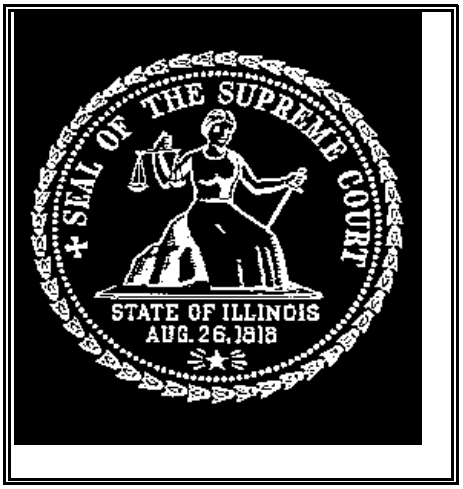
# Court-Annexed Mandatory Arbitration




# State Fiscal Year 2005 Annual Report to the Illinois General Assembly

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# INTRODUCTION

The State Fiscal Year 2005 Annual Report summarizes the activity of court-annexed mandatory arbitration from July 1, 2004 through June 30, 2005. The report includes an overview of mandatory arbitration in Illinois and contains statistical data as reported by each arbitration program. Aggregate statewide statistics are provided as an overview of Illinois' fifteen court-annexed mandatory arbitration programs. The final section of the report is devoted to providing a brief narrative and data profile for each of the court-annexed mandatory arbitration programs. To view a history of mandatory arbitration, which began in 1987, please reference the State Fiscal Year 2004 Court-Annexed Mandatory Arbitration Annual Report located on the Supreme Court's website at www.state.il.us/court.

# OVERVIEW of COURT-ANNEXED MANDATORY ARBITRATION

In Illinois, court-annexed arbitration is a mandatory, non-binding form of alternative dispute resolution. In the fifteen jurisdictions approved by the Supreme Court to operate such programs, all civil cases filed in which the amount of monetary damages being sought falls within the program's jurisdictional limit 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 by using a less formal alternative process than a typical trial court proceeding.

### Supreme Court Rules Governing Mandatory Arbitration

In the exercise of its general administrative and supervisory authority over Illinois courts, the Supreme Court promulgates comprehensive rules (Supreme Court Rule 86, *et seq.*) that prescribe actions subject to mandatory arbitration. Further, the rules address a range of operational procedures including: appointment, qualifications, and compensation of arbitrators; the scheduling of hearings; the discovery process; the conduct of hearings; absence of a party; award and judgment on an award; rejection of an award; and form of oath, award and notice of award.

# ADMINISTRATION

The Alternative Dispute Resolution Coordinating Committee of the Illinois Judicial Conference and the Administrative Office of the Illinois Courts provide ongoing, statewide support to the mandatory arbitration programs in Illinois. A brief description of the roles and functions of these two entities is provided herein.

### Alternative Dispute Resolution Coordinating Committee

The Alternative Dispute Resolution Coordinating Committee is one of seven standing committees of the Illinois Judicial Conference, whose membership is appointed by the Supreme Court. The charge of the Committee, as directed by the Supreme Court, is to monitor and assess court-annexed mandatory arbitration programs and

make recommendations for proposed policy modifications to the full body of the Illinois Judicial Conference. The Committee also surveys and compiles information on existing court-supported dispute resolution programs, explores and examines innovative dispute resolution processing techniques, and studies the impact of proposed amendments to relevant Supreme Court rules. In addition, the Committee proposes rule amendments in response to suggestions and information received from program participants, supervising judges and arbitration administrators.

### 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. Administrative Office staff assists in establishing new arbitration programs that have been approved by the Supreme Court. Staff also provide other support services such as assisting in the drafting of local rules, recruiting personnel, acquiring facilities, training new arbitrators, purchasing equipment and developing judicial calendaring systems.

The AOIC 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. In addition, AOIC staff serve as liaison to the Illinois Judicial Conference's Alternative Dispute Resolution Coordinating Committee.

During State Fiscal Year 2005, the AOIC implemented additional statistical reporting requirements for arbitration programs to permit expansion of analytical material to be included in State Fiscal Year 2006's report. The additional reporting requirements will include the collection of information on the various types of cases that proceed through arbitration (i.e. auto, contract, personal injury, collections, etc.), information on the monetary value of a case at the time of filing and the average award granted by arbitration panels in the various case types, as well as the length of time from case filing to final resolution.

## CASE FLOW and HEARING CALENDARS

### Case Assignment

In most instances cases are assigned to mandatory arbitration programs either as initially filed or by court transfer. In an initial filing, litigants may file their case with the office of the clerk of the circuit court as an arbitration case. The clerk assigns the case an “AR” designation, which places the matter directly onto the calendar of the supervising judge for arbitration. However, in the Circuit Court of Cook County, cases are not initially filed as arbitration cases. All civil cases in which the money damages being sought are between $5,000 and $50,000 are filed in the Municipal Department and are given an "M" designation by the clerk. Cases in which the money damages being sought do not exceed $30,000 are considered “arbitration-eligible.” After all preliminary matters are heard, arbitration-eligible cases are transferred to the arbitration program.

The second means by which cases are assigned to a mandatory arbitration calendar is through transfer by the court. In all jurisdictions operating a court-annexed mandatory arbitration program, if it appears to the court that no claim in the action has a value in excess of the particular arbitration program's jurisdictional amount, a case may be transferred to the arbitration calendar from another calendar. For example, if the court finds that an action originally filed as a law case (actions for damages in excess of $50,000) has a potential for damages within the jurisdictional amount for arbitration, the court may transfer the law case to the arbitration calendar.

## Pre-Hearing Matters

The pre-hearing stage for cases subject to arbitration is similar to the pretrial stage for all cases. Summons are issued, motions are made and argued, and discovery is conducted. However, for cases subject to arbitration, discovery is limited pursuant to Illinois Supreme Court Rules 89 and 222.

One of the most important features of the arbitration program is the court's control of the time elapsed between the date of filing or transfer of the case to the arbitration calendar and the arbitration hearing. Supreme Court Rule 88 mandates speedy dispositions. Pursuant to Rule, and consistent with the practices of each program site, all cases set for arbitration must proceed to hearing within one year of the date of filing or transfer to the arbitration calendar unless continued by the court upon good cause shown.

## Pre-Hearing Calendar

The first stage of the arbitration process is the pre-hearing stage. The pre-hearing arbitration calendar is comprised of new filings, reinstatements and transfers from other calendars. Cases may be removed from the pre-hearing calendar in either a dispositive or non-dispositive manner. A dispositive removal is one which terminates the case prior to commencement of the arbitration hearing. There are generally three types of pre-hearing dispositive removals: entry of a judgment, case 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 remove the case from the arbitration calendar altogether. Other non-dispositive removals may simply move the case along to the next stage of the arbitration process. Thus, a case which has proceeded to an arbitration hearing is considered a non-dispositive removal from the pre-hearing calendar. Other types of non-dispositive removals include those occasions when a case is placed on a special calendar. For example, a case transferred to a bankruptcy calendar will generally stay all arbitration-related activity. Another type of non-dispositive removal from the pre-hearing calendar occurs when a case is transferred out of arbitration. Occasionally, a judge may decide that a case is not suited for arbitration and transfer the case to the appropriate calendar.

To reduce backlog and to provide litigants with the timeliest 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 and settle the matter 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.

As a result of this program philosophy, cases move through the steps in the arbitration process and a sizeable portion of each jurisdiction's total caseload should terminate voluntarily, or by court order, in advance of the arbitration hearing if the process is operating well. An analysis of the State Fiscal Year 2005 statistics indicates that parties are carefully managing their cases and working to settle their disputes without significant court intervention prior to the arbitration hearing. During State Fiscal Year 2005, 68% of the cases on the pre-hearing arbitration calendar were disposed through default judgment, dismissal or some other form of pre-hearing termination. While it is true that a large number of these cases may have terminated without the need for a trial, arbitration tends to motivate a disposition sooner in the life of most cases because a firm arbitration hearing date has been set.

Additionally, terminations via court-ordered dismissals, voluntary dismissals, settlement orders and default judgments typically require limited 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 absent the availability of arbitration programs.

A high rate of pre-hearing terminations also allows each program site to remain current with its hearing calendar and may allow the court to reduce a backlog. The combination of pre-hearing terminations and arbitration hearing capacity enables the system to absorb and process a greater number of cases in less time. (See Appendix 1 for Pre-Hearing Calendar Data).

## Arbitration Hearing and Award

With some exceptions, the arbitration hearing resembles a traditional trial court proceeding. The Illinois Code of Civil Procedure and the rules of evidence apply. However, Supreme 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 from opinion witnesses. The streamlined mechanism for the presentation of evidence enables attorneys to present their cases without undue delay.

Unlike proceedings in the trial court, the arbitration hearing is conducted by a panel of three attorneys who serve as arbitrators and are trained pursuant to local rules. At the hearing, each party to the dispute makes a concise presentation of his/her case to the arbitrators. Immediately following the hearing, the arbitrators deliberate privately and decide the issues as presented. To find in favor of a party requires the concurrence of two arbitrators. In most instances, an arbitration hearing is completed in approximately two hours. Following the hearing and the arbitrators' disposition, the clerk of the court records the arbitration award and forwards notice to the parties. As a courtesy to the litigants, many arbitration centers post the arbitration award immediately following submission by the arbitrators, thereby notifying the parties of the outcome on

the same day as the hearing.

## Post-Hearing Calendar

The post-hearing arbitration calendar consists largely of cases which have been heard by an arbitration panel and are awaiting 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. Cases previously terminated following a hearing may also be subsequently reinstated (added) at this stage. However, this is a rare occurrence even in the larger arbitration programs.

Arbitration administrators report three types of post-hearing removals from the arbitration calendar: (1) entry of judgment on the arbitration award; (2) dismissal or settlement by order of the court; or (3) rejection of the arbitration award. While any of these actions will remove a case from the post-hearing calendar, only judgment on the award or dismissal and settlement result in termination of the case. These actions are considered 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.

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 provides the most accurate measure.

A satisfied party may move the court to enter judgment on the arbitration award. Statewide numbers indicate 26% of parties in arbitration hearings motioned the court to enter a judgment on an award. If no party rejects the arbitration award, the court may enter judgment. Figures reported indicate that approximately 40% of the cases which progressed to a hearing were disposed after the arbitration hearing on terms other than those stated in the award. These cases were disposed either through settlement reached by the parties or by voluntary dismissals. The parties work toward settling the conflict prior to the deadline for rejecting the arbitration award. These statistics suggest that in a number of cases which progress to hearing, while the parties may agree with the arbitrator's assessment of the worth of the case, they may not want a judgment entered against them.

The post-hearing statistics for arbitration programs consist of judgments entered on the arbitration award and settlements reached after the arbitration award and prior to the expiration for the filing of a rejection.

Rejection rates for arbitration awards vary from county to county. In State Fiscal

Year 2005, the statewide average rejection rate was 47% and is fairly consistent with the five year average of 48% (State Fiscal Year 2001 through 2005). Although the rejection rate may seem high, it is best to assess the success of arbitration by the percentage of cases resolved before trial, rather than focusing on the rejection rate of arbitration awards alone. (See Appendix 2 for Post-hearing Calendar Data).

### Rejecting an Arbitration Award

Supreme Court Rule 93 sets forth four conditions which a party must meet in order to reject an arbitration award. The rejecting party must: (1) have been present, personally or via counsel, at the arbitration hearing or that party's right to reject the award will be deemed waived; (2) have participated in the arbitration process in good faith and in a meaningful manner; (3) file a rejection notice within thirty days of the date the award was filed; and (4) unless indigent, pay a rejection fee. 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. Once a party's rejection of an arbitration award is filed, the supervising judge for arbitration must place the case on the trial call.

The rejection fee is intended to discourage frivolous rejections. All such fees are paid to the clerk of the court. For awards of $30,000 or less, the rejection fee is $200. For awards greater than $30,000, the rejection fee is $500.

### 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.

Although rejection rates are an important indicator of the success of an arbitration program, many resolution options remain available to parties having rejected an award. As noted, 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. A factor more significant than the rejection rate is the frequency with which arbitration cases are settled subsequent to the rejection but prior to trial. Statistics demonstrate that less than 10% of arbitration cases proceed to trial even after the arbitration award is rejected. (See Appendix 3 for Post-rejection Calendar Data).

## PROGRAM SUMMARY

A review and analysis of the data and program descriptions supports the conclusion that the arbitration system in Illinois is operating consistent with policy makers' initial expectations for the program. Parties to arbitration proceedings are working to settle their differences without significant court intervention. The aggressive

scheduling of arbitration hearing dates induces early settlements by requiring the parties to carefully manage the case prior to an arbitration hearing. Because arbitration hearings are held within one year of the filing or transfer of the arbitration case, most jurisdictions can dispose of approximately 85% of the arbitration caseload within one year of case filing.

