



Local Court Rules
UNIFORM RULES OF PRACTICE
CIRCUIT COURT OF ILLINOIS
NINETEENTH JUDICIAL CIRCUIT

The following rules are adopted as rules of practice of the
Circuit Court, Nineteenth Judicial Circuit, State of Illinois.
(Effective December 1, 2006)

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| PART 1.00 Organization | PART 2.00 Motions Notice | PART 3.00 Proceedings Before Trial |
| PART 4.00 Pre-Trial Conference | PART 5.00 Trials | PART 6.00 Bonds-Sureties-Receivers |
| PART 7.00 Small Claims | PART 8.00 Real Estates Sales Pursuant To Judgment or Order | PART 9.00 Juvenile Proceedings |
| PART 10.00 Criminal Rules | PART 11.00 Family Law | PART 12.00 Enforcement of Child Support |
| PART 13.00 Contempt of Court | PART 14.00 Probate Proceedings | PART 15.00 Post Judgment Proceedings |
| PART 16.00 Adoption | PART 17.00 Mandatory Arbitration Rules | PART 18.00 Reserved |
| PART 19.00 Reserved | PART 20.00 Civil Division Mediation Program | PART 21.00 Miscellaneous |
| | PART 22.00 Forms | |

List of Amended, Repealed, and Additional Rules to the Local Court Rules

| Rule Number | Rule Title or Description | Effective Date |
|-------------|--|--------------------|
| All | <i>Total Review and Revision of the Nineteenth Judicial Circuit Local Court Rules due to splitting of McHenry County into it's own circuit, namely the Twenty-Second Judicial Circuit of Illinois</i> | December 1, 2006 |
| 1.02 | <i>First Amendment to Rule 1.02 - Chief Judge</i> | July 23, 2007 |
| 11.13. E. 3 | <i>First Amendment to Rule 11.13. E. 3. - Qualifications, Requirements and Selection of Dissolution Mediators</i> | August 13, 2007 |
| 1.21 | <i>The undersigned judges of the Circuit Court of Illinois, Nineteenth Judicial Circuit, pursuant to the authority vested by Rule 21(a) of the Rules of the Supreme Court, State of Illinois do hereby repeal the attached Rule 1.21, Documents to be in Accordance With Forms Herewith, Part 1.00 Organization. This repeal is effective immediately.</i> | July 7, 2008 |
| 22.01 | <i>The undersigned judges of the Circuit Court of Illinois, Nineteenth Judicial Circuit, pursuant to the authority vested by Rule 21(a) of the Rules of the Supreme Court, State of Illinois do hereby adopt the attached Rule 22.01, Documents to be in Accordance With Forms Herewith, Part 22.00 Forms. This Rule is effective immediately.</i> | July 7, 2008 |
| 11.13.Q | <i>Second Amendment to Rule 11.13, FAMILY MEDIATION PROGRAM of Part 11.00, FAMILY LAW, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit. Addition of paragraph Q. and the Pilot Family Mediation Program – Never-Married Parents</i> | September 22, 2008 |
| 10.15 | <i>Amendment to Rule 10.15, APPOINTMENT OF THE PUBLIC DEFENDER of Part 10.00, CRIMINAL RULES, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit. Rewrite of Paragraph B and addition of Paragraph C. This Rule is effective immediately.</i> | March 27, 2009 |
| 21.01 | <i>Amendment To Rule 21.01, PHOTOGRAPHY, RADIO, TELEVISION, AUDIO RECORDING DEVICES AND CELLULAR TELEPHONES of Part 21.00, MISCELLANEOUS, of The Uniform Rules Of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit. Rewrite of Paragraphs E through G and addition of Paragraph I. This Rule is effective immediately.</i> | April 6, 2009 |
| 1.02A | <i>Amendment to Rule 1.02, CHIEF JUDGE Of Part 1.00, ORGANIZATION, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit.</i> | June 30, 2009 |
| 8.00 | <i>Amendment to Rule 8.00, REAL ESTATE SALES PURSUANT TO JUDGMENT OR ORDER, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit. Amended by the Circuit Judges of the Nineteenth Judicial Circuit this 25th day of March, 2010 and effective immediately.</i> | March 25, 2010 |
| 3.12 | <i>Amendment to Rule 3.12, PROCEDURES FOR INITIAL CASE MANAGEMENT CONFERENCE IN LAW CASES (ad damnum over \$50,000) of Part 3.00, PROCEDURES BEFORE TRIAL, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit.</i> | July 1, 2010 |
| 11.13.E.6 | <i>Amendment to Rule 11.13, FAMILY MEDIATION PROGRAM of Part 11.00, FAMILY LAW, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit. This First Amendment to Part 11.13. E. 6. - Qualifications, Requirements and Selection of Dissolution Mediators, becomes effective August 6th, 2010.</i> | August 6, 2010 |
| 5.04 | <i>Amendment to Rule 5.04, JURY INSTRUCTIONS of Part 5.00, TRIALS, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit. This first amendment to Part 5.04 Jury Instructions becomes effective immediately.</i> | July 27, 2010 |
| 7.06 | <i>Amendment to Rule 7.06, Dismissal for Want of Prosecution of Part 7.00,</i> | October 4, 2010 |

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| | <i>SMALL CLAIMS, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit. Amended by the Circuit Judges of the Nineteenth Judicial Circuit this 4th day of October, 2010 and effective immediately.</i> | |
| | Includes above amendments, repeals and additions and no other. | |

Uniform Rules of Practice Circuit Court of Illinois Nineteenth Judicial Circuit

Part 1.00 Organization

1.01 Rules of Court

- A. The Circuit Court of Lake County, Illinois, adopts the following Rules for the conduct, government and management of business, operations, proceedings, and other functions and services of the Court.
- B. The 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 Circuit Court 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 first day of December, 2006; and rules in effect prior thereto will no longer be in effect.
- E. Any amendment of these rules shall be passed by a majority vote of all Circuit Judges of the Circuit Court of Lake County.
- 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 (10) days after adoption thereof pursuant to Supreme Court Rule 21(d). Copies of said rules and amendments shall be filed with the Clerk of Court of Lake County.
- G. Any amendment to the Circuit Court Rules shall contain Part and Section numbers for appropriate placement within the body of the rules. The Local Court Rules and Procedures Committee shall specify the placement of any amendment at the time of the amendment's adoption. In the event the Committee does not specify the placement of the amendment, the Chair of the Local Court Rules and Procedures Committee of the Circuit Court of Lake County is designated to assign the official Part and Section number to all amendments.

- H. In the construction of these rules, the law governing the construction of statutes (5 ILCS 70/1, *et seq.*) shall apply. In the event of any conflict between the content of a rule and that of an administrative order, the rule shall prevail.
- I. Each rule shall apply to any civil or criminal proceedings, unless contained in a part or section 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.

1.02 Chief Judge

Amendment to Rule 1.02, CHIEF JUDGE Of Part 1.00, ORGANIZATION, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit.

- A. **(Amended)** 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 day of May of each year. The election shall occur on or before the 31st day of December in the year proceeding the year that the Chief is to begin his/her term. The Chief Judge shall serve at the pleasure of the Circuit Judges.

*Amended by the Circuit Judges
of the Nineteenth Judicial Circuit
this 30th day of June, 2009
and effective immediately.*

- 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 Circuit Court of Lake County. The Chief Judge may enter administrative orders over his signature, except as otherwise provided by Supreme Court or Circuit Rule. The Chief Judge has at his disposal the Administrative Office of the Courts for the Circuit Court of Lake County. 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 one or more of the Circuit Judges to serve as Acting Chief Judge in his absence or when the Chief Judge is unable to serve. The Acting Chief Judge shall have the same powers and duties as the Chief Judge.
- 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.

*Adopted by the Circuit Judges
of the 19th Judicial Circuit
on July 23, 2007, effective immediately.*

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.

1.04 Judicial Assignments

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

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. Nothing contained in these rules is intended to restrict authority accorded by statute to the Chief Judge.

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. Courtroom Clerk. 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 Rule 21.02, 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 Miscellaneous Rules 21.02.

1.07 Judges' 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 Rules of Practice, 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 Circuit Court of Lake County. Such meetings shall include the Associate Judges of the Circuit and invited non-judicial staff or guest.
- C. Special meetings may be called at any time by any two Circuit Judges within the Circuit Court of Lake County upon five (5) days notice to all Circuit Judges.

1.08 Copies of Papers Filed

Upon request and the payment of the appropriate fee, the Clerk shall provide copies of any pleading on papers filed in this Court unless otherwise specifically ordered.

1.09 Delivery of Files to Court Staff

Upon request by the Court, the Clerk shall deliver a file, or any part thereof, in any case to one of the courtroom staff.

1.10 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.

1.11 Hours of Court

- A. Trial Division. 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 (15) minutes prior to the beginning of court.
- B. Administrative Office. The Administrative Office of the Circuit Court of Lake County 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. Circuit Clerk's Office. 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 Judge, hours may be expanded.
- D. Holiday Court. The hours of holiday bond court will be established by Administrative Order.

1.12 Record Keeping

The Clerk shall assign numbers on all cases filed, in accordance with the Supreme Court Manual on Record Keeping and such classification designation as may be required by local court rule or administrative order of Chief Judge.

1.13 Documents and Court Files

- A. All documents shall be filed with the Clerk of the Court pursuant to Supreme Court Rules. Upon presentment to the Clerk or the 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 cause entitlement and number, contain a space at least 2 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. With the exception of the last page of each document, forms and exhibits, only one side of each page shall be used. 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. Each pleading filed in the Court shall contain the full name, office address, telephone number and State of Illinois attorney registration number of the attorney who has prepared that pleading. 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. All briefs and legal memoranda presented to the Court shall not be filed in the Court file nor made a part of the record for appeal. Such briefs and memoranda may be delivered to the judge through the Clerk of the Court, and the Court Clerk shall stamp copies for the attorneys to show received this date with a stamp using the following words:

**RECEIVED
LAKE COUNTY, ILLINOIS**

(DATE)

(Name)

Clerk of the Circuit Court

The Clerk shall not file briefs and memoranda. Any such briefs and memoranda shall not include any additional motions or legal pleading.

- D. All pleadings filed in this Court shall indicate on the back of the last page of each document the case number and the name of the document. If the last page of the document does not permit this to be done, a separate 8½” x 11” sheet shall be attached with the required information.
- E. The Clerk is not required to accept for filing any document that does not comply with the Supreme Court Rules or these rules.
- F. Notarizing of pleading by attorney. No pleading or entry of appearance shall be notarized by any attorney or member or employee of his firm, for an opposing party.
- G. Removal of files. Original files, documents or exhibits shall not be removed from the Office of the Circuit Clerk or courtroom except by written order of Court and thereupon the party removing such item shall give the Circuit Clerk 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.

