# ILLINOIS APPELLATE COURT
# SECOND DISTRICT

55 SYMPHONY WAY
ELGIN, IL 60120
(847) 695-3750


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## Agreement to Mediate

The Illinois Appellate Court Second District determined that mediation is appropriate for this case according to Rule 401. This mediation is subject to Rule 401.

### 1. Mediation

Mediation helps parties discuss the issues in their case. In mediation, the parties can reach an agreement everyone finds acceptable to settle their case. However, the parties are not required to reach an agreement in mediation.

### 2. Full Settlement Authority

All parties and their attorneys must attend all pre-mediation sessions and mediation. If a party is a corporation, partnership, or other organization, the party's attorney must be able to contact a person with full settlement authority during mediation. If a party requires a nonparty to approve any settlement, the party's attorney must be able to contact that nonparty during mediation.

### 3. Mediator's Role

a) The mediator helps the parties discuss the issues in their case and explore possible solutions.

b) The mediator may talk with the parties together or separately.

c) The mediator is impartial and neutral. The mediator does not take sides.

d) The mediator is not a judge. The mediator does not decide a winner or a loser for the case.

e) The mediator is not any party's attorney. The mediator cannot give parties legal advice.

**4. Attorney's Role**

a) The attorneys help parties prepare and participate in mediation.

b) If the mediation results in a settlement, the attorneys shall document the agreement.

c) If the mediation results in settlement of all the issues and the parties agree to dismiss the appeal, then the attorneys shall prepare, and the parties shall sign, a stipulation to dismiss and send it by email to AC2Mediation@IllinoisCourts.gov.

d) If the mediation results in settlement of some but not all of the issues, then the attorneys shall prepare, and the parties shall sign, a statement of the issues that will be presented on appeal and send it by email to AC2Mediation@IllinoisCourts.gov.

(e) Volunteer attorneys, assigned by the Court, will help their client only during the mediation process, unless otherwise agreed in writing

**5. Conflict of Interest**

The mediator is required to let the parties know if they have prior knowledge of, or acquaintance with, a party or their attorney. If the mediator feels that they can still be neutral, and the parties are comfortable, their mediation will continue. If not, the Court will assign a different mediator.

**6. Confidentiality and Privilege**

a) The mediator and participants consider mediation to be confidential, and privileged against disclosure except as provided under the Uniform Mediation Act (710 ILCS 35)(IUMA).

b) At the end of the mediation, the mediator will destroy any notes taken.

c) All mediation communications as defined under the IUMA are privileged and cannot be used in Court except as provided by the IUMA.

d) When required by law, the mediator must disclose certain information. This includes threats of serious imminent harm to any person, inside or outside of the mediation, allegations of abuse or neglect of a child, and attorney misconduct that violates attorney ethics rules.

e) For remote mediations, participants must join from a private space where they cannot be overheard or observed by non-participants.

f) No one attending the mediation may record, transcribe, photograph, or take screenshots of this mediation.

g) No mention of this mediation shall be made in any brief filed with the Court or in oral argument.

h) The mediation's outcome will be documented with: a stipulation to dismiss under Rule 401(j)(1), a statement of the issues under Rule 401(j)(2), or a mediator report under Rule 401(j)(3).

**Agreement**

By signing below you affirm that you have reviewed, understand, and will abide by the terms of this Agreement.

Appellant (name): _____

Appellant (signature): _____ Date: _____

Appellant Attorney (name): _____

Appellant Attorney's Signature: _____ Date: _____

Appellee (name): _____

Appellee's Signature: _____ Date: _____

Appellee Attorney (name): _____

Appellee Attorney's Signature: _____ Date: _____

Role: _____ Name: _____

Signature: _____ Date: _____

Role: _____ Name: _____

Signature: _____ Date: _____

Mediator Signature: _____

Case Name: _____

Case No: _____

Mediation Date/Time: _____