

1. Judge Evans General Administrative Order 2020-01 – Amended as of 3/30/20 (entered 3/30/20) states:

“All matters...are rescheduled and continued for a period of 30 days from the originally scheduled court date or a date not more than 30 days after May 18, 2020, whichever is later...”

- (1) Does this provision apply only to court dates that are cancelled as a result of court closures; or does it apply to all court dates in existence? If this provision only applies to all court dates that were cancelled as a result of court closures, then it seems that the language that states “30 days from the originally scheduled court date” is superfluous (since “a date not more than 30 days after May 18, 2020” would always be later than a date cancelled as a result of court closures).

On April 3, 2020, Chief Judge Timothy C. Evans amended General Administrative Order No. 2020-01 to provide, with added emphasis:

“Except as otherwise provided [in GAO No. 2020-01], all matters in all Districts and Divisions of the court are rescheduled and continued for a period of 30 days from the currently scheduled court date or a date not more than 30 days after May 18, 2020, whichever is later, unless the 30<sup>th</sup> day falls on a weekend or court holiday, in which case it shall be continued until the following business day.”

Per this amendment, it appears that all matters scheduled to occur between April 18, 2020 and May 18, 2020, both those set in the ordinary course of court administration and those automatically rescheduled by operation of earlier iterations of the Chief’s General Administrative Order, will be moved out approximately 30 days (or additional days in the case of matters already moved once).

- (2) When it states that all matters are “rescheduled and continued,” does the nature and purpose of the matter remain unchanged on the rescheduled/continued date, such that litigants set to commence trial on a cancelled date, for example, can expect to commence trial on the rescheduled/continued date, or will the rescheduled/continued date merely serve as a status date?

Whether previously scheduled trials, hearings, or pre-trials will go forward as the same is up to the discretion of the judge to whom the case is assigned in consideration of whatever factors they deem relevant, including but not limited to the nature of the issue set for trial / hearing / pre-trial and the other matters on their call for that day.

Please note though that many of our General Orders, including but not limited to GOs 2020 D 4, 10, 11, 13, 14, and 18, were designed to increase access to remote adjudication while court operations are suspended. We implemented these orders in part due to this exact quandary, in the hopes that we will be able to address matters that had already been set for trial, hearing, or pre-trial during this time and minimize the need to conduct said proceedings in person once we return.

2. Paragraph 10 of Judge Evans General Administrative Order 2020-01 – Amended as of 3/30/20 (entered 3/30/20), states:

“10. CIVIL MATTERS, ALL DIVISIONS AND DISTRICTS:

a. Matters deemed by the judge presiding to be emergencies shall be heard and may be conducted either in-person or via video or telephone conference;

b. Except for oral depositions, discovery shall continue as scheduled;

c. Where it is not reasonably possible to conduct an oral deposition for reasons related to the COVID-19 emergency, the parties shall use best efforts to postpone the deposition by agreement and stipulation for a period not to exceed 60 days; absent such agreement, the proceedings shall be deferred until such later date as the court can review the matter and issue appropriate directives; nothing in this order shall be construed to limit the discretion of the judge presiding to determine the merits of an attorney's inability to comply with an oral deposition ;

d. In no event shall participants in litigation be penalized if discovery compliance is delayed for reasons relating to the COVID-19 emergency;”

Judge Dickler 2020 D 14 provides for the use of video-conferencing platforms, either at the judge’s election or in response to a parties’ formal request, to conduct case management conferences, pre-trials, and hearings. The issues set for hearing or pretrial would presumably be framed by the motions filed in accordance with Judge Dickler 2020 D 13.

The procedures put in place by the Domestic Relations division appear to maximize the benefits of video conferencing. This makes sense as Domestic Relations intimately deals with people’s day-to-day lives more than any other area of law. Ensuring cases progress and minimizing the detrimental effect of litigation on families has always been of paramount importance to all of us (perhaps more now than ever).

