

IN THE CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

STANDING ORDER
for cases assigned to
Hon. Michael J. Chmiel
(Courtroom 365)

FILED

JUL 14 2025

KATHERINE M. MORSE
McHENRY CTY. CIR. CLK.

*This Order is effective July 11, 2025;
replaces all previous Standing Orders for Judge Chmiel;
and shall remain in full force and effect for cases assigned to Judge Chmiel until replaced.*

PROFESSIONALISM AND CIVILITY

Parties and the attorneys who represent them, if any, are reminded to engage in professionalism and civility in the handling of cases which come before the Court. To the extent possible, attorneys and self-represented litigants should confer with each other on pending matters *before* coming into the courtroom for the handling of a case. Each time a case is called in open court, the Court will endeavor to engage in a meaningful court appearance for the parties, with a desire to move matters along efficiently and effectively. As well, all who file and handle cases with the Court should be mindful of the statutes, rules, and other law which govern any such case, including that which is set forth in this Standing Order.

SCHEDULING

The Court will publish a calendar on the Court's website and in Courtroom 365 when the Court is available; matters can be scheduled then (Monday through Friday) as follows:

9:00 a.m. for matters in arbitration ("AR" cases), and

9:15 a.m. for matters involving small claims ("SC" cases).

Thereafter, matters will be specially set by the Court.

Continuances are disfavored and will only be granted for cause. Complaints should be set for arbitration, mediation, and/or trial as soon as possible. For AR cases, **arbitration hearings** are generally set at 9:00 a.m., 11:00 a.m., and 1:00 p.m. in the Alternative Dispute Resolution ("ADR") Center, 400 Russell Court, Suite 6, Woodstock, Illinois 60098. *See* www.22ndcircuitil.gov/arbitration. For **alias summonses**, see below. To provide for the best access to justice and the proper handling of each case, no law firm, attorney, or party may schedule more than twenty-five (25) cases on any Monday, Wednesday, or Friday. **High volume scheduling** is allowed on Tuesdays and Thursdays. Questions on settings and availability may be directed to the Clerk of the Court by telephone at (815) 334-4310.

EMERGENCY MATTERS

The Court will continue to handle emergency matters as circumstances warrant. To have a matter heard on an emergency basis – that is, outside the scheduling noted above, the pleading to be presented should be filed, then Court Administration should be called at (815) 334-4385 to explain the situation and to provide the telephone number and email address of each attorney or self-represented litigant in the case, to the extent available. The appropriate Judge will be advised of the situation and will then determine if the matter can and should be heard on an emergency basis, and when and where the matter will be heard. *When the courthouse is not open*, a Duty Judge can be contacted through the McHenry County Sheriff at (815) 338-2144.

REMOTE COURT APPEARANCES THROUGH ZOOM

Since 2014, those scheduled to appear in cases assigned to Judge Chmiel have been able to do so and continue to be able to do so through Zoom. See www.mchenrycircuitclerk.org/court-information/remote-appearance-options/. Remote participation shall be as if the person appearing remotely is in open court. The Court reserves the right to deny or limit remote participation.

INITIAL PRESENTATIONS / PROPOSED ORDERS

To the extent possible, pleadings and other matters to be presented to the Court with regard to a case, should be filed at least seven (7) days prior to the presentation of any such item in open court, so as to afford the Court sufficient opportunity to review the same.

Following presentation in Courtroom 365, and at the direction of the Court, a proposed order shall be submitted to the Court in open court (*preferred*) or through email to proposedorders@22ndcircuitil.gov as soon as possible and within three (3) hours of the presentation. *The cover email should clearly identify when the matter which is the subject of the proposed order, was presented to the Court. Proposed orders shall neither require participation in person nor through Zoom unless specifically directed by the Court.*

At least two (2) court days (forty-eight (48) court-day hours) prior to a setting in open court, and earlier if possible, and also when a matter is not otherwise set, all parties in a case may stipulate or otherwise **agree to the entry of an Order** in a case. Proposed orders should be emailed to proposedorders@22ndcircuitil.gov, with a simultaneous copy to all other parties through their attorneys if represented or the party if the party is self-represented. The nature of the stipulation or agreement should be clear from a motion, petition, or stipulation filed in advance of any such emailing; otherwise, the proposed order should clearly include a signature and representation that it should be entered. In addition, in advance of the next call of a case in open court, the Court will look to enter a proposed Order of dismissal upon the Court's receipt of the same from the

plaintiff or petitioning party. The Court reserves the right to enter (or not) and/or modify any such proposed order, and following entry, will be filed with the Clerk of the Court.

JURY TRIAL DEMANDS IN SMALL CLAIMS CASES

In SC cases where a jury has been demanded, the complaint must first proceed through arbitration. *See* Local Rule 7.05 (“In the event that any party files a jury demand in a Small Claim action, that fact shall be brought to the attention of the judge presiding by the party filing the demand, and the case shall be referred to Court-Annexed Mandatory Arbitration for a hearing before a trial is scheduled.”).

