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2.06 County Law Library

(a) Administration

General administration of the county law libraries shall be the responsibility of the chief judge who may delegate that responsibility to another.

(b) Advisory Committee

Pursuant to 55 ILCS 5/5-39001, the bar associations of Boone and Winnebago Counties may establish and maintain advisory committees to recommend publication purchases and general improvements for their respective county law libraries.

(c) County Law Library Hours

The county law libraries shall be open to attorneys and the general public from 8:30 A.M. to 5:00 P.M., Monday through Friday, except legal holidays.

In Winnebago County upon the display of a proper P.S.B. identification card at the Public Safety Building, attorneys may be admitted to the law libraries at times other than the designated public hours. The presiding circuit judge of Boone County may require reasonable identification of persons admitted to the law library in Boone county at times other than the designated public hours.

(d) Access to Materials

To ensure the ready availability of reference materials, all holdings of the Winnebago County Law Library are non-circulating. Books may be taken from the law library only with the express permission of the chief judge or at the direction of any judge for use during proceedings on court.

Boone County Law Library materials may be checked out only with the permission of the chief judge, the presiding circuit judge, or at the direction of any judge for use during proceedings in court.

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(Reprinted 06/14/11)

2.07 Mandatory Arbitration

(a) Supervising Judge for Arbitration

The chief judge shall appoint in each county of the circuit having a mandatory arbitration program, a judge to act as supervising judge for arbitration, who shall have the powers and responsibilities set forth in these rules and who shall serve at the discretion of the chief judge.

(b) Arbitration Administrator

The chief judge shall designate an arbitration administrator who shall have the authority and responsibilities set forth in these rules. The arbitration administrator shall serve at the discretion of the chief judge under the immediate direction of the court administrator.

(c) Arbitration Center

The chief judge shall designate an arbitration center for arbitration hearings.

(d) Mandatory Arbitration of Certain Cases

The arbitration program of the 17th judicial circuit is governed by the Supreme Court Rules for the Conduct of Mandatory Arbitration Proceedings (Supreme Court Rules 86 - 95 incl.). Pursuant to Supreme Court Rule 86 (c), these local rules are adopted, effective October 1, 1987, as amended effective September 16, 1994. Since arbitration proceedings are governed by both sets of rules, reference is made in the caption of each local rule to the Supreme Court Rule controlling the subject.

Rule 1. Actions Subject to Mandatory Arbitration (S. Ct. Rule 86)

(a) Mandatory arbitration proceedings are undertaken and conducted in the counties of Winnebago and Boone, 17th Judicial Circuit, pursuant to approval of the Illinois Supreme Court given on June 3, 1987, and September 16, 1994, respectively.

(b) All civil actions, other than claims under Supreme Court Rule 281, will be subject to mandatory arbitration, if such claims are solely for money on an amount exceeding \$10,000, but not exceeding \$50,000, exclusive of interest and costs. Such cases shall be assigned to the arbitration calendar of the 17th judicial circuit at the time of initial case filing with the circuit clerk's office.

(c) Reserved

(d) When a case not originally assigned to the arbitration calendar is subsequently so assigned pursuant to Supreme Court Rule 86 (d), the arbitration administrator shall promptly assign an arbitration hearing date for such case. In such cases, the date of the arbitration hearing shall be not less than 60 days nor more than 180 days from the date of assignment to arbitration, as determined by the court considering the status of the case, the period of time necessary to afford the parties adequate preparation time and status of the arbitration calendar.

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Rule 2. Appointment, Qualification and Compensation of Arbitrators (S. Ct. Rule 87)

(a) Attorneys shall be eligible for appointment by filing the appropriate form with the arbitration administrator, certifying that they have engaged in the active practice of law for a minimum of one year and maintain a law office within the 17th judicial circuit. Retired judges shall also be eligible for appointment. Chairpersons must have been engaged in active trial practice for a period of five years or be a retired judge.

(b) The arbitration administrator shall maintain an alphabetical list of approved arbitrators to be called for service on a rotating basis. The list shall designate the arbitrators who are approved to serve as chairpersons and those arbitrators and chairpersons who are available to serve as substitutes. Each panel will consist of one chairperson and two panel members. Eligible arbitration panel members shall have attended the arbitration seminar prior to active service on an arbitration panel. The eligibility of each attorney to serve as arbitrators may, from time to time, be reviewed by the arbitration administrator or supervising judge. Where possible, the arbitration administration shall notify such arbitrators of the date at least 60 days prior to the assigned hearing date.

(c) Reserved

(d) Reserved

(e) Upon completion of each day's arbitration hearings, the arbitration administrator will process the necessary voucher through the Administrative office of the Illinois Courts for payment of arbitrators.

Rule 3. Scheduling of Hearings (S. Ct. Rule 88)

(a) On or before the first day of each July, the arbitration administrator shall provide the circuit clerk's office with a schedule of available arbitration hearing dates for the next calendar year.

Upon the filing of a civil action subject to these rules, the clerk of the circuit court shall set a return date for the summons not less than 21 days nor more than 40 days after filing, returnable before the supervising judge or arbitration. The summons shall require the plaintiff or the representative of the plaintiff and all defendants or their representatives to appear at the time and place indicated. The complaint and all summonses shall state in upper case letters in the upper right-hand corner "THIS IS AN ARBITRATION CASE."

Upon the return date of the summons and the court finding that all parties have appeared, the court shall assign an arbitration hearing date not less than 180 days from the filing date or the earliest available hearing date thereafter. If one or more defendants have not been served within 90 days from the date of filing, the court may in its discretion dismiss the case as to unserved defendants for lack of diligence.

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(b) Any party to a case may request advancement or postponement of a scheduled arbitration hearing date by filing written motion with the office of the circuit clerk requesting such change. Such motion and notice of hearing thereon shall be served upon counsel for all other parties in the same manner as other motions and a copy of the motion and notice of time of hearing thereon the calendar of the supervising judge for arbitration and shall likewise be served upon the arbitration administrator. The motion shall contain a concise statement of the reason for the change of hearing date. The supervising judge may grant such advancement or postponement upon good cause shown.

(c) Consolidated actions shall be heard on the date assigned to the latest case involved.

(d) Counsel shall give immediate notification to the arbitration administrator of any settlement of cases or changes of appearance. Failure to do so may result in the imposition of sanctions.

(e) It is anticipated that the majority of cases to be heard by arbitration panel will require 2 hours or less for presentation and decision. It shall be the responsibility of counsel for the plaintiff to confer with counsel for all other parties to obtain an approximation of the length of time required for presentation of the case and advise the arbitration administrator at least 7 days in advance of the hearing date in the event additional hearing time is anticipated and the length of such additional time.

Rule 4. Discovery (S. Ct. Rule 89)

(a) All parties shall comply with the provisions of Supreme Court Rule 222. However, unless otherwise ordered by the court, the parties shall file with the court their initial disclosure under Supreme Court Rule 222 within 14 days of the first return court appearance date.

Rule 5. Conduct of the Hearings (S. Ct. Rule 90)

(a) The supervising judge for arbitration shall have full supervisory powers over questions arising in any arbitration proceeding, including the application of these rules.

