M.R. 3140

**IN THE**
**SUPREME COURT**
**OF**
**THE STATE OF ILLINOIS**

Order entered June 22, 2017.

(Deleted material is struck through, and new material is underscored.)

Effective July 1, 2017, Illinois Supreme Court Rules 2, 3, 10, 11, 12, 13, 15, 22, 30, 90, 94, 95, 100.1, 303, 303A, 305, 306, 307, 308, 309, 311, 312, 313, 315, 316, 317, 318, 323, 324, 325, 326, 327, 328, 329, 330, 331, 335, 341, 342, 352, 361, 362, 364, 365, 367, 372, 373, 374, 381, 382, 383, 384, 604, 606, 607, 608, 610, 612, 651, 706, 707, 711, 712, 713, 721, 759, 762, 763, 768, 773, 776, 777, and 793 are amended; Administrative Order MR No. 10549 and the Administrative Order to Illinois Supreme Court Rule 68 are amended; Illinois Supreme Court Rule 9 is adopted; and Appendices for Article I, Article III, and Article VI are adopted, as follows.

**Amended Rule 2**

**Rule 2. Construction**

**(a) Standards.** These rules are to be construed in accordance with the appropriate provisions of the Statute on Statutes (5 ILCS 70/0.01 *et seq.*), and in accordance with the standards stated in section 1-106 of the Code of Civil Procedure (735 ILCS 5/1-106).

**(b) Definitions.** The following meanings are to be given terms used in these rules:

(1) "Judge" also includes associate judge and justice.

(2) "Judgment" also includes decree, determination, decision, order, or portion thereof.

(3) "Document" means a pleading, motion, ~~notice, affidavit, memorandum, brief, petition, or other document or combination of documents~~ photograph, recording, or other record of information or data required or permitted to be filed, either on paper or in an electronic format.

(4) "Written" or "in writing" means in the form of a document, whether electronic or on paper.

(5) "Signed" or "signature" also includes the execution of any court-approved digital signature.

(6) "Original" is the first authentic instrument of a document, recording, or photograph; however, if the transmission is by approved electronic means, the transmission received by the clerk of the court shall serve as the original.

Amended effective July 1, 1971; amended May 28, 1982, effective July 1, 1982 ; amended May 30, 2008, effective immediately; amended Jan. 4, 2013, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

(Revised July 1, 1971)

This rule was adopted effective January 1, 1967.

Paragraph (a) makes it clear that the same principles that govern the construction of statutes are applicable to the rules.

Paragraph (b) defines terms that appear frequently in the rules. Like article VI of the Illinois Constitution the rules use the single word "judgment," instead of "judgment, decree," *etc*.

Subparagraph (b)(1) was amended in 1971 to delete the reference to "magistrate," consistent with the abolition of the office of magistrate by the Illinois Constitution of 1970.

**Amended Rule 3**

**Rule 3. Rulemaking Procedures**

**(a) Purpose and Applicability.**

(1) These procedures are adopted to provide for the orderly and timely review of proposed rules and proposed amendments to existing rules of the Supreme Court; to provide an opportunity for comments and suggestions by the public, the bench, and the bar; to aid the Supreme Court in discharging its rulemaking responsibilities; to make a public record of all such proposals; and to provide for public access to an annual report concerning such proposals.

(2) The Supreme Court reserves the prerogative of departing from the procedures of this rule. An order of the Supreme Court adopting any rule or amendment shall constitute an order modifying these procedures to the extent, if any, they have not been complied with in respect to that proposal.

**(b) Supreme Court Rules Committee.** There shall be a Rules Committee which shall be appointed by the Supreme Court. The Administrative Office of the Illinois Courts shall serve as secretary of the Rules Committee. The Rules Committee shall have the following responsibilities:

(1) To implement rulemaking procedures, as provided in paragraph (d) of this rule, for proposed rules or amendments to existing rules received from the Administrative Office.

(2) To periodically review rules in areas which no other committee is specifically charged with the responsibility for reviewing to ensure that such rules facilitate the administration of justice.

(3) To conduct public hearings and submit the annual report as required by administrative order of the Supreme Court. The annual report shall be a public record.

**(c) Initiation of Proposal**.

Proposed rules and proposed amendments to existing rules of the Supreme Court should be forwarded to the Administrative Office of the Illinois Courts, c/o Secretary—Supreme Court Rules Committee, 222 N. LaSalle Street, 13th Floor, Chicago, Illinois 60601 or submitted via e-mail to RulesCommittee@illinoiscourts.gov. All proposals shall offer specific language for the

proposed rule or amendment, as well as a concise explanation of the proposal.

**(d) Procedures for Proposed Rules and Rule Amendments.**

(1) If the substance of a proposal received under paragraph (c) of this rule is within the scope of a Supreme Court committee or Judicial Conference committee, the Administrative Office shall forward the proposal to the appropriate committee for review and recommendation.

The Administrative Office also shall forward a copy of the proposal to the Rules Committee, along with notice of the Supreme Court or Judicial Conference committee to which the proposal has been forwarded.

The Rules Committee shall forward a copy of the proposal to the Clerk of the Supreme Court where it will be given a number and placed upon the docket of the Clerk of the Supreme Court.

The committee to which the proposal has been forwarded shall review the proposal for content and style. Within 12 months of the transmission of the proposal from the Administrative Office, the committee to which the proposal has been forwarded shall advise the Administrative Office whether the proposal is recommended for adoption by the Supreme Court. If the proposal is recommended for adoption, the Rules Committee shall place the proposal on the agenda for the next public hearing. In its annual report to the Supreme Court, the Rules Committee shall report the docket number, the content of the proposal, any report submitted by the Supreme Court committee or Judicial Conference committee (including a minority report), the response to the proposal, any comments or revisions submitted by the Supreme Court committee or Judicial Conference committee, the Rules Committee's recommendation, and any alternative proposal the Rules Committee developed in response to public comment.

If the committee to which the proposal has been forwarded does not recommend the proposal for adoption by the Supreme Court, the Rules Committee shall not place the proposal on the agenda for public hearing, but shall report the nonrecommended status to the Clerk of the Supreme Court and the Supreme Court in its annual report.

(2) If the substance of a proposal received under paragraph (c) is in an area where no other committee is specifically charged with responsibility, the Administrative Office shall forward the proposal to the Rules Committee for review of content and style.

The Rules Committee shall forward a copy of the proposal to the Clerk of the Supreme Court where it will be given a number and placed upon the docket of the Clerk of the Supreme Court. If, after review, the Rules Committee determines that the proposal is recommended for adoption by the Supreme Court, the Rules Committee shall place the proposal on the agenda for the next public hearing. In its annual report to the Supreme Court, the Rules Committee shall report the docket number, the content of the proposal, the response to the proposal, the Rules Committee's recommendation, and any alternative proposal the Rules Committee developed in response to public comment.

If the proposal submitted does not have substantial merit, is duplicative of pending proposals, or is not within the Supreme Court's rulemaking authority, the Rules Committee shall not place the proposal on the agenda for public hearing. However, the Rules Committee shall report the proposal as not recommended in its annual report to the Supreme Court.

(3) If a proposed rule or an amendment to an existing rule is submitted under paragraph (c) by a Supreme Court committee or a Judicial Conference committee, the Administrative Office shall forward the proposal to the Rules Committee. The Rules Committee shall forward a copy of the proposal to the Clerk of the Supreme Court where it will be given a number and placed upon the docket of the Clerk of the Supreme Court. The Rules Committee shall not review the proposal.

The Rules Committee shall place the proposal on the agenda for the next public hearing. In its annual report to the Supreme Court, the Rules Committee shall report the docket number, the content of the proposal, any report submitted by the Supreme Court committee or Judicial Conference committee (including a minority report), the response to the proposal, any comments or revisions submitted by the Supreme Court committee or Judicial Conference committee, the Rules Committee's recommendation, and any alternative proposal the Rules Committee developed in response to public comment.

**(e) Responsibilities of Other Committees.** Each committee appointed by the Supreme Court, other than the Rules Committee, shall have the following responsibilities:

(1) To periodically review the entire body of rules for which the Supreme Court has indicated the committee is responsible to ensure that those rules continue to facilitate the administration of justice.

(2) To review proposed amendments to existing rules or proposals for new rules transmitted to the committee pursuant to paragraph (c) of this rule. Within 12 months of the transmission of the proposal from the Administrative Office, the committee shall advise the Administrative Office whether the proposal is recommended or not recommended for adoption by the Supreme Court.

If the committee determines that a proposal that has been forwarded to it by the Administrative Office should be adopted, it shall so inform the Administrative Office and provide the Administrative Office with the original proposal and a statement of the committee's reasoning.

If the committee determines that a proposal that has been forwarded to it by the Administrative Office should not be adopted, it shall so inform the Administrative Office and provide the Administrative Office with the original proposal and a statement of the committee's reasoning.

(3) To designate the committee chair, or another member, to represent the committee at any Rules Committee public hearing where a proposal recommended by the committee is scheduled to be held out for public comment. The committee chair, or his or her designee, may sit with the Rules Committee for purposes of answering questions or addressing testimony from individuals offering public comment on the committee's proposal.

(4) Nothing in this rule shall preclude a Supreme Court or Judicial Conference committee from holding a public hearing independently of the Rules Committee, with prior approval of the Supreme Court.

**(f) Submissions Other Than Annual Report.** When the Rules Committee makes a submission of a proposed rule or amendment separate from its annual report, the committee shall, to the degree practicable, comply with the content requirements of the Supreme Court's administrative order concerning notice and hearing and shall accompany the submission with a

statement of:

(1) its reasons for believing that the Court should take action on its proposal prior to the time for action on the next annual submission, and

(2) describe the steps taken by the committee to comply with the Supreme Court's administrative order regarding public notice, opportunity for comment, and public hearing.

**(g) Distribution of New Rules or Amendments.** Following the adoption of new rules or amendments, the Clerk of the Supreme Court shall promptly cause copies thereof to be distributed.

**(h) Effective Date of Rule Changes.** The effective date of all new rules or amendments shall be as ordered by the Supreme Court. If an effective date is not ordered, the new rule or amendment shall take effect on the following July 1.

Adopted September 28, 1994, effective October 1, 1994; amended December 3, 1997, effective January 1, 1998; amended October 5, 2000, effective November 1, 2000; amended May 24, 2006, effective immediately; amended March 22, 2010, effective immediately; amended June 22, 2017; eff. July 1, 2017.

**Amended Administrative Order, MR No. 10549**

ADMINISTRATIVE ORDER
MR No. 10549

**(a) Public Meetings**

(1) Except as otherwise provided in Rule 3, no rule shall be presented to the Court for adoption without first having been held out for public comment by the bench, bar, and public at a public meeting of the Rules Committee.

(2) All proposals for which the Rules Committee has completed its style and content review and those proposals submitted to the Rules Committee by other Supreme Court committees and Judicial Conference committees recommended for adoption by the Supreme Court shall be considered at the next public meeting. Any proposal on which the Rules Committee has not completed its content review or any proposal which a Supreme Court committee or Judicial Conference committee has not forwarded to the Rules Committee for placement on the public meeting agenda will not be considered at the next public meeting.

(3) A public hearing may be scheduled when either the significance of a particular proposal or the number of proposals ready for public comment would justify holding such a hearing. At least 60 days prior to the date designated for the public hearing, the Rules Committee shall cause notice of the public meeting and an invitation for comments to be distributed by the most economical means, including notification through the Illinois Court's electronic messaging services, such as list mail or Twitter broadcasts. Additionally, ~~a hard copy of~~ the notice shall be ~~mailed~~ distributed to each clerk of the court to be posted in a conspicuous place. The text of the proposed rules or amendments shall be posted on the Court's Web site~~, with hard copies~~ and be available by request from the Administrative

Office of the Illinois Courts.

(4) Each committee of the Supreme Court may within 21 days following the public meeting respond to public comments received at the meeting by submitting to the Rules Committee:

(i) any revision to a proposal that was recommended by the committee, or

(ii) responsive comments of the committee.

(5) A committee of the Judicial Conference may within 21 days following the public meeting respond to public comments received at the meeting in the following manner. The committee may submit to the Conference (or the Executive Committee acting in its stead) for approval any revision to a proposal that was recommended by the committee or any responsive comment. The revised rule or response to public comments shall be included in the annual report on proposed rules and amendments unless the Conference instructs otherwise within 21 days of its receipt of the submission.

**(b) Annual Report on Proposed Rules and Amendments**

(1) The Rules Committee shall submit its annual report on rules to the Chief Justice and file it with the Clerk of the Supreme Court.

(2) The report shall include for each proposal: the docket number, the content of the proposal, any report submitted by the Supreme Court committee or Judicial Conference committee (if applicable) including any minority report, the response to the proposal, any comments or revisions submitted by the Supreme Court committee or Judicial Conference committee (if applicable), the Rules Committee's recommendation, and any alternative proposal the Rules Committee developed in response to public comment.

(3) The annual report shall be a public record.

(4) Whenever a lengthy rule or amendment is recommended, the Rules Committee shall prepare and submit a summary thereof for distribution. Whenever the Administrative Office distributes such a summary, the Office shall make provision for supplying the full text of the recommended rule or amendment to any interested person upon reasonable request.

Adopted September 28, 1994, effective October 1, 1994; amended December 3, 1997, effective January 1, 1998; amended October 5, 2000, effective November 1, 2000; amended March 22, 2010, effective immediately; amended June 22, 2017, eff. July 1, 2017.

**Rules 7-~~8~~9. Reserved**

**New Rule 9**

**Rule 9. Electronic Filing of Documents**

**(a) Electronic Filing Required.** Unless exempt as provided in paragraph (c), all documents in civil cases shall be electronically filed with the clerk of court using an electronic filing system approved by the Supreme Court of Illinois.

**(b) Personal Identity Information.** If filing a document that contains Social Security numbers as provided in Rule 15 or personal identity information as defined in Rules 138 or 364, the filer shall adhere to the procedures outlined in Rules 15, 138, and 364.

**(c) Exemptions.** The following types of documents in civil cases are exempt from electronic filing:

(1) Documents filed by a self-represented litigant incarcerated in a local jail or correctional facility at the time of the filing;

(2) Wills;

(3) Documents filed under the Juvenile Court Act of 1987; and

(4) Documents in a specific case by court order, upon good cause shown.

**(d) Timely Filing.** Unless a statute, rule, or court order requires that a document be filed by a certain time of day, a document is considered timely if submitted before midnight (in the court's time zone) on or before the date on which the document is due. A document submitted on a day when the clerk's office is not open for business will, unless rejected, be file stamped as filed on the next day the clerk's office is open for business. The filed document shall be endorsed with the clerk's electronic file mark setting forth, at a minimum, the identification of the court, the clerk, the date, and the time of filing.

(1) If a document is untimely due to any court-approved electronic filing system technical failure, the filing party may seek appropriate relief from the court, upon good cause shown.

(2) If a document is rejected by the clerk and is therefore untimely, the filing party may seek appropriate relief from the court, upon good cause shown.

**(e) Effective Date.** This rule is effective July 1, 2017 for proceedings in the Supreme Court and the Appellate Court. For proceedings in the circuit court, this rule is effective January 1, 2018.

Adopted June 22, 2017, eff. July 1, 2017.

## Amended Rule 10

**Rule 10. Size and Specifications of Documents Filed in the Illinois Courts**

**(a) Page Size.** Except as otherwise provided in these rules, the page size of all documents filed in all courts of this State shall be 8½ inches by 11 inches. The court encourages use of recycled paper if the filing is in paper form.

**(b) Legibility.** Documents filed shall be legibly written, typewritten, printed, or otherwise prepared.

**(c) Electronic Specifications.** Documents filed electronically must conform to the technical specifications contained in the eFileIL Electronic Document Standards (as published at http://efile.illinoiscourts.gov).

**(d) Rejection.** If a document is rejected by the clerk, the party may correct the deficiency identified by the clerk and resubmit the document for filing. If the filing party believes, in good faith, that the deficiency identified by the clerk cannot or should not be corrected, the filing party

may seek appropriate relief from the court, upon good cause shown.

Adopted January 5, 1981, effective January 1, 1982; amended June 25, 1990, effective July 1, 1990; amended Oct. 24, 2012, effective Jan. 1, 2013; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

Rule 10 was added in 1981.

## Amended Rule 11

**Rule 11. Manner of Serving Documents Other Than Process and Complaint on Parties Not in Default in the Trial and Reviewing Courts**

**(a) On Whom Made.** If a party is represented by an attorney of record, service shall be made upon the attorney. Otherwise service shall be made upon the party.

**(b) E-mail Address.** An attorney must, and a self-represented party may, include on the appearance and on all pleadings filed in court an e-mail address to which documents and notices will be served in conformance with Rule 131(d).

~~(b)~~**(c) Method.** Unless otherwise specified by rule or order of court, ~~D~~documents shall be served electronically. Electronic service may be made either through the court electronic filing manager or an approved electronic filing service provider, if available. For all parties for which such service is not available, the filer shall make service to the e-mail address(es) identified by the party's appearance in the matter. If service is made by e-mail, the documents may be transmitted via attachment or by providing a link within the body of the e-mail that will allow the party to download the document through a reliable service provider.

If a self-represented party so opts, or if service other than electronic service is specified by rule or order of court, or if extraordinary circumstances prevent timely electronic service in a particular instance, service of documents may be made by ~~any~~ one of the following alternative methods:

(1) *Personal Service.* Delivering ~~them~~ the document to the attorney or party personally;

(2) *Delivery to Attorney's Office or ~~Unrepresented~~ Self-Represented Party's Residence.* Delivery of the document to an authorized person at the attorney's office or in a reasonable receptacle or location at or within the attorney's office.~~Leaving them in the office of the attorney with the attorney's clerk, or with a person in charge of the office; or if~~ If a party is not represented by counsel, by leaving ~~them~~ the document at the party's residence with a family member of the age of 13 years or older;~~upwards;~~

(3) *United States Mail.* Depositing ~~them~~the document in a United States post office or post office box, enclosed in an envelope~~, plainly addressed to the attorney at the attorney's business~~ to the party's address, as identified by the party's appearance in the matter, ~~or to the party at the party's business address or residence,~~ with postage fully prepaid; or

(4) *Third-Party Commercial Carrier.* Delivery of the document through ~~Delivering them to~~ a third-party commercial carrier or courier, to the party's address, as identified by the

party's appearance in the matter, with delivery charge fully prepaid.~~ including deposit in the carrier's pick-up box or drop off with the carrier's designated contractor enclosed in a package, plainly addressed to the attorney at the attorney's business address, or to the party at the party's business address or residence, with delivery charge fully prepaid;~~

~~(5) *Facsimile Transmission.* Transmitting them via facsimile machine to the office of the attorney or party, who has consented to receiving service by facsimile transmission. Briefs filed in reviewing courts shall not be served by facsimile transmission;~~

~~(i) A party or attorney electing to serve pleadings by facsimile must include on the certificate of service transmitted the telephone number of the sender's facsimile transmitting device. Use of service by facsimile shall be deemed consent by that party or attorney to receive service by facsimile transmission. Any party may rescind consent of service by facsimile transmission in a case by filing with the court and serving a notice on all parties or their attorneys who have filed appearances that facsimile service will not be accepted. A party or attorney who has rescinded consent to service by facsimile transmission in a case may not serve another party or attorney by facsimile transmission in that case.~~

~~(ii) Each page of notices and documents transmitted by facsimile pursuant to this rule should bear the circuit court number, the title of the document, and the page number.~~

~~(6) *E-mail Transmission.* Transmitting them via e-mail to all primary and secondary e-mail addresses of record designated by the attorney or unrepresented party in conformance with Rule 131 (d); or~~

~~(7) *Electronic In-box.* Transmission through a service provider that provides an electronic in-box for those parties registered to use the service.~~

**~~(c)~~(d) Multiple Parties or Attorneys.** In cases in which there are two or more plaintiffs or defendants who appear by different attorneys, service of all documents shall be made on the attorney for each of the parties. ~~If one attorney appears for several parties, that attorney is entitled to only one copy of any document served upon the attorney by the opposite side.~~ When more than one attorney appears for a party, service ~~of a copy~~ upon one of them is sufficient.

~~**(d) E-mail Address.** An attorney must include on the appearance and on all pleadings filed in court an e-mail address to which documents may be served in conformance with Rule 131(d).~~

**(e) Notice of E-mail Rejection.** If a party serving a document via e-mail receives a rejection message or similar notification suggesting that transmission was not successful, the party serving the document shall make a good-faith effort to alert the intended recipient of a potential transmission problem and take reasonable steps to ensure actual service of the document.

**~~(e)~~(f) Limited Scope Appearance.** After an attorney files a Notice of Limited Scope Appearance in accordance with Rule 13(c)(6), service of all documents shall be made on both the attorney and the party represented on a limited scope basis until: (1) the court enters an order allowing the attorney to withdraw under Rule 13(c) or (2) the attorney's representation automatically terminates under Rule 13(c)(7)(ii).

Amended April 8, 1980, effective May 15, 1980; amended April 10, 1987, effective August 1, 1987; amended October 30, 1992, effective November 15, 1992; amended December 29, 2009, effective

immediately; amended Oct. 24, 2012, effective Jan. 1, 2013; amended Dec. 21, 2012, eff. Jan. 1, 2013; amended June 14, 2013, eff. July 1, 2013; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Committee Comment

(December 9, 2015)

In amending Rule 11 to provide for e-mail service, the Committee considered whether special additional rules should apply to documents served by e-mail, *e.g.*, specified file formats, scan resolutions, electronic file size limitations, etc. The Committee rejected such requirements in favor of an approach which provides flexibility to adapt to evolving technology and developing practice. The Committee further anticipates good faith cooperation by practitioners. For example, if an attorney serves a motion in a format which cannot be read by the recipient, the Committee expects the recipient to contact the sender to request an alternative electronic format or a paper copy.

Committee Comment

(December 21, 2012)

New subparagraphs (b)(6) and (7) were created to allow for service of documents electronically. The amendments facilitate electronic communications among the court, parties, and counsel and complement the expansion of e-filing in the trial courts. However, electronic service may not be appropriate in all instances. For example, absent a secure method for electronic service of documents, other service options should be used for cases or documents filed confidentially.

Committee Comments

(December 29, 2009)

The rules on service and filing have been revised to provide for sending documents via third-party commercial carrier. Under these rules, the term "delivery" refers to all the carrier's standard pick-up methods, such as dropping a package in a UPS or FedEx box or with a UPS or FedEx contractor.

## Amended Rule 12

**Rule 12. Proof of Service in the Trial and Reviewing Courts; Effective Date of Service**

**(a) Filing.** When service of a document is required, proof of service shall be filed with the clerk.

**(b) Manner of Proof.** Service is proved:

(1) in the case of electronic service through the court electronic filing manager or an approved electronic filing service provider, by an automated verification of electronic service, specifying the time of transmission and e-mail address of each recipient;

(2) in the case of service by e-mail, by certification under section 1-109 of the Code of

Civil Procedure of the person who initiated the transmission, stating the date of transmission and the e-mail address of each recipient;

~~(1)~~(3) by written acknowledgment from ~~signed by~~ the person served;

~~(2)~~(4) in case of service by personal, office, or residential delivery, by certification under section 1-109 of the Code of Civil Procedure of the person who made delivery, stating the time and place of delivery; ~~certificate of the person, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)), who made delivery;~~

~~(3)~~(5) in case of service by mail or by delivery to a third-party commercial carrier, by certification under section 1-109 of the Code of Civil Procedure ~~certificate~~ of the person~~, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)),~~ who deposited the document in the mail or delivered the document to a third-party commercial carrier or courier, stating the time and place of mailing or delivery, the complete address ~~which~~that appeared on the envelope or package, and the fact that proper postage or the delivery charge was prepaid; or

~~(4)~~(6) in case of service by mail by a self-represented litigant residing in a correctional facility, ~~*pro se* petitioner from a correctional institution,~~ by certification under ~~as provided in~~ section 1-109 of the Code of Civil Procedure ~~(735 ILCS 5/1-109 (West 2012))~~ of the person who deposited the document in the institutional mail, stating the time and place of deposit and the complete address to which the document was to be delivered.~~;~~

~~(5) in case of service by facsimile transmission, by certificate of the person, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)), who transmitted the document via facsimile machine, stating the time and place of transmission, the telephone number to which the transmission was sent, and the number of pages transmitted; or~~

~~(6) in case of service by e-mail, by certificate of the person, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)), who transmitted the document via e-mail, stating the time and place of transmission to a designated e-mail address of record.~~

**(c) Effective Date of Service ~~by Mail~~.** Service by electronic means or by personal, office, or residential delivery is complete on the day of transmission. Service by delivery to a third-party commercial carrier or courier is complete on the third court day after delivery of the package to the third-party carrier. Service by U.S. mail is complete four days after mailing.

~~**(d) Effective Date of Service by Delivery to Third-Party Commercial Carrier.** Service by delivery to a third-party commercial carrier is complete on the third business day after delivery of the package to the third-party carrier.~~

~~**(e) Effective Date of Service by Facsimile Transmission.** Service by facsimile machine is complete on the first court day following transmission.~~

~~**(f) Effective Date of Service by E-mail.** Service by e-mail is complete on the first court day following transmission.~~

~~**(g) Effective Date of Service by Electronic In-box.** Service by electronic in-box under Rule 11(b)(7) is complete on the first court day following transmission.~~

Amended effective July 1, 1971, and July 1, 1975; amended October 30, 1992, effective November 15, 1992; amended December 29, 2009, effective immediately; amended Dec. 21, 2012, eff. Jan. 1, 2013; amended Jan. 4, 2013, eff. immediately; amended September 19, 2014, eff. immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended Oct. 6, 2016, eff. Nov. 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

(December 29, 2009)

The rules on service and filing have been revised to provide for sending documents via third-party commercial carrier. Under these rules, the term "delivery" refers to all the carrier's standard pick-up methods, such as dropping a package in a UPS or FedEx box or with a UPS or FedEx contractor.

**Amended Rule 13**

**Rule 13. Appearances—Time to Plead—Withdrawal**

**(a) Written Appearances.** If a written appearance is filed, copies of the appearance shall be served in the manner required for the service of copies of pleadings.

**(b) Time to Plead.** A party who appears without having been served with summons is required to plead within the same time as if served with summons on the day he appears.

**(c) Appearance and Withdrawal of Attorneys.**

(1) *Addressing the Court.* An attorney shall file a~~his~~ written appearance or other pleading before addressing ~~he addresses~~ the court unless the attorney is presenting a motion for leave to appear by intervention or otherwise.

(2) *Notice of Withdrawal.* An attorney may not withdraw his or her appearance for a party without leave of court and notice to all parties of record.~~, and, unless~~ Unless another attorney is substituted, the attorney must give reasonable notice of the time and place of the presentation of the motion for leave to withdraw, by personal service, certified mail, or a third-party carrier, directed to the party represented at the party's ~~by him at his~~ last known business or residence address. Alternatively, the attorney may give such notice electronically, if receipt is acknowledged by the party. Such notice shall advise said party that to insure notice of any action in said cause, the party should retain other counsel therein or file with the clerk of the court, within 21 days after entry of the order of withdrawal, a~~his~~ supplementary appearance stating therein an address to ~~at~~ which service of notices or other documents may be made.~~had upon him.~~

(3) *Motion to Withdraw.* The motion for leave to withdraw shall be in writing and, unless another attorney is substituted, shall state the last known address(es) of the party represented. The motion may be denied by the court if granting the motion~~the granting of it~~ would delay the trial of the case, or would otherwise be inequitable.

(4) *Copy to be Served on Party.* If the party does not appear at the time the motion for withdrawal is granted, either in person or by substitute counsel, then, within three days of the entry of the order of withdrawal, the withdrawing attorney shall serve the order ~~a copy thereof shall be served~~ upon the party ~~by the withdrawing attorney~~ in the manner provided in

paragraph (c)(2) of this rule~~,~~ and file proof of service of the order.~~shall be made and filed.~~

(5) *Supplemental Appearance.* Unless another attorney is, at the time of such withdrawal, substituted for the one withdrawing, the party shall file in the case within 21 days after entry of the order of withdrawal a supplementary appearance, stating therein an address at which the service of notices or other documents may be had upon him or her. A self-represented litigant may supply an e-mail address for service, pursuant to Rule 11(b). In the case of the party's ~~his~~ failure to file such supplementary appearance, subsequent notices and filings ~~notice, if by mail or by third-party carrier,~~ shall be directed to the party~~him~~ at the~~his~~ last known business or residence address.

(6) *Limited Scope Appearance*. An attorney may make a limited scope appearance on behalf of a party in a civil proceeding pursuant to Rule of Professional Conduct 1.2(c) when the attorney has entered into a written agreement with that party to provide limited scope representation. The attorney shall file a Notice of Limited Scope Appearance, prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article I Forms Appendix ~~in the form attached to this rule~~, identifying each aspect of the proceeding to which the limited scope appearance pertains.

An attorney may file a Notice of Limited Scope Appearance more than once in a case. An attorney must file a new Notice of Limited Scope Appearance before any additional aspect of the proceeding in which the attorney intends to appear. A party shall not be required to pay more than one appearance fee in a case.

(7) *Withdrawal Following Completion of Limited Scope Representation*. Upon completing the representation specified in the Notice of Limited Scope Appearance filed pursuant to paragraph (6), the attorney shall withdraw by oral motion or written notice as provided in parts (i)-(ii) of this paragraph. A withdrawal for any reason other than completion of the representation shall be requested by motion under paragraphs (c)(2) and (c)(3).

(i) If the attorney completes the representation at or before a court hearing attended by the party the attorney represents, the attorney may make an oral motion for withdrawal without prior notice to the party the attorney represents or to other parties. The court must grant the motion unless the party objects on the ground that the attorney has not completed the representation. The order granting the withdrawal may require the attorney to give written notice of the order to parties who were neither present nor represented at the hearing. If the party objects that the attorney has not completed the representation, the court must hold an evidentiary hearing on the objection, either immediately or on a specified later date. After hearing the evidence, the court must grant the motion to withdraw unless the court expressly finds that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance.

(ii) An attorney also may withdraw by filing a Notice of Withdrawal of Limited Scope Appearance, prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article I Forms Appendix ~~in the form attached to this rule~~. The attorney must serve the Notice on the party the attorney represents and must also serve it on other counsel of record and other parties not represented by counsel, unless the court by order excuses service on other counsel and other parties. The attorney

must also serve the Notice on the judge then presiding over the case. The attorney must file proof of service in compliance with this paragraph. Within 21 days after the service of the Notice, the party may file an Objection to Withdrawal of Limited Scope Appearance, prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article I Forms Appendix ~~in the form attached to this rule~~. The party must serve the Objection on the attorney and must also serve it on other counsel of record and other parties not represented by counsel unless the court by order excuses service on other counsel and other parties. If no timely Objection is filed, the attorney's limited scope appearance automatically terminates, without entry of a court order when the 21-day period expires. If a timely Objection is filed, however, the attorney must notice a hearing on the Objection. If the ground for the Objection is that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance, the court must hold an evidentiary hearing. After the requisite hearing, the court must enter an order allowing the attorney to withdraw unless the court expressly finds that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance.

Adopted June 15, 1982, effective July 1, 1982; amended February 16, 2011, effective immediately; amended Jan. 4, 2013, eff. immediately; amended June 14, 2013, eff. July 1, 2013; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

(rev. June 14, 2013)

Rule 13 was added in 1982. It was patterned after Proposed Uniform Circuit Court Rule III, which was prepared by a special committee of the Illinois State Bar Association and approved by the ISBA Board of Governors on June 22, 1976. Under paragraph (c) of this rule, an attorney's written appearance on behalf of a client before any court in this State binds the attorney to continue to represent that client in that cause until the court, after notice and motion, grants leave for the attorney to withdraw. See Rule of Professional Conduct 1.16(c).

Committee Comments

(June 14, 2013)

Paragraph (c)(6) addresses the provision of limited scope representation to clients under Rule of Professional Conduct 1.2(c). The paragraph is not intended to regulate or impede appearances made pursuant to other types of limited engagements by attorneys, who may appear and withdraw as otherwise provided by Rule 13.

An attorney making a limited scope appearance in a civil proceeding must first enter into a written agreement with the party disclosing the limited nature of the representation. The limited appearance is then effected by using the form Notice of Limited Scope Appearance appended to this Rule. Utilizing this standardized form promotes consistency in the filing of limited scope

appearances, makes the notices easily recognizable to judges and court personnel, and helps ensure that the scope of the representation is identified with specificity.

A party on whose behalf an attorney has filed a Notice of Limited Scope Appearance remains responsible, either personally or through an attorney who represents the party, for all matters not specifically identified in the Notice of Limited Scope Appearance.

Paragraph (c)(6) does not restrict (1) the number of limited scope appearances an attorney may make in a case, (2) the aspects of the case for which an attorney may file a limited scope appearance such as, for example, specified court proceedings, depositions, or settlement negotiations, or (3) the purposes for which an attorney may file a limited scope appearance. Notwithstanding the absence of numeric or subject matter restrictions on filing limited scope appearances, nothing in the Rule restricts the ability of a court to manage the cases before it, including taking appropriate action in response to client or lawyer abuse of the limited scope representation procedures.

Paragraph (c)(7) provides two alternative ways for an attorney to withdraw when the representation specified in the Notice of Limited Scope Appearance has been completed. The first method—an oral motion—can be used whenever the representation is completed at or before a hearing attended by the party the attorney represents. Prior notice of such a hearing is not required. The attorney should use this method whenever possible, because its use ensures that withdrawal occurs as soon as possible and that the court knows of the withdrawal.

The second method—filing a Notice of Withdrawal of Limited Scope Appearance—enables the attorney to withdraw easily in other situations, without having to make a court appearance, except when there is a genuine dispute about the attorney's completion of the representation. The Notice must be served on the party represented and on other counsel of record and other parties not represented by counsel unless the court excuses service on other counsel of record and other parties not represented by counsel. The Notice must also be served on the judge then presiding over the case to ensure that the judge is made aware that the limited scope representation has been completed, subject to the client's right to object. The attorney's withdrawal is automatic, without entry of a court order, unless the client files a timely Objection to Withdrawal of Limited Scope Appearance.

If the attorney makes an oral motion to withdraw pursuant to paragraph (c)(7)(i), with or without client objection, or if the client files a timely Objection to Withdrawal of Limited Scope Appearance pursuant to paragraph (c)(7)(ii), the court must allow the attorney to withdraw unless the court expressly finds that the attorney has not completed the representation specified in the Notice of Limited Scope Appearance. An evidentiary hearing is required if the client objects to the attorney's withdrawal based on the attorney's failure to complete the representation. A nonevidentiary hearing is required if the client objects on a ground other than the attorney's failure to complete the representation, although the primary function of such a hearing is to explain to the client that such an objection is not well-founded. A court's refusal to permit withdrawal of a completed limited scope representation, or even its encouragement of the attorney to extend the representation, would disserve the interests of justice by discouraging attorneys from undertaking limited scope representations out of concern that agreements with clients for such representations would not be enforced.

A limited scope appearance under the rule is unrelated to "special and limited" appearances formerly used to object to the lack of personal jurisdiction. The use of such appearances ended with the adoption of Public Act 91-145, which amended section 2-301 of the Code of Civil Procedure (735 ILCS 5/2-301) effective January 1, 2000.

**Form for Limited Scope Appearance in Civil Action**

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS
(OR, IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS)

| | | |
|---|---|---|
| _____ | ) | |
| Plaintiff/Petitioner | ) | |
| | ) | |
| v. | ) | No. |
| | ) | |
| | ) | |
| _____ | ) | |
| Defendant/Respondent | ) | |

**NOTICE OF LIMITED SCOPE APPEARANCE**

1. The attorney, _____, and the Party, _____, have entered into a written agreement dated_____ providing that the attorney will provide limited scope representation to the Party in the above-captioned matter in accordance with Paragraphs 3 and 4, below.
2. The Party is Plaintiff Petitioner Defendant Respondent in this matter. (Circle one)
3. The attorney appears pursuant to Supreme Court Rule 13(c)(6). This appearance is limited in scope to the following matter(s) in which the attorney will represent the Party (check and complete all that apply):

□ In the court proceeding (identify) on the following date: _____
□ And in any continuance of that proceeding

- □ At the trial on the following date: _____
  - □ And in any continuance of that trial
  - □ And until judgment
- □ At the following deposition(s): _____
- □ If a family law matter, specify the scope and limits of representation: _____
- □ Other (specify the scope and limits of representation): _____

4. If this appearance does not extend to all matters to be considered at the proceeding(s) above, identify the discrete issues within each proceeding covered by this appearance: _____

5. The attorney may withdraw following completion of the limited scope representation specified in this appearance as follows:

   a. orally move to withdraw at a hearing attended by the Party, at which the Party may object to withdrawal if the Party contends that the limited scope representation specified in this appearance has not been completed; or

   b. file a Notice of Withdrawal of Limited Scope Representation in the form attached to Supreme Court Rule 13. If the attorney files such a Notice, the attorney shall serve it upon the Party and upon all counsel of record and other parties not represented by counsel unless the court excuses service upon other counsel and other unrepresented parties, and upon the judge then presiding over this case. The method of service shall be as provided in Supreme Court Rule 11 unless the court orders otherwise. If the Party objects to the withdrawal, the Party may, within 21 days after the date of the attorney's service of the Notice of Withdrawal of Limited Scope Appearance, file an Objection to Withdrawal of Limited Scope Appearance in the form attached to Supreme Court Rule 13. The attorney will provide a copy of the form of Objection to the Party with the attorney's Notice, including instructions for filing and service of an Objection. If the Party timely serves an Objection, the attorney shall notice the matter for hearing to rule on the Objection.

6. Service of pleadings on the attorney and party named above shall be made in accordance with Supreme Court Rule 11(e).

7. By signing below, the Party being represented under this Limited Scope Appearance:

   a. agrees to the delivery of all court papers to the addresses specified below; and

   b. agrees to inform the court, all counsel of record, and all parties not represented by counsel of any changes to the Party's address information listed below during the limited scope representation.

_____ _____

Signature of Attorney Name of Attorney

_____ _____

Attorney's Address Attorney's Telephone Number

_____ _____

Attorney's E-Mail Address Attorney Number

_____ _____

Signature of Party Name of Party

_____ _____

Party's Address Party's Telephone Number

_____

Party's E-Mail Address

_____

Date

**Form for Notice of Withdrawal of Limited Scope Appearance**

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY, ILLINOIS

(OR, IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS)

| | | |
|---|---|---|
| _____ | ) | |
| Plaintiff/Petitioner | ) | |
| | ) | |
| v. | ) | No. |
| | ) | |
| | ) | |

_____ )

Defendant/Respondent )

**NOTICE OF WITHDRAWAL OF LIMITED SCOPE APPEARANCE**

I withdraw my Notice of Limited Scope Appearance for _____ [party], pursuant to Supreme Court Rule 13(c)(7).

I have completed all services within the scope of the Notice of Limited Scope Appearance, and I have completed all acts ordered by the court within the scope of that appearance.

Service of documents upon me under Supreme Court Rule 11(e) will no longer be required upon the later of: (a) 21 days after service of this Notice or, (b) if _____ [party] files and serves an Objection to Withdrawal of Limited Scope Appearance within 21 days after service of this Notice, entry of a court order allowing my withdrawal. Service of documents on _____[party] continues to be required.

**NOTICE TO _____[party]:** You have the right to object to my withdrawal as your lawyer if you believe that I have not finished everything that I had agreed to do. To object, you must:

1. Fill in the blanks in the attached form of Objection to Withdrawal of Limited Scope Appearance, including the Certificate of Service and sign where indicated.

2. File the original Objection with the court by _____ __, ____, [date to be filled in by lawyer] which is 21 days after the date that I am filing and serving this Notice.

3. On the same day that you file the Objection with the court, send copies of it to me and to the other persons listed in the Certificate of Service attached to the Objection. Also, check the boxes in the Certificate of Service to show how you sent the copy to each person.

If you file and serve an Objection within the 21-day period, I will arrange to have a hearing date set by the court. I will send you notice of the date. You must appear at the hearing and explain to the judge why you believe that I have not finished everything that I had agreed to do for you.

_____ _____

Signature of Attorney Name of Attorney

_____ _____

Attorney's Address Attorney's Telephone Number

_____ _____

Attorney's E-Mail Address Attorney Number

_____

Date

**Proof of Filing and Service**

I certify that this Notice has been filed with the court on the ___ day of _____, 20__, and on the same day I served this Notice on the following, including the Party that I represented, all counsel of record and parties not represented by counsel, and the judge now presiding over this case, by the method checked below for each.

