

**19<sup>th</sup> Judicial Circuit Court**  
~~~**Lake County**~~~

**Arbitration Program**  
**Question & Answer Booklet**



Compiled by the  
**Lake County ADR Center**  
and the  
**Honorable Judges, Civil Division**

**Updated: December 2025**

This booklet provides information regarding the arbitration program and is offered as general information only. It should not be legally relied upon without checking specific statutory provisions and any amendments to local court rules.

## WHAT IS ARBITRATION?

Court-annexed arbitration was established in Illinois as a mandatory, but non-binding form of alternative dispute resolution. The program is a deliberate effort on the part of the judiciary, bar, and public to reduce the length and cost of litigation in Illinois.

The program applies to all civil cases seeking money damages exclusively greater than \$10,000 and less than the jurisdictional limit approved for that particular circuit by the Illinois Supreme Court. In Lake County the limit is currently \$50,000. Lake County further requires that small claims actions are subject to arbitration when a jury demand is filed. Cases may also be transferred to the arbitration calendar from other court calls or divisions.

Arbitration eligible cases are litigated before a panel of three (3) attorney/arbitrators in an evidentiary hearing resembling a traditional bench trial. Each party makes a concise presentation of its case to the panel of arbitrators, who then deliberate the issues and make an award on the same day as the hearing.

The parties to the dispute then have thirty (30) days to decide whether to accept the arbitrators' award. In the event one of the parties is not satisfied with the panel's decision, he/she may, upon the payment of the proper fee, the filing of the proper form with the Clerk of the Circuit Court, and the giving of notice to all other parties, reject the award. The parties will then proceed to trial as if the arbitration hearing had never occurred.

The arbitration program has provided a speedier resolution of small civil lawsuits than had previously been possible. The parties accept a substantial proportion of the arbitration awards. In addition, the members of the Lake County bar, as arbitrators, have played a major role in helping to reduce the length and cost of litigation in this circuit.

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## **I. ARBITRATION FACILITIES**

### **1. Where are arbitration hearings held?**

The Lake County **Alternative Dispute Resolution (ADR) Center** conducts arbitration hearings. The ADR Center is located one (1) block west of the main courthouse on the first floor of the **Waukegan Business Center, 415 West Washington Street, Suite 106, Waukegan, Illinois, 60085.**

### **2. If I have any questions regarding the process, who do I call?**

For questions regarding the arbitration process and/or the arbitration hearing, please contact the **ADR Center** at **(847) 377-3700.**

For questions regarding filing of papers or any court fees, please contact the **Clerk of the Circuit Court** at **(847) 377-3380.**

If you wish to place a case on the arbitration judge's motion call or if you have any questions regarding the arbitration court call (courtroom C-304), please contact the Lake County arbitration clerk at **(847) 377-3524 &/or (847) 377-3222.**

For additional resources, please contact the **Center for Self-Representation** located in the main courthouse law library at **(847) 377-2800** or the **Self-Represented Litigant Coordinator** at **(847) 377-3734.**

## **II. ARBITRATION CASES**

### **1. What type of cases will be assigned to arbitration?**

In the 19<sup>th</sup> Judicial Circuit, a civil action shall be subject to mandatory arbitration if the claim therein is exclusively for money damages in an amount exceeding \$10,000, but not exceeding \$50,000, exclusive of costs and interest [Illinois Supreme Court Rule 86(b)]. Small claims cases in which a jury demand has been made are subject to mandatory arbitration as well. [Local Court Rule 7-1.01(h)] Cases may also be transferred to the arbitration calendar from other court calls or divisions upon the motion of the court or any party.

### **2. Must I go through arbitration before I can go to trial?**

Yes. All eligible actions are subject to mandatory arbitration before a panel of three (3) attorney/arbitrators. Any party attending the arbitration hearing who is not debarred may, within thirty (30) days of the filing of the award and upon payment of the proper fee to the Clerk of the Circuit Court and notice to all other parties, file a rejection of the award and proceed to trial before a judge or jury (depending on whether a jury demand was properly filed).

### **3. What happens in cases where the claim is inflated to exceed the jurisdictional limit (\$50,000 - authorized by the IL. Supreme Court) to avoid arbitration?**

Illinois Supreme Court Rule 86(d) provides that cases not assigned to the arbitration calendar may be ordered to arbitration when it appears to the court that no claim in the action has a value greater than the authorized monetary jurisdictional limit, irrespective of defenses.

**4. Could an action be filed in law division and then amended below the jurisdictional limit (\$50,000) to qualify for arbitration?**

Yes. An appropriate motion to amend damages and to transfer an assigned law division ('L') case to the arbitration calendar must be made before the law division judge in accordance with local court rules.