(b) A stenographic record or a recording of the hearing shall not be made unless a party does so at one's own expense. If a party has a stenographic record or a recording made, a copy shall be furnished to any other party requesting same upon payment of a proportionate share of the total cost of making the record or recording.

(c) The statements of witnesses shall set forth the name, address and telephone number of the witness.

(d) Witness fees and costs shall be in the same amount and shall be paid by the same party or parties, as provided for in trials in the Circuit Court of Winnebago County.

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(e) Any party requiring the services of a language interpreter during the hearing shall be responsible for providing same. Any party requiring the services of an interpreter or other assistance for the deaf or hearing impaired shall notify the Arbitration Administrator of said need not less than seven days prior to the hearing.

(f) Only the Notice of Intent pursuant to S. Ct. Rule 90 (c) shall be filed with the Circuit Clerk's Office; do not file the supporting attachments or exhibits that are going to be offered into evidence at the hearing.

(g) All exhibits admitted into evidence shall be retained by the panel until the making of the award. It is the duty of the attorneys or parties to retrieve such exhibits from the Arbitration Administrator within seven (7) days of the hearing. All exhibits not retrieved shall be destroyed. The Arbitration Center is not responsible for documents left by the parties and litigants are encouraged not to leave behind any original documents.

Rule 6. Default of a Party (S. Ct. Rule 91)

(a) A party who fails to appear and participate in the hearing, upon motion to the court by the party present, shall be found to be in default. Costs that may be assessed under Supreme Court Rule 91 upon vacation of a default include, but are not limited to, payment of costs, attorney fees, witness fees, stenographic fees and any other out-of-pocket expenses incurred by any party or witness.

(b) Reserved

Rule 7. Award and Judgment on Award (S. Ct. Rule 92)

(a) Reserved

(b) The panel shall make an award the same day the hearing is terminated. The chairman shall immediately file the award with the clerk of the court, who shall serve notice of the award on all parties.

(c) Reserved

(d) Reserved

Rule 8. Rejection of Award (S. Ct. Rule 93)

Reserved

Rule 9. Form of Oath, Award and Notice of Entry of Award (S. Ct. Rule 94)

(a) The arbitration administrator shall provide the forms called for by these rules.

Rule 10. Form of Notice of Rejection of Award (S. Ct. Rule 95)

Reserved

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2.11 A. Telephonic Appearances (Pilot Program)

1. As a means to increase efficiencies and reduce costs to participants, and pursuant to the provisions of Supreme Court Rule 185, telephonic appearances are hereby allowed for parties and counsel on law-division case management and status calls scheduled Wednesdays and Thursdays at 9:00 a.m. in Courtrooms 412 and 426 of the Winnebago County Courthouse with the exception that telephonic appearances shall not be permitted for argument on briefed motions, evidentiary hearings, or other matters as designated by the Court as requiring a personal appearance. Permission to appear telephonically will be denied on all scheduled telephonic appearances that do not strictly comply with this rule.
2. Existing rules and procedures regarding the making of the record by a court reporter or electronic reporting or obtaining a transcript after a hearing shall apply to hearings at which telephonic appearances are made. No recordings shall be made of any court proceeding or of any telephonic appearances except in compliance with General Order 16.01.

B. Scheduling and Notice

1. No telephonic appearance will be allowed unless it is made through CourtCall, an independent conference servicing company.
2. CourtCall facilitates the telephonic appearance of persons at hearings which have already been scheduled by regular means with the Office of the Winnebago County Circuit Clerk. CourtCall does not set or calendar hearings for the Court. If a motion is not scheduled and noticed via the Clerk's office in the same manner as any other motion it will not appear on the judge's call and will not be heard.
3. Telephonic appearances must be arranged by contacting CourtCall by phone at (888) 882-6878 or on-line at www.courtcall.com no later than 4:00 p.m. (CST) on the second court day preceding a hearing date. CourtCall will provide persons with a written confirmation of their telephonic appearance and a number to call to make the telephonic appearance.
4. Persons electing to make a telephonic appearance shall notify all parties of the same either contemporaneously with any written notice of motion or VIA TELEFAX OR EMAIL (OR, IF THE FORMER ARE UNAVAILABLE, BY TELEPHONE) NO LESS THAN 24 HOURS PRIOR TO THE SCHEDULED HEARING. Nothing in this rule shall be construed as modifying the notice of motion requirements set forth in Supreme Court Rule 12 and Local Rule 10.03.

C. Appearance Procedure

1. It is the responsibility of the person making a telephone appearance to dial into the call no later than five (5) minutes prior to any scheduled hearing(s), and to check in with the CourtCall clerk.

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2. Persons appearing telephonically shall state his or her name for the record each time he or she speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance.
3. To ensure the quality of the record, the use of car phones, cellular phones, speakerphones, public telephone booths, or phones in other public places is prohibited.
4. If a person schedules a telephonic appearance and then fails to respond when the matter is called, the court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear. The Court will attempt to reasonably accommodate persons attempting to appear before the Court in both Courtroom 412 and 426 during the co-occurring status calls.

D. Costs

1. CourtCall is an independent service provider. By using the services of CourtCall, individuals are knowingly entering into a service agreement and are subject to follow any additional terms and conditions imposed by CourtCall and shall be solely responsible for any costs or other expenses incurred for those services provided. Under no circumstance shall the Court bear any costs for any telephonic appearance.

E. Rejections, Refunds, and Suspension of Privileges

1. The fact that a telephonic appearance is scheduled with CourtCall shall not be construed as a determination that the telephonic appearance is permitted by the Court. Parties and counsel are solely responsible for compliance with the Court's rules and procedures for telephonic appearances. The court reserves the right, at any time, to reject any telephonic appearance in violation with this Rule or as otherwise necessary for the administration of justice. When the court rejects a telephonic appearance, it shall order a refund of the deposited telephonic appearances fees and send notice of the same to CourtCall, LLC.
2. The court shall also reserve the right to halt any telephonic appearance on any matter and order the attorneys to personally appear at a later date and time, in which case no refund is permitted.
3. The court reserves the right and sole discretion to suspend any person's ability to appear telephonically using CourtCall's services.

3. **Court Calendar**

Matters involving the scheduling of judges, dates, times and locations shall be established by General Orders of the 17th Judicial Circuit. (See General Orders)

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4. Assignment of Cases

All cases shall be assigned by the chief judge as directed by general order or otherwise.

5. Reserved.

(Contents of "Substitution of Judges - Change of Venue" have now been incorporated in General Order 6.04B)

6. Cases Under Advisement

If a judge has a case under advisement, the judge shall set a status date on the decision no later than thirty to sixty (30 - 60) days after the date he or she takes the case under advisement. If the decision is not rendered on or before the initial decision status date, the judge shall continue to set status dates on the decision until the decision is rendered.

7. Method of Scheduling Non - Matrimonial Cases

7.01 General Division: Non-Jury Cases (Civil)

Persons setting a matter for evidentiary hearing shall set such matter by motion on the motion call. Matters can also be set on the motion call by the assigned judge.