[List Name and Address of Each] [Check Method of Service}

The Honorable _____ [ ] US Mail, Postage Prepaid [ ] Messenger
_____ [ ] Personal Delivery [ ] Facsimile
_____ [ ] Email
_____

[Client]_____ [ ] US Mail, Postage Prepaid [ ] Messenger
_____ [ ] Personal Delivery [ ] Facsimile
_____ [ ] Email
_____

[Repeat Same Information for Each Other Counsel of Record and Unrepresented Party]

_____

Signature of Attorney

**Form for Objection To Withdrawal of Limited Scope Appearance**

*******************************

*[To Withdrawing Attorney: On the Copy of This Form Sent to the Client, List the Parties and Addresses in the Certificate of Service and Complete All Parts of the Form Except the Statement of Grounds, the Signature Block Information, the Date of Filing and Service of the Objection, the Client's Method of Service, and the Client's Signatures]*

*****************************

**IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT**

**_____ COUNTY, ILLINOIS**

**(OR, IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS)**

| | | |
|---|---|---|
| _____ | ) | |
| Plaintiff/Petitioner | ) | |
| | ) | |
| v. | ) | No. |
| | ) | |
| | ) | |
| _____ | ) | |
| Defendant/Respondent | ) | |

**OBJECTION TO WITHDRAWAL OF LIMITED SCOPE APPEARANCE**

I, _____, object to my attorney's Notice of Withdrawal of Limited Scope Appearance filed on _____.

My attorney has not finished everything he or she had agreed to do in the Notice of Limited Scope Appearance. I understand this is the only basis for me to present a valid objection to my attorney's notice of withdrawal. The specific services that my attorney has not completed are:

_____
_____
_____.

I understand that my objection will be set for a court hearing and I will be required to appear at that hearing and explain to a judge what services my attorney has not completed that he or she had agreed to do for me.

_____ _____

Signature of Party Name of Party

_____ _____

Party's Address Party's Telephone Number

_____

Party's E-Mail Address

_____

Date

**Proof of Filing and Service**

I certify that this Objection has been filed with the court on the ___ day of _____, ____, and on the same day I served this Objection on the following by the method checked below for each.

[List Name and Address of Each] [Check Method of Service]

[Attorney Who Represented Client] [ ] US Mail, Postage Prepaid
_____ [ ] Messenger
_____ [ ] Personal Delivery [ ] Facsimile
_____ [ ] Email

[Repeat Same Information for Each Other Counsel of Record and Unrepresented Party]

_____

Signature of Party

Committee Comments

Rule 13 was added in 1982. It was patterned after Proposed Uniform Circuit Court Rule III, which was prepared by a special committee of the Illinois State Bar Association and approved by the ISBA Board of Governors on June 22, 1976. Under paragraph (c) of this rule, an attorney's written appearance on behalf of a client before any court in this State binds the attorney to continue to represent that client in that cause until the court, after notice and motion, grants leave for the attorney to withdraw. (See Code of Professional Responsibility, Rules 2-110, 5-102 and 5-105.) This is true whether a final judgment has been entered in the cause or the contract of employment has been carried out. See Rule 7-101(a)(2).

**Rule 14. Reserved**

## Amended Rule 15

**Rule 15. Social Security Numbers in Pleadings and Related Matters.**

**(a)** Applicability. This rule applies to all documents filed with the court in all cases except civil cases. The confidential treatment of an individual's Social Security number in civil case court filings is separately provided for in Rule 138.

**(b)** Unless otherwise required by law or ordered by the court, parties shall not include Social Security numbers in documents filed with the court, including exhibits thereto, whether filed electronically or in paper. If disclosure of an individual's Social Security number is required for a particular filing, only the last four digits of that number shall be used. The filing must be accompanied by a Notice of Confidential Information Within Court Filing, prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article I Forms Appendix~~confidential information form in substantial compliance with the attached **NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING**~~, which shall identify the full Social Security number and shall remain confidential, except as to the parties or as the court may direct.

**(c)** Neither the court, nor the clerk, will review each pleading for compliance with this rule. If a pleading is filed without redaction, a party or identified person may move the court to order redaction. If the court finds the inclusion of the Social Security number was willful, the court may award the prevailing party reasonable expenses, including attorney fees and court costs, incurred in making or opposing the motion.

**(d)** This rule does not require any party, attorney, clerk or judicial officer to redact information from a court record that was filed prior to the adoption of this rule; provided, however, that a party may request that a Social Security number be redacted in a matter that preceded the adoption of this rule.

Adopted October 4, 2011, effective January 1, 2012; renumbered April 26, 2012, eff. immediately; amended Dec. 24, 2013, eff. Jan. 1, 2014; amended June 22, 2017, eff. July 1, 2017.

Committee Comment

(October 4, 2011)

This rule was adopted pursuant to section 40 of the Identity Protection Act (5 ILCS 179/40 (West 2010)).

**~~[Appendix]~~**

~~(Revised July 25, 2012)~~

In the Circuit Court of the _____ Judicial Circuit,

_____ County, Illinois

(Or, In the Circuit Court of Cook County, Illinois)

| | | |
|---|---|---|
| _____ | ) | - |
| Plaintiff/Petitioner, | ) | - |
| - | ) | - |
| v. | ) | Case No. _____ |
| - | ) | - |
| _____ | ) | - |
| Defendant/Respondent | ) | - |

-

**NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING**

Pursuant to Illinois Supreme Court Rule 15, the filer of a court record at the time of filing shall include a confidential information form which identifies the full social security numbers for any individuals whose social security numbers are redacted within the filing. **This information will not be available to the public and this document will be stored in a separate location from the case file.**

**Party/Individual Information:**

1. Name: _____
   Address: _____
   _____
   Phone: _____
   SSN: _____
2. Name: _____
   Address: _____
   _____
   Phone: _____
   SSN: _____

(Attach additional pages, if necessary.)

**Amended Rule 22**

**Rule 22. Appellate Court Organization; Administrative Authority; Appellate Court Rules**

**(a) Divisions-Appellate Districts.**

(1) Each district of the Appellate Court shall consist of one division unless the Supreme Court provides otherwise by order. The First District shall sit in the city of Chicago. The Second District shall sit in the city of Elgin. The Third District shall sit in the city of Ottawa. The Fourth District shall sit in the city of Springfield. The Fifth District shall sit in the city of Mount Vernon. With the approval of the chief justice of the Supreme Court, a division may sit at any place in the State. The Appellate Court in each district shall be in session throughout the year, and each division shall sit periodically as its judicial business requires. Each division shall sit in panels of three judges as hereinafter provided.

(2) Oral arguments in the appellate court will normally be held in the courthouse provided for that purpose in the appropriate city designated in subparagraph (a)(1). However, with the approval of all the parties and the chief justice, a panel of the appellate court may, on occasion, agree to set an oral argument to be held in a suitable, alternative location but outside the courthouse in which the panel would otherwise normally preside.

**(b) Assignment to Divisions-Designation of Panels.** The Supreme Court shall assign judges to the various divisions. The presiding judge of a division shall designate judges serving in that division to sit in panels of three. Such a three-judge panel shall constitute the division for purposes of rendering a decision in a case. The Executive Committee of the First District, upon request of a division of that district, may designate any Appellate Court judge of that district to sit in the place of a judge of the requesting division for such case or cases as may be designated in the request.

**(c) Decisions.** Three judges must participate in the decision of every case, and the concurrence of two shall be necessary to a decision. One judge may decide motions of course.

**(d) Divisions—Presiding Judge.** The judges of each division shall select one of their number to serve as presiding judge of that division for a term of one year.

**(e) Executive Committee of the Appellate Court of Illinois.** The presiding judges of the Second, Third, Fourth, and Fifth Districts and the members of the Executive Committee of the First District shall constitute the Executive Committee of the Appellate Court of Illinois. Meetings of the executive committee may be called by any three of its members, and meetings of the Appellate Court may be called by the executive committee.

**(f) Executive Committee of the Appellate Court in the First Appellate District.** There shall be an Executive Committee of the First District composed of one member of each division, which committee shall exercise general administrative authority. The executive committee shall select one of its number as chairman.

**(g) Administrative Authority.** Subject to the overall authority of the Supreme Court, the presiding judge of each district, and the chairman of the Executive Committee in the First District, shall have the authority to determine, among other things, the hours of court, available leave time to which a judge is entitled, and to instruct the way in which a judge on the bench is expected to behave. In the exercise of this general administrative authority, the presiding judge of each judicial district and the chairman of the Executive Committee in the First District shall take or initiate appropriate measures to address the persistent failure of any judge to perform his or her judicial duties.

**(h) Appellate Court Rules.** A majority of the appellate court judges in each district may adopt rules governing civil and criminal cases which are consistent with these rules and the statutes of the state, and which, so far as practicable, shall be uniform throughout the state. All rules of court shall be filed with the Administrative Director within 10 days after they are adopted.

**(i) Workers' Compensation Commission Appeals.** A five-judge panel of the Appellate Court will sit as the Workers' Compensation Commission division of each district of the Appellate Court. The Workers' Compensation Commission division will hear and decide all appeals involving proceedings to review orders of the Workers' Compensation Commission. The division will sit, periodically, as its judicial business requires, at any place in the State it chooses. Five judges must participate in the decisions of the Workers' Compensation Commission division, and the concurrence of three shall be necessary to a decision. If a judge designated to serve on this panel cannot participate, the alternate designated by the Supreme Court shall participate. Motions of course may be decided by one judge.

Amended effective July 1, 1971, and December 9, 1974; amended July 30, 1979, effective October 15, 1979; amended February 1, 1984, effective February 1, 1984, with Justice Moran dissenting (see *Yellow Cab Co. v. Jones* (1985), 108 Ill. 2d 330, 342); amended April 10, 1987, effective August 1, 1987; amended November 20, 1991, effective immediately; amended October 15, 2004, effective January 1, 2005; amended May 23, 2005, effective immediately; amended December 1, 2008, effective immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

(December 1, 2008)

New paragraph (g) was adopted December 1, 2008, to clarify that a presiding judge's administrative role includes the authority, and the responsibility, to address the persistent failure of any judge to perform his or her judicial duties. Such failure may be due to, among other things, professional incompetence, poor case load management, or chronic absenteeism. Depending on the facts involved, the expectation is that the presiding judge will take or initiate appropriate action to remedy the situation. It shall be the duty of the presiding judge to provide counseling, if deemed necessary and appropriate, and to report violations of the Canons to the Judicial Inquiry Board. In circumstances where there is uncertainty as to whether the conduct at issue is violative of the Canons, the presiding judge shall report the conduct, with substantial particularity, to the Supreme Court.

(Revised February 1, 1984)

As originally adopted, Rule 22 was derived from former Rule 56-2, effective January 1, 1964, and modified June 24, 1965, without change in substance.

Paragraph (a)

As originally adopted, paragraph (a) provided that the Appellate Court should sit in divisions and specified the number of divisions in each of the five districts, four in the First, and one in

each of the other districts. It was amended in 1971 to reflect the creation of a fifth division in the First District, and again in 1974, to authorize the creation of a second division in the Second District.

In 1979, the paragraph was amended. Under the paragraph, as amended, each district constitutes a single division unless the Supreme Court provides otherwise by order. A division may consist of four, five, or six judges. Cases are assigned to panels of three judges. The concurrence of two is necessary for a decision.

Paragraph (b)

In 1979, paragraph (b) was amended to permit the presiding judges to designate judges within their division to sit in panels. The authority of the Executive Committee of the First District to make designations on request of a division was retained.

Paragraph (c)

Paragraph (c) provides that three judges must participate in the decision of every case, and that two shall be necessary to a decision, other than a ruling on a motion of course. The 1979 amendments to the rule made no change in paragraph (c). Thus, though a division may consist of more than three judges, it sits in panels of three.

Paragraph (d)

The 1979 amendment retained the one-year term for the presiding judges, but eliminated the provision in the pre-1979 text requiring that the position of presiding judge be rotated among the judges of the division.

Paragraph (e)

Until 1979, paragraph (e) provided that the presiding judge of each division should be a member of the Executive Committee of the Appellate Court of Illinois. In that year it was amended to provide that the presiding judges of the Second, Third, Fourth, and Fifth Districts, together with the members of the Executive Committee of the Appellate Court in the First Appellate District, shall constitute the Executive Committee of the Appellate Court of Illinois. The 1979 amendment makes some change in the First District representation on the Executive Committee, since the members of the Executive Committee of the Appellate Court in the First Appellate District are not necessarily the presiding judges of the divisions of the First District.

Paragraph (f)

Paragraph (f) was amended in 1979 to reflect the deletion from paragraph (a) of the specific provision setting out the number of divisions in each district. There was no change in substance.

Paragraph (g)

Paragraph (g) was added in 1984 to provide for the creation of the Industrial Commission

division of the Appellate Court. A single panel of five appellate judges, one from each district (or alternates designated by the Supreme Court), will hear and decide all cases involving proceedings to review orders of the Industrial Commission. The procedure was adopted to relieve the Supreme Court of the growing burden of hearing all such appeals (see amended Rule 302(a)), and to insure that such appeals will continue to enjoy the traditional benefits of speedy consideration and uniform application of the law, the need for which was considered the original justification for giving such cases preferred status in the first place.

Notices of appeal from trial court orders disposing of cases involving review of Industrial Commission orders will be filed in the circuit court in accordance with Rule 303, and copies thereof will be sent to the clerk of the Appellate Court, as required in Rule 303(a)(4).

## Amended Rule 30

**Rule 30. Administrative Duties of the Chief Justice and the Administrative Director**

**(a) The Chief Justice.** The chief justice of the Supreme Court shall be responsible for the administration of all courts in the State. To assist the chief justice~~him~~, the court shall appoint an Administrative Director to serve at its pleasure, who shall report directly to the chief justice. If there is a vacancy in the office of the chief justice, the senior justice shall serve temporarily as acting chief justice. Seniority shall be determined as provided in Rule 31. If the chief justice is absent or unable to serve, the senior justice shall serve temporarily as acting chief justice.

**(b) The Administrative Director.** The Administrative Director of the courts shall be generally responsible for the enforcement of the rules, orders, policies and directives of the Supreme Court and the chief justice relating to matters of administration. At the direction of the chief justice and the Supreme Court, the Administrative Director shall develop, compile and promulgate administrative rules and directives relating to case processing, records and management information services, personnel, budgeting and such other matters as the chief justice and the Supreme Court shall direct. The Administrative Director also shall perform such other functions and duties as may be assigned by the chief justice or by the Supreme Court.

Adopted November 21, 1988, effective January 1, 1989; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 68 Administrative Order

**Rule 68**

A judge shall file annually with the Clerk of the Illinois Supreme Court (the Clerk) a verified written statement of economic interests and relationships of the judge and members of the judge's immediate family (the statement).

As statements are filed in the Clerk's office, the Clerk shall cause the fact of that filing to be indicated on an alphabetical listing of judges who are required to file such statements. Blank statement forms shall be furnished to the Clerk by the Director of the Administrative Office of the Illinois Courts (the Director).

Any person who files or has filed a statement under this rule shall receive from the Clerk a receipt indicating that the person has filed such a statement and the date of such filing.

All statements filed under this rule shall be available for examination by the public during business hours in the Clerk's office in Springfield or in the satellite office of the Clerk in Chicago. Original copies will be maintained only in Springfield, but requests for examination submitted in Chicago will be satisfied promptly. Each person requesting examination of a statement or portion thereof must first fill out a form prepared by the Director specifying the statement requested, identifying the examiner by name, occupation, address and telephone number, and listing the date of the request and the reason for such request. The Director shall supply such forms to the Clerk and replenish such forms upon request. Copies of statements or portions of statements will be supplied to persons ordering them upon payment of such reasonable fee per page as is required by the Clerk. Payment may be by check or money order in the exact amount due.

The Clerk shall promptly notify each judge required to file a statement under this rule of each instance of an examination of the statement by sending the judge a copy of the identification form filled out by the person examining the statement.

The contents of the statement required by this rule shall be as specified by administrative order of this court.

Effective March 15, 1970; amended April 1, 1986, effective August 1, 1986.

ADMINISTRATIVE ORDER

The verified statements of economic interests and relationships referred to in our Rule 68, as amended effective August 1, 1986, shall be filed by all judges on or before April 30, 1987, and on or before April 30, annually thereafter. Such statements shall also be filed by every person who becomes a judge, within 45 days after assuming office. However, judges who assume office on or after December 1 and who file the statement before the following April 30 shall not be required to file the statement due on April 30. The form of such statements shall be as provided by the Administrative Director of the Illinois Courts, and they shall include all information required by Rule 68 and this order, including:

1. Current economic interests of the judge and members of the judge's immediate family (spouse and minor children residing with the judge) whether in the form of stock, bond, dividend, interest, trust, realty, rent, certificate of deposit, deposit in any financial institution, pension plan, Keogh plan, Individual Retirement Account, equity or creditor interest in any corporation, proprietorship, partnership, instrument of indebtedness or otherwise. Every source of noninvestment income in the form of a fee, commission, compensation, compensation for personal service, royalty, pension, honorarium or otherwise must also be listed. No reimbursement of expenses by any unit of government and no interest in deferred compensation under a plan administered by the State of Illinois need be listed. No amounts or account numbers need be listed in response to this paragraph 1. **In listing his or her personal residence(s) in response to this paragraph 1, the judge shall not state the address(es).** Current economic interests shall be as of a date within 30 days preceding the date of filing the statement.

2. Former economic interests of the type required to be disclosed in response to numbered paragraph 1 which were held by the judge or any member of the judge's immediate family (spouse and minor children residing with the judge) during the year preceding the date of

verification. Current economic interests listed in response to numbered paragraph 1 need not be listed. No amounts or account numbers need be listed in response to this paragraph 2. **In listing his or her personal residence(s) in response to this paragraph 2, the judge shall not state the address(es).**

3. The names of all creditors to whom amounts in excess of $500 are owed by the judge or members of the judge's immediate family (spouse and minor children residing with the judge) or were owed during the year preceding the date of verification. For each such obligation there is to be listed the category for the amount owed as of the date of verification and the maximum category for the amount of each such obligation during the year preceding the date of verification of the statement. The categories for reporting the amount of each such obligation are as follows:

(a) not more than $5,000;

(b) greater than $5,000 but not more than $15,000;

(c) greater than $15,000 but not more than $50,000;

(d) greater than $50,000 but not more than $100,000;

(e) greater than $100,000 but not more than $250,000; and

(f) greater than $250,000.

Excluded from this requirement are obligations consisting of revolving charge accounts, with an outstanding liability equal to or less than $5,000.

4. The name of any individual personally known by the judge to be licensed to practice law in Illinois who is a co-owner with the judge or members of the judge's immediate family (spouse and minor children residing with the judge) of any of the economic interests disclosed in paragraphs 1 and 2, and the name of any person who has acted as a surety or guarantor of any of the obligations required to be disclosed in paragraph 3.

5. A list of every office, directorship and salaried employment of the judge and members of the judge's immediate family (spouse and minor children residing with the judge). Exclude unsalaried positions in religious, social or fraternal organizations, and honorary positions.

6. Pending cases in which the judge or members of the judge's immediate family (spouse and minor children residing with the judge) are parties in interest and, to the extent personally known to the judge, pending cases in which a party is an economic entity in which the judge or any member of the judge's immediate family has an interest. Cases in which a judge has been sued in the judge's official capacity shall not be included.

7. Any fiduciary position, including executorships and trusteeships of the judge or members of the judge's immediate family (spouse and minor children residing with the judge).

8. The name of the donor and a brief description of any gifts received by the judge or members of the judge's immediate family (spouse and minor children residing with the judge). Gifts of transportation, food, lodging or entertainment having a value in excess of $250 must be reported. All other gifts having a value in excess of $100 must be reported. Gifts between the judge and the judge's spouse, children, or parents shall not be reported.

9. Any other economic interest or relationship of the judge or of members of the judge's immediate family (spouse and minor children residing with the judge) which could create a conflict of interest for the judge in the judge's judicial capacity, other than those listed in

numbered paragraphs 1 to 8 hereof.

Prior to the first Monday in March of each year the Director shall inform each judge by letter of the requirements of this amended rule. The Director shall similarly inform by letter each person who becomes a judge of the requirements of the rule within 10 days of such person assuming office. The Director shall include with such letter instructions concerning the required statements, two sets of the statement forms, and one mailing envelope preaddressed to the Clerk. **The Clerk shall redact personal residence addresses contained in any statement filed pursuant to Supreme Court Rule 68.** The letter, instructions, and statements shall be in substantially the form provided in the Article I Forms Appendix.~~set forth below:~~

~~[Letterhead of Administrative Office of the Illinois Courts]~~

~~_____,20__~~

~~TO: MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS~~

~~RE: Compliance with Supreme Court Rule 68~~

~~As a member of the judiciary, you are required to file an annual statement of economic interests pursuant to Supreme Court Rule 68. Enclosed are the necessary forms and envelopes to be used in complying with Rule 68 on or before _____,20__.~~

~~In this packet are:~~

~~(A) One copy of "Instructions Concerning Required Statement for Members of the Judiciary of the State of Illinois."~~

~~(B) Two copies of the form entitled "Statement Required of Members of the Judiciary of the State of Illinois." [One copy to be filed with the Clerk of the Supreme Court; one copy to be retained for your records.]~~

~~(C) One 9 x 12 mailing envelope preaddressed to the Clerk of the Supreme Court.~~

~~The Supreme Court requests you follow these instructions carefully and asks that you be certain to return the original of your statement in the mailing envelope furnished herewith preaddressed to the Clerk of the Supreme Court.~~

~~Forms for compliance with Public Act 77-1806, "Illinois Governmental Ethics Act," will be mailed to you under separate cover and must be filed separately with the Secretary of State.~~

~~Very truly yours,~~

~~Director~~

~~INSTRUCTIONS CONCERNING REQUIRED~~
~~STATEMENT FOR MEMBERS OF THE JUDICIARY~~
~~OF THE STATE OF ILLINOIS~~

~~On or before April 30, 1987, and on or before April 30, annually thereafter, every judge of the Supreme Court, the Appellate Court, and every judge and associate judge of the Circuit Court shall file a verified written statement (the statement) of economic interests and relationships which may create conflicts of interest, with the Clerk of the Illinois Supreme Court. Such~~

~~statements shall be filed by every person who becomes a judge or associate judge within 45 days after assuming office and on or before each April 30 thereafter. However, judges who assume office on or after December 1 and who file the statement before the following April 30 shall not be required to file the statement due on April 30.~~

~~The statements required shall include the following information which, except where noted, shall include information as of the date of verification of the statement.~~

~~1. Current economic interests of the judge and members of the judge's immediate family (spouse and minor children residing with the judge) whether in the form of stock, bond, dividend, interest, trust, realty, rent, certificate of deposit, deposit in any financial institution, pension plan, Keogh plan, Individual Retirement Account, equity or creditor interest in any corporation, proprietorship, partnership, instrument of indebtedness or otherwise. Every source of noninvestment income in the form of a fee, commission, compensation, compensation for personal service, royalty, pension, honorarium or otherwise must also be listed. No reimbursement of expenses by any unit of government and no interest in deferred compensation under a plan administered by the State of Illinois need be listed. No amounts or account numbers need be listed in response to this paragraph 1. In listing his or her personal residence(s) in response to this paragraph 1, the judge shall not state the address(es). Current economic interests shall be as of a date within 30 days preceding the date of filing the statement.~~

~~2. Former economic interests of the type required to be disclosed in response to numbered paragraph 1 which were held by the judge or any member of the judge's immediate family (spouse and minor children residing with the judge) during the year preceding the date of verification. Current economic interests listed in response to numbered paragraph 1 need not be listed. No amounts or account numbers need be listed in response to this paragraph 2. In listing his or her personal residence(s) in response to this paragraph 2, the judge shall not state the address(es).~~

~~3. The names of all creditors to whom amounts in excess of $500 are owed by the judge or members of the judge's immediate family (spouse and minor children residing with the judge) or were owed during the year preceding the date of verification. For each such obligation there is to be listed the category for the amount owed as of the date of verification and the maximum category for the amount of each such obligation during the year preceding the date of verification of the statement. The categories for reporting the amount of each such obligation are as follows:~~

~~(a) not more than $5,000;~~

~~(b) greater than $5,000 but not more than $15,000;~~

~~(c) greater than $15,000 but not more than $50,000;~~

~~(d) greater than $50,000 but not more than $100,000;~~

~~(e) greater than $100,000 but not more than $250,000; and~~

~~(f) greater than $250,000.~~

~~Excluded from this requirement are obligations consisting of revolving charge accounts, with an outstanding liability equal to or less than $5,000.~~

~~4. The name of any individual personally known by the judge to be licensed to practice law in Illinois who is a co-owner with the judge or members of the judge's immediate family (spouse and minor children residing with the judge) of any of the economic interests disclosed in~~

paragraphs 1 and 2, and the name of any person who has acted as a surety or guarantor of any of the obligations required to be disclosed in paragraph 3.

5. A list of every office, directorship and salaried employment of the judge and members of the judge's immediate family (spouse and minor children residing with the judge). Exclude unsalaried positions in religious, social or fraternal organizations, and honorary positions.

6. Pending cases in which the judge or members of the judge's immediate family (spouse and minor children residing with the judge) are parties in interest, and, to the extent personally known to the judge, pending cases in which a party is an economic entity in which the judge or any member of the judge's immediate family has an interest. Cases in which a judge has been sued in the judge's official capacity shall not be included.

7. Any fiduciary position, including executorships and trusteeships of the judge and members of the judge's immediate family (spouse and any minor child residing with the judge).

8. The name of the donor and a brief description of any gifts received by the judge or members of the judge's immediate family (spouse and minor children residing with the judge). Gifts of transportation, food, lodging or entertainment having a value in excess of $250 must be reported. All other gifts having a value in excess of $100 must be reported. Gifts between the judge and the judge's spouse, children or parents shall not be reported.

9. Any other economic interest or relationship of the judge or of members of the judge's immediate family (spouse and minor children residing with the judge) which could create a conflict of interest for the judge in the judge's judicial capacity other than those listed in numbered paragraphs 1 to 8 hereof.

---

The Statement required herein shall be in substantially the form titled "STATEMENT REQUIRED OF MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS," which is attached hereto as Exhibit A.

(SAMPLE)

EXHIBIT A

STATEMENT REQUIRED OF MEMBERS OF THE
JUDICIARY OF THE STATE OF ILLINOIS

1. My current economic interests and the current economic interests of my immediate family (spouse and minor children residing with me) are as follows:

(Here list current economic interests specified in numbered paragraph 1 of the instructions setting forth the date (within 30 days of the date of filing) as of which said interests are being reported.)

2. My former economic interests and the former economic interests of my immediate family (spouse and minor children residing with me) held during the year preceding the date of verification:

(Here list former economic interests specified in numbered paragraph 2 of the instructions.)

3. Creditors to whom amounts in excess of $500 are owed as of the date of verification or were owed during the year preceding the date of verification by me or members of my immediate family (spouse and minor children residing with me), exclusive of revolving charge accounts with an outstanding liability equal to or less than $5,000, the amount of each such obligation outstanding as of the date of verification and the maximum amount of each such obligation during such preceding year within the categories set forth in numbered paragraph 3 of the instructions:

(Here list in accordance with numbered paragraph 3 of the instructions.)

4. The name of any individual personally known by me to be licensed to practice law in Illinois who is a co-owner with me or members of my immediate family (spouse and minor children residing with me) of any of the economic interests disclosed in paragraphs 1 and 2, and the name of any person who has acted as a surety or guarantor of any of the obligations required to be disclosed in paragraph 3.

(Here list in accordance with numbered paragraph 4 of the instructions.)

5. My offices, directorships, and salaried employments and the offices, directorships and salaried employments of my immediate family (spouse and minor children residing with me) are as follows:

(Here list in accordance with numbered paragraph 5 of the instructions.)

6. Pending cases in which I or members of my immediate family (spouse and minor children residing with me) have an interest are as follows:

(Here list pending cases in which you or members of your immediate family are parties in interest, or an economic entity in which you or they have an interest is a party, in accordance with numbered paragraph 6 of the instructions.)

7. My fiduciary positions, including executorships and directorships, and the fiduciary positions of the members of my immediate family (my spouse and minor children residing with me) are as follows:

(Here list fiduciary positions in accordance with numbered paragraph 7 of the instructions.)

8. The name of the donor of gifts received by me or members of my immediate family (spouse and minor children residing with me) during the year preceding the date of verification, are as follows:

(Here list gifts in accordance with numbered paragraph 8 of the instructions.)

9. My economic interests and relationships and those of my immediate family (spouse and minor children residing with me), other than those listed in numbered paragraphs 1 to 8 hereof, which could create conflicts of interest for me in my judicial capacity are as follows:

~~(Here insert any economic interest or relationship which might or could create a substantial conflict of interest.)~~

~~**VERIFICATION**~~

~~Pursuant to Supreme Court Rule 68, I declare that this statement of economic interest, including any accompanying schedules and statements, as it relates to me and members of my immediate family, has been examined by me and to the best of my knowledge and belief is true, correct and complete.~~

_____

~~Judge's Signature~~

_____

~~Date~~

Adopted by Order Entered April 1, 1986; order amended April 20, 1987, effective August 1, 1987; order amended December 30, 1993, effective January 1, 1994; order amended December 1, 1995, effective immediately; order amended September 23, 2005, effective immediately; order amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 90

**Rule 90. Conduct of the Hearings**

**(a) Powers of Arbitrators.** The arbitrators shall have the power to administer oaths and affirmations to witnesses, to determine the admissibility of evidence and to decide the law and the facts of the case. Rulings on objections to evidence or on other issues which arise during the hearing shall be made by the chairperson of the panel.

**(b) Established Rules of Evidence Apply.** Except as prescribed by this rule, the established rules of evidence shall be followed in all hearings before arbitrators.

**(c) Documents Presumptively Admissible.** All documents referred to under this provision shall be accompanied by a summary cover sheet listing each item that is included detailing the money damages incurred by the categories as set forth in this rule and specifying whether each bill is paid or unpaid. If at least 30 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof:

(1) bills (specified as paid or unpaid), records and reports of hospitals, doctors, dentists, registered nurses, licensed practical nurses and physical therapists, or other health-care providers;

(2) bills for drugs, medical appliances and prostheses (specified as paid or unpaid);

(3) property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;

(4) a report of the rate of earnings and time lost from work or lost compensation prepared

by an employer;

(5) the written statement of any expert witness, the deposition of a witness, the statement of a witness which the witness would be allowed to express if testifying in person, if the statement is made by affidavit or by certification as provided in section 1-109 of the Code of Civil Procedure;

(6) any other document not specifically covered by any of the foregoing provisions, and which is otherwise admissible under the rules of evidence.

The pages of any Rule 90(c) package submitted to the arbitrators should be numbered consecutively from the first page to the last page of the package in addition to any separate numbering of the pages of individual documents comprising such package. A template Notice of Intent Pursuant to Supreme Court Rule 90(c) is provided in the Article I Forms Appendix.

**(d) Opinions of Expert Witnesses.** A party who proposes to use a written opinion of any expert witness or the testimony of any expert witness at the hearing may do so provided a written notice of such intention is given to every other party not less than 30 days prior to the date of hearing, accompanied by a statement containing the identity of the expert witness, the expert's qualifications, the subject matter, the basis of the expert's conclusions, and the expert's opinion as well as any other information required by Rule 222(d)(6).

**(e) Right to Subpoena Maker of the Document.** Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of the Code of Civil Procedure relative to subpoenas, section 2-1101, shall be applicable to arbitration hearings and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

**(f) Adverse Examination of Parties or Agents.** The provisions of the Code of Civil Procedure relative to the adverse examination of parties or agents, section 2-1102, shall be applicable to arbitration hearings as upon the trial of a case.

**(g) Compelling Appearance of Witness at Hearing.** The provisions of Rule 237, herein, shall be equally applicable to arbitration hearings as they are to trials. The presence of a party may be waived by stipulation or excused by court order for good cause shown not less than seven days prior to the hearing. Remedies upon a party's failure to comply with notice pursuant to Rule 237(b) may include an order debarring that party from rejecting the award.

**(h) Prohibited Communication.** Until the arbitration award is issued and has become final by either acceptance or rejection, an arbitrator may not be contacted ex parte, nor may an arbitrator publicly comment or respond to questions regarding a particular arbitration case heard by that arbitrator. Discussions between an arbitrator and judge regarding an infraction or impropriety during the arbitration process are not prohibited by this rule. Nothing in this rule shall be construed to limit or expand judicial review of an arbitration award or limit or expand the testimony of an arbitrator at judicial hearing to clarify a mistake or error appearing on the face of an award.

[Rule 90(c) Cover Sheet]

**IN THE CIRCUIT COURT OF _____ COUNTY, ILLINOIS**

| | | |
|---|---|---|
| Plaintiff | ) | |
| | ) | |
| v. | ) | No._____ |
| Defendant | ) | |
| | ) | |
| | ) | |
| | ) | |

**NOTICE OF INTENT**
**PURSUANT TO SUPREME COURT RULE 90(C)**

Pursuant to Supreme Court Rule 90(c), the plaintiff(s) intend(s) to offer the following documents that are attached into evidence at the arbitration proceeding:

| I. | Healthcare Provider Bills | Amount Paid | Amount Unpaid |
|---|---|---|---|
| | 1.<br>2.<br>3.<br>4.<br>5.<br>6.<br>7.<br>8.<br>9.<br>10. | | |
| II. | Other Items of Compensable Damages | | |
| | 1.<br>2.<br>3.<br>4.<br>5. | | |

~~Attorney for Plaintiff~~

Adopted May 20, 1987, effective June 1, 1987; amended April 7, 1993, effective June 1, 1993; amended March 26, 1996, effective immediately; amended March 28, 2002, effective July 1, 2002; amended December 5, 2003, effective January 1, 2004; amended October 14, 2005, effective January 1, 2006; amended June 4, 2008, effective July 1, 2008; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(January 1, 2006)

Paragraph (h) is directed toward eliminating the problem of party or attorney use of information/feedback obtained during posthearing *ex parte* communication. Such communication could hinder the program goal of parties participating in good faith and could possibly influence the decision of the parties to accept or reject an award. This rule is not intended to restrict the ability of a party to communicate *ex parte* with a nonneutral party-arbitrator when used outside of court-annexed mandatory arbitration.

Administrative Order
*In re* Discovery Rules

The order entered March 28, 2002, amending various rules and effective July 1, 2002, shall apply to all cases filed after such effective date as well as all cases pending on such effective date, provided that any discovery order entered in any such case prior to July 1, 2002, shall remain in effect unless and until amended by the trial court.

Order entered November 27, 2002, effective immediately.

Committee Comment
(March 28, 2002)

This rule is amended to conform to the changes in terminology made in Supreme Court Rule 213.

Committee Comments

The conduct of the hearings, the outcome included, will substantially determine the regard and acceptance to be held by the legal community for this procedure as an effective method of dispute resolution for achieving a fair, early, economical and final result. For this reason, more perhaps than for any other of these rules, has the Committee devoted its attention to this rule. Meetings and interviews with out-of-State practitioners, judges and administrators were conducted with the greatest emphasis on the evidentiary aspect of the hearings.

Paragraph (a)

The authority and power of the arbitrators exist only in relation to the conduct of the hearing at the time it is held. Issues that may arise in the proceedings of the case prior, ancillary or subsequent to the hearing must be resolved by the court.

In some jurisdictions, including Pennsylvania, rulings on the evidence are to be made by a majority of the panel. Ohio has recently amended its rule to permit the chairperson to make such rulings. Practitioners, familiar with the practice in multiple-person panels, recommend that the ultimate authority reside with the chairperson. In practice one could reasonably expect the chairperson to consult with other members of the panel on difficult questions of admissibility.

Paragraph (b)

Several jurisdictions do not require hearings to be conducted according to the established rules of evidence.

New Jersey provides: "The arbitrator shall admit all relevant evidence and shall not be bound by the rules of evidence."

Ohio's statewide rules make no reference to the nature of the evidence admissible in mandatory arbitration hearings. Cuyahoga County (Cleveland), Hamilton County (Cincinnati) and Stark County (Canton) by local rules provide that the arbitrators shall be the judges of the relevancy and materiality of the evidence and "conformity to legal rules of evidence shall not be necessary."

The State of Washington rules leave to the discretion of the arbitrator the extent to which the rules of evidence will apply.

The States of Arizona, California, Minnesota, New York and Pennsylvania provide, as does this rule, for the application of the established rules of evidence with exceptions similar to those stated under paragraph (c).

It is the view of the Committee that the Illinois practitioner will enjoy a sense of security in that the established rules of evidence will apply to these hearings.

Paragraph (c)

All jurisdictions utilizing court-annexed arbitration have adopted rules substantially and conceptually similar to the provisions at paragraph (c) of this rule. The purpose for allowing presumptive admissibility of documents is to enable the parties to achieve the economy of time and expense available for the conduct of the hearing. The emphasis should be placed on substance and not form; the integrity of the evidence should be more meaningful than its formal method of introduction. The documents described in (c) are generally considered reliable and trustworthy for the purpose of admission. The documents that could be admitted under the general classification in (c)(6) could be photos, maps, drawings and blueprints, weather reports, business records and communications, and the like, so as to relieve the requirements of a foundational predicate for their admission.

The practice of the presumptive admission of documents of the type and nature described in the rule has stood the test of time and of experience in many thousands of hearings; one encounters no reported criticism or suggestion for change.

Regardless of the presumptive admissibility of the documents, the arbitrators will be required to apply the tests under established rules of evidence otherwise relating to admissibility and credibility and to determine, fairly, the weight to be given such evidence. Otherwise, the purpose of this procedure to achieve a fair, economical and early disposition of the controversy must ultimately fail by virtue of the lack of an essential integrity to the hearing itself.

Practitioners may not assume that practice will tolerate the blanket submission of voluminous records, charts or entire depositions with the expectation that the panel must pore over these documents and attempt to sort out that part which may be relevant or material to the issues at hand. Nor should such burden be placed on opposing counsel when such documents have been provided by notice. It would not be inappropriate or unreasonable, on the part of the panel, if it were to reject such blanket submissions unless proffering counsel specifies the entries or statements therein having relevancy and materiality.

None of the documents eligible for admission without foundation may be so offered unless the intention to do so, and a copy thereof, has been provided to opposing counsel not less than 30 days prior to the hearing. That length of time should be sufficient to enable counsel to verify the authenticity of the document, if prior discovery has not already accomplished that purpose. The Committee is recommending a period of notice longer than any of the arbitration jurisdictions; many provide a 20-day notice and some as few as seven days. We recommend the longer period so that there is less reason for the parties to request a continuance.

If the period of notice given for the submission of documents for presumptive admission is the minimum provided by this rule, and opposing counsel, in the exercise of prudent practice finds need to submit a document in rebuttal, he should apply to the court for leave to do so, unless his adversary will stipulate to a submission in less time than is required by this rule. Under such circumstances the court, in its ruling, should be guided by the degree of diligence and preparation previously undertaken by both counsel.

Whenever possible, counsel should endeavor to avoid delay and needless expense by stipulating to the admission of documents where there is no reasonable basis for believing they will not and should not be admitted.

Paragraph (d)

It is intended under this paragraph to require disclosure of the identity of an opinion witness whose written opinion will be offered under the provisions of paragraph (c)(5) herein, or who will testify at the hearings; and to the extent required under Rule 222, his qualifications, the subject matter of his testimony, and the basis of conclusions and opinions as well as any other information required by Rule 222(d)(6). This information must be provided not less than 30 days prior to the scheduled date of hearing. The longer the period of notice provided to one’s adversary, the less justification there would be to delay the hearing by reason of a late and unexpected disclosure.

Paragraph (e)

Although existing practice in other jurisdictions indicates that the option provided under (e) is rarely exercised, opposing counsel is given the right to subpoena the maker of the document as

an adverse witness, and examine that witness as if under cross-examination. This provision is not intended to act as a substitute for the right, under Rule 237, to require the production of a party at the hearing. In the event the maker sought to be served is not amenable to service of a subpoena, and provided further that counsel has been diligent in attempting to obtain such service, it would be incumbent on counsel to seek to bar its admissibility. Such motion should be made well in advance of the hearing date.

The Explanatory Note to Pennsylvania Rule 1305 states that if a member or author of the document is not subject to the jurisdiction of the court and cannot be subpoenaed, that document would not be presumptively admissible. The use of subpoena under this provision of the rule is rare and this problem does not appear to be one that has been bothersome to the practitioners. The Committee does not believe that there should be a hard and fast rule if such issue should arise but rather that it be decided on a case-by-case basis. This seems to be the prevalent view among practitioners of other jurisdictions. The materiality of the document to the issues should be a significant matter. The courts should also be alert to prevent the attempted use of this process by opposing counsel as an abusive tactic for delay and harassment.

Paragraphs (f) and (g)

Although these provisions of the Code of Civil Procedure and Supreme Court Rule 237 apply to trials, they should be equally applicable to hearings in arbitration. The Committee is advised that in actual practice it has been customary for counsel to arrange for the appearance of such witnesses by agreement.

