

FISCAL YEAR 2001 ANNUAL REPORT TO THE ILLINOIS GENERAL  
ASSEMBLY ON COURT-ANNEXED MANDATORY ARBITRATION

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## INTRODUCTION

This Fiscal Year 2001 Annual Report on the court-annexed mandatory arbitration program is presented to satisfy the requirements of Section 1008A of the Mandatory Arbitration Act, 735 ILCS 5/2-1001A *et seq.*

The Supreme Court of Illinois and the Illinois General Assembly created court-annexed mandatory arbitration to reduce the backlog of civil cases and to provide litigants with a system in which their complaints could be more quickly resolved by an impartial fact finder.

Arbitration was instituted after deliberate planning. Efforts by the Supreme Court to devise a high quality arbitration system spanned nearly a decade. When developing the Illinois program, the Supreme Court and its committees secured the input of public officials representing all branches of Illinois government, as well as the general public. As a result, the system now in place is truly an amalgamation of the best dispute resolution concepts.

Beginning in September of 1982, Chief Justice Howard C. Ryan urged the judiciary to explore suitable court-sponsored alternative dispute resolution techniques. In September, 1985, the Illinois General Assembly passed and the Governor signed House Bill 1265<sup>1</sup>, authorizing the Supreme Court to institute a system of mandatory arbitration. Before the end of May, 1987, the Supreme Court adopted arbitration-specific rules recommended by a committee of prominent judges and attorneys. Later that year, Winnebago County began operating a pilot court-annexed mandatory arbitration program.

Expanding on the success of the Winnebago County program, the Supreme Court authorized the following counties to implement court-annexed mandatory arbitration programs in the following order:

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<sup>1</sup>H.B. 1265, 83<sup>rd</sup> Gen. Assem., Reg. Sess., P.A. 84-844, (Il. 1985)

- Cook, DuPage, and Lake Counties in December, 1988
- Mc Henry County in November, 1990
- St. Clair County in May, 1993
- Boone and Kane Counties in November, 1994
- Will County in March, 1995
- Ford and Mc Lean Counties in March, 1996

The most recent request for implementation of an arbitration program came from the 14<sup>th</sup> Judicial Circuit. In November of 1999, the Supreme Court approved the program for all four counties in the 14<sup>th</sup> Circuit (Rock Island, Henry, Mercer, and Whiteside Counties) and the program began in October, 2000. Future expansion of court-annexed mandatory arbitration programs may occur if sufficient public funding is made available and with approval by the Supreme Court.

This Fiscal Year 2001 Annual Report summarizes the accomplishments of the arbitration program from July 1, 2000, through June 30, 2001. The report begins with a general description of the court-annexed mandatory arbitration program in Illinois and provides information on recent changes made to the program. The second section of the report explains the statistics maintained by arbitration administrators. Statewide statistics are provided as an aggregate or average of the statistics furnished by the fifteen court-annexed mandatory arbitration programs operating around the state. Jurisdictions may have significantly different statistics. Therefore, when appropriate, individual program statistics are provided. The final section of the report provides information on the day-to-day operation of the court-annexed mandatory arbitration programs.

## **OVERVIEW OF COURT-ANNEXED MANDATORY ARBITRATION**

In Illinois, court-annexed mandatory arbitration is a mandatory, non-binding form of alternative dispute resolution. In those jurisdictions approved by the Supreme Court to operate a court-annexed mandatory arbitration program, all civil cases filed seeking money damages within the program's jurisdiction are subject to the arbitration process. These modest sized claims are directed into the arbitration program because they are amenable to closer management and faster resolution using a less formal, alternative process.

### **Program Jurisdiction**

Cases enter the arbitration program in one of two ways. In all counties operating a court-annexed mandatory arbitration program, except Cook County, litigants may file their case with the office of the clerk of the court as an arbitration case. The clerk records the case using an AR designation. These AR designated cases are placed directly on the calendar of the supervising judge for arbitration. Summons are returnable before the supervising judge for arbitration and all prehearing matters are argued before them.<sup>2</sup>

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<sup>2</sup>See Illinois Supreme Court Rule 86(d). The monetary limit for arbitration cases filed in Boone, Cook, Ford, Kane, Lake, McHenry, McLean, Will, and Winnebago Counties is \$30,000. As a pilot project, the Supreme Court has allowed Du Page County to place cases seeking up to \$50,000 in money damages into arbitration. The Supreme Court approved a monetary limit of \$50,000 for Rock Island, Henry, Mercer, and Whiteside Counties. In St. Clair County, cases seeking up to \$20,000 in money damages are subject

In the Circuit Court of Cook County, however, cases seeking between \$5,000 and \$50,000 in money damages are filed in the Municipal Department and are given an "M" designation by the clerk. Cases within this category which are arbitration-eligible (cases seeking up to \$30,000 in money damages) are subsequently transferred to arbitration. After hearing all preliminary matters, the case is transferred to arbitration.

In all jurisdictions operating a court-annexed mandatory arbitration program, a case may also be transferred to the arbitration calendar from another calendar if it appears to the court that no claim in the action has a value in excess of the monetary limit authorized by the Supreme Court for that county's arbitration program. For example, if the court finds that an action originally filed as a Law case (actions seeking over \$50,000) has a potential for damages under the jurisdiction for arbitration, the court may transfer the Law case to the arbitration calendar.

During Fiscal Year 1997, the Supreme Court amended a number of rules which affect arbitration. In November, 1996, the Supreme Court increased the jurisdictional limit for small claims actions from cases seeking up to \$2,500 in damages to cases seeking up to \$5,000 in damages, effective January 1, 1997. Concerns about enlarging the small claims calendar have led a number of counties operating arbitration programs to transfer cases seeking over \$2,500 in money damages into arbitration.

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to arbitration.

Also in November, 1996, the Supreme Court acted on the request of the Eighteenth Judicial Circuit to increase the jurisdiction of arbitration-eligible cases from cases seeking up to \$30,000 in money damages to cases seeking up to \$50,000 in money damages. The Supreme Court decided to allow the Eighteenth Judicial Circuit to increase the jurisdictional limit for arbitration-eligible cases as a pilot project.<sup>3</sup> The Eighteenth Judicial Circuit is maintaining detailed statistics on those cases seeking over \$30,000 but less than \$50,000 in money damages which are subject to arbitration.

