

PART 24. MANDATORY ARBITRATION

(a) Supervising Judge for Arbitration. The chief judge shall appoint in each county of the circuit having a mandatory arbitration program, a judge to act as supervising judge for arbitration, who shall have the powers and responsibilities set forth in these rules and who shall serve at the discretion of the chief judge.

(b) Arbitration Administrator. The chief judge shall designate an arbitration administrator who shall have the authority and responsibilities set forth in these rules. The arbitration administrator shall serve at the discretion of the chief judge under the immediate direction of the court administrator.

(c) Arbitration Center. The chief judge shall designate an arbitration center(s) for arbitration hearings.

(d) Mandatory Arbitration of Certain Cases. The arbitration program of the Fourteenth Judicial Circuit is governed by the Supreme Court Rules for the Conduct of Mandatory Arbitration Proceedings (Supreme Court Rules 86-95 incl.). Pursuant to Supreme Court Rule 86(c), these local rules are adopted, effective March 1, 2000. Since arbitration proceedings are governed by both sets of rules, reference is made in the caption of each local rule to the Supreme Court Rule controlling the subject.

[Adopted eff. March 1, 2000.]

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RULE 1. CIVIL ACTIONS SUBJECT TO MANDATORY ARBITRATION (S. CT. RULE 86)

(a) Mandatory Arbitration proceedings are undertaken and conducted in the Circuit Court for the 14th Judicial Circuit, pursuant to Order of the Illinois Supreme Court entered during the November 1999 term.

(b) Every complaint or counterclaim filed shall contain specific prayers for relief except that in actions for injury to the person, the ad damnum may be pleaded except to state whether the damages sought are greater than \$5,000 but not exceeding \$50,000.

(c) All civil actions will be subject to Mandatory Arbitration on all claims exclusively for money damages in an amount exceeding \$5,000 but not exceeding \$50,000, exclusive of interest and costs. These civil actions shall be assigned to the Arbitration Calendar of the Circuit Court of the 14th Judicial Circuit at the time of initial case filing with the Clerk of the Circuit Court in Rock Island, Henry, Whiteside and Mercer Counties.

(d) Cases not originally assigned to the Arbitration Calendar may be ordered to arbitration on the motion of either party, by agreement of the parties or by order of court at a status call or pretrial conference when it appears to the Court that no claim in the action has a value in excess of \$50,000, irrespective of defenses.

(e) When a civil action not originally assigned to the Arbitration Calendar is subsequently assigned to the Arbitration Calendar, pursuant to Supreme Court Rule 86(d), the Supervising Judge for Arbitration shall promptly assign an arbitration hearing date. All arbitration hearing dates shall be not less than 60 days nor more than 180 days from the date of the assignment to the Arbitration Calendar.

[Adopted eff. March 1, 2000.]

RULE 2. APPOINTMENT, QUALIFICATION AND COMPENSATION OF ARBITRATORS (S. CT. RULE 87)

(a) Attorneys shall all be eligible for appointment by filing the appropriate form with the Arbitration Administrator, certifying that they have engaged in the active practice of law for a minimum of one year. Retired judges shall also be eligible for appointment. Chairpersons must have been engaged in active trial practice for a period of five years or be a retired judge.

(b) The Arbitration Administrator shall maintain an alphabetical list of approved arbitrators to be called for service on a rotating basis. The list shall designate the arbitrators who are approved to serve as chairpersons and those arbitrators and chairpersons who are available to serve as substitutes. Each panel will consist of one chairperson and two panel members. Eligible arbitration panel members shall have attended the Arbitration Seminar prior to active service on an arbitration panel. The eligibility of each attorney to serve as arbitrators may, from time to time, be reviewed by the Chief Judge or Supervising Judge. Where possible, the Arbitration Administrator shall notify such arbitrators of the date at least 60 days prior to the assigned hearing date.

(c) Reserved.

(d) Reserved.

(e) Upon completion of each day's arbitration hearings, the Arbitration Administrator will process the necessary voucher through the Administrative Office of the Illinois Courts for payment of arbitrators.

[Adopted eff. March 1, 2000]

RULE 3. SCHEDULING OF HEARINGS (S. CT. RULE 88)

(a) On or before the first day of each July, the Arbitration Administrator shall provide the Circuit Clerk's offices with a schedule of available arbitration hearing dates for the next calendar year.

