator may not be contacted, nor publicly comment, nor respond to questions regarding a particular arbitration case heard by that arbitrator during the pendency of that case and until a final Order is entered and the time for appeal has expired.
- F. Upon completion of each day's arbitration proceedings, the Arbitration Administrator will process the necessary voucher through the Administrative Office of the Illinois Courts for payment of the arbitrators. Each arbitrator will be compensated in accordance with the requirements of the Supreme Court Rules.

Rule 7-1.03 Scheduling of Hearings (Supreme Court Rule 88)

- A. For all actions which fall within the purview of this Rule, the Complaint and the original and all alias Summons must state in upper case letters in the upper right-hand corner, **"THIS IS AN ARBITRATION CASE."**

Every original Summons shall be made returnable before the Supervising Judge of Arbitration on a specified return date to be set by the Clerk of the Circuit Court not less than twenty-eight nor more than forty days after the issuance of the Summons. All Summons shall contain the following language:

NOTICE TO PLAINTIFF: If Plaintiff fails to appear on the original return date or any continued date thereof, the case may be dismissed for want of prosecution without further Notice.

All parties shall appear in court on every return date unless otherwise excused by Order of Court. On the original or any continued return date, the Court may enter Orders consistent with Illinois Supreme Court Rule 218, and fix the date, time and place of the arbitration. The Order fixing the arbitration shall be served upon all parties in accordance with LCR 2-1.07.

In the event Defendant, after service of process, fails to file an Appearance or otherwise plead on or before the return date set forth in the Summons, the Plaintiff shall appear before the Supervising Judge of Arbitration on the return date for the purpose of obtaining a Judgment, or an Order of Default and a date for prove-up.

If Plaintiff fails to appear on the original return day or any continued date thereof, the case may be dismissed for want of prosecution without further Notice.

In the event Plaintiff has failed to obtain timely service of process on any Defendant by any return date, Plaintiff shall appear before the Supervising Judge of Arbitration on the return date and may request the issuance of an alias Summons and rescheduling the arbitration hearing date, if necessary. Any parties whose presence was previously excused shall be provided Notice of the entry of said Order.

In the event Plaintiff has failed to obtain service of process on all Defendants by means of an original or alias Summons more than sixty days before the original arbitration hearing date, or any rescheduled date thereof, and the Court finds that the Plaintiff has failed to exercise reasonable diligence to obtain service on any Defendant, the Court may dismiss the action as to such unserved Defendant pursuant to Supreme Court Rule 103(b). Upon the timely filing of any amended Complaint, any counter compliance or any Third Party Complaint with an ad damnum not in excess of \$50,000, the filing party or their counsel shall be required to appear before the Supervising Judge within ten days of said filing for the setting of appropriate dates to allow the Clerk to issue Summons and for any other Order(s) the Court deems appropriate. The Clerk shall not issue Summons on the above pleadings until return dates and arbitration hearing date have been set by the Court.

- B. Any party to a case may request advancement or postponement of a scheduled arbitration hearing date by written Notice and Motion with Notice included to the Arbitration Administrator. Hearing on the Motion shall be scheduled before the Supervising Judge of Arbitration, not less than seven days prior to the arbitration hearing date. The Motion shall contain a concise statement of the basis upon which a change in the arbitration hearing date is requested. The Supervising Judge of Arbitration may grant such advancement or postponement upon good cause shown.
- C. Consolidated actions shall be heard on the date assigned to the latest case involved.

- D. It is the stated public policy of the mandatory arbitration proceedings of this Circuit that cases be heard in one-half day, if possible, but not to exceed one full day. Counsel for Plaintiff shall confer with all other counsel and obtain an approximation of the length of time required for presentation of the case and advise the Arbitration Administrator at least seven days in advance of the hearing date of the estimated duration of the hearing. Failure to notify the Arbitration Administrator of the need for more than one-half day for hearing may result in a delay of the scheduled hearing. All counsel shall advise the Arbitration Administrator at least seven days in advance of the hearing of changes of appearances or additions or parties or counsel. Failure of the parties to advise the Arbitration Administrator in a timely fashion of changes of appearances or additions of parties or of counsel, or of the need for additional time may result in the imposition of sanctions including the taxing of arbitrator's fees and costs at the discretion of the Supervising Judge of Arbitration.

Rule 7-1.04 Motions

Notwithstanding the assignment of any matter to arbitration, all Motions for Change of Venue, objections to jurisdiction, Motions for Summary Judgment, Motions for Judgment on a Pleading, motions pursuant to Sections 2-615 and 2-619 of the Code of Civil Procedure, and all other motions dispositive of the case shall be addressed, upon proper Notice and Motion, to the Supervising Judge of Arbitration.

Rule 7-1.05 Discovery (Supreme Court Rule 89)

- A. Discovery may be conducted in accordance with established rules and shall be completed prior to the arbitration hearing. No Discovery shall be permitted after the hearing, except upon leave of Court and good cause shown.
- B. All parties shall comply in a timely manner with the provisions of Supreme Court Rule 222 as to those cases to which said Rule applies. Failure to file or serve the disclosure statement as provided by Rule, or as the Court may order prior to the arbitration hearing, may result in the imposition of sanctions as prescribed in Supreme Court Rule 219(c), including a dismissal for want of prosecution without Notice.

Rule 7-1.06 Conduct of the Hearing (Supreme Court Rules 90 and 91)

- A. Hearings shall be conducted in general conformity with the procedures followed in civil trials. The chairperson shall administer oaths and affirmations to witnesses. Rulings concerning admissibility of evidence and applicability of law shall be made by the chairperson upon consultation with the panel members. Rulings granting findings at the close of the Plaintiff's case or upon the close of all proof shall be granted by agreement of a majority of the arbitrators.
- B. 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 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 or other vehicles, equipment or goods and products which are involved in the

litigation and other relevant and material facts. Unless otherwise agreed by the parties, a stipulation to liability shall be binding on the parties at an eventual trial, if a rejection is filed. The time devoted to the presentation of evidence should be limited to those facts upon which the parties genuinely disagree. Counsel shall provide the arbitration panel with copies of any legal authority upon which they rely.

- C. Established rules of evidence shall be followed in all hearings before arbitrators, except as provided in Supreme Court Rule 90.
- D. The failure of a party to be present at an arbitration hearing, either in person or through counsel, shall be governed by the provisions of Supreme Court Rule 91(a).
- E. All parties to the arbitration hearing must participate in the hearing in good faith and in a meaningful manner as provided in Supreme Court Rule 91(b).
- F. A stenographic record or recording of the hearing shall not be made unless a party does so at the party's own expense. If a party has a stenographic record transcribed, the original must first be filed with the Clerk of the Circuit Court, a copy of which shall be furnished to any other party requesting same upon payment of a proportionate share of the total cost of the making of the record or recording and the duplication of same. The party providing the reporter shall inform the chairperson of the reporter's name, address and reporting firm before commencing. No sound recording equipment shall be allowed in the arbitration hearing except as utilized by a court reporter.
- G. Any party requiring the services of a language interpreter during the hearing shall be responsible for providing same. 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 days prior to the hearing.
- H. Hearings are to be conducted to facilitate disclosure of all relevant evidence and to obtain substantial justice for all of the parties.
- I. All exhibits admitted into evidence shall be retained by the panel until the entry of the award. It is the duty of the attorneys or parties to retrieve such exhibits from the Arbitration Administrator within seven days after the entry of Judgment, Notice of Rejections, or Order of Dismissal. All exhibits not retrieved shall be destroyed.