### **Pre-Hearing Matters**

The pre-hearing stage for cases subject to arbitration is similar to the pretrial stage for cases not subject to arbitration. Summons are issued, motions are made and argued, and discovery moves forward. However, discovery is limited for cases subject to arbitration pursuant to Illinois Supreme Court Rules 222 and 89.

One of the most important features of the arbitration program is the court's control of the time elapsed from the date of filing of the arbitration case, or the transfer of the case to arbitration, and the arbitration hearing. Illinois Supreme Court Rule 88 provides that all arbitration cases must go to hearing within one year of the date of filing or transfer to arbitration. As a result, faster dispositions are possible in the arbitration system.

### **Arbitration Hearing**

The arbitration hearing resembles a traditional trial conducted by a judge, but the hearing is conducted by a panel of three trained attorney-arbitrators. Each party to the dispute makes a concise presentation of his/her case to the attorney-arbitrators. The Illinois Code of Civil Procedure and the rules of evidence apply in arbitration hearings; however, Illinois Supreme

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<sup>3</sup>At the same time the Supreme Court amended Illinois Supreme Court Rule 93 to provide that parties wishing to reject an award of over \$30,000 must pay a \$500 rejection fee.

Court Rule 90(c) makes certain documents presumptively admissible. These documents include bills, records, and reports of hospitals, doctors, dentists, repair persons, and employers as well as written statements of opinion witnesses. By taking advantage of this streamlined evidence mechanism, lawyers can present the case quickly, and hearings are completed in approximately two hours.

Immediately after the hearing, the three arbitrators deliberate privately and decide the issues presented by the parties. They file their award on the same day as the hearing. To find in favor of one party, the concurrence of at least two arbitrators must be present and an award is determined.

After the arbitration hearing, the clerk of the court records the arbitration award and then forwards notice of the award to the parties. As a courtesy to the litigants, many of the arbitration centers post the arbitration award after it is submitted by the arbitrators so the parties will know the outcome on the same day as the hearing.

### **Rejecting an Arbitration Award**

Illinois Supreme Court Rule 93 allows any party to reject the arbitration award. However, a party must meet four conditions when they seek to reject the award. First, the party who wants to reject the award must have been present, personally or via counsel, at the arbitration hearing or that party's right to reject the award will be deemed waived.<sup>4</sup> Second, that same party must have participated in the arbitration process in good faith and in a meaningful manner.<sup>5</sup> Third, the party wanting to reject the award must file a rejection notice within thirty days of the date the award was filed.<sup>6</sup> Finally, except for indigent parties, the party who initiates the rejection must pay a

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<sup>4</sup>See Illinois Supreme Court Rule 91(a).

<sup>5</sup>See Illinois Supreme Court Rule 91(b).

<sup>6</sup>See Illinois Supreme Court Rule 93(a).



rejection fee of \$200 to the clerk of the court.<sup>7</sup> The rejection fee is intended to discourage frivolous rejections. If these four conditions are not met, the party may be barred from rejecting the award and any other party to the action may petition the court to enter a judgment on the arbitration award.

After a party successfully rejects an arbitration award, the supervising judge for arbitration places the case on the trial call.

### **Appointment, Qualification, and Compensation of Arbitrators**

The Supreme Court provides the rules that govern the mandatory arbitration program. The requirements of arbitrators and court-supported arbitration jurisdiction can be located in Supreme Court Rule 86 *et seq.*

### **Alternative Dispute Resolution Coordinating Committee of the Illinois Judicial Conference Activities**

The Alternative Dispute Resolution Coordinating Committee is a committee of the Illinois Judicial Conference which was created by the Supreme Court.

The charge of the Committee is to monitor and assess the court-annexed mandatory arbitration programs. The Committee also surveys and compiles information on existing court-supported dispute resolution programs, suggests broad-based policy recommendations, explores and examines innovative dispute resolution processing techniques, and studies the impact of proposed rule amendments. In addition, the Committee also works on drafting rule amendments in light of suggestions and information received from program participants, supervising judges, and arbitration administrators.

One of the Committee's main activities this past year was drafting rule amendments and proposals. Pursuant to recommendations made by the Committee, the Supreme Court amended Rule 87(d) to allow arbitrators to

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<sup>7</sup>See Illinois Supreme Court Rule 93. As noted earlier, the Supreme Court amended Rule 93 to mandate that when the arbitrators return an arbitration award of over \$30,000 a party must pay \$500 to reject the award.

have the oath of an arbitrator administered once in counties or circuits where they intended to serve on an arbitration panel. In addition, the Supreme Court also provided an amendment for Rule 94 to revise the form for the oath of an arbitrator accordingly.

The Committee continues to monitor the effects of Supreme Court Rules on arbitration practice and will continue to provide direction for the successful implementation of the program.

## **FISCAL YEAR 2001 STATISTICS**

Court-annexed mandatory arbitration has now been operating in Illinois for a little more than fourteen years. The statistics discussed below provide a detailed depiction of the continued success of the program.

### **Introduction**

Statistics are maintained by each of the fifteen arbitration programs to ensure that the program is meeting its goals of reducing case backlog and providing faster dispositions to litigants. The arbitration calendar is divided into three stages for the collection of arbitration statistics. The stages are pre-hearing, post-hearing, and post-rejection. Close monitoring and supervision of events at each of these stages helps to determine the efficacy of the arbitration process. Each arbitration stage has its own inventory of cases pending at the beginning of each reporting period, its own statistical count of cases added and removed during each reporting period, and its own inventory of cases pending at the end of each reporting period.

### **Pre-Hearing Calendar**

Cases at the first stage of the arbitration process, the pre-hearing stage, are cases that are pending an arbitration hearing. There are three sources from which cases are added to the pre-hearing calendar: new filings, reinstatements, and transfers from other calendars.

Cases may be removed from the pre-hearing arbitration calendar in either a dispositive or non-dispositive manner. A dispositive removal from the pre-hearing arbitration calendar is one which terminates the case prior to

commencement of the arbitration hearing. There are generally three types of pre-hearing dispositive removals: the entry of judgment; some form of dismissal; or the entry of a settlement order by the court.

