

25.9 The Arbitration Hearing

The hearing for a “standard” arbitration must be completed within 150 days of the order of Referral to Mandatory Arbitration and the hearing for an “expedited” arbitration must be completed within 90 days of the order of Referral To Mandatory Arbitration.

- a. Thirty (30) days prior to the hearing, any party, seeking to have documents presumptively admitted at the hearing, shall serve on all other parties a copy of such documents, and a written statement that such documents will be offered into evidence as presumptively admitted. If this procedure is complied with, the following documents will be admitted into evidence without further foundation or other proof:
 - i. Medical records and reports of hospitals, doctors, dentists, registered nurses, licensed practical nurses, and physical therapists, or other healthcare providers.
 - ii. bills, for example: medical treatments, physical therapy, drugs, medical appliances and prostheses, etc. (specified as “paid” or “unpaid”);
 - iii. property repair bills or estimates, itemized and setting forth the charges for labor and material used or proposed for use in the repair of the property;
 - iv. employer’s report or other records of time lost from work or lost compensation and rate of pay,
 - v. written statements and/or depositions of witness(es), which the witness(es) would be allowed to express if testifying in person. Witness(es) statement(s) must be supported or made by affidavit or by certification as provided in section 1-109 of the code of civil procedure;
 - vi. other documents not specifically covered by any of the forgoing provisions, and which are otherwise admissible under the rules of evidence.
 - vii. All documents referred to in this provision must be accompanied by a summary cover sheet which lists:
 - (1) Each included item,
 - (2) The money damages incurred in each category and
 - (3) A notation as to whether each bill is paid or unpaid.
- b. All documents in Section 8 and 9 herein shall be submitted to the arbitrator no later than fourteen (14) days prior to the hearing.
- c. The hearings will be held during a four-hour period.
- d. The Illinois Rules of Evidence shall apply to the hearing, except that the arbitrator may, in the exercise of sound discretion, relax application of the rules in the interests of fairness and efficiency, provided that due process is accorded to all parties.
- e. Immediately prior to the commencement of the hearing a pre-hearing conference will be held where the arbitrator, after consultation with the parties, will decide:
 - i. Which exhibits will be admitted into evidence;
 - ii. how and whether to narrow the issues to be arbitrated;
 - iii. the format of the hearing, including time limits for each side’s presentation;
 - iv. rules and procedures, as the arbitrator deems appropriate, such as: time limits for the production of each party’s evidence; whether summaries of direct examination will be admitted; whether affidavits or summary exhibits may be used at the hearing and other such rules and procedures.

- f. The arbitrator will structure the hearing and pre-arbitration conference so as to afford due process to the parties.
- g. The witnesses who testify at the hearing shall be sworn under oath.
- h. No telephonic appearance of parties or attorneys will be allowed, without good cause shown, upon notice and motion brought before the Supervising Judge, Mandatory Arbitration.
- i. The arbitrator may not be called as a witness for any reason relating in any way to the arbitration.
- j. An interpreter will be provided if written notice is given to the Administrator 14 days prior to the scheduled hearing.
- k. At the conclusion of the hearing, both parties shall submit a summary of the legal fees each incurred in connection with the arbitration to be used, if necessary, pursuant to Paragraph 11(d), infra.
 - i. Failure to submit a summary of legal fees will constitute a waiver of those fees for purposes of Paragraph 11(d), infra.
 - ii. "Legal fees incurred" means reasonable fees incurred during the period commencing with the stay of discovery in the referring court through the conclusion of the arbitration hearing and the rendering of the award.