A party who fails to comply with a Rule 237(b) notice to appear at a trial is subject to sanctions pursuant to Rule 219(c). Those sanctions may include an order debarring that party from maintaining a claim, counterclaim, etc. The 1993 amendment to Rule 90(g) is to make clear that a Rule 237(b) notice to appear at an arbitration hearing carries equivalent importance, such that a court may, in an appropriate case, debar a party who fails to comply from rejecting the award. The amendments also allow a party who received a notice to appear an opportunity to be excused in advance from appearing for good cause or by stipulation. For example, in a case where the party is willing to stipulate to the issue of liability and the only question which remains is damages, the party served with a Rule 237 notice may be excused by stipulation of the parties.

## Amended Rule 94

**Rule 94. Form of Oath, Award and Notice of Award**

The oath, award of arbitrators, and notice of award shall be in substantially the same form as the template provided in the Article I Forms Appendix. ~~following form:~~

~~In the Circuit Court of the _____ Judicial Circuit, _____ County, Illinois.~~

~~(Or, in the Circuit Court of Cook County, Illinois)~~

~~OATH~~

I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Illinois and that I will faithfully discharge the duties of my office.

_____

Name of Arbitrator Date

AWARD OF ARBITRATORS

In the Circuit Court of the _____Judicial Circuit, _____ County, Illinois.

(Or, in the Circuit Court of Cook County, Illinois)

| | | |
|---|---|---|
| A.B., C.D., *etc*. (naming all plaintiffs), Plaintiffs, | ) | |
| v. | ) | No._____ |
| H.J., K.L., *etc*. (naming all defendants), Defendants. | ) | Amount Claimed_____ |

☐ All parties participated in good faith.

☐ _____did NOT participate in good faith based upon the following findings.

Findings: _____

We, the undersigned arbitrators, having been duly appointed and sworn (or affirmed), make the following award:

_____

_____ Dissents as to the Award

Date of Award: _____

~~NOTICE OF AWARD~~

~~In the Circuit Court of the _____Judicial Circuit, _____ County, Illinois.~~

~~(Or, in the Circuit Court of Cook County, Illinois)~~

| | | |
|---|---|---|
| ~~A.B., C.D., *etc*. (naming all plaintiffs),~~ | ~~)~~ | |
| ~~Plaintiffs,~~ | ~~)~~ | |
| ~~v.~~ | ~~)~~ | ~~No._____~~ |
| ~~H.J., K.L., *etc*. (naming all defendants),~~ | ~~)~~ | ~~Amount Claimed_____~~ |
| ~~Defendants.~~ | ~~)~~ | |

~~On the _____ day of _____, 20__, the award of the arbitrators dated _____ _____, 20__, a copy of which is attached hereto, was filed and entered of record in this Cause. A copy of this NOTICE has on this date been sent by regular mail, postage prepaid, addressed to each of the parties appearing herein, at their last known address, or to their attorney of record.~~

~~Dated this _____ day of _____, 20__.~~

~~_____~~

~~Clerk of the Circuit Court~~

Adopted May 20, 1987, effective June 1, 1987; amended March 1, 2001, effective immediately; amended October 20, 2003, effective December 1, 2003; amended June 22, 2017, eff. July 1, 2017.

**Amended Rule 95**

**Rule 95. Form of Notice of Rejection of Award**

The notice of rejection of the award shall be in substantially the same form as the template provided in the Article I Forms Appendix.~~following form:~~

~~In the Circuit Court of the _____Judicial Circuit, _____ County, Illinois.~~

~~(Or, in the Circuit Court of Cook County, Illinois)~~

| | | |
|---|---|---|
| ~~A.B., C.D., *etc*. (naming all plaintiffs),~~ | ~~)~~ | |
| ~~Plaintiffs,~~ | ~~)~~ | |
| ~~v.~~ | ~~)~~ | ~~No._____~~ |
| ~~H.J., K.L., *etc*. (naming all defendants),~~ | ~~)~~ | ~~Amount Claimed_____~~ |
| ~~Defendants.~~ | ~~)~~ | |

~~NOTICE OF REJECTION OF AWARD~~

~~To the Clerk of the Circuit Court:~~

~~Notice is given that _____ rejects the award of the arbitrators entered in this cause on _____, and hereby requests a trial of this action.~~

~~_____~~

~~By: _____~~

~~(Certificate of Notice of Attorney)~~

Adopted May 20, 1987, effective June 1, 1987; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 100.1

**Rule 100.1. Implementation of Expedited Child Support System**

**(a) Applicability to Circuits.** An Expedited Child Support System may be established in those judicial circuits which, with the approval of the Supreme Court, elect to implement the System and in such other judicial circuits as may be directed by the Supreme Court.~~.~~

**(b) Submission of a Plan.** The chief judge of a judicial circuit which elects to create a System must submit a Plan of Implementation. The Plan may establish a circuit-wide system, a system in each county within the circuit or a system in any county in the circuit. The chief judges of two or more contiguous judicial circuits may submit a Plan for the creation of a single system encompassing those judicial circuits or encompassing contiguous counties within the judicial circuits.

**(c) The Plan. Each Plan must:**

(1) describe how the Plan will ensure that support orders will be expedited, setting forth the time frames and the mechanism for expediting matters eligible for a hearing before an administrative hearing officer;

(2) describe how the System will comply with the Federal time frames established for the IV-D program in regulations promulgated by the United States Department of Health and Human Services Office of Child Support Enforcement (codified at 45 C.F.R. 303), for the disposition of parentage and child support cases, and how compliance information shall be provided with respect to IV-D and non-IV-D cases;

(3) indicate whether the System is to be made available to nonparticipants in the IV-D program as specified in subsection (d) below;

(4) indicate which of the actions eligible for a hearing under Rule 100.3 will be subject to a hearing before an administrative hearing officer;

(5) designate the number of administrative hearing officers to be employed, and whether they will be employed full-time or part-time;

(6) indicate the compensation to be paid to each administrative hearing officer;

(7) describe the personnel policies applicable to employees of the System;

(8) describe the facilities and security arrangements to be used for hearings, including the days and hours of availability;

(9) describe the procedures for training administrative hearing officers;

(10) describe the documentation and forms required for an expedited child support hearing in addition to those required by the Supreme Court;

(11) describe the procedure for transmittal to a judge of contested prehearing motions, other matters that require a court order, recommended orders, and any other matters that require transfer or should be referred to a judge;

(12) describe the procedure for transfer of matters from a judge to an administrative hearing officer; and

(13) describe the procedure for action by a judge on an administrative hearing officer's recommendations.

**(d) Availability of System to Non-IV-D Participants.** A Plan may provide that the System is available in cases where both parties are non-IV-D participants and request access to the System. If the System is available to non-IV-D participants, administrative expenses must be appropriated by the county board and a plan for cost-sharing must be approved as provided in subsection (g) below.

**(e) Establishment of Demonstration Programs.** The Illinois Department of Public Aid may notify the Supreme Court of its desire to establish a demonstration program in one or more circuits or counties. Any such program shall be available to IV-D participants. Upon receipt of such notification, the Supreme Court will notify the chief judge of each judicial circuit of the Department's desire to establish a demonstration program. Each chief judge may submit a demonstration Plan to the Supreme Court which, upon approval, will submit the Plan to the Department. The Department may select one or more circuits or counties to participate in the demonstration program after reviewing the submitted Plans. The Department shall notify the Supreme Court of its decision. The submitted demonstration Plan shall include each element listed in subsection (c) above. In addition, each demonstration Plan shall include a projected budget for operation of the System. The demonstration Plan shall specify whether it is available to non-IV-D participants, and if so, shall provide that the portion of the administrative costs attributable to use by non-IV-D participants has been appropriated by the demonstration county and meets the requirements of subsection (g) below.

**(f) Supreme Court Review and Approval.** The Supreme Court shall review and approve or request that the chief judge modify any submitted Plan or demonstration Plan for compliance with the Act, these rules and, to the extent Federal reimbursement is sought, the rules of the IV-D program. Upon Supreme Court approval of a Plan, any nondemonstration county, circuit, multicircuit area or multicounty area may establish a System. Approved demonstration Plans will be submitted to the Department of Public Aid for review based on Department standards.

**(g) Funding.** Before establishment of a System according to a Supreme Court approved Plan, each participating nondemonstration county board or boards must appropriate the administrative expenses incurred to establish and maintain the non-IV-D portion of the System and the IV-D portion that is not subject to Federal reimbursement. A Plan for cost-sharing must be submitted to the Department of Public Aid for approval. Each chief judge shall be responsible for documenting and recording the number of IV-D and non-IV-D cases pending and disposed of in the System each month, and the portion of administrative expenses eligible for Federal reimbursement under the IV-D program, in such a manner as to insure Federal reimbursement.

Information necessary for Federal reimbursement shall be submitted to the Department of Public Aid 14 days after the end of each month. The chief judge shall also submit copies of such information to the Supreme Court. The Illinois Department of Public Aid shall forward all reimbursement to the county in which the Plan is approved. The Supreme Court shall remain a signatory to the contract and shall maintain general supervisory oversight.

**(h) Administration.** Pursuant to rule, the chief judge of each judicial circuit shall be responsible for administering the System on a day-to-day basis, shall employ and terminate administrative hearing officers and other necessary staff, and shall review and evaluate the performance of each administrative hearing officer. Reviews shall be conducted quarterly in the first year of employment, and annually thereafter.

**(i) Reporting of Data.** The chief judge shall file a report with the Supreme Court within 35 days of the end of each State fiscal year detailing the number of:

(1) matters initially assigned to an administrative hearing officer;

(2) matters transferred to an administrative hearing officer;

(3) matters returned to an administrative hearing officer from a judge;

(4) matters submitted to a judge from an administrative hearing officer with recommendation for a court order;

(5) recommended court orders entered by a judge;

(6) recommended court orders rejected by a judge;

(7) matters submitted by an administrative hearing officer to a judge for hearings;

(8) IV-D and non-IV-D matters pending and disposed of in the System; and

(9) matters which complied or failed to comply with Federal time frames. The above data shall be reported for each fiscal year with respect to each administrative hearing officer and for the System as a whole.

**(j) Local Rules.** Each judicial circuit may adopt rules for the conduct of expedited child support hearings which are consistent with these rules and may determine which matters within the general classification of eligible actions shall be heard by administrative hearing officers.

**(k) Applicability of Other Acts, the Code of Civil Procedure and Rules of the Supreme Court.** The provisions of the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 1984, the Illinois Public Aid Code, the Revised Uniform Reciprocal Enforcement of Support Act, the Nonsupport of Spouse and Children Act, the State Mandates Act, the Code of Civil Procedure and the rules of the Supreme Court shall be applicable to expedited child support hearings except insofar as these rules otherwise provide.

Adopted April 1, 1992, effective immediately; amended March 19, 1997, effective April 15, 1997; amended June 22, 2017, eff. July 1, 2017.

**New Article I Forms Appendix**

**ARTICLE I. GENERAL RULES**

**Rule 13. Appearances—Time to Plead—Withdrawal**

**Form for Limited Scope Appearance in Civil Action**

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS
(OR, IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS)

| | | |
|---|---|---|
| _____ | ) | |
| Plaintiff/Petitioner | ) | |
| | ) | |
| v. | ) | No. |
| | ) | |
| | ) | |
| _____ | ) | |
| Defendant/Respondent | ) | |

**NOTICE OF LIMITED SCOPE APPEARANCE**

1. The attorney, _____, and the Party, _____ , have entered into a written agreement dated_____ providing that the attorney will provide limited scope representation to the Party in the above-captioned matter in accordance with Paragraphs 3 and 4, below.
2. The Party is Plaintiff Petitioner Defendant Respondent in this matter. (Circle one)
3. The attorney appears pursuant to Supreme Court Rule 13(c)(6). This appearance is limited in scope to the following matter(s) in which the attorney will represent the Party (check and complete all that apply):

□ In the court proceeding (identify) on the following date: _____
  □ And in any continuance of that proceeding
□ At the trial on the following date: _____

□ And in any continuance of that trial

□ And until judgment

□ At the following deposition(s): _____

□ If a family law matter, specify the scope and limits of representation: _____

□ Other (specify the scope and limits of representation): _____

4. If this appearance does not extend to all matters to be considered at the proceeding(s) above, identify the discrete issues within each proceeding covered by this appearance:_____ _____ _____

5. The attorney may withdraw following completion of the limited scope representation specified in this appearance as follows:

   a. orally move to withdraw at a hearing attended by the Party, at which the Party may object to withdrawal if the Party contends that the limited scope representation specified in this appearance has not been completed; or

   b. file a Notice of Withdrawal of Limited Scope Representation in the form appearing in the Article I Forms Appendix. If the attorney files such a Notice, the attorney shall serve it upon the Party and upon all counsel of record and other parties not represented by counsel unless the court excuses service upon other counsel and other unrepresented parties, and upon the judge then presiding over this case. The method of service shall be as provided in Supreme Court Rule 11 unless the court orders otherwise. If the Party objects to the withdrawal, the Party may, within 21 days after the date of the attorney's service of the Notice of Withdrawal of Limited Scope Appearance, file an Objection to Withdrawal of Limited Scope Appearance in the form appearing in the Article I Forms Appendix. The attorney will provide a copy of the form of Objection to the Party with the attorney's Notice, including instructions for filing and service of an Objection. If the Party timely serves an Objection, the attorney shall notice the matter for hearing to rule on the Objection.

6. Service of pleadings on the attorney and party named above shall be made in accordance with Supreme Court Rule 11.

7. By signing below, the Party being represented under this Limited Scope Appearance:

   a. agrees to the delivery of all court papers to the addresses specified below; and

   b. agrees to inform the court, all counsel of record, and all parties not represented by counsel of any changes to the Party's address information listed below during the limited scope representation.

_____ _____

Signature of Attorney Name of Attorney

| | |
|---|---|
| _____ | _____ |
| Attorney's Address | Attorney's Telephone Number |
| _____ | _____ |
| Attorney's E-Mail Address | Attorney Number |
| _____ | _____ |
| Signature of Party | Name of Party |
| _____ | _____ |
| Party's Address | Party's Telephone Number |

_____
Party's E-Mail Address

_____
Date

**Form for Notice of Withdrawal of Limited Scope Appearance**

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS
(OR, IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS)

| | | |
|---|---|---|
| _____ | ) | |
| Plaintiff/Petitioner | ) | |
| | ) | |
| v. | ) | No. |
| | ) | |
| | ) | |
| _____ | ) | |
| Defendant/Respondent | ) | |

## NOTICE OF WITHDRAWAL OF LIMITED SCOPE APPEARANCE

I withdraw my Notice of Limited Scope Appearance for _____ [party], pursuant to Supreme Court Rule 13(c)(7).

I have completed all services within the scope of the Notice of Limited Scope Appearance, and I have completed all acts ordered by the court within the scope of that appearance.

Service of documents upon me under Supreme Court Rule 11 will no longer be required upon the later of: (a) 21 days after service of this Notice or, (b) if _____ [party] files and serves an Objection to Withdrawal of Limited Scope Appearance within 21 days after service of this Notice, entry of a court order allowing my withdrawal. Service of documents on _____[party] continues to be required.

**NOTICE TO _____[party]:** You have the right to object to my withdrawal as your lawyer if you believe that I have not finished everything that I had agreed to do. To object, you must:

1. Fill in the blanks in the attached form of Objection to Withdrawal of Limited Scope Appearance, including the Certificate of Service and sign where indicated.

2. File the original Objection with the court by _____ __, ____, [date to be filled in by lawyer] which is 21 days after the date that I am filing and serving this Notice.

3. On the same day that you file the Objection with the court, send copies of it to me and to the other persons listed in the Certificate of Service attached to the Objection. Also, check the boxes in the Certificate of Service to show how you sent the copy to each person.

If you file and serve an Objection within the 21-day period, I will arrange to have a hearing date set by the court. I will send you notice of the date. You must appear at the hearing and explain to the judge why you believe that I have not finished everything that I had agreed to do for you.

| | |
|---|---|
| _____ | _____ |
| Signature of Attorney | Name of Attorney |
| _____ | _____ |
| Attorney's Address | Attorney's Telephone Number |
| _____ | _____ |
| Attorney's E-Mail Address | Attorney Number |
| _____ | |

Date

**Proof of Filing and Service**

I certify that this Notice has been filed with the court on the ___ day of _____, 20__, and on the same day I served this Notice on the following, including the Party that I represented, all counsel of record and parties not represented by counsel, and the judge now presiding over this case, by the method checked below for each.

| [List Name and Address of Each] | [Check Method of Service} |
|---|---|
| The Honorable _____ | [ ] US Mail, Postage Prepaid [ ] Messenger |
| _____ | [ ] Personal Delivery |
| _____ | [ ] E-mail |
| _____ | |
| [Client]_____ | [ ] US Mail, Postage Prepaid [ ] Messenger |
| _____ | [ ] Personal Delivery |
| _____ | [ ] E-mail |
| _____ | |

[Repeat Same Information for Each Other Counsel of Record and Unrepresented Party]

_____
Signature of Attorney

**Form for Objection to Withdrawal of Limited Scope Appearance**

*********************************

*[To Withdrawing Attorney: On the Copy of This Form Sent to the Client, List the Parties and Addresses in the Certificate of Service and Complete All Parts of the Form Except the Statement of Grounds, the Signature Block Information, the Date of Filing and Service of the Objection, the Client's Method of Service, and the Client's Signatures]*

*****************************

**IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT**
**_____ COUNTY, ILLINOIS**
**(OR, IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS)**

| | | |
|---|---|---|
| _____ | ) | |
| Plaintiff/Petitioner | ) | |
| | ) | |
| v. | ) | No. |
| | ) | |
| | ) | |
| _____ | ) | |
| Defendant/Respondent | ) | |

**OBJECTION TO WITHDRAWAL OF LIMITED SCOPE APPEARANCE**

I, _____, object to my attorney's Notice of Withdrawal of Limited Scope Appearance filed on _____.

My attorney has not finished everything he or she had agreed to do in the Notice of Limited Scope Appearance. I understand this is the only basis for me to present a valid objection to my attorney's notice of withdrawal. The specific services that my attorney has not completed are:

_____

_____

_____

I understand that my objection will be set for a court hearing and I will be required to appear at that hearing and explain to a judge what services my attorney has not completed that he or she had agreed to do for me.

_____ _____

Signature of Party Name of Party

_____ _____

Party's Address Party's Telephone Number

_____

Party's E-Mail Address

_____

Date

**Proof of Filing and Service**

I certify that this Objection has been filed with the court on the ___ day of _____, ____, and on the same day I served this Objection on the following by the method checked below for each.

| [List Name and Address of Each] | [Check Method of Service} |
|---|---|
| [Attorney Who Represented Client] | [ ] US Mail, Postage Prepaid |
| _____ | [ ] Messenger |
| _____ | [ ] Personal Delivery |
| _____ | [ ] E-mail |

[Repeat Same Information for Each Other Counsel of Record and Unrepresented Party]

_____

Signature of Party

**Rule 15. Social Security Numbers in Pleadings and Related Matters.**

**[Appendix]**

(Revised July 25, 2012)

In the Circuit Court of the _____ Judicial Circuit,
_____ County, Illinois
(Or, In the Circuit Court of Cook County, Illinois)

| | | |
|---|---|---|
| _____ | ) | |
| Plaintiff/Petitioner, | ) | |
| | ) | |
| v. | ) | Case No. _____ |

)

_____ )

Defendant/Respondent )

**NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING**

Pursuant to Illinois Supreme Court Rule 15, the filer of a court record at the time of filing shall include a confidential information form that identifies the full Social Security numbers for any individuals whose Social Security numbers are redacted within the filing. **This information will not be available to the public, and this document will be stored in a separate location from the case file.**

**Party/Individual Information:**

1. Name: _____
   Address: _____
   _____
   Phone: _____
   SSN: _____
2. Name: _____
   Address: _____
   _____
   Phone: _____
   SSN: _____

(Attach additional pages, if necessary.)

**Rule 68**

[Letterhead of Administrative Office of the Illinois Courts]

_____, 20__

TO: MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS

RE: Compliance with Supreme Court Rule 68

As a member of the judiciary, you are required to file an annual statement of economic interests pursuant to Supreme Court Rule 68. Enclosed are the necessary forms and envelopes to be used in complying with Rule 68 on or before _____, 20__.

In this packet are:

(A) One copy of "Instructions Concerning Required Statement for Members of the Judiciary of the State of Illinois."

(B) Two copies of the form entitled "Statement Required of Members of the Judiciary of the State of Illinois." [One copy to be filed with the Clerk of the Supreme Court; one copy to be retained for your records.]

(C) One 9 x 12 mailing envelope preaddressed to the Clerk of the Supreme Court.

The Supreme Court requests you follow these instructions carefully and asks that you be certain to return the original of your statement in the mailing envelope furnished herewith preaddressed to the Clerk of the Supreme Court.

Forms for compliance with Public Act 77-1806, "Illinois Governmental Ethics Act," will be mailed to you under separate cover and must be filed separately with the Secretary of State.

Very truly yours,

Director

## INSTRUCTIONS CONCERNING REQUIRED STATEMENT FOR MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS

On or before April 30, 1987, and on or before April 30, annually thereafter, every judge of the Supreme Court, the Appellate Court, and every judge and associate judge of the Circuit Court shall file a verified written statement (the statement) of economic interests and relationships which may create conflicts of interest, with the Clerk of the Illinois Supreme Court. Such statements shall be filed by every person who becomes a judge or associate judge within 45 days after assuming office and on or before each April 30 thereafter. However, judges who assume office on or after December 1 and who file the statement before the following April 30 shall not be required to file the statement due on April 30.

The statements required shall include the following information which, except where noted, shall include information as of the date of verification of the statement.

1. Current economic interests of the judge and members of the judge's immediate family (spouse and minor children residing with the judge) whether in the form of stock, bond, dividend, interest, trust, realty, rent, certificate of deposit, deposit in any financial institution, pension plan, Keogh plan, Individual Retirement Account, equity or creditor interest in any corporation, proprietorship, partnership, instrument of indebtedness or otherwise. Every source of noninvestment income in the form of a fee, commission, compensation, compensation for personal service, royalty, pension, honorarium or otherwise must also be listed. No reimbursement of expenses by any unit of government and no interest in deferred compensation under a plan administered by the State of Illinois need be listed. No amounts or account numbers need be listed in response to this paragraph 1. In listing his or her personal residence(s) in response to this paragraph 1, the judge shall not state the address(es). Current economic interests shall be as of a date within 30 days preceding the date of filing the statement.

2. Former economic interests of the type required to be disclosed in response to numbered paragraph 1 which were held by the judge or any member of the judge's immediate family (spouse and minor children residing with the judge) during the year preceding the date of verification. Current economic interests listed in response to numbered paragraph 1 need not be

listed. No amounts or account numbers need be listed in response to this paragraph 2. In listing his or her personal residence(s) in response to this paragraph 2, the judge shall not state the address(es).

3. The names of all creditors to whom amounts in excess of $500 are owed by the judge or members of the judge's immediate family (spouse and minor children residing with the judge) or were owed during the year preceding the date of verification. For each such obligation there is to be listed the category for the amount owed as of the date of verification and the maximum category for the amount of each such obligation during the year preceding the date of verification of the statement. The categories for reporting the amount of each such obligation are as follows:

(a) not more than $5,000;

(b) greater than $5,000 but not more than $15,000;

(c) greater than $15,000 but not more than $50,000;

(d) greater than $50,000 but not more than $100,000;

(e) greater than $100,000 but not more than $250,000; and

(f) greater than $250,000.

Excluded from this requirement are obligations consisting of revolving charge accounts, with an outstanding liability equal to or less than $5,000.

4. The name of any individual personally known by the judge to be licensed to practice law in Illinois who is a co-owner with the judge or members of the judge's immediate family (spouse and minor children residing with the judge) of any of the economic interests disclosed in paragraphs 1 and 2, and the name of any person who has acted as a surety or guarantor of any of the obligations required to be disclosed in paragraph 3.

5. A list of every office, directorship and salaried employment of the judge and members of the judge's immediate family (spouse and minor children residing with the judge). Exclude unsalaried positions in religious, social or fraternal organizations, and honorary positions.

6. Pending cases in which the judge or members of the judge's immediate family (spouse and minor children residing with the judge) are parties in interest, and, to the extent personally known to the judge, pending cases in which a party is an economic entity in which the judge or any member of the judge's immediate family has an interest. Cases in which a judge has been sued in the judge's official capacity shall not be included.

7. Any fiduciary position, including executorships and trusteeships of the judge and members of the judge's immediate family (spouse and any minor child residing with the judge).

8. The name of the donor and a brief description of any gifts received by the judge or members of the judge's immediate family (spouse and minor children residing with the judge). Gifts of transportation, food, lodging or entertainment having a value in excess of $250 must be reported. All other gifts having a value in excess of $100 must be reported. Gifts between the judge and the judge's spouse, children or parents shall not be reported.

9. Any other economic interest or relationship of the judge or of members of the judge's immediate family (spouse and minor children residing with the judge) which could create a conflict of interest for the judge in the judge's judicial capacity other than those listed in numbered paragraphs 1 to 8 hereof.

The Statement required herein shall be in substantially the form titled "STATEMENT REQUIRED OF MEMBERS OF THE JUDICIARY OF THE STATE OF ILLINOIS," which is attached hereto as Exhibit A.

(SAMPLE)

EXHIBIT A

STATEMENT REQUIRED OF MEMBERS OF THE
JUDICIARY OF THE STATE OF ILLINOIS

1. My current economic interests and the current economic interests of my immediate family (spouse and minor children residing with me) are as follows:

(Here list current economic interests specified in numbered paragraph 1 of the instructions setting forth the date (within 30 days of the date of filing) as of which said interests are being reported.)

2. My former economic interests and the former economic interests of my immediate family (spouse and minor children residing with me) held during the year preceding the date of verification:

(Here list former economic interests specified in numbered paragraph 2 of the instructions.)

3. Creditors to whom amounts in excess of $500 are owed as of the date of verification or were owed during the year preceding the date of verification by me or members of my immediate family (spouse and minor children residing with me), exclusive of revolving charge accounts with an outstanding liability equal to or less than $5,000, the amount of each such obligation outstanding as of the date of verification and the maximum amount of each such obligation during such preceding year within the categories set forth in numbered paragraph 3 of the instructions:

(Here list in accordance with numbered paragraph 3 of the instructions.)

4. The name of any individual personally known by me to be licensed to practice law in Illinois who is a co-owner with me or members of my immediate family (spouse and minor children residing with me) of any of the economic interests disclosed in paragraphs 1 and 2, and the name of any person who has acted as a surety or guarantor of any of the obligations required to be disclosed in paragraph 3.

(Here list in accordance with numbered paragraph 4 of the instructions.)

5. My offices, directorships, and salaried employments and the offices, directorships and salaried employments of my immediate family (spouse and minor children residing with me) are as follows:

(Here list in accordance with numbered paragraph 5 of the instructions.)

6. Pending cases in which I or members of my immediate family (spouse and minor children residing with me) have an interest are as follows:

(Here list pending cases in which you or members of your immediate family are parties in interest, or an economic entity in which you or they have an interest is a party, in accordance with numbered paragraph 6 of the instructions.)

7. My fiduciary positions, including executorships and directorships, and the fiduciary positions of the members of my immediate family (my spouse and minor children residing with me) are as follows:

(Here list fiduciary positions in accordance with numbered paragraph 7 of the instructions.)

8. The name of the donor of gifts received by me or members of my immediate family (spouse and minor children residing with me) during the year preceding the date of verification, are as follows:

(Here list gifts in accordance with numbered paragraph 8 of the instructions.)

9. My economic interests and relationships and those of my immediate family (spouse and minor children residing with me), other than those listed in numbered paragraphs 1 to 8 hereof, which could create conflicts of interest for me in my judicial capacity are as follows:

(Here insert any economic interest or relationship which might or could create a substantial conflict of interest.)

**VERIFICATION**

Pursuant to Supreme Court Rule 68, I declare that this statement of economic interest, including any accompanying schedules and statements, as it relates to me and members of my immediate family, has been examined by me and to the best of my knowledge and belief is true, correct and complete.

_____

Judge’s Signature

_____

Date

**Rule 90. Conduct of the Hearings**

[Rule 90(c) Cover Sheet]

**IN THE CIRCUIT COURT OF _____ COUNTY, ILLINOIS**

| | | |
|---|---|---|
| Plaintiff | ) | |
| | ) | |
| v. | ) | No._____ |
| Defendant | ) | |
| | ) | |
| | ) | |
| | ) | |

**NOTICE OF INTENT**
**PURSUANT TO SUPREME COURT RULE 90(C)**

Pursuant to Supreme Court Rule 90(c), the plaintiff(s) intend(s) to offer the following documents that are attached into evidence at the arbitration proceeding:

| | | | |
|---|---|---|---|
| I. | Healthcare Provider Bills | Amount Paid | Amount Unpaid |
| | 1. | | |
| | 2. | | |
| | 3. | | |
| | 4. | | |
| | 5. | | |
| | 6. | | |
| | 7. | | |
| | 8. | | |
| | 9. | | |
| | 10. | | |
| II. | Other Items of Compensable Damages | | |
| | 1. | | |
| | 2. | | |
| | 3. | | |
| | 4. | | |
| | 5. | | |

_____
Attorney for Plaintiff

**Rule 94. Form of Oath, Award and Notice of Award**

In the Circuit Court of the _____ Judicial Circuit, _____ County, Illinois.

(Or, in the Circuit Court of Cook County, Illinois)

OATH

I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Illinois and that I will faithfully discharge the duties of my office.

_____

Name of Arbitrator Date

AWARD OF ARBITRATORS

In the Circuit Court of the _____Judicial Circuit, _____ County, Illinois.

(Or, in the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.* (naming all plaintiffs), Plaintiffs, )
v. ) No._____
H.J., K.L., *etc.* (naming all defendants), Defendants. ) Amount Claimed_____

☐ All parties participated in good faith.

☐ _____did NOT participate in good faith based upon the following findings.

Findings: _____
_____
_____
_____
_____

We, the undersigned arbitrators, having been duly appointed and sworn (or affirmed), make the following award:

_____
_____
_____
_____
_____
_____
_____

_____

_____

_____

_____

_____ Dissents as to the Award

Date of Award: _____

NOTICE OF AWARD

In the Circuit Court of the _____Judicial Circuit, _____ County, Illinois.

(Or, in the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.* (naming all plaintiffs), Plaintiffs, )
v. ) No._____
H.J., K.L., *etc.* (naming all defendants), Defendants. ) Amount Claimed_____

On the _____ day of _____, 20__, the award of the arbitrators dated _____ _____, 20__, a copy of which is attached hereto, was filed and entered of record in this Cause. A copy of this NOTICE has on this date been sent by regular mail, postage prepaid, addressed to each of the parties appearing herein, at their last known address, or to their attorney of record.

Dated this _____ day of _____, 20__.

_____

Clerk of the Circuit Court

**Rule 95. Form of Notice of Rejection of Award**

In the Circuit Court of the _____Judicial Circuit, _____ County, Illinois.

(Or, in the Circuit Court of Cook County, Illinois)

A.B., C.D., *etc.* (naming all plaintiffs), Plaintiffs, )
v. ) No._____
H.J., K.L., *etc.* (naming all defendants), Defendants. ) Amount Claimed_____

NOTICE OF REJECTION OF AWARD

To the Clerk of the Circuit Court:

Notice is given that _____ rejects the award of the arbitrators entered in this cause on _____, and hereby requests a trial of this action.

_____

By: _____

(Certificate of Notice of Attorney)

**Amended Rule 303**

**Rule 303. Appeals from Final Judgments of the Circuit Court in Civil Cases**

**(a) Time; Filing; Transmission of Notice of Appeal~~Copy~~.**

(1) The notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from, or, if a timely posttrial motion directed against the judgment is filed, whether in a jury or a nonjury case, within 30 days after the entry of the order disposing of the last pending postjudgment motion directed against that judgment or order, irrespective of whether the circuit court had entered a series of final orders that were modified pursuant to postjudgment motions. A judgment or order is not final and appealable while a Rule 137 claim remains pending unless the court enters a finding pursuant to Rule 304(a). A notice of appeal filed after the court announces a decision, but before the entry of the judgment or order, is treated as filed on the date of and after the entry of the judgment or order. The notice of appeal may be filed by any party or by any attorney representing the party appealing, regardless of whether that attorney has filed an appearance in the circuit court case being appealed.

(2) When a timely postjudgment motion has been filed by any party, whether in a jury case or a nonjury case, a notice of appeal filed before the entry of the order disposing of the last pending postjudgment motion, or before the final disposition of any separate claim, becomes effective when the order disposing of said motion or claim is entered. A party intending to challenge an order disposing of any postjudgment motion or separate claim, or a judgment amended upon such motion, must file a notice of appeal, or an amended notice of appeal within 30 days of the entry of said order or amended judgment, but where a postjudgment motion is denied, an appeal from the judgment is deemed to include an appeal from the denial of the postjudgment motion. No request for reconsideration of a ruling on a postjudgment motion will toll the running of the time within which a notice of appeal must be filed under this rule.

(3) If a timely notice of appeal is filed and served by a party, any other party, within 10 days after service upon him or her, or within 30 days from the entry of the judgment or order being appealed, or within 30 days of the entry of the order disposing of the last pending postjudgment motion, whichever is later, may join in the appeal, appeal separately, or cross-appeal by filing a notice of appeal, indicating which type of appeal is being taken.

(4) Within five days after the filing of a notice of appeal, or an amendment of a notice of

appeal filed in the circuit court pursuant to subparagraph (b)(~~4~~ 5) of this rule, the clerk of the circuit court shall file the notice of appeal or of the amendment with the clerk of the court to which the appeal is being taken.~~transmit to the clerk of the court to which the appeal is being taken a copy of the notice of appeal or of the amendment.~~

**(b) Form and Contents of Notice of Appeal.**

(1) The notice of appeal shall be captioned as follows:

(i) At the top shall appear the statement "Appeal to the _____ Court," naming the court to which the appeal is taken, and below this shall be the statement "From the Circuit Court of _____," naming the court from which the appeal is taken.

(ii) It shall bear the title of the case, naming and designating the parties in the same manner as in the circuit court and adding the further designation "appellant" or "appellee," *e.g.*, "Plaintiff-Appellee."

(iii)It shall be designated "Notice of Appeal," "Joining Prior Appeal," "Separate Appeal," or "Cross-Appeal," as appropriate.

(2) It shall specify the judgment or part thereof or other orders appealed from and the relief sought from the reviewing court.

(3) A notice of appeal filed pursuant to Rule 302(a)(1) from a judgment of a circuit court holding unconstitutional a statute of the United States or of this state shall have appended thereto a copy of the court's findings made in compliance with Rule 18.

(4) It shall contain the name~~signature~~ and address of each appellant or appellant's attorney.

(5) The notice of appeal may be amended without leave of court within the original 30-day period to file the notice as set forth in paragraph (a) above. Thereafter it may be amended only on motion, in the reviewing court, pursuant to paragraph (d) of this rule. Amendments relate back to the time of the filing of the notice of appeal.

**(c) Service of Notice of Appeal.** The party filing the notice of appeal or an amendment as of right, shall, within 7 days, file a notice of filing with the reviewing court and serve ~~a copy of~~ the notice of appeal upon every other party and upon any other person or officer entitled by law to notice. Proof of service, as provided by Rule 12, shall be filed with the notice.

**(d) Extension of Time in Certain Circumstances.** On motion supported by a showing of reasonable excuse for failure to file a notice of appeal on time, accompanied by the proposed notice of appeal and the filing fee, filed in the reviewing court within 30 days after expiration of the time for filing a notice of appeal, the reviewing court may grant leave to appeal and order the clerk to transmit the notice of appeal to the trial court for filing. If the reviewing court allows leave to file a late notice of appeal, any other party may, within 10 days of the order allowing the filing of the late notice, join in the appeal separately or cross-appeal as set forth in Rule 303(a)(3).

**(e) Docketing.** Upon receipt of the ~~copy of the~~ notice of appeal transmitted to the reviewing court pursuant to paragraph (a) of this rule, or receipt of a motion for leave to appeal under paragraph (d) of this rule, the clerk of the reviewing court shall enter the appeal upon the docket.

Amended effective January 12, 1967; amended effective January 1, 1970; amended October 21, 1969, effective January 1, 1970; amended effective July 1, 1971; amended effective September 1, 1974; amended October 1, 1976, effective November 15, 1976; amended July 30, 1979, effective October 15, 1979; amended August 9, 1983, effective October 1, 1983; amended April 27, 1984, effective July 1, 1984; amended December 17, 1993, effective February 1, 1994; corrected March 18, 2005, effective immediately; amended October 14, 2005, effective January 1, 2006; amended July 27, 2006, effective September 1, 2006; amended March 16, 2007, effective May 1, 2007; amended May 30, 2008, effective immediately; corrected June 4, 2008, effective immediately; amended Dec. 11, 2014, eff. Jan. 1, 2015; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(March 16, 2007)

Rule 303(a)(2) is intended to address concerns raised in cases such as *John G. Phillips & Assoc. v. Brown*, 197 Ill. 2d 337 (2001). Subparagraph (a)(2) protects the rights of an appellant who has filed a "premature" notice of appeal by making the notice of appeal effective when the order denying a postjudgment motion or resolving a still-pending separate claim is entered. See Fed. R. App. P. 4(a)(4)(B)(i), (a)(4)(B)(ii). The question whether a particular "claim" is a separate claim for purposes of Rule 304(a) is often a difficult one. See *Dewan v. Ford Motor Co.*, 343 Ill. App. 3d 1062 (2003); *In re Marriage of King*, 208 Ill. 2d 332 (2003); *Marsh v. Evangelical Covenant Church of Hinsdale*, 138 Ill. 2d 458 (1990); *Physicians Insurance Exchange v. Jennings*, 316 Ill. App. 3d 443 (2000); *F.H. Prince & Co., Inc. v. Towers Financial Corp.*, 266 Ill. App. 3d 977 (1994); *Servio v. Paul Roberts Auto Sales, Inc.*, 211 Ill. App. 3d 751 (1991). Subparagraph (a)(2) protects the appellant who files a notice of appeal prior to the resolution of a still-pending claim that is determined to be a separate claim under Rule 304(a). Note that under subparagraph (a)(2), there is no need to file a second notice of appeal where the postjudgment order simply denies the appellant's postjudgment motion. However, where the postjudgment order grants new or different relief than the judgment itself, or resolves a separate claim, a second notice of appeal is necessary to preserve an appeal from such order.

## Amended Rule 303A

**Rule 303A. Expedited and Confidential Proceedings Under the Parental Notification of Abortion Act**

**(a) Entry of Judgment in the Circuit Court.** Upon the filing of a petition in the circuit court for judicial waiver of notice under the Parental Notification of Abortion Act, the circuit court shall rule and issue written findings of fact and conclusions of law within 48 hours of the time that the petition is filed with weekends and holidays excluded, except that the 48-hour limitation may be extended at the request of the minor or incompetent person. The court shall endeavor to rule at the conclusion of any hearing on the petition, but in any event shall rule within 48 hours of the filing of the petition, weekends and holidays excluded, except that the time period for ruling may be extended at the request of the minor or the incompetent person. If

the decision is not rendered immediately following a hearing, then the petitioner shall be responsible for contacting the clerk of the court for notification of the decision. All notifications pursuant to this procedure may be informal and shall be confidential. If the court fails to rule within the 48-hour period and an extension is not requested, then the petition shall be deemed to have been granted and the notice requirement shall be waived. A decision denying a judicial waiver of notice is a final and appealable order, which is appealable in the manner provided in the following paragraphs of this rule.

**(b) Review to the Appellate Court as a Matter of Right.** In accordance with the provisions of this rule, a minor or incompetent person shall be entitled to an appeal to the Appellate Court as a matter of right when the circuit court denies her a waiver of notice under the Parental Notification of Abortion Act.

**(c) Review in the Appellate Court.** Review of the denial of a waiver of notice under the Parental Notice of Abortion Act shall be by petition filed in the Appellate Court. The petition shall ~~be in writing, s~~tate the relief requested and the grounds for the relief requested~~,~~ and be filed within two days, weekends and holidays excluded, of entry of the denial from which review is being sought, except that the two-day period may be extended at the request of the minor or incompetent person. An appropriate supporting record shall accompany the petition, including a record of proceedings, ~~a copy of t~~he petition filed in the circuit court, the decision of the circuit court, including the specific findings of fact and legal conclusions supporting the decision, and any other supporting documents or matters of record necessary to the petition. The supporting record must be authenticated by the certificate of the circuit court clerk or by the affidavit of the attorney or party filing it.

**(d) Appointment of Counsel.** The Appellate Court shall appoint counsel to assist the petitioner if she so requests.

**(e) Statement of Facts and Memoranda of Law**. The minor or incompetent petitioner may file a brief statement of facts and memorandum of law supporting her petition, which together shall not exceed 15 ~~typewritten~~ pages and which also must be filed within two days, excluding weekends and holidays, of the entry of the order being appealed under paragraph (a) of this Rule.