Rule 7-1.07 Award and Judgment on Award (Supreme Court Rule 92)

- A. After each hearing, the arbitrators shall make an award in favor of the Plaintiff(s) or Defendant(s). The panel shall make the award promptly upon termination of the hearing. The award shall dispose of all claims for relief. The award on each claim may not exceed the amount prayed for in the Complaint or Counterclaim and in no event may the award be more than \$50,000 exclusive of interest, costs and attorney's fees. The award shall be signed by the arbitrators or the majority of them. A dissenting vote without further comment may be noted. In the event a panel of arbitrators unanimously finds that a party has violated the good faith provisions of Supreme Court Rule 91(b), such finding, accompanied by a factual

basis, shall be noted on a findings sheet. Such findings sheet shall become part of the arbitration award. The Arbitration Administrator shall provide forms to be completed by the arbitrators to report their award. The award including findings sheet, shall be filed immediately with the Clerk of the Circuit Court, who shall serve Notice of the award to all parties, including any in default.

- B. The Clerk of the Circuit Court shall include in the Notice of Award a date certain, not less than thirty days from the filing of the award, before the Supervising Judge of Arbitration, for entry of judgment on the award, dismissal or the scheduling of a trial date in the event a timely rejection has been filed. All parties shall be required to appear on said date. Failure to appear may result in the entry of judgment on the award or dismissal for want of prosecution on Motion of a party or on the Court's own Motion.

Rule 7-1.08 Rejection of Award (Supreme Court Rule 93)

Rejection of the award of the arbitrators shall be in strict compliance with Supreme Court Rule 93.

Rule 7-1.09 Refiling After Nonsuit

If a case is voluntarily dismissed by a Plaintiff at any time after an arbitration hearing and is subsequently refiled alleging the same cause of action and naming the same parties, the refiled case shall not be eligible for an arbitration hearing unless a new party has been added to the lawsuit.

Rule 7-1.10 Location of Arbitration Hearing

The location of hearing shall be determined by the Chief Judge of the Nineteenth Judicial Circuit or his designee.

Rule 7-1.11 Forms

All forms shall be as prescribed by Supreme Court Rule or by Administrative Order by the Chief Judge.

Rule 7-1.12 Administration of Mandatory Arbitration

The Chief Judge or his designee shall appoint one or more Judges to act as Supervising Judge of Arbitration. For the purpose of these Rules, the Supervising Judge of Arbitration is defined as that Judge appointed for arbitration or any Judge sitting in the stead of the Supervising Judge.

Rule 7-1.13 Dismissal for Want of Prosecution

Any case which remains inactive forty-five days may be dismissed for want of prosecution on the Court's own Motion, without Notice. A case for which an arbitration hearing has been set shall not be considered inactive, within the meaning of this Rule.

Part 2.00 Mortgage Foreclosure Mediation Program

Rule 7-2.01 Purpose

The purpose of the Residential Real Estate Mortgage Foreclosure Mediation Program ["Program"] is to (1) alleviate the financial burden on Lenders, Homeowners, and taxpayers caused by residential mortgage foreclosures; (2) foster direct and meaningful communication between Lenders and Homeowners; (3) provide an expeditious means of resolving residential mortgage foreclosure disputes, where reasonable and possible, as an alternative to foreclosure litigation under the Illinois Mortgage Foreclosure Law; (4) reduce the backlog of residential mortgage foreclosure cases pending in the Nineteenth Judicial Circuit; (5) keep families in their homes, where reasonable and possible, or provide families that are unable to remain in their homes with a reasonable means and timeframe for vacating their homes; and (6) reduce the negative impact of foreclosures on Lake County neighborhoods and communities and on the values of properties located therein.

Rule 7-2.02 Actions Eligible for Referral to Mediation

- A. Parties in all residential real estate mortgage foreclosure cases (as defined by the Illinois Mortgage Foreclosure Act, 735 ILCS 5/15-1203 and 15-1219) filed in the Nineteenth Judicial Circuit are eligible for mediation regardless of filing date, as long as there has not been prior participation in the program, there has not been a Judgment entered, or Motion for Summary Judgment pending.
- B. Pursuant to LCR 2-2.01(C), the Plaintiff's attorney shall file with the Clerk of the Circuit Court the appropriate Certificate of Attorney indicating whether the property is residential in nature and therefore subject to mediation as set forth herein. In addition to filing the return with the clerk, the Plaintiff's attorney shall notify the program coordinator within five days of service that each homeowner has been served.
- C. Notwithstanding LCR 7-2.02(A) above, the Presiding Judge may refer a case to mediation on Court's own Motion.
- D. Any party to the foreclosure litigation may move the Court to reconsider the Homeowner's eligibility for the mediation program.

Rule 7-2.03 Definitions

- A. **Lender** shall have the same meaning as "Mortgagee" defined at 735 ILCS 5/15 – 1208.

- B. Homeowner** shall have the same meaning as “Mortgagor” defined at 735 ILCS 5/15–1209.
- C. Housing Counseling** is a one on one session(s) with the Agency for the purpose of assessing the feasibility of loan modification, informing Homeowners of their options and preparing the loss mitigation package.
- D. Authorized Housing Counseling Agency** [“Agency”] is a HUD certified housing counseling agency authorized by this Rule, or by the Chief Judge or the Chief Judge’s designee, to conduct Housing Counseling for Homeowners. The Affordable Housing Corporation of Lake County and the Consumer Credit Counseling Services of Northern Illinois shall be authorized Agencies.
- E. Mediation Notices** are the Notice of Mortgage Foreclosure Mediation and a checklist of documents required for Mortgage Foreclosure Mediation.
- F. Mediation Program Coordinator** [“Coordinator”] refers to the person or persons authorized by the Chief Judge to administer the program.
- G. Mediator** refers to either:
1. a person approved by the Supervising Judge for Mediation of Mortgage Foreclosure Cases and appointed by the Coordinator to conduct a mediation, or
 2. an entity that has contracted with the Chief Judge to facilitate the mediation of cases subject to this Rule.
- H. Participant** shall refer to the Lender, Homeowner, Third Party or any attorney representing any of those parties.
- I. Program Application Packet** refers to a questionnaire and a document request designed by the Agency to be fulfilled by the Homeowner for the purpose of providing the Agency with the information necessary to counsel the Homeowner and to determine the loss mitigation options available to the Homeowner.
- J. Supervising Judge for Mediation of Mortgage Foreclosure Cases** refers to a Judge or Judges appointed by the Chief Judge to act as Supervising Judge for Mediation of Mortgage Foreclosure Cases. In the absence of the appointment of a Supervising Judge for Mediation of Mortgage Foreclosure Cases, the Presiding Judge of the Civil Division shall be assigned the responsibility.
- K. Third-Party or Third-Parties** refers to any other party to the residential mortgage foreclosure action, including junior lienholders and mechanics lienholders.
- L. Introductory Screening** is a remote or in person interview where the Agency Representative explains the program to the homeowner and provides information on how to participate in the program. During the Introductory Screening, the homeowner can schedule a housing counseling appointment to opt into the program.

Rule 7-2.04 Filing Fee, Costs Charged, Sustainability Plan

From the effective date of this Rule, an additional filing fee of \$125.00 shall be charged to all mortgage foreclosure cases filed in the Nineteenth Judicial Circuit. This additional fee shall be placed in a "Foreclosure Mediation Program Fund" ["Fund"] which shall be used to provide financial support for the mediation program, including to reimburse mediation program start-up costs paid prior to the time the program becomes self-sufficient as a result of the filing fees authorized herein. No other costs will be charged to any program participant. It is contemplated that the program will be sustained as needed and be self-sufficient as a result of the filing fee.

Rule 7-2.05 Overview of Foreclosure Mediation Procedure/ Stay of Litigation

- A. Every residential real estate mortgage foreclosure action shall be subject to an initial stay of forty-two days from the date of service of the Summons and Complaint, and the Homeowner shall be notified of the Foreclosure Mediation Program as provided in LCR 7-2.06.
- B. If the homeowner wishes to participate in the Foreclosure Mediation Program, then the Homeowner shall contact the Agency Representative for an Introductory Screening and to schedule a Housing Counseling appointment within forty-two days from the date of the service of the Summons and Complaint. If a Housing Counseling appointment is scheduled, the foreclosure litigation shall be stayed an additional forty-five days from the date of the Introductory Screening. Cases that do not meet the preceding requirement may enter the program by Court Order.
- C. Within the additional forty-five day stay, the Homeowner shall compile a loss mitigation package, submit the Program Application Packet, and complete Housing Counseling.
- D. After the Housing Counseling process has been concluded, the Coordinator shall schedule an initial Mediation Conference in accordance with LCR 7-2.09. The foreclosure litigation will be stayed until the termination of mediation as provided in LCR 7-2.10, but in no event shall the stay extend longer than ninety days from the date the Plaintiff submits the Plaintiff's checklist, obtained from the Program Coordinator or the Agency, as provided in LCR 7-2.08.
- E. This Rule contemplates a stay of the foreclosure action to effectuate and accommodate the mediation process, but not to unduly prolong it or to create an incentive to delay the litigation.

