

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

Estate of _____

No. _____

PROBATE DIVISION MEDIATION REFERRAL ORDER

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

THIS CAUSE properly before the Court, the Court finds that this cause is eligible for mediation pursuant to Cook County Circuit Court Rule 24 for Probate Division Court-Annexed Mediation, and MEDIATION IS ORDERED:

A. (SELECT ONE)

- 4520 By stipulation of all parties:
- 4521 By order of the Court Sua Sponte:
 - Pursuant to motion.

B. 4522 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 24.03(A)(2).

C. This matter is set for status on _____, _____ at _____ a.m./p.m. 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 North LaSalle Street, 13th Floor, Chicago, Illinois 60601.

D. Within fourteen (14) days after entry of the Order of Referral, a party may move to set aside or modify the order. Upon good cause shown, the Court may exercise its discretion and set aside or modify the order.

E. The Parties The Plaintiff An Attorney agreed upon by all the parties shall obtain a date and time for mediation convenient to all.

F. 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 complete compromise and settlement. All parties are urged to include interested individuals in the mediation, who might facilitate settlement in the mediation. All parties 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 issues to be addressed in mediation, unless the mediator has requested a different procedure. Any party who wishes all or part of its summary 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 contain the following information:

- (i) The names of all mediation participants;
- (ii) A summary of the facts and issues;
- (iii) 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 part of the case court records.

5. The Court-appointed mediator shall be compensated by the parties at the rate of \$250.00 per hour unless otherwise agreed to by the mediator and parties in writing.

- a. Each party shall bear mediation costs proportionately, OR
- b. The estate shall bear the cost of mediation, OR
- c. The Court orders that _____ shall bear the cost of mediation.

G. 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.

H. (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.

I. 4509 This cause is set for Post-Mediation status on _____, _____ at _____ a.m./p.m. before Judge _____ or any other Judge sitting in his/her stead in Courtroom _____, in the Richard J. Daley Center, Chicago, Illinois, 60602.

4215 The previously set status date of _____, _____ is hereby stricken.

4304 Miscellaneous Orders: _____ .

ENTERED:

Dated: _____, _____

Judge

Judge's No.