**5. If a case was filed in the arbitration division, but should be in law division, how do I transfer the case to the law division ('L') calendar?**

A case pending in arbitration may be transferred to the law division calendar by filing an appropriate motion with the arbitration judge in accordance with local court rules.

**6. What if a counterclaim is filed in a small claims case seeking more than \$10,000 in damages?**

A small claims case may be transferred to the arbitration calendar upon the appropriate motion before the small claims judge in accordance with local court rules. However, all small claims jury proceedings are subject to mandatory arbitration.

**7. What is done with the lawsuit when the defendant has filed bankruptcy?**

In a case where a defendant has filed bankruptcy, any party may move to have the matter set on the arbitration judge's bankruptcy stay calendar. Upon the granting of the motion, the case will be set for review on a future date.

**8. For what types of cases will arbitration not be available?**

Generally, arbitration will not be available for the following:

|                        |                   |
|------------------------|-------------------|
| Eviction               | Replevin          |
| Confession of Judgment | Trover            |
| Detinue                | Registration of   |
| Ejectment              | Foreign Judgments |

However, if damages remain the only issue, the matter **may** be sent to the arbitration calendar.

**9. Can I observe an arbitration hearing prior to my own arbitration hearing?**

Yes. Arbitration hearings are open to the public. However, hearings are **not** conducted every day, so it is **strongly** recommended that you contact the ADR Center to schedule a date/time to view a hearing.

**10. If I cannot make it to the arbitration hearing, can my spouse represent me?**

Unless your spouse is licensed to practice law, he/she may not represent you in your arbitration hearing. You must represent yourself or have an attorney represent you.

**11. Can the ADR Center recommend an attorney to handle my case?**

No. However, one possible source for attorney referrals is **The Lawyer Referral Service (847-244-3143, [www.lakebar.org](http://www.lakebar.org))** provided by the Lake County Bar Association (LCBA).

**12. If I am an officer of a corporation, can I represent the corporation?**

No corporation may appear as plaintiff, claimant, assignee, subrogee, or counterclaimant in an arbitration hearing, *unless* represented by counsel. However, an officer, director, manager, department manager, or supervisor of a corporation may appear as a defendant/self-represented litigant (*SRL*) when the amount claimed does not exceed the jurisdictional limit (currently \$10,000.00) for small claims matters). [Illinois Supreme Court Rule 282(b)]

### **III. ARBITRATORS**

**1. Who will be the arbitrators that will hear my case?**

Arbitrators are lawyers or retired judges who have met specific criteria and who have been trained and certified to act as arbitrators. Local Court Rule 7-1.02(a)(b) provides that any licensed attorney shall be eligible for appointment as an arbitrator by filing an application with the arbitration administrator certifying that he/she is in good standing with the Illinois Attorney Registration and Discipline Commission (ARDC); has completed a court-approved training seminar on arbitration practices and procedures (except those who have served on the judiciary); has been engaged in the active practice of law in Illinois for a minimum of two (2) years within the five (5) years immediately preceding the filing of the application, or is a retired judge; and resides in, practices in, or has an office located within Lake County.

To be considered for the position of chair, an attorney/arbitrator must fill out an additional application indicating a minimum of five (5) years' recent trial

experience or having performed twenty (20) or more arbitration hearings.

All applications are reviewed and approved, or denied, by the presiding judge of the civil division.

## **2. Will I have a choice of arbitrators?**

No. Arbitrators are selected at random to ensure against prejudice or bias. When the arbitrators arrive at the ADR Center each hearing day, they review their assigned files for a conflict of interest. Whether there is a conflict of interest is a matter of discretion with each arbitrator, though they are bound by the Code of Judicial Ethics.

## **3. Do I have to pay the arbitrators?**

No. The State of Illinois pays the arbitrators from the Mandatory Arbitration Fund. This fund was created by the legislature and allows for a fee to be collected on every appearance filed in a civil action within the circuit.

## **4. How are the arbitrators chosen?**

Arbitrators are chosen at random several months in advance of the hearing date. Arbitrators may also be called on an emergency basis to fill in for those arbitrators unable to attend on their scheduled day.

## **5. When will I know who will be the arbitrators hearing my case?**

Arbitrators will introduce themselves to the litigants at the beginning of the hearing.

**6. May I ask to change arbitrators if I think there is prejudice, a conflict, or other problems?**

No. Arbitrators may recuse themselves if they feel there may be a conflict or withdraw if grounds appear to exist for disqualification pursuant to the Code of Judicial Conduct. [Illinois Supreme Court Rule 87(c)] There is no provision made in the rules for a substitution of arbitrators or change of venue from the panel of arbitrators. The remedy of rejection of an award and the right to proceed to trial has been determined to be the appropriate response to a perceived bias or prejudice on the part of any arbitrator or error by the panel of arbitrators in the determination of its award.

