

# SIXTH MUNICIPAL DISTRICT CIVIL COURTS

## REMOTE PROCEEDING PROCEDURE

IT IS HEREBY ORDERED THAT pursuant to Chief Judge Evans' General Administrative Order 2020-02, dated June 26, 2020, permitting the establishment of remote proceedings, in order to facilitate proper social distancing to safeguard the health and welfare of the public as well as to help alleviate congestion in the courthouse, and until further notice, the Civil Division of the Markham Courthouse (Courtrooms 207, 208 & 209), hereinafter referred to as the Civil Division will conduct remote proceedings subject to the following conditions:

1. Court Proceedings shall continue to be conducted via Zoom audio-video conferencing. "Remote proceedings" as used in this Order shall refer to Zoom audio-video communication conferences with the Civil Court Judges. All currently scheduled status, case management conferences, hearings, pre-trials and non-jury trials will proceed on the date and time as previously scheduled (via Zoom) unless otherwise ordered by the assigned judge. ALL ZOOM PARTICIPANTS MUST ENSURE THEIR FULL NAME IS VISIBLE TO THE COURT, CLERK, COURT REPORTER AND OTHER ZOOM PARTICIPANTS PRIOR TO ENTERING THE ZOOM CONFERENCE.

Because counsel cannot attend more than one zoom hearing at a time, and due to counsel having cases in multiple Markham courtrooms on the same day, the civil division judges and staff will stagger their daily start times to accommodate counsel and parties' schedules as follows:

### **Check-In Times (Morning Cases)**

Room 207: 8:30am-8:50am  
Room 208: 9:30am-9:50am  
Room 209 10:00am-10:20am

### **Court Start Time**

9:00 am  
10:00 am  
10:30 am

Room 209 check-ins for 10:30 am cases will occur at the conclusion of the 9:00 am call.

### **Check-In Times (Afternoon Cases)**

Rooms 207 & 208 1:00pm-1:15pm

### **Court Start Time**

1:15 pm

There will be no further check-ins after the end times listed above and no check-ins while the Court is proceeding with the court call. In order to efficiently manage the daily court call, it is requested that Counsel and parties make every effort to comply with these check-in and start times.

During check-in, attorneys must provide the clerk of court with their attorney/firm number and the case number(s) for which they are appearing. All self-represented litigants must provide the clerk of court with their case number(s) for which they are appearing

The Zoom meeting ID number and password for each judge is listed below and will remain the same unless otherwise noted:

Judge Barrett (Rm 207): ID No. 989 3246 8139; Password 089630  
Judge Hamilton (Rm 208): ID No. 940 4468 5993; Password 057404  
Judge Canellis (Rm 209): ID No. 923-7263-5465; Password 820337

Individuals without access to a computer with camera or cell phone with camera may access Zoom from a landline telephone by dialing one of the below United States dial-in numbers:

One tap mobile

1 312 626 6799; Meeting ID as indicated above followed by #, 1#, Password above followed by # US (Chicago)

Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 301 715 8592 US (Germantown)
- +1 646 558 8656 US (New York)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 669 900 9128 US (San Jose)

Meeting ID: See above

Password: See above

All motions and requests for cases to be heard must include that the movant seeks to present the motion via Zoom at the appropriate time and shall contain the assigned judge's meeting ID number and Password in the Notice of Motion.

2. Platform. While the Civil Court is willing to consider other platforms and reserves the right to use another platform at any time, all remote proceedings shall be conducted utilizing the "Zoom" platform ([www.zoom.us](http://www.zoom.us)).

3. Procedures for All Remote Proceedings. The following are the required procedures for all remote proceedings:

- a. The Judge shall initiate and/or host the remote proceeding.
- b. The parties and/or their attorney shall be present and available at the appointed time and date of the remote proceeding. All participants will be placed in the waiting room upon their connection to the zoom meeting. If a party or his/her/its attorney does not appear, the hearing may be conducted in their absence or the matter may be stricken and reset for a future status date (if missed court date is prior to July 6, 2020) in the court's discretion.
- c. Upon entry to the zoom conference room all parties and attorneys will be muted until their case is called. When their case is called, the party/attorney must identify their need to become unmuted by utilizing the notification icon on their device. Once the Court identifies which attorneys

and parties are needed for the called case, the Court will unmute the attorneys and parties. It is the attorney/party's responsibility to continue attempting to notify the court to unmute your device. All other non-participants will remain muted until their case is called and then the process above will repeat itself. At the conclusion of your court case, please exit the conference room to provide an opportunity for others to enter. If you remain in the conference room, please mute your audio while you wait for your next case to be called.

