

**INFORMATION FOR LITIGANTS BEFORE THE**  
**ADMINISTRATIVE LAW SECTION OF THE HUMAN RIGHTS COMMISSION**

1. The Illinois Human Rights Act can be found at 775 ILCS 5/1-101 *et seq.* The Commission's Procedural Rules can be found at 56 Ill. Admin. Code, Ch.XI, Section 5300 *et seq.* All cases will proceed in strict accordance with the Act and Rules. Failure to comply with them may result in sanctions, including dismissal or default.
2. Although it is not mandatory, unrepresented complainants and individual respondents are urged to obtain legal counsel. Incorporated respondents are required by law to be represented by an attorney. All parties and counsel are required to inform the Commission in writing of any change of address promptly. If a failure to do so results in an order or other correspondence being returned undelivered, such is still effective and failure to comply or respond may result in default or dismissal.
3. The ALS number which appears on the Notice of Public Hearing must be clearly marked on the first page of every document filed with the Human Rights Commission.
4. Discovery requests and responses should **not** be filed with the Commission; only the certificate of service should be filed.
5. Any answer, supplementary answer, motion to dismiss, motion for summary decision, motion to amend the complaint, motion to allow a Department of Human Rights employee to testify at hearing, and responses to any of the above must be served on the opposing party and on the Chief Legal Counsel of the Department of Human Rights, 555 West Monroe, 7<sup>th</sup> Floor, Chicago, Illinois 60661, and the proof of service filed with the Commission must show such service. Copies of other motions and discovery requests and responses should **not** be served on the Department unless it is a named party on the complaint.
6. Parties are strongly urged to explore settlement possibilities with their opponents. If the parties desire a mediated settlement conference conducted by an Administrative Law Judge, they may contact the clerk of the Administrative Law Section to schedule one at any time.
7. There are two ways to effect a settlement. First, parties may propose a written settlement to the Commission which will consider and approve or reject it. The Administrative Law Section has no role other than to submit the case file and proposal to the Commission. The Commission will retain jurisdiction of any settlement it approves. Second, the parties may reach a settlement between themselves and then have the Complainant file a motion for voluntary dismissal. In this case, the Commission neither approves nor disapproves the settlement, nor do the settlement terms have to be disclosed, and any enforcement must be in civil court.

8. Public hearings before and Administrative Law Judge are stenographically recorded by a court reporter at the Commission's expense and the Commission orders the original transcript, which can be examined at the Commission offices. Copies are available from the court reporter at a party's expense.
9. At the start of a public hearing, each party must have a complete set of exhibits for use by the presiding Administrative Law Judge.
10. Except for the original charge of discrimination, the materials in the Department of Human Rights' file are not automatically part of the public hearing record. Such materials will be considered by the Administrative Law Judge only if there is appropriate foundation and they are otherwise admissible.
11. Post-hearing briefing shall be at the discretion of the presiding Administrative Law Judge. The determination will be made with input from the parties, either at the final status hearing or following the public hearing.
12. The Administrative Law Judge is bound by Commission decisions, which are published and available at the State Library. Commission decisions are also available through Westlaw and Lexis. Federal decisions interpreting analogous Federal law may be helpful and relevant, but are not binding precedent.
13. The procedures for filing exceptions to the Administrative Law Judge's Recommended Order and Decision are found at 775 ILCS 5/8A-103 *et seq.* and the pertinent rules are found at 56 Ill. Admin. Code Ch.XI, Section 5300.910 *et seq.* The Commission serves as the appellate level of proceedings under the Human Rights Act. No exceptions may be filed to the Recommended Liability Determination, which is an interim order on liability alone. Proceedings at the Administrative Law Section level are complete upon issuance of a Recommended Order and Decision.