

# The Newest Central Panel: The Illinois “Brain Suck”

**2017 Central Panel Directors’ Conference**

**Des Moines, Iowa**

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CMS Bureau of Administrative Hearings**

# Administrative Hearings in Illinois

- Over 150,000 administrative proceedings each year before State of Illinois administrative bodies
- More than 25 agencies/boards/commissions conduct nearly 100 different types of administrative hearings.

# Problems with current structure

- **Poor customer service to Illinois citizens and businesses**
  - Dozens of inconsistent codes, developed in silos, and thousands of rules make it challenging to navigate administrative process
  - Unpredictable due process and delays discourage business and unnecessarily torment citizens
- **Disparities in caseload and backlog between agencies**

# Executive Order 2016-06

- On April 29, 2016, Gov. Rauner signed an “Executive Order to Eliminate the Backlog and Delay in State Administrative Proceedings.”
- Pointed to:
  - Unreasonable delays –
    - Justice delayed is justice denied
  - Appearance of impropriety
    - ALJs are hearing cases to which their employing agency is a party
  - Patchwork of rules and regulations

# Executive Order 2016-06

- Established a Pilot Program
- CMS Bureau of Administrative Hearings
- Pilot Period – through June 30, 2017
- Primary Charges
  - Gather Information
  - Test Consolidation
  - Implement improvements



# Information Gathering

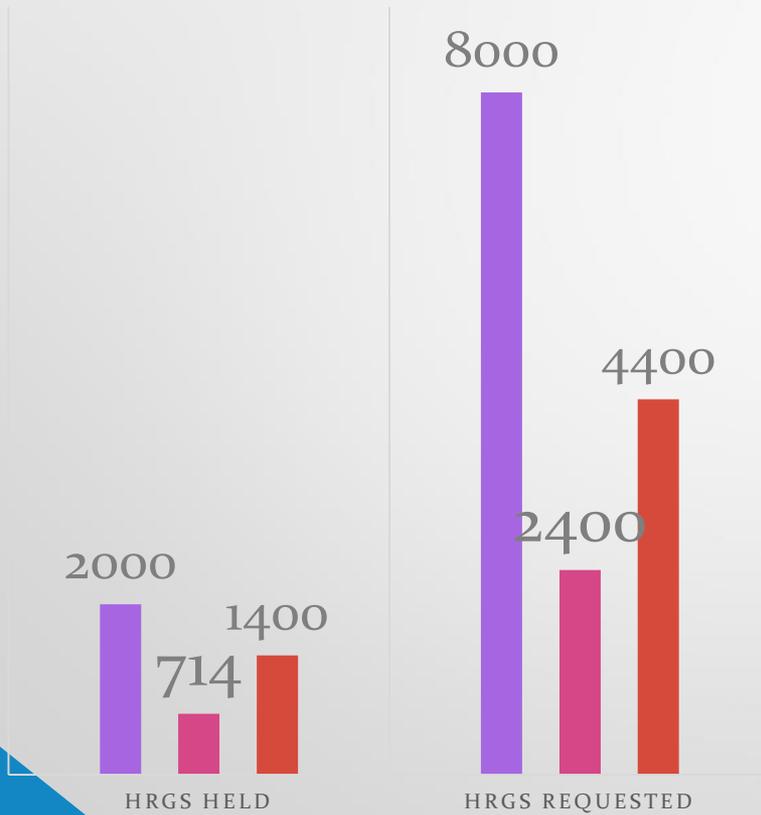
- Gather data to:
  - Identify areas for increased efficiencies
  - Best practices for effectively providing:
    - High level of service
    - Transparency
    - Accountability
    - Timely resolution of cases

# Information Gathering

- **Training Deficiencies**
  - 48% no judicial training before hearing cases
  - 52% no ongoing training regarding role of adjudicator
  - 36% no specialized training on agency subject matter
- **Outdated or NO technology**
  - *“I know there is technology out there of which we are not even aware because our agency just got rid of its stone tablet and chisel and now has a quill and scroll!”*
- **Agencies can't react effectively to legal change**
  - Paper-based systems
  - Inability to effectively track cases
  - Forces adjudicators to spend time on routine tasks