**(f) Confidentiality.** All proceedings under this rule shall be confidential. The petitioner shall be identified in the petition and any supporting memorandum in the method provided under Rule 660(c), as in appeals in cases arising under the Juvenile Court Act. Alternatively, the petitioner may use a pseudonym if she so requests. All documents relating to proceedings shall be impounded and sealed subject to review only by the minor, her attorney and guardian *ad litem*, the respective judges and their staffs charged with reviewing the case and the respective court clerks and their staffs. After entry of an order by the Appellate Court, the clerk of the Appellate Court shall review the proceedings. If leave to appeal is not sought by the petitioner, the clerk of the Appellate Court shall seal the record on appeal before returning it to the clerk of the circuit court. Any appellate court file shall also be sealed. If leave to appeal to the Supreme Court is sought, the petition for leave to appeal and all supporting documents shall identify the petitioner in manner provided under Rule 660(c). The file in the Supreme Court shall also be sealed and impounded following the decision of the Supreme Court. All notifications of court rulings under this rule may be informal and shall be confidential.

**(g) Time for Decision; No Oral Argument.** After the petitioner has filed the petition for

review in the Appellate Court, along with a supporting record and any memorandum, the Appellate Court shall consider, decide the petition and issue a confidential ~~written~~ order within three days, excluding weekends and holidays. The petitioner shall be responsible for contacting the clerk of the Appellate Court for notification of the decision. Oral argument on the petition will not be heard.

**(h) Supreme Court Review.** If the Appellate Court affirms the denial of a waiver of notice, the petitioner may file a petition for leave to appeal with the Supreme Court within two days, excluding weekends and holidays, of the Appellate Court's decision to affirm the denial of a waiver of notice, except that the two-day period may be extended at the request of the minor or incompetent person. The petition for leave to appeal to the Supreme Court shall contain (1) a statement of issues presented for review and how those issues were decided by the circuit and appellate courts, (2) a brief statement explaining the reason for appeal to the Supreme Court, (3) any memorandum and statement of facts presented to the appellate court, and (4) the written orders of the circuit and appellate courts. The Supreme Court shall decide whether to allow leave to appeal within three days, excluding weekends and holidays, of the filing of the leave to appeal. In deciding whether to allow leave to appeal, the Supreme Court's discretion shall be guided by the criteria listed in Rule 315(a). The confidentiality of the proceedings shall be maintained in the manner described in paragraph (f) of this rule. If leave to appeal is allowed, the petitioner must then file the record from the proceedings in the circuit court with the clerk the Supreme Court within two days, excluding weekends and holidays, of the date that leave to appeal is allowed, except that the two day period may be extended at the request of the minor or incompetent person. Oral argument in the case will not be heard. The Supreme Court shall then issue a confidential written decision within five days, excluding weekends and holidays, of the date it allowed the petition for leave to appeal. The Supreme Court shall render its decision based on the record from the circuit court, and the petition for leave to appeal and any supporting documentation filed in conjunction with the petition for leave to appeal. The petitioner shall be responsible for contacting the clerk of the Supreme Court for notification of any decisions made by the Supreme Court on either the petition for leave to appeal or the ultimate disposition of the case by the Supreme Court. All notifications of court rulings under this rule may be informal and shall be confidential.

Adopted September 20, 2006, effective immediately; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 305

**Rule 305. Stay of Judgments Pending Appeal**

**(a) Stay of Enforcement of Money Judgments.** The enforcement of a judgment for money only, or any portion of a judgment which is for money, shall be stayed if a timely notice of appeal is filed and an appeal bond or other form of security, including, but not limited to, letters of credit, escrow agreements, and certificates of deposit, is presented to, approved by and filed with the court within the time for filing the notice of appeal or within any extension of time granted under paragraph (c) of this rule. Notice of the presentment of the bond or other form of security shall be given by the judgment debtor to all parties. The bond or other form of security ordinarily shall be in an amount sufficient to cover the amount of the judgment and costs plus

interest reasonably anticipated to accrue during the pendency of the appeal. If a form of security other than an appeal bond is presented, the appellant shall have the burden of demonstrating the adequacy of such other security. If the court, after weighing all the relevant circumstances, including the amount of the judgment, anticipated interest and costs, the availability and cost of a bond or other form of security, the assets of the judgment debtor and of the judgment debtor's insurers and indemnitors, if any, and any other factors the court may deem relevant, determines that a bond or other form of security in the amount of the judgment plus anticipated interest and costs is not reasonably available to the judgment debtor, the court may approve a bond or other form of security in the maximum amount reasonably available to the judgment debtor. In the event that the court approves a bond or other form of security in an amount less than the amount of the judgment plus anticipated interest and costs, the court shall impose additional conditions on the judgment debtor to prevent dissipation or diversion of the judgment debtor's assets during the appeal.

**(b) Stays of Enforcements of Nonmoney Judgments and Other Appealable Orders.** Except in cases provided for in paragraph (e) of this rule, on notice and motion, and an opportunity for opposing parties to be heard, the court may also stay the enforcement of any judgment, other than a judgment, or portion of a judgment, for money, or the enforcement, force and effect of appealable interlocutory orders or any other appealable judicial or administrative order. The stay shall be conditioned upon such terms as are just. A bond or other form of security may be required in any case, and shall be required to protect an appellee's interest in property.

**(c) Extensions of Time.** On motion made within the time for filing the notice of appeal or within any extension granted pursuant to this paragraph, the time for the filing and approval of the bond or other form of security may be extended by the circuit court or by the reviewing court or a judge thereof, but the extensions of time granted by the circuit court may not aggregate more than 45 days unless the parties stipulate otherwise. A motion in the reviewing court for any extension of time for the filing and approval of the bond or other form of security in the circuit court must be supported by affidavit and accompanied by a supporting record (Rule 328), if the record on appeal has not been filed.

**(d) Stays by the Reviewing Court.** Except in cases provided for in paragraph (e) of this rule, application for a stay ordinarily must be made in the first instance to the circuit court. A motion for a stay may be made to the reviewing court, or to a judge thereof, but such a motion must show that application to the circuit court is not practical, or that the circuit court has denied an application or has failed to afford the relief that the applicant has requested, and must be accompanied by suggestions in support of the motion and a supporting record (Rule 328), if the record on appeal has not been filed. If a stay is granted by the reviewing court or a judge thereof, the clerk shall notify the parties and transmit the certified order granting the stay to the clerk of the circuit court or administrative agency ~~a certified copy of the order granting the stay~~.

**(e) Automatic Stay Pending Appeal of Termination of Parental Rights.**

(1) An order terminating the parental rights of any person that is entered in a proceeding initiated under the Juvenile Court Act of 1987 shall be automatically stayed for 60 days after entry of the order of termination. If notice of appeal is filed with respect to the termination order within the 60 days, the automatic stay shall continue until the appeal is complete or the stay is lifted by the reviewing court. If notice of appeal is not filed within the 60 days, the

automatic stay shall expire.

(2) The automatic stay under this rule shall stay the termination order to the extent that it would permit entry of an order of adoption without the parent's consent or surrender, and shall also operate to stay the termination order with respect to any power granted to a person or agency to consent to an adoption. In all other respects the termination order shall be unaffected. For the purposes of proceedings under the Adoption Act, a person appealing the termination of his or her rights shall be treated as a person whose parental rights have been terminated, except as provided in the first sentence of this paragraph. Neither the appeal nor the automatic stay of the termination order shall affect the trial court's continuing jurisdiction over the care, custody, visitation and support of the child, and a guardian of the child may take any authorized action other than consenting to the child's adoption.

(3) No bond shall be required with respect to a stay of adoption pending appeal of termination of parental rights.

(4)(A) A party to the Juvenile Court Act proceeding in which a termination order was entered or a party to an adoption proceeding delayed by the effect of this rule may file a motion with the reviewing court to lift the automatic stay of a termination order. The stay of an order terminating parental rights may be lifted when it is clearly in the best interests of the child on motion or by the court *sua sponte*.

(B) Motions to lift an automatic stay must be accompanied by suggestions in support of the motion and shall be served on all parties to the Juvenile Court Act proceeding and the parties to any related Adoption Act proceeding, if known. If the movant is a party to an adoption proceeding, the motion must include the caption and case number of the adoption proceeding and identify the court in which the action is pending.

(C) Motions to lift an automatic stay must be accompanied by a supporting record as provided in Rule 328. If the movant was not a party to the Juvenile Court Act proceeding and is unable to provide the supporting record, a decision on the motion shall be deferred until after the record on appeal is filed.

(D) If a stay is lifted by the reviewing court or a judge thereof, the clerk shall notify the parties and transmit the certified order lifting the stay to the clerk of the trial court ~~a certified copy of the order lifting the stay~~. In the case of a motion filed by a party to an adoption proceeding, the clerk shall also ~~send a certified copy of the~~ transmit the certified order lifting the stay to the trial judge in the adoption proceeding.

**(f) When Notice of Appeal Is Amended.** If a notice of appeal is amended to specify parts of the judgment not specified in the original notice of appeal, the stay of the judgment described in the original notice of appeal does not extend to any added part of the judgment, but a stay of the added part may be obtained under the same conditions and by the same procedure set forth above.

**(g) Condition of the Bond.** If an appeal is from a judgment for money, the condition of the bond or other form of security shall be for the prosecution of the appeal and the payment of the judgment, interest, and costs in case the judgment is affirmed or the appeal dismissed unless other terms are approved by the court as provided in paragraph (a) above, except that the bond of an executor or administrator shall be conditioned upon payment in due course of administration and that the bond of a guardian for a minor or a person under legal disability shall be conditioned

on payment as the guardian has funds therefor. In all other cases, the condition shall be fixed with reference to the character of the judgment.

**(h) Changing the Amount, Terms, and Security of the Bond or Other Form of Security After the Appeal is Docketed.** After the case is docketed in the reviewing court, that court or a judge thereof upon motion may, consistent with the provisions of paragraph (a) above, change the amount, terms or security of the bond or other form of security, whether fixed by it or by the circuit court, and failure to comply with the order of the reviewing court or judge shall terminate the stay.

**(i) Appeals by Public Agencies.** If an appeal is prosecuted by a public, municipal, governmental, or quasi-municipal corporation, or by a public officer in that person's official capacity for the benefit of the public, the circuit court, or the reviewing court or a judge thereof, may stay the judgment pending appeal without requiring that any bond or other form of security be given.

**(j) Insurance Policy as Bond.** The filing of an insurance policy pursuant to section 392.1 of the Illinois Insurance Code (215 ILCS 5/392.1 (West 1992)) shall be considered the filing of a bond for purposes of this rule.

**(k) Failure to Obtain Stay; Effect on Interests in Property.** If a stay is not perfected within the time for filing the notice of appeal, or within any extension of time granted under subparagraph (c) of this rule, the reversal or modification of the judgment does not affect the right, title, or interest of any person who is not a party to the action in or to any real or personal property that is acquired after the judgment becomes final and before the judgment is stayed; nor shall the reversal or modification affect any right of any person who is not a party to the action under or by virtue of any certificate of sale issued pursuant to a sale based on the judgment and before the judgment is stayed. This paragraph applies even if the appellant is a minor or a person under legal disability or under duress at the time the judgment becomes final.

**(l) Land Trust Bond.** The filing of a bond or other form of security by a beneficiary under a land trust where the land trust is a party shall be considered filing of a bond for purposes of this rule.

**(m)Filing with the Circuit Court Clerk.** All original appeal bonds or other forms of security, whether approved by the circuit court or the reviewing court, shall be filed with the clerk of the circuit court in which the case was filed.

Amended October 21, 1969, effective January 1, 1970, and amended effective July 1, 1971; amended September 20, 1979, effective October 15, 1979; amended January 5, 1981, effective February 1, 1981; amended May 28, 1982, effective July 1, 1982; amended December 17, 1993, effective February 1, 1994; amended December 5, 2003, effective January 1, 2004; amended June 15, 2004, effective July 1, 2004; amended June 22, 2017, eff. July 1, 2017.

Commentary
(June 15, 2004)

Paragraph (a)

The amendment is designed to preserve the right of appeal. The traditional method of securing a judgment is to require an appeal bond in the amount of the judgment plus anticipated interest and costs. In recent years, changes in the insurance market have made appeal bonds costly in many cases and unavailable in some cases. When an alternative type of security (*e.g.*, letters of credit, escrow agreement, certificate of deposit) offers comparable assurance of payment at lower cost, requiring an appeal bond needlessly increases the cost of appeal. When seeking to file a form of security other than an appeal bond, it is the judgment debtor's burden to demonstrate that the other form of security is an adequate substitute.

It is anticipated that the amount of the bond or other form of security will normally be in an amount sufficient to cover the judgment, interest, and costs. In some limited instances, however, the appeal bond requirement may be so onerous that it creates an artificial barrier to appeal, forcing a party to settle a case or declare bankruptcy. See, *e.g.*, *Price v. Philip Morris, Inc.*, 341 Ill. App. 3d 941 (2003), *vacated by supervisory order* No. 96644 (September 16, 2003). Thus, the amended rule gives the court discretion in a money judgment case to approve a bond or other form of security that covers less than the entire amount of the judgment plus anticipated interest and costs. This does not lessen the judgment debtor's obligation on the judgment, but simply allows the judgment debtor to obtain a stay of execution on the judgment pending appeal. In such a case, the last sentence of the amended rule makes clear that appropriate conditions shall be imposed to prevent the judgment debtor from dissipating assets that would otherwise be available for payment of the judgment if the appeal is unsuccessful. Thus, depending on the circumstances, a business may be precluded from selling or otherwise disposing of any of its assets outside the ordinary course of its business, or an individual might be prohibited from spending any sums other than are required for ordinary living expenses.

Paragraph (b)

This paragraph has been amended to clarify that it is inapplicable to appeals from judgments for money.

Paragraph (g)

This paragraph has been amended to be consistent with the provisions of paragraph (a) permitting, under certain circumstances, the filing of an appeal bond or other form of security in an amount less than the full amount of the judgment plus anticipated interest and costs.

Paragraph (h)

This paragraph has been amended to clarify that a motion to change the terms or the amount of the bond must be consistent with the provisions of paragraph (a).

Paragraph (m)

This paragraph has been added because the appellate court clerks may not have appropriate facilities for keeping original bonds or other forms of security.

Commentary
(December 17, 1993)

This rule has been reorganized to provide greater clarity to the practice of obtaining a stay of the trial court judgment. Paragraph (a) makes clear that the bond in a money judgment case must be sufficient to cover the entire amount of the judgment, interest and costs.

A certified copy of the reviewing court stay order transmitted to the trial court or administrative agency is substituted for the antiquated reviewing court clerk certificate, and the clerk's authority to approve security is removed.

## Amended Rule 306

**Rule 306. Interlocutory Appeals by Permission.**

**(a) Orders Appealable by Petition**. A party may petition for leave to appeal to the Appellate Court from the following orders of the trial court:

(1) from an order of the circuit court granting a new trial;

(2) from an order of the circuit court allowing or denying a motion to dismiss on the grounds of *forum non conveniens*, or from an order of the circuit court allowing or denying a motion to transfer a case to another county within this State on such grounds;

(3) from an order of the circuit court denying a motion to dismiss on the grounds that the defendant has done nothing which would subject defendant to the jurisdiction of the Illinois courts;

(4) from an order of the circuit court granting or denying a motion for a transfer of venue based on the assertion that the defendant is not a resident of the county in which the action was commenced, and no other legitimate basis for venue in that county has been offered by the plaintiff;

(5) from interlocutory orders affecting the care and custody of or the allocation of parental responsibilities for unemancipated minors, if the appeal of such orders is not otherwise specifically provided for elsewhere in these rules;

(6) from an order of the circuit court which remands the proceeding for a hearing *de novo* before an administrative agency; or

(7) from an order of the circuit court granting a motion to disqualify the attorney for any party;

(8) from an order of the circuit court denying or granting certification of a class action under section 2–802 of the Code of Civil Procedure (735 ILCS 5/2-802); or

(9) from an order of the circuit court denying a motion to dispose under the Citizen Participation Act (735 ILCS 110/1 *et seq.*)

If the petition for leave to appeal an order granting a new trial is granted, all rulings of the trial court on the posttrial motions are before the reviewing court without the necessity of a cross-petition.

**(b) Procedure for Petitions Under Subparagraph (a)(5).**

(1) *Petition; Service; Record*. Unless another form is ordered by the Appellate Court,

review of an order affecting the care and custody of or the allocation of parental responsibilities for an unemancipated minor as authorized in paragraph (a)(5) shall be by petition filed in the Appellate Court. The petition ~~shall be in writing and~~ shall state the relief requested and the grounds for the relief requested. An appropriate supporting record shall accompany the petition, which shall include the order appealed from or the proposed order, and any supporting documents or matters of record necessary to the petition. The supporting record must be authenticated by the certificate of the clerk of the trial court or by the affidavit of the attorney or party filing it. The petition, supporting record and the petitioner's legal memorandum, if any, shall be filed in the Appellate Court within 14 days of the entry or denial of the order from which review is being sought, with proof of personal~~,~~ or e-mail ~~or facsimile~~ service as provided in Rule 11. ~~A copy of the~~ The petition for leave to appeal must also be served upon the trial court judge who entered the order from which leave to appeal is sought.

(2) *Legal Memoranda*. With the petition, the~~The~~ petitioner may file a memorandum, not exceeding 15 ~~typewritten~~ pages~~, with the petition~~. The respondent or any other party or person entitled to be heard in the case may file, with proof of personal~~,~~ or e-mail ~~or facsimile~~ service as provided in Rule 11, a responding memorandum within five business days following service of the petition and petitioner's memorandum. A memorandum by the respondent or other party may not exceed 15 ~~typewritten~~ pages.

(3) *Replies; Extensions of Time*. Except by order of court, no replies will be allowed and no extension of time will be allowed.

(4) *Variations by Order of Court*. The Appellate Court may, if it deems it appropriate, order a different schedule, or order that no memoranda be filed, or order that other materials need not be filed.

(5) *Procedure if Leave to Appeal Is Granted*. If leave to appeal is granted, the circuit court and the opposing parties shall be served with ~~copies of~~ the order granting leave to appeal. All proceedings shall then be subject to the expedited procedures set forth in Rule 311(a). A party may allow his or her petition or answer to stand as his or her brief or may elect to file a new brief. In order to allow a petition or answer to stand as a brief, the party must notify the other parties and the Clerk of the Appellate Court on or before the due date of the brief.

**(c) Procedure for All Other Petitions Under This Rule.**

(1) *Petition*. The petition shall contain a statement of the facts of the case, supported by reference to the supporting record, and of the grounds for the appeal. ~~An original and three copies of the petition (or original and five copies in workers' compensation cases arising under Rule 22(g))~~The petition shall be filed in the Appellate Court in accordance with the requirements for briefs within 30 days after the entry of the order. A supporting record conforming to the requirements of Rule 328 shall be filed with the petition.

(2) *Answer*. Any other party may file ~~an original and three copies of~~ an answer ~~(or original and five copies in workers' compensation cases arising under Rule 22(g))~~ within 21 days of the filing of the petition, together with a supplementary supporting record conforming to Rule 328 consisting of any additional parts of the record the party desires to have considered by the Appellate Court. No reply will be received except by leave of court or

a judge thereof.

(3) *Appendix to Petition~~; Abstract~~.* The petition shall include, as an appendix, ~~a copy of~~ the order appealed from, and ~~of~~ any opinion, memorandum, or findings of fact entered by the trial judge, and a table of contents of the record on appeal in the form provided in Rule 342(a). ~~If the Appellate Court orders that an abstract of the record be filed, it shall be in the form set forth in Rule 342(b) and shall be filed within the time fixed in the order.~~

(4) *Extensions of Time.* The above time limits may be extended by the reviewing court or a judge thereof upon notice and motion, accompanied by an affidavit showing good cause, filed before expiration of the original or extended time.

(5) *Stay; Notice of Allowance of Petition.* If the petition is granted, the proceedings in the trial court are stayed. Upon good cause shown, the Appellate Court or a judge thereof may vacate or modify the stay, and may require the petitioner to file an appropriate bond. Within 48 hours after the granting of the petition, the appellate court clerk shall notify ~~send notice thereof to~~ the clerk of the circuit court.

(6) *Additional Record.* If leave to appeal is allowed, any party to the appeal may request that additional portions of the record on appeal be prepared as provided in Rule 321 *et seq.*, or the court may order the appellant to file the record, which shall be filed within 35 days of the date on which such leave was allowed. The filing of an additional record shall not affect the time for filing briefs under this rule.

(7) *Briefs.* A party may allow his or her petition or answer to stand as his or her brief or may file a ~~further~~ brief in lieu of or in addition thereto. If a party elects to allow a petition or answer to stand as a brief, he or she must notify the other parties and the Clerk of the Appellate Court on or before the due date of the brief ~~and supply the court with the requisite number of briefs required by Rule 341(e)~~. If the appellant elects to file a ~~further~~ brief, it must be filed within 35 days from the date on which leave to appeal was granted. ~~The appellant's brief, and other briefs if filed,~~ All briefs shall conform to the schedule and requirements as provided in Rules 341 through 343. Oral argument may be requested as provided in Rule 352(a).

Amended October 21, 1969, effective January 1, 1970, and amended effective September 1, 1974; amended July 30, 1979, effective October 15, 1979; amended February 19, 1982, effective April 1, 1982; amended May 28, 1982, effective July 1, 1982; amended June 15, 1982, effective July 1, 1982; amended August 9, 1983, effective October 1, 1983; amended September 16, 1983, effective October 1, 1983; amended December 17, 1993, effective February 1, 1994; amended March 26, 1996, effective immediately; amended December 31, 2002, effective January 1, 2003; amended December 5, 2003, effective January 1, 2004; amended May 24, 2006, effective September 1, 2006; amended February 26, 2010, effective immediately; amended February 16, 2011, effective immediately; amended May 29, 2014, eff. July 1, 2014; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended Mar. 8, 2016, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comment
(March 8, 2016)

Special Supreme Court Committee on Child Custody Issues

The Illinois Marriage and Dissolution of Marriage Act, Pub. Act 99-90 (eff. Jan. 1, 2016) (amending 750 ILCS 5/101 *et seq.*), has changed the terms “Custody,” “Visitation” (as to parents) and “Removal” to “Allocation of Parental Responsibilities,” “Parenting Time” and “Relocation.” These rules are being amended to reflect those changes. The rules utilize both “custody” and “allocation of parental responsibilities" in recognition that some legislative enactments covered by the rules utilize the term “custody” while the Illinois Marriage and Dissolution of Marriage Act and the Illinois Parentage Act of 2015 utilize the term “allocation of parental responsibilities.” The Special Committee has attempted to adhere to the usage found in the applicable legislative enactments.

Committee Comment
(May 29, 2014)

Subparagraph (c)(5)

In exceptional circumstances or by agreement of the parties, it may be appropriate for the parties to continue with certain aspects of the case (such as discovery, for example), provided that such continuation does not interfere with appellate review or otherwise offend the notions of substantial justice. If the stay is vacated or modified, the trial court remains (as with any interlocutory appeal) restrained from entering an order which interferes with the appellate review, such as modifying the trial court order that is the subject of the appeal.

Committee Comments
(February 26, 2010)

In 2010, this rule was reorganized and renumbered for the sake of clarity. No substantive changes were made in this revision.

Paragraph (b)

Paragraph (b) was added to Rule 306 in 2004 to provide a special, expedited procedure to be followed in petitioning for leave to appeal from interlocutory orders affecting the care and custody of unemancipated minors. This procedure applies only to petitions for leave to appeal filed pursuant to subparagraph (a)(5) of this rule. The goal of this special procedure is to provide a faster means for achieving permanency for not only abused or neglected children, but also children whose custody is at issue in dissolution of marriage, adoption, and other proceedings.

Paragraph (c)

Paragraph (c) sets forth the procedures to be followed in petitioning for leave to appeal pursuant to any subparagraph of paragraph (a) except subparagraph (a)(5).

Subparagraph (c)(1)

This subparagraph was amended in 1979 to reflect changes in Rule 321 that eliminated the

requirement that a praecipe for the record be filed.

Subparagraph (c)(2)

Subparagraph (c)(2) permits answers to the petition to be filed within 21 days after the due date of the petition instead of "within 15 days after the petition is served upon him." They are not required to be printed as formerly, but may also be otherwise duplicated as are briefs. Former Rule 30 was silent as to a reply. Subparagraph (c)(2) provides that there shall be no reply except by leave.

Subparagraph (c)(3)

As originally promulgated, and as amended in 1974, this subparagraph provided that "excerpts from record" or an abstract should be filed. This represented a change from former Rule 30, which required the filing of a printed abstract of record. It was amended in 1979 to delete reference to "excerpts from record" to reflect the changes made in that year to provide for the hearing of most appeals on the original record, thus dispensing with the reproduction of "excerpts" from the record, and with an abstract as well, unless the court orders that one must be prepared. See the committee comments to Rule 342.

Subparagraph (c)(4)

Subparagraph (c)(4) is a general provision for extensions of time and does not change the practice in existence at the time of the adoption of the rule. In 1982, this subparagraph was reworded but not changed in substance.

Subparagraph (c)(5)

Subparagraph (c)(5) provides that the granting of the appeal from an order allowing a new trial *ipso facto* operates as a stay. The former rule required the giving of some kind of a bond to make a stay effective. A bond is not always appropriate. Subparagraph (c)(5) requires a bond only after a showing of good cause.

Subparagraph (c)(6)

As originally adopted Rule 343 provided that in cases in which a reviewing court grants leave to appeal, or allows an appeal as a matter of right, the appellant must file his brief within 35 days of the order allowing the appeal, and that in cases in which a party allows his petition for leave to appeal or his answer to such a petition to stand as his brief, he must notify the other parties and the clerk of the reviewing court. These provisions were applicable to all cases in which leave to appeal was required, whether to the Appellate Court or the Supreme Court. Rules 306(c)(6), 308(d), and 315(g) provided for the briefing schedule by cross-reference to Rule 343. In 1974, Rule 315(g), dealing with briefs in appeals to the Supreme Court from the Appellate Court, was amended to provide in detail for the filing of briefs, leaving the general language in Rule 343(a) relating to the filing of the appellant's brief in cases taken on motion for leave to

appeal applicable only to appeals under Rules 306 and 308, and the provision for notice of intention to let the petition or answer stand as a brief applicable only to appeals under Rule 306. In the interest of clarity these provisions were placed in Rules 306(c)(6) and 308(d) and the general language deleted from Rule 343(a). This represents no change in practice. The briefing schedule after the due date of the appellant's brief (35 days for the appellee's brief and 14 days for a reply brief) remains governed by Rule 343(a).

Subparagraph (c)(7)

Former Rule 30 provided that after allowance of the appeal and the filing of the stay bond, "The case is then pending on appeal." This obvious fact was omitted from Rule 306 as unnecessary. Subparagraph (c)(7) does provide that if the appeal is granted oral argument may be requested as provided in Rule 352.

Committee Comments
(Revised September 1983)

This rule replaced former Rule 30, which was in effect from January 1, 1964, to December 31, 1966, and which in turn was derived from former section 77(2) of the Civil Practice Act, repealed effective January 1, 1964 (Laws of 1963, p. 2691, § 2). The Judicial Article of the new Illinois constitution (art. VI, § 6) contains substantially the same language on interlocutory appeals that appeared in the 1964 Judicial Amendment, and authorizes this rule in the following language:

"The Supreme Court may provide by rule for appeals to the Appellate Court from other than final judgments of the Circuit Courts."

Paragraph (a)

Paragraph (a), as originally adopted, made no change in the prior rule except to permit the petition to be duplicated in the same manner as a brief (see Rule 344) instead of always being printed. The petition is to be filed within 30 days, subject to an extension of time under paragraph (e).

Paragraph (a) was amended in 1969 by adding subparagraph (2), denominating as subparagraph (1) what was formerly entire paragraph (a), and making appropriate changes in the headings. Subparagraph (2), together with Rule 366(b)(2)(v), also added in 1969, abrogates the ruling in *Keen v. Davis*, 108 Ill. App. 2d 55, 63-64 (5th Dist. 1969), denying reviewability, on appeal from an order allowing a new trial, of questions raised by other rulings of the trial court on the post-trial motion. Revised Rule 366(b)(2)(v) makes it clear that the absence of a final judgment is not a bar to review of all the rulings of the trial court on the post-trial motions. See the Committee Comments to that rule.

In 1982, paragraph (a)(1) was amended by adding subparagraphs (i), (ii), (iii), and (iv), expanding the instances in which appeals could be sought in the appellate court. Also in 1982, subparagraph (a)(2) was amended to make it clear that post-trial motions are before the reviewing court without the necessity of filing a cross-appeal only when the appellate court has granted a petition for leave to appeal an order granting a new trial.

In 1983, paragraph (a)(1)(ii) was amended to permit a party to seek leave to appeal from a circuit court order allowing or denying a motion to transfer a case to another county within Illinois on the grounds of *forum non conveniens.* See *Torres v. Walsh* (1983), 97 Ill. 2d 338; *Mesa v. Chicago & North Western Transportation Co.* (1933), 97 Ill. 2d 356.

Paragraph (b)

Paragraph (b) was amended in 1979 to reflect changes in Rule 321 that eliminated the requirement that a praecipe for record be filed.

Paragraph (c)

Paragraph (c) permits answers to the petition to be filed within 21 days after the due date of the petition instead of "within 15 days after the petition is served upon him." They are not required to be printed as formerly, but may also be otherwise duplicated as are briefs. Former Rule 30 was silent as to a reply. Paragraph (c) provides that there shall be no reply except by leave.

Paragraph (d)

As originally promulgated, and as amended in 1974, paragraph (d) provided that "excerpts from record" or an abstract should be filed. This represented a change from former Rule 30, which required the filing of a printed abstract of record. It was amended in 1979 to delete reference to "excerpts from record" to reflect the changes made in that year to provide for the hearing of most appeals on the original record, thus dispensing with the reproduction of "excerpts" from the record, and with an abstract as well, unless the court orders that one must be prepared. See the committee comments to Rule 342.

Paragraph (e)

Paragraph (e) is a general provision for extensions of time and does not change the practice in existence at the time of the adoption of the rule. In 1982, this paragraph was reworded but not changed in substance.

Paragraph (f)

Paragraph (f) provides that the granting of the appeal from an order allowing a new trial *ipso facto* operates as a stay. The former rule required the giving of some kind of a bond to make a stay effective. A bond is not always appropriate. Paragraph (f) requires a bond only after a showing of good cause.

Paragraph (g)

As originally adopted Rule 343 provided that in cases in which a reviewing court grants leave to appeal, or allows an appeal as a matter of right, the appellant must file his brief within

35 days of the order allowing the appeal, and that in cases in which a party allows his petition for leave to appeal or his answer to such a petition to stand as his brief, he must notify the other parties and the clerk of the reviewing court. These provisions were applicable to all cases in which leave to appeal was required, whether to the Appellate Court or the Supreme Court. Rules 306(g), 308(d), and 315(g) provided for the briefing schedule by cross-reference to Rule 343. In 1974, Rule 315(g), dealing with briefs in appeals to the Supreme Court from the Appellate Court, was amended to provide in detail for the filing of briefs, leaving the general language in Rule 343(a) relating to the filing of the appellant's brief in cases taken on motion for leave to appeal applicable only to appeals under Rules 306 and 308, and the provision for notice of intention to let the petition or answer stand as a brief applicable only to appeals under Rule 306. In the interest of clarity these provisions were placed in Rules 306(g) and 308(d) and the general language deleted from Rule 343(a). This represents no change in practice. The briefing schedule after the due date of the appellant's brief (35 days for the appellee's brief and 14 days for a reply brief) remains governed by Rule 343(a).

Paragraph (h)

Former Rule 30 provided that after allowance of the appeal and the filing of the stay bond, "The case is then pending on appeal." This obvious fact was omitted from Rule 306 as unnecessary. Paragraph (h) does provide that if the appeal is granted oral argument may be requested as provided in Rule 352.

## Amended Rule 307

**Rule 307. Interlocutory Appeals as of Right**

**(a) Orders Appealable; Time.** An appeal may be taken to the Appellate Court from an interlocutory order of court:

(1) granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction;

(2) appointing or refusing to appoint a receiver or sequestrator;

(3) giving or refusing to give other or further powers or property to a receiver or sequestrator already appointed;

(4) placing or refusing to place a mortgagee in possession of mortgaged premises;

(5) appointing or refusing to appoint a receiver, liquidator, rehabilitator, or other similar officer for a bank, savings and loan association, currency exchange, insurance company, or other financial institution, or granting or refusing to grant custody of the institution or requiring turnover of any of its assets;

(6) terminating parental rights or granting, denying or revoking temporary commitment in adoption proceedings commenced pursuant to section 5 of the Adoption Act (750 ILCS 50/5);

(7) determining issues raised in proceedings to exercise the right of eminent domain under section 20-5-10 of the Eminent Domain Act, but the procedure for appeal and stay shall be as provided in that section.

Except as provided in paragraphs (b) and (d), the appeal must be perfected within 30 days from the entry of the interlocutory order by filing a notice of appeal designated "Notice of Interlocutory Appeal" conforming substantially to the notice of appeal in other cases. A Rule 328 supporting record must be filed in the Appellate Court within the same 30 days unless the time for filing the Rule 328 supporting record is extended by the Appellate Court or any judge thereof. A Rule 328 supporting record shall not be filed in cases arising under the Juvenile Court Act where an order terminating parental rights has been entered. In those cases, a Rule 323 record shall be filed.

**(b) Motion to Vacate.** If an interlocutory order is entered on *ex parte* application, the party intending to take an appeal therefrom shall first present, on notice, a motion to the trial court to vacate the order. An appeal may be taken if the motion is denied, or if the court does not act thereon within 7 days after its presentation. The 30 days allowed for taking an appeal and filing the Rule 328 supporting record begins to run from the day the motion is denied or from the last day for action thereon.

**(c) Time for Briefs ~~and Abstract if an Abstract Is Required~~.** Unless the Appellate Court orders a different schedule or orders that no briefs be filed, the schedule for filing briefs shall be as follows: The brief of appellant shall be filed in the Appellate Court, with proof of service, within 7 days from the filing of the Rule 328 supporting record. Within 7 days from the date appellant's brief is filed, the appellee shall file his brief and any supplemental Rule 328 supporting record in the Appellate Court with proof of service. Within 7 days from the date appellee's brief is filed, appellant may serve and file a reply brief. The briefs shall otherwise conform to the requirements of Rules 341 through 344. ~~If the Appellate Court so orders, an abstract shall be prepared and filed as provided in Rule 342.~~

**(d) Appeals of Temporary Restraining Orders; Time; Memoranda.**

(1) *Petition; Service; Record.* Unless another form is ordered by the Appellate Court, review of the granting or denial of a temporary restraining order or an order modifying, dissolving, or refusing to dissolve or modify a temporary restraining order as authorized in paragraph (a) shall be by petition filed in the Appellate Court, but notice of interlocutory appeal as provided in paragraph (a) shall also be filed in the circuit court, within the same time for filing the petition. The petition shall ~~be in writing,~~ state the relief requested and the grounds for the relief requested, and shall be filed in the Appellate Court, with proof of personal~~,~~ or e-mail ~~or facsimile~~ service as provided in Rule 11, within two days of the entry or denial of the order from which review is being sought. An appropriate supporting record shall accompany the petition, which shall include the notice of interlocutory appeal, the temporary restraining order or the proposed temporary restraining order, the complaint, the motion requesting the granting of the temporary restraining order, and any supporting documents or matters of record necessary to the petition. The supporting record must be authenticated by the certificate of the clerk of the trial court or by the affidavit of the attorney or party filing it. ~~Documents referenced in this subsection (d)(1) may be filed pursuant to Rule 373 but only if sent by overnight delivery.~~

(2) *Legal Memoranda.* The petitioner may file a memorandum supporting the petition which shall not exceed 15 ~~typewritten~~ pages and which must also be filed within two days of the entry of the order that is being appealed under paragraph 1 of this section. The respondent

shall file, with proof of personal~~,~~ or e-mail ~~or facsimile~~ service as provided in Rule 11, any responding memorandum within two days following the filing of the petition, supporting record, and any memorandum which must be served upon the respondent personally or by ~~facsimile or~~ e-mail. The respondent's memorandum may not exceed 15 ~~typewritten~~ pages and must also be served upon the petitioner personally or by ~~facsimile or~~ e-mail. ~~The legal memoranda referenced in this subsection (d)(2) may be filed in the Appellate Court pursuant to Rule 373 but only if sent by overnight delivery.~~

(3) *Replies; Extensions of Time.* Except by order of court, no replies will be allowed and no extension of time will be allowed.

(4) *Time for Decision; Oral Argument.* After the petitioner has filed the petition, supporting record, and any memorandum and the time for filing any responding memorandum has expired, the Appellate Court shall consider and decide the petition within five business days thereafter. Oral argument on the petition will not be heard.

(5) *Variations by Order of Court.* The Appellate Court may, if it deems it appropriate, order a different schedule, or order that no memoranda be filed, or order the other materials need not be filed.

Amended October 21, 1969, effective January 1, 1970; amended July 30, 1979, effective October 15, 1979; amended May 28, 1982, effective July 1, 1982; amended November 21, 1988, effective January 1, 1989; amended June 19, 1989, effective August 1, 1989; amended December 17, 1993, effective February 1, 1994; amended December 1, 1995, effective immediately; amended July 6, 2000, effective immediately; amended November 27, 2002, effective January 1, 2003; amendment of November 27, 2002, vacated December 31, 2002; amended March 20, 2009, effective immediately; amended February 26, 2010, effective immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended Oct. 6, 2016, eff. Nov. 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised 1979)

This rule replaced former Rule 31, effective January 1, 1964, and in effect until January 1, 1967. That rule supplanted former section 78 of the Civil Practice Act, repealed effective January 1, 1964 (Laws of 1963, p. 2691, §1), section 7 of the 1964 judicial article (now section 6 of new article VI) having given the Supreme Court power to provide by rule for interlocutory appeals to the Appellate Court. The word "order" is substituted for "order or decree" throughout the rule, without change of meaning. (See Rule 2.)

Stays pending appeal are governed by Rule 305.

Paragraph (a)

Paragraph (a) provides for a designation−"Notice of Interlocutory Appeal"−on the notice of appeal, and continues the theory that the filing of the notice of appeal and not the filing of a bond perfects the appeal. The paragraph was amended in 1969 by adding items (5) through (7) to the list of appealable interlocutory orders. The amendment carries out the policy of covering all interlocutory appeals in the Supreme Court rules, as contemplated by section 7 of the 1964 judicial article (now section 6 of new article VI). The procedure provided in the Eminent Domain

Act for appeal and stay in quick-take cases (Ill. Rev. Stat. 1967, ch. 47, par. 2.2(b)) is incorporated by reference in item (7), in lieu of detailed coverage of these matters in the rules, because of the peculiar problems in an appeal of this kind and its relationship to the condemnation proceeding as a whole.

Paragraph (a) was amended in 1979 to reflect changes in Rule 321 that eliminated the requirement that a praecipe for record be filed.

Paragraph (b)

Paragraph (b) is the same as former Rule 31(2) with slight verbal changes.

Paragraph (c)

Paragraph (c), establishing the briefing schedule as 7 days for appellant, 7 days for appellee, and 7 days for the reply brief, all dating from the filing of the record and the filing of the preceding brief (instead of from the due dates thereof), replaces the schedules in Rule 5 of the First District Appellate Court and Rule 23 of the other appellate districts (former Uniform Appellate Court Rule 23). The paragraph gives the court the right to order a different briefing schedule, or to dispense with briefs altogether. Until 1979, it was generally required that an abstract of the record or a reproduction of excerpts from the record be filed in the reviewing court in addition to the record and the briefs. Paragraph (d) provided that where the appellant elected to file excerpts from the record instead of an abstract the excerpts had to be filed within 7 days after the filing of the reply brief. The rules were amended in 1979 to provide that unless the Appellate Court orders that an abstract be prepared and filed, all cases will be heard on the original record and the briefs, the appellant's brief to include an appendix described in Rule 342. Appropriate changes were made in Rule 307(c) to reflect this change in the practice.

## Amended Rule 308

**Rule 308. Certified Questions**

**(a) Requests.** When the trial court, in making an interlocutory order not otherwise appealable, finds that the order involves a question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, the court shall so state in writing, identifying the question of law involved. Such a statement may be made at the time of the entry of the order or thereafter on the court's own motion or on motion of any party. The Appellate Court may thereupon in its discretion allow an appeal from the order.

**(b) How Sought.** The appeal will be sought by filing an application for leave to appeal with the clerk of the Appellate Court within 30 days after the entry of the order in the trial court or the making of the prescribed statement by the trial court, whichever is later. ~~An original and three copies of the application shall be filed.~~

**(c) Application; Answer.** The application shall contain a statement of the facts necessary to an understanding of the question of law determined by the order of the trial court; a statement of the question itself; and a statement of the reasons why a substantial basis exists for a difference of opinion on the question and why an immediate appeal may materially advance the termination

of the litigation. The application shall be accompanied by an original supporting record (Rule 328), containing the order appealed from and other parts of the trial court record necessary for the determination of the application for permission to appeal. Within 21 days after the due date of the application, an adverse party may file an answer in opposition, ~~with copies in the number required for the application,~~ together with an original of a supplementary supporting record containing any additional parts of the record the adverse party desires to have considered by the Appellate Court. The application and answer shall be submitted without oral argument unless otherwise ordered.