Jury Trials

Deference is given to the law, including rules and statutes, which govern jury trials; however, reference is made here to a few items of note: Jury trials are generally scheduled to start on Mondays or Tuesdays if the preceding Monday is a Court holiday, on dates published annually in the preceding calendar year through administrative order. Two weeks or so prior to a jury trial, the Court will endeavor to convene a jury trial conference, at which (a) each party should participate through trial counsel if the party is represented, (b) witness lists should be presented (after being filed and served properly in advance), (c) stipulated exhibits should be presented (requiring previous dialogue between and perhaps among the parties and/or their attorneys), (d) motions addressing the trial should be addressed (and filed and properly served in advance), and (e) all matters pertinent to the trial, such as the need for interpreters, remote participation, technology, etc., should be fully addressed. Following the jury trial conference, the Court will expect the trial to proceed as scheduled; if a matter is resolved or if an emergency arises, contact should be made with the Court through Court Administration at (815) 334-4385 as soon as possible. At jury trials, the Court will ask questions of prospective jurors through *voir dire* but may extend the opportunity to the parties to supplement any such questions. Jury trials may be relocated to another courtroom. All involved in a jury trial should appear in person, unless the Court allows remote participation in advance.

Bench Trials

Deference is given to the law, including rules and statutes, which govern bench (judge-only) trials; however, reference is made here to a few items of note: Bench trials are generally scheduled each day of the week in half-hour increments; if more than a half hour is needed, it should be noted to the Court upon scheduling; two weeks or so prior to a jury trial, the Court may convene a bench trial conference, at which (a) each party should participate through trial counsel if the party is represented, (b) witness lists should be presented (after being filed and served properly in advance), (c) stipulated exhibits should be presented (requiring previous dialogue between and perhaps among the parties and/or their attorneys), (d) motions addressing the trial should be addressed (and filed and properly served in advance), and (e) all matters pertinent to the trial, such as the need for interpreters, remote participation, technology, etc., should be fully addressed. Following the bench trial conference, the Court will expect the bench

trial to proceed as scheduled; if a matter is resolved or if an emergency arises, contact should be made with the Court through Court Administration at (815) 334-4385 as soon as possible. A party may participate remotely in a bench trial *but* any proposed exhibits to be used by any such participant *must* be filed at least one (1) week prior with a cover page which includes the caption of the case and notation that the attached include proposed exhibit(s) subject to allowance into evidence by the Court.

TIME STANDARDS AND ALIAS SUMMONSES

On March 25, 2022, the Supreme Court of Illinois entered an *Order* which put in place time standards for all cases in the Circuit Courts. See www.illinoiscourts.gov/supreme-court/supreme-and-appellate-court-policies-and-standards/. Care should be taken in filing and processing cases. Continuances and alias summonses are generally disfavored and considered for good cause and following the use of best efforts.

Arbitration (“AR”) Cases

Considering Rule 88 of the Supreme Court of Illinois requires arbitration hearings to be held within one year of the filing of a complaint in an AR case, the need of the Arbitration Administrator to coordinate arbitrators approximately sixty days before an arbitration hearing, and the time standards, the Court is not inclined to allow for alias summonses more than nine (9) months beyond filing. For any continuance, good cause may be required to be shown.

Small Claims (“SC”) Cases

Seventy-five percent (75%) of SC cases should be completed within six (6) months. Considering ninety-eight percent (98%) of these cases should be completed within twelve months, the Court is not inclined to allow for alias summonses to be issued more than six (6) months after the case is filed. For any continuance beyond such periods, good cause may be required to be shown.

PROOF OF SERVICE AND ALTERNATE SERVICE

Especially considering the above provisions regarding time standards and alias summonses, proof of each attempt at service through affidavit and the like should be filed.

Under law, the sheriff of the county in which a defendant is to be served is the preferred agent for service; as such, and at least before the Court will allow alternative service through publication, posting, mailing, social media, and/or the like, service through the sheriff should be attempted with proof of service filed.

MISCELLANEOUS / MEMORANDA / COURTESY COPIES / DATES

Proposed memoranda of judgments may be submitted to the Court through email to proposedorders@22ndcircuitil.gov after a judgment has been entered and with clear reference to the date and the amount of the judgment. The Court reserves the right to enter (or not) and/or modify any such memorandum, and following entry, it will be filed with the Clerk of the Court.

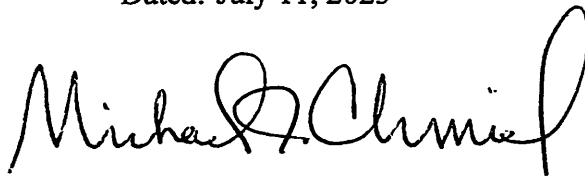
Notwithstanding any local rule to the contrary, the Court is not requiring courtesy copies. Courtesy copies should not be mailed or otherwise delivered to the Court, unless specifically directed by the Court in advance. Items to be considered by the Court must be e-filed, as suggested above. Other items may be mailed or delivered to the extent directed by the Court.

In addition to Saturdays, Sundays, and Court Holidays, a calendar of dates to avoid continues to be published and updated in Courtroom 365. Currently in 2025, the following additional dates should be avoided: July 18, July 29-31, August 1, August 15, September 29-30, October 15-17, December 22-24, December 26, and December 29-31.

This Standing Order pertains to cases assigned to Judge Chmiel and may be modified from time to time. The Court reserves the right to modify the provisions set forth in this Standing Order to the extent circumstances warrant, including when another Judge is temporarily assigned a case which is otherwise assigned to Judge Chmiel.

Specific questions on scheduling or submissions to the Court may be directed to the Court through the Senior Case Manager in the Office of the Trial Court Administrator by telephone at (815) 334-4385.

Dated: July 11, 2025

A handwritten signature in black ink, reading "Michael J. Chmiel". The signature is fluid and cursive, with the first name "Michael" and last name "Chmiel" clearly legible.

Hon. Michael J. Chmiel
Circuit Judge