**7. What happens if an arbitrator discovers a conflict after the hearing has started?**

If an arbitrator discovers a conflict after the hearing has started and no arbitrator is available to take his/her place, the arbitration hearing can continue before the two (2) remaining arbitrators if all parties agree. Otherwise, an emergency arbitrator will be called, and the hearing will be delayed until the emergency arbitrator arrives.

**8. If I do not understand the meaning of the award, may I contact the arbitrators? Can I ask the arbitrators what I did wrong?**

No. The arbitrators are bound by the Code of Judicial Conduct and cannot have *ex parte* communication with any of the parties or their attorneys. Arbitrators may not be contacted, nor respond to questions regarding a particular arbitration case heard by that arbitrator, during the pendency of that case and until a final order is entered and the time for appeal has expired. [Local Court Rule 7-1.02(e)]

## **IV. MOTIONS**

### **1. What days and times are arbitration motions heard?**

Arbitration motions are heard Monday, Tuesday, Wednesday, and Thursday afternoons at 1:30 p.m. However, these days and times may change, so please contact the arbitration clerk at (847) 377-3524 &/or (847) 377-3222 to check the currently available motion call.

### **2. Where are the arbitration motions heard?**

Arbitration motions and return dates are heard by the arbitration judge (courtroom C-304) at the Lake County Circuit Court, 18 N. County St., Waukegan, IL, 60085.

### **3. If the case has been disposed of by default, summary judgment, or stipulation of the parties, do I have to notify the ADR Center?**

Yes. Local Court Rule 7-1.03(j) provides that counsel shall give at least seven (7) days' notice to the arbitration administrator of any disposition of a case which has been assigned a hearing date. Sanctions may be imposed for failure to do so.

### **4. Can arbitrators hear motions?**

The arbitrators' authority to hear motions is limited. **Their authority and power exist only in relation to the conduct of the hearing at the time it is held.** Thus, arbitrators can hear and determine motions to exclude witnesses, motions in *limine*, rulings on the admissibility of evidence, and motions for directed finding.

**Any other motions pertaining to the case must be brought before the arbitration judge in advance of the hearing date. Arbitrators **MAY NOT** hear and determine motions for continuance of the hearing.**

## **V. DISCOVERY**

### **1. Are there special rules governing discovery in arbitration?**

Yes. Arbitration cases are subject to the disclosure provisions of Illinois Supreme Court Rule 222. All litigants are well advised to read and comply with this rule. Failure to file or serve the disclosure statement as provided by rule, or as the court may order prior to the arbitration hearing, may result in the imposition of sanctions as prescribed in Illinois Supreme Court Rule 219(c).

Discovery shall be conducted in accordance with the ***Arbitration Case Management Order*** and shall be completed prior to the arbitration hearing. **NO DISCOVERY IS TO BE CONDUCTED AFTER THE HEARING EXCEPT BY LEAVE OF COURT AND FOR GOOD CAUSE SHOWN.** [Local Court Rule 7-1.04(b)]

### **2. When do I file my Supreme Court Rule 222 Disclosure?**

The plaintiff shall comply with the disclosure requirements of Supreme Court Rule 222 at the time the complaint is filed.

Each defendant shall comply within the time allotted by the ***Arbitration Case Management Order***. [Local Court Rule 7-1.04(a)]

**3. Do I have to bring all my witnesses, or can I present certain types of evidence without the maker being present?**

It is up to each litigant to present their evidence. Illinois Supreme Court Rule 90(c) provides that items such as hospital reports, doctor's reports, drug bills, and other medical bills, as well as bills for property damage, estimates of repair, earnings reports, expert opinions, and depositions of witnesses are admissible without the maker being present.

To take advantage of this rule, a written notice of the intent to offer those documents along with a copy of the documents MUST be sent to all other parties **AT LEAST THIRTY (30) DAYS PRIOR** to the scheduled arbitration hearing. All documents shall be accompanied by a summary cover sheet indicating money damages incurred and specifying whether each bill is paid or unpaid.

**4. If I file my documents in accordance with Rule 90(c), are they automatically admitted into evidence?**

No. Any documents that are filed pursuant to Rule 90(c) are **presumptively** admitted (i.e., no further foundation needs to be laid for their admittance). However, the documents are still subject to objections according to the usual rules of evidence.

**5. May I call the maker of a document my opponent seeks to introduce as a witness?**

Yes. Illinois Supreme Court Rule 90(e) provides that any party may subpoena the author or maker of a document admissible under Rule 90(c), at the expense of the party issuing the subpoena, and examine the author or maker as if

under cross-examination. The provisions of the Code of Civil Procedure relative to subpoenas are applicable.

