

State of Illinois  
Circuit Court of Cook County

[www.cookcountycourt.org](http://www.cookcountycourt.org)



**Mandatory Arbitration  
Handbook**



STATE OF ILLINOIS  
CIRCUIT COURT OF COOK COUNTY  
Office of the Chief Judge

2014

**Honorable Timothy C. Evans  
Chief Judge**

## Message from Chief Judge Timothy C. Evans

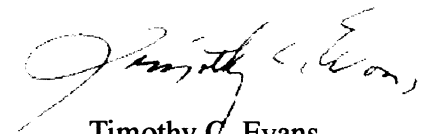
I want to thank you for your interest in the Mandatory Arbitration Handbook of the Circuit Court of Cook County.

This handbook is a general guide on mandatory arbitration written specifically for the *pro se* litigant, someone who chooses self-representation over attorney representation for a legal proceeding. The purpose of this handbook is to clarify the mandatory arbitration process and make it less intimidating to a person who may have little or no legal experience or knowledge. The information presented in this handbook is not legal advice and should not be used as a substitute for the advice of legal counsel.

I am grateful to the many current and former judges who recognized the need for an arbitration handbook for people without lawyers and who contributed to its development. I especially am grateful to Justice Mary K. Rochford, Illinois Appellate Court, for all her excellent research and writing. I also am grateful to Presiding Judge E. Kenneth Wright, Jr. of the First Municipal District, Presiding Judge Shelley Sutker-Dermer of the Second Municipal District, Presiding Judge William O. Maki of the Third Municipal District, Presiding Judge Cheryl D. Ingram of the Fourth Municipal District, Presiding Judge Raymond L. Jagielski of the Fifth Municipal District, Presiding Judge Marjorie C. Laws of the Sixth Municipal District, and Presiding Judge Edmund Ponce de León of the County Division for their contributions.

Mandatory arbitration was created in 1987 to offer litigants an alternative to court to help shorten the time it can take to resolve certain civil cases. It has proven successful for the court and litigants alike. We hope this handbook will help you to better understand and participate in this important process.

Sincerely,



Timothy C. Evans  
Chief Judge  
Circuit Court of Cook County



# TABLE OF CONTENTS

Introduction.....	1
Cook County Arbitration Administration and Locations.....	2
How and What Types of Cases Are Assigned to Mandatory Arbitration.....	4
Qualifications and Assignment of Arbitrators.....	5
Motions Relating to the Conduct of the Case.....	6
Motions Relating to the Conduct of the Hearing.....	7
Discovery.....	8
Settlement of the Case.....	9
Scheduling the Arbitration Hearing.....	10
The Need to Appear and Participate.....	12
Presentation of Witnesses and Evidence.....	13
The Arbitration Award and Judgment on the Award.....	16
Rejection of the Award and Trial of the Case.....	18
Appendix.....	19
Local Arbitration Contacts.....	19
Motion Rules.....	19
Arbitration Hearing Schedule and Rooms for Suburban Districts.....	22
List of Available Forms and Orders Used for Mandatory Arbitration in Cook County.....	23
Rule 90 of the Illinois Supreme Court Rules.....	23

# CIRCUIT COURT OF COOK COUNTY MANDATORY ARBITRATION OF CERTAIN CIVIL CASES

## INTRODUCTION

To ensure fairness and efficiency, the Illinois Supreme Court and the Circuit Court of Cook County have enacted rules that govern mandatory arbitration. These rules, Illinois Supreme Court Rules 86 through 95 and Local Rules of the Circuit Court of Cook County 18.1 through 18.11, may be found at any Circuit Court of Cook County Law Library and on line at [www.cookcountycourt.org](http://www.cookcountycourt.org) and [www.state.il.us/court](http://www.state.il.us/court). Please read these rules to become familiar with the arbitration process and its requirements. This handbook gives an overview of the procedures relating to mandatory arbitration.\*

\*The mandatory arbitration handbook of the 18<sup>th</sup> Judicial Circuit Court of DuPage County served as a basis for this handbook.

