

CITY OF CHICAGO
COMMISSION ON HUMAN RELATIONS
500 N. PESHTIGO COURT, 6TH FLOOR
CHICAGO, ILLINOIS 60611

IN THE MATTER OF:)
)
WINDY PEARSON,)
)
) Complainant,) Case No. 91-E-126
)
) and)
)
) NJW OFFICE PERSONNEL SERVICES,)
) INC., and NORMA J. WILLIAMS,)
)
) Respondent.)

TO: Ms. Windy Pearson
2530 N. Campbell
Chicago, IL 60647

Ariel Weissberg, Esq.
Weissberg and Associates, Ltd.
53 W. Jackson Blvd.
Chicago, IL 60604

ORDER

Respondents NJW Office Personnel Services, Inc. and Norma J. Williams ("NJW") have moved for leave to take a deposition of the complainant, Windy Pearson. That motion is denied.

The provisions for discovery in the Chicago Commission on Human Relations adjudication process are set forth in Section 240.110(d) of the Commission's Rules and Regulations (amended December 18, 1991; effective January 1, 1992), and in Section 240.105, describing the pre-hearing memorandum to be filed by the parties. A copy of those rules are attached hereto. The rules provide for the following forms of discovery: production of a short statement of the case, Section 240.105; document requests, Sections 240.110(d)(1) and 240.105; production of a witness list, "including a description of the substance about which the witness will testify," Sections 240.110(d)(2) and 240.105; copies of all

documents, or a summary of the documents to be introduced, Sections 240.110(d)(3) and 240.105; damages calculations, Section 240.105; and stipulations, Section 240.105. The Rules expressly provide that there shall be no other discovery except on motion and for good cause shown. Section 240.110(d) and (d)(4).

Commission procedures and the Rules of the Commission were intended to provide a forum for resolution of discrimination complaints that would be cheap, efficient, and fast. To this end, the Rules at several points distinguish Commission procedures from more formal procedures that are required in the federal courts, the Illinois courts, and in the Illinois Human Rights Commission. For example, the Hearing Officer in a case "shall not be bound by the strict rules of evidence applicable in courts of law or equity," Section 240.110(a); the Commission will not accept motions for summary judgment, Section 240.110(g); briefs on issues of unsettled questions of law may be filed only if the Hearing Officer grants a written motion to file such a brief, Section 240.110(c); the discovery rules do not provide for routine submission of interrogatories, requests to admit, or for depositions.

The Commission has attempted to make the hearing process simple and uncluttered. The Hearing Officer will not issue orders that frustrate that goal. That is, the Hearing Officer will not order a deposition for routine reasons where the rules make it clear that depositions are not intended to be allowed routinely. Respondent in this case offers no unusual reason for requesting a deposition, simply arguing that it needs to know

more about complainant's case and the witnesses complainant intends to rely upon.

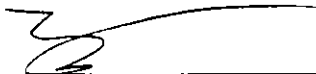
Respondent's concerns may be addressed using the procedures available under Commission rules. The pre-hearing conference in this case is scheduled to be held on Wednesday, April 29, 1992. The parties are required to jointly prepare, file and serve a pre-hearing memorandum, as described in Rule 240.105, by Wednesday, April 22, 1992. This requirement may be waived where the complainant is not represented by counsel, or upon agreement by both parties and the Hearing Officer. Section 240.105. In a case in which preparation of the pre-hearing memorandum is waived, each party is required to serve upon the other, no later than seven days before the hearing (i.e., in this case by May 7, 1992), a written list of all witness the party intends to call at the hearing, "including a description of the substance about which the witness will testify." Section 240.110(d)(2). Respondent's concerns should be addressed and satisfied if respondent simply takes the steps necessary to enforce these rules.

Accordingly, for the reasons set forth above, Respondent's Motion to Depose Windy Pearson is denied.

CHICAGO COMMISSION ON HUMAN RELATIONS

CLARENCE N. WOOD
Chair/Commissioner

By:



Paul Strauss
Hearing Officer

April 21, 1992