- d. The court will not provide a court reporter for these proceedings. Any party desiring a court reporter is responsible for obtaining one. Additionally, the party obtaining a court reporter must provide the court reporter with the date, time and zoom details for the hearing. Other than the official court reporter's record, there shall be NO broadcasting, recording or transcription of any kind of the court proceeding by any participant. ***A violation of this restriction may result in a contempt finding.*** The court reserves the right to arrange for live streaming of the proceeding via YouTube or similar media as it deems appropriate.
- e. Within one (1) business day following the remote conference, unless otherwise directed by the Judge, Plaintiff or Plaintiff's counsel shall draft and electronically submit to the court and other attorney(s)/party(ies) a proposed order indicating (1) a remote proceeding via videoconference or telephone conference call via Zoom was held; (2) the result of said conference; (3) scheduling any necessary future date(s); and any other requirements ordered by the court. Thereafter the court will review the proposed Order for approval. **FOR ALL ORDERS YOU WILL NOT RECEIVE A COPY OF THE STAMPED ORDER UNLESS THE COURT AMENDS THE PROPOSED ORDER.** If the Court amends an Order, the Court will email (only) a stamped copy of the Order to all counsel of record and self-represented parties. If the Court returns an Order, each party shall be responsible to confirm their receipt of the stamped Order.
- f. See the attachment to this Order for additional hearing details.

General Zoom instructions and admonishments may be also found on the Cook County Court's website ([www.cookcountycourt.org](http://www.cookcountycourt.org)).

4. Evidentiary and Non-Evidentiary Hearings. The manner in which a remote hearing will be conducted (via audio-video or telephone) remains within the discretion of the judge presiding over the individual case. The parties shall use their best efforts to have all exhibits exchanged and ready to be presented at the time of hearing, unless otherwise ordered by the judge presiding. Prior to the commencement of any hearing, the parties shall email their exhibits to the court and include a statement indicating whether there are objections to any exhibit. All courtesy copies of relevant pleadings must be emailed to the assigned judge at least five business days before the hearing and copied to [District6civil@gmail.com](mailto:District6civil@gmail.com). The email subject line must include the case number and judge's name.

5. Pre-Trials. Remote pre-trials may be set by agreement of the parties or by the filing of a motion by either party and shall be conducted as follows:

- a. Both parties must be represented by an attorney of record;
- b. In filing a motion for pre-trial the movant shall provide no less than four (4) proposed dates and times for the proposed pre-trial and contain the names and contact information for each of the attorneys;
- c. The attorneys shall provide a proposed Order with the Motion for the Judge to complete and enter with the date and time. The email containing the proposed Order shall also contain every attorney's contact/email information for scheduling purposes. The court will send a separate email to the parties/counsel with the Zoom ID number and password for the pre-trial conference;
- d. The parties may submit pre-trial memorandums via email no less than three (3) business days in advance of the scheduled pre-trial conference, unless agreed otherwise by the parties and approved by the Judge.
- e. Only the Judge, attorneys of record, and parties with authority shall be present and participate during the pre-trial conference and each participating attorney shall take all necessary reasonable precautions to ensure the privacy of the pre-trial conference.

6. Effective June 1, 2020, if you are unable to use Zoom, whether by computer with camera, cell phone with camera, or telephone, you must notify the clerk of the court with your name and court case number along with your contact information (email address and phone number). Failure to appear whether remotely or in person, may result in a dismissal for want of prosecution or a default judgment being entered against you. In the event the judge presiding requires an in-court appearance of any person, each person entering the courthouse MUST be in compliance with the Illinois Department of Health mandates regarding protective equipment, including but not limited to, the wearing of facemasks.

7. It is intended that these protocols and procedures comply with all applicable law, Supreme Court Rules and local Circuit Court Rules, and remain consistent with any mandates and directives from the Illinois Supreme Court, the Governor of the State of Illinois and the Chief Judge of the Circuit Court of Cook County as it relates to the COVID-19 pandemic.