Rule 7-2.06 Service of Process and Mediation Notices

- A. In all residential real estate mortgage foreclosure actions filed after the effective date of this Rule, the Lender shall attach to the Summons or Alias Summons the Mediation Notices.
- B. The Nineteenth Judicial Circuit shall prepare and distribute the forms for the Mediation Notices. The Chief Judge or the Chief Judge's designee may approve amendments to these forms.
- C. Mediation Notices shall be served at the same time and in the same manner as the Summons and Complaint, and the return of service shall reflect service of these documents

in the same manner as return of service of the Summons and Complaint. Plaintiff shall prepare a separate Summons for each Defendant.

- D. If the Homeowner is served by publication, the Lender's attorney shall mail the Mediation Notices to the property at issue in the foreclosure and to the last known address of the Homeowner within seven days of the publication, if that address is different from the address of the property at issue. The mortgage foreclosure action shall be subject to an initial stay of forty-two days after the first date of publication.
- E. Copies of the Mediation Notices shall also be available at the Mortgage Foreclosure Help Desk that the Nineteenth Judicial Circuit operates for the benefit of self-represented Homeowners. Volunteer attorneys who staff the Mortgage Foreclosure Help Desk shall receive training that will enable them to answer general questions from Homeowners about the mediation program.

Rule 7-2.07 E-mail Notice

- A. To ensure that Notice is provided as soon as practicable, all mediation participants shall use e-mail for the purpose of sending and receiving all Notices, correspondence and other communications required by these mediation rules.
- B. Participants must provide a suitable e-mail address to the Agency or Coordinator. The provision of a suitable e-mail address is required for cooperation with the Mediation Program.
- C. It is understood not all participants will have a computer, computer skills and internet service. However almost all participants will have access, at no charge, to a computer at a public library, and, with support from the Agency, the capability to utilize an e-mail account. However, for good cause shown by a participant, the Agency may excuse the requirement of the provision of a suitable e-mail. If the Agency refuses, a participant may move the Court to waive this provision upon good cause shown.

Rule 7-2.08 Housing Counseling

- A. When a Homeowner schedules the initial Housing Counseling appointment, the Agency shall notify the Coordinator of the date of the appointment and the date the appointment was scheduled.
- B. During Housing Counseling, the Homeowner shall complete a Program Application Packet.
- C. During the additional forty-five day stay, the Agency shall provide foreclosure counseling and assist the Homeowner in completing a loss mitigation package. Once the package is complete, the Agency shall provide a copy of the package to the Lender or the Lender's representative. The Lender must promptly acknowledge receipt of the information and must promptly review it. No other participant shall attend the Housing Counseling Appointment, nor shall the attorney of any other participant.
- D. Plaintiff shall review the loan modification packet and submit the Plaintiff's Checklist to the Coordinator within forty-five days of receipt.

- E. If a participant fails to cooperate with the Agency, the Agency shall issue a Non-Cooperation Report to the Coordinator.
- F. The Homeowner may withdraw from the Mortgage Foreclosure Mediation Program at any time. The Agency shall notify the Coordinator of such withdrawals.

Rule 7-2.09 Scheduling and Conduct of Mediation Conference(s)

- A. A Mediation Conference shall be scheduled no later than thirty-five days from the date the Coordinator receives the Plaintiff's Checklist.
- B. The Homeowner, the Homeowner's Attorney, if any, and the Lender's attorney shall attend the Mediation Conference in person. A representative of the Lender with authority to settle the case shall participate in person or by phone.
- C. Third-Parties may attend any Mediation Conference(s). If they wish to attend or be notified, Third Parties shall contact the Coordinator and provide a suitable e-mail address as required by LCR 7-2.07. The Coordinator shall ensure that Notice of the Mediation Conference(s) and Reports are sent to interested Third Parties. Third parties are subject to the confidentiality requirements under the Illinois Uniform Mediation Act. 710 ILCS 35.
- D. The Mediator shall instruct each party to provide any additional documents necessary for the Mediation Conference, including a confidentiality agreement.
- E. For good cause, the Mediator may schedule an additional Mediation Conference or Conferences before terminating mediation.
- F. A Mediator may determine based on the participants' agreement or other information provided at the initial Mediation Conference that no further mediation conferences are appropriate.
- G. A Mediator terminates mediation by sending a Final Report to the Coordinator, who shall send a Notice of Termination to the Homeowner, the Lender's attorney, any Third Party who has provided an e-mail address and the Court as provided in LCR 7-2.11(B).
- H. Any party may move the Court to terminate mediation for good cause shown.

Rule 7-2.10 Termination and Report of Mediation Conference(s)

A. Mediation Reports

1. **Report Required.** Subject to the Uniform Mediation Act, 710 ILCS 35/1 et seq. as amended, the Mediator shall complete a Mediation Report after each session, advising if the participants reached an agreement or not.
2. **Finalization of Agreement.** If the parties reach an agreement, the Mediator shall submit to the Program Coordinator a Final Mediation Report and a Memorandum of Agreement that shall include a summary of terms and finalization of the agreement signed by all parties.

3. The Program Coordinator shall provide a copy of the Memorandum of Agreement to all the parties present who have provided an e-mail address.

B. Termination

1. The Coordinator shall send a Notice terminating mediation if he or she receives:
 - a. A Non-Cooperation Report from the Agency; or
 - b. A Final Report from the Mediator indicating that no further Mediation Conferences are appropriate.
 - c. A voluntary withdrawal by the Homeowner.
2. The Termination Notice shall be sent to the Homeowner, the Lender, Homeowner's attorney, Lender's attorney, any Third Party who has provided an e-mail address to the Coordinator and the Court.
3. If mediation is terminated without an agreement, the stay will be lifted and the Homeowner shall have thirty days to file with the Clerk of the Circuit Court an Appearance and Answer or other responsive pleading to the Complaint for Mortgage Foreclosure.

Rule 7-2.11 Resources Available

A. Meaningful Access to HUD-Certified Counseling

The Program provides meaningful access to HUD-certified housing counseling services for eligible Homeowners through the Housing Counseling described in LCR 7-2.03(C).

B. Meaningful Access to *Pro Bono* Legal Representation

The Program provides meaningful access to pro bono Legal Representation for eligible Homeowners by advising Homeowners at the Introductory Screening and at the Mortgage Foreclosure Help Desk of the local *pro bono* service agency and its criteria for the provision of *pro bono* services.

C. Meaningful Language Access

The Program provides meaningful language access for program participants Introductory Screening, Housing Counseling sessions, and Mediation Conferences will utilize the Language Line translation service currently in use by the Nineteenth Judicial Circuit or other remote translation services as practicable. In addition, Introductory Screenings will be available in Spanish, upon request.

