**Section 100.8 Motions**

a) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Except as otherwise provided in this Part or by a specific statute, motions may seek any relief or order recognized in the Code of Civil Procedure and Rules of the Illinois Supreme Court, and shall include a reference to the applicable Section of the Code or Rules in both the heading and body of the Motion. Motions based on a matter that does not appear of record shall be supported by affidavit.

b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. The title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Examples of properly-titled motions: Respondent's Motion to Dismiss, Respondent's Second Motion to Dismiss.

c) Motions directed at the pleadings, if not raised at the earliest opportunity, shall be deemed waived, absent a showing of exceptional circumstances.

d) The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn an Order or Notice issued by the Director, but may make a recommendation to the Director at any time that circumstances merit such a recommendation.

e) Motions to continue a hearing shall be granted only for good cause shown. Motions for a continuance shall be in writing and shall be made immediately upon a party becoming aware that a continuance will be needed. The party moving for a continuance shall file an affidavit in support of their motion, which, at a minimum, states: when the party learned that a continuance was needed, the steps that were taken to avoid the need for a continuance, and the current reasons the continuance is needed. Continuances may also be granted by agreement of the parties.

f) Whenever possible, as much of the hearing as possible shall be completed, and only those matters that must be continued shall be continued.

g) If there is an unforeseen emergency, motions to continue a hearing may be made by telephone or by videoconferencing application, rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties, and shall be confirmed within five business days by the filing of a written motion. Motions made by videoconferencing application shall involve the administrative law judge and all parties, and shall be confirmed within five business days by the filing of a written motion.

h) Responses shall be in writing unless made at a prehearing conference or a hearing.

i) On a motion to disqualify an administrative law judge made by any party, the administrative law judge who is the subject of the motion shall determine whether he or she should be disqualified on the basis of *bias or conflict of interest*, and shall remove himself or herself if a determination is made that bias or a conflict of interest exists. If the motion is granted, the Director, or their designee, shall appoint a new administrative law judge. A motion for the disqualification of an administrative law judge shall be based upon the alleged bias or conflict of interest of the administrative law judge. *An adverse ruling,* *in and of itself, shall not constitute bias or conflict of interest.* (Section 10-30 of the IAPA) Motions for substitution of an administrative law judge pursuant to Section 2-1001(a) of the Code of Civil Procedure shall not be permitted.

j) The following shall constitute bias or conflict of interest for the purpose of disqualification under subsection (i):

1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;

2) The judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during that association as a lawyer concerning the matter, or the judge has been a material witness concerning it;

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

4) The judge knows that any of the following persons has an economic interest in the subject matter in controversy or in a party to the proceeding, or has any other more than minimal interest that could be substantially affected by the proceeding:

A) the judge individually;

B) a fiduciary with ties to the judge;

C) the judge's spouse, parent, or child, wherever residing; or

D) any other member of the judge's family residing in the judge's household.

k) Demands for a Bill of Particulars shall not be allowed.

l) Requests for an extension of time other than to continue a hearing shall be in writing and may be granted for good cause shown.

(Source: Amended at 46 Ill. Reg. 8158, effective May 5, 2022)