1.14 Court Administration

- A. General rules and appointments. The Chief Judge may promulgate general rules for court administration.
- B. Court Administration. 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.

1.15 County Law Library

The Circuit Court of Lake County shall have and maintain a Law Library that conveniently serves the legal community and public.

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. Admission to the Courthouse. The Circuit Court shall be open to the public during normal business hours. The building may be closed to the public during normal business hours when situations require this action to ensure safety and the orderly conduct of court business. The decision to close the building during normal business hours shall be made by the Chief Judge or his designee. The building shall be closed to the public after normal business hours.
- C. Preservation of the Building. 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 meet 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 subsection E of this rule shall apply.
- E. Upon the failure of the County Board to act pursuant to subsection 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 for the committee for administrative hearing over which he shall preside. The Clerk of the 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 (30) 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 of the county 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 licensed attorney at law of this State.

1.17 Courtroom Decorum

- A. It shall be the responsibility of each judge sitting within the Circuit Court of Lake County 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. Disturbances. Any unwarranted loitering, disorderly conduct, or other 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, 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. Alcoholic beverages and narcotics. No person shall enter into or remain in a court facility while under the influence of alcoholic beverages 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. Dogs and other animals, except seeing eye dogs or other guide dogs, shall not be brought into any court facility without leave of Court.

- F. Distribution of Handbills. Distribution, posting or affixing materials, such as pamphlets, handbills or flyers, on bulletin boards or elsewhere within any or upon court facility is prohibited, except as authorized.

1.18 Court Appearance

- A. Hours during which courts shall be in session are listed in Rule 1.11. Dates upon which court will be closed shall be posted in the courthouse of the Circuit Court of Lake County.
- B. Prompt attendance required. 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 sanction 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 the 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 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.

1.19 Jurors

- A. Jurors: Selection and Terms of Service. 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. Failure to Respond to Jury Summons. 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 (30) 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 jury commissioners may, upon proper notice to the prospective juror, motion the Court for a hearing instanter on a Petition for Rule to Show Cause 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 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 said 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. Compensation of Jurors. 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 at Coroner's Inquest. Jury service for inquests of the County Coroner shall be provided by the Jury Commissioner, according to such rules and procedures as it 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. Any such forms shall be kept on file by the Jury Commission for a period of three (3) 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 Circuit Court Clerk 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 authorized 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. Contact with Jurors. 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 Commission shall report all such incidents to the Chief Judge or his designee.

1.20 Committees

The Chief Judge may create and appoint judges and administrative staff to various standing committees and may create and dissolve ad hoc committees when special circumstances occur. The standing committees may include, but are not limited to:

- Executive Planning
- Public Relations
- Judicial Training
- Legislative
- Automation/Technology
- Court Services
- Court Security
- Local Court Rules and Procedures
- Law Library
- Jury
- Marriage Fund Audit
- Court Facilities
- Case Management

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

~~1.21 Documents to be in Accordance With Forms Herewith~~

~~All required documents, including publication notices, shall be substantially in compliance with the forms included in these Rules.~~

Adopted by the Circuit Judges of the 19th Judicial Circuit on July 7, 2008, effective immediately.

1.22 Prohibition as to Gratuities

No attorney, or party shall give, either directly or indirectly, any gratuity or gift to any employee of the Circuit Court of Lake County, 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 Circuit Court of Lake County, 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 of office.

Part 2.00 Motions Notice

2.01 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 clean printing the name, address 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 or other statutory section upon which it is based.
- E. All dispositive motions shall be filed and noticed for a date before the Court not less than twenty-eight (28) days before the scheduled trial date, unless otherwise ordered by the Court.
- F. Unless otherwise ordered by the Court, no contested motion shall be heard if it has not been scheduled for hearing on the Court’s calendar. The Court shall consider counsels certification, or that of office staff, that the matter was scheduled for hearing by contacting the office of the Circuit Court Clerk.
- G. 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 and who have not been found by the Court in default for failure to appear or plead, and to all parties whose time to appear has not expired as of the date of the notice.
- H. 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, and the courtroom where it will be presented. 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.
- I. Manner of Service. Notice of Service 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) (2) may be affected by service of the Notice of Motion and other pertinent documents through electronic facsimile mailing (FAX), if allowed pursuant to Supreme Court Rule 11(b) (4). Service by FAX shall be effective 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.
- J. Time of Notice. If Notice of Hearing 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 Paragraph I above, shall be deemed personal service, but it is not effective until the first court day following transmission. See Supreme Court Rule 12 (d). If the Notice is given by mail, then Notice shall be deposited in the United States Post Office or Post Office Box on the 5th day preceding the hearing of the Motion.
- K. Notice of Hearing. 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 Court within two (2) days of the hearing thereon.
- L. Orders Upon Denial. If a motion presented without prior notice is denied, or hearing thereon is denied, an order of the Court's ruling shall be entered.
- M. Failure to Call Motions for Hearing. 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 (60) days from the date it is filed, the Court may consider the motion denied by reason of delay.
- N. Motion to Continue. 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.
- O. Motion for Default Order. The movant, or his attorney, seeking an Order of Default shall notify the Court Clerk at least one (1) court day prior to the date of the hearing and shall request that the court file be present upon hearing of the motion.
- P. Renewal of Motions. 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.
- Q. Motions not presented or supported by the moving party when called, pursuant to notice, may be denied or stricken.

- R. Briefs and Memoranda. No motion, response or brief or memorandum in support thereof shall exceed fifteen (15) typewritten double-spaced pages without prior approval of this Court. Neither narrow margins nor any other formal shall be employed to evade the page limitation. Footnotes, if any, shall be used sparingly. Failure to comply with this Rule shall be sufficient grounds for the Court's refusal to consider the document.

2.02 Contested Motions

- A. For purposes of Rule 2.02, 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. Every motion to dismiss, to strike, or for summary judgment shall be identified with the section number of the Code of Civil Procedure pursuant to which the motion is brought.
- C. For every contested motion brought pursuant to Supreme Court Rule 219, Supreme Court Rule 137 or Sections 2-615, 2-619, 2-619.1 or 2-1005 of the Code of Civil Procedure, movant's counsel shall deliver to the chambers of the assigned judge, not less than five (5) 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.

Also within five (5) 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 complying with the above requirements shall be copied to all counsel of record.

- D. 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.
- E. In the absence of leave of Court, no reply memorandum or brief or memorandum in support thereof shall exceed five (5) typewritten pages in the aggregate. Any such brief or memorandum shall be limited to responding to new matters raised in the opponent's response brief or memorandum.

2.03 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, 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.

2.04 Motions for Summary Judgment

A. Moving Party. With each motion for summary judgment filed pursuant to 735 ILCS 5/2-1005 and concerning a count in which the prayer for relief exceeds \$50,000, or in a Chancery or Miscellaneous Remedy action, the moving party shall serve and file or cause to be received by the Circuit Court Clerk:

1. any affidavits and other materials, referred to in Supreme Court Rule 191,
2. a supporting memorandum of law, not exceeding fifteen (15) pages,
3. a statement of material facts as to which the moving party contends there is no genuine issue and that entitle 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 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 reply 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 Circuit Court Clerk:

1. any affidavits and other materials referred to in Supreme Court Rule 191,

2. a supporting memorandum of law,
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.

2.05 Emergency Motions

- A. Application for emergency relief. 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.
- C. Every complaint or petition requesting an ex parte order for the appointment of a receiver, temporary restraining order, preliminary injunction, or any other emergency relief, shall be filed in the Office of the Circuit Clerk, 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 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 Court within two (2) 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.

2.06 Telephone Conference

When any party requests that a motion be heard or argued by telephone conference, without a court appearance, pursuant to Supreme Court Rule 185:

- A. The requesting party shall arrange and pay for any such telephone calls.
- B. If all parties agree that the matter can be heard by conference call, the requesting party shall contact the caseflow coordinator who shall bring the request to the trial judge's attention for approval or disapproval.
- C. That in the absence of the agreement of the parties, any party shall secure the trial judge's approval by notice and motion.
- D. That all said conferences shall be memorialized in written form by the requesting party's attorney. The said form shall contain the names of all parties and attorneys participating in the conference, the party who initiated the conference, the presence of any objections, and the Court's findings and order.
- E. That the said written memorialization shall be served upon all parties of record and delivered to the Court, with proof of service, to be entered on the record by order within five (5) court days unless a party to the proceeding files a written objection. If a written objection is filed, it must be served upon all parties of record and noticed before the Court for hearing within ten (10) court days of its filing.
- F. That when a telephone conference occurs in a criminal case in which the defendant has waived his presence, service of the written memorialization upon the defendant shall be made by defense counsel. Proof of said service shall be filed with the clerk.

2.07 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 and State of Illinois attorney registration number at the bottom of the order. The preparer shall serve a copy of the order upon all parties of record.

Part 3.00 Proceedings Before Trial

3.01 Appearances, Jury Demands

- A. Attorneys appearing in any matter shall file a separate Appearance Form, which includes in typewritten form or in legible printing the attorney's name, office address, telephone number and attorney registration number. 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 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 Circuit Court of Lake County may develop its own Certificate of Attorney.

3.02 Pleadings to be Readily Comprehensible

- A. Multiple Count Pleadings. If a pleading contains multiple counts or affirmative defenses, each count or defense shall bear a short title concisely stating the theory of liability or defense. If the pleading is filed on behalf of or against multiple parties and all such parties are not asserting the same claims or defenses as to all opposing parties, the title of each count or defense shall also concisely designate the subgroup of parties to whom it pertains.
- B. Incorporation by Reference. If the incorporation of facts by reference to another pleading or to another part of the same pleading will cause a pleading not to be readily comprehensible, such facts shall be realleged verbatim. This rule does not prohibit the incorporation of facts as permitted by Supreme Court Rule 134 provided that the pleading remains readily comprehensible.
- C. The Court may order a consolidation of pleadings into one finished comprehensible set.

3.03 Written Interrogatories

Standard Form and Procedure. The party serving written interrogatories shall provide two copies to each party required to answer the interrogatories. Each copy shall include sufficient space for an answer immediately following each interrogatory. Except to the extent that a greater limitation is imposed pursuant to Supreme Court Rule or the Code of Civil Procedure, no party may serve more than thirty (30) interrogatories, including subparts, upon any other party, without leave of Court or agreement of the parties. This limitation is an aggregate one during the life of any case.

3.04 Discovery Documents

- A. Restrictive Filing. Unless otherwise ordered by the Court, depositions, interrogatories, requests, answers or responses thereto and other discovery documents shall not be filed with the Clerk of the Court except as necessary to resolve disputed issues of procedure, fact, or substantive law or pursuant to Supreme Court Rule 207.
- B. Proof of Servicing and Answering Discovery Documents. Discovery documents and notice of filing may be served and answered personally or by U.S. Mail or by facsimile transmission. Proof of service, notice of filing and answering discovery documents, filed with the Clerk of the Court, shall contain the case title and number, date mailed or personally serviced, the sending and receiving parties and adequately identify the particular discovery document being served or answered. The proof of service or answer, upon being filed with the Clerk of the Court, shall be prima facie evidence that such document was served or answered. When a party receives a document under 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 any such document have been provided to those parties at their expense or that specified parties have declined copies.

