

Good News for Collaborative Process in Illinois

Effective July 1, 2018, the Illinois Supreme Court, issued New Rule 294 that directly impacts lawyers practicing pursuant to the Collaborative Process Act (“The Act”) (750 ILCS 90/1 et.seq.). Specifically, this Rule provides that a lawyer who has served as a collaborative process lawyer pursuant to the Act is disqualified from appearing before any tribunal representing any party in a proceeding relating to the collaborative process matter and must withdraw from representation if the collaborative process fails.

While the Collaborative Process Act requires that the parties’ must discharge their lawyers if the collaborative process fails;

the Supreme Court Rule more strongly provides that those lawyers are disqualified from representing the client in court if the process has failed.

Accordingly, Supreme Court Rule 294 indirectly puts the Illinois Supreme Court “stamp of approval” on the Collaborative Process and “fills in the blank” suggested by the Act’s reference at 750 ILCS 90/70 providing that it is “subject to the supervisory authority of the Illinois Supreme Court.”

Therefore, it appears that the Collaborative Process for domestic relations matters in Illinois if here to stay.



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