

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DOMESTIC RELATIONS DIVISION

GENERAL ORDER: 11 D 2

SUBJECT: ALTERNATIVE DISPUTE RESOLUTION (Revised)

IT IS HEREBY ORDERED THAT:

The following Alternative Dispute Resolution procedure shall be in effect for the Domestic Relations Division, Circuit Court of Cook County: (Supersedes General Order 03 D 8)

COOK COUNTY IMPLEMENTATION OF ALTERNATIVE DISPUTE RESOLUTION
PROVISION OF 750 ILCS 5/508 (C) (4)

1. Upon the filing of a Petition for Setting Final Fees and Costs by either a counsel or a client, the filing party shall set a preliminary hearing on the Petition in Room 802 in the same manner as for contested motions, and shall give notice of the preliminary hearing and a copy of the Petition to the other party in accordance with 750 ILCS 5/508 (C) (1). If the filing party is the attorney, then the attorney shall also include the notice of hearing a Notice of Alternative Dispute Resolution Procedures, a copy of the written engagement agreement and an explanation of time spent and professional services rendered on behalf of the client with pertinent copies of time and billing records.
2. If there is no appearance either in person pro se or by counsel personally appearing on behalf of the other party at the preliminary hearing, such party shall be deemed to have opted out of the alternative dispute resolution process, or if the Court finds there is no controversy over fees and costs, then the alternative dispute resolution provision of 750 ILCS 5/508 (C) (4) shall not apply and the Court shall set a final hearing on the Petition and direct that the filing party give notice of the final hearing to the other party in the manner the Court deems appropriate. If the attorney has withdrawn from the case, the final hearing shall not be set earlier than 21 days from the date of withdrawal.
3. If there is an appearance by the other party at the preliminary hearing and the Court finds there is controversy over fees and costs, the Court shall set a schedule for the filing of such responses and replies to the Petition with the Court as the Court deems appropriate, and shall set a status hearing which shall be later than the date of the last reply. The Court shall also advise the parties of the alternative dispute resolution procedures available in Cook County and their right to jointly opt out of those procedures and have the Petition determined by the Court. In the event that the attorney has not withdrawn, then the Court shall offer admonitions to the client.
 - a. If both parties do not opt out of the alternative dispute resolution procedures, the Court shall require the parties to select mediation.
 - b. If both parties agree to opt out of the alternative dispute resolution procedures, then the Court shall set a final hearing on the Petition and the alternative dispute resolution procedures of this general order shall not apply.
4. Nothing in this general order shall prohibit or be deemed to prohibit the client and the attorney from reaching a voluntary resolution of the fees and costs issues between them or seeking mediation independently. Upon any such voluntary resolution, regardless of whether a Petition has been filed or not, or whether the Petition is pending for resolution before the Court, the arbitrators or the mediator, the attorney may present the resolution to the Court as a consent judgment as provided for in 750 ILCS 5/508 (d).

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

Pursuant to Illinois statute, 750 ILCS 5/508 (C)(4), before the court can conduct a final hearing on a Petition for Setting Final Fees and Costs filed by either an attorney or a client, that dispute must be submitted to an alternative dispute resolution procedure. In Cook County, pursuant to General Order 11 D 2 the Court has determined that one alternative dispute resolution procedure is appropriate: mediation.

Mediation is a cooperative process in which an impartial third party, the mediator, acts to assist in the resolution of a dispute. The mediator does not make a decision for the parties. Instead, the mediator assists the parties in negotiating their own mutually acceptable agreement. Reaching an agreement is voluntary. Mediation provides an informal, confidential and structured method for parties to identify solutions to problems they had been previously unable to resolve.

At the preliminary hearing on the fee petition, if both parties have not agreed to opt out of the alternative dispute resolution proceeding, the Court will ask each of the parties to participate in mediation. The Court will refer the parties to mediation to be conducted by the Center for Conflict Resolution. The Court will provide a mediation referral form to the parties which they must fill out and return to the Court along with a mediation information sheet. The Center for Conflict Resolution will notify the parties of the date for mediation. Alternatively, the Court at the preliminary hearing may also consider any other alternative dispute resolution procedure which the parties have agreed upon. The Court also retains authority to approve a voluntary agreement reached between the attorney and client with respect to the fee petition.

This Court encourages all parties to familiarize themselves with the advantages and disadvantages of mediation so that an informed decision may be made at the time of the preliminary hearing. You may wish to consult with legal counsel to fully understand your rights and obligations under 750 ILCS 5/508 (c)(4) and General Order No. 11 D 2.