3.05 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 and shall be noticed to be taken no earlier than 8:30 a.m., unless otherwise agreed, any deposition 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.

3.06 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.

3.07 Seasonably Updating Discovery

Supreme Court Rule 213(i), 214 and 222(c) 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 more than sixty (60) days away in the future, the party discovering the new information and/or documents, which must be disclosed to the opposing party(ies), shall tender the information as soon as practicable, but in any event no later than fourteen (14) days of discovering the information.
- B. When the trial is less than sixty (60) days away in the future, the party discovering the new information and/or documents, which 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 supplement immediately and without delay.

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

3.08 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 (30) days of filing an Answer.

3.09 Local Subpoena Rules, Pretrial Discovery

- A. Subpoena for Production of Specified Documents, Object or Tangible Things. Upon request, the Clerk of the Court shall issue a subpoena limited to the production of specified documents, objects or tangible things. The subpoena shall direct the person or entity to whom it 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. Service of Subpoena. Subpoenas issued pursuant to this rule shall be served in accordance with the Supreme Court rules. A copy of said subpoena and notice of service shall be served within forty-eight (48) hours of issuance upon all parties who have appeared in the action.
- C. Compliance. 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 deliver to the deponent or his authorized agent by certified or registered mail at least fourteen (14) days before the date on which compliance is required and 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. Subpoena – Required Legend. 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:

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. Objections. No subpoena issued under this provision may be returnable less than fourteen (14) days following its date of service. Within said fourteen (14) days, any party may timely object to the utilization of the subpoena and, for good cause shown by the objecting party, the Court may quash said subpoena, or impose such conditions or limitations as the Court deems equitable.
- F. Costs and Copies. 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 (10) business days following receipt of the subpoenaed materials.

- G. Failure to Comply with Subpoena. 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.

3.10 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 parties who have filed an appearance pro se that the case will be called on a date certain when it will be dismissed on motion of the Court except for good cause shown. The notice for such a special progress call may specify that the hearing shall be for the purpose of a pretrial conference under Supreme Court Rule 218. A failure to appear at such progress call shall constitute grounds for dismissal.

3.11 Supreme Court Rule 218 Case Management Conference

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

Amendment to Rule 3.12, **PROCEDURES FOR INITIAL CASE MANAGEMENT CONFERENCE IN LAW CASES (ad damnum over \$50,000)** of Part 3.00, **PROCEDURES BEFORE TRIAL**, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit.

3.12 (Amended) 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 (75) 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 LOCAL RULE 3.12

THIS CASE IS HEREBY SET FOR A SCHEDULING
CONFERENCE IN COURTROOM _____ ON
_____, _____, AT _____ AM/PM.
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 (35) days prior to the scheduled Conference, it shall be the obligation of the plaintiff(s) to appear before the assigned judge within seven (7) to ten (10) 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. Prior to the Initial Case Management Conference, the parties shall confer and plaintiffs shall prepare an Initial Case Management Memorandum to be presented at the time of conference. The Initial Case Management Conference Memorandum shall conform to the form available from the Circuit Clerk’s Office. Unless otherwise specified by the Court, the Initial Case Management Memorandum is not to be filed as part of the common law case record.
- D. 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 (2¼”) 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.

Amended by the Circuit Judges
of the Nineteenth Judicial Circuit
this 17th day of May, 2010
and effective July 1, 2010.

3.13 Trial Calendar

- A. Trial Calendars. Each division of court shall keep and maintain such calendars of cases for trial as shall be designated by Administrative Order.
- B. Failure to Proceed. 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 judgment by default, or other sanctions as set forth in the Supreme Court Rules.
- C. Any case being refilled under the 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. Upon the filing of any declaratory action shall be assigned to the judge assigned to the substantive case. The Clerk of the Circuit Court shall require a certificate to be filed with all original documents filed in Law cases and Miscellaneous Remedies declaratory judgment cases.
- D. Cases Defaulted. In cases defaulted, proofs may be offered at a time convenient to the Court and counsel.

3.14 Stipulations

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

3.15 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 consumed. Such fees shall neither be so high as to prevent the patient from obtaining the physician's medical-legal services, nor so high as to give the appearance that the physician is attempting to capitalize on the patient's legal problem.
- 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 slow down 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. Similarly, the physician should not vary the fees normally charged for these services.
- 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 shall issue an order to be served upon the physician, requiring him to demonstrate by records or in person that the fee requested is reasonable.

Part 4.00 Pre-Trial Conference

4.01 Pre-Trial Conferences

- A. Requirements of Pretrial Conferences. Any party on motion may request a pretrial conference in any civil action. In addition, the Court may order that a pretrial conference be held. At least one pretrial conference should be held in all civil jury actions. The responsible attorneys who will try the case shall attend pretrial conferences. The Court shall set the time, date and place of the pretrial conference and direct that notice be given to all interested parties. The attorney for each party shall have ascertained in advance of the 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.
- B. Pretrial Memorandum. 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 pretrial memorandum in form in accordance with these rules. Unless otherwise ordered, the foregoing requirement shall not apply to a pretrial conference held in connection with a special progress call under Rule 3.10.
- C. All pretrial conferences shall be governed by the Supreme Court Rules.
- D. Settlement Prior To Trial. In the event of settlement prior to a scheduled pretrial conference or prior to trial, the attorneys shall immediately notify the judge that the cause has been settled.

4.02 Marking of Exhibits

At a pretrial conference or at any other time as may be designated by the Court, the Court may direct that the parties produce all of the exhibits they expect to offer into evidence. Each of the exhibits shall thereupon 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.

4.03 Final Pretrial, Settlement Conference

In addition to the pretrial conference, the Court, in its discretion, may order a final pretrial or settlement 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. Said issues include, without limitation, all items enumerated on the Final Pretrial Order which shall be utilized in setting the date of the conference. Counsel responsible for conducting the trial shall appear, with full authority of their clients to discuss each issue.

4.04 Dismissal for Want of Prosecution

- A. Procedure. In all cases where no appeal is pending and there has been no action of record for a period of one (1) year, the Court may summarily dismiss the cause of action.

- B. Notice. Upon dismissal of any cause for want of prosecution, the Clerk of the Court shall give all pro se parties and all attorneys of record notice of the dismissal by regular U.S. Mail within ten (10) days of the dismissal. A copy of the notice with the Clerk's certificate of mailing shall be made of record.

Part 5.00 Trials

5.01 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.

5.02 Motions in Limine

Motions in *limine* shall be in writing and shall be presented to the Court not later than immediately prior to *voir dire* examination in jury cases and opening statements in bench cases, unless the Court orders that they be presented at an earlier date. The Court, in its discretion, may consider motions in *limine* presented thereafter if it determines that the grounds therefore 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.

5.03 Jury Trials – Statement of the Nature of the Case

- A. Preparation and use. Unless the court orders otherwise, in all jury cases the State's Attorney in criminal cases, and the plaintiff's attorney in civil cases, 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. *Voir Dire* Examination of Prospective Jurors. Counsel may submit written questions to the Court for its consideration for use in *voir dire* examination.

Amendment to Rule 5.04, **JURY INSTRUCTIONS** Of Part 5.00, **TRIALS**, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit. This first amendment to Part 5.04 Jury Instructions becomes effective immediately.

5.04 (Amended) Jury Instructions

Any party submitting jury instructions shall provide the Court with two (2) copies of each instruction, typed double-spaced on 8½" x 11" 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", "Objected" and "Refused", followed by an underlined area to be checked if appropriate. In civil cases, the plaintiff 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 SCR 239(e).

Amended by the Circuit Judges
of the Nineteenth Judicial Circuit
this 27th day of July, 2010
and effective immediately.

Part 6.00 Bonds-Sureties-Receivers

6.01 Receivers

- A. Disqualification. Except as provided in 6.01 B 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 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.
- B. If the Court is satisfied that the best interests of the parties would be served, an individual or corporation otherwise disqualified under 6.01 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.
- C. An attorney for the receiver shall be employed only upon order of the Court upon written motion of the receiver stating the reasons for the requested employment and naming the attorney to be employed.

6.02 Inventories of Receivers

No later than thirty (30) days after his appointment, the receiver shall file with the Court a detailed report and inventory of all property, real or personal, of the subject matter under receivership and designating the property within his possession or control. If the receiver requires additional time, he shall request permission of the Court who may give such additional time within its discretion. 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.

6.03 Appraisal for Receivers

- A. Appraisers. Appraisers for receivers may be appointed only upon order of Court or agreement of the parties with the approval of the Court. If appraisers are appointed, they shall be selected by the Court.
- B. Appraisal by Receiver. If no appraisers are appointed, the receiver shall investigate the value of the property of the estate and show in the inventory the value of the several items listed as disclosed by the investigation.

6.04 Reports of Receivers

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

6.05 Receiver Bonds

- A. Personal Sureties. Bonds with personal sureties shall be approved by the Court. Unless excused by the Court, sureties shall execute and file schedules of property in a form approved by the Court.
- B. Surety Companies. Bond with a corporation or association licensed to transact surety business in this State as surety will be approved only if a current certified copy of the surety's authority to transact business in the state, as issued by the Director of Insurance, is on file with the Clerk of the Court, and verified power of attorney or certificates of authority for all persons authorized to execute bonds for the surety is or are attached to the bond.

6.06 Personal Sureties

- A. Schedules. Bonds with personal sureties shall be approved by the Court. Sureties shall execute and file verified schedules of property when so directed by the Court.
- B. Attorneys Prohibition Against Signing as Surety. If an attorney represents a personal or corporate entity signing as a principal on a bond, that attorney and members of his firm are prohibited from signing as surety on that bond.

Part 7.00 Small Claims

7.01 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 Supreme Court Rule 101(b) 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 instrument, a copy thereof must be attached to the original and all copies of the complaint. If the written instrument is not available to the plaintiff, an affidavit so stating 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 thereto two blank "Written 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 in the main office of the Clerk of the Circuit Court) on or before the day and time specified above for your appearance, hereafter called the return day. 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 day, 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 day following said 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 day, for the amount claimed by the plaintiff in the complaint plus court costs."

7.02 Default

If a defendant who has been duly served with summons fails to appear on or before the day and time designated as the return day, the court may take the allegations in the complaint as admitted by said defendant and upon motion and without notice enter a judgment by default against defendant for the amount claimed plus court costs. Such judgment may be entered on the return day or any time thereafter. Also, the court may in its discretion, require the presentation of evidence and set the case down for “prove up.”