8. On all matters, the Court encourages and will accept proposed Agreed Continuance Orders via email one full week prior to a scheduled status date in court. The proposed agreed order must include the status of the case and those elements the parties intend to complete prior to the next court date as well as a proposed continuance date. Assuming the proposed Agreed Order is approved by the court, the court will stamp the Agreed Continuance Order and the Clerk will enter the Order in the docket thereby eliminating the need to appear in court. **YOU WILL NOT RECEIVE A COPY OF THE STAMPED ORDER UNLESS THE COURT AMENDS THE PROPOSED ORDER** If the Court amends an Order, the Court will email (only) a stamped copy of the Order to all

counsel of record and self-represented parties. Each party shall be responsible to confirm their receipt of the stamped Order.

9. High volume law firms are strongly encouraged to contact their opponents prior to a court date and attempt to reach agreement. In the event agreement is reached, counsel may send the proposed agreed order to the court consistent with point #8 above. Upon receiving notice the Court approved the proposed order, counsel is responsible to notify all parties. For any orders which counsel must receive as signed by the Court (garnishments, etc.), the Court will sign the Orders and place them in an envelope with the attorney's firm name and provide the envelope to the clerk of the court. Counsel must arrange a date and time with the Clerk's office to collect these envelopes.

10. ALL ELECTRONIC SUBMISSIONS TO THE CLERK OR THE COURT MUST CONTAIN THE SUBMITTING PARTY'S CONTACT INFORMATION. CONTACT INFORMATION SHALL INCLUDE THE NAME, ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS OF THE SUBMITTING PARTY (OR COUNSEL FOR THE PARTY).

11. The general email address for all civil courtrooms (207, 208 & 209) is [District6civil@gmail.com](mailto:District6civil@gmail.com). All email submissions to the court must be directed to this email address.

12. This Order is effective immediately.

Dated this 2<sup>nd</sup> day of July, 2020

Enter: **Judge Michael B. Barrett, #2225**

## HEARING PROCEDURES & OVERVIEW

To facilitate zoom hearings, we will need and require several items from the practitioners:

1. Patience. The Court, counsel, litigants and witnesses have never conducted hearings in this manner before and our challenges will be great. Patience and understanding by everyone will ultimately lead to a more efficient method moving forward.
2. Some ground rules for hearings (in addition to those listed below).
  - a. All parties' attorneys must have notice of the conference and appear during the conference. Any party wishing to waive their appearance may do so but it must be in writing (email) to all parties and the Judge via [District6civil@gmail.com](mailto:District6civil@gmail.com).
  - b. If a party desires to have a court reporter during the conference, it is that party's obligation to inform the court reporter of the conference details. Additionally, in the event the court reporter cannot adequately hear or otherwise take down the testimony, the parties must either agree to waive the court reporter or agree to continue the hearing to another date and time. Absent an agreement by the parties, the Court will reschedule the hearing.
  - c. In the event a hearing for a matter does not require sworn testimony, then any party represented by counsel may listen to the conference/hearing but may not speak during the conference/hearing. It shall be the responsibility of counsel to notify their client regarding the conference/hearing.

Please see below for the specific type of hearing rules which are applicable to your video conference/call and the requirement for an Order to conform to the Court's ruling:

### For non-emergency motions:

A party may file a motion for non-emergency relief from the Court only as follows:

- a. The movant must file the motion for non-emergency relief with the Clerk of the Circuit Court of Cook County. The movant must then send a copy of the motion and the relevant portion of this document to all parties of record<sup>1</sup> via email transmission.
- b. If the movant follows the requirements of Paragraph (a), then:
  - i. The responding party shall automatically be granted 21 days to respond from the time of receipt of the non-emergency motion. If an objection is filed, the movant shall be granted 7 days to respond to the objection. If the objection is denied, then the court shall grant additional time to respond to

---

<sup>1</sup> The movant may send the documents via email after e-filing them with the Clerk even if he/she has not yet received notification that the filing was approved. If you choose to send your documents before receiving approval and file stamped copies of same, you shall send all file-stamped copies to all parties of record within 24 hours of receipt of approval from the Clerk of the Circuit Court.

