

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

GENERAL ADMINISTRATIVE ORDER NO. 2010-01

SUBJECT: MORTGAGE FORECLOSURE MEDIATION PROGRAM

Mortgage foreclosure case filings in the Chancery Division of the Circuit Court of Cook County have increased in the past ten (10) years, according to the records of the Clerk of the Court, as follows:

2000	12,705
2001	16,228
2002	17,450
2003	15,815
2004	15,632
2005	16,494
2006	22,248
2007	32,651
2008	43,876
2009	47,049

It is currently estimated that between 48,000 and 52,000 mortgage foreclosure cases will be filed in the year 2010. As of March 31, 2010, there were 60,766 mortgage foreclosure cases pending in the Circuit Court of Cook County.

To accommodate the increased mortgage foreclosure case filings, the Circuit Court created in 2005 a Mortgage Foreclosure/Mechanics Lien Section within the Chancery Division. Currently fourteen (14) judges are assigned to the Mortgage Foreclosure/Mechanics Lien Section, eleven (11) of whom hear mortgage foreclosure cases divided into ten (10) calendars. Since 2005, ten (10) additional judges have been assigned to the Chancery Division to hear mortgage foreclosure cases and six (6) additional courtrooms have been allocated to the Chancery Division.

Three important programs have been established in the Chancery Division to assist defendants in mortgage foreclosure cases to save their homes and/or to remain in their homes until dignified exit plans can be made. These include the establishment of the Chancery Division Advice Desk, the Chancery Division Access to Justice (appointment of counsel) Program, and the Chancery Division Mediation Rule (supported in part by the Center for Conflict Resolution).

In September of 2008, the Presiding Judge of the Chancery Division commissioned a study by the Center for Conflict Resolution of mortgage foreclosure mediation programs throughout the United States. Based upon that study the Chief Judge of the Circuit Court applied to the Cook County Board in November of 2008 for funding of a Mortgage Foreclosure Mediation Program. Such funding was not approved.

The Chancery Division continued throughout 2009 to monitor mortgage foreclosure mediation programs throughout the United States. In July of 2009, the Presiding Judge of the Chancery Division established a Mortgage Foreclosure Case Management Advisory Committee of leaders in the mortgage foreclosure field. These leaders included representatives from the Circuit Court, local government agencies, plaintiffs' bar (large firms, small firms, commercial firms, and lenders), defendants' bar (including legal service agencies), the private bar, selling officers, and housing counseling agencies. The purpose of the Advisory Committee was to advise the Presiding Judge of the Chancery Division and the Supervising Judge of the Mortgage Foreclosure/Mechanics Lien Section regarding issues relating to:

Long range planning and short range planning regarding the court resources needed for mortgage foreclosure cases;

The new case management system effective September 1, 2009;

Assignment of commercial mortgage foreclosures cases;

Judicial sales procedures;

Notification of borrowers in foreclosure of their various options and the services available to them, with a special emphasis on three types of borrowers (disabled/mentally challenged, elderly, and non-English speaking);

Expansion of mediation to mortgage foreclosure cases, including housing counseling services; and

Case scheduling issues and coordination with the U.S. District Court.

The Mediation and Housing Counseling Subcommittee of the Advisory Committee has worked with the Presiding Judge of the Chancery Division to develop an expanded Mortgage Foreclosure Mediation Program to assist owners who are occupants of one-to-four family residential properties and condominium units. The Program has the following components: (1) Legal Aid and Mediation; (2) Housing Counseling; and (3) Community Outreach. The legal aid and mediation component offers pro bono legal aid assistance to homeowners on-site and provides mediation services for the Program. The housing counseling component provides on-site and off-site housing counseling services by HUD-certified agencies. The community

outreach component is designed to inform the communities throughout Cook County about the Program. In November of 2009, the Cook County Board approved funding for such an expanded Mortgage Foreclosure Mediation Program.

The Program is designed to require a 60-day Initial Case Management Conference for all residential properties. A revised Mortgage Foreclosure Summons has been developed which includes a Notice to Homeowners about the Mortgage Foreclosure Mediation Program. In addition to serving the revised Mortgage Foreclosure Summons, Plaintiffs' counsel is required under the Program to serve a revised Notice of Initial Case Management Conference.

IT IS, HEREBY, ORDERED AS FOLLOWS:

1. Effective no later than April 12, 2010, the Clerk of the Court shall assign a 60-day (two months) Initial Case Management Conference date at the time of filing of each Complaint for Mortgage Foreclosure for all mortgage foreclosure cases on property coded as: (1) owner occupied single family home or condominium (0031); (2) non-owner occupied single family home or condominium (0032); (3) owner occupied six units or less (0033); or (4) multi-unit residential (0034).

2. Effective no later than April 12, 2010, the Clerk of the Court shall assign a 180-day (six months) Initial Case Management Conference date at the time of filing of each Complaint for Mortgage Foreclosure for all mortgage foreclosure cases coded as: (1) commercial, mixed commercial/residential, or industrial (0035); or (2) vacant land (0036).

3. The Clerk of the Court shall revise the Mortgage Foreclosure Summons as specified by the Presiding Judge of the Chancery Division. The revised Mortgage Foreclosure Summons, in English and Spanish, shall include a Notice to Homeowners about the Mortgage Foreclosure Mediation Program.

4. Commencing April 12, 2010, Plaintiffs' counsel shall serve the revised Mortgage Foreclosure Summons on all defendants in mortgage foreclosure cases and shall ensure that the 60-day Initial Case Management Conference date is clearly identified on the first page of the Summons.

5. It shall be the responsibility of plaintiffs' counsel to:

- a. Serve the Notice to Homeowners with service of the Summons and the Complaint; and
- b. Serve the Notice of Initial Case Management on all defendants of the date, time, and place of the Initial Case Management Conference in each mortgage foreclosure case in the Chancery Division. The Notice of Initial Case Management Conference shall include a Certificate of Service, shall be signed by the attorney of record, shall include an additional copy of the Notice to Homeowner and shall contain the following language:

*** IMPORTANT ***

NOTICE OF INITIAL CASE MANAGEMENT CONFERENCE

Please take notice that, in compliance with Supreme Court Rule 218, an initial case management conference will be held in this case on _____, 2010, before Judge _____, or another judge sitting in his/her stead, in Courtroom _____, of the Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois.

In accordance with Supreme Court Rule 218, "counsel familiar with the case and authorized to act shall appear." Defendants are encouraged to appear so that they may receive information regarding resources available to assist homeowners in mortgage foreclosure cases.

Your case may be eligible for the Mortgage Foreclosure Mediation Program. You received information about the Program when you were served with Summons in the mortgage foreclosure action. Another copy of the Notice to Homeowner: Availability of Foreclosure Mediation is enclosed with this notice.

If you are interested in participating in the Mortgage Foreclosure Mediation Program, you should come to court on _____, 2010 [insert case management conference date] and you should call [insert hotline number] to start receiving help immediately.

6. The Notice of Initial Case Management Conference shall be sent to the mortgagor at the service address and at the property address. The Notice shall also be sent to all counsel of record and to all other defendants not yet represented by counsel at the service address for each defendant.

7. The Notice of Initial Case Management Conference herein replaces and supersedes the Notice of Initial Case Management Conference set forth in General Administrative Order No. 2009-05.

8. The Mortgage Foreclosure Case Management Form which was attached to General Administrative Order No. 2009-02, and which has been in use since July of 2009, will continue to be used and required for the Initial Case Management Conferences.

ENTER:

Date: April 8, 2010

Dorothy Kirie Kinnaird

Presiding Judge

Chancery Division

