

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

MAR 30 2020

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

IN RE THE MATTER OF)	
PROCEDURES IN THE FAMILY)	
DIVISION FOR PRE-TRIAL)	
SETTLEMENT CONFERENCES)	<u>Family Division</u>
PURSUANT TO THE CONTINUITY OF)	<u>Standing Order 2020-01</u>
OPERATIONS COVID-19)	
PROTOCOLS.)	

IT IS HEREBY ORDERED that, in response to the COVID-19 Pandemic and while the court is operating under the Circuit’s Pandemic Continuity of Operations Plan and hearing only essential matters in accordance with the Illinois Supreme Court Order filed under M.R. 30370 on March 17, 2020, the Judges of the Family Division have conferred and agreed to temporarily put in place the following procedure to give litigants an option to request a pre-trial settlement conference.

¶ 1. Method of Conference. All pre-trial settlement conferences shall be conducted telephonically or by other audio-video conferencing means.

¶ 2. Types of Cases. Pre-trial settlement conferences may be sought and scheduled under this Standing Order for cases pending before Judge Mark R. Facchini (CR 361), Judge Jeffrey L. Hirsch (CR 360), Judge Justin M. Hansen (CR 359), and Judge Robert J. Zalud (CR 365), other than proceedings for orders of protection and stalking-no contact orders.

¶ 3. Attorney Appearance. Each party must be represented by an attorney who has filed an Appearance that includes a telephone number and an e-mail address to which documents and notices will served.

¶ 4. Scheduling. Both attorneys, and any other court-appointed attorney such as a guardian *ad litem*, shall consult with each other and then jointly send an e-mail to the assigned judge (no later than 4 p.m. on a day when court would otherwise ordinarily be in session) proposing at least three available dates for the settlement conference, which dates must not be sooner than 3 days and not later than 21 days from the date of the e-mail request. The assigned judge will then schedule the

settlement conference (or propose alternative dates) and send an e-mail notifying the attorneys of the scheduled date and time. Each attorney must confirm the scheduled conference. All attorneys of record shall be copied on all communications to or with the assigned judge for purposes of scheduling the settlement conference.

¶ 5. Settlement Conference. Only attorneys of record shall participate in the settlement conference. The judge will initiate the telephone conference call to the attorneys unless otherwise agreed and specified in advance of the conference. If a web-based video platform is to be used, the attorneys shall be responsible for any cost thereof and must make the appropriate arrangements and provide instructions to the court. Attorneys must be available promptly at the scheduled time and use their best efforts to avoid unnecessary delays. Each attorney must be prepared with sufficient knowledge, information and authority to conduct a meaningful and complete settlement conference in accordance with local court Rule 11.07.

¶ 6. Attorney Consultation. Attorneys shall use their best efforts and make reasonable attempts to personally confer with each other by telephone at such reasonable times *before* the scheduled settlement conference to: (a.) identify contested petitions and unresolved motions, and formulate and simplify issues, including the elimination of frivolous claims; (b.) identify statutory and case law authority regarding the contested issues; (c.) reach stipulations of fact and admission of documents to avoid unnecessary proofs; (d.) exchange summaries of voluminous documents; (e.) exchange updated financial affidavits and supporting documentary evidence required by local court Rule 11.02; (f.) exchange statutory guideline calculations; and (g.) exchange proposed parenting plans, if applicable.

¶ 7. Memorandum. A written memorandum is required for every settlement conference. The memorandum shall (a.) give a brief and concise statement of relevant facts including any stipulations; (b.) identify contested petitions and unresolved motions; (c.) identify settled issues and describe contested issues of fact and law; (d.) identify statutory and case law authority; (e.) identify stipulated documents, summaries of voluminous documents, and other admissible evidence relevant to the contested issues; and (f.) describe settlement positions on each contested issue. Each memorandum shall also include a worksheet showing statutory guideline calculations for maintenance and child support, as applicable. A courtesy copy of the memorandum shall be e-mailed to the assigned judge at least 2 days before the scheduled conference.

¶ 8. No Official Record. The settlement conference shall be conducted outside of the parties' presence and there will not be an official record made of the settlement conference.

¶ 9. Recommendations. Recommendations made by the judge during the settlement conference shall not be binding or enforceable against the parties. The parties may be encouraged to submit agreed orders following the settlement conference. Proposed agreed orders shall be emailed to the assigned Judge via the following email address: proposedorders@22ndcircuit.illinoiscourts.gov. If the agreed order is approved by the judge, it will be entered and filed with the Clerk of the Circuit Court and otherwise made available as soon as reasonably possible. Litigants are reminded the court is working with a reduced staff.

¶ 10. Joint Stipulation Requesting Settlement Conference. Before requesting a settlement conference with the assigned judge, a joint Stipulation shall be prepared and filed which substantially complies with the following:

A. Each attorney shall verify they have complied or will comply with all of the conditions of this Standing Order.

B. Each party shall give their informed consent for a settlement conference to be conducted telephonically or by other audio-video conferencing means with the assigned Judge in accordance with the conditions of this Standing Order. Each party must acknowledge they have consulted with and been advised by their attorney of the following:

(i.) The conditions of this Standing Order;

(ii.) Their right *not* to request a settlement conference under the conditions of this Standing Order;

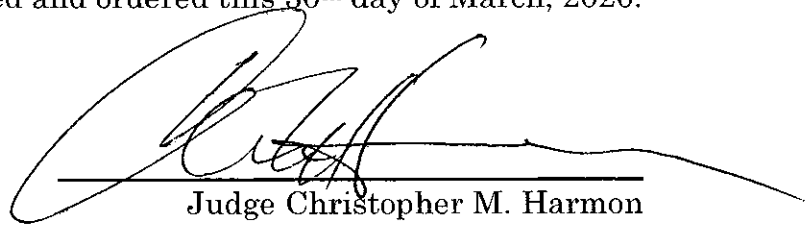
(iii.) That recommendations made by the judge during the settlement conference shall not be binding or enforceable on the parties;

(iv.) Their rights, interests and obligations under applicable law, including their right to an evidentiary hearing or trial; and

(v.) Having been so informed, they have voluntarily consented for a settlement conference under the conditions of this Standing Order.

C. Each party and their attorney shall sign and date the stipulation. Electronic signatures are permitted and it may be signed in counterparts. A file-stamped copy of the Stipulation must be submitted along with the email request for the settlement conference.

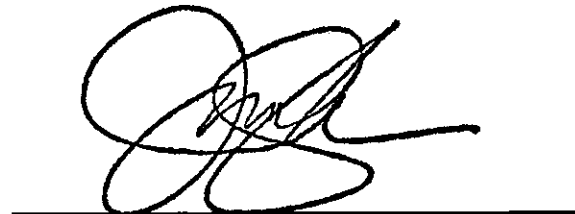
So entered and ordered this 30th day of March, 2020.



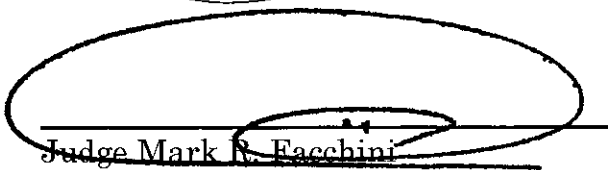
Judge Christopher M. Harmon
Presiding Judge, Family Division



Judge Justin M. Hansen



Judge Jeffrey L. Hirsch



Judge Mark R. Facchini



Judge Robert J. Zalud