A non-dispositive removal of a case from the pre-hearing arbitration calendar may either remove the case from the arbitration calendar altogether or simply move it along to the next stage of the arbitration process. An example of a non-dispositive removal which removes the arbitration case from the arbitration calendar altogether is when a case is placed on a special calendar. A case assigned to a special calendar is removed from the arbitration calendar, but not terminated. For example, a case transferred to a bankruptcy calendar generally stays all arbitration-related activity and assignment to this special calendar is considered a non-dispositive removal from the arbitration calendar.

Another type of non-dispositive removal from the pre-hearing calendar is a transfer out of arbitration. Occasionally a judge may decide that a case is not suited for arbitration. The judge may then transfer the case to a more appropriate calendar. Finally, an arbitration hearing is also a non-dispositive removal from the pre-hearing calendar.

### **Pre-Hearing Statistics**

To reduce backlog and to provide litigants with the quickest disposition for their cases, Illinois' arbitration system encourages attorneys and litigants to focus their early attention on arbitration-eligible cases. Therefore, the practice is to set a firm and prompt date for the arbitration hearing so that disputing parties, anxious to avoid the time and cost of an arbitration hearing, have a powerful incentive to negotiate prior to the hearing. In instances where a default judgment can be taken, parties are also encouraged to seek that disposition at the earliest possible time.

Therefore, as cases move through the steps in the arbitration process, a sizeable portion of each court's total caseload should terminate voluntarily or by court order in advance of the arbitration hearing if the process is operating well. Fiscal Year 2001 statistics demonstrate that parties are carefully managing their cases, working to settle their disputes without significant court

intervention, and settling their differences prior to the arbitration hearing.

During Fiscal Year 2001, 15,570 cases on the pre-hearing arbitration calendar were disposed through default judgment, dismissal, or some other form of pre-hearing termination.<sup>8</sup> Therefore, a statewide average of 44% of the cases referred to arbitration were disposed prior to the arbitration hearing.<sup>9</sup>

While it is true that a large number of these cases may have terminated without the need for a trial, arbitration tends to induce disposition sooner in the life of most cases because firm arbitration hearing dates are set within one year of the case's entrance into the arbitration process.

Additionally, these terminations via court-ordered dismissals, voluntary dismissals, settlement orders, and default judgments typically require very little court time to process. To the extent that arbitration encourages these dispositions, the system helps save the court and the litigants the expense of costlier, more time consuming proceedings that might have been necessary without arbitration programs.

This high rate of pre-hearing terminations also allows each court to remain current with its hearing calendar and may allow the court to reduce a backlog. It is this combination of pre-hearing terminations and arbitration hearing capacity that enables the system to absorb and process a greater number of cases in less time. In some instances, individual county numbers are even more impressive.

### ***St. Clair County***

St. Clair County reported that 1,711 cases were referred to court-annexed mandatory arbitration during Fiscal Year 2001 and 462 cases were pending on the pre-hearing arbitration calendar at the end of Fiscal Year

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<sup>8</sup>Cases disposed during Fiscal Year 2001 will include those cases pending at the end of Fiscal Year 2000. Additionally, not all cases referred to arbitration during Fiscal Year 2001 will have disposition information available. Some cases are still pending. Therefore, the statistics provided in this report give the reader a snapshot of the progress of arbitration cases through June 30, 2001.

<sup>9</sup>This number is derived by dividing the number of cases disposed via some form of prehearing termination during Fiscal Year 2001, (15,570) by the inventory of arbitration cases at the prehearing stage during Fiscal Year 2001. The inventory of cases at the prehearing stage is the sum of the number of arbitration cases pending statewide at the end of Fiscal Year 2000, (4,523) and the number of cases transferred or filed in arbitration during Fiscal Year 2001 (30,603).

2000. During Fiscal Year 2001, 1,550 cases were disposed prior to the arbitration hearing. Therefore, as of June 30, 2001, 71% of the cases on the pre-hearing arbitration calendar were disposed prior to the arbitration hearing.

During Fiscal Year 2001, 167 arbitration hearings were held in St. Clair County. Therefore, as of June 30, 2001, 8% of the cases on the arbitration pre-hearing calendar progressed to the arbitration hearing.

### ***Winnebago County***

During Fiscal Year 2001, Winnebago County reported that 946 cases were funneled into the arbitration program. At the end of Fiscal Year 2000, 166 cases were pending on the pre-hearing arbitration calendar.

Prior to the arbitration hearing, 859 cases were terminated. Therefore, as of June 30, 2001, 77% of cases on the pre-hearing arbitration calendar were disposed prior to the arbitration hearing.

During Fiscal Year 2001, Winnebago County reported that 119 cases progressed to hearing. Therefore, as of June 30, 2001, only 11% of the cases on the pre-hearing arbitration calendar went to hearing.

### ***McHenry County***

McHenry County reported that 847 cases were transferred or filed as arbitration-eligible during Fiscal Year 2001. At the end of Fiscal Year 2000, 184 cases were pending on the pre-hearing arbitration calendar. During Fiscal Year 2001, 648 cases were disposed in some way prior to the arbitration hearing. Therefore, 64% of the cases on the pre-hearing arbitration calendar were disposed prior to the hearing.

During Fiscal Year 2001, McHenry County held 121 arbitration hearings. Therefore, as of June 30, 2001, only 12% of the cases on the pre-hearing arbitration calendar progressed to hearing.

### ***Lake County***

Lake County reported that 2,072 cases were filed in or transferred to the arbitration calendar during Fiscal Year 2001. There were 449 cases pending on the pre-hearing calendar at the end of Fiscal Year 2000. During Fiscal Year 2001, 1,584 cases were disposed prior to their progression to an arbitration hearing. Therefore, as of June 30, 2001, 63% of the cases on the pre-hearing arbitration calendar were disposed prior to the hearing.

Lake County reported conducting 403 hearings during Fiscal Year 2001. Therefore, as of June 30, 2001, only 16% of the cases on the pre-hearing arbitration calendar progressed to hearing.

