



State of Illinois
Department of Central Management Services



ADVANCING ADMINISTRATIVE HEARINGS IN ILLINOIS

BUREAU OF ADMINISTRATIVE HEARINGS
ANNUAL REPORT

Fiscal Year 2022



To Governor JB Pritzker, Honorable Members of the General Assembly, and the People of the State of Illinois:

The Bureau of Administrative Hearings (Bureau), a unit of the Illinois Department of Central Management Services (CMS), presents this annual report pursuant to Executive Order 04 (2017). It provides information regarding the Bureau's Fiscal Year 2022 centralized hearings operations, its capacity-building partnerships with internal and external stakeholders, and its ongoing initiatives to advance justice and equity in our State's administrative proceedings.

To that end, please find included the following Contents:

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ABOUT THE BUREAU OF ADMINISTRATIVE HEARINGS

WHAT WE DO

The Bureau provides centralized coordination and support for administrative hearings functions across the State. The Bureau offers high quality, independent administrative hearings for agencies that do not employ their own administrative law judges (ALJs), providing an impartial forum where Illinoisans receive fair, prompt, and cost-effective resolution of disputes. Implementing Executive Order 04 (2017), the Bureau facilitates professional development for adjudicators, coordinates technology solutions for hearings, promotes uniform hearings rules, coordinates interagency work-share initiatives, and works collaboratively with stakeholders to improve the administration of justice in Illinois.

HOW WE STARTED

More than thirty jurisdictions across the nation have adopted a “central hearings panel” model of administrative adjudication in which ALJs are employed by the panel, not by the agency whose decision they are reviewing. This model seeks to enhance fairness and increase public trust and confidence in decisions rendered. While the central panel concept is not new (California was the first to centralize its administrative hearings in 1945), the model has gained traction at both the state and federal level, with existing central panels seeing their jurisdiction expand, and growing support for a federal central panel.

The concept of an Illinois central panel had on several occasions over the past two decades, been proposed in the form of legislation. While decades of published research on central panels around the nation revealed that these central panels garner efficiency and increased productivity owing to economies of scale and flexibility in assignments, decisionmakers lacked qualitative and quantitative research demonstrating how the central panel model might thrive in Illinois’ own unique environment.

Executive Order 06 (2016) launched a pilot to gather data regarding the State’s administrative hearings, compile best practices, and make recommendations for reform. The pilot identified several critical tasks to improve administrative justice in our State, including the adoption of uniform procedural rules, a code of conduct specific to the work of ALJs, centralized training and professional development opportunities for ALJs, and modern e-filing and case management technology. Upon expiration of the pilot in 2017, the Bureau was permanently established and housed within CMS through Executive Order 04 (2017), with instructions to continue its collaboration with State agencies in furtherance of reform. Extensive historical information is available through published reports on the Bureau’s website.

As created, the Bureau’s structure is a novel approach in the use of a central panel to guide coordination of Statewide reform across dozens of administrative agencies that conduct hearings. In 2017, the Bureau began conducting hearings for agencies whose caseloads did not justify employing their own full-time ALJs. This move allowed agencies to eliminate costs of contracting with private attorneys to serve as ALJs, ensuring cases are heard by an independent, experienced adjudicator at lower taxpayer cost.

WHERE WE ARE NOW

In August 2019, the American Bar Association unanimously adopted Resolution 100A, as proposed by the National Conference of the Administrative Law Judiciary, encouraging state, local and territorial jurisdictions to consider use of a central panel system for state administrative law adjudications.

During Fiscal Year 2022, the Bureau employed two full-time administrative law judges and a Deputy Director, housed within CMS, to drive the Bureau's day-to-day operations of conducting fair hearings and issuing quality decisions. Its small size has encouraged Bureau staff to be creative in expanding capacity for Statewide improvements. To that end, the Bureau engages many talented individuals across the State to effectuate large-scale change. Since its inception, the Bureau has built and continues to grow partnerships with both internal and external stakeholders to make meaningful reform.

In research conducted by Chicago Appleseed Center for Fair Courts ("Chicago Appleseed") and Chicago Council of Lawyers in February of 2019, *The Need for a Central Panel Approach to Administrative Adjudication: Pros, Cons, and Selected Practices*, an advisory committee was cited as an important part of making centralized hearings panels as fair and effective as possible. Last year, the Bureau partnered with Chicago Appleseed and Chicago Council of Lawyers to convene such an advisory committee in Illinois - the Advisory Committee for the Advancement of Administrative Justice. Divided into five subcommittees devoted to top priorities (adjudicator selection and training, uniform procedural rules, hearings technology, plain language and pro bono assistance for self-represented litigants), the Committee has been an invaluable source of guidance and assistance in achieving the activities described in this report.

