

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

_____	)	
_____	)	
_____	)	
Plaintiff(s),	)	
	)	
vs.	)	No. _____
	)	
_____	)	TYPE OF CASE: _____
_____	)	_____
_____	)	(Personal Injury – Auto, Contract – Real Estate, etc.)
Defendant(s).	)	

ORDER OF REFERRAL TO COURT ANNEXED MEDIATION

THIS CAUSE came before the Court pursuant to the Civil Mediation Rules of the Fourth Judicial Circuit for referral to mediation;

THE COURT HEREBY ORDERS:

1. All parties are required to participate in mediation.
  - a. The appearance of counsel who will try the case and each party or representative of each party with full authority to enter into a full and complete compromise and settlement is mandatory. If insurance is involved, an adjuster or other person with authority to negotiate and recommend settlements shall attend. All parties are urged to bring interested individuals who might assist in facilitating settlement to the negotiation session (For example, lienholders, governmental officials and others whose approval is necessary or those whose interest may need to be negotiated and compromised).
  - b. The Court may impose sanctions against parties who do not attend the conference or violate the terms of this Order.
  - c. 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, he should advise the mediator in writing at the same time the summary is filed. The summary shall include the facts of the occurrence, opinions of 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.

d. All discussions, representations and statements made at the mediation conference shall be privileged consistent with the Confidentiality Agreement to be signed on behalf of each party prior to the commencement of the first mediation conference. The Confidentiality Agreement shall be made a part of the court record in the case.

e. The mediator shall be compensated by the parties as they agree or at the rate of not less than \_\_\_\_\_ per hour if the mediator is appointed by the Court. The mediator's fee shall be shared equally unless otherwise agreed by the parties. The hourly rate shall include preparation time and hearing time. The mediator shall serve pro bono if a party qualifies under local rules to sue or defend as a poor person.

f. The mediator has no power to compel or enforce settlement agreements and does not give legal advice. If a settlement is reached in this case, the attorneys shall reduce the agreement to writing immediately after the mediation.

2. The plaintiff's attorney (or another attorney agreed upon by all attorneys) shall be responsible for obtaining a mediator agreed upon by the attorneys and contact the mediator within 14 days of this Order and Referral. A date and time and place for mediation convenient to all shall be obtained from the mediator.

3. If the parties cannot agree on a mediator within 14 days of this Order of Referral, the responsible attorney shall notify the Court within seven days of the expiration of the 14-day period, and the Court shall appoint a certified mediator selected by rotation.

4. The mediation shall be completed within seven weeks of the first mediation conference unless extended by order of the Court.

5. This cause is set for Status on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ .m.

ENTERED: \_\_\_\_\_

Judge

### **MEDIATION SCHEDULE**

1. Date of Referral Order: \_\_\_\_\_

2. Mediator must be selected by: \_\_\_\_\_

(14 days from Order)

3. Mediator shall notify counsel for the parties within 28 days of this Order, in writing, of date and time of first mediation conference (must be held within 8 weeks of this Order).
4. Mediation process must be completed within seven (7) weeks of initial mediation conference unless extended by court.

ENTERED: \_\_\_\_\_

\_\_\_\_\_  
Judge