Arbitration encourages dispositions earlier in the life of cases, helping courts operate more efficiently. Statewide figures show that only a small number of the cases filed or transferred into arbitration proceed to an arbitration hearing, and an even smaller number of cases proceed to trial. Arbitration-eligible cases are resolved and disposed prior to hearing in ways that do not require a significant amount of court time. Court-ordered dismissals, voluntary dismissals, settlement orders and default judgments typically require very little court time to process.

Statewide statistics also show that a large number of cases that do proceed to the arbitration hearing are terminated in a post-hearing proceeding. In such cases, 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.

Not only has mandatory arbitration proven to be an effective means of disposing cases swiftly for litigants, but the overall success of the program is best exemplified in the fact that a statewide average of only 1% of the cases filed in an arbitration program proceeded to trial in State Fiscal Year 2005.

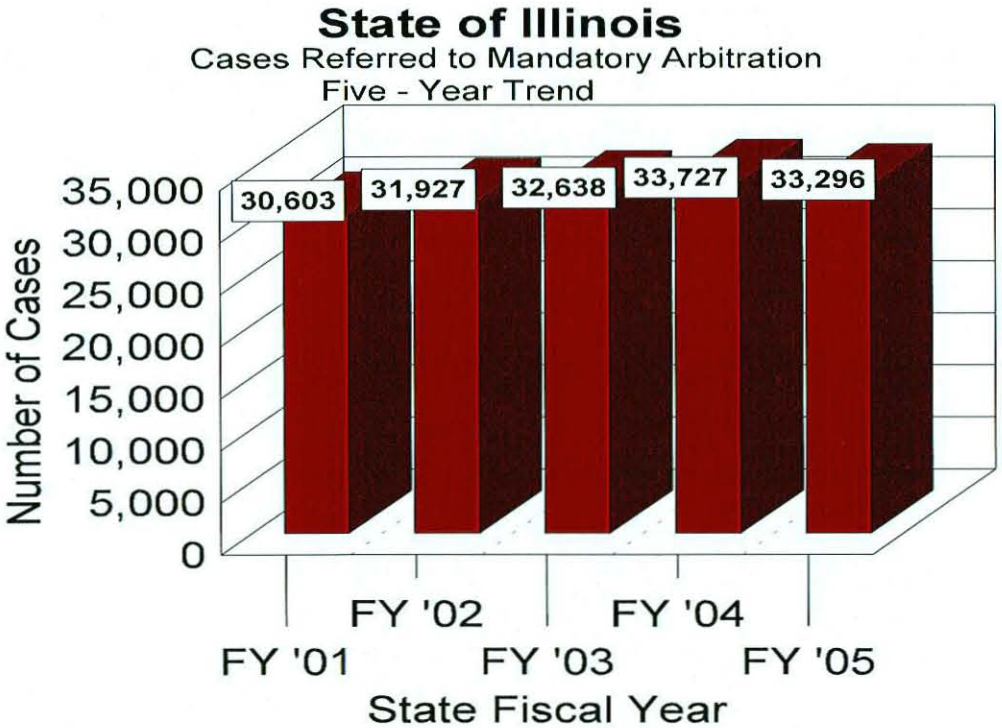
# STATEWIDE DATA PROFILE

(Includes information from Illinois' fifteen Arbitration Programs)

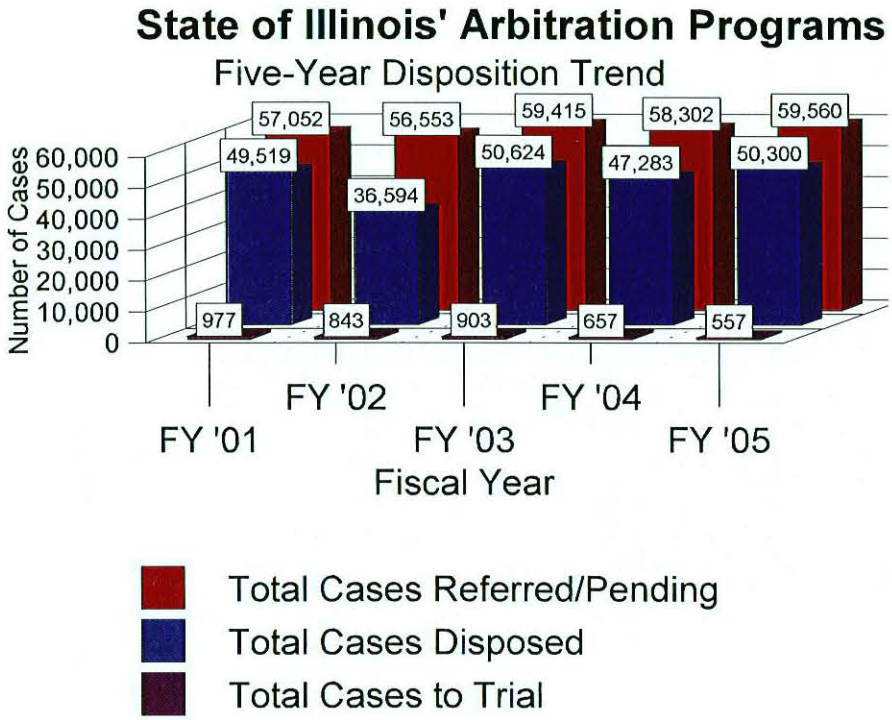
Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**State of Illinois**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 59,560 |
| Number of Cases Settled /Dismissed | 50,857 |
| Number of Cases Pending | 10,033 |
| Number of Arbitration Hearings | 11,705 |
| Number of Awards Accepted | 3,036 |
| Number of Awards Rejected | 5,492 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 557 |




While cases referred to Illinois' arbitration programs vary annually, an average of 32,438 cases were referred to arbitration over the past five state fiscal years.




The chart above presents information regarding the total number of cases litigated in all fifteen arbitration programs which yielded either a disposition or, ultimately went to trial. Program data indicates that either a settlement or dismissal was reached in 84% (50,300 of 59,560 cases were disposed) of the cases filed in Illinois' arbitration programs for State Fiscal Year 2005. This disposition rate is slightly higher than the five year average of 81%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In State Fiscal Year 2005, statewide figures indicate that slightly less than 1% of the cases filed in Illinois' arbitration programs proceeded to trial. This rate tracks the five-year trend.

# CIRCUIT PROFILES and CASELOAD ACTIVITY

## Eleventh Judicial Circuit

(Ford and McLean Counties)

### Arbitration Program Information

In March of 1996, the Supreme Court of Illinois entered an order which authorized Ford and McLean Counties in the Eleventh Judicial Circuit to begin operating arbitration programs. The arbitration program center for the Eleventh Judicial Circuit is located in Bloomington, Illinois and it hosts hearings for both counties. A supervising judge from each county is assigned to oversee arbitration matters and is assisted by an arbitration program administrator.

### DATA PROFILES

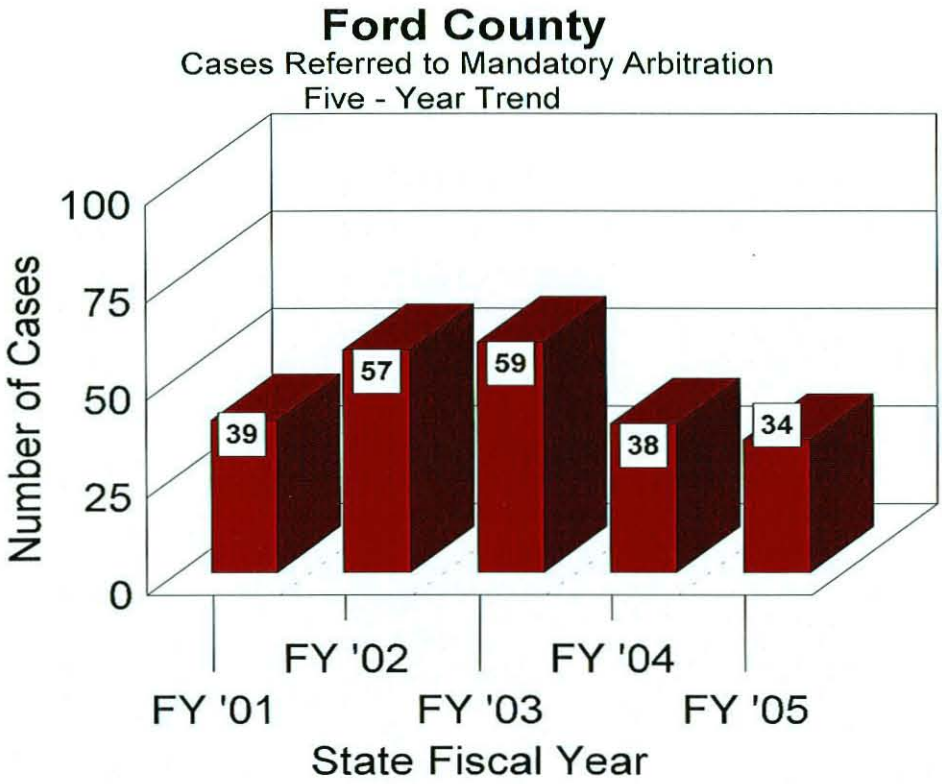
***Ford County***

Following are charts and diagrams which contain data from State Fiscal Year 2005.

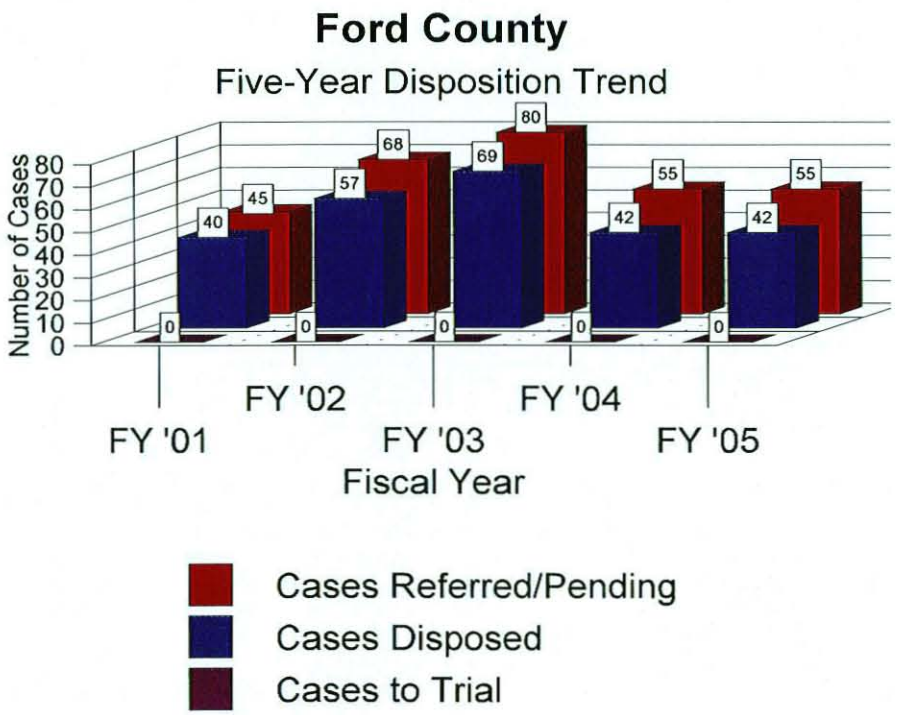
**State Fiscal Year 2005**
**Ford County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 55 |
| Number of Cases Settled /Dismissed | 42 |
| Number of Cases Pending | 13 |
| Number of Arbitration Hearings | 8 |
| Number of Awards Accepted | 9* |
| Number of Awards Rejected | 0 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 0 |

* While only 8 hearings were conducted during this fiscal year, an award was posted from a hearing held in the last month of the previous fiscal year.




While cases referred to Ford County's arbitration program vary annually, an average of 45 cases per year were referred to arbitration over the past five state fiscal years.




The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately

went to trial. Program data indicates that either a settlement or dismissal was reached in 76% (42 of 55 cases were disposed) of the cases filed in the Ford County arbitration program for State Fiscal Year 2005. This disposition rate is moderately lower than the five year average of 83% and is less than the statewide average of 84%.

