

**CALENDAR 86, ROOM 102– SIXTH MUNICIPAL DISTRICT**

**Judge Fredrick H. Bates  
Markham Courthouse, Courtroom 102  
Circuit Court of Cook County, Sixth District  
16501 Kedzie Parkway  
Markham, IL. 60428  
Telephone: (708) 232-4710  
Court Coordinator: Meghan Fandrey 708-232-4646**

**STANDING ORDER NO. 1**

**I. GENERAL MATTERS**

**A. General Schedule**

When e-filing please be guided by the following:

Monday – Motions & Status **Attorneys**  
Tuesday – State Child Support (Non-State Issues in State Cases)  
Wednesday - Motions & Status **Self-Represented Litigants**  
**Thursday – Trials & Hearings (Scheduled in Court Only)**  
Friday – State Child Support (Non-State Issues in State Cases)

**B. Communications**

All communications with the Court should be by filing of pleadings, motions, briefs or suggested orders. Communications with Court Coordinator Meghan Fandrey, or if she is not available, with the Presiding Judge's staff, are allowed only on administrative, procedural or scheduling matters.

**C. Civility and Decorum**

A party or lawyer shall treat the Court, opposing counsel, parties or witnesses in a civil and courteous manner, not only in court but also in all written and oral communications. Zealous advocacy is an attorney's professional obligation, but incivility of any kind will not be tolerated by this Court.

**D. Electronic Case or Motion Filing – Courtesy Copies**

When a party e-files any pleading or papers through the Clerk's electronic filing procedure, the Court does not receive any notice or any copy of that which has been filed. Therefore, when a party desires the Court to have seen the pleading before presentment, it is incumbent on the filing party to actually provide a paper copy of the pleading to the Court at least three (3) days before presentment.

### **E. Proof of Service of Pleadings & Motions**

All pleadings/motions shall be served in compliance with the Illinois Supreme Court Rules. All motions must be filed with the Clerk of Circuit Court prior to presentment. The Court will not generally entertain oral motions, nor will the courtroom clerk file motions.

Motions must be personally served, emailed, or faxed if appropriate, no later than 4:00pm on the second preceding court day, or mailed no later than the fifth preceding court day. See Illinois Supreme Court Rule 11 (b) (4): Cook County Circuit Court Rule 2.1(c) (i). **On all motions, the moving party must present proof that they have served the motion on the opposing party, and upon the State where applicable in child support matters.** Such proof may include proof of service by Regular Mail (USPS Certificate of Mailing), Certified Mail with a printout of the USPS Tracking Receipt showing proof of delivery, special process server receipt, affidavit of service, attorneys Certificate of Service, etc., or otherwise provide proof of notice as set forth in Circuit Court Rule 2.1, or in compliance with section 5/1-109 of the Illinois Rules of Civil Procedure.

The Court will generally allow 28 days to respond to a motion and 10 days to reply, unless it is in the best interest of the child to resolve the matter upon presentment, or it is agreed that the Court should rule upon the motion.

All courtesy copies may be delivered to the Presiding Judge's office for delivery to Judge Bates' mailbox, or mailed to Judge Fredrick H. Bates, Markham Courthouse, Circuit Court of Cook County, Sixth District, 16501 Kedzie Parkway, Room 102, Markham, IL 60428.

### **F. Agreed Orders: Continuances, Allocation Judgments, Parenting Plans and/or Child Support**

Any case that has been settled or otherwise resolved between the parties does not require a court appearance. Either party may submit an agreed order (original and 2 copies) to be entered and filed provided that it has been signed by the parties. Agreed orders and stipulations may be dropped off, mailed or faxed to Court Coordinator Meghan Fandrey at (708) 232-4441. If the case is going off call please indicate so in the order and include language in order to strike any future date(s) previously set.

### **G. Courtroom Procedures**

The following rules of courtroom procedure shall be followed.

- a. **CHECKING IN** - All litigants and attorneys must check in with the clerk before their case will be called.
- b. **APPEARANCES** - Each party and/or attorney must have an appearance on file prior to stepping up on a case, unless otherwise allowed by the Court.
- c. **NON-LITIGANTS** - No person, other than an attorney, may address the Court on behalf of another.
- d. **EMERGENCY MOTIONS** - All emergency motions will be held until the end of the call.

