

### **18.1 Administration of Mandatory Arbitration**

- (a) The Chief Judge shall appoint a Supervising Judge for Arbitration in each Municipal District, who shall have the powers and responsibilities set forth in these rules and who shall serve at the pleasure of the Chief Judge.
- (b) The Chief Judge shall appoint an Arbitration Administrator who shall have the authority and responsibilities set forth in these rules, and who shall serve at the pleasure of the Chief Judge.
- (c) Clerical and support staff necessary for the effective administration of the arbitration program shall be appointed by the Chief Judge. The number of clerical and support personnel, and the compensation paid to such employees, shall be approved by the Supreme Court.
- (d) Clerical and support personnel shall serve at the pleasure of the Chief Judge and may be removed by the Chief Judge.
- (e) The amount of compensation to be paid any Arbitration Administrator or clerical and support personnel shall be paid by the State.
- (f) No administrative, clerical or support personnel receiving compensation from any public funds under the provisions of these rules shall receive any compensation, gift, or gratuity whatsoever from any person, firm, or corporation for doing or refraining from doing any official act in any way connected with any proceeding then pending or yet to be instituted before any court or arbitration panel. Violation of this rule shall be grounds for immediate termination.

[Amended July 30, 2001, effective August 1, 2001.]

### **18.2 Applicability of Rules**

The mandatory arbitration program of the Circuit Court of Cook County, Illinois, is governed by the Supreme Court Rules for the Conduct of Mandatory Arbitration Proceedings (Supreme Court Rules 86-95, inclusive). Pursuant to Supreme Court Rule 86(c), these local rules are adopted, effective January 16, 1990, and as amended thereafter. Since arbitration proceedings in this circuit are governed by both sets of rules, reference is made in the caption of each local rule to the Supreme Court Rule governing the same subject.

[Amended July 30, 2001, effective August 1, 2001.]

### **18.3 Actions Subject to Mandatory Arbitration (S. Ct. Rule 86)**

- (a) Mandatory Arbitration proceedings are undertaken and conducted in Cook County pursuant to approval of the Illinois Supreme Court given on December 2, 1989.
- (b) All actions filed in the Municipal Districts after the effective date of these rules, involving personal injury (regardless of whether a jury demand has been filed) and those actions for property damages or breach of contract in which a timely jury demand has been filed, seeking money damages only, not to exceed THIRTY THOUSAND DOLLARS (\$30,000), shall be assigned to an arbitration calendar.  
The Chief Judge may determine, from time to time, which other class or classes of cases, if any, otherwise eligible for these proceedings, shall be assigned to the arbitration calendar.

- (c) Actions pending on, or filed after, the effective date of these rules seeking money damages only, having a value not exceeding THIRTY THOUSAND DOLLARS (\$30,000) and determined to be eligible for mandatory arbitration by the trial court may be assigned to the arbitration calendar.

[Amended July 30, 2001, effective August 1, 2001.]

#### **18.4 Appointment, Qualification, and Compensation of Arbitrators (S. Ct. Rule 87)**

- (a) Applicants shall be eligible for appointment to serve as members of an arbitration panel, other than as chairpersons, by filing with the Arbitration Administrator an application form certifying that the applicant:
  - 1. has attended a mandatory arbitration seminar, and
  - 2. has read and is informed of the rules of the Supreme Court and the Act relating to mandatory arbitration, and
  - 3. is presently licensed to practice law in Illinois, and
  - 4. has engaged in the practice of law in Illinois for a minimum of three (3) years; or is a retired judge.
- (b) Applicants, who further certify in their applications that they have engaged in trial practice in Illinois for a minimum of five (5) years, or who are retired judges, shall be eligible to serve as chairpersons.
- (c) The Arbitration Administrator shall maintain an alphabetical list of persons qualified to serve as arbitrators who shall be assigned on a rotating basis. The Arbitration Administrator shall also maintain a list of those persons who have indicated on their application a willingness to serve on an emergency basis. Such individuals, when appointed to serve, shall also be assigned on a rotating basis.
- (d) Except for those persons requested to serve on an emergency basis, all other persons assigned as arbitrators shall received not less than sixty (60) days notice of the date, time and place of service.
- (e) Upon completion of each day of service, the Arbitration Administrator shall process the appropriate vouchers for the prompt payment of the arbitrators.
- (f) The Arbitration Administrator and the Presiding Judge (or Presiding Judge's designee) shall periodically review the eligibility of attorneys currently on the alphabetical list of persons qualified to serve as arbitrators and may suspend or revoke arbitrators' eligibility within their discretion when necessary.