Rule 7-2.12 Appointment, Qualifications and Compensation of the Mediators

- A. Mediators shall be appointed by the Program Coordinator, who shall maintain the schedule of cases set for mediation and the assigned Mediators. The Chief Judge may enter into a contract with an entity to economically and efficiently provide the mediation services subject to all Court Rules and Procedures.
- B. The Coordinator shall maintain a list of Mediators who have been approved by the Supervising Judge for Mediation of Mortgage Foreclosure Cases as foreclosure Mediators. Coordinator shall also provide Supervising Judge with Mediator performance statistics and make recommendations about Mediators continued service with the Program.
- C. Any person is eligible to apply to serve as a Mediator for the purposes of this Rule, if the applicant:
 - 1. Demonstrates completion of a forty hour civil mediation course and a mortgage foreclosure mediation training program approved by the Chief Judge; and
 - 2. Is a member in good standing of the Illinois bar or a retired judge or a certified public accountant or a licensed real estate broker, and
 - 3. Provides satisfactory proof of professional liability insurance covering the mediation process to the Supervising Judge for Mediation of Mortgage Foreclosure Cases.
- D. The Coordinator must be provided with documentation concerning any changes relating to professional licensures, and concerning any changes in professional liability insurance covering the mediation process.
- E. The Mediator shall comply with such general standards established and promulgated in writing by the Supervising Judge for Mediation of Mortgage Foreclosure Cases. Mediators shall comply with the Uniform Mediation Act, 710 ILCS 35/1 et seq. as amended. A Mediator shall not mediate a matter that presents a conflict of interest. A conflict of interest arises when any relationship between the Mediator and the mediation participants or the subject matter of the dispute compromises or appears to compromise the Mediator's impartiality. A Mediator shall not be involved in any capacity other than Mediator in any case to which the Mediator is assigned. A Mediator may not use any information obtained during the mediation process for any purpose outside of mediation unless required to do so by law.
- F. The eligibility of each Mediator to retain the status of a Mediator shall be periodically reviewed by the Supervising Judge for Mediation of Mortgage Foreclosure Cases and in any event no longer than eighteen months after date of appointment. Additionally, failure to adhere to standards set forth above may result in the removal of the Mediator by the Supervising Judge for Mediation of Mortgage Foreclosure Cases.
- G. Mediators shall be compensated as funding allows and as set by Administrative Order. The Chief Judge may enter into a contract with a Mediator to economically and efficiently provide the mediation services subject to all Court Rules and Procedures.

Rule 7-2.13 Training for Judges, Key Court Personnel and Volunteers

All mortgage foreclosure Judges, key court personnel and volunteers designated by the Supervising Judge for Mediation of Mortgage Foreclosure Cases shall complete training regarding mortgage foreclosure mediation as approved by the Chief Judge.

Rule 7-2.14 Discovery

Unless otherwise ordered by the Court, Discovery shall be stayed until the conclusion of the mediation process, except that the parties may request documents or be required to provide documents as provided in this Rule.

Rule 7-2.15 Confidentiality

All mediation communications as defined in 710 ILCS 35/2(2), other than executed settlement agreements, shall be exempt from Discovery and shall be confidential and inadmissible as evidence in the underlying cause of action as provided in the Uniform Mediation Act, 710 ILCS 35/1 et seq. and as amended. Subject to the foregoing, the Mediator may not disclose information obtained during the mediation process, unless required to do so by law.

Rule 7-2.16 Immunity

Mediators and other program participants shall be entitled to such immunity as may be provided by law.

Rule 7-2.17 Mechanism for Reporting to the Supreme Court on the Mediation Program

- A. The Clerk of the Circuit Court shall record the results of mediation in the appropriate court record in cooperation with the Coordinator. The Coordinator shall also maintain statistics indicating the number of cases sent to mediation and the results of the mediation process and shall provide this data to the Supervising Judge for Mediation of Mortgage Foreclosure Cases to facilitate review by the Nineteenth Judicial Circuit of the effectiveness of the program.
- B. Any information or data retained by the Court shall be provided to the Administrative Office of the Illinois Courts at such times and in such manner as may be required.

Rule 7-2.18 Cooperation with the Program and Sanctions

- A. All participants shall at all times cooperate with the Agency and the Mediator, including appearing promptly as directed for appointments and mediation, communicating as directed, engaging in appropriate behavior at all times, and promptly preparing a loss mitigation package, or tendering or acknowledging receipt of or reviewing documents or information as directed. Failure to cooperate as required shall result in the issuance of a Non-Cooperation

Report from the Agency, the Mediator, or Program Coordinator and the mediation shall be terminated and the stay shall be lifted. Additionally, sanctions may be imposed by the Court on motion or *sua sponte*.

- B. Both the Lender and the Homeowner are required to attend and participate in the mediation process in good faith and the failure of the Lender or the Homeowner to do so may result in sanctions against that party. Good faith participation means attendance at all scheduled conferences and compliance with all program requirements and deadlines, unless a party has good cause for failing to attend or comply.
- C. For Lenders, sanctions may include, but are not limited to, dismissal of the action by the Court, with the Lender unable to recover its costs of re-filing in any subsequent foreclosure action.
- D. For Homeowners, sanctions may include, but are not limited to, termination of the mediation and referral of the case back to the Court.
- E. Upon written Motion, additional sanctions for either party may include but are not limited to reasonable attorney's fees, fines, and lost wages attributable to the misconduct.

Rule 7-2.19 Return to Mediation Following a Change in Circumstances

- A. If a Homeowner has a substantial change of circumstances, the Homeowner may move the Court at any time before the expiration of the Homeowner's right of redemption to return to mediation.
- B. The Motion shall contain an explanation of what circumstances have changed and a Certification from the Agency that the Homeowner has met with the Agency and the Agency has concluded that a return to mediation is appropriate.

Rule 7-2.20 Termination or Suspension of Program

The Chief Judge or the Supervising Judge for Mediation of Mortgage Foreclosure Cases may, at any time, suspend or discontinue this program.

Rule 7-2.21 Effective Date

These Rules shall be effective sixty days after approval by the Illinois Supreme Court. Rule revisions shall be effective immediately upon approval by the Illinois Supreme Court.

Part 3.00 Civil Division Mediation Program

Rule 7-3.01 Applicability

This Part 7-3.00 is intended to govern mediation in civil matters, except where a more specific rule applies. Unless otherwise addressed in these Rules, the provisions of the Uniform Mediation Act (710 ILCS 35/1 et. seq.) shall apply.

- A. Judicial Authority.** Nothing in this Rule shall limit the Court's authority to enter any Order it deems appropriate on its own Motion or any party's Motion.
- B. Purpose of the Mediation Process.** Mediation under these Rules involves a confidential process whereby a neutral mediator, selected by the parties or appointed by the Court, assists the litigants in reaching a mutually acceptable agreement. It is an informal and non-adversarial process. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem-solving, exploring settlement alternatives, and reaching an agreement. Parties and their representatives are required to mediate in good faith.

Rule 7-3.02 Actions Eligible for Court-Annexed Mediation

Referral by Judge or Stipulation. Except as hereinafter provided, the Judge to whom a matter is assigned may order any contested civil matter referred to mediation. In addition, the parties to any such matter may file a written stipulation to mediate any issue between them at any time. Such stipulation shall be incorporated into the Order of Referral.

Rule 7-3.03 Scheduling of Mediation

- A. Conference or Hearing Date.** Unless otherwise ordered by the Court, the first mediation conference shall be held within seven weeks of the Order of Referral.

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

- B. Notice of Date, Time and Place.** Within twenty-eight days of being advised of the entry of an Order of Referral, the mediator shall notify the parties in writing of the date and time of the mediation conference.

Unless all parties and the mediator otherwise agree:

Mediations will be held at the Lake County Arbitration Center, 415 Washington Street, Suite 106, Waukegan, Illinois 60085.

- C. Motion to Dispense with Mediation.** A party may move, within fourteen days after the Order of Referral, to dispense with mediation if:

1. The issue to be considered has been previously mediated between the same parties pursuant to the Local Rules of the Nineteenth Judicial Circuit;
2. The issue presents a question of law only;
3. Other good cause is shown.

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

Rule 7-3.04 Mediation Rules and Procedures

A. Mediator. The mediator shall at all times be in control of the mediation and the procedures to be followed in mediation.

B. Appointment of the Mediator. Within fourteen days of the Order of Referral, the parties may agree upon a stipulation with the Court designating:

1. A certified mediator; or
2. A mediator who does not meet the certification requirements of these Rules but who, in the opinion of the parties and upon review by and approval of the Presiding Judge, is otherwise qualified by training or experience to mediate all or some of the issues in the particular case.

