

NOTICE TO THE BAR AND ALL LITIGANTS

IWCC HEARING EXHIBIT RETENTION PROCEDURES

Please take Notice of the promulgation of new Rules and/or modification of existing Rules (effective April 28, 2023) pertaining to the Illinois Workers' Compensation Commission. Effective June 1, 2023, the IWCC will now require parties to retrieve their exhibits within thirty (30) days after they have received Notice from the Commission. Further, parties will now be responsible for retaining their own physical media exhibits (e.g., DVD disc or flash drive) for future delivery to a Court.

The IWCC will no longer indefinitely retain paper copies of records submitted by the parties at Hearing. The IWCC is now able to retain such documents in an electronic format consistent with the Uniform Electronic Transactions Act [815 ILCS 333] and consistent with Rules of the IWCC found at 50 Ill. Adm. Code 9030.70.

Section 9030.70 Rules of Evidence, states in pertinent part:

- b) Exhibits offered in evidence, whether admitted or rejected, shall be retained by the assigned Arbitrator or Commissioner until a decision is issued in the matter. Exhibits may not be removed by the parties. Once a final decision is rendered, except as otherwise provided in this Part, exhibits shall be retained by the Commission pursuant to the requirements of Section 17 of the Act.
- c) Pursuant to 50 Ill. Adm. Code 9015.10 and 9015.20 and the Uniform Electronic Transactions Act [815 ILCS 333], any documents or records retained by the Commission may be retained in electronic format.

Effective June 1, 2023, and until further notice, the IWCC will no longer retain Hearing Exhibits indefinitely. After a Hearing has been completed, and subsequent to the entry of such Hearing Exhibits into the IWCC Portal, the parties will receive notice from the IWCC to retrieve their Hearing Exhibits. Thereafter, the parties will have thirty (30) days to retrieve any Hearing Exhibits from the IWCC. Hearing Exhibits will include both paper documents and Exhibits submitted in some other form of media (e.g., a DVD disc or USB flash drive).

If a party submits a video exhibit, e.g., on DVD disc or flash drive, that video exhibit will be saved in the IWCC Portal. The party will be notified and required to retrieve said exhibit (media) and retain it for future use by a Court. Neither the Circuit Courts nor the Appellate Court have the capacity to receive video from the IWCC. It will be the responsibility of the party that offered the video exhibit at Hearing to retain the original media and make the same available to the Courts.

If there is a dispute between the parties as to the correctness or completeness of a video exhibit after a Decision is rendered by the IWCC, the Commission will rely upon the video entered in the IWCC portal and certify the correctness and completeness of the disputed video exhibit. The Secretary of the IWCC will certify the correctness of a video exhibit upon request of either party to the matter by comparison of same to the video previously entered into the IWCC portal.