7.03 Contested Cases

After service of summons, a defendant desiring to contest the plaintiff’s claim must do one of the following:

- A. File a WRITTEN APPEARANCE in the main office of the Circuit Clerk on or before the time and date of the return day stated in plaintiff’s summons; or
- B. Appear in person before the court on the return day.

In either event, trial of plaintiff’s complaint shall be automatically set for the 14th day after the return day. Neither the plaintiff nor the defendant need appear on the return day when the defendant has contested plaintiff’s complaint by duly filing an appearance. No cause will be set for trial on any date other than the 14th day after the return day, except upon proper notice and motion or by agreement of the parties approved by the court. No trial will be heard on the return day, unless the court orders otherwise.

7.04 Motions and Special Appearances

Motions shall be noticed and heard in accordance with Part 2.00. 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.

7.05 Referral to Arbitration When a Jury is Demanded

In the event that any party files a jury demand in a Small Claim 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.

7.06 (Amended) Dismissal for Want of Prosecution

Amendment to Rule 7.06, DISMISSAL FOR WANT OF PROSECUTION Of Part 7.00, SMALL CLAIMS, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit.

Any case which remains inactive for 45 days may be dismissed for want of prosecution on the court’s own motion, without notice.

Amended by the Circuit Judges
of the Nineteenth Judicial Circuit
this 4th day of October, 2010
and effective immediately.

7.07 Costs in Small Claims

If the prevailing party requests costs other than those evidenced of 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.

Part 8.00 Real Estate Sales Pursuant to Judgment or Order

Amendment to Rule 8.00, REAL ESTATE SALES PURSUANT TO JUDGMENT OR ORDER, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit. Amended by the Circuit Judges of the Nineteenth Judicial Circuit this 25th day of March, 2010 and effective immediately.

8.01 APPLICATION

- (a) This order is applicable to sales of real estate conducted by the sheriff, judges or other officers and entities pursuant to judgments or orders of 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.

8.02 COUNSEL TO PREPARE NECESSARY DOCUMENT

- (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
- 6. 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 have it published in a newspaper of general circulation in the county, at least three (3) consecutive calendar weeks (Sunday through Saturday) once in each week, the first such notice to be published not more than 45 days prior to the sale, the last such notice to be published not less than 7 days prior to the sale in accordance with 735 ILCS 5/15-1507 as it now exists or is 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.

8.03 PRELIMINARY

- (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 2 days prior to the sale, plaintiff shall deliver to the designated officer a copy of the Publication Notice.

8.04 TIME OF SALE

Bids at the time of the sale:

- (a) May be made by the plaintiff by mail, fax or email by 5:00 p.m. of the preceding day as directed by the designated officer.
- (b) May be made by persons present.
- (c) Shall be for cash by third party bidders with an immediate payment by the successful bidder of at least ten percent (10%) of the purchase price and the balance within two (2) 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.

8.05 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.

8.06 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.

8.07 MISCELLANEOUS

- (a) All communications should be properly addressed by mail, fax or email to the designated officer to whom the sale is assigned.
- (b) All required documents, including publication notices, will 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.

Amended by the Circuit Judges
of the Nineteenth Judicial Circuit
this 25th day of March, 2010 and effective
immediately.

Part 9.00 Juvenile Proceedings

9.01 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.

9.02 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.

9.03 Release of Confidential Information

All requests for release of information of law enforcement and juvenile court records held confidential under Secs. 1-7 and 1-8 of the Juvenile Court Act may be heard by the Juvenile Court Judge.

9.04 Expungements

All requests for expungement of law enforcement and juvenile court records under Sec. 1-9 of the Juvenile Court Act may be heard by the Juvenile Court Judge.

9.05 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 the Juvenile Court Judge.

9.06 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.

9.07 Discovery in Proceedings Other Than Delinquency

- A. Discovery without leave of Court.

Without leave of Court, discovery is limited to reasonable written requests for information, documents, records, or evidence available for inspection. Testing, copying or photographing may be undertaken between the parties without leave of Court. Any party receiving such a written request shall, within ten (10) days, comply with the request or file a written objection with the Court stating the reasons for objection with copies served on the parties.

- B. Discovery with leave of Court.

All provisions for discovery set out in the Supreme Court Rules are applicable to Juvenile Court proceedings with leave of Court for good cause shown.

9.08 Answer to Petition

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.

9.09 Intake Procedure

Whenever a Juvenile Police Officer or other proper person proposes to file a delinquent petition pursuant to the Juvenile Court Act, a Referral Screening Sheet shall be submitted to the Division of Court Services, Juvenile Branch. [Hereinafter "Court Services."]

9.10 Preliminary Conference

Pursuant to Sec. 5-12 of the Juvenile Court Act, Court Services is authorized to schedule a preliminary conference with a view to adjusting suitable cases by resolving them without the filing of a petition. The preliminary conference shall be scheduled within twenty-eight (28) days of the submission of the referral screening sheet and notice shall be sent to the person seeking to file a petition, the prospective respondents and other interested persons. A conference will be held for all referrals to Juvenile Court, with the following exceptions: (1) where the minor is detained or (2) where the State's Attorney has indicated he or she will demand a judicial hearing.

9.11 Informal Adjustment

A. Court Services shall consider all available facts in electing to adjust cases without a delinquent petition in Juvenile Court including but not limited to:

1. The best interest of the child;
2. The seriousness of the acts alleged to have been committed by the minor;
3. The need to protect the community;
4. The conduct and relationship of the child and the parents;
5. The availability of appropriate alternative resources and the amenability of parents and child to make use thereof; and
6. Prior contacts with the Juvenile Court system.

9.12 Reception of Minors Not Released From Custody

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

9.13 Secure Detention

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

9.14 Investigation of Circumstances of Custody

Those persons (hereinafter referred to as "Intake Officer") whom the Chief Judge (or his delegatee) shall, from time to time, designate shall immediately investigate the circumstances of the minor and the facts surrounding his or her being taken into custody, in accordance with Sec. 5-8 of the Juvenile Court Act. The Intake Officer shall have the authority to detain and keep a minor pending a judicial detention hearing, provided the statutory criteria set forth in Sec. 5-7 of

the Juvenile Court Act are met. No minor shall be admitted to secure detention without the written authorization of the Intake Officer.

9.15 Home Detention

Pursuant to Sec. 5-7 (3) of the Juvenile Court Act, if the Intake Officer determines that a minor in temporary custody is a delinquent minor, and should be retained in custody but does not require physical restriction, the minor may be placed by home detention pending a detention hearing. The terms and conditions of custody by home detention shall be as prescribed by the Intake Officer, but pending detention hearing shall at minimum require the minor to remain with his or her parent(s) or an approved caretaker, to cooperate with Court Services, and to report to court as directed. Thereafter, pursuant to Sec. 5-7(4), the Court may continue the minor on home detention as it sees fit.

9.16 Discovery in Delinquency Proceedings

Upon the first court appearance by counsel for respondent and without written motion, the state shall provide counsel with the material and information specified in Supreme Court Rule 412 within its possession or control. The state has a continuing duty to supplement this material and information in a timely fashion. Within the time limit stated by the Court, the defense shall disclose to the prosecution the material and information specified in Supreme Court Rule 413 within its possession or control. The defense has a continuing duty to supplement this material and information in a timely fashion.

Part 10.00 Criminal Rules

10.01 Applicability of General Rules

- A. In all criminal, quasi-criminal, traffic 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 Attorney General.
- C. Reference in these rules to defendant's attorney shall mean defendant when defendant elects to proceed pro se, or his attorney.

10.02 Forms of Criminal Procedure

Forms for all proceedings covered by these rules will be approved by the Circuit. Copies may be made available from the clerk's office and law library. Where a form has been adopted, that form shall be used in court.

10.03 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.

10.04 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.

10.05 Filing Appearance of Attorneys – Pre-Trial and Trial

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 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 prosecuting attorney.

10.06 Motion Practice

- A. All pre-trial motions including, but not limited to, motions to quash, motions to dismiss or 725 ILCS 5/115-10 motions, shall be filed within the time fixed by the Court. In the absence of an order setting dates, all motions shall be filed and brought to the attention of the Court not less than fourteen (14) days before the date the case is set for trial.
- B. Time of Notice. Pursuant to Rule 2.00 of these Rules.
- C. A defendant shall be present in open court upon the hearing of any motion in the case unless otherwise ordered.
- D. Briefing of motions shall be within the discretion of the judge assigned to the case. In no event shall a brief on a motion be submitted in excess of 10 pages without the Court's permission. All briefs and legal memoranda presented to the Court shall not be filed in the Court file nor made a part of the record for appeal. Such briefs and memoranda may be delivered to the Judge through the Clerk of the Court and the Court Clerk shall stamp copies for the attorneys to show received this date with a stamp using the following words:

| |
|--|
| <p><i>RECEIVED</i></p> <p><i>LAKE COUNTY, ILLINOIS</i></p> <p><i>(DATE)</i></p> <p><i>(NAME)</i></p> <p><i>Clerk of the Circuit Court</i></p> |
|--|

The clerk shall not file briefs and memoranda. Briefs and memoranda of law for the Court shall not include any other motions or legal pleadings. Copies of caselaw shall not be filed.

10.07 Jury Trials

- A. Prior to jury selection, the prosecutor and counsel for the defense shall prepare and present to the Court a statement of facts for the case being tried, which shall include the names of potential witnesses each may call during trial, including the municipal entity in which they live.
- B. Each counsel shall prepare 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.

10.08 Alcohol Related Evaluations

Unless good cause is shown, the Northern Illinois Council on Alcoholism and Substance Abuse (N.I.C.A.S.A.) 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 N.I.C.A.S.A. continues as a not-for-profit organization and retains all necessary licenses.

10.09 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 and/or defendant's attorney, 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.

10.10 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 require 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.

10.11 Pre-Trial Subpoena for Production of Specified Documents, Objects or Tangible Things

- A. The Clerk of the Court shall issue subpoenas limited to the production of specified documents, objects or tangible things when requested by the Prosecutor or the accused. 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 (14) 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 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 (48) 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 section:

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

10.12 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.*

10.13 Expert Witnesses

The name, business address, business phone number, area of expertise and subject matter of the proposed testimony 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.

10.14 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.

Amendment to Rule 10.15, APPOINTMENT OF THE PUBLIC DEFENDER Of Part 10.00, **CRIMINAL RULES**, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit.

10.15 (Amended) APPOINTMENT OF THE PUBLIC DEFENDER

- B. The court shall also require the defendant to complete and file a new Certificate of Assets/Debts form, on a form approved by the Circuit Judges 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 Courts. However, the appointment shall be reviewed and not continue beyond that proceeding unless or until the provisions of Paragraph A or B, above, have been complied with.

Amended by the Circuit Judges
of the Nineteenth Judicial Circuit
this 27th day of March, 2009
and effective immediately.