7.02 General Division: Jury Cases (Civil)

(a) Boone County

Any information concerning status of a jury case shall be communicated to the assigned trial judge. If the judge is unavailable, the circuit clerk shall be notified of the status.

(b) Winnebago County

(1) The procedure for setting jury cases shall be provided by general order. (See General Order 2.05)

(2) No general division civil action set for jury trial shall be removed from the trial list, except upon:

(A) Settlement and the presentation of an order to dismiss; or

(B) Motion presented to the assigned judge or chief judge by the Thursday prior to trial; or

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10.04 Motion Slips (Winnebago County)

Where written notice is required under Rule 10.01 *supra*, a motion slip which contains the title and number of the case, a brief statement of the motion, the name of the moving and opposing counsel, and the date and hour of the hearing must be filed with the circuit clerk before the motion may be placed on the judge's hearing calendar. (See Appendices F and G).

10.04.01 Setting Motions (Boone County)

Contested and uncontested motions may be scheduled by a telephone call (815-544-0371) to the circuit clerk's office. However, no motion will be placed on the trial judge's hearing calendar by the circuit clerk unless said motion and notice of motion has been received by the clerk before 3:00 P.M. two (2) days preceding the proposed hearing date.

10.05 Failure to Call Motion for Hearing

The burden of setting a motion for hearing in a civil case is on the party making the motion. If a setting for hearing is not obtained by the moving party within sixty (60) days from the date it is filed, the court may deem the motion withdraw and deny the relief requested with or without prejudice.

10.06 Emergency and Ex Parte Motions

(a) Emergency Motions

Emergency motions shall be presented to the judge to whom the case is assigned and shall be heard at such time as that judge may determine. In the absence of the judge to whom the case is assigned, the chief judge, or designee, may assign the case to another judge for hearing. Precedence, so far as possible, shall be given to emergency motions over other judicial business.

(b) Ex Parte Applications

Every complaint or petition which seeks an ex parte order for the appointment of a receiver or for a temporary restraining order shall be filed in the office of the circuit clerk before application to a judge for the order.

10.07 Time Limit for Filing Pre-Trial Motions - 60 Days

(a) Except by leave of court and for good cause shown, the following shall be filed with the clerk of the court and presented before the judge to whom the case is assigned on a date not later than sixty (60) days prior to the scheduled trial or arbitration hearing date:

(1) All dispositive motions except motions arising during the course of the trial or arbitration hearing;

(2) All other motions which, if granted, would require a postponement of the scheduled trial or arbitration hearing date.

(3) Any brief in support of the motion must be served at the same time the motion is filed.

(b) Any motion filed in violation with this order may be stricken at the discretion of the presiding judge.

(c) The provisions of this rule shall not apply to actions for forcible entry and detainer.

06/14/11

11. Proceedings Before Trial (Civil)

11.01 Case Management Conferences and Subsequent Court Dates

- A. Pursuant to the exemption provision of Supreme Court Rule 218, the case management conference requirements of such rule shall not apply to any case pending in court-annexed mandatory arbitration pursuant to Supreme Court Rules 86 et. seq., actions for forcible entry and detainer, actions in small claims, actions in probate, adoptions, actions in paternity, domestic relations post decree matters, any action for the prosecution of municipal ordinance violations and actions to foreclose mortgages.
- B. The following case management procedures shall apply for case types L (Law over \$50,000), MR (Miscellaneous Remedies), CH (Injunction), ED (Eminent Domain), LM (Detinue), LM (Replevin), LM (Foreign Judgment), and MC (Municipal Corporation) and TX (Tax):
 - 1. The clerk shall schedule a Supreme Court Rule 218 case management conference on the assigned judges' court docket within ninety (90) days after the filing of the complaint,
 - 2. At the time of filing the initial complaint, the clerk shall indicate on all complaints and summons the date and time and location for an initial case management conference,
 - 3. A date for a next case management hearing shall be scheduled each time a matter is before the Court. The next court date shall be scheduled within one hundred twenty (120) days except for good cause shown;

11.02 Discovery

A. Days for Taking Depositions

Unless otherwise agreed by the parties or ordered by the court, depositions shall not be taken on Saturdays, Sundays, or court holidays. (See General Order 1.05)

B. Written Interrogatories

The party serving written interrogatories shall provide a copy to each party to answer the same. The answering party may attach an addendum to the copies if the space provided is found to be insufficient.

C. Filing of Documents

(1) Restrictive Filing

No discovery may be filed with the Clerk of the Circuit Court except upon leave of court.

06/14/11

(2) Proof of Serving and Answering Discovery Documents

Discovery pleadings including responsive discovery documents may be served personally or by U.S. Mail. Parties filing discovery pleadings including responsive discovery documents shall file a notice of filing with the clerk of the court with proof of service. The filing of the notice of filing shall be prima facie evidence that the same were served. The notice of filing shall contain the case title and number, date mailed or personally served, the sending and receiving parties, proof of service and shall identify the particular discovery pleading or responsive discovery document served or answered.

11.03 Small Claims Management Conference, Alias Summons and Court Appearances - Winnebago County

A. Case Management Date

Upon the initial filing of a small claims case, the Clerk of the Court shall set a case management date on a Thursday at 8:30 a.m. six months from the date of filing and shall notify the plaintiff(s) of that date by affixing it on the complaint. Only the Court shall have the ability to cancel or modify a case management date.

B. Alias Summons

Prior to the case management date, the Clerk of the Court shall issue successive alias summonses on the request of any party, regardless of the disposition of any summons or alias summons previously issued. The plaintiff(s) must request the issuance of an alias summons and otherwise establish the exercise of diligence prior to the applicable case management date or the case may be dismissed. Except for good cause shown, no more than one case management date will be given. Summons shall not issue for a return date beyond the applicable case management date set by a court, except with prior leave of court. Any summons issued after the expiration of the applicable case management date without leave of court shall be considered a nullity.

C. Court Appearances

Plaintiff or plaintiff's counsel may cancel a return date for an unserved summons by contacting the Clerk of the Court at least three days prior to a scheduled return date. If a return date is not cancelled in advance and neither plaintiff nor plaintiff's counsel appears on the return date of an *unserved* summons issued, the court may dismiss the case for want of prosecution. Plaintiff or plaintiff's counsel must appear on the return date of a *served* summons. Failure to do so may result in a dismissal for want of prosecution.

11.04 Pre-Trial Conferences

Pre-trial conferences may be held in any action upon the motion of any party or upon the order of the judge.

A. At the Final Pretrial Conference in a jury case, the parties are to present the following unless excused by the court:

1. Motions in Limine with citations to authorities (to be filed 14 days prior to the pretrial conference);

2. Responses to Motions in Limine with citations to authorities (to be filed 7 days prior to the pretrial conference);
 3. Proposed jury instructions;
 4. A short Statement of the Case sufficient to give prospective jurors a basic understanding of the type of case involved;
 5. A collaborative witness list (listing all persons who may testify for any party); and
 6. A numbered list of each party's proposed exhibits.
- B. Unless excused by the Court, at any Pre-trial conference also designated by the court to be a settlement conference, the parties or their representatives with settlement authority are to be present in person or available by telephone, as the court directs.