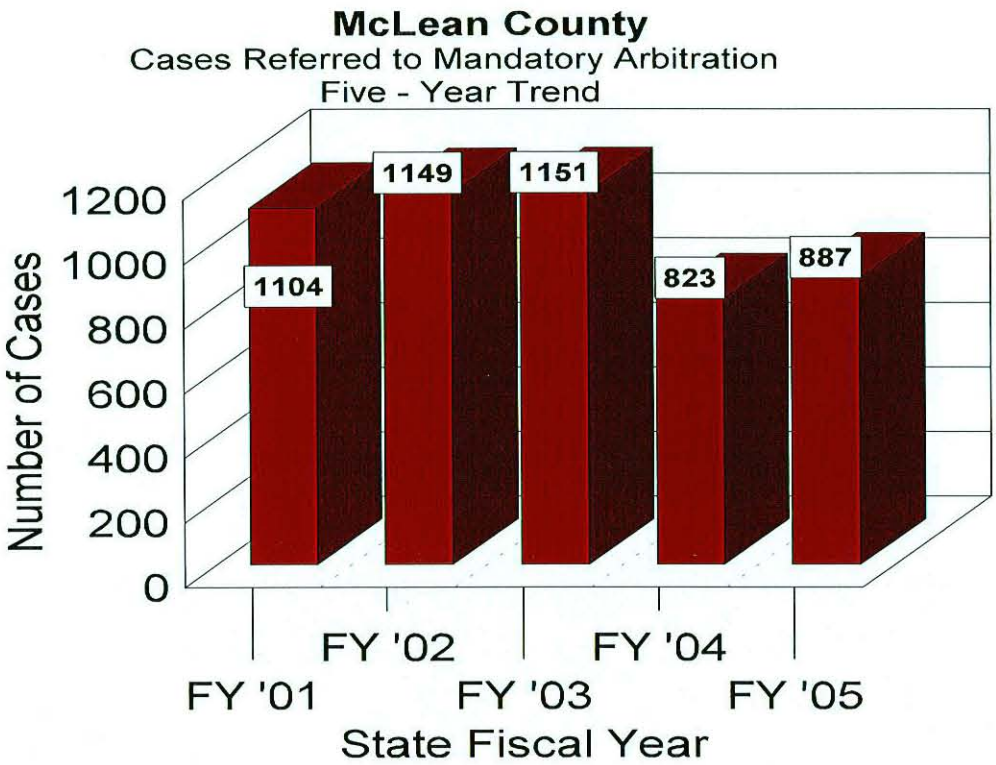
A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In Ford County, all cases filed in arbitration have been either settled or dismissed without proceeding to trial.

### *McLean County*

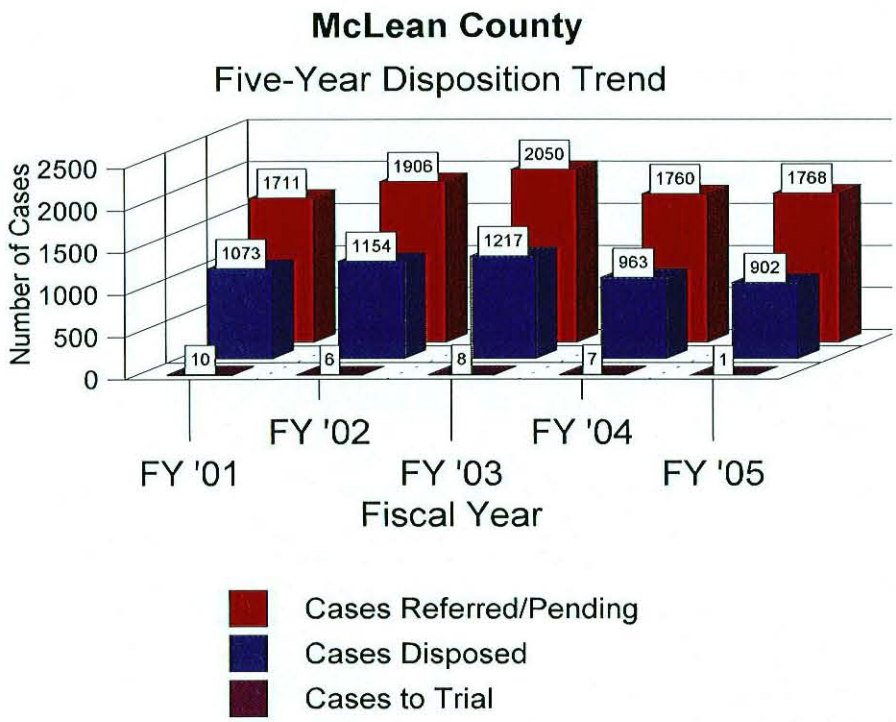
Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**McLean County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 1,768 |
| Number of Cases Settled /Dismissed | 903 |
| Number of Cases Pending | 865 |
| Number of Arbitration Hearings | 67 |
| Number of Awards Accepted | 25 |
| Number of Awards Rejected | 20 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 1 |




While cases referred to McLean County's arbitration program vary annually, an average of 1,023 cases per year were referred to arbitration over the past five state fiscal years.




The chart above presents information on a five year trend for the total number of cases litigated in arbitration which yielded either a disposition, or

ultimately went to trial. Program data indicates that either a settlement or dismissal was reached in 51% (902 of 1,768 cases were disposed) of the cases filed in the McLean County arbitration program for State Fiscal Year 2005. This disposition rate is moderately lower than the five year average of 58% and is less than the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In McLean County, only one case litigated in arbitration proceeded to trial.

# Twelfth Judicial Circuit

(Will County)

### Arbitration Program Information

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. After the Supreme Court approved its request, Will County began hearing arbitration cases in December of 1995. An arbitration supervising judge is assigned to oversee arbitration matters and is assisted by a trial court administrator and an arbitration program assistant.

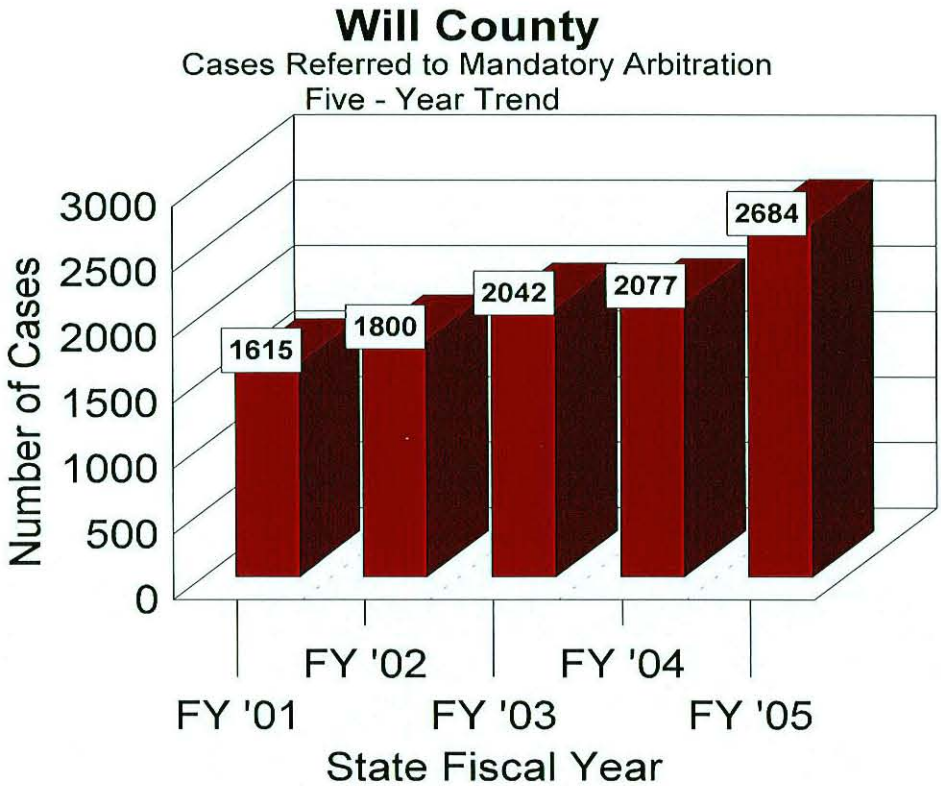
## DATA PROFILES

### *Will County*

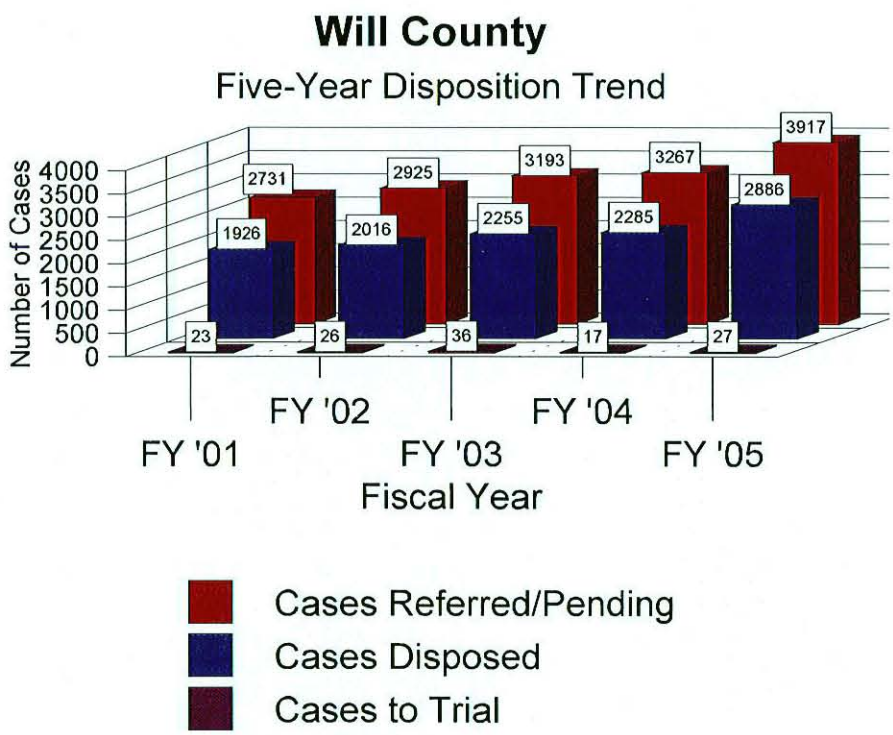
Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**Will County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 3,917 |
| Number of Cases Settled /Dismissed | 2,913 |
| Number of Cases Pending | 1,004 |
| Number of Arbitration Hearings | 184 |
| Number of Awards Accepted | 57 |
| Number of Awards Rejected | 77 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 27 |




Since State Fiscal Year 2001, cases referred to Will County's arbitration program have increased annually. From 2001 through 2005, an annual average of 2,044 cases have been referred to arbitration.




The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately

went to trial. Program data indicates that either a settlement or dismissal was reached in 74% (2,886 of 3,917 cases were disposed) of the cases filed in the Will County arbitration program for State Fiscal Year 2005. This disposition rate is slightly higher than the five year average of 71% and is less than the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In Will County, less than one percent of cases filed in arbitration proceeded to trial. This percentage is consistent with the average percent of cases which proceeded to trial over the past five state fiscal years.

# Fourteenth Judicial Circuit

(Henry, Mercer, Rock Island and Whiteside Counties)

### Arbitration Program Information

The Fourteenth Judicial Circuit is comprised of Henry, Mercer, Rock Island and Whiteside Counties. In November 1999, the Supreme Court authorized the inception of the program and arbitration hearings began in October 2000. This circuit is the most recent to receive Supreme Court approval to begin operating an arbitration program and is the first to receive permanent authorization to hear cases with damage claims up to $50,000. Hearings are conducted in the arbitration center located in Rock Island. A supervising judge oversees arbitration matters for all counties and is assisted by a trial court administrator and arbitration program assistant.