Administrative Order 2020-01 states “discovery shall continue as scheduled.” However, it appears to provide an exception for oral depositions, and where parties cannot agree, defers proceedings until a court can review the matter and provide appropriate directives. This provision seems at odds with the Domestic Relations Division’s progressive approach in employing video-conferencing platforms. Although utilizing video-conferencing for pre-trials and hearings is relatively new to our division (at least in the broader sense), everyone has taken advantage of this technology to take out-of-state depositions, or depositions of individuals for whom travel is difficult. Court reporting businesses seeking work have been reminding attorneys that they are available and prepared to do remote video depositions. In light of our Division’s employing video-conferencing for hearings and pre-trials, we want to confirm that everyone is to be encouraged to utilize video-conferencing to conduct oral depositions. Without clarification of some kind, the resulting collateral damage on children who are forced to continue to live through the acrimony of their parent’s divorce would be horrific. Any direction you could provide on this issue would be greatly appreciated.

Respectfully, I don’t read Paragraph 10 of the Chief Judge’s General Administrative Order to be at odds with General Order 2020 D 14. Rather, I view 2020 D 14 (and its buddy order D 13) as setting up a mechanism by which a party can request that the court review the matter and issue appropriate directives remotely.

Practically speaking, for example, if parties are unable to agree to postpone an oral deposition, the party seeking to have the deposition conducted remotely may file a motion via 2020 D 13 asking the court to compel a remote means deposition, allow for briefing, and then request a hearing on their motion via 2020 D 14.

While the judge assigned to the case may determine a remote hearing on that issue is inappropriate or that circumstances do not warrant a compulsory remote means oral deposition, litigants are free to make the request and, per GAO No. 2020-01, whether the deposition shall proceed during this suspension of operations remains in the discretion of the judge.

Ultimately, I would encourage that if at all possible parties do proceed with oral depositions, otherwise it may result in substantial delay of the case.

3. Judge Dickler 2020 D 14: Procedure for setting hearings/pre-trial conferences in response to General Administrative Order 2020-01 (entered 4/1/20)

When a party a files a motion to make a formal request for a hearing/pre-trial date, does the other side have any opportunity to object or respond to the formal request/motion? (e.g. claiming that they had a hearing set on their motion that was cancelled as a result of court closures and therefore their matter should be heard first).

General Order 2020 D 14 does not set up a formal mechanism for Party A to respond to Party B's request for hearing. However, if there are other related matters that have already been briefed, or that Party A wishes to have briefed via the automatic procedures outlined in 2020 D 13, Party A would be free to follow the D 14 procedures themselves asking for their matters to be set at the same date and time as that which was scheduled by Party B. If either request is granted and the parties appear remotely before the Court, Party A could request the ability to argue their matters first due to the interrelated nature of the pleadings at issue and the judge assigned to the matter would exercise his or her discretion as to how to proceed.

4. Interrelationship between Judge Dickler 2020 D 13: paragraph b(iii) and Judge Dickler 2020 D 16: paragraph 2

2020 D 16 paragraph 2 appears to require all non-emergency motions to be filed with the clerk and contemporaneously submitted to judges' coordinators, as well as via any other method prescribed by the judge assigned to the matter. 2020 D 13 paragraph b(iii) appears to limit submissions of all motions to the same court personnel until after the time to reply expires. I We want to confirm that these orders are to be read in conjunction (i.e. that you provide a copy of your newly filed motion to court personnel contemporaneous with filing, and then again with copies of the filed response and reply).

Prior to the enactment of General Order 2020 D 16, some Covid-19 related General Orders required pleadings be submitted to [rvp.domesticrelations@cookcountyil.gov](mailto:rvp.domesticrelations@cookcountyil.gov) while others required they be submitted to the judges' coordinators or other designated court personnel. In the interest of simplicity and consistency, we issued this portion of D 16 to direct everything to a specific staff member for each judge and reserve the RVP address for emergency filings.