- the motion, and the moving party shall be automatically granted 7 days thereafter to reply to the response to the non-emergency motion. The movant shall submit a proposed briefing schedule Order consistent with the above time frame and include specific dates in the Order.
- ii. All submissions for adjudication to the court shall be filed with the Clerk of the Circuit Court.
  - iii. After the time to reply expires the movant shall submit the non-emergency motion and all responses and replies to the Court (along with all exhibits) via email transmission with all counsel of record or self-represented litigants included as recipients of the email to the following individuals:
    1. The general repository email: [District6Civil@gmail.com](mailto:District6Civil@gmail.com);
    2. The assigned Judge ([Michael.Barrett@cookcountyil.gov](mailto:Michael.Barrett@cookcountyil.gov)) or ([Carrie.Hamilton@cookcountyil.gov](mailto:Carrie.Hamilton@cookcountyil.gov)) or ([George.Canellis@cookcountyil.gov](mailto:George.Canellis@cookcountyil.gov))
    3. Any other person(s) as directed by the judge assigned to the matter.
  - iv. Upon submission of the non-emergency motion, responses and replies and all exhibits, the matter shall be taken under advisement by the Court.
  - v. After receipt of all relevant pleadings, the Court shall communicate whether it will issue a written ruling; conduct a zoom remote hearing designating the manner, date and time; or defer the matter to a future date.
  - vi. If the Court requires additional information or documentation to adjudicate the non-emergency motion, the request will be made of all counsel of record or self-represented parties. All parties and all counsel of record shall strictly comply with any request for additional information or documentation. NO ADDITIONAL information, documentation or other materials shall be submitted to the Court other than those requested by the Court.
  - vii. The parties may agree to a briefing schedule other than the presumptive schedule set forth above. Counsel shall provide the Court with a proposed Order establishing the scheduled dates.
- c. All motions for non-emergency relief from the Court submitted by email shall contain the email address and contact telephone number for each counsel of record and any self-represented parties.

### **General Hearing Rules for Contested Motions:**

- a. All relevant pleadings and exhibits must have be courtesy copied to [District6Civil@gmail.com](mailto:District6Civil@gmail.com) and the assigned Judge ([Michael.Barrett@cookcountyil.gov](mailto:Michael.Barrett@cookcountyil.gov)), ([Carrie.Hamilton@cookcountyil.gov](mailto:Carrie.Hamilton@cookcountyil.gov)) or ([George.Canellis@cookcountyil.gov](mailto:George.Canellis@cookcountyil.gov)) prior to the hearing. All email addresses and telephone numbers for counsel and self-represented parties shall appear prominently on the pleadings.

- b. The Court will determine the manner of hearing (i.e. telephone or video) and shall send notice to all counsel of record and self-represented parties. Counsel and self-represented parties shall be responsible to attend the hearing.
- c. All persons on the call/video must identify themselves at the beginning of the hearing and must identify themselves each time he/she begins speaking.
- d. All counsel must assume and acknowledge they are “on the record” at all times during the hearing.
- e. There shall be no unauthorized recording of the hearing. Any violation of this provision may result in a contempt finding.
- f. To decrease background noise disturbances, all non-speakers must mute their phone or their audio component of the video.
- g. Only one person may speak at a time. The Court will direct the order of presentation.

### **Orders:**

- a. At the direction of the Court, one party shall draft an Order consistent with the Court’s ruling. The proposed Order must be emailed to the Judge (and copied to all counsel of record and self-represented parties) for the Court’s review and approval. **FOR ALL ROUTINE CONTINUANCE ORDERS, YOU WILL NOT RECEIVE A COPY OF THE STAMPED ORDER UNLESS THE COURT AMENDS THE PROPOSED ORDER.** If the Court amends an Order, the Court will email (only) a stamped copy of the Order to all counsel of record and self-represented parties. Orders which are not considered routine continuance orders will be reviewed and approved by the Court and a stamped copy of the Order will be sent via email to all parties/counsel of record.
- b. In the event the Court’s Ruling invokes definitive time frames following the entry of the Order (including but not limited to notices of appeal, etc.), the Order must indicate that all counsel and self-represented parties acknowledge that they are specifically responsible to document and diary the applicable dates.
- c. The Order must include language indicating that the Clerk of the Court will data entry the original Order upon the expiration of Chief Judge Evans’ General Administrative Order 2020-01 and any extensions thereof by Chief Judge Evans.

**PLEASE NOTE THAT NONE OF THE ABOVE AFFECTS THE DISCRETION OF THE COURT TO CONDUCT HEARINGS IT DEEMS APPROPRIATE AND ALL OF THE ABOVE PROVISIONS ARE SUBJECT TO MODIFICATION**