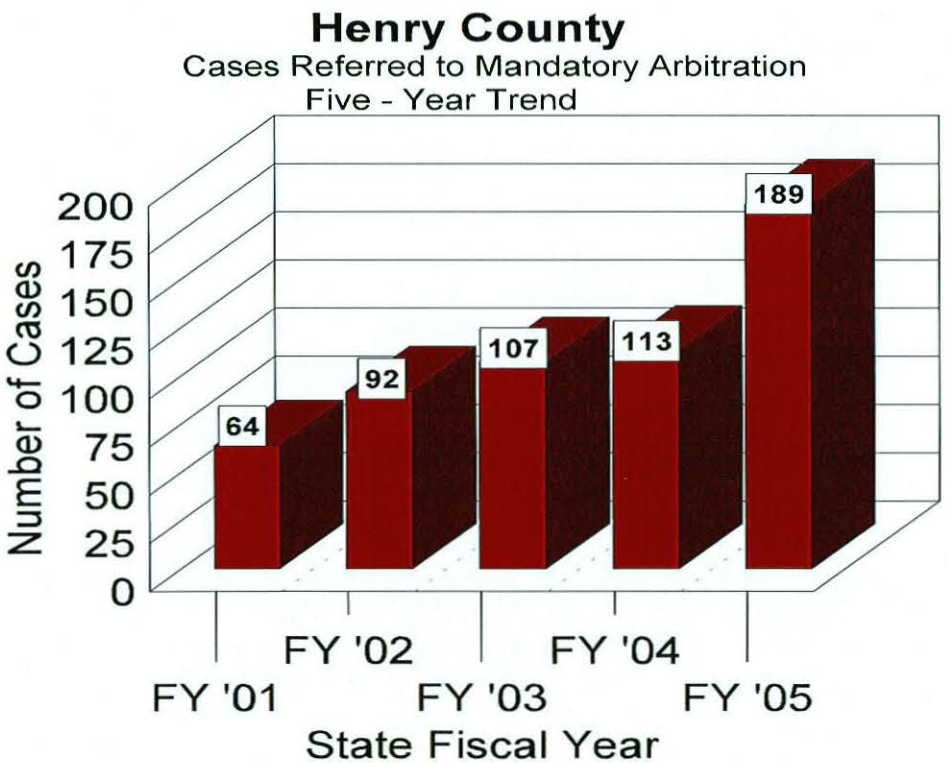
## DATA PROFILES

### *Henry County*

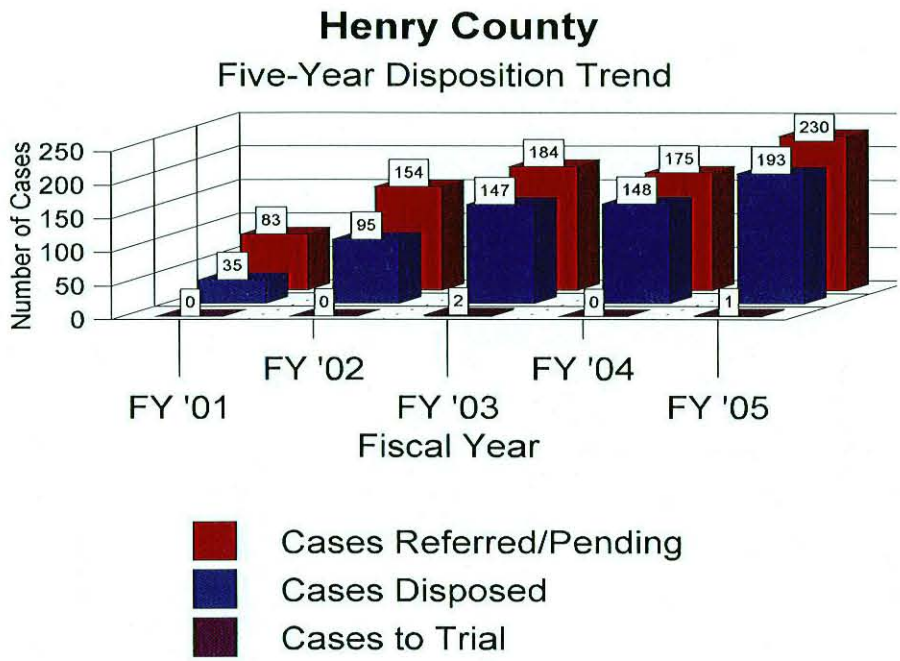
Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**Henry County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 230 |
| Number of Cases Settled /Dismissed | 194 |
| Number of Cases Pending | 36 |
| Number of Arbitration Hearings | 6 |
| Number of Awards Accepted | 2 |
| Number of Awards Rejected | 4 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 1 |




Since State Fiscal Year 2001, cases referred to Henry County's arbitration program have increased annually. From 2001 through 2005, an annual average of 113 cases have been referred to arbitration.



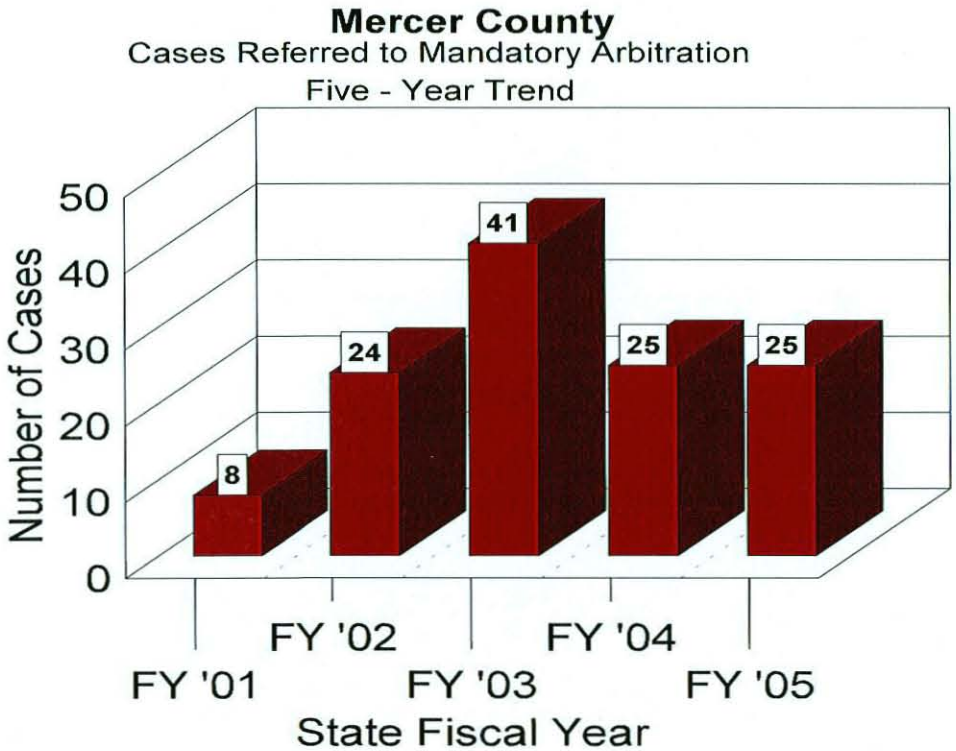

The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately went to trial. Program data indicates that either a settlement or dismissal was reached in 84% (193 of 230 cases were disposed) of the cases filed in the Henry County arbitration program for State Fiscal Year 2005. This disposition rate is moderately higher than the five year average of 75% and is identical to the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In Henry County, only one of the cases filed in arbitration proceeded to trial.

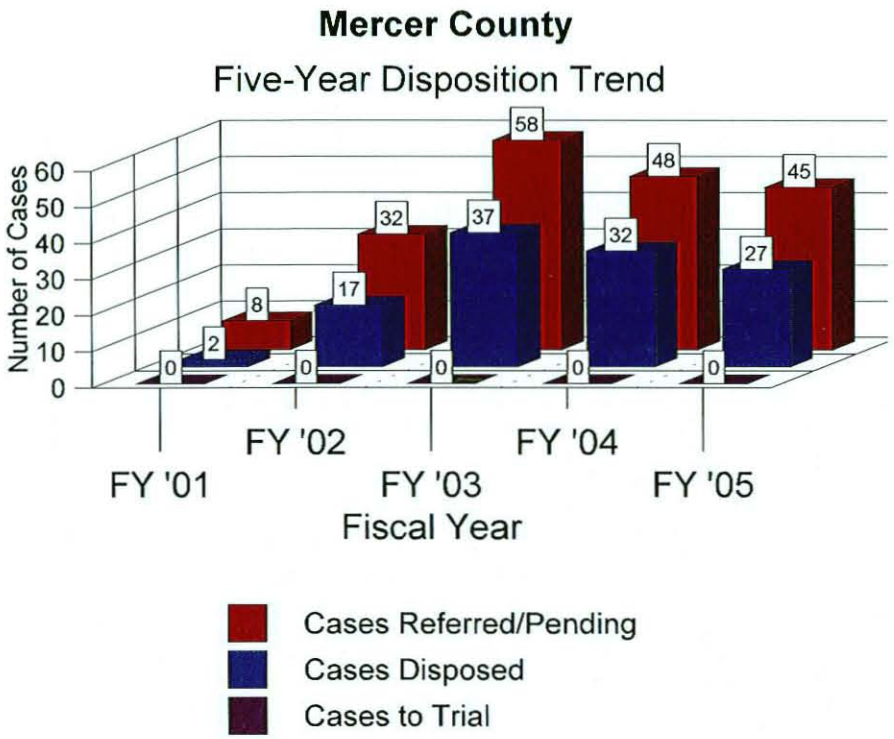
Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**Mercer County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 45 |
| Number of Cases Settled /Dismissed | 27 |
| Number of Cases Pending | 18 |
| Number of Arbitration Hearings | 3 |
| Number of Awards Accepted | 2 |
| Number of Awards Rejected | 0 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 0 |




While cases referred to Mercer County's arbitration program vary annually, an average of 25 cases per year were referred to arbitration over the past five state fiscal years.



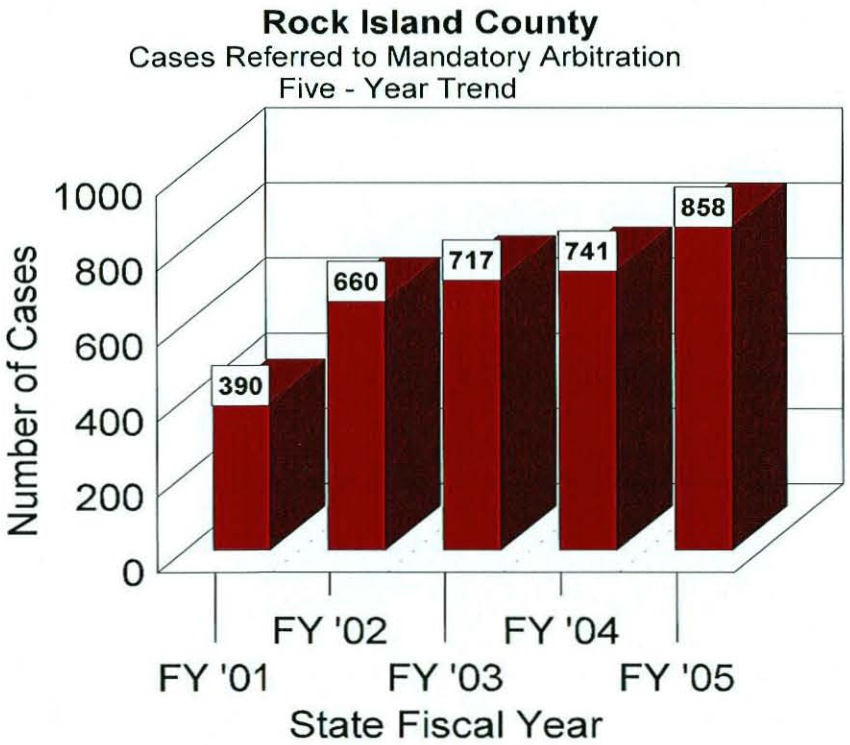

The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately went to trial. Program data indicates that either a settlement or dismissal was reached in 60% (27 of 45 cases were disposed) of the cases filed in the Mercer County arbitration program for State Fiscal Year 2005. This disposition rate is identical to the five year average of 60% and is less than the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In Mercer County, none of the cases litigated in arbitration proceeded to trial.

Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**Rock Island County**
**At A Glance Arbitration Caseload Information**

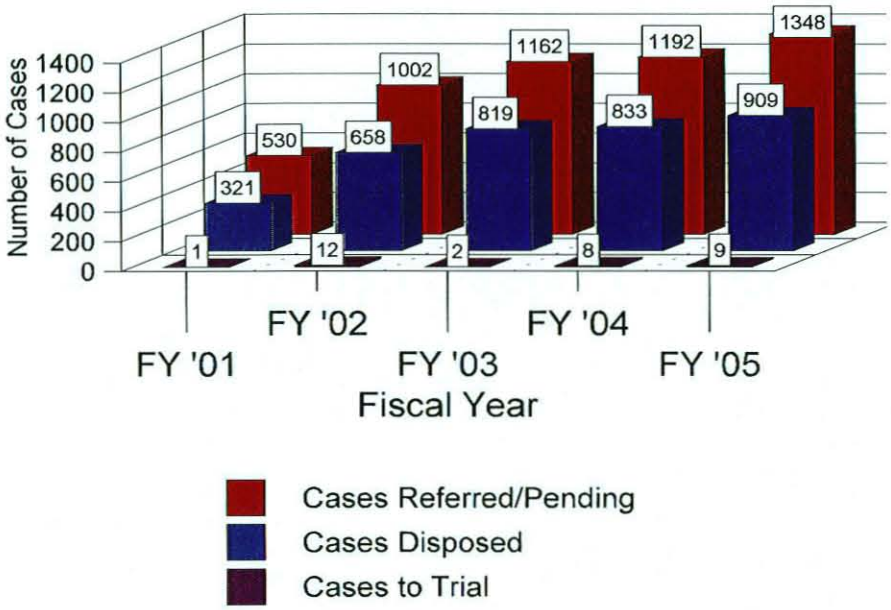
| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 1,348 |
| Number of Cases Settled /Dismissed | 918 |
| Number of Cases Pending | 430 |
| Number of Arbitration Hearings | 98 |
| Number of Awards Accepted | 24 |
| Number of Awards Rejected | 41 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 9 |




Since State Fiscal Year 2001, cases referred to Rock Island County's arbitration program have increased annually. From 2001 through 2005, an annual average of 673 cases have been referred to arbitration.