If the parties cannot agree upon a mediator within fourteen days of the Order of Referral, the Plaintiff's attorney (or another attorney agreed upon by all attorneys) shall so notify the Court within the next seven days, and the Court shall appoint a certified mediator selected by rotation or by such other procedures as may be adopted by Administrative Order of the Chief Judge.

C. Compensation of the Mediator

1. Each mediator shall agree to mediate two cases per calendar year without compensation.
2. When the mediator is selected by the parties, the mediator's compensation shall be paid by the parties as agreed upon between the parties and the mediator.
3. When the parties cannot agree on a mediator, the Court shall appoint a mediator from the list of mediators as provided in LCR 7-3.05(A) of these Rules. The compensation for a mediator so appointed shall be shared proportionately by all parties participating in the mediation conference. Once a mediator has been appointed, the mediator shall be entitled to a minimum of one hour's compensation.

4. If any party has been granted leave to sue or defend as a poor person pursuant to Supreme Court Rule 298, the Court shall appoint a mediator who shall serve pro bono as to that party. Any such appointment shall be credited toward the obligation under LCR 7-3.03(C)(1).
 5. The fee of an appointed mediator shall be subject to appropriate Order or Judgment for enforcement. Fees are the joint responsibility of each party and his counsel.
- D. Disqualification of a Mediator.** Any party may move to enter an Order disqualifying a mediator for good cause. If the Court rules that mediator is disqualified from hearing a case, an Order shall be entered setting forth the name of a qualified replacement. Nothing in this provision shall preclude mediators from disqualifying themselves or refusing an assignment. The time for mediation shall be tolled during any periods in which a Motion to Disqualify is pending.
- E. Interim or Emergency Relief.** A party may apply to the Court for interim or emergency relief at any time. Mediation shall continue while such a Motion is pending absent a contrary Order of the Court or a decision of the mediator to adjourn pending disposition of the Motion.
- F. Attendance at a Mediation Conference.**
1. All parties, attorneys, representatives with settlement authority, and other individuals necessary to facilitate settlement of the dispute shall be present at each mediation conference unless excused by Court Order.

A party is deemed to appear at a mediation conference if the following persons are physically present:
 - 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 Defendant who is not such carrier's outside counsel and who has full authority to negotiate and recommend settlements to the limits of the policy or the most recent demand, whichever is lower without further consultation.
 2. Upon Motion, the Court may impose sanctions against any party, or attorney, who fails to comply with this Rule, including, but not limited to, mediation costs and reasonable attorney fees relating to the mediation process.
- G. Adjournments.** The mediator may adjourn the mediation conference at any time and may set times for reconvening the adjourned conference. No further notification is required for parties present at the adjourned conference.
- H. Counsel.** Counsel shall be permitted to communicate privately with their clients.

- I. Communication with Parties.** The mediator may meet and consult privately with either party and his representative during the mediation process.
- J. Termination of Mediation.**
1. Mediation shall be completed within seven weeks of the first mediation conference unless extended by the Order of the Court or by stipulation of the parties.
 2. Mediation shall terminate prior to the end of seven weeks in the following circumstances:
 - a. All issues referred for mediation have been resolved.
 - b. The parties have reached an impasse, as determined by the mediator.
 - c. The mediator concludes that the willingness or ability of any party to participate meaningfully is so lacking that an agreement on voluntary terms is unlikely to be reached by prolonging the negotiations.
- K. Report of Mediator.** Within fourteen days after the termination of mediation for any reason, the mediator shall file with the Court a report in a form prescribed by the Chief Judge as to whether or not an agreement was reached by the parties. The report shall be signed by the mediator and shall designate, "full agreement," "partial agreement," or "no agreement." A copy of the report must be sent to the parties and to the Arbitration Center.
- L. Imposition of Sanctions.** In the event of any breach or failure to perform under the agreement, the Court upon Motion may impose sanctions, including costs, attorney fees, or other appropriate remedies including entry of judgment on the agreement.
- M. Discovery.** Whenever possible, the parties are encouraged to limit Discovery (prior to completing the mediation process) to the development of the information necessary to facilitate a meaningful mediation conference. Discovery may continue throughout mediation.
- N. Confidentiality of Communications.** All oral or written communications in a mediation conference, other than executed settlement agreements, shall be exempt from Discovery and shall be confidential and inadmissible as evidence in the underlying cause of action unless all parties agree otherwise. Evidence with respect to alleged settlement agreements shall be admissible in proceedings to enforce the settlement. Subject to the foregoing, unless authorized by the parties, the mediator may not disclose any information obtained during the mediation process.
- O. Immunity.** Mediators shall be entitled to such immunity as shall be provided by law.
- P. Mechanism for Reporting.** The Clerk of the Circuit Court shall keep and maintain compiled statistics and records on all cases referred to mediation and shall file reports with the Administrative Office of the Illinois Courts, as directed by the Chief Judge.

Rule 7-3.05 Mediator Qualifications

- A. Nineteenth Judicial Circuit Mediators.** The Chief Judge shall maintain a list of mediators who have been certified by the Court and who have registered for appointment. For certification, a mediator of Nineteenth Judicial Circuit civil matters in Chancery or seeking an amount in excess of eligibility for Small Claims in this circuit must:
1. Complete a mediation training program approved by the Chief Judge; and
 2. Be a member in good standing of the Illinois Bar with at least eight years of practice or a retired Judge; and
 3. Be of good moral character; and
 4. Submit an application that is approved by the Chief Judge or his designee.
- B. Mediator General Standards.** In each case, the mediator shall comply with such general standards as may, from time to time, be established and promulgated in writing by the Chief Judge.
- C. Decertification of Mediators.** The eligibility of each mediator to retain the status of a certified mediator shall be periodically reviewed by the Chief Judge and in any event no longer than three years after date of appointment. Failure to adhere to this Local Court Rule governing mediation or the general standards provided for above may result in the decertification of the mediator, by the Chief Judge or his designee.
- D. Mediation in Other Case Types.** The qualifications of mediators in other civil matters shall be as provided by Local Court Rule or by Administrative Order.

Rule 7-3.06 Court-Ordered Mediation in Civil Cases

The Chief Judge or his designee may appoint a Judge or Judges of the Nineteenth Judicial Circuit to act as Supervising Judge for Mediation in Civil Cases, who shall serve at the pleasure of the Chief Judge. In the absence of the appointment of a Supervising Judge for Mediation of Civil Cases, the Presiding Judge of the Civil Division shall be assigned the responsibility.

Rule 7-3.07 Duties of Supervising Judge for Mediation of Civil Cases

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

- A. Approve or appoint mediator.
- B. Hear motions to interpret all mediation rules.
- C. Hear motions to disqualify a mediator.

CHAPTER 8 JUVENILE PROCEEDINGS

Part 1.00 Juvenile Proceedings

Rule 8-1.01 Purpose and Policy

These Rules supplement the Juvenile Court Act (705 ILCS 405/1-1 et. seq.), the Code of Civil Procedure (735 ILCS 5/1-101 et. seq.) and the Rules of the Illinois Supreme Court and are designed to facilitate the movement of cases through the Court, by reducing unnecessary delay, strengthening caseload management, encouraging involvement of parents and other parties so as to ensure providing for the best interests of children.

Rule 8-1.02 Definitions

A. Lake County Juvenile Court Services [hereinafter "Court Services"] is designated by the Chief Judge to fulfill those functions performed by the "probation officer" referred to in the Juvenile Court Act (705 ILCS 405/1-1 et seq.).

B. Minor is defined by Section 1-3(10) of the Juvenile Court Act. (705 ILCS 405/1-3(10)).

Rule 8-1.03 Juvenile Court Judges

The Chief Judge or his designee shall designate Juvenile Court Judges to hear Juvenile Court matters. All Juvenile Court matters, including without limitation detention matters, shall be heard by a designated Juvenile Court Judge, if practicable, or by any judge sitting in his or her stead. In any event, the judge entering the adjudicatory Order shall whenever possible conduct the dispositional hearing.

