

ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY

Foreclosure Mediation Scheduling Protocol Effective April 30, 2012

Scheduling Pre-Mediation Conferences:

All pre-mediation conferences will be scheduled through Rachel Bunner at the Arbitration Center. Rachel will maintain a calendar of all the pre-mediation dates. She will schedule a maximum of 8 pre-mediations for each slot; two slots will be reserved for rescheduling for a total of 10 pre-mediations per slot. The Plaintiff's representative will contact Ms. Bunner to obtain a date which will then need to be inserted into the Summons by the Plaintiff's representative. Ms. Bunner can be contacted at:

Rachel Bunner
Mandatory Arbitration Administrator
200 W. Front St., Suite 400B
Bloomington, IL 61701
309.827.7584
Fax 309.827.9700

Ms. Bunner will coordinate with Clerk's office to ensure all pre-mediations are being scheduled through the Arbitration Center. 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 shall take place at the Arbitration center located at 200 W. Front St., Suite 400B, Bloomington, IL 61701. The 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 are 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:

If the borrower fails to appear: the 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: the pre-mediation conference report will be completed by borrower's representative to show that the pre-mediation conference was continued and 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.

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, Scheduling of Mediation Conference and Plaintiff's Questionnaire:

Following the submission of the pre-mediation conference report, the Plaintiff will have 14 days to review the pre-mediation conference report and file the certificate of readiness:

If the Plaintiff requires additional information: the Plaintiff will provide a list of necessary documents on the Certificate of Readiness and will forward a copy of the certificate to the borrower's attorney and the circuit clerk's office for filing.

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 Rachel Bunner at the Arbitration Center 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.

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

The Plaintiff or Defendant may provide copies of their pre-mediation materials to the mediator by providing a copy to Rachel Bunner at the Arbitration Center. Ms. Bunner will then contact the mediator to let them know materials are available for review.

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.

Mediation Conferences:

Mediations are scheduled once a month on Thursday afternoons starting at 1:30 p.m. Due to space constraints, a maximum of five mediations may be scheduled. There is no set duration for the mediation. 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 Rachel Bunner to ensure space is available at the Arbitration Center.

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.