**(d) Record; Briefs.** If leave to appeal is allowed, any party may request that a complete ~~an additional~~ record on appeal be filed ~~prepared as provided in Rule 321 *et seq.*~~, or the court may order the appellant to file the record~~, which shall be filed~~ within 35 days of the date on which such leave was allowed. The appellant shall file a brief in the reviewing court within the same 35 days. Otherwise the schedule and requirements for briefs shall be as provided in Rules 341 through 344. ~~If the reviewing court so orders, an abstract shall be prepared and filed as provided in Rule 342.~~

**(e) Stay.** The application for permission to appeal or the granting thereof shall not stay proceedings in the trial court unless the trial court or the Appellate Court or a judge thereof shall so order.

Amended effective September 1, 1974; amended July 30, 1979, effective October 15, 1979; amended December 17, 1993, effective February 1, 1994; amended February 26, 2010, effective immediately; amended Dec. 11, 2014, eff. Jan. 1, 2015; amended Oct. 15, 2015, eff. Jan. 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Committee Comments (Revised 1979)

This rule was new in 1967. Prior to that time appeals from interlocutory orders had been permitted in Illinois only in a few specified classes of cases. (See former Rule 31 and its predecessor, former section 78 of the Civil Practice Act (Ill. Rev. Stat. 1961, ch. 110, par. 78).) This was also generally true in the Federal courts. In 1958, however, Congress adopted what is now 28 U.S.C. § 1292(b), which permits an interlocutory appeal from other than final orders when the trial court "shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that immediate appeal from the order may materially advance the ultimate termination of the litigation." The court of appeals may then "in its discretion" permit the appeal to be taken. Thus, this type of interlocutory appeal is allowed when both the trial and appellate courts agree that an appeal will expedite the disposition of the litigation, and also that there is a substantial question of law to be decided. The appellate courts themselves can insure that this authority to allow interlocutory appeals is not abused. This power has been sparingly exercised in the Federal courts, but it has proved valuable.

This rule establishes a similar procedure for Illinois. One change from the Federal rule is to eliminate the requirement that the question raised be a "controlling" one. The meaning of "controlling" has not been clear, despite many cases on the point. and experience has shown that sometimes an important question of law that only arguably could be said to be controlling should

be heard on appeal without awaiting final judgment.

The 1964 judicial article authorized the Supreme Court to provide by rule for appeals to the Appellate Court of other than final judgments of the circuit court. Arguably, however, it made no provision for rules permitting direct appeal to the Supreme Court except in the case of final judgments. Accordingly, Rule 308 was made applicable only to appeals to the Appellate Court, but it permits the Appellate Court to allow interlocutory appeals in classes of cases in which the *final* judgment is appealable only to the Supreme Court. Though the reference to "final judgments" in section 5 of the 1964 judicial article was not carried forward into article VI, section 4 of the new constitution, direct appeals to the Supreme Court remain limited to appeals from final judgments. See Rule 302.

Normally the interlocutory appeal will not stay proceedings in the trial court. The case may proceed in that court unless the trial court or the Appellate Court or a judge thereof otherwise orders. This will discourage an attempt to take an interlocutory appeal with a motive of delay.

In 1974, paragraph (b) was amended to substitute the word "application" appearing in the last sentence of the paragraph for the word "petition" to make the terminology uniform. At the same time paragraph (d) was amended to insert the clause "the appellant shall file his brief in the reviewing court within 35 days of the date on which such leave was allowed." This requirement formerly appeared in Rule 343(a). See the committee comments to Rule 306, paragraph (g).

Until 1979, paragraph (d) provided that, if appeal were allowed, "[e]xcerpts from record or an abstract shall be prepared and filed as provided in Rule 342." In that year Rule 342 was amended to eliminate altogether the practice of duplicating and filing excerpts from the record and to provide that no abstract shall be filed unless by order of the reviewing court. Accordingly, paragraph (d) was amended to reflect this change. See the committee comments to Rule 342.

## Amended Rule 309

**Rule 309. Dismissal of Appeals by the Trial Court**

Before the record on appeal is filed in the reviewing court, the trial court may dismiss the appeal of any party (1) on motion of that party or (2) on stipulation of the parties. ~~A copy of the~~ The order of dismissal entered by ~~filed in~~ the trial court shall be forwarded by the clerk to the reviewing court within 5 days after the entry of such order.

Amended July 30, 1979, and September 20, 1979, effective October 15, 1979; amended January 5, 1981, effective February 1, 1981; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised January 5, 1981)

This rule is based upon former Rule 36(1)(e). The provision permitting the trial court to dismiss on motion of the appealing party was new in 1969. The last sentence was added in 1979 in view of the change in the practice in that year calling for immediate docketing of the appeal in the reviewing court upon receipt of the copy of the notice of appeal transmitted by the clerk of the circuit court. (See the committee comments to paragraph (f) of Rule 303.) For the same reasons the first sentence was amended in 1981 to limit the power of the circuit court to dismiss

to the period before the record on appeal is filed, rather than the period before the case is docketed, as provided in the original text.

**Amended Rule 311**

**Rule 311. Accelerated Docket**

**(a) Mandatory Accelerated Disposition of Child Custody or Allocation of Parental Responsibilities Appeals.** The expedited procedures in this subpart shall apply to appeals from final orders in child custody or allocation of parental responsibilities cases and to interlocutory appeals in child custody or allocation of parental responsibilities cases from which leave to appeal has been granted pursuant to Rule 306(a)(5). If the appeal is taken from a judgment or order affecting other matters, such as support, property issues or decisions affecting the rights of persons other than the child, the reviewing court may handle all pending issues using the expedited procedures in this rule, unless doing so will delay decision on the child custody or allocation of parental responsibilities appeal.

(1) *Special Caption*. The notice of appeal or petition for leave to appeal, docketing statement, briefs and all other notices, motions and pleadings filed by any party in relation to an appeal involving child custody or allocation of parental responsibilities shall include the following statement in bold type on the top of the front page: THIS APPEAL INVOLVES A QUESTION OF CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, ADOPTION, TERMINATION OF PARENTAL RIGHTS OR OTHER MATTER AFFECTING THE BEST INTERESTS OF A CHILD.

(2) *Service Upon the Circuit Court*. In addition to the service required by Rule 303(c), a party filing notice of appeal in a child custody or allocation of parental responsibilities case shall, within seven days, serve the notice of appeal~~copies of the same~~ on the trial judge who entered the judgment or order appealed and the office of the chief judge of the circuit in which the judgment or order on appeal was entered. Where leave to appeal has been granted pursuant to Rule 306(a)(5), the appellant shall, within seven days, serve ~~copies of~~ the order granting leave to appeal upon the trial judge who entered the judgment or order appealed from and the office of the chief judge of the circuit in which the judgment or order on appeal was entered.

(3) *Status Hearing in Circuit Court*. On receipt of the notice of appeal or order granting leave to appeal under Rule 306(a)(5) in a child custody or allocation of parental responsibilities case, the trial judge shall set a status hearing within 30 days of the date of filing of the notice of appeal or order granting leave to appeal to determine the status of the case, including payments of required fees to the clerk of the circuit court and court reporting personnel as defined in Rule 46 for the preparation of the transcript of proceedings, and take any action necessary to expedite preparation of the record on appeal and the transcript of the proceedings. The trial court shall have continuing jurisdiction for the purpose of enforcing the rules for preparation of the record and transcript. The trial court may request the assistance of the chief judge to resolve filing delays, and the chief judge shall assign or reassign the court reporting personnel's work as necessary to ensure compliance with the filing deadlines.

(4) *Record*. The record on appeal and the transcript of proceedings in a child custody or

allocation of parental responsibilities case shall be filed no later than 35 days after the filing of the notice of appeal or granting of leave to appeal pursuant to Rule 306(a)(5). Any request for extension of the time for filing shall be accompanied by an affidavit of the court clerk or court reporting personnel stating the reason for the delay, and shall be served on the trial judge and the chief judge of the circuit. Lack of advance payment shall not be a reason for noncompliance with filing deadlines for the record or transcript. Any subsequent request for continuance shall be made to the appellate court ~~by written notice and~~ on motion with notice to all parties in accordance with rules.

(5) *Deadline for Decision*. Except for good cause shown, the appellate court shall issue its decision within 150 days after the filing of the notice of appeal or granting of leave to appeal pursuant to Rule 306(a)(5).

(6) *Local Rules*. The appellate court of each district shall by administrative order or rule adopt mandatory procedures to ensure completion of child custody or allocation of parental responsibilities appeals within the time specified in paragraph (5). The order or rule may include provisions regarding the use of memoranda in lieu of briefs, ~~expedited schedules and deadlines,~~ provisions for the separation of child custody or allocation of parental responsibilities issues from other issues on appeal, and any other procedures necessary to a fair and timely disposition of the case. The clerk of the appellate court shall be responsible for seeing that the accelerated docket is maintained and for advising the court of any noncompliance with the rules of the court concerning timely filing.

(7) *Briefing Schedule*. The brief of the appellant or memorandum in lieu of a formal brief is due 21 days after filing of the record on appeal in the Appellate Court. The brief of the appellee or memorandum in lieu of a formal brief is due 21 days from the due date of the appellant's brief. Any reply brief or memorandum in lieu of a formal brief is due 7 days from the due date of the appellee's brief. In the case of a cross-appeal, the cross-reply brief or memorandum in lieu of a formal brief is due 7 days from the due date of the reply brief.

(8)~~(7)~~ *Continuances Disfavored*. Requests for continuance are disfavored and shall be granted only for compelling circumstances. The appellate court may require personal appearance by the attorney or party requesting the continuance ~~as provided by local rule~~.

(9) ~~(8)~~ *Effective Date*. This rule shall apply to all orders in which a notice of appeal is filed after its effective date.

**(b) Discretionary Acceleration of Other Appeals.** Any time after the docketing statement is filed in the reviewing court, the court, on its own motion, or on the motion of any party, for good cause shown, may place the case on an accelerated docket. The motion shall be supported by an affidavit stating reasons why the appeal should be expedited. If warranted by the circumstances, the court may enter an order accepting a supporting record prepared pursuant to Rule 328, consisting of those lower court pleadings, reports of proceedings or other materials that will fully present the issues. In its discretion the court may accept memoranda in lieu of formal briefs. The court may then enter an order setting forth an expedited schedule for the disposition of the appeal.

Adopted June 15, 1982, effective July 1, 1982; amended June 19, 1989, effective August 1, 1989; amended December 17, 1993, effective February 1, 1994; amended February 26, 2010, effective

immediately; amended Mar. 8, 2016, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(March 8, 2016)

Special Supreme Court Committee on Child Custody Issues

The Illinois Marriage and Dissolution of Marriage Act, Pub. Act 99-90 (eff. Jan. 1, 2016) (amending 750 ILCS 5/101 et seq.), has changed the terms “Custody,” “Visitation” (as to parents) and “Removal” to “Allocation of Parental Responsibilities,” “Parenting Time” and “Relocation.” These rules are being amended to reflect those changes. The rules utilize both “custody” and “allocation of parental responsibilities" in recognition that some legislative enactments covered by the rules utilize the term “custody” while the Illinois Marriage and Dissolution of Marriage Act and the Illinois Parentage Act of 2015 utilize the term “allocation of parental responsibilities.” The Special Committee has attempted to adhere to the usage found in the applicable legislative enactments.

Committee Comments
(August 1, 1989)

Amended in 1989 to give the Appellate Court discretion, for good cause shown, to order cases to an accelerated docket on its own motion or on the motion of a party, rather than requiring that all parties agree to such action.

Committee Comments
(February 26, 2010)

Paragraph (a)

Paragraph (a) was originally enacted as Rule 306A in 2004 to expedite the resolution of appeals affecting the care and custody of children. In 2010, Rule 306A was moved to paragraph (a) of this rule. The purpose of this amendment was to streamline the wording of the rule and facilitate its use. The amendment was also intended to clarify that the rule addresses only the procedures to be followed in order to expedite disposition of child custody appeals. Importantly, this rule does not confer any new appeal rights or affect finality for purposes of appellate jurisdiction. The appealability of any order affecting child custody is governed principally by Rules 301, 304, 303, and 306. The expedited procedures set forth in paragraph (a) apply to all child custody appeals, whether they have been taken from final orders appealable as of right or interlocutory orders from which the court has granted leave to appeal. The goal of paragraph (a) remains to promote stability for not only abused and neglected children, but also children whose custody is an issue in dissolution of marriage, adoption, and other proceedings, by mandating swifter disposition of these appeals.

Paragraph (b)

Paragraph (b) encompasses the pre-2010 amendment version of Rule 311, which permits the expedited resolution of any appeal upon the request of any party and at the discretion of the appellate court.

## Amended Rule 312

**Rule 312. Docketing Statement**

**(a) Appellant's Docketing Statement.** All appellants, including cross-appellants and separate appellants, whether as a matter of right or as a matter of the court's discretion, shall file a docketing statement with the clerk of the reviewing court.

(1) In the case of an appeal as of right, the appellant shall file the statement within 14 days after filing the notice of appeal or petition for review of an administrative order or the date upon which a motion to file late notice of appeal is allowed.

(2) In the case of a discretionary appeal pursuant to Rule 306 or Rule 308, the statement shall be due at the time that the appellant files his or her Rule 306 petition or Rule 308 application.

(3) In cases of appeal pursuant to Rule 307(a), the docketing statement shall be filed within 7 days from the filing of the notice of appeal.

**(b) Filing Fee and Attachments.** The docketing statement shall be accompanied by the required reviewing court filing fee if it has not been previously paid. The docketing statement shall be accompanied by any written requests to the circuit clerk or court reporting personnel as defined in Rule 46 for preparation of their respective portions of the record on appeal and be served on all parties to the case with proof of service attached. Within 7 days thereafter, appellee, if it is deemed necessary, may file a short responsive statement with the clerk of the reviewing court with proof of service on all parties.

The docketing statement shall be prepared by utilizing or substantially adopting the appearance and content of the form provided in the Article III Forms Appendix.~~form and contents of the docketing statement shall be as follows:~~

~~Docket Number in the Reviewing Court~~

~~Case Title (Complete) ) Appeal from _____ County~~
~~) Circuit Number _____~~
~~) Trial Judge _____~~
~~) Date of Notice of Appeal _____~~
~~) Date of Judgment _____~~
~~) Date of Postjudgment Motion Order~~
~~_____~~
~~) Supreme court rule which confers jurisdiction~~
~~upon the reviewing court _____~~

DOCKETING STATEMENT

(Civil)

1. Is this a cross-appeal, separate appeal, joining in a prior appeal, or related to another appeal which is currently pending or which has been disposed of by this court? _____

If so, state the docket number(s) of the other appeal(s):

_____

_____

2. If any party is a corporation or association, identify any affiliate, subsidiary, or parent group:

_____

_____

3. Full name and complete address of appellant(s) filing this statement:

Name: _____

Address:_____

Telephone:_____

Email address:_____

*use additional page if multiple appellants.

Counsel on Appeal for appellant(s) filing this statement:

Name: _____ARDC #_____

Address: _____

Telephone: _____

Email address:_____

Fax: _____

4. Full name and complete address of appellee(s): (Use additional page for multiple appellees.)

Name: _____

Address :_____

Telephone: _____

Counsel on Appeal for appellee(s): (Use additional page for multiple appellees.)

Name: _____

Address:_____

Telephone: _____

Email address: _____

Fax: _____

5. Court reporting personnel: (If more space is needed, use other side.)

Name: _____

Address: _____

Telephone: _____

Email address: _____

6. Is this appeal from a final order in a matter involving child custody or allocation of parental responsibility pursuant to Illinois Supreme Court Rule 311(a) which requires **Mandatory Accelerated Disposition of Child Custody or Allocation of Parental Responsibilities Appeals**?

Yes: _____ No: _____

*If yes, this docketing statement, briefs and all other notices, motions and pleadings filed by any party shall include the following statement in bold type on the top of the front page:

**THIS APPEAL INVOLVES A QUESTION OF CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, ADOPTION, TERMINATION OF PARENTAL RIGHTS OR OTHER MATTER AFFECTING THE BEST INTERESTS OF A CHILD.**

7. State the general issues proposed to be raised (failure to include an issue in this statement will not result in the waiver of the issue on appeal):

_____
_____
_____
_____
_____
_____
_____

As ___ attorney for the appellant ____ *Pro Se* appellant, I hereby certify that on the ___ day of _____, 20__, I asked / made a written request to the clerk of the circuit court to prepare the record on appeal, and on the ___ day of _____, 20__, I made a written request to the court reporting personnel to prepare the transcript(s).

_____ _____ _____

Date Appellant's Attorney *Pro Se* Appellant

~~In lieu of court reporting personnel's signature I have attached the written request to the court reporting personnel to prepare the transcript(s).~~

~~Date Appellant's Attorney *Pro Se* Appellant~~

~~I hereby acknowledge receipt of an order for the preparation of a report of proceedings.~~

~~Date Court Reporting Personnel or Supervisor~~

~~*If the other parties of record are numerous, they may be listed on a separate page instead of in the caption.~~

Adopted December 17, 1993, effective February 1, 1994; amended December 13, 2005, effective immediately; corrected February 10, 2006, effective immediately; amended Dec. 12, 2012, eff. Jan. 1, 2013; amended Jan. 17, 2013, eff. immediately; amended Mar. 8, 2016, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(March 8, 2016)

Special Supreme Court Committee on Child Custody Issues

The Illinois Marriage and Dissolution of Marriage Act, Pub. Act 99-90 (eff. Jan. 1, 2016) (amending 750 ILCS 5/101 *et seq.*), has changed the terms "Custody," "Visitation" (as to parents) and "Removal" to "Allocation of Parental Responsibilities," "Parenting Time" and "Relocation." These rules are being amended to reflect those changes. The rules utilize both "custody" and "allocation of parental responsibilities" in recognition that some legislative enactments covered by the rules utilize the term "custody" while the Illinois Marriage and Dissolution of Marriage Act and the Illinois Parentage Act of 2015 utilize the term "allocation of parental responsibilities." The Special Committee has attempted to adhere to the usage found in the applicable legislative enactments.

**Amended Rule 313**

**Rule 313. Fees in the Reviewing Court**

**(a) Docket Fees.** Unless excused by law, in all cases docketed in the reviewing court all appellants or petitioners shall pay a filing fee of $50.00, and all other parties upon entry of appearance or filing any documentpaper shall pay a fee of $30.00. ~~fee.~~ Any non-party in a case filing any paper, including a motion for leave to file a brief *amicus curiae* pursuant to Rule 345, shall pay a fee of $30. ~~fee.~~

**(b) Document Request Fees.~~Copy fees.~~** The clerks of the reviewing courts shall charge a fee of 25 cents per page for providing documents filed~~making copies of papers~~ in their respective offices, except that the clerks shall furnish ~~without cost copies of~~ opinions or orders to parties in interest or their attorneys of record without cost.~~and, in~~ In furtherance of the public interest, the clerk may furnish ~~without cost copies of~~ opinions or orders to other individuals or entities without cost. The fee shall apply to both physical paper output and electronic delivery of documents.

The clerks may allow a requestor to use personal equipment, ~~shall charge no fee for copies of papers made, with the clerk's prior permission, using personal equipment~~ such as a portable scanner or camera, to obtain scans or images of filed documents and shall charge no fee for such access. When considering such requests, the clerk shall determine whether the equipment is likely to cause damage to the documents~~papers~~ and whether the equipment and/or request will interfere with the clerk's office operations. Automatic feed features or stack feeders are not permitted.

**(c) Certificate and Seal.** The fee for each official certificate and seal is $5.

**(d) Law License.** In the Supreme Court, the fee for preparing a law license, certifying it with the seal, administering the oath, and transcribing the name on the roll of attorneys is $50. The fee for a replacement law license shall be $25.

**(e) Attorney Certificates of Good Standing.** In the Supreme Court, the fee for an attorney certificate of good standing shall be $15. If multiple certificates for the same attorney~~copies~~ are requested, each additional certificate shall be $5.

Adopted December 17, 1993, effective February 1, 1994; amended Jan. 23, 2014, eff. Jan. 1, 2015; amended Dec. 7, 2015, eff. July 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Commentary
(December 17, 1993)

Because the authority for collecting reviewing court fees is contained in statutory provisions (see 30 ILCS 220/12 (West 1992); 705 ILCS 25/3 (West 1992)), a fee rule is provided for informational purposes.

## Amended Rule 315

**Rule 315. Leave to Appeal From the Appellate Court to the Supreme Court**

**(a) Petition for Leave to Appeal; Grounds**. Except as provided below for appeals from the Illinois Workers' Compensation Commission division of the Appellate Court, a petition for leave to appeal to the Supreme Court from the Appellate Court may be filed by any party, including the State, in any case not appealable from the Appellate Court as a matter of right. Whether such a petition will be granted is a matter of sound judicial discretion. The following, while neither controlling nor fully measuring the court's discretion, indicate the character of reasons which will be considered: the general importance of the question presented; the existence of a conflict between the decision sought to be reviewed and a decision of the Supreme Court, or of another

division of the Appellate Court; the need for the exercise of the Supreme Court's supervisory authority; and the final or interlocutory character of the judgment sought to be reviewed.

No petition for leave to appeal from a judgment of the five-judge panel of the Appellate Court designated to hear and decide cases involving review of Illinois Workers' Compensation Commission orders shall be filed, unless two or more judges of that panel join in a statement that the case in question involves a substantial question which warrants consideration by the Supreme Court. A motion asking that such a statement be filed may be filed as a prayer for alternative relief in a petition for rehearing, but must, in any event, be filed within the time allowed for filing a petition for rehearing.

**(b) Time.**

(1) Published Decisions. Unless a timely petition for rehearing is filed in the Appellate Court, a party seeking leave to appeal must file the petition for leave in the Supreme Court within 35 days after the entry of such judgment. If a timely petition for rehearing is filed, the party seeking review must file the petition for leave to appeal within 35 days after the entry of the order denying the petition for rehearing. If a petition is granted, the petition for leave to appeal must be filed within 35 days of the entry of the judgment on rehearing. The Supreme Court, or a judge thereof, on motion, may extend the time for petitioning for leave to appeal, but such motions are not favored and will be allowed only in the most extreme and compelling circumstances.

(2) Rule 23 Orders. The time for filing a petition for leave to appeal a Rule 23 order shall be the same as for published opinions, except that if the party who prevailed on an issue in the appellate court timely files a motion to publish a Rule 23 order pursuant to Rule 23(f), and if the motion is granted, a nonmoving party may file a petition for leave to appeal within 35 days after the filing of the published opinion. The filing of a Rule 23(f) publication motion shall not invalidate a previously filed petition for leave to appeal.

**(c) Contents.** The petition for leave to appeal shall contain, in the following order:

(1) a prayer for leave to appeal;

(2) a statement of the date upon which the judgment was entered; whether a petition for rehearing was filed and, if so, the date of the denial of the petition or the date of the judgment on rehearing;

(3) a statement of the points relied upon in asking the Supreme Court to review the judgment of the Appellate Court;

(4) a fair and accurate statement of the facts, which shall contain the facts necessary to an understanding of the case, without argument or comment, with appropriate references to the pages of the record on appeal, in the format as set forth in the Standards and Requirements for Electronic Filing the Record on Appeal.~~*e.g.*, R. C7 or R. 7, or to the pages of the abstract, if one has been filed, *e.g.*, A. 7. Exhibits may be cited by references to pages of the record on appeal, or of the abstract, or by exhibit number followed by the page number within the exhibit, *e.g.*, Pl. Ex. 1, p. 6;~~

(5) a short argument (including appropriate authorities) stating why review by the Supreme Court is warranted and why the decision of the Appellate Court should be reversed or modified; and

(6) an appendix which shall include ~~a copy of~~ the opinion or order of the Appellate Court and any documents from the record which are deemed necessary to the consideration of the petition.

**(d) Format; Service; Filing.** The petition shall otherwise be prepared, ~~duplicated,~~ served, and filed in accordance with the requirements for briefs as set forth in Rules 341 through 343, except that it shall be limited to 20 pages, or alternatively 7,000 words, excluding only the appendix.

**(e) Records; Abstracts.** ~~If an abstract has been filed in the Appellate Court, the petitioner shall file two or, if available, eight copies thereof in the Supreme Court, and for that purpose the clerk of the Appellate Court, when requested, shall release to the petitioner any available copies thereof.~~ The clerk of the Supreme Court shall transmit~~send~~ notice of the filing of the petition to the clerk of the Appellate Court, who, upon request of the clerk of the Supreme Court made either before or after the petition is acted upon ~~and at the expense of the petitioner~~, shall transmit to the clerk of the Supreme Court the record on appeal that was filed in the Appellate Court and ~~a~~ the certified ~~copy of the~~ Appellate Court record. ~~If leave to appeal is not granted, any certified papers and, to the extent available, copies of abstracts shall be returned forthwith to the clerk of the Appellate Court.~~

**(f) Answer.** The respondent need not but may file an answer, with proof of service, within 21 days after the expiration of the time for the filing of the petition, or within such further time as the Supreme Court or a judge thereof may grant within such 21-day period. An answer shall set forth reasons why the petition should not be granted, and shall conform, to the extent appropriate, to the form specified in this rule for the petition, omitting the items (1), (2), (3), (4) and (6) set forth in paragraph (c) except to the extent that correction of the petition is considered necessary. The answer shall be prepared, ~~duplicated,~~ served, and filed in accordance with the requirements for briefs except that it shall be limited to 20 pages, or alternatively 7,000 words, excluding only the appendix. No reply to the answer shall be filed. If the respondent does not file an answer or otherwise appear but wants notice of the disposition of the petition for leave to appeal, a request for~~letter requesting~~ such notice should be submitted~~directed~~ to the clerk in Springfield.

**(g) ~~Abstracts;~~ Transmittal of Trial Court Record if Petition Is Granted**. If the petition is granted, upon notice from the clerk of the Supreme Court~~and to the extent that copies have not already been filed, the appellant shall file 20 copies of the abstract, as filed in the Appellate Court, within the time for the filing of his or her brief. If no abstract was filed in the Appellate Court, but the Supreme Court so orders, an abstract shall be prepared and filed in accordance with Rule 342. Upon the request of any party made at any time before oral argument or upon direction of the Supreme Court,~~ the clerk of the Appellate Court~~, at the expense of the petitioner,~~ shall transmit to the Supreme Court the record on appeal that was filed in the Appellate Court and the Appellate Court record, unless~~if not~~ already filed in the Supreme Court.

**(h) Briefs**. If leave to appeal is allowed, the appellant may allow his or her petition for leave to appeal to stand as the brief of appellant, or may file a brief ~~in lieu of or supplemental thereto~~. Within 14 days after the date on which leave to appeal was allowed, appellant shall serve on all counsel of record a notice of election to allow the petition for leave to appeal to stand as the brief of appellant, or to file an additional brief, and within the same time shall file ~~a copy of~~ the notice

with the clerk of the Supreme Court. If appellant elects to allow the petition for leave to appeal to stand as his or her brief, appellant shall file with the notice a complete table of contents, with page references, of the record on appeal and a statement of the applicable standard of review for each issue, with citation to authority, in accordance with Rule 341(h)(3). If appellant elects to file an additional brief, it shall be filed within 35 days from the date on which leave to appeal was allowed. Motions to extend the time for filing an additional brief are not favored and will be allowed only in the most extreme and compelling circumstances.

The appellee may allow his or her answer to the petition for leave to appeal to stand as the brief of appellee, or may file a brief ~~in lieu of or supplemental thereto~~. If the appellant has elected to allow the petition for leave to appeal to stand as the brief of appellant, within 14 days after the due date of appellant's notice the appellee shall serve on all counsel of record a notice of election to let the answer stand as the brief of appellee, or to file a~~n additional~~ brief, and within the same time shall file ~~a copy of~~ the notice with the clerk of the Supreme Court. If the appellee elects to file a~~n additional~~ brief, such brief shall be filed within 35 days of the due date of appellant's notice of election to let the petition for leave to appeal stand as the brief of appellant.

If the appellant has elected to file an additional brief, within 14 days after the due date of appellant's brief the appellee shall serve on all counsel of record a notice of election to let his or her answer stand as the brief of appellee, or to file an additional brief, and within the same time shall file a copy of the notice with the clerk of the Supreme Court. If appellee elects to file an additional brief it shall be filed within 35 days of the due date of appellant's brief.

If an appellee files a brief, the appellant may file a reply brief within 14 days of the due date of appellee's brief. If the brief of appellee contains arguments in support of cross-relief, the appellant's arguments in opposition shall be included in the reply brief and the appellee may file a reply brief confined strictly to those arguments within 14 days of the due date of appellant's reply brief. If the brief of the appellee contains arguments in support of cross-relief, the cover of the brief shall be captioned: "Brief of Appellee. Cross-Relief Requested."

Briefs, pleadings and other documents filed with the Supreme Court in cases covered by this rule shall, to the extent appropriate, conform to Rules 341 through 343.

In cases involving more than one appellant or appellee, including cases consolidated for purposes of the appeal, any number of either may join in a single brief, and any appellant or appellee may adopt by reference any part of the brief of another. Parties may similarly join in reply briefs.

**(i) Child custody cases**. A petition for leave to appeal in a child custody or allocation of parental responsibilities case, as defined in Rule 311, and any notice, motion, or pleading related thereto, shall include the following statement in bold type on the top of the front page: THIS APPEAL INVOLVES A QUESTION OF CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, ADOPTION, TERMINATION OF PARENTAL RIGHTS OR OTHER MATTER AFFECTING THE BEST INTERESTS OF A CHILD.

**(j) Delinquent minor cases**. A petition for leave to appeal in a delinquent minor case, as provided for in Rule 660A, and any notice, motion, or pleadings related thereto, shall include the following statement in bold type on the top of the front page: THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT.

**(k) Oral Argument**. Oral argument may be requested as provided in Rule 352(a).

Amended effective November 30, 1972; amended effective September 1, 1974; amended October 1, 1976, effective November 15, 1976; amended September 29, 1978, effective November 1, 1978; amended July 30, 1979, effective October 15, 1979; amended February 19, 1982, effective April 1, 1982; amended May 28, 1982, effective July 1, 1982; amended February 1, 1984, effective February 1, 1984, with Justice Moran dissenting (see *Yellow Cab Co. v. Jones* (1985), 108 Ill. 2d 330, 342); amended April 27, 1984, effective July 1, 1984; amended February 21, 1986, effective August 1, 1986; amended February 27, 1987, effective April 1, 1987; amended April 7, 1993, effective June 1, 1993; amended December 17, 1993, effective February 1, 1994; amended September 23, 1996, effective immediately; amended September 22, 1997, effective October 1, 1997; amended March 19, 2003, effective May 1, 2003; amended December 5, 2003, effective immediately; amended October 15, 2004, effective January 1, 2005; amended February 10, 2006, effective July 1, 2006; amended May 24, 2006, effective September 1, 2006; amended August 15, 2006, effective immediately; amended October 2, 2006, effective immediately; amended September 25, 2007, effective October 15, 2007; amended February 26, 2010, effective immediately; amended Mar. 15, 2013, eff. May 1, 2013; amended May 23, 2013, eff. July 1, 2013; amended Dec. 11, 2014, eff. Jan. 1, 2015; amended Mar. 15, 2016, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(February 10, 2006)

Paragraph (b) is amended to dispense with the requirement of filing an affidavit of intent to file a petition for leave to appeal or a certificate of intent to file a petition for leave to appeal. This amendment is consistent with the public policy of this state as evinced by the Code of Civil Procedure, which favors resolution on the merits: "This Act shall be liberally construed, to the end that controversies may be speedily and finally determined according to the substantive rights of the parties." 735 ILCS 5/1-106.

The amendment also addresses the concerns addressed in *A.J. Maggio Co. v. Willis*, 197 Ill. 2d 397 (2001), *Roth v. Illinois Farmers Insurance Co.*, 202 Ill. 2d 490 (2002), and *Wauconda Fire Prevention District v. Stonewall Orchards, LLP*, 214 Ill. 2d 417 (2005), all of which dealt with the rather unclear requirements of Rule 315, which had been amended in 1993 to require the filing of an affidavit of intent within 21 days in order to have 35 days in which to file a petition for leave to appeal.

Paragraph (b) is further amended to separate the provision on the time for filing a petition for leave to appeal, which remains in paragraph (b), from the provision on the content of the petition, which becomes a new paragraph (c). The subsequent paragraphs are relettered accordingly.

Paragraph (b) is also amended to allow a party that may not have sought Supreme Court review of an adverse disposition under Rule 23(b) or (c) the opportunity to seek review of that disposition after the Appellate Court grants a motion to publish it.

## Amended Rule 316

**Rule 316. Appeals from Appellate Court to Supreme Court on Certificate**

Appeals from the Appellate Court shall lie to the Supreme Court upon the certification by the Appellate Court that a case decided by it involves a question of such importance that it should be decided by the Supreme Court. Application for a certificate of importance may be included in a petition for rehearing or may be made by filing ~~four copies of~~ a petition, clearly setting forth the grounds relied upon, with the clerk of the Appellate Court within 35 days after the entry of the judgment appealed from if no petition for rehearing is filed or, if a petition for rehearing is filed, within 14 days after the denial of the petition or the entry of the judgment on rehearing. An application for a certificate of importance does not extend the time for filing a petition for leave to appeal to the Supreme Court.

When the Appellate Court has granted a certificate of importance, the clerk of that court shall transmit to the clerk of the Supreme Court the record on appeal that was filed in the Appellate Court, with thea ~~a~~ certified ~~copy of the~~ Appellate Court record and opinions appended thereto, and the certificate of importance of the Appellate Court. The Appellate Court may require bond as a condition of granting a certificate of importance. The record shall be transmitted to the office of the clerk of the Supreme Court not later than 14 days from the date the certificate of importance is granted. Briefs shall be filed as provided in Rules 341 through 344. The appellant's brief shall contain ~~a copy of~~ the Appellate Court opinion. ~~If an abstract was filed in the Appellate Court, 20 copies of the abstract shall be filed with the briefs, or if the Supreme Court so orders an abstract shall be prepared and filed in accordance with Rule 342.~~

Amended July 30, 1979, effective October 15, 1979; amended December 17, 1993, effective February 1, 1994; amended December 6, 2006, effective immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised 1979)

This rule providing for appeal by certificate of importance from the Appellate Court is former Rule 32(2) without change in substance except that the time for filing is slightly changed. It is measured in multiples of 7 days and the periods run from the date the judgment is entered. The revision makes it clear that application for a certificate of importance may be included in a petition for rehearing or may be filed separately within the time specified. It is important to notice, however, that the application does not extend the time for petitioning the Supreme Court to grant leave to appeal as a matter of discretion. It may therefore be more convenient and prudent, if a petition for rehearing is to be filed, to join the application for certificate of importance with the petition for rehearing.

In 1979, Rule 342 was amended to provide that, with the exception of stated documents (see Rule 342(a)), no portions of the record shall be reproduced, and that, absent an order of the reviewing court, no abstract shall be prepared and filed. The last sentence of Rule 316 was amended to reflect this change in the practice. See the committee comments to Rule 342.

Commentary
(December 17, 1993)

It is well established that typewritten documents are accepted for filing in the reviewing

courts and that professionally printed documents are not necessary.

The rule is amended to be consistent with the time frame of Rule 315(b).

**Amended Rule 317**

**Rule 317. Appeals from the Appellate Court to the Supreme Court as of Right**

Appeals from the Appellate Court shall lie to the Supreme Court as a matter of right in cases in which a statute of the United States or of this state has been held invalid or in which a question under the Constitution of the United States or of this state arises for the first time in and as a result of the action of the Appellate Court. The appeal shall be initiated by filing a petition in the form prescribed by Rule 315, except that the petition shall be entitled "Petition for Appeal as a Matter of Right." Item (1) of the petition shall state that the appeal is taken as a matter of right and item (5) shall contain argument as to why appeal to the Supreme Court lies as a matter of right. In other respects the procedure is governed by Rule 315. If leave to appeal is to be sought in the alternative, the request therefor must be included in the same petition, and item (1) thereof shall include an alternative prayer for leave to appeal, and item (5) the argument as to why in the alternative leave to appeal should be allowed as a matter of sound judicial discretion. When both appeal as a matter of right and leave to appeal are sought, both requests will be disposed of by a single order. If the court allows the petition, briefs~~, and abstracts in cases in which they are required,~~ shall be filed as provided in the case of appeal by leave under Rule 315.

Amended June 26, 1970, effective July 1, 1970; amended July 30, 1979, effective October 15, 1979 ; amended February 10, 2006, effective July 1, 2006; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised 1979)

This rule provides, in the language of the Constitution (art. VI, §4 (c)), for appeals as of right from the Appellate Court in cases in which ``a question under the Constitution of the United States or of this State arises for the first time in and as a result of the action of the Appellate Court." The procedure in such cases will be similar to that provided in Rule 315 for petitions for leave to appeal, except that the petition need only contain argument as to why appeal lies to the Supreme Court as a matter of right. Prior to the adoption of this rule effective January 1, 1967, such appeals were taken by notice of appeal. (See former Rule 32(3).) The experience of the Supreme Court was that this procedure was often invoked improperly, a fact which the court would not usually discover until full briefs on the merits were filed and the case was scheduled for oral argument. The time of counsel and of the court is saved by giving the court an opportunity to determine this preliminary question on the basis of a petition filed in advance.

The rule was amended in June 1970 (a) to make mandatory the provision that if leave to appeal is to be sought in the alternative to appeal as of right, the requests for both alternatives are to appear in the same petition, and (b) to provide expressly that if there are requests for both an appeal as of right and an appeal by leave, the court will dispose of both requests in a single order.

In 1979, Rule 342 was amended to provide that, with the exception of stated documents (see Rule 342(a)), no portions of the record shall be reproduced, and that, absent an order of the

reviewing court, no abstract shall be prepared and filed. The last sentence of Rule 317 was amended to reflect this change in the practice. See the committee comments to Rule 342.

**Amended Rule 318**

**Rule 318. General Rules Governing All Appeals from the Appellate Court to the Supreme Court**

(a) Relief to Other Parties. In all appeals, by whatever method, from the Appellate Court to the Supreme Court, any appellee, respondent, or coparty may seek and obtain any relief warranted by the record on appeal without having filed a separate petition for leave to appeal or notice of cross-appeal or separate appeal.

(b) Interlocutory Review. The review of cases at an interlocutory stage is not favored, and a failure to seek review when the Appellate Court's disposition of the case is not final does not constitute a waiver of the right to present any issue in the appropriate court thereafter.

(c) Appellate Court Briefs. If it is important for the Supreme Court to know the contentions of any party in the Appellate Court, ~~copies of~~ the pertinent Appellate Court briefs certified by the clerk of that court may be filed in the Supreme Court.

(d) Fees. In appeals taken from the Appellate Court, the clerk of that court is entitled to receive from the party appealing only the fees allowed by law or these Rules. ~~for his certificate and copy of proceedings had in the Appellate Court and the reasonable cost of sending the record from the clerk's office, either by mail or express, to the clerk of the Supreme Court.~~

Amended December 17, 1993, effective February 1, 1994; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

This rule is taken without major change from former Rules 32(1), 32(4), 32(5) and 39(2). Paragraph (c) differs from the last mentioned rule in that it dispenses with the need for obtaining leave of the Supreme Court in order to have briefs in the Appellate Court certified to the Supreme Court. In addition it deletes the requirement of former Rule 39 that the Appellate Court briefs shall be filed only "if it is important to know the position taken by any party in the Appellate Court."

**Amended Rule 323**

**Rule 323. Report of Proceedings**

**(a) Contents; Preparation.** A report of proceedings may include evidence, oral rulings of the trial judge, a brief statement of the trial judge of the reasons for his decision, and any other proceedings that the party submitting it desires to have incorporated in the record on appeal. The report of proceedings shall include all the evidence pertinent to the issues on appeal. ~~There shall be only a single report of proceedings if more than one appeal is taken.~~

Within the time for filing the docketing statement under Rule 312 the appellant shall make a written request to the court reporting personnel as defined in Rule 46 to prepare a transcript of the proceedings that appellant wishes included in the report of proceedings. Within 7 days after

service on the appellee of the docketing statement and ~~a copy of~~ the request for transcript the appellee may serve on the appellant a designation of additional portions of the proceedings that the appellee deems necessary for inclusion in the report of proceedings. Within 7 days after service of such designation the appellant shall request the court reporting personnel to include the portions of the proceedings so designated or make a motion in the trial court for an order that such portions not be included unless the cost is advanced by the appellee.