As the Bureau matures, its projects may expand or change, but it remains true to its mission, vision, and core values in all that it does.



OUR MISSION, VISION AND CORE VALUES

MISSION

To uphold the independence and integrity of the administrative judiciary by promptly resolving administrative disputes involving executive agencies and the public through accessible, fair, and efficient processes, and issuing sound decisions.

VISION

To offer the people of Illinois a convenient, simple-to-navigate forum to have their contested case matters heard and decided fairly. To work collaboratively with executive branch agencies, community partners and the public to increase access to administrative justice, reduce confusing and contrary regulatory processes, and inspire the utmost confidence in the adjudicatory process.

CORE VALUES



Integrity and Respect



Impartiality



Fairness



Plain Language
Communication



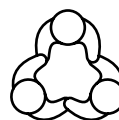
Innovation and Efficiency



Excellence in Service



Accountability



Diversity and Inclusivity

OUR OFFICES



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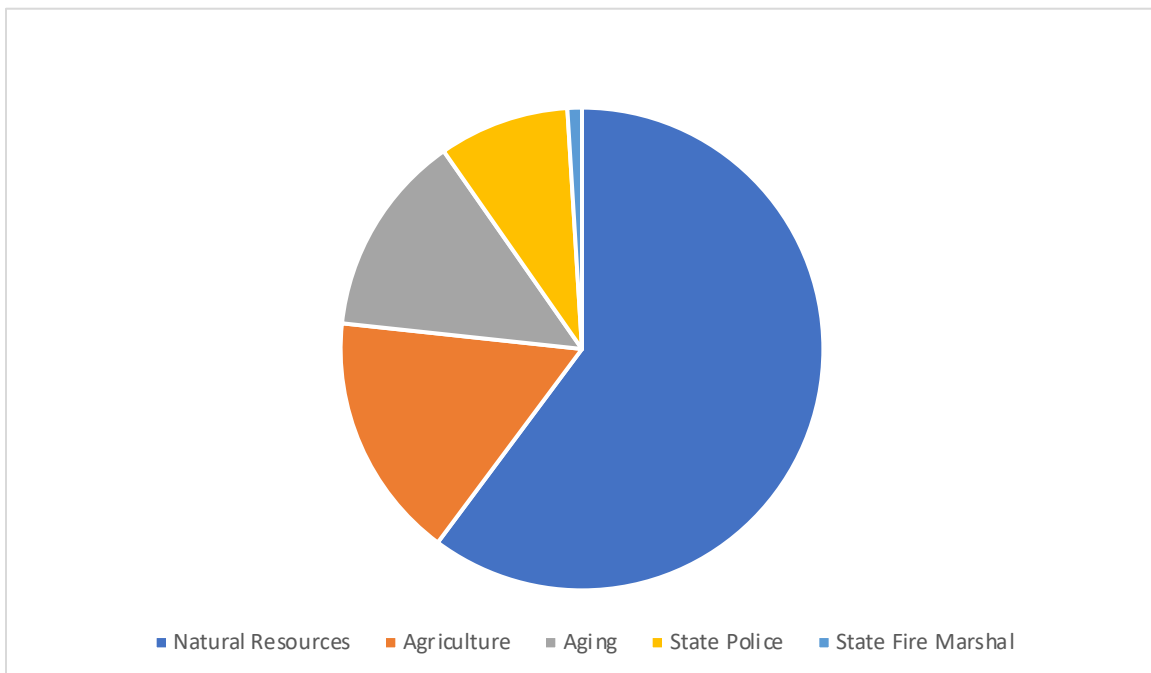
ADMINISTRATIVE ADJUDICATION OPERATIONS

GENERALLY

The Bureau conducts high quality, independent administrative hearings for agencies that do not employ their own administrative law judges (ALJs), providing an impartial forum where Illinoisans receive fair, prompt, and cost-effective resolution of disputes. The Bureau's adjudication services range from simple administrative appeals to conducting multi-day or multiweek trial-like evidentiary hearings in complex matters. Some cases are narrow, single-issue disputes; others are wide-ranging, and involve complicated legal and factual disputes. ALJs sometimes present recommendations for decision and other times issue the final decision, depending on the authority delegated. Most proceedings are governed by the Illinois Administrative Procedure Act (5 ILCS 100/10/ et seq.) and the relevant statutes and rules of the agency regulatory authority under which the Bureau is conducting the hearing.

FISCAL YEAR 2022 NEW MATTERS REFERRED FOR ADMINISTRATIVE HEARING

In Fiscal Year 2022, the Bureau received 103 new requests for administrative hearing. New matters spanned more than two dozen types of hearings from five different State agencies.