MEDIATION

Mediation under this General Order shall be conducted by the Center for Conflict Resolution, an Illinois not-for-profit corporation established by the Chicago Bar Association, pursuant to such rules and procedures as the Center may deem appropriate for the mediation of matrimonial attorney-client fee disputes. The court shall enter an Order mandating the parties to fill out a Mediation Referral form and to provide the Court with a Mediation Information Sheet. The Court shall forward the Mediation Referral form to the Center for Conflict Resolution which will provide the parties with a date for the mediation. In the event the parties are unable to comply with the date provided, they must appear before the Presiding Judge of the Domestic Relations Division and demonstrate good cause for a new date for the mediation. The Court's Order shall provide that the attorney serve upon the Center for Conflict Resolution a copy of the Petition for Attorney's Fees and any responses and replies filed thereto; written attorney client engagement agreement; and billing statements and explanations of time spent and professional services rendered within 7 days of the entry of the Order. The Order shall provide for expedited discovery to be completed within 30 days from the date of the entry of the Order. A copy of orders to be entered by the Court is attached to this General Order. The mediation shall be conducted in one session. If no resolution of the fees and costs issues is reached between the client and the attorney after mediation pursuant to this general order, the Center for Conflict Resolution shall so certify in writing, and either the client or the attorney may present such certification to the Court and request a final hearing on the Petition. If both parties agree, they may elect to submit to the controversy to binding arbitration as provided above. The content, use, and administration of the mediation, and all memoranda, work products or case files of the Center for Conflict Resolution and its mediators shall be privileged and confidential and shall not be subject to discovery or other disclosure in any judicial or administrative proceeding for admissible at the time of trial. Neither the Chicago Bar Association, the Center for Conflict Resolution, nor any mediator shall be liable for any conducted regarding the mediation; nor be joined as a party or required to testify regarding the mediation. The information that shall be made available is the attendance at the mediation and whether there was a final resolution of the fees and costs issues.

Dated the 14th day of March, 2011. Effective March 15, 2011. This Order Supersedes General Order 98 D 3 and 03 D 8. This Order shall be spread upon the records of this court and published.

**Acting Presiding Judge
Carole Kamin Bellows**

MAR 15 2011

Circuit Court – 0233

ENTERED:

~~CAROLE K. BELL~~
CAROLE K. BELL~~OWS~~
ACTING PRESIDING JUDGE
DOMESTIC RELATIONS DIVISION

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

v. _____

} No: _____

ORDER TO RESCHEDULE MEDIATION OF ATTORNEY'S FEES

This matter coming before the Court upon the (Petitioner's) (Respondent's) Motion to Reschedule Mediation, the parties appearing in open Court upon due notice and the Court being advised in the premises;

This Court hereby FINDS that there is good cause shown to reschedule the mediation.

The mediation is hereby rescheduled to _____ at the Center of Conflict Resolution, 11 East Adams Street, Suite 500, Chicago, Illinois 60603. Failure of the parties to appear he mediation may be a basis for sanctions entered by this Court.

The status date previously entered in this cause shall remain in full force and effect and the parties shall appear on the status date.

Atty. No. _____

Name: _____

Attorney for: _____

Address: _____

City/State/Zip: _____

Telephone: _____

ENTERED:

Date: _____, _____

Judge

Judge's No.

4250 - Order Plaintiff, Defendant, or Witness to Appear - Allowed
4251 - Execute or Perform - Allowed
4253 - Produce Exhibits, or Other Records or Documents, or Person - Allowed
4295 - Discovery Closed - Allowed
Order Setting Matter for Mediation of Attorney's Fees

(Rev. 10/19/06) CCDR 0042 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

_____ }
v. _____ }
_____ }

No: _____

ORDER SETTING MATTER FOR MEDIATION OF ATTORNEY'S FEES

This matter coming before the Court upon the Petition for Attorney's fees filed by the attorney for (Petitioner) (Respondent), the parties appearing in open court and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that this matter is referred to the Center for Conflict Resolution, 11 East Adams Street, Suite 500, Chicago, Illinois 60603 for mediation of the Petition for Attorney's Fees.

The parties are ORDERED to fill out the attached Matrimonial Fee Dispute Mediation Referral Form. Upon completion, this Form shall be forwarded to the Center for Conflict Resolution by this Court which shall notify the parties of the mediation date. Failure to appear for the mediation may result in sanctions entered by this Court.

The attorney for (Petitioner) (Respondent) is hereby ORDERED to forward to the Center for Conflict Resolution a copy of the Petition for Attorney's Fees and any Responses and Replies filed thereto; written attorney client engagement agreement; and billing statements and explanation of time spent and professional services rendered (within 14 days of the entry of this Order).

Discovery shall be on an expedited basis. The parties shall complete all discovery within 30 days from the date of the entry of this Order. This matter is set for status on _____ without further notice.

Atty. No.: _____

Atty. Name: _____

Atty. for: _____

Address: _____

City/State/Zip: _____

Telephone: _____

ENTERED:

Date: _____

Judge

Judge's No.

MATRIMONIAL FEE DISPUTE MEDIATION REFERRAL FORM

Date _____

Court Docket # _____

Referring Judge: _____ Courtroom: _____ Status Date: _____

PETITIONER

RESPONDENT

Name

Name

Street Address

Street Address

City State Zip Code

City State Zip Code

() _____
Home Telephone

() _____
Home Telephone

() _____
Work Telephone

() _____
Work Telephone

ATTORNEY

ATTORNEY

Name

Name

Firm Name

Firm Name

Street Address

Street Address

City State Zip Code

City State Zip Code

() _____
Telephone

() _____
Telephone

() _____
Fax No.

() _____
Fax No.