

**IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS**

IN THE MATTER OF _____)
 _____)
 _____)
 _____)
 _____)
 _____)
 Deceased Minor)
 Disabled Person)

Gen No. _____

ORDER OF REFERRAL TO COURT ANNEXED PROBATE MEDIATION

THIS CAUSE comes before the Court pursuant to the Probate Mediation Program Rules of the 19th Judicial Circuit (5-3.27 et. seq.) for referral to mediation;

THE COURT HEREBY ORDERS:

1. All The following parties are required to participate in mediation: _____
 _____. The Probate Mediation rules (5-3.27) shall apply to the mediation except as expressly stated otherwise in this order.

2. **Mediator** (if appointed by Court):
 Name: _____
 Address: _____
 Telephone: _____ Fax: _____

3. **Issue(s) to be Mediated** (if applicable):
- | | |
|--|--|
| <input type="checkbox"/> Initial Guardianship of Person | <input type="checkbox"/> Other issues relating to the parties |
| <input type="checkbox"/> Initial Guardianship of Estate | <input type="checkbox"/> Modification of guardianship |
| <input type="checkbox"/> Visitation schedule | <input type="checkbox"/> Guardianship/Trust/Estate Accounting or Inventory |
| <input type="checkbox"/> Removal of _____ | <input type="checkbox"/> Conflict of Interest |
| <input type="checkbox"/> Income/Estate Tax dispute or issue(s) | <input type="checkbox"/> Will or Trust Contest |

Other Issues to be Mediated: _____

- The appearance of counsel who will try the case and each party or representatives of each party with full authority to enter into a full and complete compromise and settlement is mandatory. All parties are urged to bring interested individuals who might assist in facilitating settlement to the negotiation session. (For example, family members, appraisers, accountants, creditors, and others whose approval is necessary or those whose interest may need to be negotiated and compromised).
- The Court may impose sanctions against parties who do not attend the conference or violate the terms of this Order.
- At least (7) days before the conference, each side shall present to the mediator a brief written summary of the case containing a list of issues as to each party. If the attorney filing the summary wishes its contents to remain confidential, she/he should advise the mediator in writing at the same time the summary is filed. The summary shall include the facts of the dispute and alleged breaches of applicable duties, opinions of liability, all damage information, and any offers or demands regarding settlement. Names of all participants in the mediation shall be disclosed to the mediator in the summary prior to the session.
- All discussions, representations and statements made at the mediation conference shall be privileged consistent with the Confidentiality Agreement to be signed on behalf of each party prior to the commencement of the first mediation conference. The Confidentiality Agreement shall be made a part of the court record in the case.

- e. Thereafter, the mediator shall be compensated by the parties as they agree or at the rate of \$150.00 per hour if the mediator is appointed by the Court. Each party shall bear the cost proportionately. The cost of the mediator shall be paid by _____.
 - f. The mediator has no power to compel or enforce settlement agreements and does not give legal advice. If a settlement is reached in this case, the attorneys shall reduce the agreement to writing at the conclusion of the mediation.
4. The plaintiff's attorney (or another attorney agreed upon by all attorneys) shall be responsible for obtaining a mediator and scheduling the mediation conference within 14 days of this Order of Referral. The parties shall attempt to agree upon a mediator. A date, time and place for mediation convenient to all shall be obtained from the mediator. The place designated in Rule 5-3.27(G)(2) is hereby deemed a convenient place to all participants.
 5. If the parties cannot agree on a mediator within 14 days of this Order of Referral, the responsible attorney shall notify the Court within seven days of the expiration of the 14-day period, and the Court shall appoint a certified mediator selected by rotation.
 6. Mediation shall be completed within eight weeks of the first mediation conference unless extended by order of the Court or by stipulation of the parties.
 7. This cause is set for status on the _____ day of _____, 20____ at _____ M.

Notice to the Parties

The parties are expected to mediate their dispute in good faith. Failure to attend a mediation session or failure to participate in mediation in good faith may subject a party to sanctions. Sanctions may include an assessment of mediation costs and/or attorney's fees incurred by the other party.

At the initial orientation session, the mediator shall inform the parties of their rights and obligations in mediation.

Mediation shall terminate upon the following:

- a. When all issues have been resolved, or
- b. When an individual necessary to facilitate settlement of the dispute is not present, or
- c. When, in the opinion of the mediator, no purpose would be served by continuing the mediation, or
- d. When the mediator determines that an impairment exists that hinders the ability of the parties to negotiate safely, competently, or in good faith, or
- e. Upon order of the court for good cause shown.

Failure to appear on the date(s) scheduled and/or comply with the terms in this order may subject a party to sanctions pursuant to Supreme Court Rule 219(c), including but not limited to attorney's fees, monetary sanctions, and/or dismissal for want of prosecution.

ENTER:

JUDGE

Dated this _____ day of _____, 20_____.

Prepared by:

Name: _____ Pro Se

Address: _____

City: _____ State: _____

Phone: _____ Zip Code: _____

ARDC #: _____

E-mail address: _____