**Rock Island County**

Five-Year Disposition Trend




The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately went to trial. Program data indicates that either a settlement or dismissal was reached in 67% (909 of 1348 cases were disposed) of the cases filed in the Rock Island County arbitration program for State Fiscal Year 2005. This disposition rate tracks the five year average of 68% and is less than the statewide average of 84%.

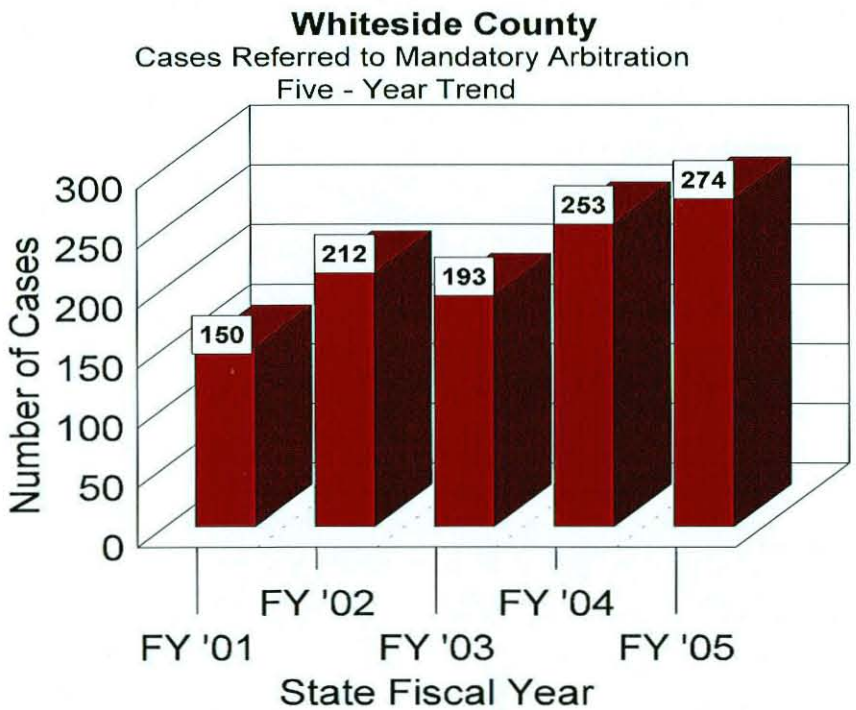
A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In Rock Island County, less than 1% of cases (9 of the 1,348) filed in arbitration proceeded to trial.

## *Whiteside County*

Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**Whiteside County**
**At A Glance Arbitration Caseload Information**

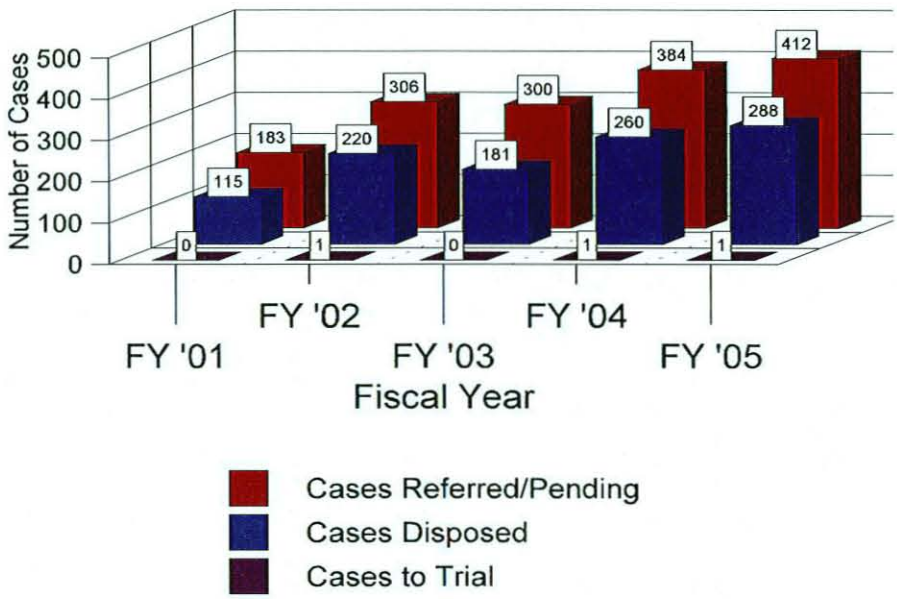
| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 412 |
| Number of Cases Settled /Dismissed | 289 |
| Number of Cases Pending | 123 |
| Number of Arbitration Hearings | 13 |
| Number of Awards Accepted | 5 |
| Number of Awards Rejected | 2 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 1 |




While cases referred to Whiteside County's arbitration program vary annually, an average of 216 cases per year were referred to arbitration over the past five state fiscal years.

**Whiteside County**

Five-Year Disposition Trend




The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately went to trial. Program data indicates that either a settlement or dismissal was reached in 70% (288 of 412 cases were disposed) of the cases filed in the Whiteside County arbitration program for State Fiscal Year 2005. This disposition rate is slightly higher than the five year average of 67% and is less than the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In Whiteside County, only one case filed in arbitration proceeded to trial.

# Sixteenth Judicial Circuit

(Kane County)

### Arbitration Program Information

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. A supervising judge is assigned to oversee arbitration matters and is assisted by an arbitration program assistant.

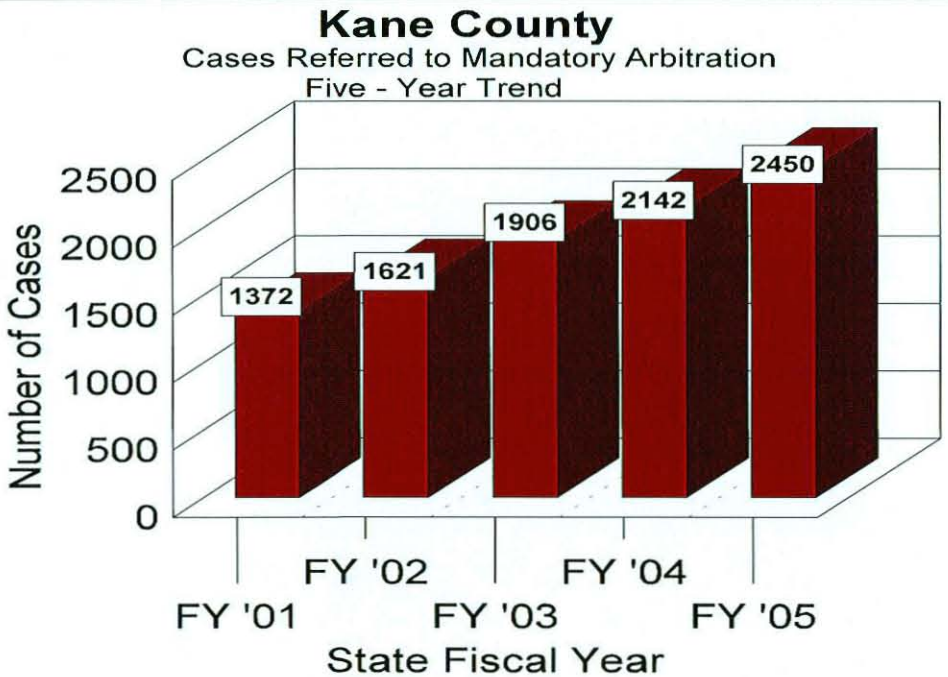
## DATA PROFILES

### *Kane County*

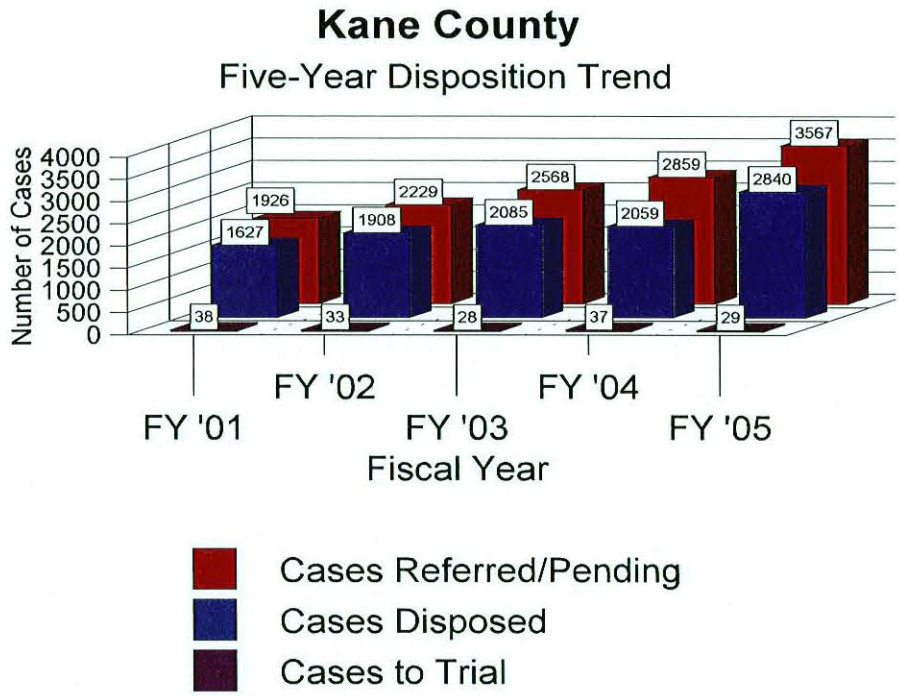
Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**Kane County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 3,567 |
| Number of Cases Settled /Dismissed | 2,869 |
| Number of Cases Pending | 698 |
| Number of Arbitration Hearings | 233 |
| Number of Awards Accepted | 54 |
| Number of Awards Rejected | 121 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 29 |




Since State Fiscal Year 2001, cases referred to Kane County's arbitration program have increased annually. From 2001 through 2005, an annual average of 1,898 cases have been referred to arbitration.




The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately went to trial. Program data indicates that either a settlement or dismissal was reached in 80% (2,840 of 3,567 cases were disposed) of the cases filed in the Kane County arbitration program for State Fiscal Year 2005. This disposition rate is identical to the five year average of 80% and is less than the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In Kane County, less than 1% of cases (29 of the 3,567) filed in arbitration proceeded to trial.

# Seventeenth Judicial Circuit

(Boone and Winnebago Counties)

### Arbitration Program Information

The Seventeenth Judicial Circuit consists of Winnebago and Boone Counties. The arbitration center is located near the courthouse in Rockford, Illinois. 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. The Boone County program began hearing arbitration-eligible matters in February 1995. A supervising judge from each

county is assigned to oversee the arbitration programs and is assisted by a trial court administrator and an assistant arbitration administrator.

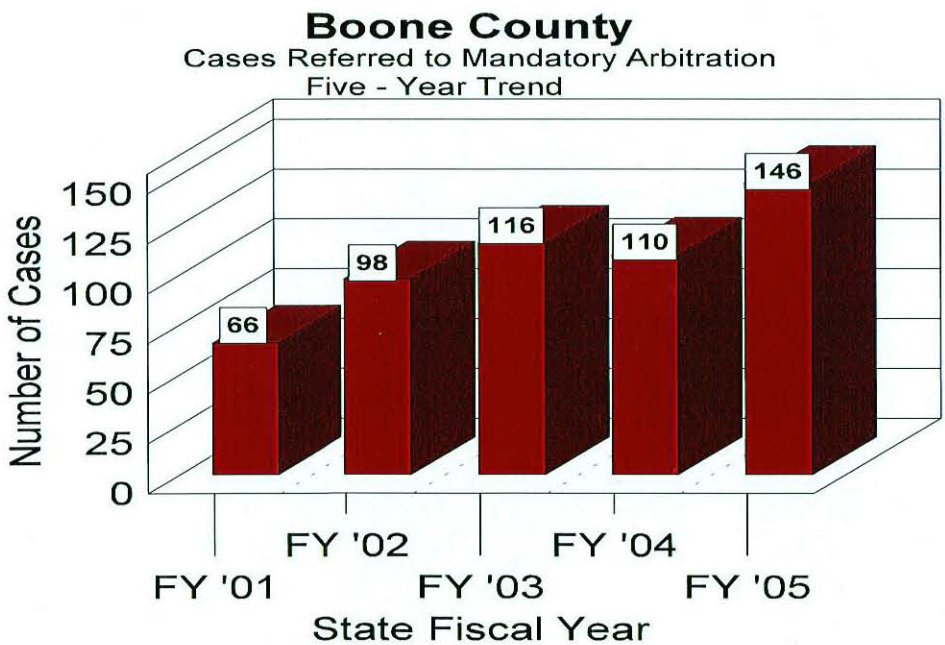
## DATA PROFILES

### *Boone County*

Following are charts and diagrams which contain data from State Fiscal Year 2005.