[Amended February 24, 2003, effective February 24, 2003.]

#### **18.5 Scheduling of Arbitration Hearing (S. Ct. Rule 88 and 89)**

- (a) Cases filed after the effective date of these rules which are, on the date of filing and pursuant to these rules, subject to arbitration proceedings, should be assigned to mandatory arbitration no later than two hundred eighty (280) days from the filing date. All discovery shall have a completion date at least thirty (30) days prior to the mandatory arbitration hearing. After a case is assigned to the mandatory arbitration calendar, the discovery closure date shall not be changed except by leave of court for good cause shown.

- (b) Consolidated actions shall be heard on the date assigned to the earliest claim filed, except that, in no event shall any consolidated hearings be heard earlier than sixty (60) days subsequent to the order of consolidation unless the court provided otherwise by order
- (c) Counsel shall give immediate written notification to both the court and to the Arbitration Administrator of any dismissal pursuant to any settlement of cases or changes of appearance.

[Amended July 30, 2001, effective August 1, 2001.]

#### **18.6 Conduct of Arbitration Hearings (S. Ct. Rule 90)**

- (a) The Supervising Judge for Arbitration shall have full supervisory powers with regard to questions arising in any arbitration proceeding, including the application of these rules.
- (b) A stenographic record or a recording of the hearing shall not be made unless a party does so at his/her own expense. If a party has a stenographic record or a recording made, a copy shall be furnished to any other party requesting same upon payment of a proportionate share of the total cost of making the record or recordings.
- (c) A statement or affidavit of a witness which may be presumptively admissible under Supreme Court Rule 90 (c) must include the name and address of the witness.
- (d) Witness fees and costs shall be in the same amount and shall be paid by the same party or parties, as provided for in trials in the Circuit Court of Cook County, except as otherwise provided by Rule 90(e).

[Amended July 30, 2001, effective August 1, 2001.]

#### **18.7 Award and Judgment of Award (S. Ct. Rule 92)**

- (a) The arbitration panel shall render its award the same day the hearing is completed. The Arbitration Administration shall immediately file the award with the Clerk of the Court, who shall serve notice of the award.

[Amended July 30, 2001, effective August 1, 2001.]

#### **18.8 Arbitration Hearings – Time Allotted**

Arbitration awards shall be tendered to the arbitration administration no later than two and one half (2 ½) hours after the commencement of each arbitration hearing. Should commencement of the hearing be delayed, the arbitration award shall be tendered to the arbitration administration no later than two and one half (2 ½) hours after assignment of the case to the panel. In the First Municipal District, arbitration hearings shall be heard at 8:30 a.m., 10:30 a.m. and 2:00 p.m. In all other Municipal Districts, arbitration hearings shall be heard at 8:30 a.m., 10:30 a.m., 1:30 p.m. and by an order of court at 3:00 p.m.

[Amended July 30, 2001, effective August 1, 2001.]

**18.9 Exhibits**

The arbitration administration shall not be responsible for storing exhibits left by litigants with the arbitration panel. Parties wishing to retrieve exhibits are advised to do so at the time the panel tenders the award to the arbitration administration.

[Adopted March 29, 1994, effective April 1, 1994.]

**18.10 Notice to the Arbitration Administration of Orders Affecting Scheduled Arbitration Hearing**

All orders of court which affect a scheduled arbitration hearing shall be presented to the arbitration administration immediately following entry of the order by the court. Presentation should be made in person unless other arrangements have been made with the arbitration administration.

[Adopted March 29, 1994, effective April 1, 1994.]

**18.11 Defective Arbitration Hearing Dates**

Where the assigned date for an arbitration hearing is defective pursuant to Supreme Court Rule 88 or because the hearing date is less than thirty (30) days after a discovery closure date, litigants must request a new arbitration hearing date from the court.

[Amended July 30, 2001, effective August 1, 2001.]