## **COOK COUNTY ARBITRATION ADMINISTRATION AND LOCATIONS**

The Arbitration Administrator, Kimberly Atz O'Brien, is responsible for the effective administration and management of the arbitration program. The Arbitration Administrator is located at the Cook County Mandatory Arbitration Center. Each suburban municipal courthouse has a Local Arbitration Contact. See the Appendix for the Local Arbitration Contact for each suburban district.

Mandatory arbitration hearings are held at the Mandatory Arbitration Center (which is not a courthouse) for cases filed in the First Municipal District and in the suburban municipal district courthouses for cases filed in the suburban districts. The addresses and phone numbers of each location are as follows:

### **First Municipal District**

#### **Cook County Mandatory Arbitration Center**

222 N. LaSalle St.

13<sup>th</sup> Floor

Chicago, Illinois 60601

(312) 793-0125

### **Second Municipal District**

5600 Old Orchard Rd.

Room 219

Skokie, Illinois 60077

(847) 470-7200

### **Third Municipal District**

2121 Euclid Ave.

Room 030, Lower Level

Rolling Meadows, Illinois 60008

(847) 818-2287

### **Fourth Municipal District**

1500 Maybrook Dr.

Room 253

Maywood, Illinois 60153

(708) 865-6060

### **Fifth Municipal District**

10220 S. 76<sup>th</sup> Ave.

Room 143

Bridgeview, Illinois 60455

(708) 974-6288

### **Sixth Municipal District**

16501 S. Kedzie Parkway

Room 207-J

Markham, Illinois 60428

(708) 210-4170

## **HOW AND WHAT TYPES OF CASES ARE ASSIGNED TO MANDATORY ARBITRATION**

The mandatory arbitration program applies to civil cases which are for money damages only and each claim for relief within the suit seeks an amount less than \$30,000.\* Attorney's fees are considered a claim for relief and are subject to the \$30,000 limitation.

A judge will assign the case to the arbitration calendar when all parties to the action have appeared before the court and no later than 280 days from the filing date.

The order transferring a case to arbitration will include a discovery closure date and will state the courtroom where motions relating to the arbitration are brought. (See the Appendix for a list of orders and forms relating to mandatory arbitration which may be obtained from the Office of the Clerk of the Circuit Court of Cook County.)

\* Generally, mandatory arbitration is not available for the following types of cases: Forcible Entry and Detainer, Replevin, Confession of Judgment, Trover, Detinue, Registration of Foreign Judgments, and Ejectment. However, these cases may be sent to the arbitration calendar when the only issues that remain are those for money damages.

## **QUALIFICATIONS AND ASSIGNMENT OF ARBITRATORS**

The arbitrators are experienced in civil litigation and trained to hear cases. Specifically, arbitrators must be licensed attorneys who have completed a court-approved training seminar on arbitration practices and procedures. Additionally, arbitrators must have been licensed in Illinois for a minimum of three (3) years or be a retired judge. The panel chair must have a minimum of five (5) years active litigation experience or be a retired judge.

A panel of three arbitrators, assigned at random, will hear the case in a hearing room at the designated location. The arbitrators should introduce themselves to the litigants at the beginning of the hearing.

The arbitration hearing can proceed before two panelists if all parties agree. If a party does not agree, an emergency arbitrator will be called and the hearing will be put on hold until the emergency arbitrator arrives.

Arbitrators may withdraw from hearing the case if there is a conflict or if grounds exist for disqualification pursuant to the Code of Judicial Conduct. The parties may not seek a substitution of arbitrators or change of venue from the panel or any of its members.

The arbitrators cannot have any communications with any of the parties beyond the arbitration hearing.

The State of Illinois pays the arbitrators from the Mandatory Arbitration Fund.

## **MOTIONS RELATING TO THE CONDUCT OF THE CASE**

A judge must hear motions relating to the conduct of arbitration cases, including motions for continuance of the hearing, or motions to dismiss or for default, at the appropriate time and manner and with proper notice to all parties of record. (See the Appendix for the motion rules of each district.)

A party must give immediate written notification to the Arbitration Administrator or Local Arbitration Contact of any court order affecting an arbitration hearing. The order should be delivered in person unless other arrangements have been made.