The entire expense of incorporating unnecessary and immaterial matter in the report of proceedings may be assessed by the reviewing court as costs against the party who designated that matter, irrespective of how the appeal is decided.

**(b) Certification and Filing.** Court reporting personnel who transcribe~~s~~ a report of proceedings shall certify to its accuracy and shall notify all parties that the report of proceedings has been completed and filed with the clerk of the circuit court. The report of proceedings shall be taken as true and correct unless shown to be otherwise and corrected in the manner permitted by Rule 329 for the record on appeal.

The court reporting personnel shall electronically file the reports of proceedings in searchable PDF format to the circuit court clerk within 49 days after the filing of the notice of appeal. There shall be a separate, transcribed, dated, and numbered PDF file for each report of proceedings. Reports of proceedings shall be clearly labeled on the first page with the date of the hearing or court proceeding, the type of proceeding, trial court case number, case caption, and the name of the presiding judge. ~~is ready for filing. A report of proceedings may be filed without further certification if, within 14 days of the date on which notice of its completion was sent to the parties, no party has objected, citing alleged inaccuracies involving matters of substance. If objections are noted, the report of proceedings shall be submitted, upon notice given by the party seeking certification, to the judge before whom the proceedings occurred or the judge's successor (or if that is impossible because of the judge's absence or sickness or other disability, then, to any other judge of the court) for the judge's certificate of correctness of those items the accuracy of which has been disputed by any party, and shall be filed, duly certified, in the trial court within 49 days after the filing of the notice of appeal. If, however, the parties so stipulate, a report of proceedings may be filed without certification.~~

**(c) Procedure If No Verbatim Transcript Is Available (Bystander's Report).** If no verbatim transcript of the evidence of proceedings is obtainable the appellant may prepare a proposed report of proceedings from the best available sources, including recollection. In any trial court, a party may request from the court official any ~~audiotape, videotape or other~~ recording of the proceedings. The court official or any person who prepared and kept, in accordance with these rules, any recording ~~audiotape, videotape, or other report~~ of the proceedings shall produce ~~a copy of~~ such recording ~~materials~~ to be provided at the party's expense. Such recording ~~material~~ may be transcribed for use in preparation of a bystander's report. The proposed report shall be served on all parties within 28 days after the notice of appeal is filed. Within 14 days after service of the proposed report of proceedings, any other party may serve proposed amendments or an alternative proposed report of proceedings. Within 7 days thereafter, the appellant shall, upon notice, present the proposed report or reports and any proposed amendments to the trial court for settlement and approval. The court, holding hearings if necessary, shall promptly settle, certify, and order filed an accurate report of proceedings. Absent stipulation, only the report of proceedings so certified shall be included in the record on

appeal.

**(d) Agreed Statement of Facts.** The parties by written stipulation may agree upon a statement of facts material to the controversy and file it without certification in lieu of and within the time for filing a report of proceedings.

**(e) Extension of Time.** The reviewing court or any judge thereof may extend the time for filing, in the trial court, the report of proceedings or agreed statement of facts or for serving a proposed report of proceedings, on notice and motion filed in the reviewing court before the expiration of the original or extended time, or on notice and motion filed within 35 days thereafter. Motions for extensions of time shall be supported by an affidavit showing the necessity for extension, and motions made after expiration of the original or extended time shall be further supported by a showing of reasonable excuse for failure to file the motion earlier. ~~A copy of any~~ Any motion for extension of time shall be served on the clerk preparing the record on appeal.

Amended October 21, 1969, effective January 1, 1970; amended effective July 1, 1971; amended July 30, 1979, effective October 15, 1979; amended January 5, 1981, effective February 1, 1981; amended February 19, 1982, effective April 1, 1982; amended October 25, 1990, effective November 1, 1990; amended December 17, 1993, effective February 1, 1994; amended September 23, 1996, effective immediately; amended December 13, 2005, effective immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised February 1982)

This rule is based upon former Rules 36(1)(c) and (d), and 36-1(3)(c), as they existed before 1967, with certain provisions added to make the paragraph a complete statement as to the contents of the report of proceedings and the procedure for having it approved and filed.

Paragraph (a)

Paragraph (a), as originally adopted, was based upon former Rule 36(1)(c). The provision that the report of proceedings shall include "all the evidence pertinent to the issues on appeal" was new. The second paragraph was added in 1979 and is designed to assure early settlement of the contents of the report of proceedings. Formerly the failure of the appellant to order necessary parts of the proceedings transcribed and included would not be apparent until the report of proceedings was presented to the trial judge for certification, which, under paragraph (b), could take place late in the 49-day period allowed for the filing of the report of proceedings. The new provision, patterned in part on Rule 10(b) of the Federal Rules of Appellate Procedure, gives the appellee early notice of any omissions and avoids the alternatives of late motions for extension of time and over designation out of an abundance of caution, the first productive of unnecessary delay in the hearing of the appeal and the second unnecessary expense. See the committee comments to Rule 330.

Paragraph (b)

Paragraph (b) is also derived from former Rule 36(1)(c). The 49-day (instead of 50-day) time period follows the principle of multiples of seven. The words "in the trial court" were inserted in 1969 to state the existing practice. (See Rule 608(b).) In 1967, paragraph (b) was amended to provide for stipulations dispensing with the necessity of certification. The last sentence of this paragraph, added in 1969, is based upon Federal Rule of Appellate Procedure 11(a).

Paragraph (c)

Paragraph (c) is taken from former Rule 36-1(3)(c), which was included by the Illinois Supreme Court in Rule 36-1 as a part of the "expeditious and inexpensive" appeal procedure instituted May 18, 1964, in appeals from cases assignable to magistrates. The comments of the Illinois Supreme Court Rules Committee to Rule 36-1 (53 Ill. B.J. 18 (1964)) indicate the common-law background of the procedure outlined in this paragraph. The changes in substance in the revised paragraph are the deletion of the requirement that the trial court settle and certify the report and order it filed within 14 days after presentation in favor of an admonition that it do so "promptly," and the insertion of the words "holding hearings if necessary" in the last sentence to make explicit what was implied in the former rule. In 1971, the time within which the appellant's proposed report of proceedings must be served was increased from 7 to 14 days and the last sentence of the paragraph was added to make it explicit that after a report of proceedings has been settled or agreed upon, only that report is to be included in the record on appeal.

Paragraph (d)

Paragraph (d) is a simplified version of former Rule 36-1(d). If the parties agree upon a statement of facts, it is filed in lieu of the report of proceedings and the time requirements for the report of proceedings apply. The words "without certification" were added in 1971.

Paragraph (e)

Paragraph (e) is derived from the final paragraph of former Rule 36(1)(c). The main point of the 1981 amendment is to place the sole authority for granting extensions of time under this rule in the reviewing court. The rule contains a "safety valve" which did not appear in the former rule, allowing the court to extend the time on motion filed within 35 days after the expiration of the time for filing the report of proceedings, supported by a showing of reasonable excuse. The former rule allowed no relief, however compelling the circumstances, once the time period had expired. The last sentence, as amended in 1981, also contains a requirement that any motion for extension of time be supported by a showing of necessity. This is in line with the general policy of deciding cases on appeal expeditiously; unnecessary delay is not favored. In 1971, paragraph (e) was amended to make it explicit that the reviewing court may extend the time for serving a proposed report of proceedings under paragraph (c) as well as for filing the report of proceedings. This amendment is consonant with other amendments made in 1979 placing in the reviewing court the general supervision of the progress of the appeal. See the committee comments to Rule 303(f).

Commentary

(December 17, 1993)

Paragraph (a) is amended to require that the appellant's written request for preparation of the report of proceedings be made within the applicable time for filing the docketing statement under new Rule 312. Previously the request was to be made within 14 days of the filing of the notice of appeal regardless of whether the appeal was direct or interlocutory in nature. The requirement that appellant serve notice of the request upon all parties is now contained in Rule 312. The provision for assessment of costs of incorporating unnecessary matters was taken from former Rule 330.

Paragraph (c), as amended, now contains the appellation "Bystander's Report," clarifies that the proposed report of proceedings shall be served on all parties, and reallocates the times for preparing and serving the proposed report and any proposed amendments or alternative report, without lengthening the overall time for the procedure.

**Amended Rule 324**

**Rule 324. Preparation and Certification by the Circuit Clerk of the Record on Appeal**

The clerk of the trial court or administrative agency shall prepare~~, bind,~~ and certify the record on appeal. The record shall be arranged in three sections: the common-law record, the report of proceedings, and the trial exhibits, and the record shall comply with the Standards and Requirements for Electronic Filing the Record on Appeal. ~~The common-law record and report of proceedings shall be in chronological order. Beginning with the common-law record, each separately bound volume of the common-law record and report of proceedings shall be numbered consecutively. All pages of the common-law record shall be numbered consecutively with the letter "C" preceding the number of each page. All pages of the report of proceedings shall be numbered consecutively by volume. In lieu of renumbering the pages of exhibits, a list of exhibit numbers shall be provided. No bound volume of the record shall exceed 250 pages, and each volume shall be securely bound. There shall be only one record on appeal even if more than one appeal is taken.~~ The certificate shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article III Forms Appendix.~~in the form prescribed below, and a copy shall be delivered to appellant at the time the record is forwarded to the reviewing court.~~ The clerk shall include~~accept for inclusion~~ in the record or a supplemental to the record under Rule 329 ~~an original or a copy of~~ any filing that carries a ~~filing~~file stamp of the clerk of the circuit court without any need for further authentication. Notice of filing must be ~~given~~transmitted to all parties of record.

~~Appeal to the _____ Court of Illinois~~

~~_____ District~~

~~From the Circuit Court of the _____ Judicial Circuit~~

~~_____ County, Illinois~~

~~[Names of all plaintiffs,~~

~~including intervening plaintiffs]~~

_____ Circuit Court No. _____

v. Trial Judge _____

_____ Reviewing Court No. _____

[Names of all defendants,
including intervening or
impleaded defendants]

(The designations of appellant, appellee, cross-appellant, and cross-appellee may be added to follow the trial court designations. If not all plaintiffs or all defendants are appellants or appellees, the names of those who are should be included parenthetically just below the title.)

CERTIFICATION OF RECORD

The record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ volume/s of Common-Law Record

_____ volume/s of Report of Proceedings

_____ volume/s or description of Exhibits

_____

_____

(Here set forth a detailed table of contents of the record on appeal.)

Kindly acknowledge receipt of this record on the attached copy of this letter.

I do further certify that this certification of the record pursuant to Supreme Court Rule 324 issued out of my office this _____ day of _____, 20__.

_____ _____

Clerk of the Circuit Court

cc: _____

Appellant's Attorney

_____

Address

_____

City, State & Zip

Received this above record this ____day of _____, 20__.

~~_____~~

~~_____ Clerk of the Reviewing Court~~

Amended October 21, 1969, effective January 1, 1970; amended July 30, 1979, effective October 15, 1979; amended July 1, 1985, effective August 1, 1985; amended April 10, 1987, effective August 1, 1987; amended December 17, 1993, effective February 1, 1994; amended May 30, 2008, effective immediately; amended Oct. 15, 2015, eff. Jan. 1, 2016; amended Oct. 6, 2016, eff. Nov. 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised July 30, 1979)

This rule was based in part on former Rules 36(1)(b) and (2)(a), and was in part new in 1967. As originally adopted, it provided in part that "[u]nless otherwise ordered by the trial or reviewing court, the original papers in the trial court record shall be used and copies need not be furnished by the parties." Thus the use of the original papers was permissive, though the contemplation was that in most instances original papers would be used. In 1979 this provision was deleted and Rule 321 was amended to provide that the record on appeal shall consist of the "entire original trial court record," unless the parties stipulate for or the trial or reviewing court orders "less." See the committee comments to Rule 321.

Commentary
(December 17, 1993)

This rule is amended to explain more specifically the manner in which the record on appeal shall be prepared. The circuit clerk now is required to provide the reviewing court with an inventory of exhibits, and the rule establishes a 250-page limit per volume of record to make the record easier to use.

**Amended Rule 325**

**Rule 325. Transmission of Record on Appeal or Certificate in Lieu of Record**

Upon payment of the ~~estimated~~ prescribed fee for preparation of the record on appeal, ~~and estimated transportation costs,~~ the clerk shall file~~transmit~~ the record with~~to~~ the reviewing court. ~~or, upon request, deliver it to the appellant for transmission. At the request of any party, to facilitate work on the appeal, the clerk of the trial court shall deliver to the reviewing court a certificate that the record has been prepared and certified in the form required for transmission to the reviewing court. The timely filing of the certificate in the reviewing court shall be considered the filing of the record on appeal. The certificate in lieu of record shall be in the following form:~~

~~Appeal to the _____ Court of Illinois~~

~~_____ District~~

~~From the Circuit Court of the _____ Judicial Circuit~~

~~_____ County, Illinois~~

~~[Names of all plaintiffs,~~
~~including intervening plaintiffs]~~

~~Circuit Court No. _____~~

~~v. Trial Judge _____~~

~~Reviewing Court No. _____~~

~~[Names of all defendants,~~
~~including intervening or~~
~~impleaded defendants]~~

~~(The designations of appellant, appellee, cross-appellant, and cross-appellee may be added to follow the trial court designations. If not all plaintiffs or all defendants are appellants or appellees, the names of those who are should be included parenthetically just below the title.)~~

~~CERTIFICATE IN LIEU OF RECORD~~

~~I, _____, clerk of the circuit court in said county and State and keeper of the records, files, and seal of the court, do hereby certify that the record on appeal in the above-captioned matter has been prepared and certified in the form required for transmission to the reviewing court.~~

~~(Here set forth a detailed table of contents of the record on appeal.)~~

~~I further certify that the record on appeal has this date been delivered to~~

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

~~I do further certify that this certificate in lieu of record pursuant to Supreme Court Rule 325 issued out of my office this _____ day of _____, 20__.~~

~~_____~~
~~_____~~
~~Clerk of the Circuit Court~~

Amended October 21, 1969, effective January 1, 1970; amended July 1, 1985, effective August 1, 1985; amended April 10, 1987, effective August 1, 1987; amended December 17, 1993, effective February 1, 1994; amended May 30, 2008, effective immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised October 21, 1969)

This rule, based on former Rules 36(2)(c) and 36-1(4), with some additions and changes, recognizes the existing practice of transmission of the record to the reviewing court by a party and affirmatively requires the clerk to deliver the record to the appellant for transmission upon request and payment of the prescribed fee. If such a request is not made but the fee is paid, the clerk is to transmit the record himself. The procedure provided for in the second and third sentence of this rule for filing a certificate in lieu of the record was initiated in 1964 by former Rule 36-1(4) for cases assignable to magistrates. The new procedure eliminates the wasteful and time-consuming step of sending the record to the reviewing court and then immediately having it sent back to the appellant, who normally needs it to prepare the excerpts from record or abstract and his brief. The requirement of filing the record can be met under the new rule by the filing of the certificate obtained from the clerk of the trial court. The appellant can then retain the record on appeal and either file it with his brief or, as will often be convenient, turn it over to the appellee for the latter's use during the writing of his brief. Rule 326 requires that the record be delivered to the reviewing court at the time the reply brief is due or earlier if the reviewing court so orders.

The requirement that a copy of the notice of appeal be sent to the clerk of the reviewing court with the certificate, added in 1969, is for the convenience of the clerk. Failure to comply, or late compliance, with this requirement would not affect the timeliness of the filing of the certificate.

Commentary
(December 17, 1993)

Rule 325 is amended to require the clerk of the circuit court to deliver the certificate in lieu of record directly to the reviewing court for filing, which is consistent with the circuit clerk's responsibility of delivering the record to the reviewing court. Previously, the certificate was delivered to appellant, who then had the responsibility of filing it with the reviewing court, a circuitous procedure. The provision that a copy of the notice of appeal be sent to the reviewing court with the certificate is eliminated as unnecessary because the reviewing court already would have received the notice of appeal under Rules 303 or 307.

**Amended Rule 326**

**Rule 326. Time for Filing Record on Appeal**

Except as provided in Rules 306, 307, 308 and 335, the record on appeal ~~or certificate in lieu thereof~~ shall be filed in the reviewing court within 63 days after the filing of the notice of appeal, or the last notice of appeal if more than one appeal is taken, or, if the time for filing a report of proceedings has been extended, within 14 days after the expiration of the extended time. ~~If a certificate is filed in lieu of the record, the appellant, or the trial court clerk at appellant's request, shall deliver the record to the reviewing court at the time the reply brief is due or earlier if the reviewing court so orders.~~ Extensions of time for filing the record ~~or certificate~~ may be granted by the reviewing court or a judge thereof on motion made before the expiration of the original or

extended time or on motion filed within 35 days thereafter supported by a showing of reasonable excuse for failure to file the motion earlier. The movant shall serve ~~a copy of~~ any motion for extension of time on the clerk preparing the record on appeal.

Amended October 21, 1969, effective January 1, 1970; amended December 17, 1993, effective February 1, 1994; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised October 1969)

This rule is based on former Rules 36(2)(d) and (e). Provision is made for the certificate procedure. Time periods are in multiples of seven. The 35-day "safety-valve" provision is similar to the one applicable to the report of proceedings in Rule 323(e).

The insertion in 1969 of the words "or the last notice of appeal if more than one appeal is taken" in the first sentence is based upon Federal Rule of Appellate Procedure 11(a). The 1969 amendment to the rule also requires the delivery of the record to the reviewing court at the time the reply brief is due rather than 14 days thereafter, as formerly.

**Amended Rule 327**

**Rule 327. Notice of Filing Record**

Upon the filing of the record on appeal ~~or the certificate in lieu of record, whichever occurs first~~, the clerk of the reviewing court shall provide notice of filing to all parties to the appeal.

Amended October 21, 1969, effective January 1, 1970; amended July 30, 1979, effective October 15, 1979; amended July 1, 1985, effective August 1, 1985; amended December 17, 1993, effective February 1, 1994; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised July 1, 1985)

This rule requires that upon filing the record on appeal in the reviewing court the appellant shall serve notice of the filing on the other parties to the appeal and send a copy of the notice to the reviewing court. This notice is important because the briefing schedule is framed in terms of the due date of the briefs rather than the date of service of each successive brief, and the due date of the first brief is marked in terms of the date on which the record is filed. Until 1979, it was provided in this rule that after the filing of the record and the payment of the prescribed fee the case should be docketed and that the notice include the docket number. These provisions were eliminated in that year because of the provision in amended Rule 303(f) for the docketing of the appeal at an earlier stage of the proceedings. (See the committee comments to Rule 303(f).) Notice of the docket number is no longer required because it will appear on the docketing statement served under Rule 303(g).

The 1985 change is intended to make the automated record-keeping system in the appellate

and supreme courts operate more smoothly.

Commentary
(December 17, 1993)

This amendment simplifies and clarifies the notification process by requiring the clerk of the reviewing court to give notice of the filing of the record on appeal or certificate in lieu of record to all parties.

**Amended Rule 328**

**Rule 328. Supporting Record**

Any party seeking relief from the reviewing court before the record on appeal is filed shall file an ~~with his or her~~ application or petition with an appropriate supporting record containing enough of the trial court record to show an appealable order or judgment, a timely filed and served notice of appeal (if required for appellate jurisdiction), and any other matter necessary to the application made. The supporting record must be authenticated by the certificate of the clerk of the trial court or by the affidavit of the attorney or party filing it.

The supporting record shall bear the ~~a cover page with a~~ caption of the appeal~~. The cover page shall~~ and be clearly label~~l~~ed "Supporting Record." The pagination ~~numbering of volumes and pages~~ of the supporting record shall conform to the requirements of Rule 324 and the Standards and Requirements for Electronic Filing the Record on Appeal.

Adopted December 17, 1993, effective February 1, 1994; amended June 22, 2017, eff. July 1, 2017.

Commentary
(December 17, 1993)

The new rule on supporting record is an adaptation of former Rule 328, "Short Record," which was repealed in 1979 and incorporated into Rule 361. This rule provides the requirements for a uniform, limited supporting record, which a party is required to file in various situations under a number of different rules.

**Amended Rule 329**

**Rule 329. Supplemental ~~al~~ to the Record on Appeal**

The record on appeal shall be taken as true and correct unless shown to be otherwise and corrected in a manner permitted by this rule. Material omissions or inaccuracies or improper authentication may be corrected by stipulation of the parties or by the trial court, either before or after the record is transmitted to the reviewing court, or by the reviewing court or a judge thereof. Any controversy as to whether the record accurately discloses what occurred in the trial

court shall be submitted to and settled by that court and the record made to conform to the truth. If the record is insufficient to present fully and fairly the questions involved, the requisite portions may be supplied at the cost of the appellant. If necessary, a supplement~~al~~ to the record may be certified and transmitted. The clerk of the circuit court shall prepare a ~~bound and~~ certified supplement~~al~~ to the record which shall be filed in the reviewing court upon order issued pursuant to motion.

Amended May 28, 1982, effective July 1, 1982; amended October 14, 2005, effective January 1, 2006; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised May 1982)

This rule is a comprehensive provision covering amendment of the record on appeal, correction of improper authentication, and the settling of any questions concerning whether the record conforms to the truth. It contains portions of former Rules 36(3) and (4). Under this sweeping provision, it will be possible to supply omissions, correct inaccuracies or improper authentication, or settle any controversy as to whether the record on appeal accurately discloses what occurred at the trial by the procedure that will most appropriately solve the particular problem. In view of the liberal terms of this paragraph, the rather elaborate provisions of former Rule 36(4), requiring that a claim as to improper authentication be raised by motion before or at the time of the filing of the brief of the party making the claim, were eliminated as no longer necessary. Unless there is some real prejudice involved, there will be no incentive for claiming improper authentication.

Rule 329 was amended in 1982 to permit a single judge of the reviewing court to correct the record.

## Amended Rule 330

**Rule 330. Captions in Reviewing Courts**

**(a)** Any document, other than a brief (see Rule 341(b)) ~~or a preprinted form~~, filed in a reviewing court shall contain a caption that includes:

(1) the number of the case in the reviewing court;

(2) the name of the reviewing court, with identification of district and division, where applicable;

(3) the name of the case as it appeared in the trial court, except that the status of each party in the reviewing court shall also be indicated (*e.g.*, plaintiff-appellant). In the case of an action for direct review in the appellate court of a final administrative decision, the parties shall be designated as petitioner(s) and respondent(s) (see Rule 335);

(4) the name of the court (or agency) from which the case was brought and the docket number in that court (or agency), and when applicable in the Supreme Court, the name of the court (or agency) where the case originated and the docket number in that court (or agency);

(5) the name of the trial judge entering the judgment to be reviewed; and

(6) the title of the document.

**(b)** In all appeals filed from proceedings under the Mental Health and Developmental Disabilities Code, the Mental Health and Developmental Disabilities Confidentiality Act, or from actions for collection of fees for mental health services, the recipient of services shall be identified by first name and last initial or by initials only. The preferred method is first name and last initial. The alternative method of initials only is to be used when, due to an unusual first name or spelling, the preferred method would create a substantial risk of revealing the recipient's identity. The name of the involved recipient of services shall not appear on any documents filed with the Appellate Court or any subsequent court.

Adopted December 17, 1993, effective February 1, 1994; amended October 1, 2001, effective immediately; amended June 22, 2017, eff. July 1, 2017.

Commentary

This rule has been added to encourage uniformity and requires the use of complete captions on virtually all documents filed in the reviewing court.

Paragraph (b) was added effective October 1, 2001, to help protect the identities of recipients of mental health services. The amendment requires that only their first name and last initial, or their initials, appear on documents filed with the Appellate Court or any subsequent court. The requirement covers the parties' briefs, motions, and other similar papers. The amendment does not require deletion of names from the trial record in preparing the record on appeal, nor does it address the means by which the Appellate Court or a subsequent court maintains the confidentiality of documents appearing in the record.

## Amended Rule 331

**Rule 331. Return of Record on Appeal**

Any paper or physical components of the~~The~~ record on appeal shall be returned by the clerk of the reviewing court to the clerk of the trial court after the final decision of the reviewing court.

Amended July 30, 1979, effective October 15, 1979; amended June 22, 2017, eff. July 1, 2017.

Committee Comment
(Revised 1979)

As originally adopted this rule provided that the record should be returned "unless the record contains no original papers." It was thought at the time that while the record normally would consist primarily of original papers, there would be occasions when the trial court would order otherwise or because in the county in which the trial court sat it was considered desirable to keep original papers available for title searches. In 1979, Rule 321 was amended to provide that the record on appeal shall consist of the entire original common law trial record, unless the parties

stipulate for less or the trial or reviewing court orders "less." Thus there will be no case in which the record contains no original papers and the phrase quoted above was deleted.

## Amended Rule 335

**Rule 335. Direct Review of Administrative Orders by the Appellate Court**

The procedure for a statutory direct review of orders of an administrative agency by the Appellate Court shall be as follows:

**(a) The Petition for Review.** Unless another time period is provided specifically by the law authorizing review, the petition for review shall be filed in the Appellate Court within 35 days from the date that ~~a copy of~~ the order or decision sought to be reviewed was served upon the party affected by any order or decision of the administrative agency, and shall specify the parties seeking review and shall designate the respondent and the order or part thereof to be reviewed. The agency and all other parties of record shall be named respondents. The ~~form of the~~ petition shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article III Forms Appendix.~~as follows:~~

~~IN THE APPELLATE COURT OF ILLINOIS~~
~~FOR THE _____ DISTRICT~~

~~[Name of Petitioner],~~
~~Petitioner,~~
~~v.~~ ~~Petition for Review~~
~~[Names of Agency and Other~~ ~~of Order of the~~
~~Parties of Record],[1]~~ ~~[Name of Agency]~~
~~Respondent.~~ ~~And Docket Number~~

~~[Name of Petitioner] hereby petitions the court for review of the order [or part of the order] of the [name of agency] which [describe the order or part as to which review is sought] entered on _____, 19___~~

~~_____~~
~~Attorney for Petitioner~~
~~Address:~~

**(b) Service**. The petitioner shall serve the petition for review on the agency and on all other parties of record to the proceeding before the agency in the manner prescribed for serving and proving service of a notice of appeal in Rule 303(c).

**(c) Other Parties.** If any respondent other than the agency wishes to participate in the proceeding in the Appellate Court, that respondent shall file an ~~written~~ appearance, and those who do shall be parties in the Appellate Court.

**(d) The Record.** The entire record before the administrative agency shall be the record on review unless the agency and the petitioner stipulate to omit portions. Omitted portions shall be transmitted to the Appellate Court at any time on the request of the agency, the petitioner or any other party, which request shall be served on all parties, or on order of the court. ~~Either the~~

~~original or a certified copy of the~~ The record shall be filed with the Appellate Court and~~. As near as may be possible, the record~~ shall contain, be arranged, prepared,~~ bound,~~ numbered, and certified as required for the record on appeal under Rules 321 through 325 and the Standards and Requirements for Electronic Filing the Record on Appeal.

**(e) Time for Filing Record.** ~~(1)~~ The agency shall file the record ~~or the certificate described in subparagraph (2)~~ within 35 days after the filing of the petition for review. Extensions of time for filing the record ~~or certificate~~ may be granted by the reviewing court or a judge thereof on motion made before the expiration of the original or extended time or on motion filed within 35 days thereafter supported by a showing of reasonable excuse for failure to file the motion earlier.

~~(2) In lieu of filing the record within the time specified in subparagraph (1), the agency may, for the purpose of aiding the parties in preparation of briefs, excerpts or abstracts, file with the reviewing court a certificate that the record has been prepared and is available in the form prescribed by paragraph (d). The timely filing of the certificate in the reviewing court shall be considered the filing of the record.~~

~~(3) If a certificate is filed in lieu of the record, the record shall be filed no later than the date upon which the reply brief is due or earlier if the reviewing court so orders.~~

**(f) Time for Filing Briefs.** The time for filing briefs specified in Rule 343 begins to run from the day the record ~~or the certificate in lieu thereof~~ is filed.

**(g) Stay.** Application for a stay of a decision or order of an agency pending direct review in the Appellate Court shall ordinarily be made in the first instance to the agency. A motion for stay may be made to the Appellate Court or to a judge thereof, but the motion shall show that application has been made to the agency and denied, with the reasons, if any, given by it for denial, or that application to the agency for the relief sought was not practicable. The motion shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute the motion shall be supported by affidavit. With the motion shall be filed such parts of the record as are relevant to the relief sought. Reasonable notice of the motion shall be given to all parties to the proceeding in the Appellate Court. The court may condition relief under this rule upon the filing of a bond or other appropriate security.

**(h)** In any proceeding for the review of a decision by the Illinois State Labor Relations Board, the Illinois Local Labor Relations Board, or the Illinois Educational Labor Relations Board, a cross-petition for enforcement may be filed by the Board in accordance with the procedures set forth in Rule 361 governing motion practice in the Appellate Court, except that no proposed order shall be submitted.

**(i) Application of other Rules and Administrative Review Law.**

(1) Insofar as appropriate, the provisions of Rules 301 through 373 (except for Rule 326) are applicable to proceedings under this rule. As used in any applicable rule, the term "appellant" includes a petitioner and the term "appellee" includes a respondent in proceedings to review or enforce agency orders.

(2) Sections 3-101, 3-108(c), 3-109, 3-110, and 3-111 of the Code of Civil Procedure are applicable to proceedings to review orders of the agency. The Appellate Court has all of the powers which are vested in the circuit court by the above enumerated sections.

(**j) Return of the Record on Appeal.** Any paper or physical components of the~~The~~ record

on appeal shall be returned by the clerk of the reviewing court to the clerk of the administrative agency after the final decision of the reviewing court.

Effective July 1, 1971; amended May 28, 1982, effective July 1, 1982; amended April 27, 1984, effective July 1, 1984; amended December 17, 1993, effective February 1, 1994; amended Oct. 15, 2015, eff. Jan. 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised December 17, 1993)

The General Assembly has provided by law that a final order of the Pollution Control Board (415 ILCS 5/41 (West 1992)), a judgment concerning disclosure of campaign contributions and expenditures from the State Board of Elections (10 ILCS 5/9-22 (West 1992)), a final order of the Illinois State Labor Relations Board, Illinois Local Labor Relations Board (5 ILCS 315/11 (West 1992)) or the Illinois Educational Labor Relations Board (115 ILCS 5/16 (West 1992)), a decision from the Illinois Human Rights Commission (775 ILCS 5/8-111 (West 1992)), any order or decision of the Illinois Commerce Commission (220 ILCS 5/10-201 (West 1992)), final orders of the Illinois Gaming Board (230 ILCS 10/17.1 (West 1992)), final decisions of the Property Tax Appeal Board where a change in assessed valuation of $300,000 or more was sought (35 ILCS 205/111.4 (West 1992 Supp.)) and a certain initial license issuance by the Director of the Department of Nuclear Safety and in connection therewith certain determinations of the Low-Level Radioactive Waste Disposal Facility Siting Commission (420 ILCS 20/18 (West 1992)) may be appealed directly to the Appellate Court.

Rule 335 prescribes the procedure for the review of orders of any agency which the legislature has assigned to the Appellate Court.

The rule is based upon the procedures followed under the Administrative Review Act, the Illinois rules governing appeals, and the Federal Rules of Appellate Procedure which relate to review of administrative orders by an appellate court. The orders of many Federal agencies have long been directly reviewed by the United States Courts of Appeals.

Only a few provisions of the rule require comment.

Since the petition for review serves the function of the notice of appeal, and nothing else, it should in form be as simple as the notice of appeal, as it is in the Federal practice. The statement of the questions to be presented for review is left to the appellant's brief as in other appeals and for the same reasons.

The Illinois practice of permitting parties before the administrative agency to become parties before the Appellate Court merely on filing of a notice of appearance is preferable to the Federal practice of requiring a motion to intervene.

Under both Illinois and Federal appellate practice and under the Illinois Administrative Review Act the entire record before the agency is the record before the reviewing court, wherever that record may be at any particular time. The rule is designed to insure that the record will be available to the parties when needed for the preparation of briefs, as under present Rule 325 for ordinary appeals, and to the reviewing court when it is needed there. Any portions of the record not already filed in the Appellate Court shall be transmitted thereto on request of the

court, the agency, or any party. Since the report of the proceedings before the administrative agency will normally have been transcribed and be available by the time of the administrative decision, a shorter period for filing the record is allowed than in other Illinois appeals. This also conforms to the public interest in expediting review of these cases.

In 1984 subparagraph (d) was amended to require that the agency should arrange, prepare, bind, and certify the record, as near as possible, in the way the record on appeal must be prepared under Rule 324.

Commentary
(December 17, 1993)

Paragraph (h) is included to indicate that petitions for enforcement of labor board orders may be brought in the Appellate Court (see *Central City Education Association v. Illinois Educational Labor Relations Board* (1992), 149 Ill. 2d 496) and are treated as motions before the reviewing court without the need for formal briefing.

## Amended Rule 341

**Rule 341. Briefs**

**(a) Form of Briefs.** Briefs shall be submitted~~produced~~ in clear, black text~~print~~ on white~~, opaque, unglazed paper,~~ pages, each measuring 8½ by 11 inches.~~, and paginated. Only one side of the paper may be used.~~ The text must be double-spaced; however, headings may be single-spaced. Margins must be at least 1½ inch on the left side and 1 inch on the other three sides. Each page shall be numbered within the bottom margin. ~~Briefs shall be safely and securely bound on the left side in a manner that does not obscure the text.~~ Quotations of two or more lines in length may be single-spaced; however, lengthy quotations are not favored and should be included only where they will aid the court's comprehension of the argument. Footnotes are discouraged but, if used, may be single-spaced.

~~Documents may be produced by a word-processing system, typewritten, or commercially printed, and reproduced by any process that provides clear copies consistent with the requirements of this rule.~~ Typeface must be 12-point or larger throughout the document, including quoted material and any footnotes. Condensed type is prohibited.~~ Carbon copies are not permitted.~~

**(b) Length of Briefs.**

(1) Length Limitation. The brief of appellant and brief of appellee shall each be limited to 50 pages, and the reply brief to 20 pages. Alternatively, the brief of appellant and brief of appellee shall each be limited to no more than 15,000 words, and the reply brief to 7,000 words. This ~~length~~ limitation excludes pages and words contained in the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a). Cross-appellants and cross-appellees shall each be allowed an additional 30 pages, or alternatively 8,400 words, and the cross-appellant's reply brief shall not exceed 20 pages, or alternatively 7,000 words.

(2) Motions. Motions to file a brief in excess of the length limitation of this rule are not

favored. Such a motion shall be filed not less than 10 days before the brief is due or not less than 5 days before a reply brief is due and shall state the excess number of pages or words requested and the specific grounds establishing the necessity for excess pages or words. The motion shall be supported by affidavit or verification by certification under Section 1-109 of the Code of Civil Procedure of the attorney or self-represented litigant~~unrepresented party~~. Any affidavit shall be sworn to before a person who has authority under the law to administer oaths.

**(c) Certificate of Compliance.** The attorney or self-represented litigant~~unrepresented party~~ shall submit with the brief his or her signed certification that the brief complies with the form and length requirements of paragraphs (a) and (b) of this rule, as follows:

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is ___ pages or words.

**(d)Covers.** The cover of the brief shall contain: the number of the case in the reviewing court and the name of that court; the name of the court or administrative agency from which the case was brought; the name of the case as it appeared in the lower tribunal, except that the status of each party in the reviewing court shall also be indicated (*e.g.*, plaintiff-appellant); the name of the trial judge entering the judgment to be reviewed; and the individual names and addresses of the attorneys and their law firm (or of the party if the party has no attorney) filing the brief shall also be stated.

The colors of the covers of the documents, whether electronic or paper, shall be: ~~abstract, gray;~~ appellant's brief or petition, white; appellee's brief or answer, light blue; appellant's reply brief, light yellow; reply brief of appellee, light red; petition for rehearing, light green; answer to petition for rehearing, tan; and reply on rehearing, orange. If a separate appendix is filed, the cover shall be the same color as that of the brief which it accompanies.

**(e) ~~Number of Copies To Be Filed and Served;~~Duplicate Copies and Proof of Service**. Electronically filed briefs shall be considered the official original. A court of review may, in its electronic filing procedures, require duplicate paper copies bearing the court's electronic file stamp. Such copies shall be printed one-sided and securely bound on the left side in a manner that does not obstruct the text. Such copies shall be received by the clerk within five days of the electronic notification generated upon acceptance of an electronically filed document. ~~Except as provided hereafter nine copies of each brief shall be filed in appeals to the Appellate Court. In proceedings in the Appellate Court to review orders of the Illinois Workers' Compensation Commission, 15 copies of each brief shall be filed. In appeals to the Supreme Court, 20 copies of each brief shall be filed. Three copies (or one copy if by e-mail service)~~

The brief shall be served upon each other party to the appeal represented by separate counsel. ~~If the Attorney General and the State's Attorney both appear for a party, each shall be served with three copies (or one copy if by e-mail service).~~ Proof of service shall be filed with all briefs.

**(f) References to Parties.** In the brief the parties shall be referred to as in the trial court, *e.g.*, plaintiff and defendant, omitting the words appellant and appellee and petitioner and respondent, or by using actual names or descriptive terms such as "the employee," "the injured

person," "the taxpayer," "the railroad," etc.

In all appeals involving juveniles filed from proceedings under the Juvenile Court Act or the Adoption Act, and in all appeals under the Mental Health and Developmental Disabilities Code, the Mental Health and Developmental Disabilities Confidentiality Act, or from actions for collection of fees for mental health services, the respective juvenile or recipient of mental-health services shall be identified by first name and last initial or by initials only.

The preferred method is the first name and last initial. The alternative method of initials only is to be used when, due to an unusual first name or spelling, the preferred method would create a substantial risk of revealing the individual's identity. The name of the involved juvenile or recipient of services shall not appear in the brief.

**(g) Citations.** Citations shall be made as provided in Rule 6.

**(h) Appellant's Brief.** The appellant's brief shall contain the following parts in the order named:

(1) A summary statement, entitled "Points and Authorities," of the points argued and the authorities cited in the Argument. This shall consist of the headings of the points and subpoints as in the Argument, with the citation under each heading of the authorities relied upon or distinguished, and a reference to the page of the brief on which each heading and each authority appear. Cases shall be cited as near as may be in the order of their importance.

(2) An introductory paragraph stating (i) the nature of the action and of the judgment appealed from and whether the judgment is based upon the verdict of a jury, and (ii) whether any question is raised on the pleadings and, if so, the nature of the question.

*Illustration*:

"This action was brought to recover damages occasioned by the alleged negligence of the defendant in driving his automobile. The jury rendered a verdict for the plaintiff upon which the court entered the judgment from which this appeal is taken. No questions are raised on the pleadings."

(3) A statement of the issue or issues presented for review, without detail or citation of authorities.

*Illustration*:

Issue Presented for Review:

"Whether the plaintiff was guilty of contributory negligence as a matter of law."

[or]

"Whether the trial court ruled correctly on certain objections to evidence."

[or]

"Whether the jury was improperly instructed."

The appellant must include a concise statement of the applicable standard of review for each

issue, with citation to authority, either in the discussion of the issue in the argument or under a separate heading placed before the discussion in the argument.

(4) A statement of jurisdiction:

(i) In a case appealed to the Supreme Court directly from the trial court or as a matter of right from the Appellate Court, a brief statement under the heading "Jurisdiction" of the jurisdictional grounds for the appeal to the Supreme Court.

(ii) In a case appealed to the Appellate Court, a brief, but precise statement or explanation under the heading "Jurisdiction" of the basis for appeal including the supreme court rule or other law which confers jurisdiction upon the reviewing court; the facts of the case which bring it within this rule or other law; and the date that the order being appealed was entered and any other facts which are necessary to demonstrate that the appeal is timely. In appeals from a judgment as to all the claims and all the parties, the statement shall demonstrate the disposition of all claims and all parties. All facts recited in this statement shall be supported by page references to the record on appeal.

(5) In a case involving the construction or validity of a statute, constitutional provision, treaty, ordinance, or regulation, the pertinent parts of the provision verbatim, with a citation of the place where it may be found, all under an appropriate heading, such as "Statutes Involved." If the provision involved is lengthy, its citation alone will suffice at this point, and its pertinent text shall be set forth in an appendix.

(6) Statement of Facts, which shall contain the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal in the format as set forth in the Standards and Requirements for Electronic Filing the Record on Appeal.~~, *e.g.*, R. C7, or R. 7, or to the pages of the abstract, *e.g.*, A. 7. Exhibits may be cited by reference to pages of the abstract or of the record on appeal or by exhibit number followed by the page number within the exhibit, *e.g.*, Pl. Ex. 1, p. 6.~~

(7) Argument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on. Evidence shall not be copied at length, but reference shall be made to the pages of the record on appeal~~ or abstract, if any,~~ where evidence may be found. Citation of numerous authorities in support of the same point is not favored. Points not argued are waived and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.

(8) A short conclusion stating the precise relief sought, followed by the names of counsel as on the cover.