11.05 Settlement Prior to Trial

In the event of settlement prior to trial the attorneys for the parties shall promptly notify the judge and the circuit clerk.

11.06 Filing of Briefs or Memoranda of Law

No briefs or memoranda of law may be filed with the Clerk of the Circuit Court except upon leave of court. Briefs shall be limited to fifteen (15) pages, double-spaced unless a higher page limit is approved by the Court. All briefs should be in ten (10) point font or larger and have no less than one (1) inch margins.

Factual references in the brief shall be supported by specific references to the record. On administrative appeals, references shall be made to the page number of the administrative record.

12. Trial (Civil)

12.01 Trial Memorandum

(a) Preparation and Use

In jury cases to assist the court in its voir dire examination of jurors under Supreme Court Rule 234, plaintiff's attorney shall submit to the court at the time the case is called for trial a brief trial memorandum and furnish a copy to opposing counsel who may suggest amendments thereto. The court shall exercise its discretion in its use of the trial memorandum.

(b) Unusual Statutes

If the application or interpretation of a statute or rule of law is deemed of particular significance by counsel for any party, counsel shall call the court's attention to the same in writing either in the trial memorandum or at the pre-trial conference.

12.02 Interrogation of Jurors (Winnebago County)

Examination of Juror's Profile Cards

(a) Unless prohibited by the trial judge, any pro se litigant or party's attorney in the action may examine the official juror's profile cards of prospective jurors before or during jury interrogation.

**STATE OF ILLINOIS
CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO
COUNTY OF BOONE**

AMENDMENT TO LOCAL RULE 2.07

IT IS HEREBY ORDERED THAT THE ABOVE ENTITLED LOCAL RULE IS AMENDED TO READ AS FOLLOWS:

2.07 Mandatory Arbitration

(a) Supervising Judge for Arbitration

The chief judge shall appoint in each county of the circuit having a mandatory arbitration program, a judge to act as supervising judge for arbitration, who shall have the powers and responsibilities set forth in these rules and who shall serve at the discretion of the chief judge.

(b) Arbitration Administrator

The chief judge shall designate an arbitration administrator who shall have the authority and responsibilities set forth in these rules. The arbitration administrator shall serve at the discretion of the chief judge under the immediate direction of the court administrator.

(c) Arbitration Center

The chief judge shall designate an arbitration center for arbitration hearings.

(d) Mandatory Arbitration of Certain Cases

The arbitration program of the 17th judicial circuit is governed by the Supreme Court Rules for the Conduct of Mandatory Arbitration Proceedings (Supreme Court Rules 86 - 95 incl.). Pursuant to Supreme Court Rule 86 (c), these local rules are adopted, effective October 1, 1987, as amended effective September 16, 1994. Since arbitration proceedings are governed by both sets of rules, reference is made in the caption of each local rule to the Supreme Court Rule controlling the subject.

Rule 1. Actions Subject to Mandatory Arbitration (S. Ct. Rule 86)

(a) Mandatory arbitration proceedings are undertaken and conducted in the counties of Winnebago and Boone, 17th Judicial Circuit, pursuant to approval of the Illinois Supreme Court given on June 3, 1987, and September 16, 1994, respectively.

(b) All civil actions, other than claims under Supreme Court Rule 281, will be subject to mandatory arbitration, if such claims are solely for money on an amount exceeding \$10,000, but not exceeding \$50,000, exclusive of interest and costs. Such cases shall be assigned to the arbitration calendar of the 17th judicial circuit at the time of initial case filing with the circuit clerk's office.

(c) Reserved

(d) When a case not originally assigned to the arbitration calendar is subsequently so assigned pursuant to Supreme Court Rule 86 (d), the arbitration administrator shall promptly assign an arbitration hearing date for such case. In such cases, the date of the arbitration hearing shall be not less than 60 days nor more than 180 days from the date of assignment to arbitration, as determined by the court considering

the status of the case, the period of time necessary to afford the parties adequate preparation time and status of the arbitration calendar.

Rule 2. Appointment, Qualification and Compensation of Arbitrators (S. Ct. Rule 87)

(a) Attorneys shall be eligible for appointment by filing the appropriate form with the arbitration administrator, certifying that they have engaged in the active practice of law for a minimum of one year and maintain a law office within the 17th judicial circuit. Retired judges shall also be eligible for appointment. Chairpersons must have been engaged in active trial practice for a period of five years or be a retired judge.

(b) The arbitration administrator shall maintain an alphabetical list of approved arbitrators to be called for service on a rotating basis. The list shall designate the arbitrators who are approved to serve as chairpersons and those arbitrators and chairpersons who are available to serve as substitutes. Each panel will consist of one chairperson and two panel members. Eligible arbitration panel members shall have attended the arbitration seminar prior to active service on an arbitration panel. The eligibility of each attorney to serve as arbitrators may, from time to time, be reviewed by the arbitration administrator or supervising judge. Where possible, the arbitration administration shall notify such arbitrators of the date at least 60 days prior to the assigned hearing date.

(c) Reserved

(d) Reserved

(e) Upon completion of each day's arbitration hearings, the arbitration administrator will process the necessary voucher through the Administrative office of the Illinois Courts for payment of arbitrators.

Rule 3. Scheduling of Hearings (S. Ct. Rule 88)

(a) On or before the first day of each July, the arbitration administrator shall provide the circuit clerk's office with a schedule of available arbitration hearing dates for the next calendar year.

Upon the filing of a civil action subject to these rules, the clerk of the circuit court shall set a return date for the summons not less than 21 days nor more than 40 days after filing, returnable before the supervising judge or arbitration. The summons shall require the plaintiff or the representative of the plaintiff and all defendants or their representatives to appear at the time and place indicated. The complaint and all summonses shall state in upper case letters in the upper right-hand corner "THIS IS AN ARBITRATION CASE."

Upon the return date of the summons and the court finding that all parties have appeared, the court shall assign an arbitration hearing date not less than 180 days from the filing date or the earliest available hearing date thereafter. If one or more

defendants have not been served within 90 days from the date of filing, the court may in its discretion dismiss the case as to unserved defendants for lack of diligence.

(b) Any party to a case may request advancement or postponement of a scheduled arbitration hearing date by filing written motion with the office of the circuit clerk requesting such change. Such motion and notice of hearing thereon shall be served upon counsel for all other parties in the same manner as other motions and a copy of the motion and notice of time of hearing thereon the calendar of the supervising judge for arbitration and shall likewise be served upon the arbitration administrator. The motion shall contain a concise statement of the reason for the change of hearing date. The supervising judge may grant such advancement or postponement upon good cause shown.

(c) Consolidated actions shall be heard on the date assigned to the latest case involved.

(d) Counsel shall give immediate notification to the arbitration administrator of any settlement of cases or changes of appearance. Failure to do so may result in the imposition of sanctions.

