

Rule 21. Settlement Conference Program.

(a) Program Goals. The primary purpose of the Settlement Conference Program is to provide the parties to certain civil appeals pending in the First District of the Illinois Appellate Court with a forum to explore settlement in compliance with Supreme Court Rule 310.1. The program also provides the parties with an opportunity to limit and simplify the issues on appeal and has the potential for reducing the court's calendar.

(b) Definitions. The following terms, when used in this rule, shall have the meanings hereinafter ascribed to them, except when the context requires otherwise.

(1) "Court" means the First District of the Illinois Appellate Court.

(2) Appellate Mediator. "Appellate Mediator" means an individual appointed by the settlement administrator to preside over a settlement conference following training provided by the Administrative Office of the Illinois Courts.

(3) Mediation Committee. "Mediation Committee" means the committee of judges of this court appointed to administer and oversee the operation of the Settlement Conference Program.

(4) Settlement Administrator. "Settlement Administrator" means the attorney designated by the court to assist the mediation committee in administering the Settlement Conference Program.

(5) Executive Committee. "Executive Committee" means the Executive Committee of the First District of the Illinois Appellate Court.

(c) Administration. The Settlement Conference Program shall be administered by a mediation committee consisting of six judges of this court, one from each division, appointed by the Executive Committee for one-year terms effective September 1 of each year. The members of the mediation committee shall select one of their number to serve as the chair. The mediation committee shall be assisted in its duties by a settlement administrator designated by the chair of the Executive Committee.

(d) Appellate Mediators.

(1) Qualifications. Current judges of this court and retired supreme, appellate, and circuit court judges are qualified to serve as mediators in the Settlement Conference Program. Attorneys who have been licensed to practice law in the State of Illinois for a minimum of 10 years and who have participated in more than five appeals before any state or federal appellate court are qualified to serve as mediators in the Settlement Conference Program.

(2) Appointment. Any person possessing the qualifications to serve as an appellate mediator as set forth in the preceding paragraph may apply to the mediation committee for appointment. Appellate mediators shall be approved by and serve at the pleasure of the mediation committee. The mediation committee shall maintain a current roster of all individuals that have been approved to serve as appellate mediators. The roster shall indicate each individual's area(s) of expertise.

(3) Assignment. Upon the transfer of an appeal to the settlement conference docket as hereinafter provided, the settlement administrator shall select an appellate mediator from the roster maintained by the mediation committee and assign that individual to the case. However, under no circumstances shall a judge of this court be assigned as an appellate mediator to any case that has been assigned to him or her for dispositional purposes. The settlement administrator shall make every reasonable effort to suitably match appellate mediators with cases that fall within their areas of expertise.

(4) Compensation. Judges of this court serving as appellate mediators shall receive no additional compensation. All other individuals serving as appellate mediators shall be compensated at the rate of \$125.00 per hour. Special consent must be obtained from the chair of the mediation committee for any appellate mediator other than a judge of this court to devote more than three hours to any assigned case.

(e) Applicability. The Settlement Conference Program shall be applicable to appeals in accordance with Supreme Court Rule 310.1(b).

Appeals that have been assigned to a judge of this court for dispositional purposes are not eligible for inclusion in the Settlement Conference Program without the approval of the judge to whom the case is so assigned. Appeals brought pursuant to Supreme Court Rules 304(b)(2) and (5), 306, 307(a)(2) through (7), inclusive, and 308 and appeals that have been placed on an accelerated docket pursuant to Supreme Court Rule 311 shall not be assigned to the Settlement Conference Program unless the presiding judge of the division to which the case is assigned recommends it for inclusion within the program or the judge to whom the case has been assigned for dispositional purposes, if any, approves of the assignment.

(f) Case Selection.

(1) Settlement Status Report. An appellant in a civil appeal filed with this court may file a “Settlement Status Report” in the form attached to this rule with the clerk of this court contemporaneously with the filing of the docketing statement. Consistent with the provisions of paragraph (f)(2) below, nothing herein precludes this court from entertaining a “Settlement Status Report” requesting that this case be assigned to the Settlement Conference Program when filed by any party at any time. Notice of the filing of a “Settlement Status Report”, along with a copy of same, shall be served upon all parties in accordance with the provisions of Supreme Court Rule 11.

(2) Motions for Assignment to the Settlement Conference Program. On his or her own motion or on motion of any party, the presiding judge of the division to which a case is assigned may, with the approval of the judge to whom the case may have been assigned for dispositional purposes, if any, recommend to the mediation committee that a civil appeal be assigned to the Settlement Conference Program. When filed by a party, such motion shall be accompanied by a “Settlement Status Report” as provided in paragraph (f)(1) above.