## **MOTIONS RELATING TO THE CONDUCT OF THE HEARING**

The arbitrators may hear motions only in relation to the conduct of the hearing at the time it is held. For example, arbitrators during the arbitration hearing may determine motions to exclude witnesses, motions *in limine*, rulings on the admissibility of evidence and motions for directed finding.

As explained earlier, arbitrators **MAY NOT** hear and determine motions for continuance of the hearing.

## **DISCOVERY**

Discovery shall be conducted according to established rules and must be completed at least 30 days prior to the arbitration hearing. No discovery shall be permitted after the discovery closure date except by leave of court for good cause shown.

In small claims cases (those seeking damages less than \$10,000), discovery is not allowed except by court order.

## **SETTLEMENT OF THE CASE**

If the parties settle the case at any time before the arbitration hearing, they must appear before a judge at a scheduled motion call and submit the appropriate stipulations and/or orders disposing of the case and striking the arbitration hearing. (See the Appendix for the requirements of each district as to procedures when an arbitration case is settled.) The parties must notify the Arbitration Administration Center immediately of any settlement or disposition of a case scheduled for hearing by delivering a copy of the order to the Arbitration Administrator or Local Arbitration Contact.

## SCHEDULING THE ARBITRATION HEARING

### 1. Hearing date

The Arbitration Administrator notifies in writing all parties of record of the hearing date and time at least 60 days before the hearing. Therefore, it is important that each party make sure that the Office of the Clerk of the Circuit Court of Cook County has up-to-date information as to the party's identity, current address and telephone number.

In the First Municipal District, arbitrations are heard at 8:30 a.m., 10:30 a.m. and 2:00 p.m. In all other districts, arbitrations are heard at 8:30 a.m., 10:30 a.m. and 1:30 p.m. and by order of Court at 3:00 p.m. In the First Municipal District, arbitrations are heard daily. (See the Appendix for the specific schedules and places for arbitration in the suburban municipal districts.)

### 2. Changing the arbitration date

A party wishing to change an arbitration date must file a motion on the motion call of the assigned judge. Proper notice of such a motion MUST be given to the other party and must be timely. The motion will be granted only if there is a showing of good cause. If the motion is granted, the Arbitration Administrator or the Local Arbitration Contact MUST be notified of the new hearing date and time. Even if both parties agree to the continuance, a judge must sign the order granting the continuance and assigning the new date. (See the Appendix for procedures relating to each suburban municipal district.)

### 3. Arbitrations will begin in a timely manner

All attorneys and parties are required to check in when they enter the Arbitration Center or the suburban arbitration location.

The arbitration will begin at the time set. If a party is late, the hearing will be delayed **no longer than fifteen (15) minutes** for a party to appear. If the case starts after the scheduled time due to the fault of one of the parties, that party will be penalized by having that amount of time deducted from his or her presentation. If the hearing starts after the scheduled time due to the fault of the Arbitration Center, the par-

ties will not be penalized.

### 4. Length of a hearing

The award must be determined two and a half hours after the hearing begins.

If a case is complex and requires a longer period of time, a party may file a motion prior to the hearing with the court seeking a longer hearing. Any order granting such a motion should be brought to the Arbitration Administrator or Local Arbitration Contact as soon as it is entered.

### 5. Failure to file a pleading or to comply with discovery

The arbitration hearing will proceed as scheduled even if a party has failed to file any relevant pleading, or complied with discovery, unless a court order directs otherwise.



## THE NEED TO APPEAR AND PARTICIPATE

### 1. Failure to appear at the hearing bars rejection

If a party fails to appear at the hearing, the hearing will proceed without that party and the appropriate award will be entered. Pursuant to Supreme Court Rule 91(a), a party who fails to appear in person or by counsel waives the right to reject the award and consents to the entry of judgment on the award. In such cases, the court must enter the judgment on award. A party must motion the court to request any appropriate relief from entry of judgment. This motion must be brought under 735 ILCS 5/2-1301 or 5/2-1401.

If neither of the parties appears on the date of the arbitration hearing an award will be entered for defendant. The award will state that the parties failed to appear. Plaintiff will be barred from rejecting the award.