(9) An appendix as required by Rule 342.

**(i) Briefs of Appellee and Other Parties.** The brief for the appellee and other parties shall conform to the foregoing requirements, except that items (2), (3), (4), (5), (6), and (9) of paragraph (h) of this rule need not be included except to the extent that the presentation by the appellant is deemed unsatisfactory.

**(j) Reply Brief.** The reply brief, if any, shall be confined strictly to replying to arguments presented in the brief of the appellee and need contain only Argument.

**(k) Supplemental Brief on Leave to Appeal.** A party allowing a petition for leave to appeal

or for appeal as a matter of right or an answer thereto to stand as his or her main brief, may file a supplemental brief, so entitled, containing additional material, and omitting any of the items set forth in paragraph (h) of this rule to the extent that they are adequately covered in the petition or answer. The Points and Authorities in the supplemental brief need relate only to the contents of that brief.

~~**(l) Copy of Document in Electronic Format.** In addition to the number of copies required to be filed and served in accordance with this rule, the brief may be furnished on any removable media, such as floppy disk or CD-ROM, acceptable to the clerk of the reviewing court in Adobe Acrobat and served on each party to the appeal. The electronic document may but need not contain the required appendix. A copy of a brief in electronic format shall be filed upon request of the court or a judge thereof.~~

Amended October 21, 1969, effective January 1, 1970; amended July 30, 1979, effective October 15, 1979; amended January 5, 1981, effective February 1, 1981; amended February 19, 1982, effective April 1, 1982; amended May 28, 1982, effective July 1, 1982; amended April 27, 1984, and May 16, 1984, effective July 1, 1984; amended April 10, 1987, effective August 1, 1987; amended May 21, 1987, effective August 1, 1987; amended June 12, 1987, effective immediately; amended May 18, 1988, effective August 1, 1988; amended January 20, 1993, effective immediately; amended December 17, 1993, effective February 1, 1994; amended May 20, 1997, effective July 1, 1997; amended April 11, 2001, effective immediately; amended October 1, 2001, effective immediately; amended May 24, 2006, effective September 1, 2006; amended March 16, 2007, effective immediately; amended June 4, 2008, effective July 1, 2008; amended Feb. 6, 2013, eff. immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

This rule was based upon former Supreme Court Rule 39, effective until January 1, 1967, which in turn was based upon former Uniform (and later Second, Third, Fourth, and Fifth District) Appellate Court Rule 7. There were no major changes.

Paragraph (a)

This paragraph deals with the length of briefs and the use of footnotes. It is derived from the second, third, and fourth sentences of former Rule 39(1). Three printed pages will normally contain approximately as many words as four unprinted pages, so the length limitations are substantially the same for printed and unprinted briefs.

The provision that footnotes are to be in the same size type as required for the text of the brief was deleted. Footnotes are to be used sparingly. Rule 344(b) prescribes 10-point type on 11-point slugs, instead of the 11-point type used in the body. This use of smaller type is conventional in the printing of legal texts, law reviews, the opinions of the Supreme Court of the United States, and other comparable materials. It is believed that the limited use of this slightly smaller type will not impose a burden on the courts.

In 1984 subsection (a) was amended to reduce from 75 to 50 the number of pages allowed to be in a printed brief and from 100 to 75 the number allowed in a brief that is not printed, and excludes from that page limitation those matters which are required by Rule 342(a) to be

appended thereto.

Paragraph (b)

This is a revision of former Rule 40(1).

Paragraph (c)

This paragraph is derived in part from the first sentence of former Rule 39(1), except that it recognizes certain existing practices not permitted by the former rule if it was read literally. One is the use of the designations "appellant" and "appellee," together with the designation of the party in the trial court, in the title of the case appearing in the caption. The other is that the parties may be referred to by actual names or descriptive terms instead of as plaintiff or defendant, which in many instances is desirable to avoid confusion.

The paragraph was amended effective October 1, 2001, to help protect the identities of recipients of mental health services. The amendment requires that only their first name and last initial, or their initials, appear on documents filed with the Appellate Court or any subsequent court. The requirement covers the parties' briefs, motions, and other similar papers. The amendment does not require deletion of names from the trial record in preparing the record on appeal, nor does it address the means by which the Appellate Court or a subsequent court maintains the confidentiality of documents appearing in the record.

Paragraph (d)

Effective January 20, 1993, the requirements applicable to citations to cases, textbooks and statutes were placed in Rule 6, which is applicable to all documents filed in court, including briefs.

Paragraph (e)

Paragraph (e) is a substantial revision of portions of former Rule 39.

In 1981 the subparagraphs were restructured to make "Points and Authorities" the first part of the brief, so that it might act as a table of contents.

Subparagraph (1) is based upon the first three sentences of the paragraph designated II of former Rule 39(1). The revised provision specifically relates the Points and Authorities to the Argument. The same headings of the points and subpoints are to be used both here and in the Argument. The former provision that the three cases most relied on shall be cited first under each point was deleted in favor of the last sentence of subparagraph (e), which provides for ranking cases "as near as may be in the order of their importance."

The "introductory paragraph" provided for in subparagraph (2) will ordinarily not be captioned as such in the brief. As the illustration shows, the introductory paragraph is for the purpose of informing the court of the general area of the law in which the case falls, whether there was a jury trial, and whether there is a pleading question and if so what it is. The practice of many lawyers was to include in the statement of "The Nature of the Action" called for by the former rule much more detail than the courts wanted at this place in the brief.

The former requirement that "The Nature of the Case" include a statement of the party's "theory of the case" also produced much more detail than the rule contemplated.

Subparagraph (3) substitutes for the "theory of the case" a statement of "the issue or issues presented for review." Again, the court does not want detail at this point in the brief, as the illustration in the rule following this subparagraph attempts to make clear. The statement of the issue presented for review is not to be an elaborately framed legal question. Its purpose is to give the court a general idea of what the case is about. The court is not ready at this stage to appreciate the details. It should be noticed, for example, that the first alternative illustration of a statement of the issue presented for review does not state what conduct it is that one of the parties contends is contributory negligence as a matter of law. The second alternative does not describe the objections or the evidence to which they relate. The third alternative does not describe the instruction of which the complaint is made.

Subparagraph (4) is in part based upon former Rule 28-1, B. A similar provision appears in the rules of the Supreme Court of the United States. (Rule 40, 1(b).) In cases appealed to the Illinois Supreme Court as of right, it is important that the court be satisfied at the outset that jurisdiction exists. (See the comments to Rule 302.)

Subparagraph (4)(ii) was expanded effective February 1, 1994, to provide more comprehensive examples of what must be included in the statement demonstrating jurisdiction in the Appellate Court.

Subparagraph (5) is a combination of the third paragraph of former Rule 39(1) and paragraph 1(c) of Rule 40 of the rules of the Supreme Court of the United States.

Subparagraph (6) was based upon the paragraph numbered III of former Rule 39(1). The provision with respect to the citation of exhibits was new, as were the illustrations as to the form of the citations to the record. This subparagraph was amended in 1979 to delete reference to the preparation of excerpts from record to reflect the amendment of Rule 342 to eliminate the preparation and duplication of excerpts from the record except for the inclusion of copies of stated documents as an appendix to the brief, and to eliminate the preparation and filing of an abstract except on order of the reviewing court. (See Rule 342(a).) Because the elimination of excerpts and an abstract in most cases lends added importance to the accuracy and fairness with which the facts are stated in the brief, the first sentence of the subparagraph was amended to emphasize this point. A similar amendment was made to Rule 315(b)(4). See the committee comments to Rule 342.

Subparagraph (7) is a revision of the paragraph numbered IV of former Rule 39(1). The description of what the Argument is to contain is somewhat amplified. The provision admonishing against citation of numerous authorities was new. The limitation of the Argument to points made and cases cited in the Points and Authorities is no longer appropriate, since the Points and Authorities is to be derived from the Argument. The former provision that a point "made but not argued may be considered waived" was changed to the affirmative statement of the last sentence of the paragraph that failure to argue results in waiver and, further, that a point that has not been argued shall not be raised subsequently.

Subparagraph (8), requiring a short conclusion stating the precise relief sought, was new. It is customary to include a conclusion in a brief, but the relief sought is not always stated in the conclusion. This provision requires the party to end his brief by telling the court what relief he

wants.

Paragraph (f)

The predecessor of this paragraph is the second paragraph following the paragraph numbered IV in former Rule 39(1). The new provision is simplified. The requirement that the appellee's brief state the propositions relied upon to sustain the judgment "as far as practicable, in the same order as the points of appellant" was not brought forward into the present rule. When the nature of the subject matter permits, counsel will normally follow the order established by his opponent in the interest of making his brief as convenient as possible for the court to use. Sometimes effective advocacy requires that a different order be adopted. In the opinion of the committee it is not possible to regulate this matter by rule.

Paragraph (g)

Paragraph (g) is the last paragraph of former Rule 39(1), without change of substance.

Paragraph (h)

Paragraph (h) as it appeared in the revised rules effective January 1, 1967, was deleted in October 1969, as unnecessary in light of paragraph (b) of Rule 343, adopted at that time.

What is now paragraph (h) was paragraph (i) of the revision adopted effective January 1, 1967, and was new at that time, although it provides specifically for a practice that was often employed under the former rules. This paragraph makes clear the extent to which the requirements of Rule 341 apply to a supplemental brief filed in supplement of, rather than in lieu of, a petition for leave to appeal or an answer that party has allowed to stand as his main brief.

## Amended Rule 342

**Rule 342. Appendix to the Brief~~; Abstract~~**

~~**(a) Appendix to the Brief.**~~ The appellant's brief shall include, as an appendix, a table of contents to the appendix, ~~a copy of~~ the judgment appealed from, any opinion, memorandum, or findings of fact filed or entered by the trial judge or by any administrative agency or its officers, any pleadings or other materials from the record that~~which~~ are the basis of the appeal or pertinent to it, the notice of appeal, and a complete table of contents, with page references, of the record on appeal. The table shall state:

(1) the nature of each document, order, or exhibit, *e.g.*, complaint, judgment, notice of appeal, will, trust deed, contract, and the like;

(2) in the case of pleadings, motions, notices of appeal, orders, and judgments, the date of filing or entry; and

(3) the names of all witnesses and the pages on which their direct examination, cross examination, and redirect examination begin.

In addition, in cases involving proceedings to review orders of the Illinois Workers' Compensation Commission, the appellant's brief shall also include as part of the appendix ~~copies~~

~~of~~ decisions of the arbitrator and the Commission.

The appellee's brief may include in a supplementary appendix other materials from the record that~~which~~ also are the basis of the appeal or are essential to any understanding of the issues raised in the appeal.

The pages of the appendix shall be numbered consecutively with the letter "A" preceding the number of each page. If an appendix would expand the size of the PDF comprising the combined brief and appendix to greater than 150 megabytes, it may be filed as a separate PDF and labeled "Separate Appendix."~~is voluminous, it may be bound separately from the brief and labeled "Separate Appendix."~~

~~**(b) Abstract.** No abstract of the record on appeal shall be filed unless the reviewing court orders that one shall be filed, in which event the appellant shall file the abstract with the brief and the following provisions shall be applicable:~~

~~(1) The abstract shall refer to the pages of the record by numerals on the margin.~~

~~(2) It shall be preceded by a table of contents conforming with the requirements of paragraph (a) above, except that the page references to items included in the abstract shall be to abstract pages, and page references to the record pages of omitted items shall be prefixed by "R" (*e.g.*, R ____).~~

~~(3) If the record contains the evidence it shall be condensed in narrative form so as to present clearly and concisely its substance. Actual quotations may be used in lieu of a narrative for any portion of the evidence.~~

~~(4) Matters in the record on appeal not necessary for a full understanding of the question presented for decision shall not be abstracted.~~

~~(5) The abstract will be taken as sufficient unless the appellee files an additional abstract with his brief.~~

~~**(c) Cases Brought to Supreme Court from Appellate Court.** In cases brought to the Supreme Court from the Appellate Court, copies of any abstract filed in the Appellate Court shall be filed in the Supreme Court without change. Upon request and to the extent practicable, the clerk of the Appellate Court shall provide the appellant with the copies of any abstract filed in that court for transmission to the Supreme Court as a part of the 20 copies required to be filed with the brief in the Supreme Court.~~

~~**(d) Entire Record Available.** The entire record on appeal, whether or not abstracted, is available to the reviewing court for examination or reference. Omission of any relevant portion of the record from the abstract shall not prejudice a party unless the reviewing court finds that there has been no good faith effort to comply with this rule.~~

~~**(e) Costs.** The actual and reasonable cost of producing an abstract required by the reviewing court to be filed, or additional abstract proved by affidavit satisfactory to the clerk of the reviewing court, shall be taxed as costs in the case; but the cost of including unnecessary matter in the abstract or additional abstract may be disallowed as costs.~~

Amended October 21, 1969, effective January 1, 1970; amended July 30, 1979, effective October 15, 1979; amended June 1, 1984, effective July 1, 1984; amended May 18, 1988, effective August 1, 1988; amended December 17, 1993, effective February 1, 1994; amended October 15, 2004, effective

January 1, 2005; amended June 22, 2017, eff. July 1, 2017.

Commentary
(December 17, 1993)

A separate table of contents to the appendix is added as a requirement under paragraph (a). The rule also provides that all pages of the appendix must be numbered to permit easy reference.

Committee Comments
(Revised June 1, 1984)

Rule 342 was substantially rewritten in 1979. Prior to 1964 it was required that the appellant prepare and file an abstract of the record on appeal. In that year former Rule 36-1 was adopted (29 Ill. 2d R. 36-1), giving the appellant in appeals referable to magistrates the option of substituting for the abstract excerpts from the record, containing the judgment or order appealed from, the notice of appeal, and "the parts of the record deemed essential for the judges of the reviewing court to read in order to decide the issues presented" (29 Ill. 2d R. 36-1(8)). Provision was made for an exchange of designations of items to be included in the excerpts, the excerpts to be filed by the appellant no later than 14 days after the due date of the appellee's brief. At the time it was thought that reproduction of the actual pages from the record was at once less time consuming, and therefore less expensive, than the preparation of a narrative statement, and also more accurate. Rule 342, effective January 1, 1967, extended the provision for the filing of excerpts from record to cover all appeals. Extensive amendments were adopted effective January 1, 1970.

As revised in 1979, Rule 342 requires that the appellant include in its brief an appendix containing a copy of the judgment appealed from, any opinion, memorandum, or findings of fact filed or entered by the trial judge, the notice of appeal, and a table of contents of the record (paragraph (a)). Otherwise it is not required that any parts of the record be duplicated. All reference to excerpts of record were therefore deleted. The contemplation is that in most instances the appeal will be heard on the original papers. It is provided, however, that the reviewing court may order that an abstract be prepared and filed. Therefore the provisions of the rule governing the contents, form, and filing of an abstract are retained. Appropriate changes were made in other rules that included reference to the preparation and filing of excerpts from the record. (See Rules 306, 307, 308, 317, 344, 607, and 612.) Since in most cases there will no longer be either abstract or excerpts, the duty of the parties to make a fair and accurate statement of the facts in their briefs, always important, has become even more so, and this duty has been emphasized by amendment to Rules 315(b)(4) and 341(e)(6).

In 1984 subparagraph (a) was amended to require that copies of the decisions of both the arbitrator and the Commission be included in the appendix in all cases involving proceedings to review orders of the Industrial Commission.

## Amended Rule 352

**Rule 352. Conduct of Oral Arguments**

**(a) Request; Waiver; Dispensing With Oral Argument.** A party shall request oral

argument by stating at the bottom of the cover page of his or her brief that oral argument is requested. If the party has elected to allow a petition for leave to appeal or answer to stand as the party's brief, the party may file a request for oral argument, with proof of service upon opposing parties. This request shall be filed within the time that the party could have filed a further brief.~~, or, if the party has allowed a petition for leave to appeal or answer to stand as his or her brief, by mailing to the clerk and to opposing parties, within the time in which the party could have filed a further brief, a notice requesting oral argument.~~ If any party so requests, all other parties may argue without an additional request.

No party may argue unless that party has filed a brief as required by the rules and paid any fee required by law. A party who has requested oral argument and who thereafter determines to waive oral argument shall promptly notify the clerk and all other parties. Any other party who has filed a brief without requesting oral argument may then request oral argument upon prompt notice to the clerk and all other parties.

After the briefs have been filed, the court may dispose of any case without oral argument if no substantial question is presented, but this power should be exercised sparingly.

**(b) Length.** Unless the court otherwise orders, each side shall be allowed not to exceed 20 minutes for its main argument. In all cases, the appellant shall have not to exceed an additional 10 minutes strictly confined to rebuttal. If only one side argues, the argument shall not exceed 15 minutes. The court may grant additional time on motion filed in advance of the date fixed for hearing if it appears that additional time is necessary for the adequate presentation of the case. A party is not obliged to use all of the time allowed, and the court may terminate the argument whenever in its judgment further argument is unnecessary.

**(c) Reading Prohibited.** Reading at length from the record, briefs, or authorities cited will not be permitted.

**(d) Divided Arguments.** No more than two counsel will be heard from each side except by leave of court, which will be granted when there are several parties on the same side with diverse interests. Divided arguments are not favored and care shall be taken to avoid duplication of arguments.

**(e) Multiple Parties.** If a case involves appeals by more than one party the sequence of oral argument shall be as the parties agree or as the court directs.

**(f) Limitation on Briefs and Memoranda.** No brief or memorandum shall be filed after the due date of the reply brief or after oral argument except by leave of court or a judge thereof.

**(g) When Oral Argument Not Requested.** If a case is submitted to the court without request for oral argument, it shall be decided on the briefs unless the court orders oral argument.

Amended effective July 1, 1975; amended May 28, 1982, effective July 1, 1982; amended June 19, 1989, effective August 1, 1989; amended August 18, 1989, effective September 1, 1989; amended December 17, 1993, effective February 1, 1994; amended Feb. 6, 2013, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised July 1, 1975)

This rule is based upon former Supreme Court Rule 43. See also former Second, Third, Fourth, and Fifth District (and earlier Uniform) Appellate Court Rule 13(4).

Paragraph (a)

Paragraph (a) is based largely upon the first paragraph of former Rule 43. The last two sentences are new; the former provision did not require notice of an election to waive oral argument, but provided that if a party appeared at the argument and the other party failed to appear, the party who appeared could argue anyway. The new provision, stated in the last two sentences of the paragraph, requires prompt notice of waiver and a prompt notice by the opposite party if he desires oral argument.

The last paragraph was added in 1975. As to the length of argument, see comment to paragraph (b).

Paragraph (b)

This paragraph is based in part upon the second paragraph of former Rule 43. The provision for requesting additional time by motion filed in advance of the date fixed for hearing is new. The final sentence, which reminds counsel that he need not use all the time allowed and which provides that the court may terminate the argument whenever in its judgment further argument is unnecessary, is also new.

Paragraph (a) limits the power of the court to deny permission to argue orally to cases in which it is determined that no substantial question is presented, and cautions that the power to dispense with oral argument is to be used sparingly. Paragraph (b), on the other hand, leaves the court free to limit the length of the argument in advance, as well as to terminate it once it has begun. when argument is to be limited in advance, ordinarily counsel should be notified reasonably in advance of the date set for argument.

Paragraph (c)

This provision is taken from Second, Third, Fourth, and Fifth District (and earlier Uniform) Appellate Court Rule 13(4), second paragraph, last sentence.

Paragraph (d)

This paragraph is based upon the first sentence of the third paragraph of former Rule 43 and paragraph 4 of Rule 44 of the rules of the Supreme Court of the United States.

Paragraph (e)

This paragraph is new.

Paragraph (f)

This paragraph is derived from the second sentence of former Supreme Court Rule 43 (which did not provide for the filing of another brief upon leave of court or a judge thereof) and the last

paragraph of former Second, Third, Fourth, and Fifth District (and earlier Uniform) Appellate Court Rule 13(4).

Paragraph (g)

This paragraph is new.

**Amended Rule 361**

**Rule 361. Motions in Reviewing Court**

**(a) Content of Motions; Supporting Record; Other Supporting Documents~~Papers~~**. Unless another form is elsewhere prescribed by these rules, an application for an order or other relief shall be made by filing a motion. Motions shall be in writing and shall state the relief sought and the grounds therefor. If the record has not been filed the movant shall file with the motion an appropriate supporting record (Rule 328). When the motion is based on facts that do not appear of record it shall be supported by affidavit or verification by certification pursuant to section 1-109 of the Code of Civil Procedure. Any affidavit shall be sworn to before a person who has authority under the law to administer oaths. Argument not contained in the motion may be made in a supporting memorandum.

If counsel has conferred with opposing counsel and opposing counsel has no objection to the motion, that fact should be stated in the motion in order to allow the court to rule upon the motion without waiting until the time for filing responses has expired~~passed~~.

**(b) Filing; Proposed Order; Responses~~In Appellate Court; In Supreme Court While in Session~~.** ~~If the motion is filed in the Appellate Court, or in the Supreme Court while in session, the~~The motion shall be served, presented, and filed as follows:

(1) The motion, together with proof of service, shall be filed with the clerk. See Rule 11 regarding manner of serving documents and Rule 12 regarding proof of service. Service and filing will be excused only in case of necessity.

(2) A proposed order phrased in the alternative (*e.g.*, "Allowed" or "Denied") shall be submitted with each motion and shall be served upon all counsel of record. No motion shall be accepted by the clerk unless accompanied by such a proposed order.

(3) Responses to a motion shall be in writing and be filed, with proof of service, within 5 days after personal~~,~~ or e-mail ~~or facsimile~~ service of the motion, or 10 days after mailing of the motion if service is by mail, or 10 days after delivery to a third-party commercial carrier if service is by delivery to a third-party commercial carrier, or within such further time as the court or a judge thereof may allow. Except by order of court, replies to responses will not be allowed and oral arguments on motions will not be heard.

~~(3) Motions, supporting papers, and responses filed in the Supreme Court shall consist of an original and one copy and in the Appellate Court an original and three copies (in workers' compensation cases arising under Rule 22(g) an original and five copies). A proposed order phrased in the alternative (e.g., "Allowed" or "Denied") shall be submitted with each motion, and a copy shall be served upon all counsel of record. A copy of the style of such orders may be obtained from the clerk's office. No motion shall be accepted by the clerk unless accompanied by such a proposed order.~~

**(c) Additional Requirement in~~In~~ Supreme Court ~~While Not in Session~~.**

(1) If a rule provides that relief may be granted "by the court or a justice thereof," the motion shall be directed to only one justice. ~~Such a motion shall be directed~~ The clerk shall direct the motion to the justice of the judicial district involved or, in Cook County, to the justice designated to hear motions. ~~For the second, third, fourth, and fifth judicial districts, the original motion and one copy shall be filed with the clerk in Springfield, together with a proof of service and a proposed order in compliance with paragraph (b)(3).~~ The response to a motion shall also be directed to the justice within the time provided in paragraph (b)(3). ~~(2), and the original and one copy shall be filed with the clerk in Springfield. For the first judicial district (Cook County), the motion and one copy, together with a proof of service and a proposed order, shall be filed with the clerk in the Chicago satellite office. The deputy clerk will direct the motion to the justice designated to hear motions. Responses to a motion shall be filed with the clerk in the Chicago satellite office within the time provided in paragraph (b)(2).~~

(2) If the motion seeks relief that under these rules requires action by the full court, ~~and the case arises from the second, third, fourth, or fifth judicial district,~~ the movant shall file the motion in accordance with paragraph (b)(1). ~~original and eight copies with the clerk in Springfield.~~ Responses to a motion ~~and eight copies~~ shall be filed with the clerk ~~in Springfield~~ within the time provided in paragraph (b)(3) ~~(2)~~ or, if applicable, within the time provided in Rule 381 or 383. ~~If the case arises from the first judicial district (Cook County), the movant shall file an original and eight copies with the clerk in the Chicago satellite office. Responses to a motion and eight copies shall be filed with the clerk in Chicago within the time provided in paragraph (b)(2) or, if applicable, within the time provided in Rule 381 or 383. Regardless of district, a proof of service in the form required in the preceding shall accompany the motion.~~

**(d) When Acted Upon**. Except in extraordinary circumstances, or where opposing counsel has indicated no objections, no motion will be acted upon until the time for filing responses has expired.

**(e) Corrections**. The clerk is authorized to make corrections in any document of a party to any pending case upon receipt of written request from that party together with proof that a copy of the request has been transmitted to all other parties.

**(f) Motions for Extensions of Time.** Motions for extensions of time shall be supported by affidavit or verification by certification under section 1-109 of the Code of Civil Procedure of counsel or the party showing the number of previous extensions granted and the reason for each extension. Any affidavit shall be sworn to before a person who has authority under the law to administer oaths.

**(g) Emergency Motions and Bail Motions.** Each District of the Appellate Court shall promulgate and publish rules setting forth the procedure for emergency motions, including notice requirements. Subject to the rules of each District, an emergency motion must specify the nature of the emergency and the grounds for the specific relief requested. Except in the most extreme and compelling circumstances, a motion for an extension of time will not be considered an emergency. Motions regarding bail in criminal cases or bonds in civil and criminal cases shall be considered emergency motions if so designated by the movant.

**(h) Dispositive Motions.**

(1) Dispositive motions in the Appellate Court should be ruled upon promptly after the filing of the objection to the motion, if any. A dispositive motion may be taken with the case where the court cannot resolve the motion without consideration of the full record on appeal and full briefing of the merits.

(2) For purposes of this Rule 361(h), "dispositive motion" means any motion challenging the Appellate Court's jurisdiction or raising any other issue that could result in the dismissal of any portion of an appeal or cross appeal without a decision on the merits of that portion of the appeal or cross-appeal.

(3) A dispositive motion shall include:

(a) a discussion of the facts and issues on appeal sufficient to enable the court to consider the dispositive motion;

(b) a discussion of the facts and law supporting the dismissal of the appeal or cross-appeal or portion thereof prior to a determination of the appeal on the merits;

(c) a discussion of the relationship, if any, of the purported dispositive issue to the other issues on appeal;

(d) an appropriate supporting record containing (i) if the record on appeal has not yet been filed, the parts of the trial court record necessary to support the dispositive motion; and (ii) if necessary, any evidence of relevant matters not of record in accordance with Rule 361(a).

(4) An objection to a dispositive motion shall address each of the required portions of the motion, and if the record on appeal has not yet been filed, shall include any parts of the trial court record not submitted by the movant that is necessary to oppose the motion, and may include evidence of relevant matters not of record in accordance with Rule 361(a).

(5) The Appellate Court may order additional briefing, record submissions, or oral argument as it deems appropriate.

Amended September 29, 1978, effective November 1, 1978; amended July 30, 1979, effective October 15, 1979; amended January 5, 1981, effective February 1, 1981; amended May 28, 1982, effective July 1, 1982; amended June 15, 1982, effective July 1, 1982; amended August 9, 1983, effective October 1, 1983; amended August 30, 1983, effective October 1, 1983; amended February 27, 1987, effective April 1, 1987; amended December 17, 1993, effective February 1, 1994; amended October 1, 1998, effective immediately; amended May 25, 2001, effective immediately; amended October 14, 2005, effective January 1, 2006; amended May 24, 2006, effective September 1, 2006; amended December 29, 2009, effective immediately; amended March 14, 2014, effective immediately; amended Dec 11, 2014, eff. Jan. 1, 2015; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(January 1, 2006)

Paragraph (h) was added effective January 1, 2006, to address the concerns of the bench and bar with respect to dispositive motions in the Appellate Court. Where a straightforward dispositive issue exists, such as an easily determinable lack of appellate jurisdiction, taking the

motion with the case delays the final resolution of the case and greatly increases the burden on all parties by forcing them unnecessarily to brief and argue the merits of the appeal. Paragraph (h) requires that dispositive motions provide the necessary context, including those portions of the record that are necessary to resolve the motion. Where such context is provided, the rule provides that the court should resolve the dispositive motion "promptly after the filing of the objection, if any."

Committee Comments
(Revised May 1982)

Rule 361 replaced former section 86.1 of the Civil Practice Act, former Supreme Court Rule 49, former Rule 3 of the First District Appellate Court, and former Rule 5 of the other districts (earlier Uniform Appellate Court Rule 5). It applies to motions in all reviewing courts. Except for the provisions as to time, the rule made no substantial change in the preexisting practice. The argument in support of a motion, if not set forth in the motion itself, is to be submitted in a memorandum in support of the motion, rather than in a document entitled "suggestions." The time provisions are designed to insure that the other parties have an opportunity to file objections. The number of copies of documents conforms to former requirements in the Supreme Court and all Appellate Court districts except the First District, which required an original and two copies. The additional copy gives the clerk one for his file. Paragraph (f) was new.

Paragraph (g) was added in 1978, extending to civil cases a requirement formerly appearing in Rule 610(3) (58 Ill. 2d R. 610(3)), applicable only to criminal appeals.

Two clarifying changes were made in 1979. The first sentence of paragraph (a) was added to make it explicit that, unless otherwise provided for, all applications for relief are to be made by motion, and the provisions of former Rule 328, abrogated in 1979, were in substance transferred to paragraph (a) of this rule, where they appear as the third sentence. The "short record" under the former practice is called a "supporting record" in recognition of the fact that such a record serves the sole purpose of supporting the motion and not as a basis for docketing an appeal as the "short record" was under Rule 327 before its amendment in 1979.

In 1981, paragraph (c) was amended to require that copies of motions directed to a justice when the court is not in session must be sent to the other justices at their district chambers whenever the motion seeks relief that will require action by the full court. In 1982, it was amended to clarify this requirement.

Commentary
(December 17, 1993)

The rule has been reorganized and nonsubstantive additions are made. Reference to the former motion call practice of the Supreme Court in the First District has been deleted.

**Amended Rule 362**

**Rule 362. Amendment of Pleadings and Process in the Reviewing Courts.**

(a) Application. Any party who seeks on appeal to amend his or her pleadings or the process in the record on appeal shall present a ~~written application therefor,~~ motion, consistent with Rule 361, supported by affidavit. No motion~~application~~ shall be submitted~~presented~~ until the record on appeal is on file.

(b) Showing Necessary. The motion~~application,~~ and the affidavit in support thereof~~,~~ must show the amendment to be necessary, that no prejudice will result to the adverse party if the amendment sought is permitted, and that the issues sought to be raised by the amendment are supported by the facts in the record on appeal. The amended pleading or process shall be ~~presented~~submitted with the motion.~~application.~~

(c) Service. A copy of the motion~~application~~ and affidavit in support thereof must be served upon the other parties and proof of service filed at the time the motion~~application~~ and affidavit are filed.

(d) Objections. The opposing party shall have five days in which to file objections, service of which shall be made upon the movant~~applicant~~, and proof of service filed with the clerk of the reviewing court.

(e) Time. No motion~~application~~ for amendment of pleadings or process will be considered if made after the cause has been submitted for decision.

(f) On Court's Own Motion. The reviewing court may, of its own motion, before or after submission of the case for decision, order amendment to be made.

Amended December 17, 1993, effective February 1, 1994; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

This is former Rule 50 without change of substance.

**Amended Rule 364**

**Rule 364. Privacy Protection for Documents Filed in Courts of Review.**

(a) Applicability.

(1) Any document, including exhibits, containing personal identifiers shall not be filed with a court of review except as provided in paragraph (c). ~~This rule applies to paper and electronic filings.~~

(2) This rule does not apply to documents in cases filed confidentially or to any document filed under seal.

(b) Personal identifiers, for purposes of this rule, are defined as follows:

(1) Social Security and individual taxpayer-identification numbers;

(2) driver's license and state identification card numbers;

(3) financial account numbers;

(4) debit and credit card numbers; and

(5) for a juvenile or recipient of mental health services involved in a proceeding

referenced in Rule 341(f), the name of the individual.

(c) The filing of a document containing personal identifiers is permissible if redacted~~, by using the letter "x" in place of each omitted digit or character, and shall~~ to only include:

(1) the last four digits of the Social Security or individual taxpayer-identification number;

(2) the last four digits of the driver's license or state identification card number;

(3) the last four digits of the financial account number;

(4) the last four digits of the debit and credit card number; and

(5) in appeals filed from proceedings referenced in Rule 341(f), rather than redaction, the respective juvenile or recipient of mental health services shall be identified by first name and last initial, except that initials only shall be used when, due to an unusual first name or spelling, using the first name and last initial would create a substantial risk of revealing the individual's identity.

(d) When the filing of personal identifiers is required by law, ordered by the court, or otherwise necessary to effect disposition of a matter, the party filing the document shall file a ~~form in substantial compliance with the appended~~ "Notice ~~O~~of Confidential Information Within Court Filing," prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article III Forms Appendix.~~along with the number of copies required for motions pursuant to Rule 361.~~ Proof of service, as provided by Rule 12, shall be filed with the notice. The notice shall contain the personal identifiers in issue, and shall be filed under seal by the clerk immediately upon filing. Thereafter, the notice and any attachments thereto shall remain under seal and not available for public access, except as the court or a justice thereof may order.

After the notice containing the personal identifier has been filed under seal, subsequent documents filed in the case shall include only redacted personal identifiers and, if necessary, appropriate reference to the sealed document containing the personal identifier.

If any of the personal identifiers in the sealed filing subsequently requires amendment or updating, the responsible party shall file the amended or additional information by filing an amended ~~a separate~~ "Notice ~~O~~of Confidential Information Within Court Filing." ~~form.~~

(e) The clerk of the reviewing court is not required to review documents or exhibits for compliance with this rule.

(f) If a document or exhibit is filed containing personal identifiers, a party or any other person whose information has been included may file a motion pursuant to Rule 361 requesting that the court order redaction or the proper designation pursuant to this rule. The motion shall be filed under seal, and the clerk of the reviewing court shall remove the document or exhibit containing the personal identifier from public access pending the court's ruling on the motion. A motion requesting redaction or the proper designation pursuant to this rule shall have attached a copy of the redacted version of the document. If the court or a judge thereof allows the motion, the clerk shall retain the unredacted copy under seal and the redacted copy shall become available for public access.

## ~~Appendix~~

Case Number in the Reviewing Court

Name of Reviewing Court (Include Appellate District, if applicable)

| | | |
|---|---|---|
| Case Title (Complete) | ) | Appeal from Circuit Court of _____ County |
| | ) | Lower Court Case No. _____ |
| | ) | Trial Judge _____ |

**NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING**

Pursuant to Illinois Supreme Court Rule 364(d), the filer of a document containing personal identifiers required by law, ordered by the court, or otherwise necessary to effect disposition of a matter shall, at the time of such filing, include this confidential information form which identifies the personal identifier redacted from such filing pursuant to Rule 364(d), and which will be redacted from future filings to protect the subject personal identifier. **This personal identifier information will not be available to the public and this document will be sealed by the clerk of the reviewing court.**

**Party/Individual Information:**

1. Name: _____

Address: _____

_____

Phone: _____

SSN: _____

Other personal identifiers as defined in Rule 364(b), to the extent applicable:

2. Name: _____

Address: _____

~~_____~~

~~Phone: _____~~

~~SSN: _____~~

~~___~~

~~Other personal identifier information as defined in Rule 364(b), to the extent applicable:~~

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~~(Attach additional pages, if necessary.)~~

Adopted Dec. 3, 2015, eff. July 1, 2016; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 365

**Rule 365. Appeal to Wrong Court**

If a case is appealed to either the Supreme Court or the Appellate Court, or the wrong district of the Appellate Court, which should have been appealed to a different court, the case shall be transferred to the proper court, and the clerk shall transmit the record on appeal and all other documents~~papers~~ filed in the case, with the order of transfer, to the clerk of the proper court. That clerk shall file the record and other documents~~papers~~ upon receiving them, without charging an additional filing fee, and the case shall then proceed as if it had been appealed to the proper court in the first instance. Any bond executed in such a transferred case is binding on the parties thereto with the same force and effect as if given in a case appealed directly to the court to which the case is transferred.

Amended December 17, 1993, effective February 1, 1994; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

Paragraph (a) is former Rule 28-1(D), which belongs here rather than in the rule relating to direct appeals to the Supreme Court. Paragraph (b) is section 86 of the Civil Practice Act, which covers the same ground as former Rule 47.

Commentary
(December 17, 1993)

Paragraph (a) concerning collateral attack and waiver is deleted because it is an outdated

vestige of practice under Illinois' former Constitution.

This rule is expanded to permit limited, intra-district transfers when appeals are docketed in the wrong appellate court district.

## Amended Rule 367

**Rule 367. Rehearing in Reviewing Court**

**(a) Time; Length**. A petition for rehearing may be filed within 21 days after the filing of the judgment, unless on motion the time is shortened or enlarged by the court or a judge thereof. Motions to extend the time for petitioning for rehearing are not favored and will be allowed only in the most extreme and compelling circumstances. Unless authorized by the court or a judge thereof, the petition shall be limited to 27 pages, or alternatively 8,000 words, and in either case be supported by a certificate of compliance in accordance with Rule 341(c).

**(b) Contents.** The petition shall state briefly the points claimed to have been overlooked or misapprehended by the court, with proper reference to the particular portion of the record and brief relied upon, and with authorities and argument, concisely stated in support of the points. Reargument of the case shall not be made in the petition.

**(c) Form and~~; Copies; Service.; Notification of Reporter.~~** ~~The number of copies of the~~ For the petition~~,~~ and ~~of~~ any answer or reply (see paragraph (d)), the form, cover, and service shall conform to the requirements for briefs (see Rule 341), including the submission of duplicate paper copies, if required.~~except that, in the Supreme Court, petitions for rehearing shall be delivered or mailed by first-class mail or delivered by third-party commercial carrier, and a copy of the petition or any motion seeking to change the time for filing the petition shall also be delivered or mailed by first-class mail or delivered by third-party commercial carrier to the Reporter of Decisions, 301 N. 2nd Street, Springfield, IL 62702, and a certificate of mailing or delivery shall be supplied to the clerk of the Supreme Court.~~

**(d) Answer; Reply; Oral Argument.** No answer to a petition for rehearing will be received unless requested by the court or unless the petition is granted. No substantive change in the relief granted or denied by the reviewing court may be made on denial of rehearing unless an answer has been requested. If the petition is granted or if an answer is requested, the opposing party shall have 21 days from the request or the granting of the rehearing to answer the petition, and petitioner shall have 14 days after the due date of the answer within which to file a reply. Unless authorized by the court or a judge thereof, the answer shall be limited to 27 pages, or alternatively 8,000 words, the reply shall be limited to 10 pages, or alternatively 3,500 words, and each must be supported by a certificate of compliance in accordance with Rule 341(c). ~~Three copies (or one copy if by e-mail service) of each~~ The petition shall be served on opposing counsel and proof of service filed with the clerk. The ~~original~~ briefs of the parties, ~~and~~ the petition for rehearing, the answer, and the reply shall stand as briefs on the rehearing. Oral argument will be permitted only if ordered by the court on its own motion.

**(e) Limitation on Petitions in Appellate Court.** When the Appellate Court has acted upon a petition for rehearing and entered judgment on rehearing no further petitions for rehearing shall be filed in that court.

Amended October 1, 1976, effective November 15, 1976; amended February 19, 1982, effective April 1, 1982; amended April 10, 1987; amended June 12, 1987, effective August 1, 1987; amended December 17, 1993, effective February 1, 1994; amended October 14, 2005, effective January 1, 2006; amended May 24, 2006, effective September 1, 2006; amended December 29, 2009, effective immediately; amended Dec. 11, 2014, eff. Jan. 1, 2015; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended Mar. 8, 2016, eff. immediately; amended Aug. 15, 2016, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Commentary
(December 17, 1993)

The rule is modified to reflect that all types of reviewing court dispositions are subject to the rehearing procedures and time limits (see *Woodson v. Chicago Board of Education* (1993), 154 Ill. 2d 391).

Committee Comments
(Revised February 1982)

This rule is based upon former Rule 44.

Paragraph (a)

As adopted in 1967, paragraph (a) changed the time limit provided in former Rule 44 to 21 days in accordance with the general principle that time periods should be multiples of seven days. The flat prohibition against extensions of time appearing in former Rule 44 was removed in favor of a statement that extensions were not favored. In 1976, the paragraph was amended to strengthen the language disfavoring extensions of time.

(Paragraph (b)

This paragraph is the second and third sentences of former Rule 41(1) without change of substance.

Paragraph (c)

This paragraph was derived from a part of the first sentence of former Rule 44(1) and the third sentence of paragraph (2) of that rule. There was no change of substance until 1982, when the rule was reworded to specifically require that the parties furnish the Reporter of Decisions a copy of any rehearing petition or any motion seeking to change the time for filing a rehearing petition.

Paragraph (d)

This paragraph is based primarily upon former Rule 44(3). It does not change the preexisting practice.

Paragraph (e)

This new provision is applicable only to the Appellate Court. When that court has twice considered a case, once initially and a second time on rehearing, there would seem to be no need for further consideration, especially when there is a higher court from which relief can be sought. See Rules 315(b), 316, and 317 as to the date from which the time for seeking Supreme Court review begins to run.