(3) Mediation Committee Review. Upon receipt of a “Settlement Status Report” requesting assignment of a case to the Settlement Conference Program or a recommendation from a

presiding judge of this court, the clerk of this court shall transmit a copy of the “Settlement Status Report” or recommendation to each member of the mediation committee and, in the case of a “Settlement Status Report,” to the presiding judge of the division to which the case is assigned. If the case has been previously assigned to a judge of this court for dispositional purposes, the presiding judge of the division shall forward a copy of the “Settlement Status Report” to the judge to whom the case is assigned.

Within 10 days of the delivery of copies of the “Settlement Status Report” or recommendation from a presiding judge to the members of the mediation committee, the Mediation Committee shall evaluate the case to determine if the case is eligible for assignment to the Settlement Conference Program. If the case is eligible, the Mediation Committee shall so notify the chair of the Executive Committee. Upon such notice, the chair of the Executive Committee shall enter an order assigning the case to the Settlement Conference Program, transferring it to a settlement docket to be maintained and monitored by the mediation committee, and staying the filing of the record and/or briefs pending further order of court.

(4) Notification. Upon the entry of an order assigning a case to the Settlement Conference Program, the settlement administrator shall immediately assign an appellate mediator to the case, and the clerk of this court shall forward a written notice to the parties and the appellate mediator informing them that the case has been selected for inclusion in the Settlement Conference Program and that an appellate mediator has been appointed.

(5) Objection to Assignment. Any party to an appeal may object to the case being assigned to the Settlement Conference Program by submitting a written objection to the settlement administrator. Such objections shall be submitted no later than 10 court days after the date upon which the clerk of this court mailed the written notice to the parties informing them that the case was selected for inclusion in the program. Copies of the objection need not be served on any opposing party or counsel; rather, upon receipt of any such objection, the settlement administrator shall send a written notice to all parties and the appellate mediator, informing them that an objection has been received and that, as a consequence, the case will be removed from the Settlement Conference Program. With the mailing of such a notice, the appointment of the appellate mediator shall be considered terminated without fee. The settlement administrator shall deliver a copy of the objection to the chairman of the executive committee, who shall, unless otherwise directed by the chairman of the Mediation Committee, enter an order removing the case from the Settlement Conference Program, reassigning the case to the division of this court to which it was assigned prior to its assignment to the program, and reestablishing a record and/or briefing schedule. Thereafter, the clerk of this court shall mail a copy of such order to each party.

Objections filed pursuant to the terms of this section shall not be placed in the file of the case maintained by the clerk of this court, and the name of the party filing the objection shall remain confidential. A separate confidential file containing objections shall be maintained by the settlement administrator, who shall not permit access thereto without an order entered by the chair of the Executive Committee.

(g) Settlement Conferences.

(1) Scheduling. Within 21 days of the assignment of a case to the Settlement Conference Program and provided that no timely objection to such assignment has been received, the settlement administrator, after consulting with the appellate mediator, shall furnish the parties with a written notice containing three proposed dates when the appellate mediator is available for an initial settlement conference. These dates shall be no earlier than 7 days and no later than 21 days after the date on which the notice of proposed dates is mailed. Within 5 days of the mailing of the notice of proposed dates, the parties shall advise the settlement administrator of their preferences as to a date. If a party fails to so notify the settlement administrator of a preferred date, it shall be presumed that the party is available for the initial conference on any of the suggested dates. Thereafter, the settlement administrator shall promptly select one of the proposed dates, taking into consideration, to the extent possible, the parties' preferences, and notify the parties and the appellate mediator of the date of the initial settlement conference. The scheduling of any settlement conferences after the initial conference shall be made at the direction of the appellate mediator in consultation with the attorneys representing the parties, with notice to the special administrator.

(2) Location of Settlement Conferences. All settlement conferences shall be held in rooms provided for that purpose at 160 N. LaSalle Street, Chicago, Illinois.

(3) Participation. Participation by all parties to an appeal assigned to the Settlement Conference Program is mandatory unless or until the case has been removed from the program by order of the chair of the Executive Committee. Unless ordered otherwise by the appellate mediator, parties may be represented at settlement conferences by their attorneys of record. Each attorney representing a client at a settlement conference must be able to contact his or her client by telephone during the conference. If the party is a corporation, partnership, or other body or organization, the attorney attending the conference must be able to contact a person having settlement authority.

