



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

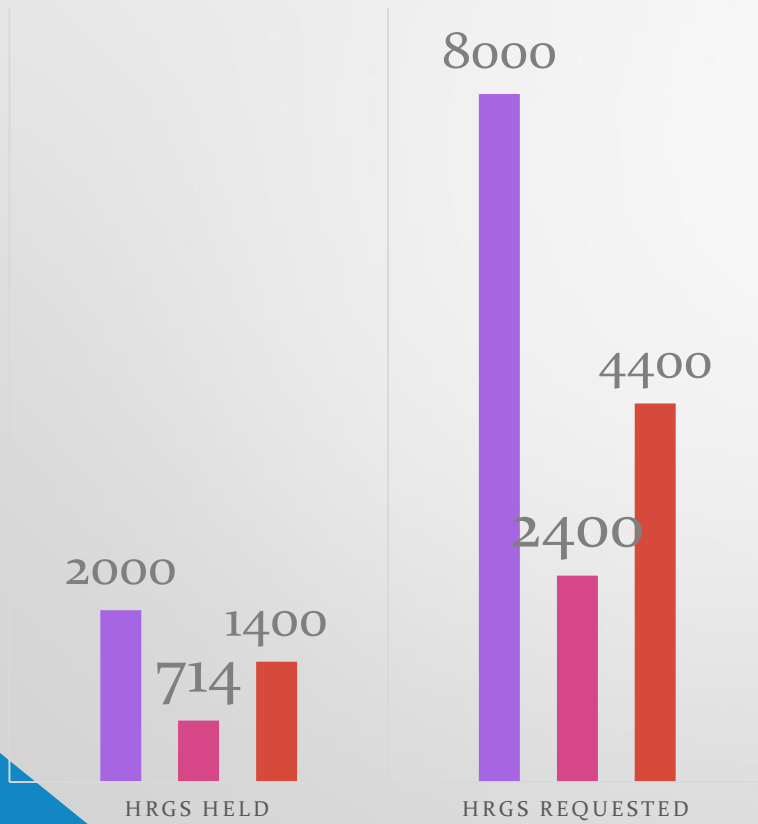
- Gather data to:
 - Identify areas for increased efficiencies
 - Best practices for effectively providing:
 - High level of service
 - Transparency
 - Accountability
 - Timely resolution of cases

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- **Outdated or NO technology**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

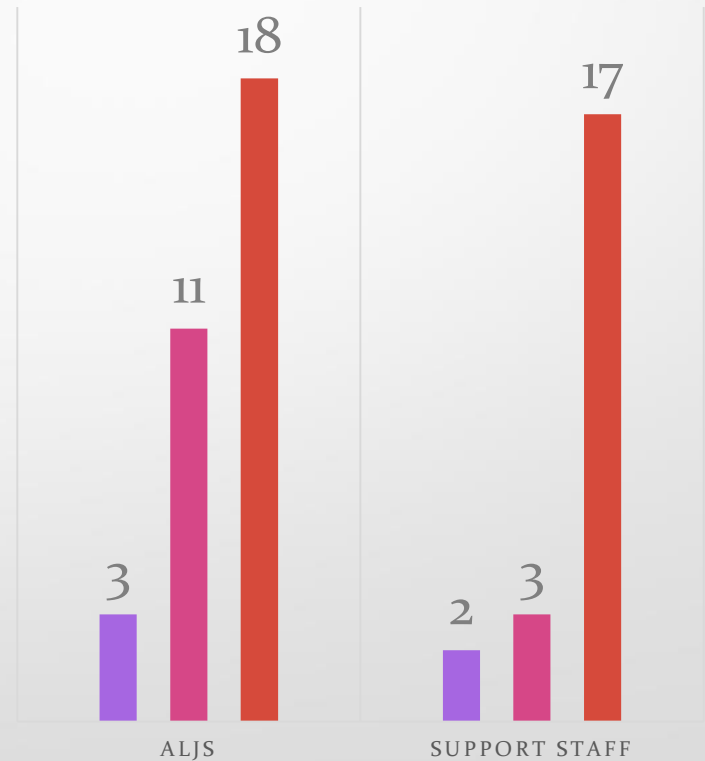
CASELOAD

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)
- 8th 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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