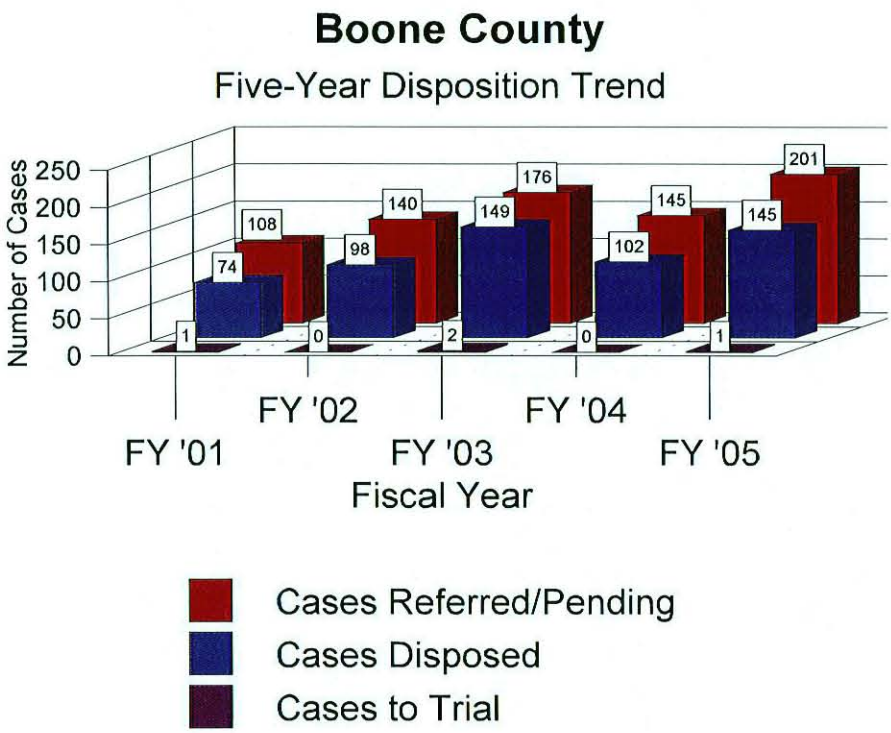
**State Fiscal Year 2005**
**Boone County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 201 |
| Number of Cases Settled /Dismissed | 146 |
| Number of Cases Pending | 55 |
| Number of Arbitration Hearings | 10 |
| Number of Awards Accepted | 2 |
| Number of Awards Rejected | 2 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 1 |




While cases referred to Boone County's arbitration program vary

annually, an average of 107 cases per year were referred to arbitration over the past five state fiscal years.




The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately went to trial. Program data indicates that either a settlement or dismissal was reached in 73% (146 of 201 cases were disposed) of the cases filed in the Boone County arbitration program for State Fiscal Year 2005. This disposition rate tracks the five year average of 74% and is less than the statewide average of 84%.

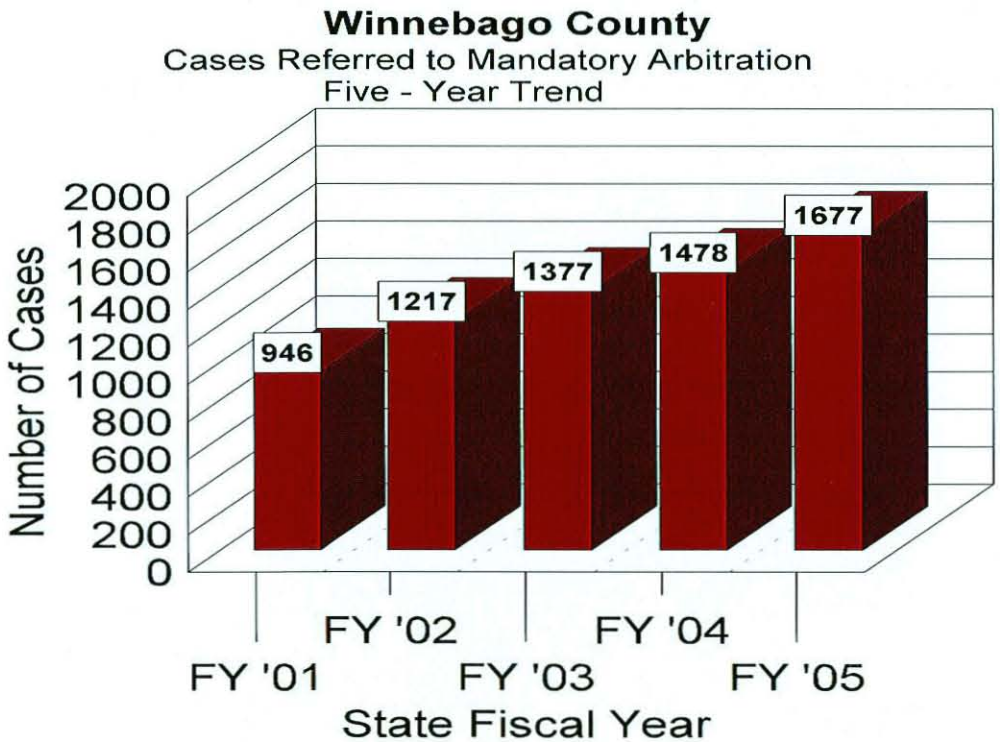
A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In Boone County, only one case filed in arbitration proceeded to trial.

## *Winnebago County*

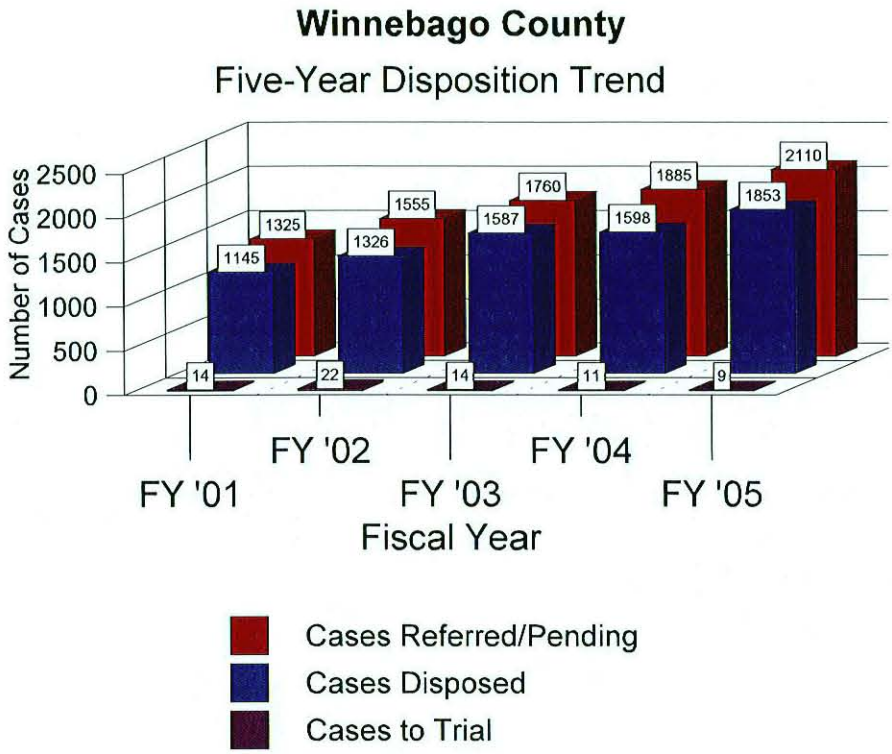
Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**Winnebago County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 2,110 |
| Number of Cases Settled /Dismissed | 1,862 |
| Number of Cases Pending | 248 |
| Number of Arbitration Hearings | 114 |
| Number of Awards Accepted | 43 |
| Number of Awards Rejected | 48 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 9 |




Since State Fiscal Year 2001, cases referred to Winnebago County's arbitration program have increased annually. From 2001 through 2005, an annual average of 1,339 cases have been referred to arbitration.




The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately went to trial. Program data indicates that either a settlement or dismissal was reached in 88% (1,853 of 2,110 cases were disposed) of the cases filed in the Winnebago County arbitration program for State Fiscal Year 2005. This disposition rate tracks the five year average of 87% and is above the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In Winnebago County, less than 1% of cases (9 of the 2,110) filed in arbitration proceeded to trial.

# Eighteenth Judicial Circuit

(DuPage County)

### Arbitration Program Information

The Eighteenth Judicial Circuit is a suburban jurisdiction serving the residents of DuPage County. Court-annexed arbitration has become an important resource for assisting the judicial system in the adjudication of civil matters. The Supreme Court approved an arbitration program for the circuit in December 1988. During State Fiscal Year 2002, the Supreme Court authorized DuPage County's arbitration program to permanently operate at the $50,000 jurisdictional limit. A supervising judge oversees arbitration matters and is assisted by an arbitration program administrator and administrative assistant.

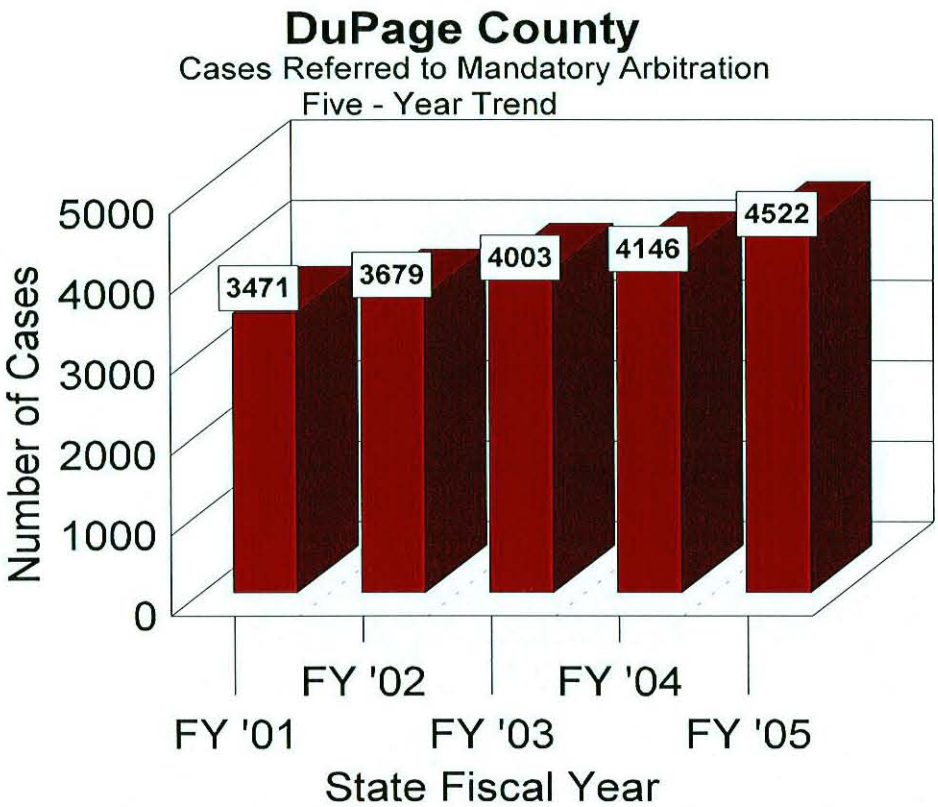
## DATA PROFILES

### *DuPage County*

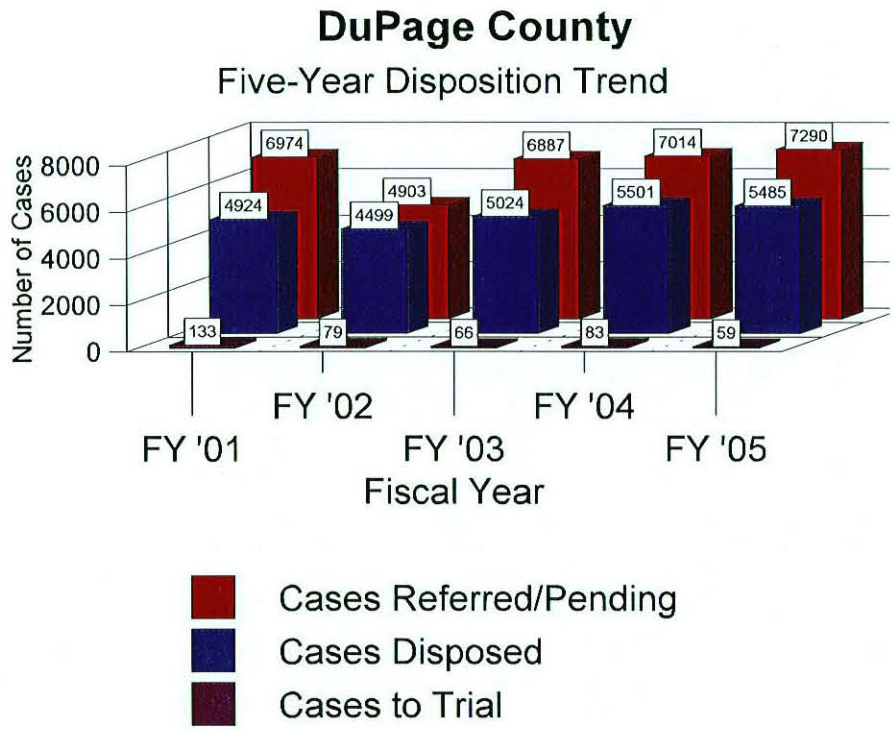
Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**DuPage County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 7,290 |
| Number of Cases Settled /Dismissed | 5,544 |
| Number of Cases Pending | 1,549 |
| Number of Arbitration Hearings | 502 |
| Number of Awards | 111 |
| Number of Awards Rejected | 291 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 59 |




Since State Fiscal Year 2001, cases referred to DuPage County's arbitration program have increased annually. From 2001 through 2005, an annual average of 3,964 cases have been referred to arbitration.