**6. May I subpoena witnesses to appear just as I could in a trial?**

Yes. Subpoena practice in arbitration cases is conducted in the same fashion as that followed in a non-arbitration case. A subpoena to testify at an arbitration hearing is in essentially the same form provided for in the Code of Civil Procedure. It is the duty of the party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the **time and place** set for the hearing. Subpoena forms are available from the Clerk of the Circuit Court at <https://www.lakecountycircuitclerk.org/court-forms>.

**7. Do the same rules for witness fees apply to arbitration hearings as to a trial?**

Yes. Witness fees and costs shall be in the same amount and be paid by the same party or parties as established by the Code of Civil Procedure and Local Court Rules.

**8. Can discovery take place after the hearing?**

Not in most instances. Illinois Supreme Court Rule 89 provides that discovery may be conducted in accordance with established rules and shall be completed prior to the arbitration hearing. **No discovery shall be permitted after the hearing, except by leave of court for good cause shown.**

## VI BEFORE AN ARBITRATION HEARING

### 1. Who issues the arbitration summons?

Before an arbitration hearing can proceed, all parties must be served with a summons. The Clerk of the Circuit Court issues the summons in an arbitration case, as well as any necessary alias summonses.

### 2. What is the date on the summons? Do I need to appear in court?

Upon the filing of a case, the Clerk of the Circuit Court shall set a return date of summons before the arbitration judge. **All parties shall appear in court on every return date unless otherwise excused by court order.** [Local Court Rule 7-1.03(b)]

If plaintiff fails to appear on the original or continued return date, the case will be dismissed for want of prosecution ('DWP').

If the defendant fails to appear in court on the original or continued return date, an order of default may be entered against the defendant without further notice. [Local Court Rule 7-1.03(c)]

### 3. When will my arbitration hearing occur?

The date, time, and place of the arbitration hearing shall be provided on the ***Arbitration Case Management Order*** pursuant to Supreme Court Rule 218. This order controls the subsequent course of action unless the order is later modified.

**4. What if I am the plaintiff and I do not have service on a defendant by the return date?**

A plaintiff who has failed to obtain timely service on any defendant shall appear before the arbitration judge on the scheduled return date. Plaintiff may request the issuance of alias summons and rescheduling of the arbitration hearing date, if necessary. Any party whose presence was previously excused shall be provided notice of the entry of said order. [Local Court Rule 7-1.03(e)]

In the event the plaintiff has failed to obtain service of summons on all defendants by means of an original or alias summons more than ninety (90) days after the date of filing, and the court finds that the plaintiff has failed to exercise reasonable diligence to obtain service on defendant(s), the court may dismiss the action as to such unserved defendant(s) pursuant to Illinois Supreme Court Rule 103(b). [Local Court Rule 7-1.03(f)]

**5. What if I am the defendant and I wish to contest the allegations in the complaint?**

If any defendant wants to contest the claims made by the plaintiff, the defendant must file an appearance and an answer with the Clerk of the Circuit Court, along with payment of the appropriate fee. Forms are available in the clerk's office, and they will advise you of the appropriate fee(s).

For the answer, the defendant must address each allegation of the complaint in writing. For example, if there are six (6) paragraphs in the complaint, the answer must contain either an admission or denial of all six (6) paragraphs.

**6. What if the defendant has not filed their appearance and answer by the required return date?**

In the event a defendant, after service of summons, fails to file an appearance and/or answer on or before the return date set in the summons it may be determined that all allegations in the complaint are admitted. The plaintiff shall appear before the arbitration judge on the return date for the purpose of obtaining a judgment or order of default and a date for prove-up.

Arbitrators **CANNOT** enter a default judgment. If the arbitration judge has entered a default with a prove-up scheduled at the arbitration hearing, the arbitrators may determine that allegations in the complaint are admitted and proceed on the issue of damages only.

**7. What if I need to add another defendant, file a counter complaint, or file a third-party complaint?**

Upon filing of any amended complaint, any counter complaint, or any third-party complaint requesting less than \$50,000, the filing party or their counsel shall be required to appear before the arbitration judge within ten (10) days of said filing for the setting of appropriate dates and to allow the clerk to issue summons or any other order(s) the court deems appropriate. The clerk shall not issue summons on the above pleadings until return dates have been set by the court. [Local Court Rule 7-1.03(g)]

## **8. Where can I obtain the forms required for my case?**

Most arbitration forms are available in the clerk's office, as well as <https://www.lakecountycircuitclerk.org/court-forms> under the 'Civil/Small Claims' listing.

## **9. What if the parties settle the matter prior to the arbitration hearing?**

If the matter is settled prior to the arbitration hearing, the parties must appear before the arbitration judge to submit the appropriate stipulations and/or orders disposing the case. The parties are required to notify the ADR Center immediately of any settlement or disposition of a case scheduled for arbitration hearing and to provide a copy of the dispositive order, as well. This must be done **BEFORE** the scheduled arbitration hearing. Sanctions may be imposed for failure to do so.