### ***Du Page County***

During Fiscal Year 2001, Du Page County reported on two types of cases, those seeking up to \$30,000 in damages and those seeking over \$30,000 but less than \$50,000 in damages.

Du Page reported that 2,701 cases were filed in arbitration for cases seeking up to \$30,000 in damages and 385 cases for damage claims of at least \$30,000 but less than \$50,000. There were 1,634 cases pending on the pre-hearing calendar at the end of Fiscal Year 2000. During Fiscal Year 2001, a total of 4,720\* cases were funneled through the arbitration system.

For the entire range (\$5,000 to \$50,000) of arbitration cases, a total of 3,086 cases were filed in Fiscal year 2001. Of those cases, 2,739 cases were terminated in some way at the pre-hearing stage. Therefore, as of June 30, 2001, 58% of the cases on the pre-hearing calendar for the entire monetary range (\$5,000 to \$50,000) were disposed prior to hearing.

During Fiscal Year 2001, DuPage County held 636 arbitration hearings for the entire monetary range (\$5,000 to \$50,000). Therefore, as of June 30, 2001, only 13% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

In the \$30,000 to \$50,000 range, 385 cases were filed on the pre-hearing arbitration calendar in Fiscal Year 2001. Approximately 30% of the cases on the pre-hearing arbitration calendar are terminated prior to an

arbitration hearing.

For the \$30,000 to \$50,000 range, 138 cases progressed to an arbitration hearing. Therefore, as of June 30, 2001, 19% of the cases filed on the pre-hearing arbitration calendar progressed to hearing. Of the 138 cases that went to an arbitration hearing, 85 were auto cases, 17 were tort cases, 33 were contract cases, and 3 were miscellaneous cases.

### ***Kane County***

Kane County reported that 1,372 cases were referred to arbitration during Fiscal Year 2001. At the end of Fiscal Year 2000, 30 cases were pending on the pre-hearing arbitration calendar. During Fiscal Year 2001, 1,105 cases were disposed prior to the arbitration hearing. Therefore, as of June 30, 2001, 79% of the cases on the pre-hearing arbitration calendar were disposed prior to an arbitration hearing.

During Fiscal Year 2001, Kane County conducted 220 arbitration hearings. Therefore, as of June 30, 2001, only 16% of the cases on the pre-hearing arbitration calendar progressed to an arbitration hearing.

### ***Boone County***

Boone County reported that 66 cases were referred to arbitration during Fiscal Year 2001. At the end of Fiscal Year 2000, 21 cases were pending on the pre-hearing arbitration calendar. In Fiscal Year 2001, prior to the arbitration hearing, 51 cases were disposed. Therefore, as of June 30, 2001, 59% of the cases on the pre-hearing arbitration calendar were disposed prior to the arbitration hearing.

Boone County held 9 arbitration hearings during Fiscal Year 2001. Therefore, as of June 30, 2001, only 10% of the cases on the pre-hearing arbitration calendar progressed to hearing.

### ***Will County***

In Fiscal Year 2001, Will County reported that 1,615 cases were filed or transferred to arbitration. At the end of Fiscal Year 2000, 652 cases were

pending on the pre-hearing calendar. During Fiscal Year 2001, 1,330 pre-hearing dispositions were reported. Therefore, as of June 30, 2001, 59% of all cases filed or transferred into arbitration were disposed prior to the arbitration hearing.

Will County reported that it held 257 hearings during Fiscal Year 2002. Therefore, as of June 30, 2001, only 11% of the cases on the pre-hearing arbitration calendar progressed to an arbitration hearing.

### ***McLean County***

McLean County reported that in Fiscal Year 2001, 1,104 cases were filed or transferred into arbitration. At the end of Fiscal Year 2000, 442 cases were pending on the pre-hearing arbitration calendar. McLean County reported that 881 cases were disposed pre-hearing. Therefore, 57% of the cases filed or transferred into arbitration were disposed pre-hearing.

McLean County reported that it held 98 hearings during Fiscal Year 2001. Therefore, as of June 30, 2001, only 6% of the cases on the pre-hearing arbitration calendar progressed to hearing.

### ***Ford County***

In Fiscal Year 2001, Ford County reported 39 cases filed or transferred into arbitration with 34 of those cases disposed pre-hearing. Therefore, 81% of the cases in the arbitration program were disposed prior to hearing.

Ford County reported that it conducted 3 arbitration hearings during Fiscal Year 2001. Therefore, as of June 30, 2001, only 7% of the arbitration-eligible cases progressed to hearing in Ford County.

### ***Rock Island County***

In Fiscal Year 2001<sup>10</sup>, Rock Island County reported 390 cases filed or transferred into arbitration. Before the implementation of the program, 53 cases were already pending on the pre-hearing arbitration calendar. Rock

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<sup>10</sup>Rock Island, Henry, Mercer, and Whiteside Counties (14<sup>th</sup> Judicial Circuit) started their mandatory arbitration programs in October 2000. Therefore, the program was not in existence for the entire fiscal year.



Island County reported that 206 cases were disposed pre-hearing. Therefore, 47% of the cases filed or transferred into arbitration were disposed pre-hearing.

Rock Island County reported that it held 59 arbitration hearings during Fiscal Year 2001. Therefore, as of June 30, 2001, only 13% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

### ***Henry County***

In Fiscal Year 2001, Henry County reported 64 cases filed or transferred into arbitration. Before implementation of the program, 14 cases were already pending on the pre-hearing arbitration calendar. Henry County reported that 27 cases were disposed pre-hearing. Therefore, 35% of the cases filed or transferred into arbitration were disposed pre-hearing.

Henry County reported that it held 4 arbitration hearings during Fiscal Year 2001. Therefore, as of June 30, 2001, only 5% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

### ***Mercer County***

In Fiscal Year 2001, Mercer County reported 8 cases filed or transferred into arbitration. Because this was a new program, there were no cases pending on the pre-hearing arbitration calendar. Mercer County reported that 2 cases were disposed pre-hearing. Therefore, 25% of the cases filed or transferred into arbitration were disposed pre-hearing.

In Fiscal Year 2001, Mercer County did not hold any arbitration hearings.