10.15 ~~Appointment of the Public Defender~~

- A. ~~The Court shall require the defendant to complete and file a Certificate of Assets/Debts form, on a form approved by the Circuit Judges in any jailable offense where the defendant has requested appointment of the Public Defender.~~

- B. ~~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 Courts. However, the appointment shall be reviewed and not continue beyond that proceeding unless or until the provisions of Paragraph A, above, have been complied with.~~

Part 11.00 Family Law

11.01 Scope

Family law cases are defined as any proceeding assigned to the Family Division, excluding Juvenile and support matters through the Office of the State's Attorney.

11.02 Comprehensive Financial Affidavit 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 legal separation, the parties of record shall exchange with each other completed Comprehensive Financial Affidavits of income, expenses, assets and liabilities in the form approved by the court.
2. The Comprehensive Financial Affidavit 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

1. Any motion regarding financial relief regarding attorney's fees, costs, maintenance, or child support shall be served pursuant to Supreme Court Rule 11 and shall be supported by a current Comprehensive Financial Affidavit which shall be served upon all parties entitled to notice.
2. Prior to the scheduled hearing, or upon order of the court, the responding party shall serve his or her current Comprehensive Financial Affidavit on all parties entitled to notice.
3. Proof of service of the Comprehensive Financial Affidavit shall be filed on 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. The Respondent's failure to serve a Comprehensive Financial Affidavit shall not be grounds for a continuance.

C. Production of Documents

On the day set for hearing on the motions for financial relief, each party shall produce the following financial documents:

1. The party's last two (2) pay stubs;
2. The party's last three (3) federal income tax returns filed;
3. The party's records of any additional income not reflected in their pay stub.

11.03 Interrogatories

No party shall serve on any other party more than thirty (30) 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.

11.04 Conciliation, Mediation, Advice to Court, Investigations and Reports

Local procedures for conciliation, mediation, advice to the Court, investigations and reports as authorized under 750 ILCS 5/404, 5/604 and 5/605 may be implemented by court rule or by administrative order of the Chief Judge of this Circuit.

11.05 Family Court Referral List

Judges hearing custody or visitation cases under the Illinois Marriage and Dissolution of Marriage Act or under the Illinois Parentage Act of 1984 are authorized to secure the assistance of mental health professionals pursuant to the following provisions:

1. 750 ILCS 5/604(b), which authorizes the court to seek professional advice on issues relating to the best interests and wishes of a child who is the subject of a custody proceedings.
2. 750 ILCS 5/605, which authorizes the court to order an investigation concerning custodial arrangements for a child who is the subject of custody proceedings.
3. 750 ILCS 5/607.1, which authorizes the court to require parties to participate in counseling or mediation after a hearing on a petition alleging visitation abuse.
4. 750 ILCS 5/608(c) which authorizes the court to order individual counseling for the child, family counseling for one or more of the parties and the child, or parental education for one or more of the parties.

In addition to the provisions set forth above, the court may provide for therapeutic intervention in a family pursuant to its inherent powers to protect the best interests and welfare of children.

It is desirable that the court maintain a list of selected mental health professionals who are qualified by training and experience to provide advice to the court and/or assistance to a family.

Therefore, 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 Family Court Referral List.

A. Qualifications

Members of the Family Court 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 experience in the field of family counseling.
4. Have training and two years experience in performing custody evaluations.
5. Maintain his/her primary office in Lake County.
6. Maintain professional liability insurance which covers services provided as a result of the referral.

B. Approval of membership on the Family Referral List

Membership on the Family Court Referral List shall be by approval of the Chief Judge.

1. The list shall be reviewed every odd numbered year.
2. Applicants shall provide proof of qualification by way of affidavit that is supported by documentation.

3. In selecting providers to serve on the list, or to continue to serve on the list, the Chief Judge may seek the advice of judges, lawyers, and mental health professionals experienced in family matters.
4. 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 10 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.

C. Selection of a provider

Selection of a provider for services pursuant to 750 ILCS 5/604(b), 5/605, 5/602.1, 5/607.1, and 5/608(c), 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 Family Court Referral Service.

D. Conditions of Membership

Selection for membership on the Family Court 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 Evaluations developed by the Association of Family and Conciliation Courts, as may be approved from time to time.
2. To provide services in selected cases without fee, or for a reduced fee, on a reasonable basis at the request of the Presiding Judge of the Family Court.
3. To attend meetings of the Family Court Referral Service as scheduled by the Presiding Judge of the Family Division and to assume responsibility for the leadership of the meetings on a rotating basis.
4. To attend 10 hours of professional continuing education seminars or courses every two years on topics related to custody and visitation issues, 4 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 7 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 hourly fee and the charge for preparing a report.
8. To make reasonable efforts to complete an evaluation or investigation after spending no more than eight (8) hours with the parties.

E. Fees

The fee for court ordered services by a member of the Family Court Referral Service shall be paid for by the parties based on the rates reasonably and customarily charged by the provider for the services rendered. The court shall allocate the responsibility for payment between the parties based on ability to pay. In cases of indigency, the court may order the county to pay all or a portion of the fee for a court ordered evaluation or investigation, or the court may refer the matter to a psychologist on the staff of the Probation Department.

F. Acceptance of appointment

When a provider is appointed by the court to perform a court ordered evaluation or investigation, counseling or supervised visitation services, the court administrator's office shall send the provider a copy of the order of appointment. Upon receipt of the order, the provider 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. A provider 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 a provider deems it necessary to decline to accept an appointment, he or she shall immediately notify the court with copies to counsel and unrepresented parties.

G. Psychological tests

In conducting an evaluation or investigation, the provider shall not conduct psychological tests unless specifically authorized to do so by court order.

H. 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.

I. 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.

11.06 Pretrial Case Management Procedures

- A. This rule applies to the following case types:
 - 1. All pre-judgment D cases.
 - 2. All pre-judgment F cases in which the Family Division Cover sheet indicates that an aspect of the case involves the custody or visitation 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 custody or visitation of children.
- B. The Clerk of the Court shall set an initial case management conference on a date approximately 120 days from the filing of the initial pleading on a schedule established by the court. The Clerk shall send notice of the date approximately 45 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 218. 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. The parties shall exchange comprehensive financial affidavits prior to the case management conference and file a certificate of compliance and service with the clerk of the court.
- H. Pursuant to Supreme Court Rule 923, the following requirements apply to the initial case management conference in cases involving minor children:

1. 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.
 2. If the parties have reached agreement on custody, they must provide the court with an agreed order regarding custody and an agreed parenting plan.
 3. If the parties have not reached an agreed parenting plan, the court shall schedule the case for mediation pursuant to the Lake County Family Mediation Program established by Local Court Rule 11.13, unless the Court determines that an impediment to mediation exists. The cost of mediation shall be allocated between the parties.
 4. If the parties are unable to resolve the issue of custody and visitation, the court may appoint counsel to represent the child/children and/or the court may order a custody evaluation by a court appointed evaluator. The cost of an evaluation and attorneys 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 Paragraph 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.

11.07 Settlement Conference

- A. Settlement conferences shall be mandatory in all contested pre-judgment Family Division cases and contested post-judgment custody and removal 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 pro se 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, imposition of monetary sanctions, and the awarding of the other party's costs of transportation, loss of work income and other expenses incident to that party's presence at the conference.

11.08 Subsequent Case Management Conference to Simplify and Reduce Trial Issues and Proofs (hereinafter referred to as a “Trial Conference”)

- A. Upon motion of either party order of the Court a Trial Conference shall be scheduled. The purpose of the Trial Conference is:
1. The information and simplification of the issues, including the elimination of frivolous claims;
 2. Determining whether amendments to the pleadings are necessary or desirable;
 3. To obtain 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 proof 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 and for trial;
 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.
- B. Upon the entry of an order scheduling a Trial Conference and 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 any possible stipulations narrowing the issues of law or fact;
 2. Exchange copies of exhibits that will be offered in evidence at the trial;
 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.

- C. 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.
- D. 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.
- E. 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 Trial Conference;
 - 3. Properly prepare to participate in the conference; or
 - 4. Participate in good faith, the Court upon motion or on its own initiative, 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.

11.09 Parenting Education

- A. The Circuit Court of Lake County has the responsibility and duty to protect the interests of minor children whose parents are engaged in litigation dissolving their marriage. The litigation process is stressful, but particularly so when the family is undergoing a change in structure. It is at such a time, and in its aftermath, that activities harmful to the child can occur. Therefore, it is to the benefit of all such 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. In furtherance of this policy and to implement the provisions of Illinois Supreme Court Rule 924 and 750 ILCS 5/404.1, a Parenting Education Program ("PEP") shall be established as a resource to the Circuit Court of Lake County.
 - 1. The PEP shall be created by the Court Administrator of the Circuit Court of Lake County 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 (4) 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 Circuit Court of Lake County in any pre or post judgment D or F case in which an aspect of the case involves the custody or visitation of the children, shall attend the PEP prior to the initial Rule 11.06 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 Paragraph 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 Lake County, the court may authorize attendance at another similar parenting program in lieu of the Lake County PEP.
- G. Persons registered for a session who do not attend and do not cancel at least 24 hours in advance shall be required to re-register and pay an additional full fee.

11.10 Emergency Motions

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. Any emergency motion shall be verified and state the nature of the emergency as well as when the emergency arose. 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.

11.11 Report of Proceedings/Prove-Up Forms

The report of proceedings from all domestic relations prove-ups shall be transcribed and filed within 30 days, unless excused by order of the Court.

At the prove-up or upon the entry of the Judgment for Dissolution, the petitioner shall submit a typed as required by the State of Illinois. Prior to the entry of a Judgment for Dissolution in cases involving the custody of children, the parties must provide the court with the information required pursuant to 750 ILCS 36/209 of the Uniform Child-Custody Jurisdiction and Enforcement Act, by submitting an affidavit in a form approved by the Court.

11.12 Joint Simplified Dissolution Procedure

Parties seeking a joint simplified dissolution pursuant to 750 ILCS 5/452 shall use forms approved by the Court which shall be available upon request from the Clerk of the Circuit Court. After filing the joint petition, 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.

11.13 (Amended) Family Mediation Program

Amendment to Rule 11.13, FAMILY MEDIATION PROGRAM Of Part 11.00, FAMILY LAW, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit.

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 Court Mediator List.

A. Definitions

1. These Rules hereby adopted 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 custody, visitation, 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. In accordance with Rule 11.06, 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 30 days thereafter as required by the Illinois Supreme Court Rule 218.
3. At the subsequent case management conference, the court shall set a trial date that complies with Illinois Supreme Court Rule 922, which mandates that all child custody proceedings be resolved to final order within 18 months from the date of service of the petition or compliant, 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 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 pursuant to B.2., 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 Paragraph A.2.
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 Court.
 - 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 Lake County.
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 Court, or to the person otherwise designated to receive such material.