# **VII. THE ARBITRATION HEARING**

## **1. How long should a hearing last?**

It is anticipated that most cases heard by a panel of arbitrators will require two (2) hours or less for the presentation of the evidence.

## **2. Will I get any notice of the arbitration hearing date after it is set?**

No. However, the ADR Center will contact all attorneys of record and/or self-represented litigants who have an appearance on file approximately one (1) week before the

scheduled arbitration to check the status of the case. This is to ensure the case is still proceeding to arbitration hearing and to have a panel of arbitrators available to hear the case.

**3. How will the arbitration administrator know that the parties are ready for the hearing?**

The attorneys for each party, or the party itself, if not represented by an attorney, are required to check in when they enter the ADR Center. The arbitration administrator calls the cases at their assigned time.

**4. What should the parties do if they believe that the hearing will take more than two (2) hours?**

Any party seeking a hearing longer than two (2) hours **MUST** obtain an order of court and tender that order to the arbitration administrator at least seven (7) days prior to the arbitration. The arbitration judge will set the case for a 9 a.m. hearing and the arbitration administrator will make the appropriate arrangements for the longer hearing. **All cases requiring more than two (2) hours MUST start at 9 a.m.**  
[Local Court Rule 7-1.03(j)]

**5. What if I want the date continued? Do I need to seek the arbitration judge's approval? If both parties agree, do they need to come to court to change the date?**

Any party to a case may request a continuance of an arbitration hearing by filing a written notice and motion with the Clerk of the Circuit Court for presentment to the arbitration judge. The arbitration judge may continue a hearing date for good cause shown.

Motions to continue must be set on the arbitration judge's motion call not less than seven (7) days prior to the arbitration hearing. Notice of such motion **MUST** be provided in a timely manner to all parties involved in the case. A copy of the motion must also be provided to the arbitration administrator.

The motion for presentment to the arbitration judge shall contain a concise statement of the basis upon which a change to the arbitration hearing date is requested. Pursuant to court order, all changes to an arbitration hearing **MUST** be provided to the arbitration administrator. [Local Court Rule 7-1.03(h)]

**6. What should I do if I am going to be late on the day of the hearing? Who do I call?**

The arbitration administrator should be notified immediately (847-377-3700) if a party will be late on the day of the hearing. Time may be extended for good cause shown. If no notice is given, the hearing will proceed in accordance with the rules.

**7. If I am late, will I still get a two (2) hour hearing?**

No. If the case starts after the scheduled time due to the fault of one of the parties, that party may be penalized by having that amount of time deducted from his/her presentation. If the hearing starts after the scheduled time due to the fault of the ADR Center or one of the arbitrators, the parties will not be penalized.

## **8. What happens if one party does not show up?**

If a party fails to appear at the hearing, the hearing will proceed *ex parte*, and the appropriate award will be entered. Generally, the arbitration administrator waits fifteen (15) minutes for a party to appear before calling the case. Pursuant to Supreme Court Rule 91(a), the non-appearing party waives the right to reject the award and consents to entry of judgment on the award. ('JOA')

## **9. Is there a place where the attorneys can confer with their clients before the hearing?**

Yes. The ADR Center has three (3) conference rooms available for use by attorneys and their clients. Also, when available, any of the five (5) hearing rooms may be used.

## **10. What are the options if one party mis-diaries the hearing date or time or appears at the wrong location and does not appear at the hearing as scheduled by the court?**

**See answer to #8 above.** Any party may petition the court to vacate the judgment entered on the *ex parte* award. See **Illinois Supreme Court Rule 91(a).** Pursuant to the rule, costs and fees may be assessed against the party that did not appear. The costs may include but are not limited to payments of filing fees, service of summons fees, attorney's fees, witnesses' fees, stenographic fees, and any other out-of-pocket expenses incurred by any party or witness.

## **11. What happens if a party does not comply with a Rule 237 subpoena?**

Pursuant to Illinois Supreme Court Rule 90(g), the provisions of Rule 237, and thus the sanctions provided in Rule 219, are

equally applicable to arbitration hearings. The presence of a party may be waived by stipulation or excused by court order for good cause shown not less than seven (7) days prior to the hearing. The arbitrators are instructed to note the failure to comply with Rule 237 on the award.

Rule 90(g) further provides that sanctions for failure to comply with a Rule 237 request may include an order debarring that party from rejecting the award.

**12. What happens if no one appears for the arbitration hearing?**

The arbitration judge will dismiss the case for want of prosecution. ('DWP')

**13. What happens if one of the parties appears but does not present a case?**

Illinois Supreme Court Rule 91(b) provides that all parties to an arbitration hearing must participate in good faith and in a meaningful manner. If the arbitrators unanimously find that a party has failed to participate in the hearing in good faith and in a meaningful manner, they may indicate so on the appropriate Rule 91(b) form or on the award along with the factual basis for the decision. Any other party may bring a motion for sanctions before the arbitration judge. Sanctions against the non-good faith participant may include those as provided in Illinois Supreme Court Rule 219(c), an order debarring that party from rejecting the award, and costs and attorney's fees incurred for the arbitration hearing and in the prosecution of the petition for sanctions.