(e) It is anticipated that the majority of cases to be heard by arbitration panel will require 2 hours or less for presentation and decision. It shall be the responsibility of counsel for the plaintiff to confer with counsel for all other parties to obtain an approximation of the length of time required for presentation of the case and advise the arbitration administrator at least 7 days in advance of the hearing date in the event additional hearing time is anticipated and the length of such additional time.

Rule 4. Discovery (S. Ct. Rule 89)

(a) All parties shall comply with the provisions of Supreme Court Rule 222. However, unless otherwise ordered by the court, the parties shall file with the court their initial disclosure under Supreme Court Rule 222 within 14 days of the first return court appearance date.

Rule 5. Conduct of the Hearings (S. Ct. Rule 90)

(a) The supervising judge for arbitration shall have full supervisory powers over questions arising in any arbitration proceeding, including the application of these rules.

(b) A stenographic record or a recording of the hearing shall not be made unless a party does so at one's own expense. If a party has a stenographic record or a recording made, a copy shall be furnished to any other party requesting same upon payment of a proportionate share of the total cost of making the record or recording.

(c) The statements of witnesses shall set forth the name, address and telephone number of the witness.

(d) Witness fees and costs shall be in the same amount and shall be paid by the same party or parties, as provided for in trials in the Circuit Court of Winnebago County.

(e) Any party requiring the services of a language interpreter during the hearing shall be responsible for providing same. Any party requiring the services of an interpreter or other assistance for the deaf or hearing impaired shall notify the Arbitration Administrator of said need not less than seven days prior to the hearing.

(f) Only the Notice of Intent pursuant to S. Ct. Rule 90 (c) shall be filed with the Circuit Clerk's Office; do not file the supporting attachments or exhibits that are going to be offered into evidence at the hearing.

(g) All exhibits admitted into evidence shall be retained by the panel until the making of the award. It is the duty of the attorneys or parties to retrieve such exhibits from the Arbitration Administrator within seven (7) days of the hearing. All exhibits not retrieved shall be destroyed. The Arbitration Center is not responsible for documents left by the parties and litigants are encouraged not to leave behind any original documents.

Rule 6. Default of a Party (S. Ct. Rule 91)

(a) A party who fails to appear and participate in the hearing, upon motion to the court by the party present, shall be found to be in default. Costs that may be assessed under Supreme Court Rule 91 upon vacation of a default include, but are not limited to, payment of costs, attorney fees, witness fees, stenographic fees and any other out-of-pocket expenses incurred by any party or witness.

(b) Reserved

Rule 7. Award and Judgment on Award (S. Ct. Rule 92)

(a) Reserved

(b) The panel shall make an award the same day the hearing is terminated. The chairman shall immediately file the award with the clerk of the court, who shall serve notice of the award on all parties.

(c) Reserved

(d) Reserved

Rule 8. Rejection of Award (S. Ct. Rule 93)

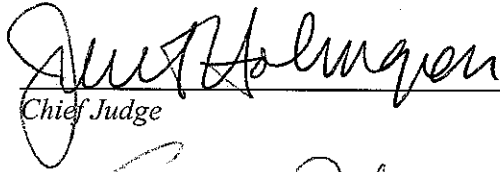
Reserved

Rule 9. Form of Oath, Award and Notice of Entry of Award (S. Ct. Rule 94)


(a) The arbitration administrator shall provide the forms called for by these rules.

Rule 10. Form of Notice of Rejection of Award (S. Ct. Rule 95)

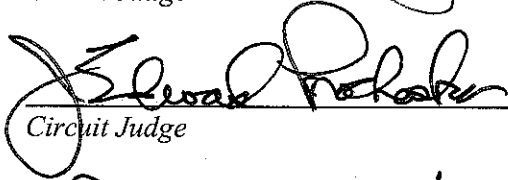
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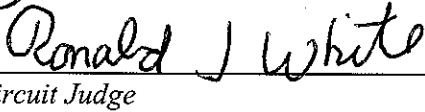
Chief Judge



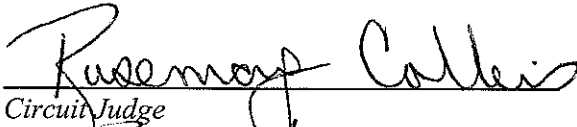
Circuit Judge



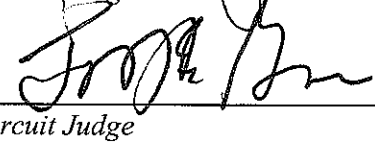
Circuit Judge



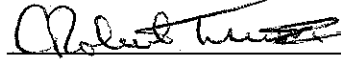
Circuit Judge



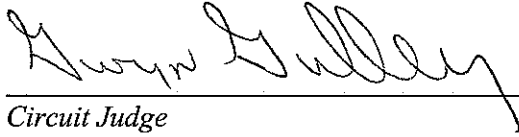
Circuit Judge



Circuit Judge



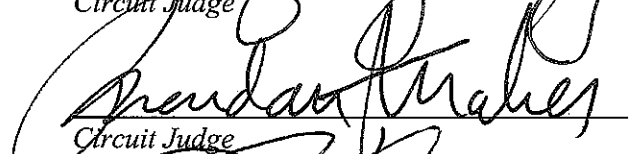
Circuit Judge



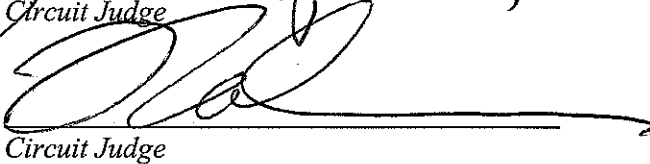
Circuit Judge



Circuit Judge



Circuit Judge



Circuit Judge

DATED: 6/14/11

**STATE OF ILLINOIS
CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO
COUNTY OF BOONE**

LOCAL RULE 2.11

2.11 A. Telephonic Appearances (Pilot Program)

1. As a means to increase efficiencies and reduce costs to participants, and pursuant to the provisions of Supreme Court Rule 185, telephonic appearances are hereby allowed for parties and counsel on law-division case management and status calls scheduled Wednesdays and Thursdays at 9:00 a.m. in Courtrooms 412 and 426 of the Winnebago County Courthouse with the exception that telephonic appearances shall not be permitted for argument on briefed motions, evidentiary hearings, or other matters as designated by the Court as requiring a personal appearance. Permission to appear telephonically will be denied on all scheduled telephonic appearances that do not strictly comply with this rule.
2. Existing rules and procedures regarding the making of the record by a court reporter or electronic reporting or obtaining a transcript after a hearing shall apply to hearings at which telephonic appearances are made. No recordings shall be made of any court proceeding or of any telephonic appearances except in compliance with General Order 16.01.