### ***Whiteside County***

In Fiscal Year 2001, Whiteside County reported 150 cases filed or transferred into arbitration. Before the implementation of the program, 24 cases were already pending on the pre-hearing calendar. Whiteside County reported that 102 cases were disposed pre-hearing. Therefore, 59% of the cases filed or transferred into arbitration were disposed pre-hearing.

Whiteside County reported that it held 9 arbitration hearings during Fiscal Year 2001. Therefore, as of June 30, 2001, only 5% of the cases filed on the pre-hearing arbitration calendar progressed to hearing.

### ***Cook County***

The Cook County statistics differ significantly. During Fiscal Year 2001, 16,748 cases were transferred into the Cook County arbitration program. At the end of Fiscal Year 2000, 60 cases were pending on the pre-hearing arbitration calendar. As of June 30, 2001, 4,219 cases were disposed prior to the arbitration hearing. Therefore, as of June 30, 2001, 25% of the cases in the arbitration program in Cook County were disposed prior to the arbitration hearing.

The Cook County program conducted 11,835 hearings during Fiscal Year 2001. Therefore, as of June 30, 2001, 70% of the cases on the pre-hearing arbitration calendar progressed to hearing.

This is a much different picture than the one reported by other counties and can be explained by examining the Cook County arbitration program. As noted above, in Cook County, cases seeking between \$5,000 and \$50,000 in money damages are filed as Municipal Department cases. Cases within this category that are arbitration-eligible (cases seeking up to \$30,000 in money damages) are transferred to arbitration only after all pre-hearing matters have been heard and decided. Statistics are not available on the number of cases that may have been arbitration-eligible but were disposed prior to their transfer to arbitration.

Instead, statistics are available only on those cases which were transferred to arbitration and then were disposed prior to the hearing. This window of time is much shorter than the window of time for which statistics are provided by other counties. Additionally, a number of cases have already been disposed of, meaning the cases transferred have already gone through a substantial review process prior to their transfer to the arbitration program. Therefore, although it appears that fewer cases are disposed prior to an arbitration hearing in the arbitration process in the Cook County system, we cannot be sure that this is true because in Cook County cases are counted

substantially later in the process and for a substantially shorter time frame.

In the Circuit Court of Cook County, after preliminary hearing matters are decided and the case has been transferred to arbitration, the clerk of the court will set a date for the arbitration hearing. The clerk of the court waits until 30 days prior to the closure date for discovery before setting the arbitration hearing date to ensure that discovery is closed prior to the arbitration hearing.

In summary, the statistics provided by all programs on cases at the arbitration pre-hearing stage demonstrate that the parties are working to settle their differences without significant court intervention, prior to the arbitration hearing. The arbitration hearings induce these early settlements by forcing the parties to carefully manage the case prior to the arbitration hearing. Because arbitration hearings are held within one year of the filing of the arbitration case or the transfer of the case to the arbitration program, in most counties the circuit court can dispose of approximately 80- 90% of the arbitration caseload within one year of the filing of the case. This case management tool provides swifter dispositions for litigants.

### **Post-Hearing Calendar**

The post-hearing arbitration calendar consists of cases which have been heard by an arbitration panel and are waiting further action. Upon conclusion of an arbitration hearing, a case is removed from the pre-hearing arbitration calendar and added to the post-hearing calendar. Although the arbitration hearing is the primary source of cases added to the post-hearing calendar, cases previously terminated following a hearing may subsequently be reinstated (added) at this stage. However, this is a rare occurrence even in the larger courts.

The arbitration administrators report three types of post-hearing removals from the arbitration calendar: entry of judgment on the arbitration award; some other post-hearing termination of the case including dismissal or settlement by order of the court; or rejection of the arbitration award. While any of these actions will remove a case from the post-hearing calendar, only judgment on the award, dismissal, and settlement result in termination of the case, which are dispositive removals. Post-hearing terminations, or

dispositive removals, are typically the most common means by which cases are removed from the post-hearing arbitration calendar.

A rejection of an arbitration award is a non-dispositive removal of a case from the post-hearing arbitration calendar. A rejection removes the case from the post-hearing arbitration calendar and places it on the post-rejection arbitration calendar.

### **Post-Hearing Statistics**

A commonly cited measure of performance for court-annexed arbitration programs is the extent to which awards are accepted by the litigants as the final resolution of the case. However, parties have many resolution options after the arbitration hearing is concluded. Therefore, tracking the various options by which post-hearing cases are removed from the arbitration inventory gives a more accurate picture of the movement of cases than would looking only at the number of arbitration awards rejected.

When a party is satisfied with the arbitration award, they may move the court to enter judgment on the award. If no party rejects the arbitration award, the court may enter judgment on the award.

Additionally, figures reported show that approximately another 39% of the cases which progress to a hearing were disposed after the arbitration hearing on terms other than those stated in the award. These cases are disposed either through settlement reached by the parties or by dismissals.

These statistics demonstrate that in a significant number of cases which progress to hearing, although the parties may agree with the arbitrator's assessment of the worth of the case, they may not want a judgment entered against them so they work to settle the conflict prior to the deadline for rejecting the arbitration award.

The post-hearing statistics for counties with arbitration programs consisting of judgments entered on the arbitration award<sup>11</sup>, settlements

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<sup>11</sup>Judgment on the award statistics are generated by dividing the number of judgments on an arbitration award into the total number of cases on the post-hearing calendar. The total number of cases on the post-hearing calendar is generated by adding the number of cases added during FY2001 to the number of cases pending on the post-hearing calendar as of FY2000.

reached after the arbitration award and prior to the expiration for the filing of a rejection, are detailed herein.

- **St. Clair County** reported the entry of 87 judgments on arbitration awards during Fiscal Year 2001. Therefore, in St. Clair County, 47% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration award. An additional 26 cases were settled prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in St. Clair County, 14% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing settlement.
- **McHenry County** reported the entry of 37 judgments on arbitration awards during Fiscal Year 2001. Therefore, in McHenry County, 27% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration award. An additional 37 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in McHenry County, 27% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Lake County** reported the entry of 89 judgments on arbitration awards during Fiscal Year 2001. Therefore, in Lake County, 18% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration award. An additional 101 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in Lake County, 21% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Du Page County** reported two sets of figures. In DuPage County, for cases between \$30,000 and \$50,000, records reflect the entry of 24 judgements on arbitration awards during Fiscal Year 2001. Therefore, for DuPage County cases between \$30,000 and \$50,000 which had an arbitration hearing prior to June 30, 2001, 17% of cases were disposed when judgement was entered on the arbitration award. An additional 25

cases were either settled or dismissed prior to the expiration for the filing of a rejection. Therefore, 18% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.