The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately

went to trial. Program data indicates that either a settlement or dismissal was reached in 75% (5,485 of 7,290 cases were disposed) of the cases filed in the DuPage County arbitration program for State Fiscal Year 2005. This disposition rate is slightly lower than the five year average of 77% and is less than the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In DuPage County, less than 1% of cases (59 of the 7,290) filed in arbitration proceeded to trial.

# Nineteenth Judicial Circuit

(Lake and McHenry Counties)

### Arbitration Program Information

Lake and McHenry Counties currently combine to form the Nineteenth Judicial Circuit. In December 1988, Lake County was approved by the Supreme Court to begin operating an arbitration program. The supervising judge is assisted by an arbitration program administrator and an administrative assistant. Arbitration hearings are conducted in a facility across the street from the Lake County Courthouse in Waukegan.

In 1990, the Nineteenth Judicial Circuit became the first multi-county circuit-wide arbitration program in Illinois when McHenry County was approved to operate an arbitration program. A supervising judge is assigned to oversee arbitration matters and the arbitration program administrator and administrative assistant from Lake County administer the program in McHenry County as well. Arbitration hearings are conducted in the McHenry County Courthouse in Woodstock.

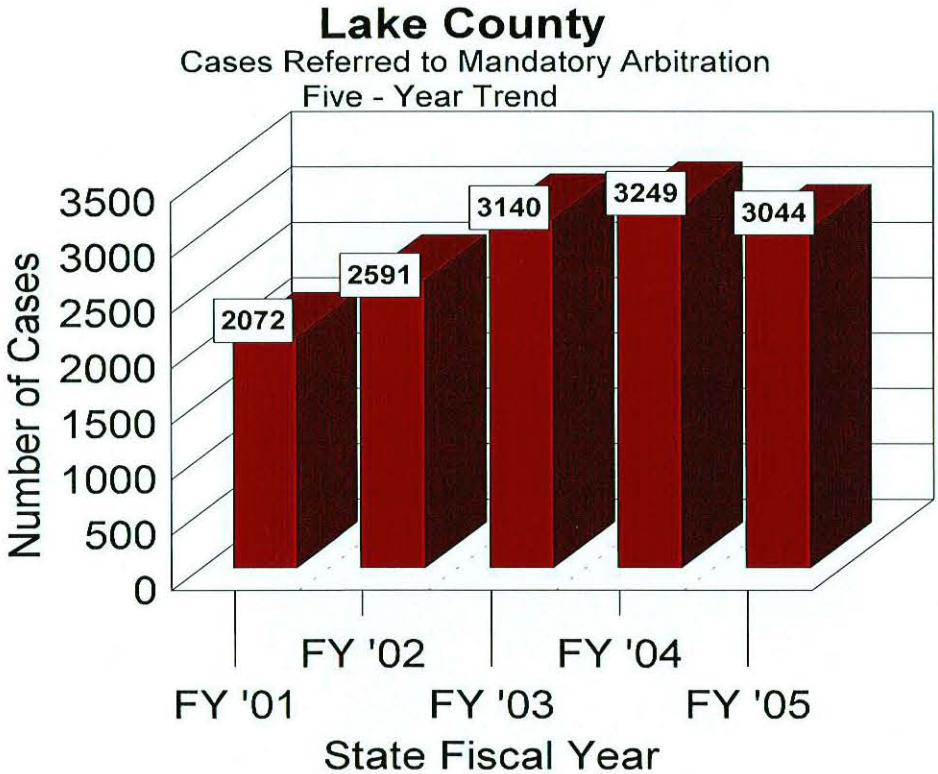
## DATA PROFILES

### *Lake County*

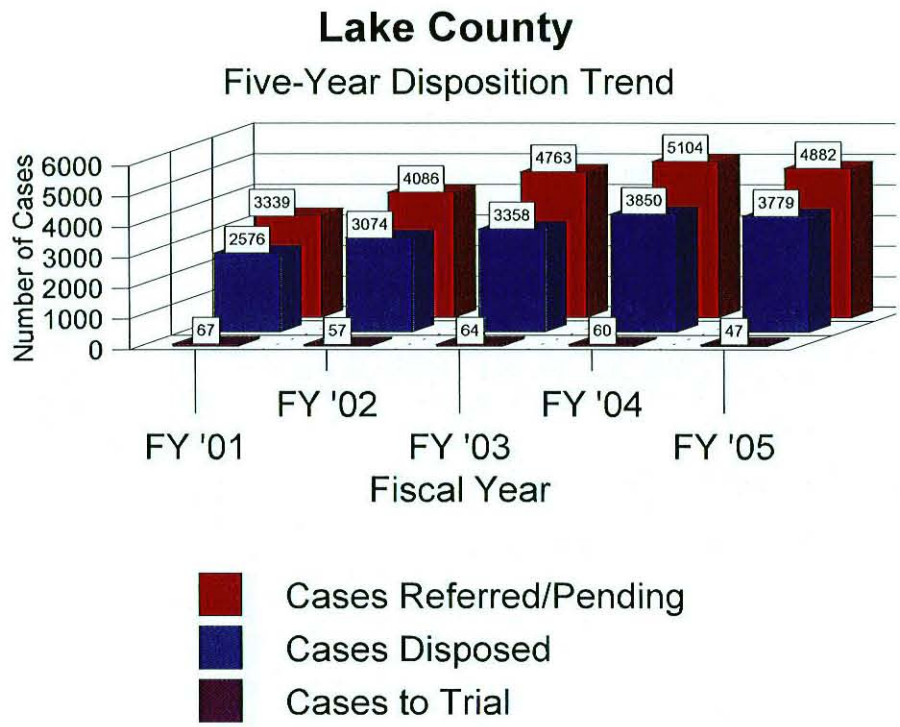
Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**Lake County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 4,882 |
| Number of Cases Settled /Dismissed | 3,826 |
| Number of Cases Pending | 1,056 |
| Number of Arbitration Hearings | 415 |
| Number of Awards Accepted | 103 |
| Number of Awards Rejected | 291 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 59 |




While cases referred to Lake County's arbitration program vary annually, an average of 2,819 cases per year were referred to arbitration over the past five state fiscal years.



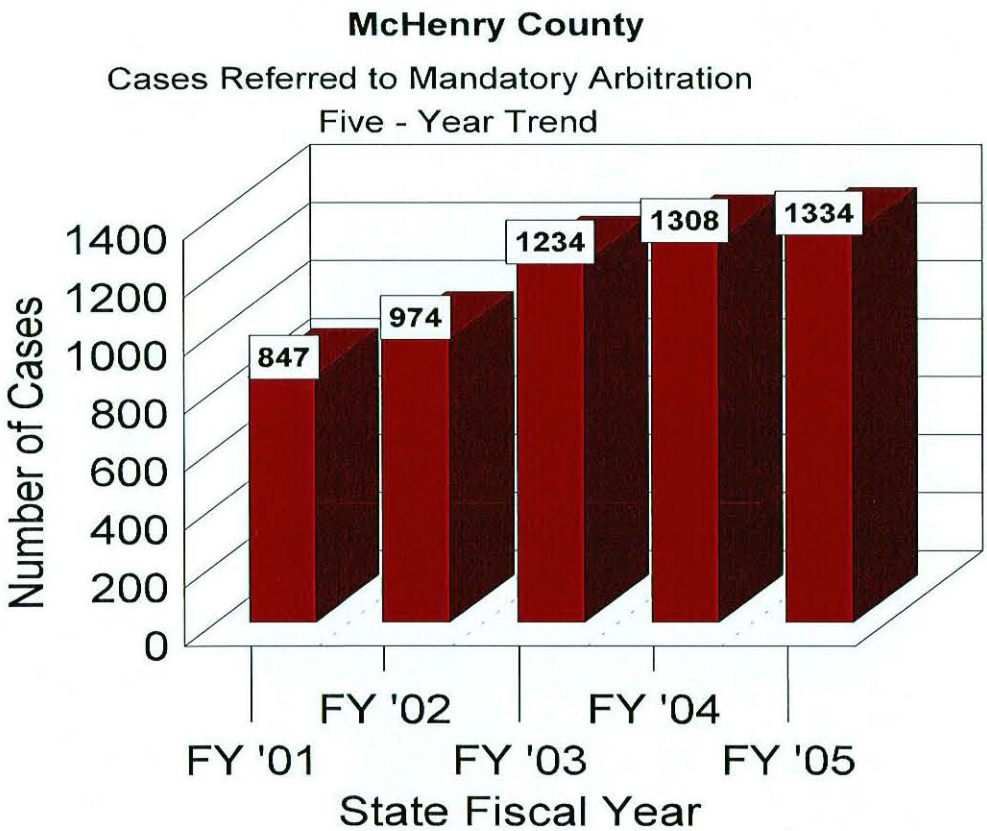

The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately went to trial. Program data indicates that either a settlement or dismissal was reached in 77% (3,779 of 4,882 cases were disposed) of the cases filed in the Lake County arbitration program for State Fiscal Year 2005. This disposition rate is slightly higher than the five year average of 75% and is less than the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In Lake County, less than 1% of cases (47 of the 4,882) filed in arbitration proceeded to trial.

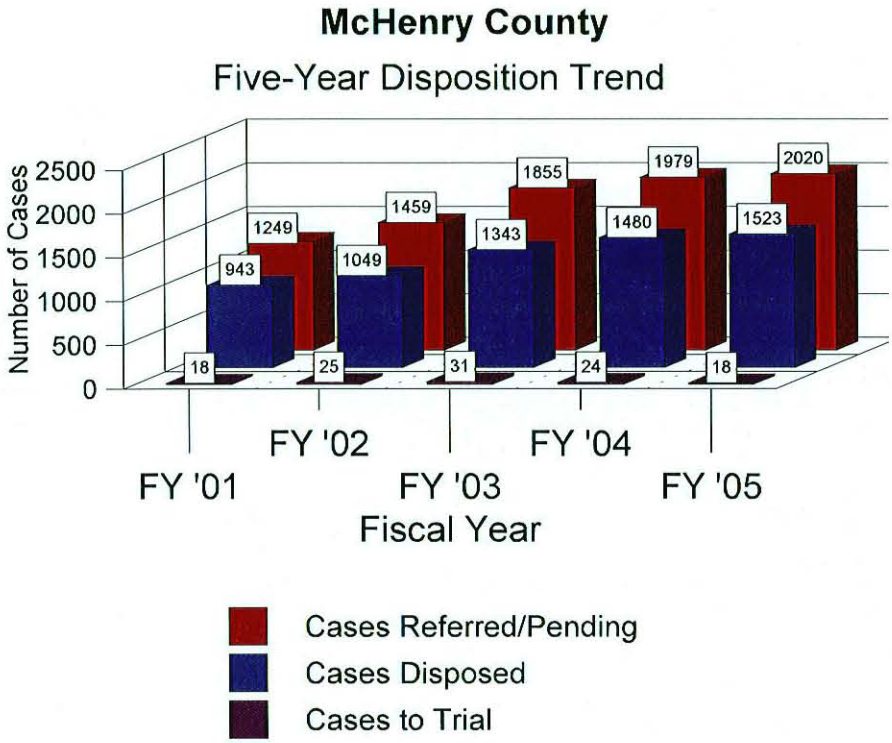
Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**McHenry County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 2,020 |
| Number of Cases Settled /Dismissed | 1,541 |
| Number of Cases Pending | 479 |
| Number of Arbitration Hearings | 141 |
| Number of Awards Accepted | 36 |
| Number of Awards Rejected | 64 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 18 |




Since State Fiscal Year 2001, cases referred to McHenry County's arbitration program have increased annually. From 2001 through 2005, an annual average of 1,139 cases have been referred to arbitration.