- e. **THIRD PARTIES ARE EXCLUDED FROM COURTROOM** - Any and all persons, except the named parties, who may be a potential witness in a particular matter, shall be excluded from the courtroom until they are called to testify.
- f. **ELECTRONIC DEVICES** – All electronic devices must be turned off in the courtroom. Nothing in this order should be construed to affect the Court’s authority, upon specific request, to permit attorneys and *pro se* litigants to use such devices in the courtroom for purposes such as making evidentiary and other presentations to the Court, preparing orders and other court documents, making entries in a case management application, or any other purpose the Court deems appropriate.
- g. **CHILDREN** - No children under the age of 18 shall be permitted in the courtroom, unless they are litigants accompanied by their legal guardian. All children must go to the children’s room or remain in the hall with a responsible adult.
- h. **PHOTOGRAPHS** –Pursuant to Illinois Supreme Court Rule 63(A)(7), nothing in this order shall be interpreted to permit the taking of photographs in the courtroom during sessions of the court or recesses between proceedings, or the broadcasting or televising of court proceedings unless authorized by order of the Supreme Court.
- i. **ATTIRE** – All persons entering the courtroom shall dress appropriately, e.g., no shirts with inappropriate or offensive words or slogans, no sunglasses, no hats, no tank tops, or flip flops.
- j. **COURT ORDERS** – All Court Orders prepared by Attorneys must conform to the following:
  - 1) Be legible;
  - 2) If by agreement of the parties, be clearly marked “Agreed” on the face of the order;
  - 3) State with specificity the reason the matter is before the court: State what type of motion is before the court, or explain the reason for the matter being up for Status;
  - 4) List who is present on the case;
  - 5) State what happened;
  - 6) Clearly set forth with specificity the Court’s Order; and,
  - 7) List the full name of the person who drafted the order, not simply the firm or agency.

Any person in violation of this section may be subject to prosecution for contempt of court. Nothing in this Order shall be construed to infringe upon the authority of the Cook County Sheriff to deny access to any person in the interest of preserving public safety.

## II. MOTIONS AND STATUS CALLS

### A. Regular Motions

**Failure to appear for a motion that has been filed will result in the Motion being stricken without further notice.**

Routine Motions for Self-Represented Litigants should generally be set for Wednesdays at 9 a.m. unless there are also State Child Support matters at issue, in which case they shall be scheduled for Tuesdays or Fridays at 9am.

Motions for cases with attorneys should generally be set for Mondays at 9 a.m. unless there are State Child Support matters also at issue, in which case they shall be scheduled for Mondays or Fridays at 9am.

For cases involving attorneys, counsel with knowledge of the status of the case and authority to commit to all scheduling orders must appear and be prepared to inform the court as to the status of service, discovery, pleadings and trial readiness. If counsel is unable to attend due to a conflict, please be sure to contact opposing counsel to cover.

All motions attacking the complaint or other pleading should have a copy of said pleading attached to the courtesy copy of the motion. The movant must provide a courtesy copy of the motion, response and reply along with all exhibits at least seven (7) days in advance to the court. These courtesy copies may be mailed or delivered to the presiding judge's office for delivery to Judge Bates' mailbox.

**Hearings on fully briefed motions are set by Court Coordinator Meghan Fandrey and usually are scheduled** at 9:00am, 9:30am, 10:00am, 10:30 a.m., 11:00am, 1:00pm, 1:30pm or 2:00pm **on Thursdays**. If the parties reach an agreement on any motion prior to the hearing date, **please call** Court Coordinator Meghan Andrey as soon as possible to avoid further court preparation for said hearing.

## **B. Briefs**

Preferred format for all briefs, excluding exhibits, is double spaced, 12 point font (Times New Roman) with standard 1 inch margins. Any combined motion and brief in excess of 15 pages without written leave of court may be stricken. Reply briefs should be no longer than 8 pages.

## **C. Emergency Motions**

Emergency motions can be scheduled at 9:00 a.m. The motion must be a true emergency or it will be stricken. Cook County Circuit Court Rule 13.4(a)(ii)(b) will be enforced, and states as follows:

*“Facts identifying the nature of the sudden or unforeseen circumstances which give rise to the emergency and the reason why the matter should take precedence shall be stated with particularity in an affidavit or verification in support of the emergency motion.”*

Generally, an emergency is some circumstance that could lead to irreparable damage if relief is not procured prior to the time a party could be heard on the regular motion call. Motions to extend or compel discovery or other judicially set deadlines are not normally emergencies. A

courtesy copy of the motion marked, “EMERGENCY MOTION” and all supporting documents or exhibits must be delivered to Judge Bates before 4:00 p.m. on the preceding day.