In the range encompassing \$5,000 to \$50,000 in damages, DuPage County reported the entry of 161 judgements on arbitration awards during Fiscal Year 2001. Therefore, 22% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgement was entered on the arbitration award. An additional 172 cases were either settled or dismissed prior to the expiration for the filing of a rejection. Therefore, 23% for the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by post-arbitration hearing dismissal or settlement.

- **Will County** reported the entry of 79 judgments on arbitration awards during Fiscal Year 2001. Therefore, in Will County 25% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration award. An additional 81 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in Will County, 26% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Winnebago County** reported the entry of 28 judgments on arbitration awards during Fiscal Year 2001. Therefore, in Winnebago County, 21% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration award. An additional 28 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in Winnebago County, 21% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Kane County** reported the entry of 61 judgments on arbitration awards during Fiscal Year 2001. Therefore, in Kane County, 24% of the cases in which a hearing was held on or before June 30, 2001, were disposed

when judgment was entered on the arbitration award. An additional 29 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in Kane County, 11% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.

- **Boone County** reported the entry of 3 judgments on arbitration awards during Fiscal Year 2001. Therefore, in Boone County, 23% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration award. An additional 2 were cases dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in Boone County, 15% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **McLean County** reported the entry of 41 judgments on arbitration awards during Fiscal Year 2001. Therefore, in McLean County, 32% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration award. An additional 17 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in McLean County, 13% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- **Ford County** reported that 3 cases were added to the post-hearing calendar and all of them received a judgment on the arbitration award entered during Fiscal Year 2001. Therefore, in Ford County, 100% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration award.
- **Rock Island County**<sup>12</sup> reported the entry of 21 judgments on arbitration awards during Fiscal Year 2001. Therefore, in Rock Island County, 35% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration

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<sup>12</sup>Rock Island, Henry, Mercer, and Whiteside Counties (14<sup>th</sup> Judicial Circuit) started their mandatory arbitration programs in October, 2000. Therefore, the program was not in existence for the entire fiscal year.

award. An additional 4 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in Rock Island County, 7% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.

- ***Mercer County*** reported no activity on the post hearing calendar.
- ***Henry County*** reported the entry of 2 judgments on arbitration awards during Fiscal Year 2001. Therefore, in Henry County, 50% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration award. One additional case was either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in Henry County, 25% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- ***Whiteside County*** reported the entry of 2 judgments on arbitration awards during Fiscal Year 2001. Therefore, in Whiteside County, 22% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration award. An additional 2 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in Whiteside County, 22% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.
- ***Cook County*** reported the entry of 3,203 judgments on arbitration awards during Fiscal Year 2001. Therefore, in Cook County, 27% of the cases in which a hearing was held on or before June 30, 2001, were disposed when judgment was entered on the arbitration award. An additional 4,952 cases were either settled or dismissed prior to the expiration for the filing of a rejection. In Fiscal Year 2001 in Cook County, 42% of the cases which proceeded to an arbitration hearing were removed from the post-hearing calendar by a post-arbitration hearing dismissal or settlement.

As indicated earlier, parties may also reject the arbitration award and



proceed to trial. Parties may file a notice of rejection of the arbitration award for the same variety of tactical reasons that they file notices of appeal from trial court judgments. The Alternative Dispute Resolution Coordinating Committee of the Illinois Judicial Conference recently reported that the rejection rate, when studied alone and out of context, may be a misleading indicator of the actual success of the arbitration programs.

Rejection rates for arbitration awards varied from county to county. The overall statewide average for the rejection rate was 49% in Fiscal Year 2001.

During Fiscal Year 2001, the mandatory arbitration programs reported the following rejection rates: Boone County, 55%; Cook County, 48%; Du Page County, 56%; Henry County, 25%; Kane County, 60%; Lake County, 55%; McHenry County, 42%; McLean County, 23%; Mercer County, 0%; Rock Island County, 40%; St. Clair County, 33%; Whiteside County, 0%; Will County, 44%; Winnebago County, 57%.

### **Post-Rejection Calendar**

The post-rejection calendar consists of arbitration cases in which one of the parties rejects the award of the arbitrators and seeks a trial before a judge or jury. In addition, cases which are occasionally reinstated at this stage of the arbitration process may be added to the inventory of cases pending post-rejection action. Removals from the post-rejection arbitration calendar are generally dispositive. When a case is removed by way of judgment before or after trial, dismissal, or settlement, it is removed from the court's inventory of pending civil cases.

### **Post-Rejection Statistics**

Although rejection rates are an important indicator of the success of an arbitration program, parties have many resolution options still available after rejecting the arbitration award. As noted above, parties file a notice of rejection of the arbitration award for the same variety of tactical reasons that they file notices of appeal from trial court judgments. Therefore, a more important number than the rejection rate may be the frequency with which

arbitration cases are settled subsequent to the rejection but prior to trial in the circuit court.

Arbitration statistics demonstrate that few arbitration cases proceed to trial even after the arbitration award is rejected.

- In *Cook County* (Fiscal Year 2001), of the 5,725 cases placed on the post-rejection calendar, 657 cases were disposed via trial and 2,849 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means that 3.91% of the total cases funneled into the arbitration program in Cook County during Fiscal Year 2001 resulted in trial.
- In *Du Page County* of the cases between \$5,000 and \$50,000 funneled into the arbitration system, 356 cases were placed on the post-rejection calendar, 118 cases were disposed of via trial, and 311 were settled, dismissed or otherwise disposed and removed from the post-rejection calendar. This means only 2.5% of the total cases that traveled through the arbitration system in Fiscal Year 2001 were disposed via trial.