Rule 8-1.04 Release of Confidential Information

All requests for release of information of law enforcement and Juvenile Court records held confidential under the Juvenile Court Act may be heard by a Juvenile Court Judge.

Rule 8-1.05 Expungements

All requests for expungement of law enforcement and Juvenile Court records under the Juvenile Court Act may be heard by a Juvenile Court Judge.

Rule 8-1.06 Interstate Compact on Juveniles

All requests for return of a minor pursuant to the Interstate Compact on Juveniles (45 ILCS 10/1 et. seq.) requiring court approval may be heard by a Juvenile Court Judge.

Rule 8-1.07 Pre-Hearing Conference

- A. The Court may convene a pre-hearing conference on its own Motion or upon the request of any party.
- B. Depending upon the circumstances of the case, the purposes of the pre-hearing conference shall include, but not be limited to:
 - 1. Review efforts to locate and serve all parties;
 - 2. Resolve any Discovery disputes;
 - 3. Identify significant issues of law and fact for trial;
 - 4. Develop a list of possible witnesses and receive stipulations to uncontested facts;
 - 5. Confirm scheduling and estimate the length of the trial;
 - 6. Explore resolution of the matter without trial; and
 - 7. Enter such Order as the Court deems appropriate.
- C. Each party shall have a continuing obligation to update the Court and all other parties regarding information provided during the pre-hearing conference, in a timely fashion.

Rule 8-1.08 Discovery

A. Discovery in Proceedings Other Than Delinquency

As permitted by the Court, Discovery is allowed pursuant to the Illinois Code of Civil Procedure and Supreme Court Rules. All attorneys and Respondents shall comply with the rules of confidentiality and accessibility of Juvenile Court records as set forth in 705 ILCS 405/1-8.

B. Discovery in Delinquency Proceedings

Upon arraignment the State and Defense shall comply with Discovery pursuant to Supreme Court Rules 411-417. All attorneys and Respondents shall comply with the rules of confidentiality and accessibility of Juvenile Court records as set forth in 705 ILCS 405/1-8.

Rule 8-1.09 Answer to Petition other than Delinquency

All Answers must be filed in writing no later than the first pretrial conference, absent leave of Court. The Answer shall admit or deny each factual allegation or state that the Respondent after

reasonable inquiry lacks knowledge sufficient to form a belief as to each factual allegation. Supreme Court Rule 137 applies to all pleadings, motions and papers in Juvenile Court proceedings.

Rule 8-1.10 Intake Procedure

Whenever a Juvenile Police officer or other proper person proposes to file a delinquent Petition pursuant to the Juvenile Court Act they shall submit the police reports, related to the alleged delinquent act, to the Intake Division of Juvenile Court Services.

Rule 8-1.11 Intake of Minors Not Released from Custody

The Hulse Detention Center is hereby designated as the place for intake of minors not released from custody by a juvenile police officer or other person authorized to take custody of children.

Rule 8-1.12 Secure Detention

A minor determined to require detention will be lodged in the Hulse Detention Center unless otherwise ordered by a Juvenile Court Judge.

Rule 8-1.13 Home Detention

Home Detention is defined as a form of temporary custody, for minors not requiring secure detention. Home detention affords the minor release, prior to or subsequent to the detention hearing, to the home of his or her parent or guardian, subject to the conditions of the program as determined by the Court. The program requires the minor to remain with his or her parent(s) or guardian, to cooperate with Court Services, and to report to the Court as directed, as well as such other conditions deemed appropriate by the Court.

CHAPTER 9 CRIMINAL PROCEEDINGS

Part 1.00 Criminal Cases

Rule 9-1.01 General Rules

- A. In all criminal, quasi-criminal, traffic, ordinance violations, and conservation offenses, the following Rules shall be applicable.
- B. Unless otherwise indicated, references in these Rules to the "Prosecutor" shall also mean State's Attorney, Assistant State's Attorneys, Special State's Attorney, Local Prosecutor, or "Assistant Attorney General".
- C. Reference in these Rules to "Defendant's Attorney" shall mean Defendant when Defendant elects to represent himself, or his attorney when Defendant is represented by counsel.

Rule 9-1.02 Forms of Criminal Procedure

Forms for all proceedings covered by these Rules shall be as approved by the Nineteenth Judicial Circuit. Copies may be made available from the clerk's office and law library. Where a form has been adopted by the Nineteenth Judicial Circuit or issued by the Illinois Supreme Court, that form shall be used in court.

Rule 9-1.03 Consolidation of Offenses

Assignment of cases to a particular Court will be pursuant to Administrative Order. All charges out of a single incident, including ordinance violations, shall be written into a single court on a single date.

Rule 9-1.04 Continuances

In addition to the requirements contained in 725 ILCS 5/114-4:

- A. Attorney Engaged. A party may be entitled to a continuance on the ground that his attorney is actually engaged in another trial or hearing. Any Motion for Continuance shall be in writing and supported by affidavit setting forth the name and case number of the other case, place of trial or hearing, the date the other matter was set for trial or hearing, name of Judge and anticipated length of trial or hearing, together with the number of and reasons for any prior continuances in the case sought to be continued.
- B. Addition or Substitution of Attorneys. A continuance shall not be granted solely upon the ground of substitution or addition of attorneys, except for good cause shown upon Motion and affidavit.

- C. **Motion to Continue.** No Motion to Continue shall be allowed other than pursuant to statute or for good cause shown. Agreements of counsel as to a Motion to Continue shall not be binding on the Court.

Rule 9-1.05 Filing Appearance of Attorneys

The attorney representing a Defendant in any proceeding shall file an Appearance. This Appearance must be filed prior to or simultaneously with the filing of any Motion, Brief or other document with the Court, or initial court Appearance, whichever comes first. It shall contain the proper case caption and number, the attorney's name, address, office phone number, e-mail address and attorney registration number. The Appearance shall be in typed form or legibly hand printed. A copy of the Appearance shall also be served upon the Prosecutor.

Rule 9-1.06 Motion Practice

- A. **Pre-trial Motions.** All pre-trial motions including, but not limited to, motions to suppress, motions to dismiss and/or 725 ILCS 5/115-10 motions, shall be filed within the time fixed by the Court. Unless otherwise directed by the Court, all motions shall be filed and brought to the attention of the Court not less than fourteen days before the date the case is set for trial.
- B. **Notice of Hearing of Motions.** Written Notice of the hearing of all motions shall be given by the party requesting the hearing to all parties who have appeared. Unless otherwise directed by the Court, all motions shall initially be scheduled before the Court for presentment.
- C. **Content of Notice.** The Notice of hearing shall designate the Judge to whom the Motion will be presented for hearing; shall show the title and number of the action, the title of the Motion, the date when the Motion will be presented, the time it will be presented, the courtroom where it will be presented, and the address of the courthouse or Branch Court as appropriate. Copies of all papers presented to the Court with the Motion shall be served with the Notice or the Notice shall state that copies have been previously served.
- D. **Manner and Proof of Service.** Notice of Service shall be given in the manner and to the persons described in Supreme Court Rule 11, Supreme Court Rule 12 and as provided for under Chapter 2 of these Local Court Rules.
- E. **Courtesy Copies.** Movant's counsel shall deliver to the chambers of the assigned Judge, not less than five court days prior to hearing, a copy of:
1. The Motion,
 2. Any challenged or responsive pleading, and
 3. Any writing, Brief or Memoranda in support of or in opposition to the Motion.

Also within five court days prior to hearing, a party shall provide the Court and all opposing counsel with a complete citation to any case or other authority upon which the party intends to

rely in oral argument and which is not included in a supporting or opposing writing; and the party shall provide the Court with a full copy of any decision of a State Court outside the State of Illinois. Any cover letter delivered to the Court in compliance with the above requirements shall be copied to all counsel of record.

F. Defendant's Presence. A Defendant shall be present in open court upon the hearing of any Motion in the case unless otherwise ordered.

