

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

GENERAL ADMINISTRATIVE ORDER NO. 2009 – 01

**SUBJECT: CASE MANAGEMENT SYSTEM FOR MORTGAGE
FORECLOSURE/MECHANICS LIEN SECTION**

The Mortgage Foreclosure/Mechanics Lien Section of the Chancery Division was created in February of 2005, after mortgage foreclosure filings for calendar year 2004 totaled 15,632. Mortgage foreclosure case filings have increased since the creation of Mortgage Foreclosure/Mechanics Lien Section as follows:

2005	16,494
2006	22,248
2007	32,651
2008	43,876

Mortgage foreclosure case filings (unaudited) for the first quarter of 2009 were 13,196. As of the end of February, 2009, there were 46,854 mortgage foreclosure cases pending in the Chancery Division. Based upon mortgage foreclosure filings in the first three months of 2009, and based upon nationwide projections, it is anticipated that mortgage foreclosure filings in Cook County will exceed 52,000 in the year 2009.

If mortgage foreclosure filings and dispositions continue at the current pace, it is estimated that there will be in excess of 63,000 mortgage foreclosure cases pending in the Circuit Court of Cook County as of December 31, 2009. If filings and dispositions continue at the current pace, it is estimated that there will be in excess of 71,000 cases pending as of March 31, 2010. If filings and dispositions continue at the current pace, it is estimated that there will be in excess of 92,000 cases pending as of December 31, 2010.

Beginning in 2005, in order to adjudicate properly the increased numbers of mortgage foreclosure cases in Cook County, the Chief Judge of the Circuit Court of Cook County has assigned eleven (11) additional judges to the Chancery Division and he has allocated six (6) additional courtrooms to the Chancery Division. One General Chancery calendar was eliminated so that a seventh additional courtroom could be allocated for mortgage foreclosure cases. Eleven (11) additional law clerks and four (4) additional secretaries have been hired for or transferred into the Mortgage Foreclosure/Mechanics Lien Section to assist the judges handling mortgage foreclosure cases.

In spite of the allocation of these significant resources to foreclosure cases, each foreclosure judge with a full foreclosure calendar is currently assigned approximately 4,800 mortgage foreclosure cases. Each judge hears four (4) default calls per week, four (4) contested calls per week, set motions, trials, and mechanics lien cases as assigned by the Supervising Judge.

The sustained volume of mortgage foreclosure case filings in the Chancery Division in recent years has made it difficult for the Court to maintain a meaningful case management system. In most cases, plaintiffs' counsel do not appear at the initial case management conferences set pursuant to Supreme Court Rule 218 and subsequent case management conferences are not being held.

The Presiding Judge of the Chancery Division, after consultation with the Chief Judge of the Circuit Court, the Management Committee of the Chancery Division, and the Supervising Judge of the Mortgage Foreclosure/Mechanics Lien Section, has determined that it is appropriate to establish a formal Case Management System for mortgage foreclosure cases pending in the Chancery Division. Before an effective Case Management System can be implemented, however, it is necessary that there be a Case Management Calendar Call for all cases pending in the Chancery Division as of March 31, 2009. It has further been determined that the most appropriate time to schedule the Case Management Calendar Call is during the months of July and August of 2009.

Currently mortgage foreclosure cases are heard on the 28th Floor of the Richard J. Daley Center, with twelve (12) judges in the Mortgage Foreclosure/Mechanics Lien Section sharing eight (8) courtrooms. It has been determined, using currently available space, staff, and computer programming, that the Case Management Calendar Call must be scheduled on the days and at the times of the currently scheduled default foreclosure calls. For that reason, the default foreclosure calls for Calendars 52-63 must be suspended during the months of July and August to accommodate the Case Management Calendar Call. The default foreclosure calls will continue through June, 2009, will be suspended during July and August, 2009, and will commence again in September, 2009.

An effective case management system concentrates on resolving the earliest filed or older cases. In order for the Court to concentrate its resources on resolving the older pending mortgage foreclosure cases on the docket, it is necessary to defer the scheduling of Judgments of Foreclosure and Sale, with the exception of Consent Foreclosures, and to defer the scheduling of Orders Approving Sale in cases filed in 2009 until the completion of the Case Management Calendar Call. All other Motions in 2009 cases may be scheduled.

IT IS, HEREBY, ORDERED THAT:

1. A Case Management Calendar Call for the Mortgage Foreclosure/Mechanics Lien Section of all pending mortgage foreclosure and mechanics lien cases filed prior to April 1, 2009, shall be scheduled by the Clerk of the Court for the months of July and August of 2009. The Case Management Calendar Call of mortgage foreclosure cases shall be scheduled on the days and at the times of the existing default foreclosure calls.

2. The Clerk of the Court shall close and cancel the mortgage foreclosure default calls for the months of July and August of 2009 to accommodate the Case Management Calendar Call. Default foreclosure cases which may be already scheduled for the months of July and August of 2009 will not be heard.

3. Effective immediately, the Clerk of the Court shall not permit the scheduling of any mortgage foreclosure case filed in the year 2009 for a Judgment of Foreclosure and Sale or for an Order Approving Sale, with the exception of Consent Foreclosures. A 2009 case may be scheduled for a Judgment of Foreclosure and Sale or for an Order Approving Sale only if the movant has obtained a court order permitting such scheduling.

4. Applications for Leave to Schedule a 2009 Case for a Judgment of Foreclosure and Sale or for an Order Approving Sale shall be presented to the Supervising Judge of the Mortgage Foreclosure/Mechanics Lien Section and will be granted for good cause shown. An example of good cause is a case where an inspection of the property within the last thirty (30) days reveals that the property is both vacant and abandoned. Such applications must be supported by affidavits in compliance with Supreme Court Rule 191 and shall be accompanied by a proposed Order Granting Leave to Schedule. Verified Applications for Leave to Schedule and proposed Orders Granting Leave to Schedule shall be handled as "off calls" and shall be given to the Courtroom Clerk in Courtroom 2802.

ENTERED

ENTER: APR 01 2009

JUDGE *DK*
DOROTHY KIRIE KINNAIRD - 276

Dorothy Kirie Kinnaird
Presiding Judge
Chancery Division

Date: April 1, 2009