



# USA&M Best Practice Newsletter

January  
2014

## This Issue:

**USA&M has moved!**

**New Illinois Law of Timing  
of Settlement Payments**

*By KIM KIRN*

**New ADR Rule Federal  
Court (EDMO)**

*By Mike Geigerman*

**CLE Seminar Flyer**

Season's Greetings & Happy New Year!



**USA&M is pleased to announce we are relocating!**

As of January 1, 2014 come see us at:



500 N. Broadway, #1800  
St. Louis, MO 63102  
P 314.231.4642  
F 314.231.0137  
[www.usam.com](http://www.usam.com)



## New Illinois Law of Timing of Settlement Payments by KIM L. KIRN

Spurred on by complaints of Defendants dragging their heels when paying settlements, the Illinois General Assembly passed Public Act 98-548 requiring settlement payment within 30 days of receipt of the executed release. The new law requires that Defendants present Plaintiffs with a release within 14 days of written confirmation of the settlement. Only cases involving personal injury, wrongful death, or tort actions with claims for money damages are covered; thus employment and other non-tort claims are not covered. The new law also exempts the State of Illinois, its municipalities and all class action lawsuits.

In cases with third party liens, including Medicare and Medicaid liens, Plaintiffs may present a signed release by the lien holder; agree to hold all funds in the attorney's client fund account pending final resolution; allow Defendants to hold the funds pending resolution; or agree upon other arrangements as set forth in the Act.

In the event, payment is not timely made, Plaintiffs may proceed to court and recover costs and interest on the settlement amount. Lawyers supporting the new law presented legislators with information that Defendants, particularly insurance companies, "throw up obstacles" when they are obligated to pay Plaintiffs after a settlement. Public Act 98-548 became effective January 1, 2014. A copy of the new statute may be found at [www.ilga.gov/legislation/ilcs/ilcs4.asp?ActID=2017&ChapterID=56&SeqStart=22050000&SeqEnd=22150000](http://www.ilga.gov/legislation/ilcs/ilcs4.asp?ActID=2017&ChapterID=56&SeqStart=22050000&SeqEnd=22150000)

**500 N. Broadway, Ste. 1800 St. Louis, MO 63102**

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### USA&M Mediators

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Hon. Joan Burger  
Hon. Michael Calvin  
Mr. Jack Carey  
Mr. Jon Carlson  
Hon. William Corrigan  
Hon. Ellsworth Cundiff  
Mr. George L. Fitzsimmons  
Mr. Michael S. Geigerman  
Ms. Linda Hahn  
Hon. James R. Hartenbach  
Mr. Richard Hunsaker  
Ms. Rebecca R. Jackson  
Mr. William James  
Ms. Kim L. Kirn  
Mr. Paul Lee  
Mr. E. Thomas Liese  
Hon. Stephen Limbaugh, Sr.  
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Mr. Gary Snodgrass  
Mr. Paul N. Venker  
Ms. Kathleen M. Whitby  
Hon. Melvyn W. Wiesman

### NEW FEDERAL ADR RULE FOR EASTERN DISTRICT MEDIATORS

The United States District Court for the Eastern District of Missouri has adopted a new Local Rule regarding Mediator training and ongoing skill development, effective January 1, 2014. The following changes have been made to Local Rule 16-6.03:

- 16-6.03(A)(2)(d) increases the number of initial training hours from 16 to 32.
- Rule 16-6.03(A)(2)(e) requires that new panel members observe two mediations prior to being admitted to the panel.
- 16-6.03(A)(2)(g) requires all panel member to complete 4 hours of ADR related CLE courses every two years with the first reporting period being January 1, 2014 through December 31, 2016. Compliance will be through self reporting. Panel members who attend the January 24, 2014 program sponsored by the USDC will receive 3.0 hours of credit toward the initial reporting period.
- 16-6.03(A)(2)(h) requires mediators who have conducted 25 or more mediations to be observed up to twice a year by new panel members.
- 16-6.03(A)(3) sets out required areas for training of new mediators.
- By implication current panel members are not required to take additional initial training.

The new Local Rule may be found at the Court's website at [www.moed.uscourts.gov](http://www.moed.uscourts.gov).

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Everyone at USAM thanks you for your continued support and wishes you a healthy and prosperous Holiday Season and New Year. We moved into our new office on December 27th and are now open for business at 500 North Broadway Suite 1800, St. Louis, Missouri 63102. We look forward to the opportunity to work with you in the future. You are welcome to come and visit our state of the art new conference facility.

For all of us,  
Mike Geigerman and Rob Litz

### Don't forget to register for our Upcoming seminar on Feb. 21, 2014

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## The Best Practice Series

PRESENTED BY

Washington University Law Negotiation & Dispute Resolution Program  
and United States Arbitration & Mediation

Friday, February 21, 2014

### "Ethics and Current Issues in Representing the LGBT Community"

Washington University School of Law, Anheuser-Busch Hall, Bryan Cave Moot Courtroom, St. Louis, MO.  
3.5\* MO CLE (including 1.0\* ethics) & 2.75\* IL CLE\* (including .75\* ethics) \*pending approval

- **"Adoption"**  
- Ms. Susan Block - Paule Camazine & Blumenthal PC
- **"Estate Planning"**  
- Ms. Kathleen Bilderback - Affinity Law Group, LLC
- **"View From the Missouri Legislature on Civil Unions, HIV Laws & Taxation"**  
- Mr. Mike Colona - Missouri House of Representatives (Dist. 80)
- **"Healthcare"**  
- Ms. Jennifer Hardester - BJC Health Systems Legal Services
- **"Bias in the Courts, the Community & Schools"**  
- Honorable Lawrence E. Mooney - Missouri Court of Appeals, Eastern Dist.  
- Ms. Karen Aroesty - ADL, St. Louis Regional Director  
- Mr. Alan Pratzel - Office of the Chief Disciplinary Counsel

REGISTRATION ENDS Feb.17th

Register online at [www.usam.com/edurfs.shtml](http://www.usam.com/edurfs.shtml) or call Kelly Spiller at (314) 231-4642

Doors open at 8:00am; Seminars run 8:30 – 12:00 pm; Refreshments included. Enrollment is limited and participation based on first-come first-serve. Please note that we are now collecting \$40.00 for MO and \$43.00 for IL & MO/IL. The net proceeds for seminar will be donated to charity. USA&M underwrites the programs. Reservations are required. We are required to pay Illinois \$1 per credit hour offered. Please mail your check made payable to USA&M to: 500 N. Broadway, #1800, St. Louis, MO 63102 and reference the attorneys who are attending. This program is free for 2013 JD graduates.

Save the dates!

Next Seminar at Washington University: April 4, 2014

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