B. Scheduling and Notice

1. No telephonic appearance will be allowed unless it is made through CourtCall, an independent conference servicing company.
2. CourtCall facilitates the telephonic appearance of persons at hearings which have already been scheduled by regular means with the Office of the Winnebago County Circuit Clerk. CourtCall does not set or calendar hearings for the Court. If a motion is not scheduled and noticed via the Clerk's office in the same manner as any other motion it will not appear on the judge's call and will not be heard.
3. Telephonic appearances must be arranged by contacting CourtCall by phone at (888) 882-6878 or on-line at www.courtcall.com no later than 4:00 p.m. (CST) on the second court day preceding a hearing date. CourtCall will provide persons with a written confirmation of their telephonic appearance and a number to call to make the telephonic appearance.
4. Persons electing to make a telephonic appearance shall notify all parties of the same either contemporaneously with any written notice of motion or VIA TELEFAX OR EMAIL (OR, IF THE FORMER ARE UNAVAILABLE, BY TELEPHONE) NO LESS THAN 24 HOURS PRIOR TO THE SCHEDULED HEARING. Nothing in this rule shall be construed as modifying the notice of motion requirements set forth in Supreme Court Rule 12 and Local Rule 10.03.

C. Appearance Procedure

1. It is the responsibility of the person making a telephone appearance to dial into the call no later than five (5) minutes prior to any scheduled hearing(s), and to check in with the CourtCall clerk.
2. Persons appearing telephonically shall state his or her name for the record each time he or she speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance.
3. To ensure the quality of the record, the use of car phones, cellular phones, speakerphones, public telephone booths, or phones in other public places is prohibited.
4. If a person schedules a telephonic appearance and then fails to respond when the matter is called, the court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear. The Court will attempt to reasonably accommodate persons attempting to appear before the Court in both Courtroom 412 and 426 during the co-occurring status calls.

D. Costs

1. CourtCall is an independent service provider. By using the services of CourtCall, individuals are knowingly entering into a service agreement and are subject to follow any additional terms and conditions imposed by CourtCall and shall be solely responsible for any costs or other expenses incurred for those services provided. Under no circumstance shall the Court bear any costs for any telephonic appearance.

E. Rejections, Refunds, and Suspension of Privileges

1. The fact that a telephonic appearance is scheduled with CourtCall shall not be construed as a determination that the telephonic appearance is permitted by the Court. Parties and counsel are solely responsible for compliance with the Court's rules and procedures for telephonic appearances. The court reserves the right, at any time, to reject any telephonic appearance in violation with this Rule or as otherwise necessary for the administration of justice. When the court rejects a telephonic appearance, it shall order a refund of the deposited telephonic appearances fees and send notice of the same to CourtCall, LLC.
2. The court shall also reserve the right to halt any telephonic appearance on any matter and order the attorneys to personally appear at a later date and time, in which case no refund is permitted.
3. The court reserves the right and sole discretion to suspend any person's ability to appear telephonically using CourtCall's services.

Just Holmgren
Chief Judge

[Signature]
Circuit Judge

[Signature]
Circuit Judge

Ronald White
Circuit Judge

Rosemary Gallus
Circuit Judge

[Signature]
Circuit Judge

[Signature]
Circuit Judge

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Circuit Judge

DATED: 6/14/11

STATE OF ILLINOIS
CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO
COUNTY OF BOONE

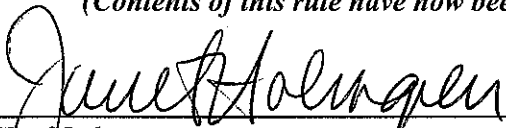
AMENDMENT TO LOCAL RULE 5

IT IS HEREBY ORDERED THAT THE ABOVE ENTITLED LOCAL RULE IS AMENDED TO READ AS FOLLOWS:

5. Substitution of Judges - Change of Venue Reserved

In all cases wherein a substitution of judge or a change of venue on account of prejudice of the judge is granted, the case shall be transferred for reassignment to the chief judge or a designated judge. (For associate judges' substitution see General Order 7.01.)


(Contents of this rule have now been incorporated in General Order 6.04B)



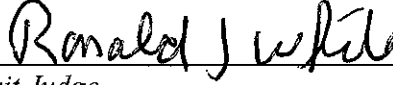
Chief Judge



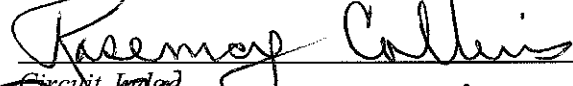
Circuit Judge




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Circuit Judge



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Circuit Judge



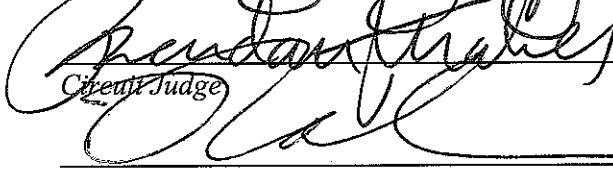
Circuit Judge



Circuit Judge



Circuit Judge



Circuit Judge

DATED: 6/14/11

STATE OF ILLINOIS
CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO
COUNTY OF BOONE

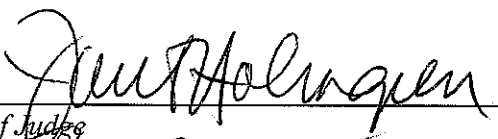
AMENDMENT TO LOCAL RULE 6

IT IS HEREBY ORDERED THAT THE ABOVE ENTITLED LOCAL RULE IS AMENDED TO READ AS FOLLOWS:

6. Cases Under Advisement

When a judge has a case under advisement, it shall be set for status by and before that judge every thirty (30) days until a decision is rendered. Any decision pending over sixty (60) days shall be submitted to the chief judge by the clerk for review.

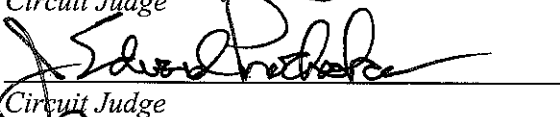
If a judge has a case under advisement, the judge shall set a status date on the decision no later than thirty to sixty (30 - 60) days after the date he or she takes the case under advisement. If the decision is not rendered on or before the initial decision status date, the judge shall continue to set status dates on the decision until the decision is rendered.



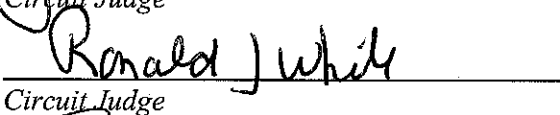
Chief Judge



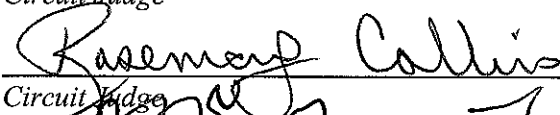
Circuit Judge



Circuit Judge



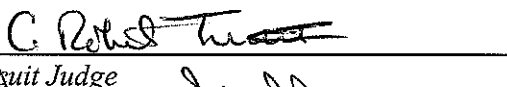
Circuit Judge



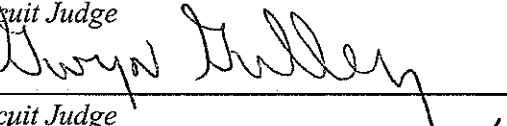
Circuit Judge



Circuit Judge




Circuit Judge



Circuit Judge



Circuit Judge



Circuit Judge



Circuit Judge

DATED: 6/14/11

STATE OF ILLINOIS
CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO
COUNTY OF BOONE

AMENDMENT TO LOCAL RULE 10.05

IT IS HEREBY ORDERED THAT THE ABOVE ENTITLED LOCAL RULE IS AMENDED TO READ AS FOLLOWS:

10.05 Failure to Call Motion for Hearing

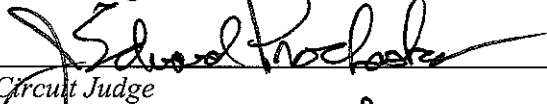
The burden of setting a motion for hearing in a civil case is on the party making the motion. If a setting for hearing is not obtained by the moving party within ~~ninety (90)~~ **sixty (60)** days from the date it is filed, the court may deem the motion withdrawn and deny the relief requested with or without prejudice.