The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately went to trial. Program data indicates that either a settlement or dismissal was reached in 75% (1,523 of 2,020 cases were disposed) of the cases filed in the McHenry County arbitration program for State Fiscal Year 2005. This disposition rate tracks the five year average of 74% and is less than the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In McHenry County, less than 1% of cases (18 of the 2,020) filed in arbitration proceeded to trial.

# Twentieth Judicial Circuit

(St. Clair County)

### Arbitration Program Information

The Twentieth Judicial Circuit is comprised of five counties: St. Clair, Perry, Monroe, Randolph and Washington. The Supreme Court approved the request of St. Clair County to begin an arbitration program in May of 1993 and the first hearings were held in February 1994. The arbitration center is located across the street from the St. Clair County Courthouse. A supervising judge is assigned to oversee arbitration matters and is assisted by an arbitration program administrator and an administrative assistant.

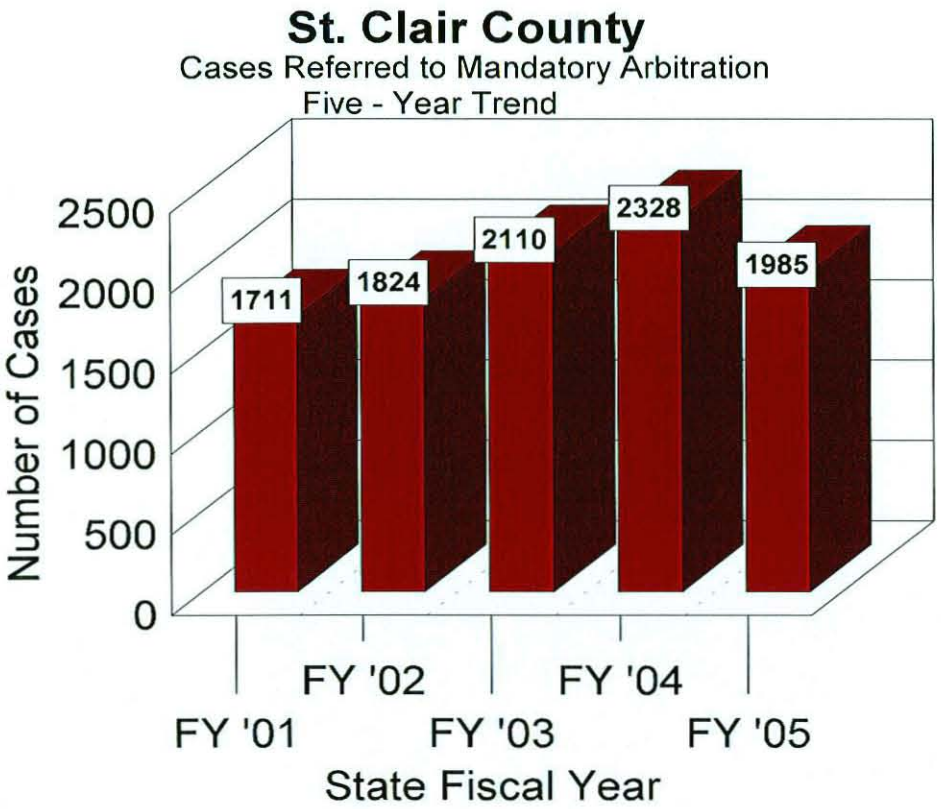
## DATA PROFILES

### *St. Clair County*

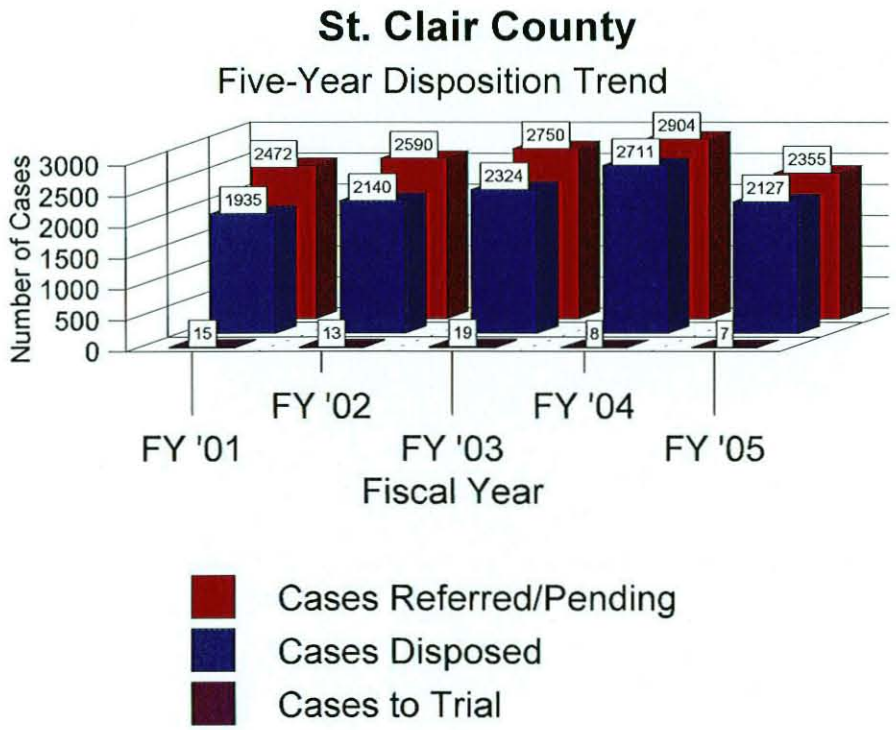
Following are charts and diagrams which contain data from State Fiscal Year 2005.

**State Fiscal Year 2005**
**St. Clair County**
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 2,355 |
| Number of Cases Settled /Dismissed | 2,134 |
| Number of Cases Pending | 221 |
| Number of Arbitration Hearings | 147 |
| Number of Awards Accepted | 65 |
| Number of Awards Rejected | 38 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 7 |




While cases referred to St. Clair County's arbitration program vary annually, an average of 1,992 cases per year were referred to arbitration over the past five state fiscal years.




The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately

went to trial. Program data indicates that either a settlement or dismissal was reached in 90% (2,127 of 2,355 cases were disposed) of the cases filed in the St. Clair County arbitration program for State Fiscal Year 2005. This disposition rate is slightly higher than the five year average of 86% and is above the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In St. Clair County, less than 1% of cases (7 of the 2,355) filed in arbitration proceeded to trial.

# Circuit Court of Cook County

## Arbitration Program Information

As a general jurisdiction trial court, the Circuit Court of Cook County is the largest unified court in the nation. The Supreme Court granted approval to implement an arbitration program in Cook County in January 1990. A supervising judge oversees arbitration program matters and is assisted by an arbitration program administrator and deputy administrator.

## DATA PROFILES

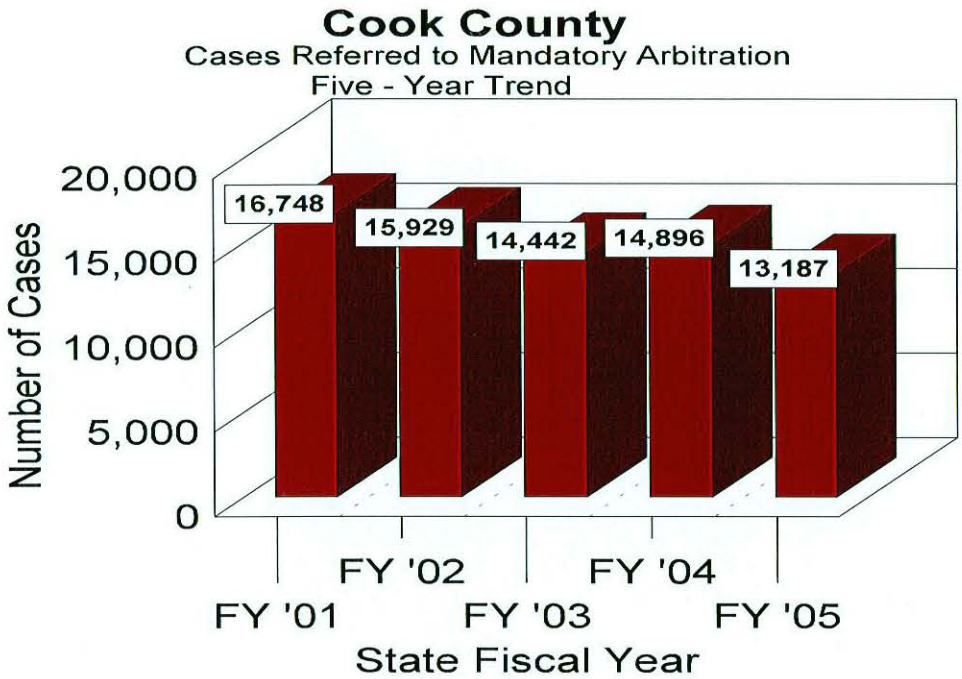
### *Cook County*

Following are charts and diagrams which contain data from State Fiscal Year 2005.

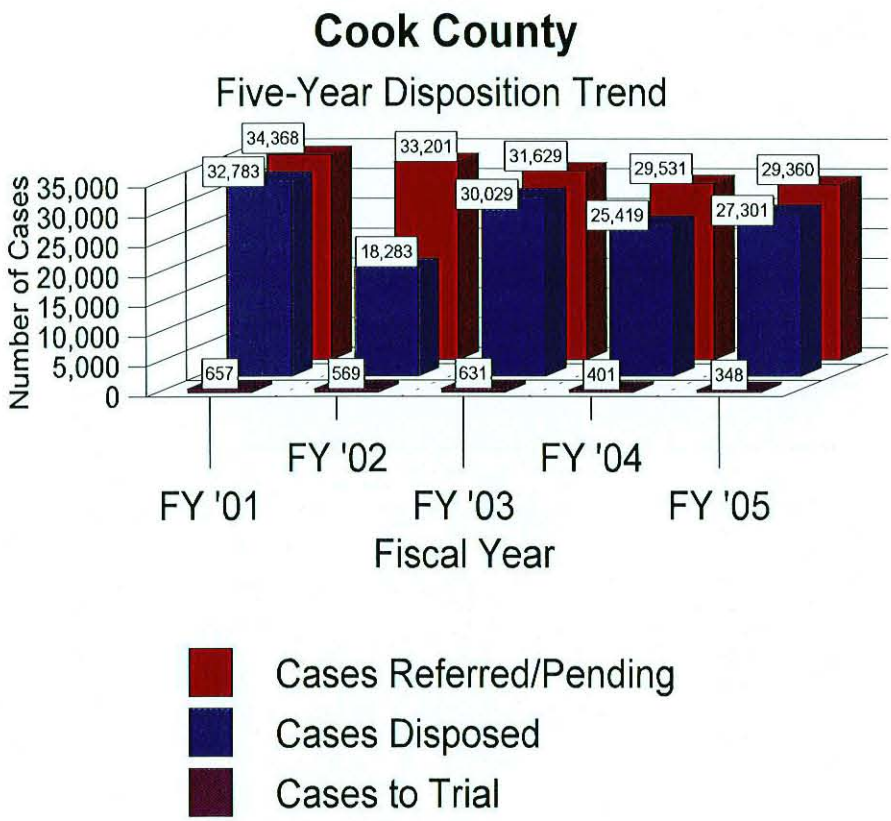
**State Fiscal Year 2005**
**Cook County ***
**At A Glance Arbitration Caseload Information**

| | |
|---|---|
| Number of Cases Pending / Referred to Arbitration | 29,360 |
| Number of Cases Settled /Dismissed | 27,649 |
| Number of Cases Pending | 3,238 |
| Number of Arbitration Hearings | 9,764 |
| Number of Awards Accepted | 2,498 |
| Number of Awards Rejected | 4,572 |
| Number of Cases Filed in Arbitration which Proceeded to Trial | 348 |

(* Only jurisdiction with a limit of $30,000 for arbitration cases; others are $50,000)




While cases referred to Cook County's arbitration program vary annually, an average of 15,040 cases per year were referred to arbitration over the past five state fiscal years.




The chart above presents information regarding the total number of cases litigated in arbitration which yielded either a disposition or, ultimately went to trial. Program data indicates that either a settlement or dismissal was

reached in 93% (27,301 of 29,360 cases were disposed) of the cases filed in the Cook County arbitration program for State Fiscal Year 2005. This disposition rate is moderately higher than the five year average of 85% and is above the statewide average of 84%.

A more significant performance indicator for arbitration, however, is measuring the number of cases which, having completed the arbitration process, proceed to trial. In Cook County, a little over one percent of cases (348 of the 29,360) filed in arbitration proceeded to trial.