**14. Should I leave my Rule 90(c) documents with the arbitrators?**

As a courtesy to the arbitrators, you should make three (3) copies of your Rule 90(c) documents and any other evidence that you plan to present. The ADR Center is **NOT** responsible for documents left behind and litigants are encouraged not to leave any original documents at the ADR Center.

**15. What happens to my exhibits after the hearing?**

The arbitration administrator will store exhibits at the ADR Center. According to Local Court Rule 7-1.05(j), it is the duty of the attorneys or parties to retrieve exhibits from the ADR Center within seven (7) days after entry of judgment, notice of rejection, or order of dismissal. All exhibits not retrieved by that time will be destroyed.

It should be noted that the ADR Center is not responsible for any documents left behind. Litigants are **STRONGLY URGED** to make copies of original documents and leave the copies, **NOT THE ORIGINALS**, with the arbitrators while they deliberate.

**16. If, during the arbitration hearing, I disagree with a ruling of the arbitrators, may I, at that time, go before the arbitration judge for a ruling?**

No. Illinois Supreme Court Rule 90(a) provides that the arbitrators shall have the power to administer oaths and affirmations to witnesses, to determine the admissibility of evidence, and to decide the law and facts of the case. The chair of the panel shall make rulings on objections to evidence or on other issues that arise during the hearing. The

remedy of rejection of the award and the right to proceed to trial is determined to be the appropriate remedy for a perceived bias or prejudice on the part of an arbitrator or error by the panel of arbitrators in the determination of its award.

**17. Will a court reporter be present to make a transcript of the hearing?**

A court reporter is not provided. Local Court Rule 7-1.05(f) provides that any party, at that party's expense, may make a stenographic record of the hearing. If a party has a stenographic record transcribed, notice thereof shall be given to all other parties and a copy shall be furnished to any party upon payment of a proportionate share of the total cost of making the stenographic record. Testimony from the arbitration hearing has limited use in any later trial of the matter.

No sound recording equipment shall be allowed in the arbitration hearing except as utilized by a court reporter.

**18. Will an interpreter be provided?**

Any party requiring the services of a language interpreter, sign language interpreter or other assistance for the deaf or hearing impaired, shall file and present a motion requesting the interpreter at least thirty (30) days prior to the arbitration hearing. If the motion is granted, the court will enter an order indicating that a specific interpreter is required.

A copy of the court order allowing for an interpreter must be provided to the ADR Center at least ten (10) days prior to the arbitration hearing.

## **VIII. THE ARBITRATION AWARD AND JUDGMENT ON THE AWARD**

### **1. Will the determination of the award be made the same day as the arbitration hearing?**

Yes. Arbitrators will make an award promptly upon termination of the hearing. The award may not exceed the sum authorized for the circuit. In Lake County that sum is \$50,000, which includes any claim for attorney's fees and is exclusive of costs and interest. All arbitrators shall sign the award, however, a dissenting vote without further comment may be noted on the award.

The award is filed with the Clerk of the Circuit Court. The clerk is responsible for providing notice of the award and a copy of the same to all parties who have filed an appearance. Copies will be mailed to the address on file with the clerk.

### **2. Will the arbitrators announce the award to the parties on the day of the hearing?**

Arbitrators do not announce the award to the parties. Litigants may wait for the award results at the ADR Center or call the center after 2 p.m. to have the award read over the phone.

### **3. Is the award of the arbitrators binding?**

No. Pursuant to Illinois Supreme Court Rule 93, any party who was present at the hearing either in person or through counsel (except one who has been debarred from rejecting the award) may **within thirty (30) days of the filing of the**

**award**, and upon the payment of the proper fee and notice to all other parties, file a rejection of the award with the Clerk of the Circuit Court.

#### **4. When does the 30-day period to reject the award begin?**

The thirty (30) day period begins from the date the award is filed with the Clerk of the Circuit Court. A rejection of the award **CANNOT** be filed on the post arbitration status/JOA date as that is beyond the rejection deadline of thirty (30) days.

#### **10. What if I believe there is a mistake in the award?**

Illinois Supreme Court Rule 92(d) provides that when it appears from the record and the award that there is an **obvious and unmistakable** error in language or mathematics, the court, upon application by one of the parties within the thirty (30) day rejection period, may correct the same. If such a motion is made, it will pause the proceedings, including the running of the thirty (30) day rejection period, until the court decides the matter.

