



**Illinois Human Rights Commission
Administrative Law Section
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Judicial Settlement Conferences

As a fully developed judicial system, the Illinois Human Rights Commission provides the non-exclusive option for parties to have their cases mediated by an Administrative Law Judge. These sessions are known as “Judicial Settlement Conferences,” and they represent opportunities for the parties to resolve their grievances against each other without the need for written motions or formal proceedings.

A Judicial Settlement Conference is available to the parties at any time, although two or more parties must agree to attend a Judicial Settlement Conference (and commit to participate in good faith) before any such meeting is scheduled.

As the name suggests, the goal of a Judicial Settlement Conference is to settle a pending case (and sometimes more than one case brought by the same complainant). Where the parties agree that a Judicial Settlement Conference might have value, they should immediately file a joint request with the Administrative Law Judge assigned to their case. The assigned ALJ will then advise the Chief Administrative Law Judge, who will ensure that a different Administrative Law Judge is assigned to conduct the Judicial Settlement Conference.

The ALJ that conducts the Judicial Settlement Conference will have no previous familiarity with the case, and will have no vested interest of any kind in the outcome of the dispute. He or she will call the parties together (in person or virtually) and attempt to mediate the disagreement with the goal of resolving the outstanding issues. As with other forms of mediation with which the parties may already be familiar, the work of the settling ALJ may involve joint and/or separate sessions with the litigants, and may last for several hours or more. The settling ALJ is also empowered to hold additional meetings with the parties on later dates if they believe that follow-up discussions would increase the likelihood of a negotiated resolution.

Although the parties are permitted (and encouraged) to have their attorneys with them during a Judicial Settlement Conference, there is no formal record created of these conferences, nor can any party use an offer of compromise made at a Judicial Settlement Conference to later prove liability against another party. In other words, under Illinois law, if a party decides to offer or potentially accept a certain amount to settle a case, that choice cannot later be admitted as evidence in any proceeding, nor will the original ALJ assigned to hear the case learn any details regarding the parties' negotiations. In fact, the objective of a Judicial Settlement Conference is to enable the parties to freely and openly negotiate a resolution to their case without adversely affecting their position in subsequent litigation (if the case does not settle).

Where the parties to a pending case believe they would benefit from a Judicial Settlement Conference, they should immediately submit a joint request for assistance to the assigned ALJ, who will then work with the Chief Administrative Law Judge to arrange a Judicial Settlement Conference for the parties without delay.