



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1846

Introduced 2/25/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

710 ILCS 5/4.1 new

Amends the Uniform Arbitration Act. Provides that an arbitrator acting in that capacity is immune from civil liability, is not competent to testify, and may not be required to produce records as to any statement, conduct, decision, or ruling occurring during the arbitration proceeding to the same extent as a judge acting in a judicial capacity. Sets forth exceptions. Provides that the immunity supplements any immunity under other law. Provides that, if a person commences a civil action against an arbitrator arising from the services of the arbitrator or if a person seeks to compel an arbitrator to testify or produce records in violation of the new provisions, the arbitrator is entitled to reasonable attorney's fees and expenses of litigation.

LRB094 10682 WGH 41058 b

1 AN ACT concerning arbitration.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Uniform Arbitration Act is amended by adding
5 Section 4.1 as follows:

6 (710 ILCS 5/4.1 new)

7 Sec. 4.1. Immunity of arbitrator.

8 (a) An arbitrator acting in that capacity is immune from
9 civil liability to the same extent as a judge of a court of
10 this State acting in a judicial capacity.

11 (b) The immunity afforded by this Section supplements any
12 immunity under other law.

13 (c) In a judicial, administrative, or similar proceeding,
14 an arbitrator is not competent to testify, and may not be
15 required to produce records as to any statement, conduct,
16 decision, or ruling occurring during the arbitration
17 proceeding, to the same extent as a judge of a court of this
18 State acting in a judicial capacity. This subsection does not
19 apply:

20 (1) to the extent necessary to determine the claim of
21 an arbitrator against a party to the arbitration
22 proceeding; or

23 (2) to a hearing on a motion to vacate an award under
24 Section 12(a)(1) or (2) if the movant establishes prima
25 facie that a ground for vacating the award exists.

26 (d) If a person commences a civil action against an
27 arbitrator arising from the services of the arbitrator or if a
28 person seeks to compel an arbitrator to testify or produce
29 records in violation of subsection (c), and the court decides
30 that the arbitrator is immune from civil liability or that the
31 arbitrator is not competent to testify, the court shall award
32 to the arbitrator reasonable attorney's fees and other

1 reasonable expenses of litigation.