

Rule 310.1. Appellate Settlement Conference Program

(a) Program Purpose and Goals. The purpose of the Appellate Settlement Conference Program (Program) is to provide an alternative means for resolving certain civil appeals in the Illinois Appellate Court. The Program is intended to give parties to an appeal an opportunity and forum to discuss their case, simplify and/or limit the issues, negotiate settlement, and consider any matters that may aid in disposition of the appeal or resolution of the action or proceeding.

The Supreme Court may authorize appellate districts to undertake and conduct settlement conference programs. Such programs shall be provided at no additional court costs to the parties beyond the appellate filing fees as established by the Supreme Court.

(b) Applicability. Only civil appeals are eligible for assignment to the Program. However, appeals from judgments or orders entered in the following types of proceedings or actions are ineligible for inclusion in the Program: juvenile court proceedings, adoption proceedings, paternity proceedings, actions where the custody of or allocation of parental responsibilities for a minor is the sole issue, actions where the mental capacity of a party is at issue, contempt, petitions for extraordinary relief such as *mandamus*, petitions for writs of *habeas corpus*, actions for judicial review of decisions of the Illinois Workers' Compensation Commission, and election contests. Also ineligible are appeals from a judgment or order imposing sanctions upon a litigant or attorney or incarcerating a party.

(c) Local Rules.

(1) Each appellate district conducting a settlement conference program shall adopt local rules for the conduct of such a program. Local rules are to be consistent with the provisions of this rule. Prior to the establishment of a settlement conference program, the presiding judge of the appellate district, or the chairman of the executive committee in the case of the First District, shall submit to the Supreme Court for its review and approval, through its Administrative Office, rules governing the operation of the district's program.

(2) At a minimum, the rules adopted by an appellate district conducting a settlement conference program shall address:

- (i) Actions eligible for inclusion in the program consistent with paragraph (b) of this rule;
- (ii) Appointment, qualifications and compensation of the mediators;
- (iii) Selection of cases for referral to a mediator consistent with paragraphs (e) and (f) of this rule;
- (iv) Scheduling of the mediation conferences;
- (v) Conduct of the conference and role of the appellate mediator;
- (vi) Absence of a party at the conference and sanctions;
- (vii) Termination and report of mediation conference;
- (viii) Finalization of agreement;
- (ix) Confidentiality;
- (x) Mechanism for reporting to the Supreme Court on the settlement conference program.

(d) Administration. The Program shall be administered in each appellate district by a mediation committee consisting of two or more judges appointed under that district's rules governing operation of the Program. The mediation committee may be assisted in its duties by a settlement administrator, who may be the clerk of court. The clerk may also be a member of the mediation committee.

(e) Case Selection. Cases may be selected for the Program as follows:

(1) *Settlement Status Report.* Any party may file with the clerk of the court in the district in which the case was filed a "Settlement Status Report." Each appellate district may decide whether the filing of a "Settlement Status Report" shall be mandatory or voluntary. 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 appellate district to which a case is assigned, or the presiding judge of the division to which a case is assigned in the case of the First District, may with the approval of the judge to whom the case has been assigned for dispositional purposes, if any, recommend to the mediation committee that a civil appeal be assigned to the Program. Upon receipt of the "Settlement Status Report" or recommendation from a presiding judge, the mediation committee shall evaluate the case to determine if the case is eligible for assignment to the Program. If no objection is filed, and the case is otherwise eligible, an order shall be entered which assigns the case to the Program, transfers it to a settlement docket, and stays the filing of the record and/or briefs pending further order of court.

(f) Objection to Assignment. Any party to an appeal may object to the case being assigned to the Program. Such objections shall be in accordance with the local rules of the appellate district in which the case was filed. 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 the case will be removed from the Program.

(g) Dismissal; Agreement to Narrow Issues.

(1) If the settlement conference results in the settlement of the case and the parties agree to dismiss the appeal, an order dismissing the appeal shall be entered in the manner specified by the rules for that particular district.

(2) If the settlement conference does not result in settlement but the parties agree to narrow the issues on appeal, an order shall be prepared reciting the agreed terms. The order entered shall be binding upon the parties unless modified by subsequent order of the court. An order shall be entered removing the case from the Program, reassigning the case, and reestablishing the filing of the record and/or briefing schedule.

(h) 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 the appellate court of the district in which the appeal was filed 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 Program shall not be filed of record with the clerk of the appellate court of that district and, upon dismissal of the case or its removal from the Program, whichever is first to occur, shall be destroyed by the settlement administrator.

(i) Sanctions. Failure of the parties or their authorized representatives to participate in a settlement conference in good faith, failure to attend a regularly scheduled settlement conference, or failure to comply with the rules applicable to settlement conferences adopted by the district in which the case was filed may subject a party to the imposition of sanctions under Supreme Court Rule 375.

(j) Statistical Reporting. The settlement administrator shall maintain statistics as to the number and type of cases which are (1) considered by the mediation committee for inclusion in the Program, (2) assigned to the Program, (3) removed from the program on the objection of a party, (4) removed from the Program without any settlement having been reached, (5) dismissed by agreement of the parties while assigned to the Program, and (6) removed from the Program after the entry of an order narrowing the issues on appeal. The settlement administrator shall report such statistics to the mediation committee in accordance with the local rules in his or her appellate district and annually to the Director of the Administrative Office of the Illinois Courts.

Adopted October 29, 2004, effective January 1, 2005; [amended Mar. 8, 2016](#), *eff. immediately*.

Committee Comments
(March 8, 2016)

Special Supreme Court Committee on Child Custody Issues

The Illinois Marriage and Dissolution of Marriage Act, Pub. Act 99-90 (eff. Jan. 1, 2016) (amending 750 ILCS 5/101 *et seq.*), has changed the terms “Custody,” “Visitation” (as to parents) and “Removal” to “Allocation of Parental Responsibilities,” “Parenting Time” and “Relocation.” These rules are being amended to reflect those changes. The rules utilize both “custody” and “allocation of parental responsibilities” in recognition that some legislative enactments covered by the rules utilize the term “custody” while the Illinois Marriage and Dissolution of Marriage Act and the Illinois Parentage Act of 2015 utilize the term “allocation of parental responsibilities.” The Special Committee has attempted to adhere to the usage found in the applicable legislative enactments.