G. Page Limitation of Motion. No Motion, or writing in support of or opposition to a Motion shall exceed ten typewritten double-spaced pages without prior approval of the Court.

Neither narrow margins nor any other formatting device shall be employed to evade the page limitations set forth in this Rule. Footnotes, if any, shall be used sparingly. Failure to comply with this Rule shall be sufficient grounds for striking the Motion, Response, or Reply, or for the Court's refusal to consider the excess pages of the document and to consider the matters contained therein to have been waived.

Rule 9-1.07 Jury Trials

- A.** Prior to jury selection, the Prosecutor and "Defendant's Attorney" for the defense shall prepare and present to the Court a statement of facts for the case being tried, which shall include the charges, names of potential witnesses each may call during trial, including the municipal entity in which they are located.
- B.** Each counsel or self-represented party shall prepare proposed jury instructions and present them to the Trial Judge and opposing counsel when the case is called for trial, or at such other times as the Trial Judge may order.

Rule 9-1.08 Alcohol Related Evaluations

Unless good cause is shown, Nicasa shall be designated to perform all evaluations required by statute or Court Order of Defendants charged with Driving Under the Influence.

This Rule shall remain in force and effect only as long as Nicasa continues as a not-for-profit organization and retains all necessary licenses.

Rule 9-1.09 Demands for a Speedy Trial

- A.** All demands for speedy trial pursuant to statute shall be made in writing as a separate document, containing proper case caption and case number, signed and dated by the "Defendant's Attorney" or self-represented party, and
- B.** A copy of the demand shall be timely served on the Prosecutor, and be filed with the Clerk of the Circuit Court together with proof of service on the Prosecutor. If there is more than one Prosecutor, a copy of the demand shall be served on each such Prosecutor.

Rule 9-1.10 Trials

- A. Where the Defendant elects to waive the right to trial by jury, such waiver shall be made in open court and shall be accompanied by a written waiver, signed by the Defendant, on a form approved by the Court.
- B. In cases where a Jury Demand is made which requires the payment of a jury fee, the fee must be paid prior to or contemporaneously with the Jury Demand. Failure to pay the jury fee as required (unless waived for good cause shown on written Petition) shall cause the Jury Demand to be invalid.

Rule 9-1.11 Pre-Trial Subpoena for Production of Specified Documents, Objects or Tangible Things

- A. The Clerk of the Circuit Court, the Prosecutor or the Defendant's Attorney shall issue Subpoenas limited to the production of specified documents, objects or tangible things. The Subpoena shall require the person or entity to whom it is directed to produce the designated documents, objects or tangible things. Subpoenas shall be returnable before the Judge assigned to the case at a time that the Court is normally in session.
- B. Subpoenas issued pursuant to this Rule shall be served in accordance with the Supreme Court Rules.
- C. The person to whom a Subpoena is directed who has actual or constructive possession or control of the specified documents, objects or tangible things sought by the Subpoena shall respond to any lawful Subpoena of which he has actual knowledge. Service of a Subpoena by mail may be proved prima facie by return receipt showing delivery to the deponent or his authorized agent by certified or registered mail at least fourteen days before the date on which compliance is required, together with an affidavit showing the mailing was prepaid and was addressed to the deponent, restricted delivery, return receipt requested, showing to whom, date and address of delivery, and that a check or money order for the fee and mileage was enclosed.
- D. The person to whom the Subpoena is directed who has constructive or actual possession or control of the specified documents, objects or tangible things, may comply with said Subpoena, without personal appearance, by providing complete and legible copies to the Court together with a certificate that compliance is complete and accurate on or before the return date listed on the Subpoena.
- E. A Subpoena issued under this provision seeking specified documents, objects or tangible things shall bear the following legend on the face of said Subpoena, or conspicuously attached thereto, and a copy of said Subpoena and Notice of service shall be mailed first class within forty-eight hours of issuance to all parties having appeared in the action:

YOU MAY COMPLY WITH THIS SUBPOENA BY APPEARING IN PERSON IN COURT ON THE RETURN DATE WITH THE SUBPOENAED MATERIALS. YOU ALSO MAY COMPLY BY MAILING LEGIBLE AND COMPLETE COPIES OF ALL SPECIFIED DOCUMENTS, OBJECTS OR TANGIBLE THINGS REQUESTED IN THIS SUBPOENA AT LEAST FIVE (5) DAYS BEFORE THE DUE DATE TO PRESIDING JUDGE (Courtroom), (18 NORTH COUNTY STREET, WAUKEGAN,

ILLINOIS 60085). COMPLIANCE BY MAIL REQUIRES THAT THE ATTACHED CERTIFICATE BE SIGNED AND RETURNED. DO NOT SEND THESE MATERIALS TO ANYONE OTHER THAN THE JUDGE PRESIDING STATED ABOVE.

- F. A certification page containing the following language shall be sent with all Subpoenas issued pursuant to this Rule:

I hereby certify, under penalty of perjury and contempt of Court, that I have examined the subpoena issued in this cause and that the documents, objects and tangible things attached hereto represent full and complete compliance with said subpoena.

Date Signature

Print Name

Rule 9-1.12 Trial Subpoena for Production of Specified Documents, Objects or Tangible Things

Subpoenas requiring the presence of a witness or the production of specified documents, objects or tangible things at trial shall be governed by the Code of Criminal Procedure, 725 ILCS 5/100-1 et seq.

Rule 9-1.13 Expert Witnesses

The name, business address, business phone number, and area of expertise of all expert witnesses shall be disclosed within the time limit set for Discovery, unless otherwise ordered by the Court.

All reports, notes, memoranda, correspondence or other written materials pertaining to the expert's opinion, employment or qualifications are discoverable and shall be furnished within the time set for Discovery, unless otherwise ordered by the Court.

Failure to comply with these Rules may result in sanctions, including, but not limited to, barring of testimony of expert witnesses.

Rule 9-1.14 Disposition of Cases Involving Court Supervision

- A. In any jailable offense where Court supervision is requested, the Defendant shall fully execute and cause to be filed with the sentencing Judge, prior to the pronouncement of sentence, a written certificate of prior offenses, on a form provided by the Clerk of Court.
- B. Said certificate shall also be filed, as provided above, in any other case, upon Order of the sentencing Judge.

Rule 9-1.15 Appointment of the Public Defender

- A.** The Court shall require the Defendant to complete and file a Certificate of Assets/Debts on a form approved by the Nineteenth Judicial Circuit or Illinois Supreme Court in any jailable offense where the Defendant has requested appointment of the Public Defender.
- B.** The Court shall also require the Defendant to complete and file a new Certificate of Assets/Debts on a form approved by the Nineteenth Judicial Circuit or Illinois Supreme Court where a Petition to Revoke has been filed and the Defendant has requested appointment of the Public Defender.
- C.** The Court may, for good cause, temporarily appoint the Public Defender without prior receipt of the Certificate of Assets/Debts form to serve as counsel in the proceeding then before the Court. However, the appointment shall be reviewed and not continue beyond that proceeding unless or until the provisions of Sections A or B, above, have been complied with.
- D.** The Court may assess a public defender fee against the Defendant as provided by law.

CHAPTER 10 CONTEMPT

Part 1.00 Contempt of Court

Rule 10-1.01 Contempt of Court

Contempt of Court defined. Contempt of Court consists of conduct, verbal or non-verbal acts which:

- A. Embarrass or obstruct the Court in its administration of justice or derogate from its authority or dignity;
- B. Bring the administration of justice into disrepute; or
- C. Constitute willful disobedience of a Court Order or Judgment.

