

**In the Circuit Court of the 22<sup>nd</sup> Judicial Circuit  
McHenry County, Illinois**

In re: ) Standing Order 2020-2  
 )  
THE PROCEDURES GOVERNING PRACTICE IN ) Hon. Joel D. Berg  
COURTROOM 103, CIVIL DIVISION. )

**STANDING ORDER**

1. **Purpose.** The purpose of this Standing Order is to provide guidelines to litigants and parties who appear in Courtroom 103, to promote the consistent, efficient treatment of cases, and to provide a safe environment for all participants.
  
2. **Safety Guidelines.** So long as social distancing guidelines remain in effect, ALL persons entering the courtroom shall wear a protective mask that covers the mouth and nose; shall stay at least six feet away from others who are not members of their household; and shall follow all directions of the Court Security Officer.
  
3. **Case Assignment.** Courtroom 103 is assigned the **Civil IV Court Call**, which includes the following:
  - Small Claims ["SC"] Actions for breach of contract or tort where the claim does not exceed \$10,000.
  
  - Law Cases ["LM"] Complaints seeking less than \$50,000 without a jury demand, including eviction, replevin, and attachment cases.
  
  - Tax Cases ["TX"] Petitions for tax deed, sales in error, and indemnification.
  
4. **Court Schedule: Monday – Friday**

**TIME****ACTIVITY**

8:45, 9:45, and 10:45 a.m. Small claims cases only. Returns on summons, motions, post-judgment matters—including returns on citations, garnishments, and wage deductions—and non-evidentiary hearings.

1:15 p.m. Law and Tax cases. Returns on summons, motions, post-judgment matters—including returns on citations, garnishments, and wage deductions—and non-evidentiary hearings. The Law and Tax cases are heard Monday through Thursday only; Friday afternoon calls are reserved for special settings by the Court.

2:00 p.m. Evidentiary hearings, trials, and other matters specifically set by the Court.

- 5. Cases Filed by Self-Represented Litigants.** On Thursdays at 8:45 a.m., the Court holds a special call of cases filed by individuals without a lawyer. At this call, volunteer mediators are available to meet with the parties to help them resolve their cases.

The Clerk of the Circuit Court has published a Small Claim Manual which provides important information to assist self-represented litigants in filing and handling their case. Parties can also find resources at the Law Library and Self Help Center, which are located on the third floor of the McHenry County Government Center

**6. Return of Summons.** The Court does not have jurisdiction to hear a case without the filing of proper proof of service. Proof of service for each summons issued should be filed on or before the return date, even if the return indicates that service was not possible. The same applies to proof of service for citations, garnishments, and wage deductions.

If service has not been obtained, the party seeking service need not appear on the return date if three conditions are all met: (1) an alias summons or citation, as the case may be, has been issued by the Clerk at least 72 hours—excluding weekends and court holidays—before the return date set in the expiring summons or citation; (2) an affidavit of non-service of the expiring summons or citation has been filed with the Clerk; and (3) no appearance has been filed, and notice of such filing given to all parties of record, by or on behalf of the party against whom service is sought. In those cases, the Court will strike the matter from the call, and the next date for the case shall be the date set in the new summons or citation.

**7. Agreed Orders and Routine Matters.** At least 72 hours prior to the date on which a case is scheduled—excluding weekends and court holidays—agreed orders for routine matters may be submitted electronically to the Court’s proposed order system. Routine matters are orders for alias summons, agreed orders for continuances, and orders to dismiss. Wage garnishment, citation, and third-party citation actions may be continued or dismissed if there is no service or answer, but they may NOT be stricken from the call and a future date must be set.

**8. Preparation of Orders.** So long as social distancing guidelines are in place, draft orders may NOT be submitted in the courtroom. For routine matters, the Court will draft the order and file it with the Clerk. For more complex matters or where the attorney has more than five cases on the call, the Court will direct the litigants to submit the order electronically through the Court’s proposed

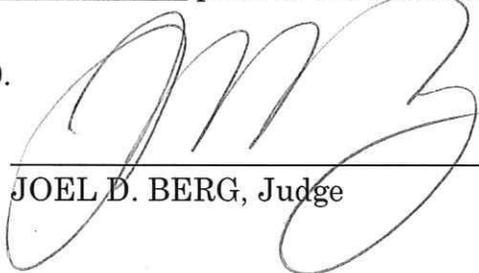
order system, and those orders must be submitted no later than 4:30 p.m. on the date on which the case was heard.

9. **Defaults.** If a defendant fails to appear in court on the return date or to file an appearance, a judgment by default may be entered if the complaint is verified and the proof of service has been properly filed.
10. **Checking-In.** If an attorney has matters in other courtrooms, the attorney must check in with the Clerk prior to the scheduled time of the attorney's case and inform the Clerk of the location of the other courtrooms and the time the attorney will return to Courtroom 103.
11. **Contested Motions.** Prior to hearing on contested motions, the parties shall comply with Part 2 of the Local Rules. Do NOT provide the Court with courtesy copies.
12. **Non-Evidentiary Hearings.** The parties are encouraged to waive oral arguments on non-evidentiary motions and submit the matter for ruling based on the briefs submitted. If the parties agree to this there shall be no limitation on the length of the briefs. If the parties demand oral argument, they are encouraged to consider a remote hearing via CourtCall or Zoom, which are the only two methods the Court will accept for remote audio and video hearings.
13. **Evidentiary Hearings and Trials.** Evidentiary hearings and trials shall require personal appearances by the litigants, parties, and witnesses. However, the current pandemic may make render personal appearances, in whole or in part, impractical or impossible. Therefore, the Court shall consider allowing hearings and trials to be conducted, in whole or in part, remotely through Zoom.
14. **Video Appearances.** Unless otherwise expressly prohibited by this Order or by the Court, parties may appear for the morning and afternoon court calls via

Zoom. Directions to the Court's Zoom link are available through Court Administration. When appearing via Zoom, the parties shall dress and behave as if personally present in a court of law.

**15. Jury Demands.** If a party files a jury demand on a small claims case, an arbitration hearing will be scheduled pursuant to Local Rule 7.05. The parties will comply with Ill. Sup. Ct. Rule 222 prior to the arbitration hearing.

Dated this 5<sup>th</sup> day of June, 2020.



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JOEL D. BERG, Judge