

**SIXTH JUDICIAL CIRCUIT OF ILLINOIS
CHAMPAIGN COUNTY**

Foreclosure Mediation Scheduling Protocol Effective August 28, 2017

Scheduling Pre-Mediation Conferences:

Plaintiff's representative will send an email to foreclosuremediation@co.champaign.il.us, including the subject line, "Foreclosure Mediation Scheduling," to obtain a date that plaintiff's representative must then insert into the summons. This date must in no event be later than sixty days from the date of filing.

Scheduling staff will coordinate with the Circuit Clerk's office. If the clerk's office receives a summons without a pre-mediation date, the summons will be returned to the plaintiff instructing the plaintiff to follow the procedure outlined above.

Pre-Mediation Conference

The pre-mediation conferences take place on the first floor of the Champaign County Courthouse:

101 E Main St.
Urbana, IL 61801.

Court files will be made available for the pre-mediation conferences. The borrower must attend the pre-mediation conference or mediation will terminate. Neither the plaintiff nor plaintiff's representative is required to attend the pre-mediation conference.

Follow-up after the Pre-Mediation Conference:

The next steps after the pre-mediation conference will largely be determined by what occurred at the pre-mediation conference:

If the borrower fails to appear: a Pre-Mediation Conference Report will be completed by the pre-mediation conference coordinator to show that mediation is terminated. A copy of the Pre-Mediation Conference Report will be forwarded to the plaintiff either electronically or by mail depending upon their preference. A copy of pre-mediation conference report will also be mailed to the borrower's address as listed in the court file. The original pre-mediation conference report will be placed in the court file which will be forwarded to the court for next steps.

If the pre-mediation conference is continued: a Pre-Mediation Conference Report will be completed by borrower's representative to show that the pre-mediation conference was continued and state the date of the next conference. A copy of pre-mediation conference report will also be provided to the borrower at the time of the pre-mediation conference. A copy of the pre-mediation conference report will be forwarded to the plaintiff either

electronically or by mail depending upon their preference. The original pre-mediation conference report will be placed in the court file which will be returned to the clerk's office.

Once the borrower submits an initial packet: the case will be set for a status conference within 45 to 60 days. The borrower or borrower's representative will select the status conference date from a list of dates issued by the Circuit Court and maintained by program staff in coordination with the court clerk. Said date shall be inserted in the Pre-Mediation Conference Report. If the Pre-Mediation Conference Report is submitted with no status date selected, program staff will select a date from the list of available dates. A mediator will oversee the conference and plaintiff's counsel and the borrower shall appear in person. A copy of the report will be forwarded to the plaintiff either electronically or by mail depending upon their preference. The original Pre-Mediation Conference Report will be placed in the court file which will be returned to the clerk's office.

If the borrower fails to submit a packet after three pre-mediation conferences (not including the status conference): the mediation conference coordinator will file a report terminating the mediation. A copy of Pre-Mediation Conference Report will also be provided to the borrower at the time of the pre-mediation conference. A copy of the pre-mediation conference report will be forwarded to the plaintiff either electronically or by mail depending upon their preference. The original Pre-Mediation Conference Report will be placed in the court file which will be returned to the clerk's office.

If the borrower has completed the pre-mediation process: the pre-mediation conference report will be completed to show that the borrower is ready to engage in mediation. A copy of the pre-mediation conference report will be forwarded to the plaintiff either electronically or by mail depending upon their preference. The completed packet will also be forwarded to the plaintiff with the borrower's consent. The original Pre-Mediation Conference Report will be placed in the court file which will be returned to the clerk's office.

Certificate of Readiness, Document Requests, Scheduling of Mediation and Plaintiff's Questionnaire

Following the submission of the Pre-Mediation Conference Report, the plaintiff will have 14 days to review the report and file the Certificate of Readiness.

If the plaintiff requires additional information: The plaintiff will have 14 days from the submission of the Pre-Mediation Conference Report to provide a list of necessary documents on the Document Request Form and will forward a copy of the Document Request Form to the borrower's representative and/or borrower and the Circuit Clerk's office for filing. The borrower shall provide the missing documentation within 21 days of being served with the itemized list.

If the defendant's packet is complete: the plaintiff shall indicate this on the Certificate of Readiness and schedule the case for mediation. Plaintiff will contact program staff to obtain a mediation date. Mediations will take place within 45 days of the Certificate of Readiness being filed. A copy of the certificate will be sent to the borrowers and the circuit clerk's office for filing.

Program staff will maintain a list of the mediators for scheduling purposes. When mediation is scheduled, staff will select a mediator from the pool of mediators. The plaintiff will then include the mediator's name on the Certificate of Readiness. Program staff will contact the mediators to inform them they have a mediation scheduled.

The plaintiff will forward the Plaintiff's Questionnaire to the borrower's representative and/or borrower within 30 days of filing the Certificate of Readiness but not less than 7 days prior to mediation. Proof of service of the Plaintiff's Questionnaire will be placed in the court file, though the Plaintiff's Questionnaire itself need not be.

Mediation Conferences:

Mediations are scheduled for one hour on the second Tuesday of the month at 1:00 p.m., 2:00 p.m., and 3:00 p.m. All cases in a temporary agreement/payment plan should be scheduled for a status conference in the month of the last temporary payment plan. Status conferences are scheduled for thirty minutes on the fourth Tuesday of the month at 1:00 p.m., 1:30 p.m., 2:00 p.m., 2:30 p.m., 3:00 p.m., and 3:30 p.m. A maximum of three status conferences may be scheduled for each setting.

Due to space constraints, a maximum of three mediations may be scheduled for each setting. One attorney cannot appear in multiple cases scheduled for the same time; representatives should only schedule one case for each slot for each attorney that appears.

At the mediation, plaintiff's counsel must appear. In addition, plaintiff's representative with full authority to make decisions on the case must appear in person or by telephone. The representative may be an underwriter, loss mitigation person, or any other representative with full authority to enter into a loan modification agreement or to negotiate a disposition. All defendant borrowers shall be present in person, with their attorney and/or housing counselor. The mediator shall admonish all parties of the need to complete matters in a timely fashion and to participate in the mediation process in good faith. The Court may consider appropriate sanctions for any party not participating in good faith.

Additional mediation may be scheduled as agreed upon by the parties and mediator. Additional mediation sessions will be scheduled in coordination with program staff to ensure space is available at the courthouse.

If additional mediation is scheduled: the mediator shall complete the Mediation Conference Report to be signed by the parties. Each party will be provided a copy at the time of the conference. The Mediation Conference Report will be placed in the court file which will be returned to the clerk's office.

If mediation has reached its conclusion: the mediator shall complete the Final Mediation Conference Report to be signed by the parties. Each party will be provided a copy at the time of the conference. The original Final Mediation Conference Report will be placed in the court file which will be forwarded to the court for next steps.