**Section 7030.30 Disqualification of Commissioners and Arbitrators**

a) Except as otherwise provided in the Workers' Compensation Act, *the Canons of Judicial Conduct as adopted by the Supreme Court of Illinois govern the hearing and non-hearing conduct of members of the Commission and Arbitrators. The Commission may set additional rules and standards, not less stringent than those rules and standards established by the Code of Judicial Conduct, for the conduct of Arbitrators.* [820 ILCS 305/1.1].

b) An Arbitrator or Commissioner shall disqualify himself or herself in a proceeding, including the consideration of a settlement contract, in which the Arbitrator's or Commissioner's impartiality might reasonably be questioned, including but not limited to instances in which:

1) he or she has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceedings;

2) he or she served as an attorney in the matter in controversy, or an attorney with whom the Arbitrator or Commissioner previously practiced law served during that association as an attorney concerning the matter;

3) he or she is a material witness concerning the matter;

4) he or she was, within the preceding three years, associated in the private practice of law with any law firm or attorney currently representing any party in the controversy (provided that referral of cases when no monetary interest was retained shall not be deemed an association for the purposes of this subsection (b)(4)) or, for a period of seven years following the last date on which the Commissioner or Arbitrator represented any party to the controversy while the Commissioner or Arbitrator was an attorney engaged in the private practice of law;

5) he or she was, within the preceding three years, employed by any party to the proceeding or any insurance carrier, service or adjustment company, medical or rehabilitation provider, labor organization, or investigative service involved in the matter;

6) he or she or his or her spouse, or a person within the third degree of relationship (pursuant to the civil law system) to either of them, or the spouse of that person:

A) is a party to the proceeding or an officer, director or trustee of a party;

B) is acting as an attorney in the proceeding;

C) is known by the Arbitrator or Commissioner to have a more than de minimis interest that could be substantially affected by the proceeding;

D) is to the Arbitrator's or Commissioner's knowledge likely to be a material witness in the proceeding;

7) he or she negotiated for employment with a party, a party's attorney or insurance carrier or service or adjustment company, in a matter in which the Arbitrator or Commissioner is presiding or participating in an adjudicative capacity;

8) the Arbitrator or Commissioner knows that he or she, individually or as a fiduciary, or the Arbitrator's spouse, parent or child wherever residing, or any other member of the Arbitrator's or Commissioner's family residing in the Arbitrator's or Commissioner's household, has an economic interest in the subject matter in controversy or in a party to the proceeding, or has any other more that de minimis interest that could be substantially affected by the proceeding.

c) An Arbitrator or Commissioner shall keep informed about the Arbitrator's or Commissioner's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the Arbitrator's or Commissioner's spouse and minor children residing in the Arbitrator's or Commissioner's household.

d) Remittal of Disqualification

An Arbitrator or Commissioner disqualified under subsection (b) may disclose on the record the basis of the disqualification and may ask the parties and their lawyers to consider, out of the presence of the Arbitrator or Commissioner, whether to waive disqualification. If, following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and attorneys, without participation by the Arbitrator or Commissioner, all agree in writing that the Arbitrator or Commissioner should not be disqualified, and the Arbitrator or Commissioner is then willing to participate, the Arbitrator or Commissioner may participate in the proceeding. The agreement signed by all parties and all attorneys shall be made a part of the record of the proceeding.

e) Reassignment

1) Cases on Arbitration

A) When an Arbitrator withdraws from a case and the venue of the case arises in Cook County, it shall be the duty of the Arbitrator to notify the Commission, whose function it shall be to reassign the case to a new Arbitrator chosen randomly from all the Arbitrators in Cook County.

B) When an Arbitrator withdraws from a case and the venue of the case arises outside Cook County, it shall be the duty of the Arbitrator to notify the Commission, whose function it shall be to reassign the case to a new Arbitrator in the arbitration zone.

2) Cases on Review

When a Commissioner withdraws from a case, it shall be the duty of the Commissioner to notify the Commission, whose function it shall be to transfer the case to a Commissioner, representative of the same statutorily designated class, sitting on a panel other than that on which the withdrawing Commissioner sits.

f) Petitions for Substitution

1) Cases on Arbitration

A) Every application for a substitution of Arbitrator shall be made by a petition setting forth the specific cause for substitution. The petition shall be verified by the affidavit of the applicant.

B) Upon filing of a petition for substitution of Arbitrator, a hearing to determine whether cause exists shall be conducted as soon as possible by an Arbitrator other than the Arbitrator named in the petition, randomly assigned by the Commission. The Arbitrator named in the petition need not testify but may submit an affidavit if the Arbitrator wishes. If the petition is granted, the case shall be reassigned as set forth in subsection (e)(1) of this Section. If the petition is denied, the case shall be assigned back to the Arbitrator named in the petition.

2) Cases on Review

A) Every application for a substitution of Commissioner shall be made by a petition setting forth the specific cause for substitution. The petition shall be verified by the affidavit of the applicant.

B) Upon filing of a petition for substitution of Commissioner, a hearing to determine whether cause exists shall be conducted as soon as possible by a Commissioner of the same designation as the Commissioner named in the petition, randomly assigned by the Commission. The Commissioner named in the petition, need not testify but may submit an affidavit if the Commissioner wishes. If the petition is granted, the case shall be reassigned as set forth in subsection (e)(2). If the petition is denied, the case shall be assigned back to the original panel including the Commissioner named in the petition.

3) A petition for substitution may be made to the Commission if reasonable notice of the application has been given to the adverse party or his or her attorney.

(Source: Amended at 36 Ill. Reg. 17913, effective December 4, 2012)