

Circuit Court of Rock Island County Rules
Part 26A Eviction Diversion Program – Rock Island County
Addendum to Rule 26
To be applied in conjunction with existing Rule 26 requirements

26.01A Eviction Diversion Program

(A) As an alternative to traditional litigation in the resolution of eviction, alternative dispute resolution, including mediation, provides a flexible, non-binding, expeditious, and expense-saving procedure in which a neutral third party, the mediator, facilitates resolution. Part 26A establishes a process for an eviction diversion program (EDP) The EDP will include legal aid resources, community resources, and, where appropriate, mediation.

(B) In cases where mediation is appropriate, the mediator will assist the litigants in reaching reconciliation, agreement, or understanding among them. In this regard, the role of the mediator is to assist in identifying the issues, reducing misunderstandings, exploring and clarifying the parties' interests and priorities, and identifying and exploring possible solutions that will satisfy the interests of all parties and resolve some or all of the issues in dispute. Any agreement reached by the parties is to be based on the autonomous decisions of the parties and a mediator may not impose his or her own judgment on the issues. Parties and their representatives are required to mediate in good faith, but are not compelled to reach any agreement. A person approved by the court to act as a mediator under this Rule will, pursuant to Supreme Court Rule 99, have judicial immunity in the same manner and to the same extent as a judge.

(C) Part 26 rule 5 regarding mediator qualifications and training is modified in 26A matters only. It provides that non-attorneys may be qualified as mediators for EDP as long as they have completed the EDP training. Qualified mediators under the EDP program will have to complete the EDP mediation training approved by the Chief Judge of the 14th Judicial Circuit.

26.02A Actions Eligible for Eviction Diversion Program

(A) Referral by Judge

The judge to whom a matter is assigned may order any eviction action pending referred to in the EDP.

(B) Notice of EDP with Summons

Any plaintiff initiating a new eviction shall include a notice of the EDP with the summons. The form and substance required in the notice shall be as required by General Administrative Order of the Circuit Court of Rock Island County.

26.03A Resources Available under the EDP

- (1) Direct legal services (legal screenings, legal information and advice, settlement negotiation, referrals for extended representation, drafting assistance);
- (2) Conflict resolution services (mediation and negotiation assistance); and
- (3) Financial assistance resources subject to availability (applying for emergency rental funds, mortgage relief, financial counseling, or other financial assistance).

The services that are directly needed by a case will depend on the facts and circumstances in each specific case. Volunteer mediators are available for the eviction diversion program and will be treated as part of this program and will participate *Pro Bono*. Training for court appointed mediators will be provided by the EDP. Mediators will need to complete the training before participating in the program.

26.04A Case Management for Eviction Cases

(A) Case Management Subject to General Administrative Order. Case management of eviction cases will be subject to general administrative orders entered by the Chief Judge of the Circuit Court of Rock Island County. Case management procedures will be as the court deems necessary and subject to the needs of the court for managing the volume of cases.

(B) Minimum of One Initial Case Management Date. All eviction cases shall be entitled to one automatically assigned initial case management date for a hearing before a judge 14 days after the filing of an eviction.

(C) Case Management Dates Required for Cases Assigned to EDP. Any case which is referred to the EDP at the initial case management hearing shall receive a follow-up case management date before the judge presiding within seven (7) to fourteen (14) days after the initial case management hearing.

(D) Continued Case Management Dates Required for Referred Cases. The Court must allow at least one continued case management date in cases that meet the following criteria:

- (1) A case is referred to the EDP;
- (2) The party or parties has not been able to adequately meet with the referred resources prior to the court date after the initial referral to the EDP.

26.05A Mediation Under the EDP

(A) Persons Required to Be Present

If a party is a public entity, that party shall be deemed to appear at a mediation session by the physical presence of: a representative of the party with full authority to negotiate on behalf of the party and to recommend settlement to the appropriate decision-making body and the party's counsel of record. With respect to parties who are not public entities, unless otherwise stipulated by all parties or ordered by the court, a party shall be deemed to appear at a mediation session if all of the following persons are physically present:

- (1) The party, or if a party is not a natural person, a representative of a party having full authority to negotiate a settlement on behalf of the party; and
- (2) The party's counsel of record, if any.

(B) Communication with Parties

The mediator may, during the course of the mediation, speak privately to one or more of the parties outside the presence of other parties,

(C) Counsel

Parties and their respective counsel shall be permitted to confer privately at any time.

(D) Adjournments

The mediator may adjourn the mediation session at any time and may set times for reconvening the adjourned session. The mediator shall confirm in writing to all parties the date, time, and place for reconvening the adjourned session.

(E) Termination of Mediation

At any time on the motion of any party, the court may enter an order terminating mediation for good cause shown.

(F) Remote Mediation Sessions

Mediation sessions *may* be conducted remotely by video or telephone conference as may be necessary under the circumstances or for the safety or convenience of the parties required to participate in the mediation session.

26.06A Resolutions Reached Under the EDP

- (A) Agreement by the Parties. Upon the parties' mutual request, if the parties are able to reach an agreement prior to the next scheduled court date through direct negotiations of counsel, or with the assistance of a mediator, a copy of the signed agreement may be submitted to the court for entry of an order disposing of the case or an order setting the case for a date to ensure compliance with the agreement. Whichever the court deems appropriate. The form and manner for submitting the agreement to the Court will be established by general administrative order

- (B) No Resolution. If the parties are unable to reach an agreement, or if the terms of the agreement have not been met, the judge will determine how to proceed.

26.07A Mechanism for Reporting to the Supreme Court

Pursuant to Supreme Court Rule 99, the Circuit Court of Rock Island County, through the Office of the Chief Judge, will keep and maintain statistics and records on all cases referred to mediation and the EDP, and will file reports with the Administrative Office of the Illinois Courts as directed by the Chief Judge.

26.08A Evaluation

The court will collect information regarding the effectiveness of the EDP.

26.09A Advisory Committee

The Chief Judge of the Circuit Court of Rock Island County may appoint an advisory committee of judges, members of the bar, and others to assist in the implementation of these rules.

26.10A Interpreter Services

In cases where a litigant is of limited proficiency in the English language, the court will make a good faith effort to provide a mediator, a *pro bono* attorney where applicable, or an interpreter who speaks a language in which the litigant is proficient.

Dated: _____, 2021.