First Amendment to Part 11.13, Family Mediation Program, of Part 11.00, Family Law, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit. This First Amendment to Part 11.13. E. 3. - Qualifications, Requirements and Selection of Dissolution Mediators, becomes effective immediately.

3. The Presiding Judge of the Family Court 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 10 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.

Adopted by the Circuit Judges of the 19th Judicial Circuit on August 13, 2007, effective immediately.

4. An approved mediator shall attend ten hours of continuing education every two years, on subjects related to child custody, visitation, 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 Court at least thirty days prior to his or her two-year anniversary date of certification.
5. 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.

Amendment to Rule 11.13, FAMILY MEDIATION PROGRAM Of Part 11.00, FAMILY LAW, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit. This First Amendment to Part 11.13. E. 6. - Qualifications, Requirements and Selection of Dissolution Mediators, becomes effective August 6th, 2010.

6. 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.

Amended by the Circuit Judges
of the Nineteenth Judicial Circuit
this 27th day of July, 2010
and effective the 6th day of August, 2010.

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 Paragraph 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 21 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 Paragraph 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 Paragraph 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 14 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

An approved mediator shall have judicial immunity in the same manner and to the same extent as a judge.

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.

Amendment to Rule 11.13, FAMILY MEDIATION PROGRAM Of Part 11.00, FAMILY LAW, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit.

11.13 (Amended) FAMILY MEDIATION PROGRAM

Q. Pilot Family Mediation Program – Never-Married Parents

The judge hearing child support enforcement matters may order never married parents involved in custody and/or visitation disputes 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.

Amended by the Circuit Judges
of the Nineteenth Judicial Circuit
this 22nd day of September, 2008
and effective immediately.

Part 12.00 Enforcement of Child Support

12.01 Payments Ordered Through the Clerk of the 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.

Except in those cases in which payments of child support are required to be sent to the State Disbursement Unit, child support shall be paid through the Clerk of the Circuit Court unless otherwise ordered by court. The clerk shall maintain a record of payment and pay over to the obligee the amount received.

C. Notice of Order.

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 (7) days of its entry. The certificate of mailing shall be made of record. 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.

D. Payment.

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

designated for such payment. Payments may be made by cash, cashier's check, certified check or money order. Payments by cashier's check, certified check or money order shall be made payable to the Clerk of the Court.

E. Procedure upon Default of Payment.

If the obligor is in default of payment, counsel representing the interest of the obligee or the public office, or a pro se obligee, may file a Petition for Adjudication of Contempt against such obligor. Upon the petition being filed, the Court shall set a date for hearing and order counsel representing the obligee, or a pro se obligee, to give notice to the obligor and provide proof thereof. 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 (7) days prior to hearing, and notice by U.S. Mail shall be mailed not less than ten (10) days prior to hearing. Upon hearing of the petition, if good cause is not shown, the obligor may be found in civil contempt and sanctioned according to law. The obligor may be found in indirect criminal contempt for the same act and sanctioned accordingly if a Petition for Adjudication of Indirect Criminal Contempt has been filed and the obligor was properly advised of his rights prior to the commencement of the proceedings. 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. 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.

Part 13.00 Contempt of Court

13.01 Proceedings in Contempt

- A. Contumacious conduct defined. Contumacious conduct consists of verbal or non-verbal acts which:
1. Embarrass or obstruct the Court in its administration of justice or derogate from its authority or dignity;
 2. Bring the administration of justice into disrepute; or
 3. Constitute disobedience of a court order or judgment.
- B. Direct criminal contempt defined. Contumacious conduct constitutes a direct criminal contempt if it is committed in such a manner that no evidentiary hearing is necessary to determine the facts establishing such conduct and is committed in an integral part of the Court while the Court is performing its judicial functions.
1. Court's alternatives. Upon the commission of an act constituting a direct criminal contempt, the Court may:
 - a. Summarily find the contemnor in contempt and impose sanctions *instanter*;
 - b. Summarily find the contemnor in contempt and impose sanctions within a reasonable time; or
 - c. Delay the finding of contempt and the imposition of sanctions until a later time. When the finding of contempt is delayed, the contempt proceeding shall be conducted in the same manner as an indirect criminal contempt as provided in Paragraph C of this rule.
 2. Conduct specified/statement in mitigation. Prior to an entry of a finding of contempt, the Court shall inform the contemnor of the specific conduct forming the basis of the finding. Prior to the imposition of sanctions, the Court shall permit the contemnor an opportunity to present a statement in mitigation.
 3. Sanctions. 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 (\$500.00), incarceration in a penal institution other than the penitentiary for a term not to exceed six (6) months, or both. If a jury finds the respondent guilty of contempt, the Court is not limited in the fine

or incarceration it may impose. The Court, in the exercise of its discretion, may impose such other sanctions as it deems appropriate.

4. Written order required. Upon imposition of sanctions, the Court shall enter a written judgment order setting forth the factual basis of the finding and specifying the sanctions imposed.
 5. When referral to another judge required. Where a controversy between the judge and the contemnor is integrated with the alleged contumacious conduct and embroils the judge to the degree that the judge's objectivity can reasonably be questioned, referral to another judge on both issues of contempt and of an appropriate sanction is required. In this event, the judge before whom the alleged contempt transpired shall specify in writing the nature of the alleged acts of contempt, shall direct that a record of the proceedings surrounding the said acts be prepared and shall transfer the matter to the appropriate assignment judge for assignment. 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.
 6. Appeal. An appeal from a judgment of direct criminal contempt may be taken as in criminal cases. Upon the filing of a notice of appeal, the Court may fix bond and stay the execution of any sanction imposed pending the disposition of the appeal.
- C. Indirect criminal contempt defined. A contumacious act constitutes an indirect contempt when it occurs outside the presence of the Court or in an area that is not an integral or constituent part of the Court, or the elements of the offense are otherwise not within the personal knowledge of the judge. A contumacious act committed in the presence of the Court, but not summarily treated as direct criminal contempt as provided in Paragraph B, may be prosecuted as an indirect criminal contempt.
1. Petition for adjudication. An indirect criminal contempt proceeding shall be initiated by the filing of a petition for adjudication of indirect criminal contempt. The petition shall be verified and set forth with particularity the nature of the alleged contemptuous conduct. The charge may be prosecuted by the State's Attorney or, if he declines, by an attorney appointed by the Court.
 2. (Amended) Notice of Hearing. If the Court finds that the petition sets forth allegations which support the charge, it shall set the matter for hearing and order notice be given to respondent. Notice of the hearing and a copy of the petition shall be served and returned in the manner as provided in Supreme Court Rule 105(b); or, in child support enforcement cases or if the Court so directs, the Clerk of the Court or petitioner's attorney may

give notice by regular U.S. Mail, postage prepaid, to the respondent's last known address. If notice is made by regular U.S. Mail, proof of mailing notice shall be made a part of the record. Notice by personal service shall be served not less than seven (7) days prior to the hearing, and notice by U.S. Mail shall be mailed not less than ten (10) days prior to the hearing. 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 directed to the respondent. When a warrant issues, the Court shall set bail as authorized by criminal cases. The amount of bail shall be indicated on the order of attachment.

3. Explanation of respondent's rights. Upon the first appearance of the respondent, the Court shall inform the respondent of his right to:
 - a. Notice of the charge and of the time and place of the hearing thereon;
 - b. An evidentiary hearing, including the right to subpoena witnesses, confront the witnesses against him, and make a response to the charge;
 - c. Counsel and, if indigent, to the appointment thereof;
 - d. Freedom from self-incrimination;
 - e. The presumption of innocence;
 - f. Be proven guilty only by proof of guilt beyond a reasonable doubt; and
 - g. A trial by jury if the Court, prior to the commencement of the hearing, declares that a sentence of incarceration of more than six (6) months, a fine of more than \$500.00, or both, may be imposed as a sanction upon a finding of guilty.
4. When referral to another judge required. Referral of the petition to another judge for the hearing on the issues of contempt and the imposition of sanctions is required where a controversy between the judge and the alleged contemnor is integrated with the alleged contumacious conduct and embroils the judge to the degree that the judge's objectivity may be reasonably questioned.
5. Statement in mitigation. Upon an adjudication of contempt, the judge shall afford the contemnor the opportunity to make a statement in mitigation prior to the imposition of any sanction.

6. Sanctions. The Court, in the exercise of its discretion, may impose sanctions as it deems necessary.
 7. Written order required. Upon an adjudication of contempt, the Court shall enter a written judgment order setting forth the factual basis for the finding and specifying the sanctions imposed.
 8. Appeal. An appeal from a judgment of indirect criminal contempt may be taken as in the case of direct contempt as specified in Paragraph B.6 of this rule.
- D. Civil contempt defined. A contumacious act constitutes a civil contempt if:
1. The act consists of the failure to obey a court order or judgment; and
 2. Coercive rather than punitive sanctions are sought to compel compliance with the order or judgment.
 - a. Petition for adjudication. A civil contempt proceeding shall be initiated by the filing of a petition for adjudication of civil contempt unless the act is committed in the presence of the Court. The petition shall be verified and set forth with particularity that portion of the court order that is alleged to have been violated and the nature of the violation. If the Court finds that the petition sets forth allegations which support the charge, it shall set the matter for hearing and order that notice be given to the respondent.
 - b. 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 Paragraph C.2 of this rule. The provision of Part 15.01 of these rules shall apply to this notice. If, after notice, the respondent fails to appear, the Court may order a body attachment to issue and set bail.
 - c. Response/burden of proof. No later three (3) days prior to the hearing, the respondent may file a written answer denying, with specificity, any of the allegations, together with any affirmative defenses. Subsequent written or oral denials and affirmative defenses may be made only with leave of Court. Those allegations of the petition not specifically denied may be deemed admitted, and the remaining allegations in issue shall be proven by a preponderance of the evidence. If the basis of the charge of civil contempt is the failure of the respondent to make court ordered payments to the Clerk of the Court, the records of the Clerk shall be prima facie evidence of the amount paid and disbursed by the Clerk.
 - d. Method of hearing. Civil contempt proceedings shall be tried before the Court without a jury.

- e. Sanctions. If the Court finds the respondent in civil contempt, it may continue the matter for a reasonable time before the imposition of sanctions or; it may impose sanctions forthwith. Prior to the imposition of sanctions, the contemnor shall have the right to make a statement in mitigation. Sanctions may include a continuing fine and/or incarceration in a penal institution other than a penitentiary. The sanctions imposed shall remain in full force and effect until the respondent purges himself of contempt or is otherwise discharged by due process of law. The Court may assess reasonable costs and attorney's fees against the contemnor.
- f. Written order required. Upon an adjudication of civil contempt, a written judgment order shall be entered specifying the contumacious conduct, the sanction imposed, and the means by which the respondent may purge himself. A copy of the judgment shall be provided to the contemnor.
- g. Appeal. An appeal from a judgment a 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 disposition of the appeal.