#### **11. Is the arbitration award a final order? If not, how do I make it final?**

The arbitration award is **NOT** final. The arbitration judge must enter a judgment on the award ('JOA') for the award to be final and the case to end. Pursuant to Supreme Court Rule 92(c), if no rejection is filed within the thirty (30) day period following the hearing, any party may thereafter move the court to enter judgment on the award. Typically, this is done on the post arbitration status/JOA date.

If the hearing was *ex parte* the appearing party may move, at any time after the award has been filed with the Clerk of the Circuit Court, for an entry of judgment on the award. [Illinois Supreme Court Rule 91(a)]

**12. Can the parties enter a stipulation for an amount different from the award after the award is entered?**

Yes. Parties may stipulate to an amount different from the award but prior to entry of judgment on the award.

**13. What happens if neither party asks for judgment on the award to be entered?**

At the mandatory post arbitration status/JOA date as reflected within the *Arbitration Case Management Order*, if neither party attends, the arbitration judge may dismiss the case for want of prosecution ('DWP').

**14. Can the parties dismiss the case once the award has been entered?**

Yes. The parties may voluntarily dispose of the matter at any time prior to the post arbitration status/JOA date. A stipulation to dismiss may even be presented at the post arbitration status/JOA date.

## **IX. REJECTION OF THE AWARD & TRIAL DE NOVO**

### **1. Is there a cost to reject the award?**

Yes. Pursuant to Illinois Supreme court Rule 93(a), **WITHIN THIRTY (30) DAYS AFTER** the filing of the award with the Clerk of the Circuit Court, and upon payment of the sum of \$200 to the clerk if the award was \$30,000 or less, or \$500 if the award was greater than \$30,000, any party who was present at the arbitration hearing, either in person or by counsel, and who has not been debarred from rejecting the award, may file with the clerk a written notice of rejection and request to proceed to trial. The party filing the rejection of the award must also file a certificate of service of such notice on all other parties.

### **2. If I go to trial, can the arbitrators that made the award be called as witnesses?**

No. Illinois Supreme Court Rule 93(b) prohibits an arbitrator from being called as a witness at any subsequent trial of the matter.

### **3. Can I use the award from the arbitration hearing at my trial?**

No. Illinois Supreme Court Rule 93 prohibits any reference in subsequent trial to the fact that an arbitration proceeding was held or that an award was made. However, the award is part of the record which the trial judge may review.

#### **4. Who may reject the arbitration award?**

Illinois Supreme Court Rule 93(a) provides that any party who was present at the arbitration hearing, either in person or by counsel, may, upon payment of the appropriate rejection fee, file with the Clerk of the Circuit Court a written notice of rejection of the award and request to proceed to trial, together with a certificate of service of such notice on all other parties. The filing of a single rejection shall be sufficient to enable all parties (except a party who has been debarred from rejecting the award) to proceed to trial on all issues of the case without the necessity of each party filing a separate rejection. The filing of a notice of rejection shall not be effective as to any party who is debarred from the rejection of an award.

# ~~Arbitration Program Resources~~

## **Local Court Rules (Mandatory Arbitration)**

<https://19thcircuitcourt.state.il.us/1987/Part-100-Mandatory-Arbitration-Rules>

## **Standing Order (Arbitration Courtroom C-304)**

<https://19thcircuitcourt.state.il.us/2062/Judge-Michael-B-Betar>

## **IL. Courts-Approved Statewide Standardized Forms**

<https://www.illinoiscourts.gov/documents-and-forms/approved-forms/>

### **‘Appearance (Civil)’**

<https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/cee07dd8-1346-404e-a3de-04d2a877767c/AP%20Appearance.pdf>

### **‘Answer or Response’**

<https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/36b78ae6-9230-43ed-990c-edcce130521e/ANS%20Answer.pdf>

### **‘Rule 90(c) Notice of Intent’**

[https://www.illinoiscourts.gov/Resources/db2f1239-b2f1-47b3-83b9-7a63c5752176/Rule\\_90c\\_Note\\_of\\_Intent\\_Evidence\\_from\\_Arbitration.pdf](https://www.illinoiscourts.gov/Resources/db2f1239-b2f1-47b3-83b9-7a63c5752176/Rule_90c_Note_of_Intent_Evidence_from_Arbitration.pdf)

<https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/fd223d12-427c-419a-badc-a8b3da4ac69d/Rule%2090.pdf>

## **19<sup>th</sup> Judicial Circuit Court Forms (Civil/Small Claims)**

<https://www.lakecountycircuitclerk.org/court-forms>

### **‘Arbitration - Case Management Order’**

<https://www.lakecountycircuitclerk.org/DocumentCenter/View/598/Arbitration-Case-Management-Order-171-486-Rev-052025-PDF>

### **‘Arbitration Order’**

<https://www.lakecountycircuitclerk.org/DocumentCenter/View/553/Arbitration-Order-171-566-052025-PDF>

### **‘Notice of Rejection of Award’**

<https://www.lakecountycircuitclerk.org/DocumentCenter/View/513/Notice-of-Rejection-of-Award-PDF>

## **Illinois Supreme Court Rules (Rules 86 – 95 for Arbitration)**

<https://www.illinoiscourts.gov/rules-law/supreme-court-rules/>

### **‘Rule 222’ - Limited & Simplified Discovery in Certain Cases**

<https://ilcourtaudio.blob.core.windows.net/antilles-resources/resources/96244cdc-f255-4a2c-be79-22d52d16460d/Rule%20222.pdf>

## **Glossary of Terms**

*This glossary is not meant to be all-inclusive. For further definitions, please refer to **Black's Law Dictionary**.*