Rule 10-1.02 Direct Criminal Contempt

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

- A. **Court's alternatives.** Upon the commission of an act constituting a direct criminal contempt, the Court may:
 - 1. Summarily find the person in contempt and immediately impose a sentence;
 - 2. Summarily find the person in contempt and impose a sentence within a reasonable time; or
 - 3. Delay the finding of contempt and the imposition of sentence until a later time. When the finding of contempt is delayed, the contempt proceeding shall be conducted in the same manner as an indirect criminal contempt (see LCR 10-1.03).
- B. **Conduct specified/statement in mitigation.** Prior to entering a finding of contempt, the Court shall inform the person of the specific conduct forming the basis of the finding. Prior to imposing sentence the Court shall permit the person an opportunity to present a statement in mitigation.
- C. **Sentence.** If the matter is heard without a jury, and upon a finding of direct criminal contempt, the Court may impose a fine not to exceed five hundred dollars, a jail sentence not to exceed six months, or both. If a jury finds the Respondent guilty of contempt, the Court is not limited in the amount of fine or period of incarceration it may impose. The Court, in the exercise of its discretion, may impose such other sanctions as it deems appropriate.

- D. **Written Order required.** Upon imposition of a sentence, the Court shall enter a written Judgment Order setting forth the factual basis of the finding and specifying the sentence it imposed.
- E. **When referral to another Judge is required.** Where the behavior that allegedly constitutes contempt embroils the Judge to the degree that the Judge's objectivity can reasonably be questioned, the issues of contempt and appropriate sentence shall be referred to a different Judge. In this event, the Judge before whom the alleged contempt occurred shall specify in writing the nature of the alleged acts of contempt, shall direct that a record of the proceedings surrounding the acts be prepared and shall transfer the matter to the Presiding Judge for reassignment. The Judge hearing the proceedings after the reassignment shall base his findings and adjudication of the contempt charge solely on the transferred written charge and the record of the proceedings.
- F. **Appeal.** A Judgment of direct criminal contempt may be appealed in the same manner as criminal cases. Upon the filing of a Notice of Appeal, the Court may set bond and stay the execution of any sentence imposed pending the outcome of the appeal.

Rule 10-1.03 Indirect Criminal Contempt

Indirect criminal contempt defined. Conduct constitutes indirect contempt when it occurs outside the presence of the Court, or the elements of the offense are otherwise not within the personal knowledge of the Judge. Criminal contempt committed in the presence of the Court, but not summarily treated as direct criminal contempt as provided in LCR 10-1.02, may be prosecuted as indirect criminal contempt.

- A. **Petition for Adjudication.** An indirect criminal contempt proceeding shall be initiated by the filing of a Petition for Adjudication of indirect criminal contempt. The Petition shall be verified and set forth with particularity the nature of the alleged conduct. The charge may be prosecuted by the State's Attorney or, if he declines, by an attorney appointed by the Court.
- B. **Notice of Hearing.** If the Court finds that the Petition sets forth factual allegations which support a finding of contempt, it shall set the matter for hearing and order that Notice be given to Respondent alleged to have committed contempt. Notice of the hearing and a copy of the Petition shall be served and returned in the manner as provided in Supreme Court Rule 105(b); or, in child support enforcement cases or if the Court so directs, the Clerk of the Circuit Court or Petitioner's attorney may give Notice by regular U.S. Mail, postage prepaid, to the Respondent's last known address. If Notice is made by regular U.S. Mail, proof of mailing Notice shall be made a part of the record. Notice by personal service shall be served 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 the hearing. In addition to the time, date and place of hearing, the Notice shall include the following words in bold type: "**YOUR FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN YOUR ARREST.**" If the Respondent fails to appear after due Notice, or if the Court has reason to believe the Respondent will not appear in response to the Notice, the Court may issue a bench warrant for the Respondent's arrest. When a warrant issues, the Court shall set bail as authorized in criminal cases. The amount of bail shall be indicated on the Order of Attachment.

C. Explanation of Respondent's rights. At the first Court appearance of the Respondent, the Court shall inform the Respondent of his right to:

1. Notice of the charge and of the time and place of the hearing;
2. An evidentiary hearing, including the right to subpoena witnesses, confront the witnesses against him, and make a response to the charge;
3. An attorney and, if indigent, the right to have an attorney appointed;
4. Freedom from self-incrimination;
5. The presumption of innocence;
6. Be proven guilty only by proof of guilt beyond a reasonable doubt; and
7. A trial by jury if the Court, prior to the start of the hearing, declares that a jail sentence of more than six months, a fine of more than \$500.00, or both, may be imposed upon a finding of guilty.

D. When referral to another Judge required. The Petition shall be referred to another Judge for the hearing on the issues of contempt and the imposition of a sentence where a controversy between the Judge and the alleged contemnor is integrated with the alleged conduct and embroils the Judge to the degree that the Judge's objectivity may be reasonably questioned.

E. Statement in mitigation. If a person is found in contempt, the Judge shall allow the person an opportunity to make a statement in mitigation prior to imposing sentence.

F. Sentencing. After any hearing in which the Respondent was advised of his right to trial by jury the Court, in the exercise of its discretion, may impose sanctions as it deems necessary and appropriate. Otherwise, the Court may impose a sentence of up to six months in jail, a fine of not more than \$500.00, or both.

G. Written Order required. Upon imposition of a sentence, the Court shall enter a written Judgment Order setting forth the factual basis for the finding and specifying the sentence it imposed.

H. Appeal. A Judgment of indirect criminal contempt may be appealed in the same manner as criminal cases. Upon the filing of a Notice of Appeal, the Court may set bond and stay the execution of any sentence imposed pending the outcome of the appeal.

Rule 10-1.04 Civil Contempt

Civil contempt defined. Civil contempt of Court is defined as:

- A.** The willful failure to obey a Court Order or Judgment; and

B. Coercive rather than punitive sanctions are sought to compel compliance with the Order or Judgment.

1. **Petition for Adjudication or Rule to Show Cause.** A civil contempt proceeding shall be initiated by the filing of a Petition for Adjudication of civil contempt or a Rule to Show Cause unless the act is committed in the presence of the Court. The Petition shall be verified and set forth with particularity the portion(s) of the Court Order that is alleged to have been violated and the nature of the violation. If the Court finds that the Petition sets forth allegations which support the charge, it shall set the matter for hearing and order that Notice be given to the Respondent alleged to be in contempt.
2. **Notice.** Notice of the hearing and a copy of the Petition shall be served on the Respondent and made of record in the manner specified in LCR 10-1.03. In addition to the time, date and place of hearing, the Notice shall include the following words in bold type: **"YOUR FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN YOUR ARREST."** If, after Notice, the Respondent fails to appear, the Court may order a body attachment to issue and set bail.
3. **Response.** No later than three days prior to the hearing, the Respondent may file a written Answer either admitting, or denying with specificity, any of the allegations, along with any affirmative defenses. Subsequent written or oral denials and affirmative defenses may be made only with leave of Court. Those allegations of the Petition that are not specifically denied may be deemed admitted. If the basis of the charge of civil contempt is the failure of the Respondent to make Court ordered payments to the Clerk of the Circuit Court, the records of the Clerk shall be prima facie evidence of the amount paid and disbursed by the Clerk.
4. **Method of hearing.** Civil contempt proceedings shall be tried before the Court without a jury.
5. **Sanctions.** If the Court finds the Respondent in civil contempt, it may continue the matter for a reasonable time before the imposition of sanctions or; it may impose sanctions immediately. Prior to the imposition of sanctions, the Respondent shall have the right to make a statement in mitigation. Sanctions may include a continuing fine and/or incarceration in the county jail. The sanctions imposed shall remain in full force and effect until the Respondent purges himself of contempt or is otherwise discharged by due process of law. The Court may assess reasonable costs and attorney's fees against the Respondent.
6. **Written Order required.** Upon an adjudication of civil contempt, the Court shall enter a written Judgment Order specifying the factual basis for the finding of contempt, the sanction imposed, and the means by which the Respondent may purge himself of contempt. A copy of the Order shall be provided to the Respondent.
7. **Appeal.** An appeal from a Judgment a civil contempt may be taken as an appeal in civil cases. Upon filing a Notice of Appeal, the Court may set bond and may stay the execution of any sanction imposed pending the outcome of the appeal.

Local Court Rules of the Nineteenth Judicial Circuit

Adopted by the Circuit Judges of the Nineteenth Judicial Circuit on the 24th day of October, 2016 and effective immediately.