(4) Role of the Appellate Mediator. The appellate mediator's role is to preside over settlement conferences, facilitate the voluntary resolution of the case, assist the parties in simplifying issues, and set the dates for continued settlement conferences, provided no date for any settlement conference may be extended for more than 45 days after assignment of the case to the Settlement Conference Program unless approved by the chair of the Executive Committee. The appellate mediator has the authority to terminate the settlement conference at any time that, in his or her opinion, the process has become unproductive for any reason. If the appellate mediator does terminate a settlement conference, he or she shall so notify the settlement administrator in writing. Promptly thereafter, the chair of the Executive Committee shall enter an order removing the case from the Settlement Conference Program, reassigning the case to the division from which it came, and reestablishing a record and/or briefing schedule.

(5) Nature of the Conference. The settlement conference shall be an informal, confidential meeting presided over by the appellate mediator. The agenda for the conference shall be set by the appellate mediator, who may request that the parties complete and file with the settlement administrator a pre-conference memorandum on forms approved by the mediation committee. The sequence of presentation at a settlement conference shall be at the discretion of the appellate

mediator, and he or she shall be at liberty during the course of a scheduled conference to speak to the parties separately.

(h) Settlement Agreements.

(1) Dismissals. If the settlement conference results in the settlement of the case and the parties agree to dismiss the appeal, the parties shall execute a stipulation to dismiss and file same with the clerk of this court. Upon the filing of a stipulation to dismiss, an order dismissing the appeal shall be entered by three judges assigned to the mediation committee.

(2) Agreements to Narrow Issues. If the settlement conference does not result in the settlement of the case but the parties do agree to narrow the issues on appeal, they shall memorialize their agreement in writing and prepare a proposed order reciting the terms thereof. If the order is approved by the mediation committee, it shall be entered by three judges assigned to the mediation committee and shall be binding upon the parties unless modified by subsequent order of this court. Upon the entry of an order approving the parties' agreement to narrow the issues on appeal, the chair of the Executive Committee shall enter an order removing the case from the Settlement Conference Program, reassigning the case to the division of this court to which it was assigned prior to its assignment to the program, and reestablishing the filing of the record and/or briefing schedule.

(i) Confidentiality. The settlement conference and all documents prepared by the parties, the appellate mediator, and the settlement administrator shall be confidential. No transcript or recording shall be made of any settlement conference, and no mention of the settlement discussions shall be made in any brief filed with this court or in oral argument. Except for orders entered by this court and written stipulations and agreements entered into by the parties, documents prepared by the parties and received by the appellate mediator or the settlement administrator as part of the Settlement Conference Program shall not be filed of record with the clerk of this court and, upon the dismissal of the case or its removal from the Settlement Conference Program, whichever is first to occur, shall be destroyed by the settlement administrator.

(j) Sanctions. Failure to participate in a settlement conference in good faith, failure to attend a regularly scheduled settlement conference, or failure to comply with the rules of this court applicable to settlement conferences may subject a party to the imposition of sanctions under Supreme Court Rule 375.

(k) Statistical Reporting. The settlement administrator shall maintain statistics as to the number and type of cases that are considered by the mediation committee for inclusion in the Settlement Conference Program, assigned to the Settlement Conference Program, removed from the program on the objection of a party, removed from the program without any settlement having been reached, dismissed by agreement of the parties while assigned to the program, and removed from the program after the entry of an order narrowing the issues on appeal. The settlement administrator shall report those statistics to the members of this court annually and to the Director of the Administrative Office of the Illinois Courts annually.

* * *

IN THE APPELLATE COURT OF ILLINOIS FIRST DISTRICT

Appellate Court No. _____

Trial Court No. _____

Trial Judge _____

SETTLEMENT STATUS REPORT

Is there a potential for settlement of this case through assignment to the Settlement Conference Program pursuant to Illinois Supreme Court Rule 310.1?

Yes ☐ No ☐

If yes, the undersigned requests that this matter be scheduled for a Settlement Conference Program pursuant to Illinois Supreme Court Rule 310.1 and First District Illinois Appellate Court Rule 21.

Nature of this Cause of Action (check appropriate box):

☐ Tort ☐ Contract ☐ Probate
☐ Other (if so, briefly specify) _____

Brief statement of pertinent issues (50 words or less):

Attorney(s) for Appellant(s):

Name _____

Address _____

Telephone Number _____

Attorney(s) for Appellee(s):

Name _____

Address _____

Telephone Number _____