Distribution of new matters referred for administrative hearing in Fiscal Year 2022

EXPANDING OPERATIONAL CAPACITY

All Bureau proceedings are conducted by qualified ALJs who are Illinois-licensed attorneys with significant legal experience. Currently, the Bureau has two full-time administrative law judges, overseen by a Deputy Director who also carries a caseload.

The amount of ALJ time required to prepare and adjudicate a case to disposition is not necessarily apparent by the case type or number of issues in dispute. Case types that are typically more time-intensive may resolve quickly with the parties' mutual agreement, while cases that are typically less time-intensive may evolve to become more complex with prehearing motions and evidentiary issues. This presents the Bureau with somewhat of a challenge in apportioning ALJ workload and predicting the precise level of resources needed at any given time.

Adequately addressing these fluctuations is critical to the Bureau's provision of prompt dispute resolution services. To this end, the Bureau is gearing up to cross-train experienced attorneys in CMS' Office of Legal Counsel to serve as a reserve pool of ALJs, effectively resolving capacity concerns and offering attorneys additional professional development opportunities.

AUTOMATING ROUTINE WORKFLOWS IN CASE MANAGEMENT

As Bureau staff have worked to streamline workflows in hearings proceedings, the time has come to formalize these more efficient workflows, incorporating into an innovative, multi-agency electronic case management solution. Utilizing an existing contract under the National Association of State Purchasing Officers (NASPO) allows the Bureau access to technologies previously vetted and competitively priced owing to economy of scale.

The Bureau is currently working to finalize a Statement of Work with a responsive vendor. Building electronic workflows and adding a secure, e-filing system will drive numerous operational efficiency and customer-service focused benefits, including:

- reduced processing time through automation of routine functions;
- elimination of costly and cumbersome paper-based processes;
- improved tracking, reporting, and transmission of cases; and
- greater litigant access to case information.



ENHANCED TRAINING PROMOTES FAIR AND EFFICIENT HEARINGS

ADJUDICATION-FOCUSED EDUCATION AND TRAINING

Empowering practitioners with the latest knowledge and best practices is one way to ensure fair and efficient administration of justice in our State. A survey conducted during the Bureau's early pilot period revealed a desire for adjudicator-specific training. The Bureau began organizing meaningful professional development opportunities, and since 2017, has facilitated more than 4,500 person-hours of adjudicator-focused education at no charge to participants.

The Bureau's trainings are open to any government adjudicator - municipal, city, county, even neighboring state ALJs. We have discovered that those connections across government agencies result in additional opportunities for collaboration and sharing of best practices.

Recognizing the benefits of skills training at all stages of the adjudication process, in Fiscal Year 2023 the Bureau will coordinate with legal investigations experts to facilitate the launch of a formal training module designed specifically for agency investigators, thereby enhancing due process for Illinoisians and increasing the quality of investigative evidence presented at hearing. This skills training course will follow a hybrid curriculum of on-demand training paired with live interactive sessions, making it accessible to investigators Statewide.

ILLINOIS-INDIANA CONNECTIONS COURSE SERIES

Illinois' Bureau of Administrative Hearings partnered with Indiana's Office of Administrative Law Proceedings to co-sponsor a series of free, interactive webinars designed specifically for administrative law judges to hone their communication and decision-making skills. The series title was chosen to emphasize the connections waiting to be made with colleagues in other jurisdictions. That participants from not only Illinois and Indiana, but also Wisconsin, Michigan, City of Chicago, and Cook County participated, further supports that the desire and support for adjudicator-focused educational programming transcends all jurisdictional boundaries.



Series courses included:

- Plain Language Writing – What it is and Why it Matters;
- Speaking in Plain Language;
- Translating Internal Decision-making into Assertive and Logical Rulings; and
- Debiasing Strategies for Administrative Law Judges.

ELEVATING THE QUALITY OF ADMINISTRATIVE DECISIONS

ADJUDICATOR-FOCUSED TRAINING COURSES

Administrative law judges write to a wide audience, from the parties involved in the matter, to their attorneys, to agency leaders, to the public, and reviewing courts. Without a doubt, the most important readers of ALJ decisions are the litigants that appear seeking resolution of their dispute. It is therefore essential that not only the outcome, but also the rationale behind that outcome is clear to the parties. That's why the Bureau emphasizes plain language in both written and spoken case communications.

Also essential to a high quality, fair decision is a conscious effort on the part of the ALJ to mitigate implicit, unconscious bias. In addition to raising awareness of the impact of implicit bias on decision-making processes, the Bureau has sought to develop meaningful training that imparts to ALJs actionable steps and practice tips to implement in their everyday work.