While I see now the dual submission you have pointed out, that was not my intention and I apologize for any resulting inconvenience. I will keep this nuance in mind if we amend 2020 D 16.

5. Judge Dickler 2020 D 13: Procedure to Submit Non-Emergency Motions during COVID-19 Pandemic entered (3/24/20)

The Order directs us to file a Notice of Motion to schedule the matter for "the next regularly scheduled court date after the Court resumes operations." If there is no "next regularly scheduled court date," or that date no longer exists, what date should be selected?

We understand the confusion and we are going to file an amended 2020 D 13.

6. Judge Dickler 2020 D 14: Procedure for setting hearings/pre-trial conferences in response to General Administrative Order 2020-01 (entered 4/1/20), paragraph B

Paragraph B instructs a movant to submit a request for a remote trial, hearing, or pre-trial "at the date that time to reply expires." I take that to read if you file a new motion under General Order 13, after 28 days (21 response time and 7 day reply time) has passed you can then request a hearing or under the briefing schedule under a prior court order. However, in the foot note it says "any request to set a matter for hearing must (1) identify the court order or General Order that set the briefing schedule and (2) clarify the number of days remaining to file any responses pursuant thereto".

So if we can't submit our request for a hearing until the reply time expires, why do we need to clarify the number of days remaining to file any responses? Any guidance you can provide would be greatly appreciated.

Two points of clarification -- First, though I can see why one may read Paragraph B this way, our intent was to allow you to submit a request for a remote proceeding at any time, whether or not briefing has concluded, so long as no proceeding is scheduled to occur until the briefing period has closed. Accordingly, we instructed the movant to note the number of days remaining in order to double check that their proposed date is far enough out.

Second, motions submitted via 2020 D 13 do not require a D 14 request for a remote proceeding, as D 13 instead allows the judge assigned to the case to determine whether, when, and how a remote proceeding will occur once the matter is fully briefed.

7. Mediation

What options for mediation remain available during this time of reduced court operations?

First and foremost, both of our standard court-based mediation options are still available, including (1) referrals for mediation of child related issues to Family Mediation Services and (2) referrals for mediation of financial issues to a private mediator from our court approved list (link provided below). Both of these can be done using our Consolidated Referral Order (link provided below).

However, in order to effectuate a referral to Family Mediation services during this time, the order must be emailed by the judge's coordinator to Family Mediation Services. The coordinators have been provided with the email address to be

used. Upon receipt, FMS will assign the case to a mediator who will contact the parties to schedule an appointment.

Second, we have added a new option that will remain in effect until we resume normal operations. As outlined in Paragraph 3 of General Order 2020 D 3, the Emergency Judge may refer a case to a *pro bono* facilitation / mediation session (not to exceed two hours) if she finds that the issues presented in an emergency motion are not emergencies, but could percolate into an emergency if left unaddressed. The emergency judge will designate a pro bono mediator and the staff will contact the mediator and provide the mediator with the contact information of the litigants. The mediator will then contact the litigants, conduct the facilitation session and submit to the court any agreement that is reached.

Third, the Center for Conflict Resolution (CCR) remains available during this time for parties to engage in free mediation via videoconference without a court order. You can learn more about CCR's services and the types of cases they hear at [www.ccrchicago.org](http://www.ccrchicago.org).

#### Referenced Links:

- Court approved mediator list available  
here: [http://www.cookcountycourt.org/Portals/0/Domestic%20Relations%20Division/Mediation%20Changes/List%20of%20Discretionary%20Mediators%200\(Revised%20April%202019\).pdf](http://www.cookcountycourt.org/Portals/0/Domestic%20Relations%20Division/Mediation%20Changes/List%20of%20Discretionary%20Mediators%200(Revised%20April%202019).pdf)
- Consolidated Referral Order available  
here: [http://www.cookcountyclerkofcourt.org/Forms/pdf\\_files/CCDRN009.pdf](http://www.cookcountyclerkofcourt.org/Forms/pdf_files/CCDRN009.pdf)