### **III. PRE-TRIAL CONFERENCES**

#### **A. Settlement Conferences**

Following agreement of all of the parties to participate in good faith settlement discussions, a settlement conference with the Court will be held. The parties *may* submit and exchange pre-trial memos setting forth a brief nature of the case, the stipulated and contested issues, the status of settlement negotiations and any other information any party believes would educate the judge or facilitate a compromise. This memo should be delivered to the Court at least three (3) days before the settlement conference. All recommendations of the Court will be based upon the best interest of the child and the statutory considerations related thereto.

#### **B. Final Pre-Trial Conference**

When a trial date is selected, the court will also set a date for a **final pre-trial conference**, usually **two weeks preceding the trial**. Prior to this conference, the parties should exchange and discuss all “trial materials” listed below and provide a set of said documents to the Court at least three days before the final pre-trial conference.

At the final pre-trial conference, the judge will explore settlement discussions, review trial materials previously submitted, rule on motions, evidence depositions and exhibits, as well as a preliminary discussion regarding other issues related to conducting an orderly trial.

**Trial counsel must appear and participate in the final pre-trial conference.** Failure to appear or present trial materials by the due date may result in an appropriate sanction.

#### **C. Trial Materials**

This Court is tasked with making decisions that are in the best interest of children. Trials by ambush do not facilitate that charge. While the Court is mindful of the attorneys’ obligation to represent their clients zealously, and to the applicability of the Illinois Rules of Evidence and Civil Procedure, the Court believes that it is important to have as complete a picture as possible of the facts relevant to making decisions in the best interest of the child. Counsel should be mindful of this when conducting hearings in this courtroom.

Accordingly, for cases involving represented parties, prior to the pre-trial conference each party shall prepare, exchange and discuss among themselves all trial materials at least seven (7) days prior to the pre-trial conference. This preparation by each party encourages consideration, objection and stipulation of each party’s exhibits, motions *in limine*, etc. Please note certain matters should be jointly prepared and discussed while separate trial materials should be submitted on matters which the parties are unable to agree upon.

The pre-trial materials to be submitted to the Court shall include the following:

- a. An estimate of the length of the trial.
- b. A jointly prepared statement of the case and a list of all issues & pleadings to be ruled upon.
- c. A jointly prepared list of potential witnesses to be called at trial, a brief statement of the facts to be elicited and the relevance of the testimony. Any objections with the specific basis for the objection should also be stated.
- d. A complete and jointly prepared list of all exhibits each party intends to use at trial with stipulations as to the foundation, authenticity and admissibility of said exhibits unless there is a good faith basis for objecting to the exhibits, in which case the objecting side shall state the nature of any such objection.
- e. Copies of all pre-trial motions.
- f. Any stipulations and admissions of fact.
- g. Any trial briefs, memoranda or other information a party wishes to submit.

For cases in which only one party is represented by counsel, that attorney shall be responsible for filing the pre-trial submission that conforms as closely as possible to the items set forth above.

For cases in which both parties are self-represented, the parties shall submit separate filings that conform as closely as possible to the items set forth above.

#### **IV. TRIALS**

**Trial dates are firm and will not typically be re-scheduled absent compelling circumstances.** Any request for a continuance for trial must be in writing and supported by a detailed, compelling affidavit and heard as soon as possible or at least five (5) business days preceding trial, unless exigent circumstances arise.

Trials are set by Court Coordinator Meghan Fandrey and usually are scheduled at 9:00am, 9:30am, 10:00am, 10:30 a.m., 11:00am, 1:00pm, 1:30pm or 2:00pm on Thursdays.

Parties must provide their own court reporter if they wish to have one. Parties shall make arrangements with the Court if they need an interpreter or special accommodations.

#### **V. INCONSISTENCIES**

In the event of any inconsistency between this Standing Order and any Order entered in a particular case, the Order entered in the case controls.



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Judge Fredrick H. Bates #2148  
Circuit Court of Cook County