PEER REVIEW OF SUBSTANTIVE DECISIONS

Administrative law judges in a central panel benefit from their ability to share knowledge and skills. In complex cases, or cases of first impression, ALJs are encouraged to have a peer review their substantive decision for grammar, clarity, readability, and strength of legal analysis. This practice also results in greater consistency of format within the unit.

EXAMINING PERFORMANCE-BASED METRICS TO ASSESS QUALITY

One measure of the quality and legal soundness of decisions issued is the rate at which they are affirmed on appeal by a reviewing court. As only a fraction of cases typically proceed to administrative review, and the Bureau's history of hearing cases is still young, it does not yet have a large dataset to draw from. However, in Fiscal Year 2022, the Bureau's conclusion in a matter involving statutory interpretation was affirmed at the Illinois appellate court level. Rate of affirmance is one quality-based measure the Bureau intends to monitor as it grows.

ENSURING EQUITABLE ACCESS

Important to the Bureau is that Illinoisians have equitable access to a fair and transparent method of dispute resolution. As the Bureau continues to grow its policies, procedures, and resources, access and equity will remain at the forefront.

EXPANDED USE OF REMOTE HEARINGS TECHNOLOGY

The pandemic accelerated use of videoconferencing technology as a means of conducting administrative hearings remotely. Though people are increasingly returning to in-person interactions, the Bureau recognizes the improved access that remote technology brings for persons who provide caregiving to loved ones, who have compromised immune systems, or who would otherwise have to expend time and costs on travel to attend an in-person proceeding. To this end, the Bureau is seeking to integrate videoconference technology with its future electronic case management system. It is important to also balance the fact that while technology may reduce barriers for some, it may increase barriers for others who may not have access to a reliable computer, smartphone or internet. Therefore, the Bureau will continue to assess and assign, based on the circumstances, the most appropriate method of conducting the hearing, considering input from participants.

DISABILITY ACCESS

The Bureau is working with CMS' Disability Access Coordinator to ensure seamless access to the Bureau's services and meaningful participation for all litigants. The Bureau's scheduled move to the Armory Building in Springfield once renovations are completed is an opportunity to reimagine the user experience and design our offices to best serve all Illinoisans.

WEBSITE RESOURCES

The Bureau is currently undergoing conversion of its website materials, with the assistance of the Department of Innovation and Technology (DoIT), which will meet or exceed accessibility standards and improve the ease by which litigants can find information relevant to their case.

DIVERSITY AND INCLUSION EFFORTS

In addition to educational programs described in this report, the Bureau continues to communicate with CMS's Office of Diversity, Equity, and Inclusion to drive important initiatives agency-wide and identify where the work of our two offices can complement one another.

ENSURING EQUITABLE ACCESS

Executive Order 04 (2017) tasked the Bureau with providing, annually, its recommendations for reform, including where administrative hearings may be made more efficient and user-friendly. In addition to expanding upon the improvement initiatives described elsewhere in this report, the Bureau recommends the following additional steps to reduce barriers to access, streamline timeframes to case resolution, and promote public trust and confidence in process and outcomes.

UNIFORMITY IN PROCEDURAL RULES

Uniform, user-friendly procedural rules across all State agencies that conduct administrative hearings would cut hundreds of rules from the Illinois Administrative Code, streamline existing hearing processes, protect due process, and eliminate confusing and contrary regulatory processes between agencies and hearings units, making it easier for self-represented litigants to understand and assert their rights at hearing. Codification of rules for all types of hearings should appear in one section of the Illinois Administrative Code, making it easier for individuals and entities to identify and understand applicable rules of hearing practice. Enhancing consistency and predictability in this manner will boost public confidence in the State's process.

ESTABLISHING A COMMON PROCEDURAL LANGUAGE ACROSS ADMINISTRATIVE AGENCIES

The Bureau has long advocated for the creation of a set of unified procedural rules to streamline proceedings and make it easier for litigants to interact with administrative agencies. In its endeavor to create model procedural rules, it is apparent that just as procedures differ from agency to agency, so too does terminology used to refer to similar actions or events that occur before, during and after the hearing process. Complementary to establishing uniform rules of procedure must be the establishment of a common language. Doing so will also streamline the implementation of workflows in a case management system.

CONCLUSION

While much has been done, there is still much more we can do to improve the delivery of fair, efficient, and cost-effective hearings for Illinoisians. As the Bureau continues existing initiatives and searches for new opportunities for improvement, we invite you to join us on this journey.



Meaningful reform happens when we act together.
The Bureau invites you to share your ideas for
advancing administrative justice.

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