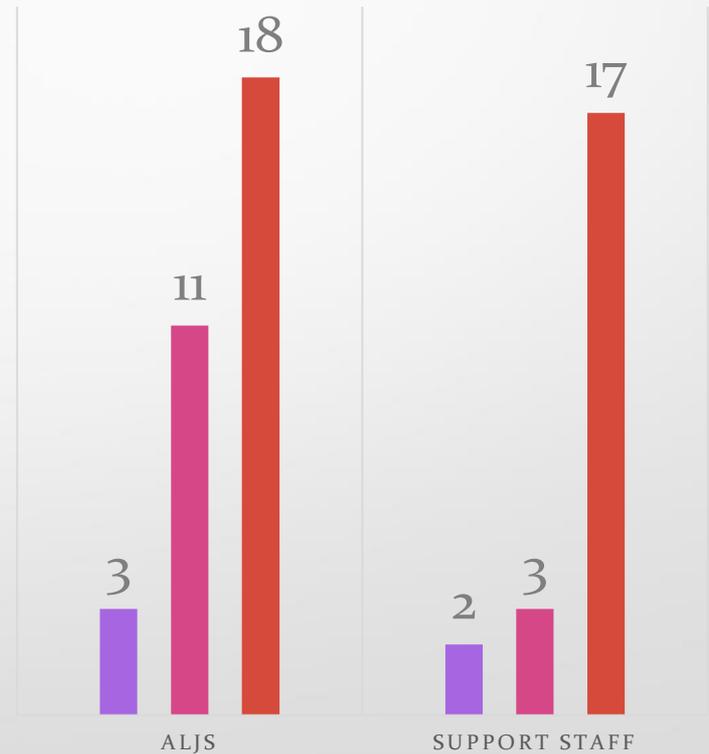
# CASELOAD

IDOL HFS DCFS



# STAFFING

IDOL HFS DCFS



# The search for solutions

- Rules Subcommittee
- IT Subcommittee
- Professional Development Subcommittee

# Rules Subcommittee

- Surveyed and Analyzed Agency Rules
- Analyzed existing Model Rules as well as hearings rules from other States
- Recommendations to drafters of Model Hearings Rules
- Looked at potential amendment to the Administrative Procedure Act

# Rules Subcommittee

- **Model Rules ready for promulgation**
  - Clear instructions to parties
  - More readable for members of the public and the bar
  - More efficient service
  - Electronic filing
  - Limits on Discovery
  - Standardized criteria for continuances
  - Timeframes reflect need for more timely resolution
  - Default deadline of final administrative decision issued 40 days after the hearing

# Rules Subcommittee

- Draft amendment to the Administrative Procedures Act
  - Specifically allows service by electronic means (email or via website like the PACER system used by federal courts)
  - Explicitly sanctions administrative hearings by telephone, video conference or other electronic means
  - Clarifies what is prohibited *ex parte* communication and brings Illinois's statutory prohibitions in line with other states and national models
  - Incorporates a system for facilitating e-filing
  - The biggest change is the creation of an independent Office of Administrative Hearings – Article 12
    - Follows national Model APA with Central Panel

# IT subcommittee

- Assess needs
- Established Website
  - <https://www2.illinois.gov/sites/administrativehearings>
- Develop Website content to make Hearings more accessible
  - FAQs
  - Guide for Unrepresented Parties
  - Videos of Courtrooms
- Electronic Case Management System

# IT subcommittee

- Electronic Case Management System will feature:
  - Public interface for case information and filing
  - Electronic filing
  - Increased automation
  - Real-time tracking
- Resulting efficiencies from implementation are expected to include:
  - 50% reduction in time spent on calls, emails, faxes
  - 45% reduction in first class mailings
  - 55% reduction in time spent scheduling
  - 70% reduction in time spent creating admin review record
  - 55% reduction in time spent creating reports

# Professional Development Subcommittee



- ALJ Code of Professional Conduct
  - Based on ABA Model Code (2016)
- 8<sup>th</sup> Annual IL Administrative Law Conference
- Final Fridays CLE program
- Bench Book



# Professional Development Subcommittee

- Since February, the Bureau has provided more than 1,100 hours of CLE-certified training
  - Legal writing
  - Case Management
  - Cultural Competence
  - Ethics
  - Evidence
  - Surviving administrative review
- Now available on West's LegalEdcenter

# Test Consolidation/Case Sharing

- IDOL and Dep't of Revenue and IDPH
  - 11 pilot ALJs
  - 2 wage and hour claim hearings per week
  - From October 3, 2016 through end of period 2016
    - Nearly 550 cases heard!!!
- Illinois State Police and IDFPR
- Springfield Solution

# Bureau Centralizes Hearings

- May 16, 2017 – Bureau hires an ALJ who is responsible for hearing cases for numerous agencies via intergovernmental agreement
  - Dep't of Natural Resources
  - Illinois Emergency Management Agency
  - Office of State Fire Marshal
  - Dep't of Agriculture
  - Illinois State Police
  - Dep't of Commerce and Economic Opportunity
  - Drycleaner Environmental Response Trust Fund

# Executive Order 2017-04

- Governor Rauner issued a new executive order August 2, 2017
- Makes the Bureau a permanent fixture at CMS
- Expands scope from 10 agencies to 25
- Authorizes additional staff (including ALJs)
- Directs implementation of model rules and proposing APA amendments
- Does not move existing ALJs or change employment conditions

# What's Next??

- Promulgate Model Rules to streamline processes
- Continue ALJ-centric Training
- Initiate uniform ALJ orientation
- Procure enterprise electronic case management
- Work for a central panel amendment to APA
- Look for other ways to further consolidate

# The Bureau is committed to ...

- Implementing policy changes to positively transform administrative law practice in Illinois
- Continuing to test consolidation with expanded case sharing
- Finding solutions as problems arise



**THANK YOU**

*...for all your support!*



# Let me know what I'm missing!

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