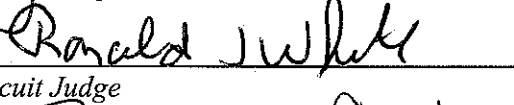
Chief Judge



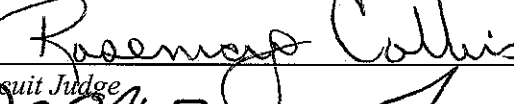
Circuit Judge



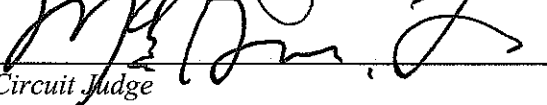
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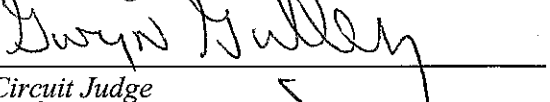
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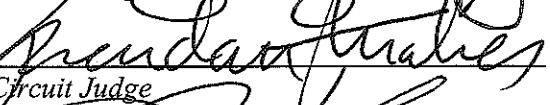
Circuit Judge



Circuit Judge



Circuit Judge



Circuit Judge



Circuit Judge

DATED: 6/14/11

STATE OF ILLINOIS
CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO
COUNTY OF BOONE

AMENDMENT TO LOCAL RULE 10.07

IT IS HEREBY ORDERED THAT THE ABOVE ENTITLED LOCAL RULE IS AMENDED TO READ AS FOLLOWS:

10.07 Time Limit for Filing Pre-Trial Motions – ~~30~~ 60 Days

(a) Except by prior leave of court and for good cause shown, the following shall be filed with the clerk of the court and ~~scheduled for hearing~~ **presented** before the judge to whom the case is assigned on a date not later than ~~thirty (30)~~ **sixty (60)** days prior to the scheduled trial or arbitration hearing date:

- (1) All dispositive motions except motions arising during the course of the trial or arbitration hearing;
- (2) All other motions **which, if granted, the granting of which** would require a postponement of the scheduled trial or arbitration hearing date;
- (3) Any brief in support of the motion must be served at the same time the motion is filed.

(b) Any motion filed in violation with this order may be stricken at the discretion of the presiding judge.


(c) The provisions of this rule shall not apply to actions for forcible entry and detainer.




Chief Judge



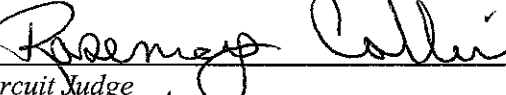
Circuit Judge



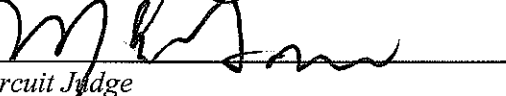
Circuit Judge



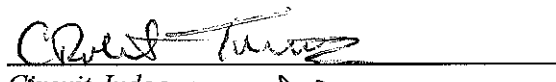
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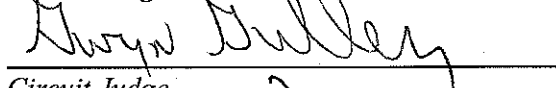
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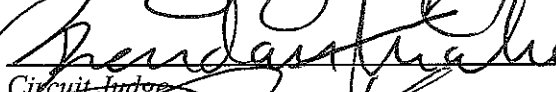
Circuit Judge



Circuit Judge



Circuit Judge



Circuit Judge



Circuit Judge

DATED: 6/14/11

STATE OF ILLINOIS
CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO
COUNTY OF BOONE

AMENDMENT TO LOCAL RULE 11

IT IS HEREBY ORDERED THAT THE ABOVE ENTITLED LOCAL RULE IS AMENDED TO READ AS FOLLOWS:

11. **Proceedings Before Trial (Civil)**

11.005 01 First Case Management Conferences and Subsequent Court Dates

~~Upon the filing of a complaint, the clerk will hand to plaintiff or plaintiff's attorney a case management conference order and set the case for the first case management conference on the first available motion call more than ninety (90) days from the date of filing. The clerk shall indicate the date and time on a motion slip previously prepared by the plaintiff. The completed motion slip is to be served on all defendants along with a copy of the summons and a copy of the complaint. The motion slip will serve as notice to all parties of the first case management conference. In all cases pending as of January 1, 1996, the parties must file with the clerk a case management conference order five (5) days prior to the first status setting after January 1, 1996. (See Appendix R).~~

- A. Pursuant to the exemption provision of Supreme Court Rule 218, the case management conference requirements of such rule shall not apply to any case pending in court-annexed mandatory arbitration pursuant to Supreme Court Rules 86 et. seq., actions for forcible entry and detainer, actions in small claims, actions in probate, adoptions, actions in paternity, domestic relations post decree matters, any action for the prosecution of municipal ordinance violations and actions to foreclose mortgages.
- B. **The following case management procedures shall apply for case types L (Law over \$50,000), MR (Miscellaneous Remedies), CH (Injunction), ED (Eminent Domain), LM (Detinue), LM (Replevin), LM (Foreign Judgment), and MC (Municipal Corporation) and TX (Tax):**
1. **The clerk shall schedule a Supreme Court Rule 218 case management conference on the assigned judges' court docket within ninety (90) days after the filing of the complaint,**
 2. **At the time of filing the initial complaint, the clerk shall indicate on all complaints and summons the date and time and location for an initial case management conference,**
 3. **A date for a next case management hearing shall be scheduled each time a matter is before the Court. The next court date shall be scheduled within one hundred twenty (120) days except for good cause shown;**

4. Case management issues may be discussed at each case management hearing and case management orders pursuant to Supreme Court Rule 218 may be entered by the Court on its own motion or on the motion of any party; and
 5. Court-annexed mediation or court-assisted settlement conferences are encouraged and may be requested upon the motion of any party.
- C. Case management conferences in contested Domestic Relations Cases shall be governed by Local Rule 14.005.
- D. In all civil matters except for foreclosures, a next hearing date shall be scheduled each time a matter is before the Court. Except for good cause shown, next hearing dates shall be scheduled within one hundred and twenty (120) days, with the exception of (P) Probate and (SC) Small Claims matters in which next hearing dates shall be scheduled at the presiding judge's discretion.

