

Rule 99. Mediation Programs.

(a) Applicability to Circuits. Mediation programs may be undertaken and conducted in those judicial circuits which, with the approval of the Supreme Court, elect to utilize this procedure and in such other circuits as directed by the Supreme Court.

(b) Scope of Mediation Programs. Programs undertaken pursuant to this Rule may include formal mediation programs and other less formal dispute resolution programs, such as diversion programs and other programs that facilitate discussion and negotiations to help achieve resolution early in the case or prior to formal mediation. Any program approved under this Rule may include legal aid and other relevant services to promote fair resolutions for all participants.

(c) Fee/Assessment Waivers. Mediation programs undertaken pursuant to this Rule shall include method(s) for providing no-cost mediation services for parties who have been granted a full fee/assessment waiver and lower-cost or no-cost mediation services for parties who have been granted a partial fee/assessment waiver. Receipt of a fee waiver shall not be a barrier to accessing mediation services, and private mediators are encouraged to provide low-cost or *pro bono* mediation services in cases in which a fee waiver is granted.

(d) Language and Communication Access. In cases where a litigant needs spoken language interpretation, sign language interpretation, or other language or communication assistance, the court shall provide, at no cost to the individual, a qualified interpreter or other resources, including Communication Access Realtime Translation (CART) services, for meaningful language and communication access for all the mediation sessions, consistent with the Supreme Court Language Access Policy and Supreme Court of Illinois Policy on Access for People with Disabilities. Interpreters shall meet the court's standards for accuracy, impartiality, and confidentiality. The court may use interpreters who are available from another county or state and may use remote video conferencing to ensure that meaningful language and communication access is provided at every mediation session.

(e) Use of Remote Videoconferencing Technology. Mediation sessions and other program services undertaken pursuant to this Rule may be conducted or provided remotely using videoconferencing technology consistent with Illinois Supreme Court Rule 45 and the Illinois Supreme Court Policy on Remote Court Appearances.

(f) Local Rules.

(1) Each judicial circuit electing to establish a mediation program shall adopt rules for the conduct of the mediation proceedings. A person approved by the circuit to act as a mediator under these rules shall have judicial immunity in the same manner and to the same extent as a judge. Prior to the establishment of such a program, the Chief Judge of the circuit shall submit to the Supreme Court for its review and approval, through its Administrative Office, rules governing the operation of the circuit's program. A circuit operating a mediation program on the effective date of this Rule may continue the program for one year after the effective date of this Rule, but must, within 90 days of the effective date of this Rule, submit for the Supreme Court's review and approval the rules under which the mediation program is operating. Any amendments to approved local rules must be submitted to the Administrative Office for review and approval prior to implementation.

- (2) At a minimum, the local circuit court rules shall address:
- (i) Actions eligible for referral to mediation;
 - (ii) Appointment, qualifications and compensation of the mediators;
 - (iii) Scheduling of the mediation conferences, either in person or remotely;
 - (iv) Conduct of the conferences;
 - (v) Use of videoconferencing technology to participate in the program;
 - (vi) Any costs charged to any participant;
 - (vii) A sustainability plan that includes a long-term funding plan;
 - (viii) Access to legal aid or *pro bono* services for unrepresented program participants;
 - (ix) Resources to provide meaningful language and communication access for program participants;
 - (x) *Pro bono* and reduced fee requirements for mediators;
 - (xi) Discovery;
 - (xii) Absence of party at the conference and sanctions;
 - (xiii) Termination and report of mediation conference;
 - (xiv) Finalization of agreement;
 - (xv) Confidentiality;
 - (xvi) Training of judges and key personnel on program operations;
 - (xvii) Reporting to the Supreme Court for each approved mediation program shall be conducted in a manner and method as prescribed by the Administrative Office of the Illinois Courts.

(g) Applicability to High Volume Case Types and Case-Type Specific Programs. This Rule applies to programs designed for specific case types, including high-volume case types, that are not covered by another Illinois Supreme Court Rule.

(h) Minimum Mediator Qualifications. For any program undertaken pursuant to this Rule, participating mediators shall have completed, or be supervised by a mediator who has completed, a 40-hour mediation skills training through a program recognized by the local circuit.

Adopted April 11, 2001, effective immediately; amended October 10, 2001, effective immediately; amended Oct. 15, 2015, eff. immediately; amended Sept. 29, 2021, eff. Oct. 1, 2021; amended Dec. 6, 2021, eff. Jan. 1, 2022; amended Dec. 2, 2025, eff. Mar. 1, 2026.

Committee Comments

In 2025, the Illinois Judicial Conference reviewed and studied Rule 99 to modernize the Rule to reflect the current mediation landscape and changes that occurred since the implementation of Rule 99 in 2001 and subsequent amendments. This includes increased integration of legal aid and

social services in programs and the availability of technology to expand access to outside resources, allow more flexibility for participants and neutrals, and increase mediator pools.

The 2025 amendments require mediators participating in programs under this Rule to complete a 40-hour skills training that is recognized by the local circuit. This is intended to ensure minimum standardized training across the state, as use of remote technology expands statewide access to mediators. The amendments also encourage mediators to provide low-cost or *pro bono* mediation in cases where one or more parties has been granted a fee waiver and expands the local rule requirements to address any costs charged to the parties in the litigation, as well as a sustainable funding plan. The fees charged may include, but are not limited to, mediator fees for mediation sessions and dedicated filing-fee add-ons. A sustainability plan may include those costs charged to litigants or another identifiable source of funding.