Part 14.00 Probate Proceedings

14.01 General

- A. The definitions in the Probate Act of 1975, 755 ILCS 5/1-1 *et. seq.*, as amended, 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 administrator or executor.
 4. “Independent administrator” means an executor or administrator as defined in Article XXVIII of the Probate Act.
 5. “Ward” includes minor and disabled person.
 6. Section references are to sections of the Probate Act.
- B. An action to contest admission or denial of a will, to enforce a contract to make a will, to construe a will, or to appoint a testamentary trustee during the period of administration of an estate, shall be assigned a Chancery case number in accordance with the Supreme Court Manual on Record Keeping. The parties shall be designated as in other civil actions. Unless otherwise ordered by the Presiding Judge of the Civil Division, the action shall be heard by the Probate Judge to whom the estate has been assigned.

14.02 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 (7) 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.

14.03 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 a certified receipt of the depository be filed with the Clerk of the 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 Court.

14.04 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.

14.05 Opening a Safe Deposit Box

- A. The petition for appointment of a representative of a decedent or a ward shall disclose 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 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 filed with the Clerk of the Court.
- D. Any after discovered safe deposit box shall be inventoried forthwith in accordance with this rule and a supplemental inventory listing the box and its contents shall be filed with the Clerk of the Court no later than thirty (30) days from the date of discovery.

14.06 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 (60) days after the expiration of one (1) year after the issuance of letters of office. Thereafter, a verified account shall be filed annually within sixty (60) days after the anniversary date of the issuance of letter 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 (30) 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 (60) days after the expiration of one (1) year after the issuance of letters and annually thereafter within sixty (60) 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. Except as hereinafter provided, in an estate in which an account and/or report has not been filed and approved as required by Paragraphs A, B and 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.

14.07 Notice of Hearing on Accounts

- A. Notice of the hearing on a final account of an executor or administrator 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 (7) 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 (21) 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 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 (21) days prior to the date of the hearing.
 5. Proof of such notice shall be filed with the Clerk of the 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.

14.08 Proof of Service in Guardianship Estates

When service of notice is required pursuant to Section 11-10.1 or Section 11a-10(f) of the Probate Act, proof of service shall be filed with the Clerk in the manner provided for in Supreme Court Rule 12.

14.09 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 Court, within seven (7) days of the filing of the claim, 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. The notice shall set the call of the claim no less than sixty (60) 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 (30) 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.

14.10 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.

14.11 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.

14.12 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 qualified for distribution under Article XXV of the Probate Act, or under 20 ILCS 1705/22, distribution will be authorized only to the legal representative of such person.

14.13 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 distributee; 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.

14.14 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.

14.15 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 there to pursuant to treaty or convention between that country and the United States, in the following manner:

- A. Such ORFC or such attorney-in-fact shall present 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 shall be 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 shall acknowledge 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.

14.16 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.

14.17 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 Court prior to closing of the estate.

14.18 Termination of Small Estates of Wards

- A. If money has been deposited as provided in Section 24-21 and the balance drops below the amount which may be transferred pursuant to Section 25-2 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 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.

14.19 Petition for Expenditures on Behalf of a Ward

- A. Any petition to withdraw funds pursuant to Section 24-21 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.

14.20 Allowance of Fees

- A. All fees payable to a representative or to an attorney for a representative must be approved by the Court pursuant to a verified petition with notice to all interested parties, unless 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.
- B. 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. with respect to attorney's fees, any other pertinent factor described in the Code of Professional Conduct, Rule 2-106.
- C. 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 Local Rule 14.24.

14.21 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.

14.22 Jury Demands

- A. A petitioner or claimant desirous of a trial by jury, where permitted, except in cases involving disabled adults, must file a jury demand with the Clerk and pay the fee at the time he files his petition or claim. 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.

14.23 Procedure 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 case 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.
- B. The Court may, on its own motion, appoint a guardian ad litem to investigate the merits of the proposed settlement.
- C. 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.
- D. 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.

In the case of a minor, the minor shall appear in open court at the hearing on the petition.

- E. 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.
- F. 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.
- G. 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 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.).

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].”

- H. 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.
- I. 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 (25) 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 (25) 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.

14.24 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 Local Rule 14.23, except that the judge hearing the case may waive the filing of a written petition under Local Rule 14.23 for the approval of attorney’s fees in excess of twenty-five (25) 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 Local Rule 14.23, except that the judge hearing the case may waive the filing of a written petition under Local rule 14.23 for approval of attorney’s fees in excess of twenty-five (25) 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 (30) 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 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 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.).

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]".

- F. 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.
- G. 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.

14.25 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 Local Rule 14.23 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 section 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.

14.26 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.

14.27 Inactive Docket

Whenever the Court determines that there has been no activity in any estate for a period of time not less than one (1) year or whenever the Court determines that a representative has failed to comply with the provisions of Local Rule 14.06, the Court may order transfer of the estate to an inactive docket. The case shall thereafter be designated closed by the Clerk of the Court. The estate may be reopened and removed from the inactive docket on motion and order of court.

Part 15.00 Post Judgment Proceedings

15.01 Post-Judgment Notices – Warnings

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

15.02 Post-Trial Motions and Supplemental Proceedings to Enforce Judgments

- A. Post-trial motions shall be heard by the judge who entered the judgment, 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 Circuit Clerk.
- 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 Circuit Court, 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 of Lake County, or the Attorney General in its stead, shall be heard by the judge then assigned to hear support cases.

15.03 Citation to Discover Assets

- A. The Clerk shall, upon request, issue a Citation to Discover Assets in the form set forth for service upon a judgment debtor and in the form set forth in the Civil Practice Act and Supreme Court Rules.
- B. A Citation to Discover Assets may be served by either personal service or certified mail in conformity with Supreme Court Rules 277(c) and 105(b).
- C. Upon respondent's failure to appear in response to a Citation to Discover Assets served by certified mail, a Rule to Show Cause may issue pursuant to Rule 15.04.

15.04 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 Rule 15.03(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, 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, 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.

15.05 Issuance of Order of Body Attachment

Upon the failure of the respondent to appear pursuant to personal service of a Rule to Show Cause or a Citation to Discover Assets, and the Rule or Citation having included the advisory language of Rule 15.01, the Court in its discretion may order the Clerk of the Court to 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.

15.06 Copy of Rule or Order

The copy of a rule 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 or order that it is a true and correct copy of the rule or order entered.

15.07 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.

15.08 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, the Court shall enter an order directing the Clerk of the 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.

15.09 Deposit for Preparation by Clerk of Appeal Record in Civil Cases

At the time that any request is made to the Circuit Clerk of the Circuit Court of Lake County for Certification or Authentication of an Appeal Record, pursuant to 705 ILCS 105/27.1a(k), a deposit of not less than fifty dollars (\$50.00) 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.

Part 16.00 Adoption

16.01 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 (5) 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.

16.02 Investigation Reports

- A. A minimum of twenty-four (24) 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.

16.03 Defaults

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.

16.04 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 17.00 Mandatory Arbitration Rules

17.01 Actions Subject to Mandatory Arbitration (Supreme Court Rule 86)

- A. Mandatory arbitration proceedings are undertaken and conducted in the Circuit Court of Lake County, 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 Circuit Court of Lake County 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 attorneys 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 (14) 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 180 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 Part 7.05 of these rules.

17.02 Appointment, Qualification and Compensation of Arbitrators (Supreme Court Rule 87)

- A. Retired judges, licensed to practice in Illinois and residing in the Circuit Court of Lake County, 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 Circuit Court of Lake County, 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 45 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.

17.03 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." On the effective date of these rules, and on or before the first day of each July thereafter, the Arbitration Administrator shall provide the Office of the Circuit Clerk with a schedule of available arbitration hearing dates for the ensuing calendar year. The Clerk of the Circuit Court shall assign a date and time for arbitration hearing upon the commencement of the action, and said date and time will be noted on the complaint and all summons. **THIS IS THE ONLY NOTICE OF THE HEARING WHICH THE PARTIES WILL RECEIVE.** The arbitration hearing date shall be scheduled approximately but not less than 120 days from the filing of the complaint for all cases not exceeding \$15,000, and approximately but not less than 180 days from the filing of the complaint for cases greater than \$15,000 but not exceeding \$50,000. Any case transferred from another court or jurisdiction shall be scheduled for hearing pursuant to Rule 17.01(E).

Every original summons shall be made returnable before the Supervising Judge of Arbitration on a specified return date to be set by the Circuit Clerk not less than 28 nor more than 40 days after the issuance of the summons.

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.

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, and removing the case from the previously scheduled arbitration hearing date.

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 60 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 complaint 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 the respective county 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 the 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 of 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 the imposition of sanctions including the taxing of arbitrator's fees and costs at the discretion of the Supervising Judge of Arbitration.

17.04 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.

17.05 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.

17.06 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 Circuit Clerk, 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.

17.07 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 Court, who shall serve notice of the award to all parties, including any in default.

- B. The Clerk of the Court shall include in the notice of award a date certain, not less than 30 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.

17.08 Rejection of Award (Supreme Court Rule 93)

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

17.09 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.

17.10 Location of Arbitration Hearing

The location of hearing shall be determined by the Chief Judge of the Circuit Court of Lake County or his designee.

17.11 Forms

All forms shall be as prescribed by Supreme Court Rule or by administrative order by the Chief Judge.

17.12 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.

Part 18.00 - Reserved

Part 19.00 - Reserved

Part 20.00 Civil Division Mediation Program

20.00 Purpose of the Mediation Process

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

20.01 Actions Eligible For Court-Annexed Mediation

- A. Referral by judge or stipulation. Except as hereinafter provided, the judge to whom a matter is assigned may order any contested civil matter asserting a claim having a value, irrespective of defenses or set-offs, in an amount in excess of eligibility for Mandatory Arbitration in this circuit, referred to mediation on or after November 4, 1996. 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 order of referral.
- B. Exclusions from Mediation. Except as otherwise set forth in Paragraph 20.01 A above, matters as may be specified by administrative order of the Chief Judge of the circuit shall not be referred to mediation except upon petition of all parties.

20.02 Scheduling of Mediation

- A. Conference or Hearing Date. Unless otherwise ordered by the Court, the first mediation conference shall be held within eight (8) weeks of the Order of Referral.

At least ten (10) days before the conference, each side shall present to the mediator a brief, written summary of the case containing a list of issues as to each party. If the attorney filing the summary wishes its contents to remain confidential, she/he should advise the mediator in writing at the same time 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 28 days after the Order of Referral, the mediator shall notify the parties in writing of the date and time of the mediation conference.