**Ad damnum:** The technical name for damages in a civil lawsuit.

**Affirmative defense:** A defense that does not deny the truth of the allegations against the defendant but gives some other reason why the defendant cannot be held liable. All affirmative defenses must be raised in the responsive pleading (answer).

**Alias summons:** A subsequent summons issued when the first attempt to serve a summons was unsuccessful.

**Answer:** A written statement a defendant must file with the court addressing the complaint by admitting or denying the allegations being made.

**Appearance:** A form the defendant must file with the clerk indicating their intention to participate in the case.

**Complaint:** In a civil action, the document that initiates a lawsuit. The complaint outlines the alleged facts of the case and the basis for which a legal remedy is sought.

**Continuance:** When a matter will be continued to another date as set by the court.

**Counterclaim:** Claim presented by a defendant against the plaintiff following the claim of the plaintiff. If established, the claim will defeat or diminish the plaintiff's claim.

**Debar:** To bar, exclude or preclude from having or doing something.

**Default judgment:** A ruling entered against a defendant who fails to answer a summons in a lawsuit.

**Defendant:** The person or organization that is being sued.

**Directed finding:** In a case in which the party with the burden of proof has failed to present sufficient evidence of a genuine issue of material fact, the arbitrators may enter an award based on the assertion that there is no material fact at issue. A motion for a directed finding is only made after the opponent has presented the evidence.

**Discovery:** Part of the pre-trial litigation process during which each party requests relevant information and documents from the other side to "discover" pertinent facts.

**Ex parte:** One side only; by and for one party.

**Ex parte hearing:** A hearing in which the court or tribunal hears only one side of the controversy.

**Exhibit:** A paper, document, or object produced in court during a trial or hearing and identified as evidence.

**Motion:** The way a party officially requests the court to do something, such as to rule on an issue or schedule a hearing.

**Motion in limine:** A pretrial motion that requests the court to issue a provisional or intervening order that prevents an opposing party from introducing or referring to potentially irrelevant, prejudicial, or otherwise inadmissible evidence until the court has finally ruled on its admissibility.

**Notice of motion:** A form filed with the clerk informing the court that all parties have been notified that a motion has been filed.

**Order:** A court order containing instructions on what the parties are required to do.

**Plaintiff:** A person who files a lawsuit.

**Pro se:** (pronounced “*pro say*”) A legal term meaning "for oneself" or "on one's own behalf". It refers to a person who represents him/herself in court without the assistance of a lawyer. Such an individual may also be known as a "self-represented litigant ('SRL')."

**Proof of service:** A document confirming that legal papers, such as a summons and complaint, have been officially delivered to the intended recipient (usually a defendant in a lawsuit). This document, often called a ‘*Certificate of Service*’ or ‘*Affidavit of Service*’, is filed with the court to demonstrate proper service and ensure the legal process is followed.

**Prove-up:** To establish a fact as true by presenting satisfactory and sufficient evidence to the court.

**Service:** The formal process by which a party to a case is informed that a matter has been filed against them and that they must appear in court.

**Status/return date:** A future date on which the parties will appear in court to inform the judge of the status of the case.

**Subpoena:** An order compelling a person to appear to testify or produce documents.

**Summary judgment:** Any party to a civil action may move for a summary judgment on a claim, counterclaim, or cross-claim when he/she believes that there is no genuine issue of material fact and that he/she is entitled to prevail as a matter of law.

**Summons:** A legal document that notifies a party that a lawsuit has been filed and states when and where they are to appear in court to answer the charges (“*return date*”).

**Third party claim:** A complaint filed against a third party by a defendant or plaintiff alleging that the third party is liable for all or part of a claim or counterclaim in dispute between the original parties.

**Trial de novo:** The court holds a new trial or retrial of a case as if no previous trial had occurred.

**Vacate:** A legal term meaning to cancel or annul a previous order, judgment, or decision. To render an act as void; as to vacate an entry of a record.

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