Of the cases between \$30,000 and \$50,000 funneled into the arbitration system, 89 cases were placed on the post-rejection calendar, 15 cases were disposed of via trial, and 49 were settled, dismissed or otherwise disposed and removed from the post-rejection calendar. This means only 2.1% of the total cases that traveled through the arbitration system in Fiscal Year 2001 were disposed via trial.

- In *Ford County* (Fiscal Year 2001), there was no activity on the post-rejection calendar.
- In *Winnebago County* (Fiscal Year 2001), of the 66 cases placed on the post-rejection calendar, 14 cases were disposed via trial and 42 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means that 1.26% of the total cases funneled into the arbitration program in Winnebago County during Fiscal Year 2001 resulted in trial.
- In *Lake County* (Fiscal Year 2001), of the 235 cases placed on the post-

rejection calendar, 67 cases were disposed via trial and 171 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means only 2.66% of the total cases funneled into the arbitration program in Lake County during Fiscal Year 2001 resulted in trial.

- In *McHenry County* (Fiscal Year 2001), of the 54 cases placed on the post-rejection calendar, 18 cases were disposed via trial and 35 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means only 1.75% of the total cases funneled into the arbitration program in McHenry County during Fiscal Year 2001 resulted in trial.
- In *McLean County* (Fiscal Year 2001), of the 23 cases placed on the post-rejection calendar, 10 cases were disposed via trial and 13 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means less than 1% of the total cases funneled into the arbitration program in McLean County during Fiscal Year 2001 resulted in trial.
- In *St. Clair County* (Fiscal Year 2001), of the 55 cases placed on the post-rejection calendar, 15 cases were disposed via trial and 50 were settled or dismissed or otherwise disposed and removed from the post-rejection calendar. This means only 1% of the total cases funneled into the arbitration program in St. Clair County during Fiscal Year 2001 resulted in trial.
- In *Kane County* (Fiscal Year 2001), of the 128 cases placed on the post-rejection calendar, 38 cases were disposed via trial and 81 were settled or otherwise disposed and removed from the post-rejection calendar. This means only 2.71% of the total cases funneled into the arbitration program in Kane County during Fiscal Year 2001 resulted in trial.
- In *Will County* (Fiscal Year 2001), of the 115 cases placed on the post-rejection calendar, 23 cases were disposed of via trial and 64 cases were settled, dismissed, or otherwise disposed and removed from the post-rejection calendar. This means that 1.01% of the total cases

funneled into the arbitration program in Will County during Fiscal Year 2001 resulted in trial.

- In *Boone County* (Fiscal Year 2001), of the 5 cases placed on the post-rejection calendar, 1 case was disposed of via trial and 3 cases were either settled or dismissed and removed from the post-rejection calendar. This means that 1.15% of the total cases funneled into the arbitration program in Boone County during Fiscal Year 2001 resulted in trial.
- In *Rock Island County*<sup>13</sup> (Fiscal Year 2001), of the 27 cases placed on the post-rejection calendar, 1 case was disposed of via trial and 7 cases were either settled or dismissed and removed from the post-rejection calendar. This means that 1.15% of the total cases funneled into the arbitration program in Rock Island County during Fiscal Year 2001 resulted in trial.
- In *Henry County* (Fiscal Year 2001), one case had been placed on the calendar and is still pending settlement.
- In *Mercer County* (Fiscal Year 2002), there was no activity on the post-rejection calendar.
- In *Whiteside County* (Fiscal Year 2002), there was no activity on the post-rejection calendar.

These percentages were generated with figures submitted through June 30, 2001. Some cases in which an arbitration award was rejected and the case was transferred to the post-rejection calendar remain pending.

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<sup>13</sup>Rock Island, Henry, Mercer, and Whiteside Counties began their mandatory arbitration program in October, 2000. Therefore, the program was not in existence for the entire fiscal year.

## CONCLUSION

Taken together, these figures are convincing evidence that the arbitration system is operating consistent with policy makers' initial expectations for the program.

Statewide figures show that only a small number of the cases filed or transferred into arbitration proceed to an arbitration hearing. Arbitration-eligible cases are resolved and disposed prior to hearing in ways that do not use a significant amount of court time. Court-ordered dismissals, voluntary dismissals, settlement orders, and default judgments typically require very little court time to process. Arbitration encourages dispositions earlier in the life of cases, helps the court operate more efficiently, saves the court the expense of costlier proceedings that might have been necessary later, and saves time, energy, and money of the individuals using the court system to resolve their disputes.

Statewide statistics also show that a large number of cases that do proceed to the arbitration hearing are terminated in a post-hearing proceeding when the parties either petition the court to enter judgment on the arbitration award or remove the case from the arbitration calendar via another form of post-hearing termination, including settlement.

Finally, the overall success of the program can be quantified in the fact that a statewide average of only 3% of the cases processed through an arbitration program proceeded to trial in Fiscal Year 2001.

## **CIRCUIT PROFILES**

### **Eleventh Judicial Circuit**

The Supreme Court of Illinois entered an order in March, 1996, allowing both McLean and Ford Counties to begin arbitration programs. Therefore, two counties within the five-county circuit currently use court-annexed mandatory arbitration as a case management tool. The Eleventh Judicial Circuit arbitration program is housed near the McLean County Law and Justice Center in Bloomington, Illinois.

The supervising judge for arbitration in McLean County is Judge Kevin P. Fitzgerald. The supervising judge for arbitration in Ford County is Judge Stephen R. Pacey. The supervising judges are assisted by one administrative assistant for arbitration for both the McLean and Ford County programs.

### **Twelfth Judicial Circuit**

The Twelfth Judicial Circuit is one of only three single-county circuits in Illinois. The Will County Arbitration Center is housed near the courthouse in Joliet, Illinois. According to the 2000 federal census, the county is home to 502,266 residents. Straddling the line between a growing urban area and a farm community, Will County is working to keep current with its increasing caseload.

After the Supreme Court approved its request, Will County began hearing arbitration cases in December of 1995. Judge Amy Bertani-Tomczak is the supervising judge for arbitration in the Twelfth Judicial Circuit. She is assisted by a trial court administrator and an administrative assistant.

