**Section 5300.765 Petitions for Fees and/or Costs**

a) Within 21 days after the service of a Recommended Liability Determination pursuant to Section 5300.760(e)(1) or (e)(2) of this Part or pursuant to an Order entered after a hearing by the selected Administrative Law Judge in a case proceeding under the alternative hearing procedure, the Party or Parties designated therein may file with the Administrative Law Judge a petition for fees and/or costs, supported by argument and affidavits. Such supporting documentation shall include the following:

1) The number of hours for which compensation is sought, itemized according to the work that was performed, the date upon which the work was performed and the individual who performed such work;

2) The hourly rate customarily charged by each individual for whom compensation is sought and appropriate documentary support for such claimed rate. In the case of a public law office which does not charge fees, or which charges fees at less than market rate, counsel may provide documentation of the rate prevalent in the practice of law for attorneys in the same locale with comparable experience and expertise;

3) Other factors that affect the computation of fees or costs, as determined by the courts of Illinois and the decisions of the Commission; and

4) Documentation of costs for which the Party seeks reimbursement.

b) Copies of such petitions and supporting documents shall be served by the petitioning Party on all other Parties at the time of filing with the Administrative Law Judge, and proof of service shall be provided. Neither fees nor costs will be awarded in the absence of proper petition therefor.

c) Within 21 days after the service of the petition for an award of attorney's fees and/or costs, all other Parties may file written objections to the petition. Copies of such objections shall be served on all other Parties at the time of filing with the Administrative Law Judge, and proof of service shall be provided. Failure to file such objections shall be deemed a waiver of any objections to the award of fees. No reply in support of the petition or in response to objections may be filed except upon leave granted by the Administrative Law Judge upon motion and good cause shown.

d) A Party may request additional time to file a pleading governed by this Section by written motion filed with the Administrative Law Judge stating the reasons therefor. Copies thereof shall be served at the same time on all other Parties. Such requests for extension of time shall be granted where good cause is shown.

e) The Administrative Law Judge may convene a hearing to resolve contested issues and may take other steps to produce a complete record with regard to a claim for fees and/or costs.

f) Following the submission of the petition for fees and/or costs and objections thereto and the completion of a hearing, if any, the Administrative Law Judge shall prepare a Recommended Order and Decision pursuant to Section 5300.760(f)(2) of this Part or, in a case proceeding under the alternative hearing procedure, shall prepare a Final Order pursuant to Section 5300.762 of this Part.

(Source: Amended at 20 Ill. Reg. 7820, effective June 1, 1996)