### 2. Parties must participate in good faith

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 good faith and in a meaningful manner, they will state on the award the factual basis for their finding.

The failure to participate in good faith may result in sanctions which may be imposed by the trial judge upon motion with notice to all parties. The possible sanctions include the entry of an order barring the party from rejecting the award.

## PRESENTATION OF WITNESSES AND EVIDENCE

Each party must present the evidence for his or her claim or defense. Except as provided by Illinois Supreme Court Rule 90 (which is discussed later), the established rules of evidence apply. 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 and on other issues that arise during the hearing.

### 1. Rule 90 documents

Illinois Supreme Court Rules 90(c) and (d) provide that items such as photos, hospital reports, doctor's reports, drug bills, other medical bills, bills for property damage, itemized estimates of repair, lost earnings reports, expert opinions and depositions of witnesses are admissible without the maker being present and without foundation. In order to take advantage of these rules, 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 30 DAYS PRIOR** to the scheduled arbitration hearing date. Additionally, as to opinions of expert witnesses, the party must provide a written statement of the identity and qualifications of the expert and the expert's opinion, subject matter and basis of conclusion 30 days prior to the date of the hearing. The written notice and attached documents are known as a party's "Rule 90(c) package." **(The full text of Illinois Supreme Court Rule 90 is included in the Appendix.)**

Although documents that are filed pursuant to Rule 90(c) are admitted without foundation, the documents are still subject to objections under the rules of evidence.

As a courtesy to the panel, each party should make three (3) copies of that party's Rule 90(c) package and any other evidence which that party plans to present to the panel.

The Arbitration Administrator or Local Arbitration Contact is not responsible for documents left after the conclusion of an arbitra-

tion. Parties should not leave any original documents at the place of hearing. The Arbitration Center will destroy all documents left at the end of each business day

## **2. Rule 237**

A party may require the appearance of another party at an arbitration hearing pursuant to Illinois Supreme Court Rule 237. This rule requires written notice designating the person required to appear and the production of any original documents which have been previously disclosed. The presence of a party may be waived by agreement or excused by order of court for good cause not less than 7 days before hearing.

## **3. Compliance with Rule 237**

If a party does not comply with Rule 237, the arbitrators are instructed to note the failure to comply on the award. Rule 90(g) provides that sanctions for failure to comply with a Rule 237 request may include an order barring that party from rejecting the award.

## **4. Subpoenas**

Parties may subpoena non-party witnesses to testify at an arbitration hearing using the same form provided for trials. 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 at the Office of the Clerk of the Circuit Court. Witness fees and costs shall be in the same amount and shall be paid by the same party or parties as established by the Illinois Code of Civil Procedure and of the Circuit Court of Cook County Rules.

A party may subpoena the author or maker of another party's Rule 90(c) document, at the expense of the party issuing the subpoena. The author or maker may be examined as if under cross-examination.

## **5. Transcript of Proceedings**

A court reporter is not provided at an arbitration. Parties, at their own expense, may arrange for a court reporter to be present.

Testimony from the arbitration hearing has limited use in any later trial of the matter.

## **6. Interpreters**

An interpreter is not provided at an arbitration. Parties, at their own expense, may arrange for a court interpreter to be present. The court interpreter should be certified unless the parties agree otherwise or by court order. An objection to an interpreter made at the hearing will be resolved by the panel.

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

### **1. The award**

An award is a determination in favor of plaintiff or defendant. The panel will make the award promptly upon termination of the hearing. The award shall dispose of all claims for relief which are presented to the panel by the parties, including costs, attorney's fees, and interest. The award may not exceed \$30,000, exclusive of interests and costs, on each claim. The arbitrators shall sign the award. A dissenting vote without further comment may be noted on the award. The award is filed with the Office of the Clerk of the Circuit Court on the date of the hearing.

The panel does not announce the award to the parties. The Office of the Clerk of the Circuit Court is responsible for the entry of the award on the record and serving notice of the award to all parties who have filed an appearance in the matter. A party who wishes to obtain a copy of the award must go to the Office of the Clerk of the Circuit Court. The Arbitration Administrator or Local Arbitration Contact cannot provide copies of the award.