11.0+2 Discovery

A. Days for Taking Depositions

Unless otherwise agreed by the parties or ordered by the court, depositions shall not be taken on Saturdays, Sundays, or court holidays. (See General Order 1.05)

B. Written Interrogatories

The party serving written interrogatories shall provide a copy to each party to answer the same. The answering party may attach an addendum to the copies if the space provided is found to be insufficient.

C. Filing of Documents

(1) Restrictive Filing

No discovery may be filed with the Clerk of the Circuit Court except upon leave of court.

(2) Proof of Serving and Answering Discovery Documents

Discovery pleadings including responsive discovery documents may be served personally or by U.S. Mail. Parties filing discovery pleadings including responsive discovery documents shall file a notice of filing with the clerk of the court with proof of service. The filing of the notice of filing shall be prima facie evidence that the same were served. The notice of filing shall contain the case title and number, date mailed or personally served, the sending and receiving parties, proof of service and shall identify the particular discovery pleading or responsive discovery document served or answered.

11.03 Small Claims Management Conference, Alias Summons and Court Appearances - Winnebago County

A. Case Management Date

Upon the initial filing of a small claims case, the Clerk of the Court shall set a case management date on a Thursday at 8:30 a.m. six months from the date of filing and shall notify the plaintiff(s) of that date by affixing it on the complaint. Only the Court shall have the ability to cancel or modify a case management date.

B. Alias Summons

Prior to the case management date, the Clerk of the Court shall issue successive alias summonses on the request of any party, regardless of the disposition of any summons or alias summons previously issued. The plaintiff(s) must request the issuance of an alias summons and otherwise establish the exercise of diligence prior to the applicable case management date or the case may be dismissed. Except for good cause shown, no more than one case management date will be given. Summons shall not issue for a return date beyond the applicable case management date set by a court, except with prior leave of court. Any summons issued after the expiration of the applicable case management date without leave of court shall be considered a nullity.

C. Court Appearances

Plaintiff or plaintiff's counsel may cancel a return date for an unserved summons by contacting the Clerk of the Court at least three days prior to a scheduled return date. If a return date is not cancelled in advance and neither plaintiff nor plaintiff's counsel appears on the return date of an *unserved* summons issued, the court may dismiss the case for want of prosecution. Plaintiff or plaintiff's counsel must appear on the return date of a *served* summons. Failure to do so may result in a dismissal for want of prosecution.

11.02 4 Pre-Trial Conferences

Pre-trial conferences may be held in any action upon the motion of any party or upon the order of the judge.

(a) Marking of Exhibits

~~At the pre-trial conference or at any time as may be designated by the court, the court may direct that the parties produce all of the exhibits expected to be offered into evidence. Each of the exhibits shall thereupon be marked for identification either by the court reporter, clerk, or attorneys as the court may direct. The parties shall then stipulate to the exhibits to which there are no objections, and such exhibits shall be admitted into evidence without the necessity of further foundation. Any exhibit identified before or during the course of a trial shall thereafter be kept in the custody of the clerk of the court unless otherwise directed by the court.~~

~~(b) Pre-Trial Memorandum~~

~~In action wherein a pre-trial conference is held, the attorney for each party shall prepare a full and complete typewritten memorandum in substantially the form appended to these rules (See Appendix II) or in the form as the court may otherwise require.~~

~~(c) Presence of Parties~~

~~Parties or their representatives having final settlement authority shall be present or available by telephone at the time of the pre-trial conference.~~

- A. At the Final Pretrial Conference in a jury case, the parties are to present the following unless excused by the court:**
- 1. Motions in Limine with citations to authorities (to be filed 14 days prior to the pretrial conference);**
 - 2. Responses to Motions in Limine with citations to authorities (to be filed 7 days prior to the pretrial conference);**
 - 3. Proposed jury instructions;**
 - 4. A short Statement of the Case sufficient to give prospective jurors a basic understanding of the type of case involved;**
 - 5. A collaborative witness list (listing all persons who may testify for any party); and**
 - 6. A numbered list of each party's proposed exhibits.**
- B. Unless excused by the Court, at any Pre-trial conference also designated by the court to be a settlement conference, the parties or their representatives with settlement authority are to be present in person or available by telephone, as the court directs.**

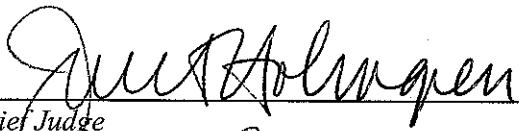
11.03 5 Settlement Prior to Trial

In the event of settlement prior to trial the attorneys for the parties shall promptly notify the judge and the circuit clerk.

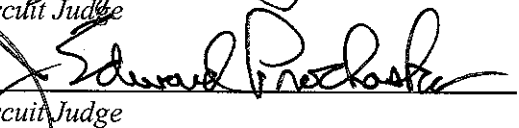
11.04.6 Filing of Briefs or Memoranda of Law

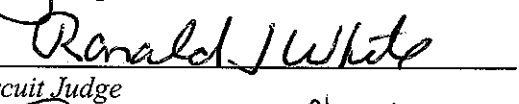
No briefs or memoranda of law may be filed with the Clerk of the Circuit Court except upon leave of court. Briefs shall be limited to fifteen (15) pages, double-spaced unless a higher page limit is approved by the Court. All briefs should be in ten (10) point font or larger and have no less than one (1) inch margins.

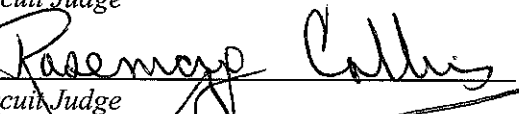
Factual references in the brief shall be supported by specific references to the record. On administrative appeals, references shall be made to the page number of the administrative record.


Chief Judge

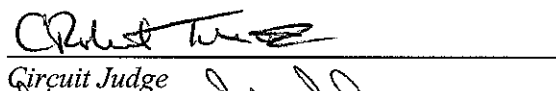

Circuit Judge

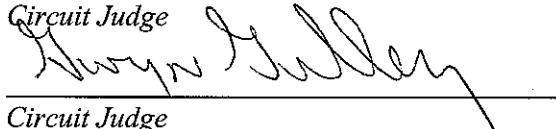

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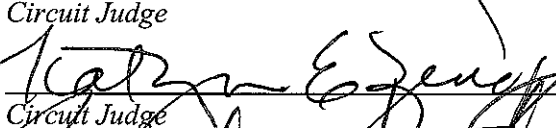

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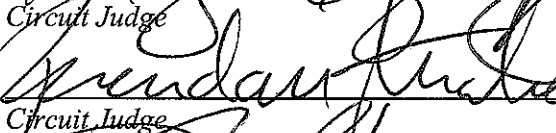

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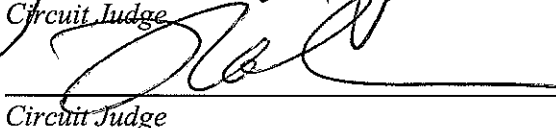

Circuit Judge


Circuit Judge


Circuit Judge


Circuit Judge


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Circuit Judge

DATED: 6/14/14