

STATE OF ILLINOIS
FIRST JUDICIAL CIRCUIT COURT

ADMINISTRATIVE ORDER FOR THE ESTABLISHMENT OF
AN EVICTION MEDIATION COLLABORATION

FILED
JUN 18 2021
JUSTIN MAZE
CLERK OF THE CIRCUIT COURT

ADMINISTRATIVE ORDER 2021-6-18

WHEREAS, the pandemic has caused there to be a moratorium on the filing of evictions, absent emergent circumstances which has placed specified restrictions on the filing of evictions;

WHEREAS, the Court anticipates a large influx of evictions once those moratoriums are lifted, and as a result an Eviction Mediation Collaboration has been established, in an effort to connect prospective tenants and landlords with trained mediators. The Dispute Resolution Institute is hereby approved as the local not-for-profit agency for the First Judicial Circuit, given funding administration by the Illinois Equal Justice Foundation;

THEREFORE, the Chief Judge for the First Judicial Circuit hereby approves and enters this Administrative Order herein, to provide for a Court mandated mediation program, designated the Eviction Mediation Collaboration (hereinafter "EMC"), which shall have authority over eviction litigants as follows:

A. ACTIONS ELIGIBLE FOR MEDIATION

1. From the effective date of this Administrative Order, parties in residential eviction proceedings (as defined by 765 ILCS 705) shall be eligible for EMC subject to requirements set forth herein.
2. Evictions for non-residential or commercial tenants are not eligible for this Program.

B. PROGRAM COORDINATOR

1. The Dispute Resolution Institute, Inc. shall oversee the daily operations of the Program. Program Coordinator shall have the authority to approve mediators for eviction cases as per their authority from the Illinois Equal Justice Foundation, and each approved mediator shall have the requisite mediation training of no less than 30 hours in the areas of negotiation, non-verbal communication, agreement writing, neutrality and ethics per 710 ILCS 20/2.
2. The Program Coordinator shall prepare and maintain a roster of approved mediators for assignment to eviction mediation as needed. The Eviction Judge has the discretion to determine the frequency and order of assignment of mediation cases to the Program Coordinator, or other mediator from the Roster of Approved Mediators.

3. A mediator shall not accept a mediation assignment if a conflict exists with their involvement, in any capacity. No mediator shall use any information obtained during the mediation process for any purpose outside of mediation, unless required to do so by law. A mediator shall not mediate a matter in which they have a personal or professional interest.

C. MEDIATION PROCEDURE

1. At the first appearance of the parties, if the Court determines that parties qualify for EMC, and if the Court orders participation by the parties in EMC, all parties, including Plaintiff, Defendant, and their respective counsel shall engage in good faith efforts toward resolution. If the Court obligates mediation of the parties through EMC, the Court shall prohibit any judgment from being entered until mediation has taken place, and a report of completion is filed with the Court. Repeated failure of Plaintiff, or their counsel, to participate may be grounds for the Court to impose appropriate sanctions. Any representative for a party must possess full settlement authority in order to participate in EMC and the mediation process.
2. Mediations may be conducted in-person, at the specified locations established within the First Judicial Circuit, and by each Presiding Judge of a particular county, or via telephone or video conference. Location and format of mediation shall be determined by the Program Coordinator.
3. Upon conclusion of each mediation session through EMC, the Program shall file a report with the Court indicating the outcome. If the parties reach an agreement, the parties and their counsel shall sign the agreement and the Program shall submit to the Court for approval. If the parties do not reach an agreement, but the Program advises the Court of good faith participation in EMC, the Plaintiff may return to court to proceed with the eviction action.

D. DISCOVERY

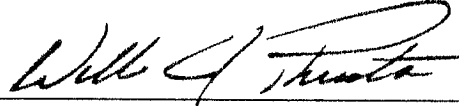
1. Pursuant to the Illinois Uniform Mediation Act (710 ILCS 35/1), mediation communications are privileged against disclosure and not subject to discovery or admissible in evidence during the proceeding. Evidence that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its disclosure or use in mediation.

E. REPORTING REQUIREMENTS

1. Program Coordinator shall produce all reports required in order to maintain compliance with the Illinois Equal Justice Foundation, including reporting to the Eviction Judge, or at the Judge's request to the Illinois Supreme Court, Administrative Office of the Illinois Courts. Information contained within said reports shall include the number of cases submitted to mediation, the type and number of issues resolved through EMC, participant satisfaction rates and survey results. Reports shall be submitted on a quarterly basis, or as requested.
2. Program Coordinator shall also report to the Presiding Judge for each participating county within the Circuit the number of mediation cases conducted, case outcomes, time from referral to resolution/return to court, and a summary of noted problems relevant to the effective administration of

the Program. Said report shall be submitted on a quarterly basis or as otherwise requested by the Office of the Chief Judge.

Entered this 18th day of June, 2021.



William J. Thurston, Chief Judge