### **2. Correcting an obvious error**

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

### **3. Judgment on award**

The arbitration award is NOT final. In order for the award to be final, a judge must enter a judgment on the award. If no rejection is filed within the 30-day period after the award, any party may thereafter move the court to enter a judgment on the award. Typically, this is done at the judgment on award date.

The notice of award will state the judgment on award date which is approximately 35-45 days after the arbitration hearing. The judgment on award date is mandatory for all parties. If the plaintiff does not appear on the judgment on award date, the judge will dismiss the case for want of prosecution.

The parties may voluntarily dispose of the matter at any time prior to the entry of judgment. A stipulation to dismiss may even be presented at the judgment on award date. However, there is case law indicating that a plaintiff may not circumvent the effects of Supreme Court Rule 91 by not appearing at a hearing and subsequently moving to voluntarily non-suit the matter over the objection of the defendant.

## **REJECTION OF THE AWARD AND TRIAL OF THE CASE**

Pursuant to Supreme Court Rule 93(a), WITHIN 30 DAYS AFTER the filing of the award with the Office of the Clerk of the Circuit Court, and upon payment of the sum of \$200 to the Clerk of the Circuit Court, any party who was present at the arbitration hearing, either in person or by counsel, and who has not been barred from rejecting the award, may file with the Office of the Clerk of the Circuit Court a written notice of rejection and request to proceed to trial. The party filing the rejection of the award must serve the notice of rejection on all other parties and also file a certificate of service with the Office of the Clerk of the Circuit Court.

**The rejection must be filed within 30 days. The 30-day period begins to run from the date the award is filed with the Office of the Clerk of the Circuit Court, which is the date the hearing was held.**

The filing of a single rejection allows all parties, except a party who has been barred from rejecting the award, to proceed to trial on all issues of the case without the necessity of each party filing a separate rejection.

An arbitrator cannot be called as a witness at any subsequent trial of the matter. The fact that an arbitration proceeding was held or that an award was made cannot be mentioned at trial. The award, however, is part of the record which the trial judge may review.

## **Appendix**

### **Local Arbitration Contacts**

#### **Second Municipal District**

Alissa Bender  
(847) 470-5102

#### **Third Municipal District**

Carol Mulroe  
(847) 818-2287

#### **Fourth Municipal District**

Pat Biegel  
(708) 865-6060

#### **Fifth Municipal District**

Mary Jo Brennan  
(708) 974-6535

#### **Sixth Municipal District**

Connie Mortier  
(708) 232-4163

### **Motion Rules**

#### **First Municipal District**

Arbitration motions are heard in Room 1501. The motions must be spindled (filed) in Room 601 of the Daley Center. The Clerk's Office will provide the date on which the motion will be heard, about three to five days after the motion is filed in Room 601. Notice and a copy of the motion must be served on opposing parties at least 24 hours in advance.

Emergency motions are not filed in Room 601. Opposing parties must be served with the notice and a copy of the motion the day before.

The motion schedule for Room 1501 is as follows:

#### Morning Call

- 8:45 a.m. Routine Motions (Monday through Friday)
- 9:00 a.m. Emergency Motions - not required to be spindled (Monday through Friday)
- 9:00 a.m. Judgment on Award/Assignment Call (Monday through Friday)
- 9:00 a.m. Answer for Eviction Trial Call (Monday through Friday)
- 9:30 a.m. Status Call (Monday through Thursday only)
- 9:30 a.m. Progress Call (Friday only)
- 10:30 a.m. Motions of Course (Monday through Friday)
- 11:00 a.m. Motions of Course (Monday through Friday)
- 11:00 a.m. Forcible Status (Monday through Friday)

#### Afternoon Call

- 1:15 p.m. Emergency Motions - not required to be spindled (Monday through Friday)
- 1:30 p.m. Motions of Course (Monday through Thursday)
- 2:00 p.m. Specially set motions by court order from the 10:00 a.m. or 11:00 a.m. court calls (Monday through Thursday)

#### **Second Municipal District**

Motions relating to mandatory arbitration are heard on Tuesday, Wednesday and Thursday at 9:00 a.m. for even-numbered cases in Room 204 and at 9:30 a.m. for odd-numbered cases in Room 202. Motions seeking a continuance of an arbitration hearing or dismissal

because of settlement should be brought before the judge **no later than 48 business hours** prior to the arbitration hearing. A copy of all orders granting such motions should be brought to the Local Arbitration Contact immediately.