Unless all parties and the mediator otherwise agree:

Lake County 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 (14) days after the Order of Referral, to dispense with mediation if:
1. The issue to be considered has been previously mediated between the same parties pursuant to General Order of the Circuit Court of Lake County;
 2. The issue presents a question of law only;
 3. The order violates Paragraph 20.01 B of this General Order;
 4. Other good cause is shown.
- D. Motion to Defer Mediation. Within fourteen (14) days of the Order of Referral, any party may file a motion with the Court to defer the mediation. The movant shall set the motion to defer the mediation proceeding prior to the scheduled date for mediation. Notice of the hearing shall be provided to all interested parties, including any mediator who has been appointed. The motion shall set forth in detail, the facts and circumstances supporting the motion. Mediation shall be tolled until disposition of the motion.

20.03 Mediation Rules and Procedures

A. Appointment of the Mediator

1. Within 14 days of the Order of Referral, the parties may agree upon a stipulation with the court designating:
 - a. A certified mediator; or
 - b. A mediator who does not meet the certification requirements of these rules but who, in the opinion of the parties and upon review by and approval of the presiding judge, is otherwise qualified by training or experience to mediate all or some of the issues in the particular case.
2. If the parties cannot agree upon a mediator within fourteen (14) days of the Order of Referral, the plaintiff's attorney (or another attorney agreed upon by all attorneys) shall so notify the Court within the next seven (7) days, and the court shall appoint a certified mediator selected by rotation or by such other procedures as may be adopted by administrative order of the chief judge.

B. Compensation of the Mediator

1. Each mediator shall agree to mediate two cases 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 20.04(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* without compensation from any party to the action. Any such appointment shall be credited toward the obligation under 20.03 B.1.
5. The fee of an appointed mediator shall be subject to appropriate order or judgment for enforcement.

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

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

E. Attendance at a Mediation Conference.

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

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

- a. The party or its representative having full authority to settle without further consultation, and in all instances, the plaintiff must appear at the mediation conference; and
 - b. The party's counsel of record, if any; and
 - c. A representative of the insurance carrier for any insured party who is not such carrier's outside counsel and who has full authority to negotiate and recommend settlements to the limits of the policy or the most recent demand, whichever is lower without further consultation.
2. Upon motion, the Court may impose sanctions against any party, or attorney, who fails to comply with this rule, including, but not limited to, mediation costs and reasonable attorney fees relating to the mediation process.
- F. **Adjournments.** The mediator may adjourn the mediation conference at any time and may set times for reconvening the adjourned conference. No further notification is required for parties present at the adjourned conference.
- G. **Counsel.** The mediator shall at all times be in control of the mediation and the procedures to be followed in mediation. Counsel shall be permitted to communicate privately with their clients.
- H. **Communication with Parties.** The mediator may meet and consult privately with either party and his/her representative during the mediation process.
- I. **Termination of Mediation.**
1. Mediation shall be completed within seven (7) weeks of the first mediation conference unless extended by the order of the court or by stipulation on the parties.
 2. Mediation shall terminate prior to the end of seven (7) 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.
- J. **Report of Mediator.** Within fourteen (14) days after the termination of mediation for any reasons, 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”.

- K. 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.
- L. Discovery. Whenever possible, the parties are encouraged to limit discovery (prior to completing the mediation process) to the development of the information necessary to facilitate a meaningful mediation conference. Discovery may continue throughout mediation.
- M. Confidentiality of Communications. All oral or written communications in a mediation conference, other than executed settlement agreements, shall be exempt from discovery and shall be confidential and inadmissible as evidence in the underlying cause of action unless all parties agree otherwise. Evidence with respect to alleged settlement agreements shall be admissible in proceedings to enforce the settlement. Subject to the foregoing, unless authorized by the parties, the mediator may not disclose any information obtained during the mediation process.
- N. Immunity. Mediators shall be entitled to such immunity as shall be provided by law.
- O. Mechanism for Reporting. The Clerk of the 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.

20.04 Mediator Qualifications

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

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

1. Complete a mediation training program approved by the Chief Judge of the Circuit Court of Lake County; and
2. Be a member in good standing of the Illinois Bar with at least eight years of practice or be a retired judge; and
3. Be of good moral character; and

4. Submit an application that is approved by the Chief Judge or his designee.
- B. Mediator General Standards. In each case, the mediator shall comply with such general standards as may, from time to time, be established and promulgated in writing by the Chief Judge of the Circuit Court of Lake County.
- C. Decertification of Mediators. The eligibility of each mediator to retain the status of a certified mediator shall be periodically reviewed by the Chief Judge, and in any event no longer than three (3) years after date of appointment. Failure to adhere to this general order governing mediation or the general standards provided for above may result in the decertification of the mediator, by the Chief Judge or his designee.

20.05 Court-Ordered Mediation in Civil Cases

The Chief Judge or his designee of the Circuit Court of Lake County may appoint a judge or judges of the Circuit Court of Lake County to act as Supervising Judge for Court-Ordered Mediation in civil cases, who shall serve at the pleasure of the Chief Judge.

20.06 Duties of Supervising Judge for Mediation.

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

- A. Approve or appoint Mediator.
- B. Hear motions to interpret all Mediation rules.
- C. Hear motions to advance, postpone or defer hearings.
- D. Hear motions to disqualify a Mediator.
- E. Hear all post-mediation Motions, including motions for entry of judgment, or other dispositive motions, prior to reassignment.
- F. Transfer unresolved, post-mediation cases to originally assigned trial court.

Part 21.00 Miscellaneous

21.01 (Amended) Photography, Radio, Television, Audio Recording Devices and Cellular Telephones

Amendment to Rule 21.01E-I, PHOTOGRAPHY, RADIO, TELEVISION, AUDIO RECORDING DEVICES AND CELLULAR TELEPHONES Of Part 21.00, MISCELLANEOUS, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit.

- A. Pursuant to Supreme Court Rule 63A(7), the taking of photographs in the courtroom during sessions of court or recesses between proceedings, and the broadcasting or the televising of proceedings, are permitted only to the extent authorized by Order of the Illinois Supreme Court. The Order of the Illinois Supreme Court in *In Re Photographing, Broadcasting and Televising Proceedings in the Courts of Illinois*, MR No. 2634, entered November 29, 1983 and made permanent on January 22, 1985, does not permit photography, broadcasting or televising of circuit court proceedings.
- B. The photography, videotaping, audio recording, televising or broadcasting of events and activities in a courtroom or its environs is also prohibited unless expressly authorized by this rule. For the purpose of this rule, the use of the terms “photographs, videotaping, audio recording, televising or broadcasting” include the audio or video transmissions or recordings made by telephones, personal data assistants, laptop computers, and other wired data transmission and recording devices.
- C. Photographs, videotapes, audio recordings, 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, 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.

Amendment to Rule 21.01, PHOTOGRAPHY, RADIO, TELEVISION, AUDIO RECORDING DEVICES AND CELLULAR TELEPHONES Of Part 21.00, MISCELLANEOUS, of the Uniform Rules of Practice, Circuit Court of Illinois, Nineteenth Judicial Circuit.

- E. Photographing or recording via wireless communication devices that have the capability of recording and/ or transmitting sound, pictures, and video, such as cell phones, camera phones, personal data assistants (PDAs), BlackBerrys, pocket computers, notebook computers, and laptop computers in the courtroom or its environs are 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 communicating 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 cellular 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 of 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.

Amended by the Circuit Judges
of the Nineteenth Judicial Circuit
this 6th day of April, 2009
and effective immediately.

21.02 Court Reporters

- A. The Court will provide court reporters in the following proceedings:

1. Jury and bench trials and evidentiary proceedings in felony cases and misdemeanor cases where incarceration may result, except jury selection in misdemeanor cases.
 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 hearings.
 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.
- B. The Court will provide court reporters in the following proceedings unless the Court directs or authorizes the parties in advance of hearing or trial to provide a private court reporter:
1. Domestic relations proveups and 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, excepting those items set forth in Paragraph C.
 4. Trials and evidentiary hearings in paternity matters.
 5. Hearings on petitions for adjudication of disability and for appointment of a guardian of the estate, or person, or both, held pursuant to Section 11a-11 of the Probate Act.
 6. Hearings on petitions for involuntary civil commitments and on petitions for discharge following any commitment.
- C. Unless required upon the Court's motion to good cause shown, 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, non-felony cases, traffic and ordinance violation 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.
- D. Where an official court reporter is not furnished by the Court under Paragraph B 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 Paragraph C, unavailability of a court reporter shall not be grounds for a continuance.
- E. In cases where an official court reporter is not furnished by the Court, parties may employ a private reporter upon approval of the Court and under the following conditions:
1. Only one reporter shall be used during the course of any testimony.
 2. The party providing the reporter shall inform the clerk of the reporter's name, address, reporting firm and State of Illinois license number before commencing.
 3. The court reporter station in the courtroom shall be used.
 4. 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 reporter before copies are delivered to the parties and the attorneys.

5. Any disagreement among the parties concerning qualifications of or which party's reporter shall be used shall be presented to the Court for ruling as in all other motions.
 6. Such other terms and conditions as the Court deem appropriate.
- F. 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. This rule applies in both the case of official court reporters and private court reporters.
 - G. Paragraph E.4 also applies to official court reporters.
 - H. All official court reporters in the circuit are assignable at the direction 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 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 Circuit Clerk with the inventory of all exhibits, and a copy of which inventory shall be placed in the court file.

21.03 Legal Holidays

- A. The legal holidays of the Circuit Court of Lake County shall be those holidays specified by the Chief Judge of the Circuit Court of Lake County.
- B. All matters returnable on said legal holidays shall be continued to the next business day of this Court.
- C. The time for filing all motions and pleadings is extended to the next business day of this Court.

21.04 Non-Judicial Appointments

Non-judicial appointments vested in the Circuit Court shall be made by the Chief Judge with the approval of a majority of the Circuit Judges.

21.05 Appearance of Counsel *Pro Hac Vice*

An attorney who is not licensed to practice law in the State of Illinois may seek permission to represent a party in a particular cause in this circuit by presenting a verified application for admission of counsel *pro hac vice*. The application must be presented personally by the attorney seeking admission *pro hac vice*, upon proper notice to all parties or attorneys of record. The application shall be presented to the judge assigned to the cause, or if the cause is not yet assigned, to the Presiding Judge of the court division to which the cause will be assigned. The application will be granted or denied in the exercise of judge's discretion.

Part 22.00 Forms

22.01 Documents to be in Accordance With Forms Herewith

- A. All pre-printed forms used by the Court, including publication notices, shall be approved by the Chief Judge prior to implementation.
- B. It shall be the duty of the Clerk of the Court to make available to the public, free of charge, the pre-printed forms approved by the Chief Judge.
- C. Revisions and modifications to existing pre-printed forms must be approved by the Chief Judge, prior to implementation of the change.

Adopted by the Circuit Judges of the
19th Judicial Circuit on July 7, 2008,
effective immediately.