Upon the filing of a civil action subject to these rules the Clerk of the Circuit Court shall set a return date for the summons not less than 21 days nor more than 40 days after filing,

returnable before the Supervising Judge for Arbitration. The summons shall require the plaintiff or the representative of the plaintiff and all defendants or their representatives to appear at the time and place indicated. The complaint and all summonses shall state in upper case letters on the upper right-hand corner "THIS IS AN ARBITRATION CASE."

Upon the return date of the summons and the court finding that all parties have appeared, the court shall assign an arbitration hearing date on the earliest available date thereafter, provided that not less than 60 days written notice be given to the parties or their attorneys of record. If one or more defendants have not been served within 90 days from the date of filing, the court may in its discretion dismiss the case as to unserved defendants for lack of diligence.

(b) Any party to a case may request advancement or postponement of a scheduled arbitration hearing date by filing written motion with the office of the circuit clerk requesting such change. Such motion and notice of hearing thereon shall be served upon counsel for all other parties and upon pro-se parties in the same manner as other motions and a copy of the motion and notice of time of hearing thereon on the calendar of the Supervising Judge for Arbitration, and shall likewise be served upon the Arbitration Administrator. The motion shall contain a concise statement of the reason for the change of hearing date. The Supervising Judge may grant such advancement or postponement upon good cause shown.

(c) Consolidated actions shall be heard on the date assigned to the latest case involved.

(d) Counsel shall give immediate notification to the arbitration administrator of any settlement of cases or changes of appearance. Failure to do so may result in the imposition of sanctions.

(e) It is anticipated that the majority of cases to be heard by an arbitration panel will require 2 hours or less for presentation and decision. It shall be the responsibility of counsel for the plaintiff to confer with counsel for all other parties, to obtain an approximation of the length of time required for presentation of the case and advise the Arbitration Administrator at least 21 days in advance of the hearing date in the event additional hearing time is anticipated and the length of such additional time.

[Adopted eff. March 1, 2000]

**RULE 4. DISCOVERY
(S. CT. RULE 89)**

(a) All parties shall comply with the provisions of Supreme Court Rule 222. However, unless otherwise ordered by the court, the parties shall file with the court their initial disclosure under Supreme Court Rule 222 within 14 days of the first return court appearance date.

[Adopted eff. March 1, 2000.]

**RULE 5. CONDUCT OF THE HEARINGS
(S. CT. RULE 90)**

(a) **Powers of Arbitrators.** The arbitrators shall have the power to administer oaths and affirmations to witnesses, to determine the admissibility of evidence and to decide the law and the facts of the case. Rulings on objections to evidence or on other issues which arise during the hearing shall be made by the chairperson of the panel.

(b) Established Rules of Evidence Apply. Except as prescribed by this rule, the established rules of evidence shall be followed in all hearings before arbitrators.

(c) Documents Presumptively Admissible. All documents referred to under this provision shall be accompanied by a summary cover sheet listing each item that is included detailing the money damages incurred by the categories as set forth in this rule and specifying whether each bill is paid or unpaid. If at least 30 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof:

- (1) bills (specified as paid or unpaid), records and reports of hospitals, doctors, dentists, registered nurses, licensed practical nurses and physical therapists, or other health-care providers;
- (2) bills for drugs, medical appliances and prostheses (specified as paid or unpaid);
- (3) property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;
- (4) a report of the rate of earnings and time lost from work or lost compensation prepared by an employer;
- (5) the written statement of any expert witness, the deposition of a witness, the statement of a witness which the witness would be allowed to express if testifying in person, if the statement is made by affidavit or by certification as provided in section 1-109 of the Code of Civil Procedure;
- (6) any other document not specifically covered by any of the foregoing provisions, and which is otherwise admissible under the rules of evidence.

[Rule 90(c) Cover Sheet]

IN THE CIRCUIT OF

COUNTY, ILLINOIS

Plaintiff,)
)
)
v.) No.
)
)
Defendant.)

**NOTICE OF INTENT
PURSUANT TO SUPREME COURT RULE 90(C)**

Pursuant to Supreme Court Rule 90(c), the plaintiff(s) intend(s) to offer the following documents that are attached into evidence at the arbitration proceeding:

I. Healthcare Provider Bills Amount Paid Amount Unpaid

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

II. Other Items of Compensable Damages

- 1.
- 2.
- 3.
- 4.
- 5.

Attorney for Plaintiff

(d) Opinions of Expert Witnesses. A party who proposes to use a written opinion of an expert witness or the testimony of an expert witness at the hearing may do so provided a written notice of such intention is given to every other party not less than 30 days prior to the date of hearing, accompanied by a statement containing the identity of the expert witness, the expert's qualifications, the subject matter, the basis of the expert's conclusions, and the expert's opinion as well as any other information required by Rule 222(d)(6).

