

**IN THE CIRCUIT COURT  
FOR THE THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS**

_____	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. _____
	)	
_____	)	
	)	
Defendant.	)	

**MED-MAL ORDER OF REFERRAL TO MEDIATION**

This cause comes before the Court pursuant to the Civil Law Division Mediation Rules of the Third Judicial Circuit for referral to mediation.

**In this \_\_\_\_\_ case,  
(Medical Malpractice or Nursing Home Malpractice)**

The Court hereby orders:

1. All parties are required to participate in mediation within 90 days of the depositions of all plaintiffs and defendants.
2. All parties are required to attend mediation, act in good faith, and have persons present with authority to negotiate and enter into settlement agreements. It is mandatory that counsel who will try the case and a party or representative having full authority to enter into a full and complete compromise and settlement appear. A representative of the insurance carrier for any insured party with authority to negotiate and recommend settlements to the limits of the policy or the most recent demand, whichever is lower, shall attend.
3. The Court may impose sanctions against parties who do not attend the conference or violate the terms of this order.
4. All oral or written communications in a mediation conference, other than executed settlement agreements, shall be exempt from discovery and shall be confidential and inadmissible as evidence in the underlying cause of action unless all parties agree otherwise except for the limited purpose of any sanction hearing based upon a motion or report of failure to act in good faith.
5. Any information disclosed in a proceeding for sanctions for failure to act in good faith shall not be admissible as evidence in the underlying trial of the action.
6. Evidence with regard to alleged settlement agreements shall be admissible in proceedings to enforce the settlement.
7. Subject to the foregoing, unless authorized by the parties, the mediator may not disclose any information obtained during the mediation process.
8. The mediator has no power to compel or enforce settlement agreements and does not give legal advice. If a settlement is reached, the attorneys shall reduce the agreement to writing at the conclusion of the mediation. The mediator shall prepare the mediator's report and submit it to the court within ten (10) days of the last day of the mediation conference.
9. Within 7 days of the entry of this order, the parties may stipulate to mediation by a judicial mediator or by an alternative, compensated mediator from the list maintained by the court and file a Mediation Selection Submittal Form with the court. Failure to agree and file said submittal will result in the court appointing a judicial mediator by rotation.
10. If the parties agree to use an alternative private mediator, the parties may choose the private mediator from the court's list. If the parties agree to use a private mediator but do not agree upon which one, the court shall appoint a private mediator by rotation. The private mediator shall be compensated by the parties on a pro rata basis as they agree or at the rate of \$150 per hour if the private mediator is appointed by the court.
11. This cause is set for a Case Management Conference or status hearing on \_\_\_\_\_ at \_\_\_\_ am/pm.

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Judge Presiding**