#### **Third Municipal District**

Motions relating to mandatory arbitration are heard Monday through Friday after 9:00 a.m. in Room 205. Motions seeking a continuance of an arbitration hearing or dismissal because of settlement should be brought before the judge **48 business hours prior** to the arbitration hearing.

#### **Fourth Municipal District**

All motions affecting mandatory arbitration shall be presented in Courtroom 111 at 9:30 a.m. on Tuesday, Wednesday, Thursday or Friday.

If a case is settled prior to the arbitration hearing, the parties **must notify the court administrator in the presiding judge's office immediately** and enter the appropriate orders in Courtroom 112 at 9:30 a.m. on Tuesday, Thursday, or Friday. If any scheduled arbitration is to be dismissed, that request must be brought **48 business hours or longer** before the hearing date.

A hearing on a rejection of an award is heard on the judgment on award date indicated on the bottom of the award at 9:30 a.m. in Courtroom 112.

#### **Fifth Municipal District**

Motions relating to mandatory arbitration are heard Monday through Friday at 9:30 a.m. for even-numbered cases in Room 206 and for odd-numbered cases in Room 205. Motions seeking a continuance of an arbitration hearing or dismissal because of settlement should be brought before the judge **48 business hours prior** to the arbitration hearing. A copy of all orders granting such motions should be brought to the Local Arbitration Contact immediately.

### **Sixth Municipal District**

Motions relating to mandatory arbitration are heard Monday through Friday at 9:00 a.m. for even-numbered cases in Room 208 and for odd-numbered cases in Room 207. Motions seeking a continuance of an arbitration hearing or dismissal because of settlement should be brought before the judge **48 business hours prior** to the arbitration hearing. A copy of all orders granting such motions should be brought to the Local Arbitration Contact immediately.

### **Arbitration Hearing Schedule and Rooms for Suburban Districts**

#### **Second Municipal District**

Arbitration hearings take place in Room 219 on Monday, Tuesday, Wednesday and Friday.

#### **Third Municipal District**

Arbitration hearings take place in Courtroom 030, Lower Level, on Monday, Wednesday and Friday.

#### **Fourth Municipal District**

Arbitration hearings take place in Room 253 on Tuesday, Wednesday and Thursday.

#### **Fifth Municipal District**

Arbitration hearings take place in Room 143 on Tuesday, Wednesday and Thursday.

#### **Sixth Municipal District**

Arbitration hearings take place in Room 207-J on Tuesday, Wednesday, Thursday and Friday. Arbitration hearings may be held on Monday only by order of court where necessary.

### **List of Available Forms and Orders Used for Mandatory Arbitration in Cook County**

1. Notice of Intent Form from Rule 92(c)\*
2. Award of Arbitrators Form from Rule 94
3. Judgment on Arbitration Award [Form CCM 0134]
4. Discovery Closure and Arbitration Order [Form CCM 0630]
5. Notice of Rejection of Award [CCM 0631]
6. Notice of Award [CCM 0632]
7. Judgment on Award of Arbitration [Form CCM 0634]
8. Discovery Closure and Arbitration Order—First District [Form CCM0640]
9. Order Striking Assignment to Arbitration/Arbitration Hearing [Form CCM 0642]
10. Order Striking Arbitration Hearing (Dismissal/Settlement) [Form CCM 0643]
11. Order Extending Discovery [Form CCM 0644]
12. Order Resetting Arbitration Hearing (Discovery Extended) [Form CCM 0645]
13. Order Resetting Arbitration Hearing [Form CCM 0653]

\* Please note that the form is from Illinois Supreme Court Rule 92, but is not necessarily complete.

### **Rule 90 of the Illinois Supreme Court Rules**

#### **Rule 90. Conduct of the Hearings**

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

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

hospitals, doctors, dentists, registered nurses, licensed practical nurses and physical therapists, or other health-care providers;

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

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

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

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

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

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