### **Fourteenth Judicial Circuit**

The Fourteenth Judicial Circuit is comprised of Rock Island, Henry, Mercer, and Whiteside Counties. This circuit is the most recent to receive Supreme Court approval to begin operating an arbitration program. In November of 1999, the Supreme Court authorized the inception of the

program and arbitrations began in October, 2000. Hearings are conducted in an arbitration center located in downtown Rock Island.

The Fourteenth Circuit is the first program to receive permanent authorization to hear cases with damage claims between \$30,000 and \$50,000. The supervising judge for arbitration is Judge Mark A. VandeWiele.

### **Sixteenth Judicial Circuit**

The Sixteenth Judicial Circuit consists of DeKalb, Kane, and Kendall Counties. During Fiscal Year 1994, the Supreme Court approved the request of Kane County to begin operating a court-annexed mandatory arbitration program. Initial arbitration hearings were held in June, 1995.

Judge Richard J. Larson is the supervising judge for arbitration in Kane County. He is assisted by an administrative assistant for arbitration.

### **Seventeenth Judicial Circuit**

The Seventeenth Judicial Circuit is a two-county circuit in north central Illinois consisting of Winnebago and Boone Counties. The arbitration center is located in Rockford, which is one of the largest cities in the state and has a population of 320,204, according to 2000 federal census data. In the fall of 1987, court-annexed mandatory arbitration was instituted as a pilot program in Winnebago County, making it the oldest court-annexed arbitration system in the state.

Since its inception, the arbitration program in Winnebago County has consistently processed nearly 1,000 civil cases every year. Judge Timothy R. Gill is the supervising judge for Winnebago County. The Boone County program, which began hearings in February, 1995, is supervised by Judge Gerald F. Grubb. The supervising judges are assisted by an arbitration administrator and an assistant administrator for arbitration.

## **Eighteenth Judicial Circuit**

The Eighteenth Judicial Circuit is a suburban jurisdiction serving the residents of Du Page County. Located west of Chicago, Du Page is one of the fastest growing counties in the state and the third most populous judicial circuit in Illinois. The continuing increase in population creates demands on the public services in the county. The circuit court has strived to keep pace with those demands in order to provide services of the highest quality. Court-annexed arbitration has become an important resource for assisting the judicial system in delivering those services.

The Supreme Court approved an arbitration program for the circuit in December, 1988. On January 1, 1997 a pilot program was instituted and cases with money damages seeking up to \$50,000 were added to the program. Judge Hollis L Webster is the supervising judge for arbitration. She is assisted by an arbitration administrator and administrative assistant, who help ensure the smooth operation of the program.

The Eighteenth Judicial Circuit filed a report for the first year of the pilot project for cases between \$30,000 and \$50,000 with the Supreme Court in Fiscal Year 1999. The Supreme Court continues to approve the pilot project.

## **Nineteenth Judicial Circuit**

Lake and McHenry Counties combine to form the Nineteenth Judicial Circuit. This jurisdiction ranks as the second most populous judicial circuit in Illinois, serving 904,433 citizens. Lake County sought Supreme Court approval to implement an arbitration program and that approval was granted in December, 1988.

As in the other circuits, the arbitration caseloads are assigned to a supervising judge. During Fiscal Year 2001, Judge Emilio B. Santi served as the supervising judge for arbitration in Lake County. He is assisted by an arbitration administrator and an administrative assistant. Arbitration hearings are conducted in a facility across the street from the Lake County Courthouse in downtown Waukegan.



Late in 1990, the Supreme Court was asked to consider the Nineteenth Judicial Circuit's request to expand the arbitration program into McHenry County. That request was approved. The Nineteenth Judicial Circuit was the first multi-county circuit-wide arbitration program in Illinois. Although centrally administered, the arbitration programs in Lake and McHenry Counties use their own county-specific group of arbitrators to hear cases.

Judge Maureen P. McIntyre serves as the supervising judge in McHenry County. Arbitration hearings are conducted in the McHenry County Courthouse in Woodstock. The arbitration administrator and administrative assistant in Lake County administer the program in McHenry County as well.

### **Twentieth Judicial Circuit**

The Twentieth Judicial Circuit is comprised of five counties: St. Clair, Perry, Monroe, Randolph, and Washington. This circuit is located in downstate Illinois and is considered a part of the St. Louis metropolitan area. Circuit population is 355,836 according to the 2000 federal census.

The Supreme Court approved the request of St. Clair County to begin an arbitration program on May 11, 1993. The first hearings were held in February, 1994. This circuit is the first and only circuit in the downstate area to have an arbitration program.

The arbitration center is located across the street from the St. Clair County Courthouse. Judge Jan V. Fiss is the supervising judge. He is assisted by an arbitration administrator and an administrative assistant, who oversee the program's operations.

### **Circuit Court of Cook County**

As a general jurisdiction trial court, the Circuit Court of Cook County is the largest unified court in the nation. Serving a population of more than 5.3 million people, this court operates through an elaborate system of administratively created divisions and geographical departments.

The Supreme Court granted approval to implement an arbitration program in Cook County in January, 1990, after the Illinois General Assembly and the Governor authorized a supplemental appropriation measure for the start-up costs. Cases pending in the circuit's Law Division were initially targeted for referral to arbitration and hearings for those cases commenced in April, 1990. Today, the majority of the cases transferred to arbitration are Municipal Department cases.

The Cook County program is supervised by Judge Jacqueline P. Cox, and day-to-day operations are managed by an arbitration administrator and deputy administrator.

### **Administrative Office of the Illinois Courts**

The Administrative Office of the Illinois Courts (AOIC) works with the circuit courts to coordinate the operations of the arbitration programs throughout the state. The administrative staff assists in establishing new arbitration programs that have been approved by the Supreme Court. Staff also provide other support services such as drafting local rules, recruiting personnel, acquiring facilities, training new arbitrators, purchasing equipment, and developing judicial calendaring systems.

The AOIC also assists existing programs by preparing budgets, processing vouchers, addressing personnel issues, compiling statistical data, negotiating contracts and leases, and coordinating the collection of arbitration filing fees. The office also monitors the performance of each program. In addition, AOIC staff act as liaison to Illinois Judicial Conference committees, bar associations, and the public.