(e) Right to Subpoena Maker of the Document. Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of the Code of Civil Procedure relative to subpoenas, section 2-1101, shall be applicable to arbitration hearings and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

(f) Adverse Examination of Parties or Agents. The provisions of the Code of Civil Procedure relative to the adverse examination of parties or agents, section 2-1102, shall be applicable to arbitration hearings as upon the trial of a case.

(g) Compelling Appearance of Witness at Hearing. The provisions of Rule 237, herein, shall be equally applicable to arbitration hearings as they are to trials. The presence of a party may be waived by stipulation or excused by court order for good cause shown not less than seven days prior to the hearing. Remedies upon a party's failure to comply with notice pursuant to Rule 237(b) may include an order debarring that party from rejecting the award.

(h) The Supervising Judge for Arbitration shall have full supervisory powers over questions arising in any arbitration on proceeding, including the application of these rules.

(i) A stenographic record or a recording of the hearing shall not be made unless a party does so at one's 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 recording.

[Adopted eff. March 1, 2000, amended April, 1, 2005, effective immediately]

RULE 6. DEFAULT OF A PARTY (S. CT. RULE 91)

(a) A party who fails to appear and participate in the hearing, upon motion to the court by the party present, shall be found to be in default. Costs that may be assessed under Supreme Court Rule 91 upon vacation of a default include, but are not limited to, payment of costs, attorney fees, witness fees, stenographic fees and any other out-of-pocket expenses incurred by any party or witness.

(b) Reserved.

[Adopted eff. March 1, 2000.]

**RULE 7. AWARD AND JUDGMENT ON AWARD
(S. CT. RULE 92)**

The panel shall render its decision and enter an award on the same day of the hearing. The Chairperson shall present the award to the Arbitration Administrator who shall then file same with the Clerk of the Circuit Court. The Clerk of the Circuit Court shall serve a notice of the award upon all parties who have filed an appearance.

[Adopted eff. March 1, 2000.]

**RULE 8. REJECTION OF AWARD
(S. CT. RULE 93) [RESERVED]**

**RULE 9. FORM OF OATH, AWARD AND NOTICE OF ENTRY OF
AWARD
(S. CT. RULE 94)**

(a) The Arbitration Administrator shall provide the forms called for by these rules.

[Adopted eff. March 1, 2000.]

**RULE 10. FORM OF NOTICE OF REJECTION OF AWARD
(S. CT. RULE 95) [RESERVED]**

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

))
))
Plaintiff(s),)) **THIS IS AN ARBITRATION CASE**
))
v.)) **NO. _____**
))
))
Defendant(s).))

OATH

We do solemnly swear (or affirm) that we will support, obey, and defend the Constitution of the United States and the Constitution of the State of Illinois and that we will faithfully discharge the duties of our office.

(Chairperson/Arbitrator)

(Arbitrator)

(Arbitrator)

Dated this _____ day of _____, 20_____.

**IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS**

))
))
Plaintiff(s),)) THIS IS AN ARBITRATION CASE
))
v.)) NO. _____
))
))
Defendant(s).))

AWARD OF ARBITRATORS

We, the undersigned arbitrators, having been duly appointed and sworn (or affirmed), make the following award:

(Chairperson/Arbitrator)

(Address and I.D. No.)

(Arbitrator)

(Address and I.D. No.)

(Arbitrator)

(Address and I.D. No.)

_____ Dissents

Dated this _____ day of _____, 20_____.

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT
_____ **COUNTY, ILLINOIS**

)	
)	
Plaintiff(s),)	THIS IS AN ARBITRATION CASE
)	
v.)	NO. _____
)	
)	
Defendant(s).)	

NOTICE OF AWARD

On the _____ day of _____, 2000, the award of the arbitrators dated _____
_____, 2000, a copy of which is attached hereto, was filed and entered of record
in this Cause. A copy of this NOTICE has on this date been sent by regular mail, postage
prepaid, addressed to each of the parties appearing herein, a their last known address, or to their
attorney of record.

Dated this _____ day of _____, 2000.

Clerk of the Circuit Court

**IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS**

Plaintiff(s),))
v.)) THIS IS AN ARBITRATION CASE
Defendant(s).)) NO. _____

NOTICE OF REJECTION OF AWARD

To the Clerk of the Circuit Court:

Notice is given that _____ rejects the award of
the arbitrators entered in this cause on the _____ day of
_____, 20____, and hereby requests a trial of this action.

By: _____
(Certificate of Notice of Attorney)