

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

Plaintiff(s) v. Defendant(s) No. Judge Judge's No.

COURT-ANNEXED MEDIATION REFERRAL ORDER

(To be completed and filed with the Court, with a courtesy copy delivered to the Court-Annexed Civil Mediation Supervisor, pursuant to Illinois Supreme Court Rule 99 as a mechanism for reporting to the Supreme Court on the mediation program.)

THIS CAUSE coming before the Court pursuant to Cook County Circuit Court Rule 20 for Major Case Court-Annexed Civil Mediation, the Court finds that this cause is eligible for mediation, and IT IS ORDERED;

A. The following mediator is appointed to serve in this matter:

\_\_\_\_\_

- 4420 [ ] By stipulation of all parties;
4421 [ ] By appointment of the Court: OR
4422 [ ] The parties shall designate a mediator within twenty one (21) days. If the parties are unable to agree upon a mediator, counsel shall promptly so notify the Court and the Court shall appoint a mediator pursuant to Local Rule 20.03(A)(2).

B. [ ] The parties [ ] Plaintiff [ ] or an attorney agreed upon by all parties shall obtain a date and time for mediation convenient to all.

C. All parties shall participate in mediation, unless otherwise ordered by the Court.

- 1. Trial counsel shall appear at the mediation session, as well as each party or its representative with full authority to enter into a complete compromise and settlement. If insurance is involved, an adjuster with authority to negotiate and recommend settlements may attend. All parties are urged to include interested individuals in the mediation, who might facilitate settlement in the mediation. Lien holders, governmental officials, and others whose approval is necessary or whose interests may be negotiated and compromised in order to reach a full and complete settlement shall attend the mediation session.
2. The Court may impose sanctions against any party who fails to attend mediation or who violates the terms of this Order.
3. Not less than ten (10) days prior to the mediation session, each party shall present the mediator with a brief written summary of the case containing a list of all pending and resolved claims and all issues to be addressed in mediation, unless the mediator has requested a different procedure. Any party who wishes all or part of its summary contents to remain confidential shall inform the mediator, in writing, at the time the summary is tendered and shall clearly mark which portions are confidential. The summary shall include the following information:
(i) The names of all mediation participants;
(ii) The facts of the occurrence;
(iii) Opinions on liability;
(iv) All damage and injury information; and
(v) Any offers or demands of settlement.

- 4. All discussions, representations and statements made at the mediation session shall be privileged, consistent with a Confidentiality Agreement, to be signed on behalf of each party prior to commencement of the first mediation session. The Confidentiality Agreement shall be made a part of the case court records.
- 5. Each court-appointed mediator shall mediate one (1) case without compensation, pursuant to Cook County Circuit Court Rule 20.08(D). Thereafter, a court-appointed mediator shall be compensated by the parties at the rate of \$250.00 per hour unless otherwise agreed to by the mediation and the parties in writing. Each party shall bear mediation costs proportionately.
- 6. The mediator has no power to compel or enforce settlement agreements and shall not give legal advice. The parties shall reduce any settlement agreements to writing at the conclusion of the mediation session, which shall be signed by all parties and/or their attorneys.

D. This matter is set for status on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ a/p.m.  
 4423 for choosing a mediator. The parties need not appear on the above date if the parties have filed a stipulation agreeing to a mediator prior to the status hearing, with courtesy copies having been delivered to the referring Judge and to the Court-Annexed Mediation Supervisor at the Mandatory Arbitration Center at 222 N. LaSalle St., Chicago, Illinois 60601.

E. Mediation shall be completed within seven (7) weeks of the first mediation session unless extended by order of the Court or by stipulation of the parties. If an agreement is reached, it shall be reduced to writing and signed by each of the parties. Following execution of the written settlement agreement by all parties, the parties shall file with the Court, Form 4 (Memorandum of Agreement/No Agreement) and Form 6 (Mediator Report). If the parties have reached no agreement and the mediator concludes that further mediation would not be likely to result in agreement, the mediator shall complete and sign Form 4 (Memorandum of Agreement/No Agreement) and Form 6 (Mediator Report), provide a copy of same to each party, and file the same with the Court.

F. (SELECT ONE)

- the parties shall continue discovery while conducting mediation.
- Discovery related to \_\_\_\_\_ shall be stayed until the Post-Mediation Status Hearing set forth below.

G. This cause is set for Post-Mediation status on \_\_\_\_\_, \_\_\_\_\_, before Judge  
 4424 \_\_\_\_\_ or any Judge sitting in his/her stead in Courtroom \_\_\_\_\_  
 4619 in the Richard J. Daley Center, Chicago, Illinois 60602.

H. The previously set status date of \_\_\_\_\_, \_\_\_\_\_ is hereby stricken.

4304

I. MISCELLANEOUS ORDERS: \_\_\_\_\_

ENTERED:

Dated: \_\_\_\_\_, \_\_\_\_\_

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 Judge Judge's No.