## Amended Rule 372

**Rule 372. Removing Records from Reviewing Court**

**(a) Work on Appeal.** Prior to the due date of the reply brief, any party to the appeal may, for the purpose of work on the appeal, request, in writing, the clerk of the reviewing court to transmit any paper or physical components of the record on appeal to the clerk of the trial court or to the party's attorney. The clerk shall comply with the request, without the necessity of obtaining an order of court, by sending the paper or physical components of the record to the clerk of the trial court or the attorney, charges collect. Upon receiving the paper or physical components of the record on appeal, the clerk of the trial court or the attorney is responsible for its safekeeping and shall return the record components to the clerk of the reviewing court by prepaid mail or express not later than the day upon which the reply brief is due. The parties may unbind any paper components of the record for the purpose of photocopying, but the party responsible for unbinding the record must restore it to its original condition.

**(b) Other.** Except as otherwise provided in this rule, no paper or physical components of the record shall be taken from the files of the reviewing court except on leave granted by the court, or a judge thereof. The clerk shall report promptly to the Court every violation of this rule.

Amended January 5, 1981, effective February 1, 1981; amended December 17, 1993, effective February 1, 1994; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised January 5, 1981)

This is substantially former Supreme Court Rule 54 and Rule 20 of the Second, Third, Fourth and Fifth Appellate Court Districts, made applicable to all reviewing courts. A change permits the clerk to transmit the record directly to the attorney who will be using it, and not merely to the clerk of the trial court, who would then in normal course let the attorney have it. For many years prior to the adoption of this rule the clerk of the Appellate Court for the First District was authorized to permit temporary withdrawal of the record by attorneys who needed to use it in preparing their briefs and abstracts. The bar did not abuse this privilege.

With the elimination of "excerpts from record" in 1979, paragraph (a) of Rule 372 was amended in 1981 to substitute the due date of the reply brief for the due date of the excerpts from record as a base for the time limit imposed on requests under the paragraph. Since under the prior practice both the reply brief and the excerpts from record were due 14 days after the due date of the appellee's brief, the 1981 amendment does not effect a change in the practice.

## Amended Rule 373

**Rule 373. Date of Filing ~~Papers~~ in Reviewing Court~~.; Certificate or Affidavit of Mailing~~**

Unless received after the due date, the time of filing records, briefs or other documents~~papers~~ required to be filed within a specified time will be the date on which they are actually received by the clerk of the reviewing court. If received after the due date, the time of mailing~~, or the time of delivery to a third-party commercial carrier for delivery to the clerk within three business days,~~ by an incarcerated, self-represented litigant shall be deemed the time of filing. Proof of mailing ~~or delivery to a third-party commercial carrier~~ shall be as provided in Rule 12~~(b)(3) or, in the case of mailing by a *pro se* petitioner from a correctional institution, as provided in subpart (b)(4) of Rule 12~~. This rule also applies to a motion directed against the judgment and to the notice of appeal filed in the trial court.

Amended January 5, 1981, effective February 1, 1981; amended July 1, 1985, effective August 1, 1985; amended December 17, 1993, effective February 1, 1994; amended December 29, 2009, effective immediately; amended September 19, 2014, eff. immediately; amended Oct. 6, 2016, eff. Nov. 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised July 1, 1985)

Rule 373 was new in 1967. It was designed to make it unnecessary for counsel to make sure that briefs and other papers mailed before the filing date actually reach the reviewing court within the time limit. Receipt of the paper in the clerk's office a day or two later will not delay the appeal. As originally adopted the rule provided that the time of mailing might be evidenced by the post mark affixed by a United States Post Office. Because of problems with the legibility of post marks, and delay in affixing them in some cases, the rule was amended in 1981 to provide for the use of affidavits of mailing or United States Postal Service certificates of mailing.

The 1985 amendment regarding the recording of a filing date was intended to simplify record keeping in the appellate and supreme courts.

Commentary
(December 17, 1993)

The rule is revised to make the method of proof of mailing consistent with practice under Rule 12.

Reference to the notice of appeal coming within the scope of the rule is a reflection of existing law (see *Harrisburg-Raleigh Airport Authority v. Department of Revenue* (1989), 126 Ill. 2d 326).

Committee Comments
(December 29, 2009)

The rules on service and filing have been revised to provide for sending documents via third-party commercial carrier. Under these rules, the term "delivery" refers to all the carrier's standard pick-up methods, such as dropping a package in a UPS or FedEx box or with a UPS or FedEx contractor.

**Amended Rule 374**

**Rule 374. Costs in the Reviewing Courts.**

**(a)** Except as otherwise provided by law, if an appeal is dismissed, costs shall be taxed against the appellant unless otherwise agreed by the parties or excused by the court for good cause shown; if a judgment is affirmed, costs shall be taxed against the appellant unless excused by the court for good cause shown; if a judgment is reversed, costs shall be taxed against the appellee unless excused by the court for good cause shown; if a judgment is affirmed or reversed in part or is vacated, costs shall be allowed only as ordered by the court.

**(b)** The following costs are taxable:

(1) filing fees paid to the clerk of the reviewing court;

(2) appearance fees in the reviewing court;

(3) the fee paid to the clerk of the trial court (but not to court reporter) for preparing the record for appeal; and

~~(4) the actual and reasonable costs of printing or otherwise producing necessary copies of an abstract requested by the reviewing court pursuant to Rule 342 (however, the clerk of the reviewing court will not tax costs for unnecessary matters included in the abstracts, nor will the clerk allow costs for additional abstract without order of court); and~~

(4)~~(5)~~ the actual and reasonable cost of printing~~,~~ or otherwise producing duplicate paper ~~necessary~~ copies of documents~~briefs~~ authorized by these rules (the cost of including unnecessary matters or arguments may be disallowed as costs).

**(c)** An appellant or an appellee, as the case may be, who desires costs to be taxed, shall state them in an itemized and verified bill of costs which should be filed with the clerk of the reviewing court, with proof of service, within 14 days after rehearing is denied or barred. Any objections to the bill of costs must be filed within 10 days after service of the bill of costs, unless the time is extended by the court. If objections are filed to the bill of costs, the clerk of the reviewing court will refer said bill and objections to the court for disposition. If no objections are filed to the bill of costs, the clerk of the reviewing court shall tax the costs.

**(d)** Costs pursuant to this rule shall not be taxed against any public, municipal, governmental, or quasi-municipal corporation, or against any public officer in that person's official capacity for the benefit of the public.

Adopted February 19, 1982, effective April 1, 1982; amended December 17, 1993, effective February 1, 1994; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 381

**Rule 381. Original Actions in the Supreme Court Pursuant to Article VI, Section 4(a), of the Constitution**

**(a) Motion for Leave to File; Only Issues of Law Considered.** Proceedings in the supreme court in original actions in cases relating to revenue, *mandamus*, prohibition, or *habeas corpus*, and as may be necessary to the complete determination of any case on review, shall be instituted by filing a motion, supported by explanatory suggestions, for leave to file a complaint seeking appropriate relief. Only issues of law will be considered. The proposed complaint shall be sworn to and shall contain or have attached to it the lower court records or other pertinent material that will fully present the issues of law. ~~If the motion is filed when the court is not in session and the case arises from the second, third, fourth, or fifth judicial district, the movant shall file the original and eight copies with the clerk in Springfield. If the case arises from the first judicial district (Cook County), the movant shall file the original motion and eight copies with the clerk in the Chicago satellite office.~~

**(b) Service of Process.** The~~A copy of the~~ motion, together with the proposed complaint, shall be served upon the other party or parties, including the nominal party or parties, and proof of service shall be filed at the time the motion is filed.

**(c) Judge a Nominal Party.** In an original action to review a judge's judicial act the judge is a nominal party, only, in the proceeding, and need not respond to the motion or complaint unless instructed to do so by the court. The judge's failure to do so will not admit any allegation. Counsel for the prevailing party may file any appropriate documents~~papers~~ for that party but shall not file any document~~paper~~ in the name of the judge.

**(d) Objections to Motion.** The respondent shall have 7 days after personal~~,~~ or e-mail ~~or facsimile~~ service of the motion, or 14 days after mailing of the motion if service is by mail, or 14 days after delivery to a third-party commercial carrier if service is by delivery to a third-party commercial carrier, or within such further time as the court or a judge thereof may allow to file any objections to the motion, and service shall be made upon the movant and proof of service filed with the clerk of the court. Oral argument on the motion shall be permitted as the court may allow.

**(e) Briefs.** If the motion is allowed, briefs conforming to the requirements of Rules 341 through 344 shall be filed in support of the pleadings, within the time fixed by the court on motion of any party or on its own motion. On notice to the court and the other party or parties, the plaintiff or defendant may allow ~~his or her~~ the original filing ~~papers~~ to stand as ~~his or her~~ the brief without order of court.

Amended effective May 27, 1969, and July 1, 1971; amended January 5, 1981, effective February 1, 1981; amended February 19, 1982, effective April 1, 1982; amended February 27, 1987, effective April 1, 1987; amended December 17, 1993, effective February 1, 1994; amended March 1, 2001, effective immediately; amended December 29, 2009, effective immediately; amended March 14, 2014, effective immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised January 5, 1981)

Paragraphs (a), (b) and (c)

Prior to the adoption of the Constitution of 1970, the original-jurisdiction rule necessarily was concerned with the only original-jurisdiction cases authorized by the Constitution of 1870, which were limited to actions relating to revenue, mandamus, prohibition and habeas corpus. The new constitution vests original and exclusive jurisdiction in the Supreme Court in other classes of cases in which factual issues might arise. Rule 381 would be inappropriate for such cases. Paragraph (a) has, therefore, been modified to limit Rule 381 to the traditional original actions to which it has previously applied, which are now covered by article VI, section 4(a), of the 1970 Constitution. A new Rule 382 provides for cases arising by virtue of the new mandatory exclusive original jurisdiction vested in the Supreme Court by articles IV and V of the 1970 Constitution.

The procedure in original actions was unchanged in substance by this rule, as adopted effective January 1, 1967, though it is spelled out in more detail than it was in former Rule 46, which governed until that date. Effective January 1, 1964, the paragraph of the former rule requiring original proceedings relating to the revenue to be brought at least 20 days before the first day of the term, unless the cause is continued, was deleted as unnecessary. Matters relating to the closing of the issues, the briefing schedule, and the holding of an oral argument are left to the discretion of the Supreme Court.

Paragraph (a) was amended in 1981 to add the penultimate sentence, requiring that when the motion is filed when the court is not in session, a copy shall be sent to each of the justices at his district chambers. See the committee comments to Rule 361(c).

Paragraph (d)

Paragraph (d) was added to Rule 381 in May, 1969, to protect the judge whose action is being reviewed from becoming personally involved as a party in litigation in which his role is solely judicial. The amendment makes it unnecessary for the judge to choose between the alternatives of retaining counsel of his own or being represented by counsel for the successful party. “A judge will thus be guarded from engaging in ex parte discussions with counsel or aligning himself even temporarily with one side in pending litigation.” *Rapp v. VanDensen* (3d Cir. 1965), 350 F.2d 806, 813. See also *General Tire & Rubber Co. v. Watkins* (4th Cir. 1966), 363 F.2d 87, 89. See also Rule 21 of the Federal Rules of Appellate Procedure.

## Amended Rule 382

**Rule 382. Original Actions in the Supreme Court Pursuant to Article IV, Section 3, and Article V, Section 6(d), of the Constitution**

**(a) Institution of proceedings.** Proceedings in the Supreme Court when the court has original and exclusive jurisdiction under article IV, section 3, and article V, section 6(d), of the Constitution, which relate to redistricting of the General Assembly and to the ability of the Governor to serve or resume office, shall be instituted by filing a motion for leave to file a

complaint, which motion shall be accompanied by the complaint and a brief in support of the motion. The complaint may be supported by affidavits or other pertinent documents.

**(b) Subsequent Procedure.** Thereafter the case shall proceed in the manner ordered by the court. Whenever appropriate, and subject to order of the court, the rules governing cases in the circuit court shall serve as a guide to the procedure to be followed. The court may dispose of the case on the documents~~papers~~ filed or may order further briefing or may order oral argument on the motion for leave to file or on the complaint or on the pleadings or on the pleadings supplemented by pertinent documentary evidence, or may call for additional evidence and for briefs and argument after such evidence has been received. If the court determines that disputed issues of material fact must be resolved on the basis of oral testimony, it may appoint a judge or retired judge of any Illinois court to take testimony and to report his findings of fact and recommendations to the Supreme Court.

**(c) Briefs, Pleadings, and Other Documents.** Briefs, pleadings, and other documents filed with the Supreme Court in cases covered by this rule shall, to the extent appropriate, conform to Rules 341 through 344.

Effective July 1, 1971; amended December 17, 1993, effective February 1, 1994; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(July 1, 1971)

This rule is based in part upon Rule 381 and in part upon Rule 9 of the United States Supreme Court Rules and the practice thereunder, which enables that court to deal with original cases involving factual issues requiring the taking of evidence. The object is to give the court complete flexibility as to the procedure to be followed, depending upon the circumstances of the particular case. The procedures most likely to be employed, which have been employed by the United States Supreme Court, are specifically described because of the unfamiliarity of some of such procedures in prior Illinois practice.

The defendant need take no action until the Supreme Court indicates what is appropriate. If the court deems the complaint obviously insufficient on its face, it may dispose of the case without calling the defendant to do anything. It may request the defendant to file either an answer to the complaint or a brief, in part depending on whether factual issues are presented. Because of the constitutional prohibition against "fee officers in the judicial system" (art. VI, §14), the evidence must be taken by an active or retired judge, who will be already receiving a State salary, rather than by a master.

## Amended Rule 383

**Rule 383. Motions for Supervisory Orders**

**(a)** A motion requesting the exercise of the Supreme Court's supervisory authority shall be supported by explanatory suggestions and shall contain or have attached to it the lower court records or other pertinent material that will fully present the issues, authenticated as required by Rule 328.

**(b)** The~~A copy of the~~ motion, explanatory suggestions, and all supporting documents~~papers~~ must be served upon the other parties, including the nominal party or parties, and proof of service filed at the time the motion is filed.

**(c)** A person whose act is the subject of this proceeding shall be designated as a respondent. A respondent need not respond to the motion unless instructed to do so by the court, and failure to respond will not admit any of the allegations contained in the motion. The prevailing party or parties below shall file appropriate documents~~papers~~ for that respondent but shall not file any document~~paper~~ in the name of the respondent.

**(d)** The prevailing party below shall have 7 days after personal~~,~~ or e-mail ~~or facsimile~~ service of the motion, or 14 days after mailing of the motion if service is by mail, or 14 days after delivery of the motion to a third-party commercial carrier if service is by delivery to a third-party commercial carrier, or within such further time as the court or a judge thereof may allow, to file any objections to the motion, and service shall be made upon the movant and proof of service filed with the clerk of the court.

**(e)** Illegible documents shall not be filed. ~~copies of papers shall not be received. If the motion is filed when the court is not in session and the case arises from the second, third, fourth, or fifth judicial district, the movant shall file the original and eight copies with the clerk in Springfield. If the case arises from the first judicial district (Cook County), the movant shall file the original motion and eight copies with the clerk in the Chicago satellite office.~~

**(f)** Oral argument shall be permitted only if requested by the court.

Adopted August 9, 1983, effective October 1, 1983; amended February 27, 1987, effective April 1, 1987; amended December 17, 1993, effective February 1, 1994; amended March 1, 2001, effective immediately; amended December 29, 2009, effective immediately; amended February 10, 2014, effective immediately; amended March 14, 2014, effective immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

This procedure is intended to discourage a practice which has developed since 1971 by which parties petition for leave to file a petition for *mandamus* or, *in the alternative*, for a supervisory order, in cases in which *mandamus* would be an inappropriate remedy.

## Amended Rule 384

**Rule 384. Proceedings for the Transfer and Consolidation of Multicircuit Actions.**

**(a) Motion to Consolidate—Transfer.** When civil actions involving one or more common questions of fact or law are pending in different judicial circuits, and the Ssupreme Ceourt determines that consolidation would serve the convenience of the parties and witnesses and would promote the just and efficient conduct of such actions, the Ssupreme Ceourt may, on its own motion or on the motion of any party filed with the Ssupreme Ceourt, transfer all such actions to one judicial circuit for consolidated pretrial, trial, or post-trial proceedings.

**(b) Pretrial Consolidation—Remandment.** Unless the action is terminated or unless otherwise ordered by the Ssupreme Ceourt, an action transferred for pretrial proceedings only

shall, at or before the conclusion of those pretrial proceedings, be remanded to the circuit from which it was transferred. However, the Ssupreme Ccourt may, on its own initiative or at the request of the transferee circuit court, separate any claim, cross-claim, counterclaim or third-party claim and remand such claims at any time.

**(c) Procedure.**

(1) *General*. Except as otherwise provided hereafter, procedures for processing motions for consolidation filed under this rule shall, to the extent feasible, follow the procedures set forth in Rule 383, "Motions for Supervisory Orders."

(2) *Notice to Clerks*. A party filing a motion to consolidate shall file a copy of such motion with the clerk of the circuit court of each circuit in which the actions to be consolidated are pending, and shall include an appendix to such motion specifying the county in which each such case is pending and the names and file numbers of all cases to be consolidated.

(3) *Notice to Parties*. Service on other parties shall be as provided in Rule 383(b).

(4) *Oral Argument*. If the Ssupreme Ccourt requests oral argument on the motion to consolidate, the clerk of the Ssupreme Ccourt shall so notify the clerk of each affected circuit court and the attorney(s) for each affected party.

(5) *Procedures—Orders to Consolidate*. If the Ssupreme Ccourt grants a motion to consolidate or if the Ssupreme Ccourt initiates a consolidation of cases at the circuit court level, the clerk of the Ssupreme Ccourt shall transmitsend a copy of the court's order to the clerk of each affected circuit court and to the attorney(s) for each affected party. The clerks of the circuit courts from which a transfer is ordered shall promptly certify and transfer to the clerk of the circuit court to which the transfer is ordered all documentspapers in the affected cases and in this and all other respects the cases shall be treated as if there had been an intrastate transfer on the grounds of *forum non conveniens*. See Rule 187(c).

Adopted Oct. 25, 1990, eff. Nov. 1, 1990; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

This rule is new and is based upon Title 28, section 1407, of the United States Code, which establishes the procedure in the Federal courts for the transfer of civil actions involving one or more common questions of fact, pending in different districts, to one district for coordination or consolidated pretrial proceedings. This new rule provides for similar procedures in Illinois for the transfer of related cases pending in different judicial circuits within the State. The rule, however, not only covers cases involving common questions of fact, but includes cases which involve common questions of law as well. Additionally, this rule, unlike 28 U.S.C. §1407, also provides for the transfer of the related cases, where appropriate, for trial or post-trial proceedings and not just for transfers for pretrial proceedings.

Another major departure from the Federal procedures set forth in section 1407 is that transfers in Illinois will be made by the supreme court and not a judicial panel. This was considered required by the Illinois Constitution (Ill. Const. 1970, art. VI, §4) and is more consistent with current Illinois practice. In an attempt to adhere to current Illinois practice, the

rule provides that, to the extent feasible, motions processed under the new rule shall follow the procedures set forth in Rule 383, "Motions for Supervisory Orders." Further, where a transfer is ordered by the supreme court the clerks of the courts affected shall treat the case as if there had been an intrastate transfer on the grounds of *forum non conveniens* under Rule 187(c).

Section (c)(2) is new and does not have a counterpart in Rule 383. Section (c)(2) requires a party filing a motion to consolidate to also file a copy of the motion and an appendix specifying the county in which each case is pending and the names and file numbers of all the cases consolidated, with the clerk of the circuit court, where the asserted related actions are pending. Also, in section (c)(4), this rule specifically directs the clerk of the supreme court to notify the clerks of the affected circuits and the parties if the supreme court requests oral argument. This is also the case under section (c)(5) of the rule where the supreme court grants a motion to consolidate, the supreme court clerk again is directed to notify the affected circuit court clerks and the parties.

## New Article III Forms Appendix

## PART A. APPEALS FROM THE CIRCUIT COURT

### Rule 312. Docketing Statement

Docket Number in the Reviewing Court

| | | |
|---|---|---|
| Case Title (Complete) | ) | Appeal from _____County |
| | ) | Circuit Number_____ |
| | ) | Trial Judge _____ |
| | ) | Date of Notice of Appeal _____ |
| | ) | Date of Judgment _____ |
| | ) | Date of Postjudgment Motion Order |
| | ) | _____ |
| | ) | Supreme court rule which confers jurisdiction |
| | ) | upon the reviewing court _____ |

DOCKETING STATEMENT
(Civil)

1. Is this a cross-appeal, separate appeal, joining in a prior appeal, or related to another appeal which is currently pending or which has been disposed of by this court? _____

If so, state the docket number(s) of the other appeal(s):

_____

2. If any party is a corporation or association, identify any affiliate, subsidiary, or parent group:

_____

3. Full name and complete address of appellant(s) filing this statement:

Name: _____

Address:_____

Telephone:_____

E-mail address:_____

*Use additional page if multiple appellants.

Counsel on Appeal for appellant(s) filing this statement:

Name: _____ARDC #_____

Address: _____

Telephone: _____

E-mail address:_____

*Use additional page if multiple appellants.

4. Full name and complete address of appellee(s):

Name: _____

Address :_____

Telephone: _____

E-mail address:_____

*Use additional page if multiple appellees.

Counsel on Appeal for appellee(s):

Name: _____

Address:_____

Telephone: _____

E-mail address: _____

*Use additional page if multiple appellees.

5. Court reporting personnel:

Name: _____

Address: _____

Telephone: _____

E-mail address: _____

*Use additional page if multiple court reporting personnel.

6. Is this appeal from a final order in a matter involving child custody or allocation of parental responsibility pursuant to Illinois Supreme Court Rule 311(a), which requires **Mandatory Accelerated Disposition of Child Custody or Allocation of Parental Responsibilities Appeals**?

Yes: _____ No: _____

*If yes, this docketing statement, briefs and all other notices, motions and pleadings filed by any party shall include the following statement in bold type on the top of the front page:

**THIS APPEAL INVOLVES A QUESTION OF CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, ADOPTION, TERMINATION OF PARENTAL RIGHTS, OR OTHER MATTER AFFECTING THE BEST INTERESTS OF A CHILD.**

7. State the general issues proposed to be raised (failure to include an issue in this statement will not result in the waiver of the issue on appeal):

_____
_____
_____
_____

As ___ attorney for the appellant ____ self-represented appellant (check one), I hereby certify that on the ___ day of _____, 20__, I requested the clerk of the circuit court to prepare the record on appeal, and on the ___ day of _____, 20__, I requested the court reporting personnel to prepare the transcript(s).

_____ _____ _____

Date Appellant's Attorney OR Appellant

## PART C. RECORD ON APPEAL

### Rule 324. Preparation and Certification by the Circuit Clerk of the Record on Appeal

Appeal to the _____ Court of Illinois
_____ District
From the Circuit Court of the _____ Judicial Circuit
_____ County, Illinois

[Names of all plaintiffs,
including intervening plaintiffs]

Circuit Court No. _____
v. Trial Judge _____
Reviewing Court No. _____

[Names of all defendants,
including intervening or
impleaded defendants]

(The designations of appellant, appellee, cross-appellant, and cross-appellee may be added to follow the trial court designations. If not all plaintiffs or all defendants are appellants or appellees, the names of those who are should be included parenthetically just below the title.)

CERTIFICATION OF RECORD

The record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Common Law Record, containing _____ pages
_____ Volume(s) of the Report of Proceedings, containing _____ pages
_____ Volume(s) of the Exhibits, containing _____ pages

---

I do further certify that this certification of the record pursuant to Supreme Court Rule 324 issued out of my office this _____ day of _____, 20__.

_____
Clerk of the Circuit Court

**Rule 335. Direct Review of Administrative Orders by the Appellate Court**
**[(a)The Petition for Review.]**

IN THE APPELLATE COURT OF ILLINOIS
FOR THE _____ DISTRICT

[Name of Petitioner],
Petitioner,
v. Petition for Review
[Names of Agency and Other of Order of the

Parties of Record], [Name of Agency]

Respondent. Docket Number

[Name of Petitioner] hereby petitions the court for review of the order [or part of the order] of the [name of agency] which [describe the order or part as to which review is sought] entered on _____, 20 ___

_____

Attorney for Petitioner

Address:

## PART F. OTHER PROVISIONS

### Rule 364. Privacy Protection for Documents Filed in Courts of Review.

### Appendix

Case Number in the Reviewing Court

Name of Reviewing Court (Include Appellate District, if applicable)

Case Title (Complete) ) Appeal from Circuit Court of _____ County
) Lower Court Case No. _____
) Trial Judge _____

**NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING.** Pursuant to Illinois Supreme Court Rule 364(d), the filer of a document containing personal identifiers required by law, ordered by the court, or otherwise necessary to effect disposition of a matter shall, at the time of such filing, include this confidential information form which identifies the personal identifier redacted from such filing pursuant to Rule 364(d), and which will be redacted from future filings to protect the subject personal identifier. **This personal identifier information will not be available to the public, and this document will be sealed by the clerk of the reviewing court.**

**Party/Individual Information:**

1. Name: _____

   Address: _____

   _____

   Phone: _____

   SSN: _____

Other personal identifiers as defined in Rule 364(b), to the extent applicable:

2. Name: _____

Address: _____

_____

Phone: _____

SSN: _____

Other personal identifier information as defined in Rule 364(b), to the extent applicable:

(Attach additional pages, if necessary.)

Adopted June 22, 2017, eff. July 1, 2017.

**Amended Rule 604**

**Rule 604. Appeals from Certain Judgments and Orders**

**(a) Appeals by the State.**

(1) *When State May Appeal.* In criminal cases the State may appeal only from an order or judgment the substantive effect of which results in dismissing a charge for any of the grounds enumerated in section 114-1 of the Code of Criminal Procedure of 1963; arresting judgment because of a defective indictment, information or complaint; quashing an arrest or search warrant; or suppressing evidence.

(2) *Leave to Appeal by State.* The State may petition for leave to appeal under Rule 315(a).

(3) *Release of Defendant Pending Appeal.* A defendant shall not be held in jail or to bail

during the pendency of an appeal by the State, or of a petition or appeal by the State under Rule 315(a), unless there are compelling reasons for his or her continued detention or being held to bail.

(4) *Time Appeal Pending Not Counted.* The time during which an appeal by the State is pending is not counted for the purpose of determining whether an accused is entitled to discharge under section 103-5 of the Code of Criminal Procedure of 1963.

**(b) Appeals When Defendant Placed Under Supervision or Sentenced to Probation, Conditional Discharge or Periodic Imprisonment.** A defendant who has been placed under supervision or found guilty and sentenced to probation or conditional discharge (see 730 ILCS 5/5-6-1 through 5-6-4), or to periodic imprisonment (see 730 ILCS 5/5-7-1 through 5-7-8), may appeal from the judgment and may seek review of the conditions of supervision, or of the finding of guilt or the conditions of the sentence, or both. He or she may also appeal from an order modifying the conditions of or revoking such an order or sentence.

**(c) Appeals From Bail Orders by Defendant Before Conviction.**

(1) *Appealability of Order With Respect to Bail.* Before conviction a defendant may appeal to the Appellate Court from an order setting, modifying, revoking, denying, or refusing to modify bail or the conditions thereof. As a prerequisite to appeal the defendant shall first present to the trial court a written motion for the relief to be sought on appeal. The motion shall be verified by the defendant and shall state the following:

(i) the defendant's financial condition;

(ii) his or her residence addresses and employment history for the past 10 years;

(iii) his or her occupation and the name and address of his or her employer, if he or she is employed, or his or her school, if he or she is in school;

(iv) his or her family situation; and

(v) any prior criminal record and any other relevant facts.

If the order is entered upon motion of the prosecution, the defendant's verified answer to the motion shall contain the foregoing information.

(2) *Procedure.* The appeal may be taken at any time before conviction by filing a verified motion for review in the Appellate Court. The motion for review shall be accompanied by a verified copy of the motion or answer filed in the trial court and shall state the following:

(i) the court that entered the order;

(ii) the date of the order;

(iii) the crime or crimes charged;

(iv) the amount and condition of bail;

(v) the arguments supporting the motion; and

(vi) the relief sought.

No brief shall be filed. ~~A copy of the~~ The motion shall be served upon the opposing party. The State may promptly file an answer.

(3) *Disposition.* Upon receipt of the motion, the clerk shall immediately notify the opposing party by telephone of the filing of the motion, entering the date and time of the

notification on the docket, and promptly thereafter present the motion to the court.

(4) *Report of Proceedings.* The court, on its own motion or on the motion of any party, may order court reporting personnel as defined in Rule 46 to file in the Appellate Court a report of all proceedings had in the trial court on the question of bail.

(5) *No Oral Argument.* No oral argument shall be permitted except when ordered on the court's own motion.

**(d) Appeal by Defendant From a Judgment Entered Upon a Plea of Guilty.** No appeal from a judgment entered upon a plea of guilty shall be taken unless the defendant, within 30 days of the date on which sentence is imposed, files in the trial court a motion to reconsider the sentence, if only the sentence is being challenged, or, if the plea is being challenged, a motion to withdraw the plea of guilty and vacate the judgment.

No appeal shall be taken upon a negotiated plea of guilty challenging the sentence as excessive unless the defendant, within 30 days of the imposition of sentence, files a motion to withdraw the plea of guilty and vacate the judgment. For purposes of this rule, a negotiated plea of guilty is one in which the prosecution has bound itself to recommend a specific sentence, or a specific range of sentence, or where the prosecution has made concessions relating to the sentence to be imposed and not merely to the charge or charges then pending.

The motion shall be in writing and shall state the grounds therefor. When the motion is based on facts that do not appear of record it shall be supported by affidavit unless the defendant is filing the motion *pro se* from a correctional institution, in which case the defendant may submit, in lieu of an affidavit, a certification as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109). The motion shall be presented promptly to the trial judge by whom the defendant was sentenced, and if that judge is then not sitting in the court in which the judgment was entered, then to the chief judge of the circuit, or to such other judge as the chief judge shall designate. The trial court shall then determine whether the defendant is represented by counsel, and if the defendant is indigent and desires counsel, the trial court shall appoint counsel.

If the defendant is indigent, the trial court shall order a copy of the transcript as provided in Rule 402(e) be furnished the defendant without cost. The defendant's attorney shall file with the trial court a certificate stating that the attorney has consulted with the defendant either by phone, mail, electronic means or in person to ascertain defendant's contentions of error in the sentence and the entry of the plea of guilty, has examined the trial court file and both the report of proceedings of the plea of guilty and the report of proceedings in the sentencing hearing, and has made any amendments to the motion necessary for adequate presentation of any defects in those proceedings.

The motion shall be heard promptly, and if allowed, the trial court shall modify the sentence or vacate the judgment and permit the defendant to withdraw the plea of guilty and plead anew. If the motion is denied, a notice of appeal from the judgment and sentence shall be filed within the time allowed in Rule 606, measured from the date of entry of the order denying the motion. Upon appeal any issue not raised by the defendant in the motion to reconsider the sentence or withdraw the plea of guilty and vacate the judgment shall be deemed waived.

The certificate of counsel shall be <u>prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article VI Forms Appendix.</u>~~in the following form:~~

**STATE OF ILLINOIS**
**IN THE CIRCUIT COURT OF THE _____JUDICIAL CIRCUIT**
**COUNTY OF _____**
**(Or, IN THE CIRCUIT COURT OF COOK COUNTY)**

PEOPLE OF THE STATE
OF ILLINOIS,
Plaintiff

vs. CASE NO. _____

_____
Defendant

**CERTIFICATE OF COUNSEL**
**PURSUANT TO ILLINOIS SUPREME COURT RULE 604(d)**

I , _____, attorney for Defendant, certify pursuant to Supreme Court Rule 604(d) that:

1. I have consulted with the Defendant in person, by mail, by phone or by electronic means to ascertain the defendant's contentions of error in the entry of the plea of guilty and in the sentence;

2. I have examined the trial court file and report of proceedings of the plea of guilty and the report of proceedings in the sentencing hearing; and

3. I have made any amendments to the motion necessary for the adequate presentation of any defects in those proceedings.

Respectfully submitted,

_____ _____
Date Attorney for the Defendant

**(e) Appeal From an Order Finding Defendant Unfit to Stand Trial or Be Sentenced.** The defendant or the State may appeal to the Appellate Court from an order holding the defendant unfit to stand trial or be sentenced.

**(f) Appeal by Defendant on Grounds of Former Jeopardy.** The defendant may appeal to

the Appellate Court the denial of a motion to dismiss a criminal proceeding on grounds of former jeopardy.

**(g) Appeal From an Order Granting a Motion to Disqualify Defense Counsel.** The defendant may petition for leave to appeal to the Appellate Court from an order of the circuit court granting a motion to disqualify the attorney for the defendant based on a conflict of interest. The procedure for bringing interlocutory appeals pursuant to this subpart shall be the same as set forth in Supreme Court Rule 306(c).

Amended effective July 1, 1969; amended October 21, 1969, effective January 1, 1970; amended effective October 1, 1970, July 1, 1971, November 30, 1972, September 1, 1974, and July 1, 1975; amended February 19, 1982, effective April 1, 1982; amended June 15, 1982, effective July 1, 1982; amended August 9, 1983, effective October 1, 1983; amended April 1, 1992, effective August 1, 1992; amended October 5, 2000, effective November 1, 2000; amended February 1, 2005, effective immediately; amended December 13, 2005, effective immediately; amended February 10, 2006, effective July 1, 2006; amended Nov. 28, 2012, eff. Jan. 1, 2013; amended Feb. 6, 2013, eff. immediately; amended Dec. 11, 2014, eff. immediately; amended Dec. 3, 2015, eff. immediately; amended March 8, 2016, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comment
(February 10, 2006)

Paragraph (g)

Paragraph (g) permits interlocutory review of certain attorney disqualification orders but does not change attorney disqualification law. The circuit court still has discretion to accept or reject a defendant's conflict of interest waiver, based on consideration of the interests identified in People v. Ortega, 209 Ill. 2d 354 (2004).

Committee Comments
(February 1, 2005)

The language in paragraph (a) allowing interlocutory appeals from orders decertifying a prosecution as a capital case or finding the defendant to be mentally retarded provides for the kinds of appeals contemplated by section 9–1(h-5) of the Criminal Code of 1961 (720 ILCS 5/9–1(h-5)) and section 114–15(f) of the Code of Criminal Procedure of 1963 (725 ILCS 5/114–15(f)).

Committee Comments
(Revised July 1, 1975)

Rule 604 was amended in September 1969 to add paragraph (b), dealing with appeals when probation has been granted. The 1969 amendment made what was formerly the entirety of Rule 604 into paragraph (a) and made an appropriate change in the title of the rule.

Paragraph (a)

Subparagraph (1) of paragraph (a) is former Rule 27(4), as it existed until January 1, 1967,

with slight changes in language. (Rule 27(4) was derived from sections 121-1 and 120-2 of the Code.) The rule makes it clear that an order dismissing an indictment, information or complaint for any of the grounds enumerated in section 114-1 of the Code is appealable.

Subparagraph (2) was added by amendment effective November 30, 1972.

Subparagraph (3) is former section 120-3(a) of the Code without change.

Subparagraph (4) is section 120-3(b) of the Code without change.

Paragraph (b)

Paragraph (b) is based upon sections 117-1(d) and 117-3(e) of the Code and is included in the rule in conformity with the policy of covering all appeals in the supreme court rules, as contemplated by the judicial article of the Constitution. (Ill. Const., art. VI, §16.) Paragraph (b) was amended in 1974 to cover conditional discharge and periodic imprisonment, new forms of sentence created by the adoption in Illinois of the Unified Code of Corrections.

Paragraph (c)

Paragraph (c) was added in 1971 to establish a procedure for appeals from orders in criminal cases concerning bail. Prior to its adoption, the only avenue of relief was an original petition to the Supreme Court for a writ of *habeas corpus*. Subparagraph (c)(2) was amended in 1974 to provide that the State may file an answer.

Paragraph (d)

Paragraph (d), added in 1975, provides that before a defendant may file a notice of appeal from a judgment entered on his plea of guilty, he must move in the trial court to vacate the judgment and withdraw his plea. Issues not raised in such a motion are waived. The time within which an appeal may be taken runs from the date on which the order disposing of the motion is entered. Provision is made for appointment of counsel and provision of a free transcript of the proceedings, which, under Rule 402(e), are required to be transcribed, filed, and made a part of the common law record.

## Amended Rule 606

**Rule 606. Perfection of Appeal.**

**(a) How Perfected.** Appeals shall be perfected by filing a notice of appeal with the clerk of the trial court. The notice may be signed by the appellant or his attorney. If the defendant so requests in open court at the time he is advised of his right to appeal or subsequently in writing, the clerk of the trial court shall prepare, sign, and file forthwith a notice of appeal for the defendant. No step in the perfection of the appeal other than the filing of the notice of appeal is jurisdictional.

**(b) Time.** Except as provided in Rule 604(d), the notice of appeal must be filed with the

clerk of the circuit court within 30 days after the entry of the final judgment appealed from or if a motion directed against the judgment is timely filed, within 30 days after the entry of the order disposing of the motion.

When a timely posttrial or postsentencing motion directed against the judgment has been filed by counsel or by defendant, if not represented by counsel, any notice of appeal filed before the entry of the order disposing of all pending postjudgment motions shall have no effect and shall be stricken by the trial court.

Upon striking the notice of appeal, the trial court shall forward to the appellate court within 5 days a copy of the order striking the notice of appeal, showing by whom it was filed and the date on which it was filed. This rule applies whether the timely postjudgment motion was filed before or after the date on which the notice of appeal was filed.

A new notice of appeal must be filed within 30 days following the entry of the order disposing of all timely postjudgment motions. Within 5 days of its being so filed a copy of the notice of appeal or an amendment of the notice of appeal shall be transmitted by the clerk of the circuit court to the clerk of the court to which the appeal is taken. Except as provided in paragraph (c) below, and in Rule 604(d), no appeal may be taken from a trial court to a reviewing court after the expiration of 30 days from the entry of the order or judgment from which the appeal is taken. The clerk of the appellate court shall notify any party whose appeal has been dismissed under this rule.

**(c) Extension of Time in Certain Circumstances**. On motion supported by a showing of reasonable excuse for failing to file a notice of appeal on time filed in the reviewing court within 30 days of the expiration of the time for filing the notice of appeal, or on motion supported by a showing by affidavit that there is merit to the appeal and that the failure to file a notice of appeal on time was not due to appellant's culpable negligence, filed in the reviewing court within six months of the expiration of the time for filing the notice of appeal, in either case accompanied by the proposed notice of appeal, the reviewing court may grant leave to appeal and order the clerk to transmit the notice of appeal to the trial court for filing. However, when the appellant is filing the motion *pro se* from a correctional institution, the appellant may submit, in lieu of the affidavit referred to herein, a certification as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109).

**(d) Form of Notice of Appeal.** The notice of appeal shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article VI Forms Appendix.~~substantially in the following form:~~

~~In the Circuit Court of the _____ Judicial Circuit,~~

~~_____ County, Illinois~~

~~(Or, In the Circuit Court of Cook County, Illinois)~~

~~THE PEOPLE OF THE STATE OF ILLINOIS,~~

v. No. _____

_____

Notice of Appeal

Joining Prior Appeal / Separate Appeal / Cross Appeal

(circle one)

An appeal is taken from the order or judgment described below.

(1) Court to which appeal is taken: _____

_____

(2) Name of appellant and address to which notices shall be sent.

Name: _____

Address: _____ Email: _____

(3) Name and address of appellant's attorney on appeal.

Name: _____

Address: _____ Email: _____

If appellant is indigent and has no attorney, does he want one appointed?

(4) Date of judgment or order: _____

(5) Offense of which convicted _____

_____

(6) Sentence: _____

(7) If appeal is not from a conviction, nature of order appealed from:

_____

(8) If the appeal is from a judgment of a circuit court holding unconstitutional a statute of the United States or of this state, a copy of the court's findings made in compliance with Rule 18 shall be appended to the notice of appeal.

(Signed) _____

(May be signed by appellant, attorney for appellant, or clerk of circuit court.)

The notice of appeal may be amended as provided in Rule 303(b)(5).

**(e) Copies of Notice of Appeal to be Sent by Clerk.**

(1) *When Defendant Is Appellant and Action Is Prosecuted by the State*. When the defendant is the appellant and the action was prosecuted by the State, the clerk shall send a

~~copy of~~ the notice of appeal to the State's Attorney of the county in which the judgment was entered and ~~a copy~~ to the Attorney General at his Springfield, Illinois, office.

(2) *When Defendant Is Appellant and the Action Is Prosecuted by a Governmental Entity Other Than the State.* If the defendant is the appellant and the action was prosecuted by a governmental entity other than the State for the violation of an ordinance, ~~the copy of~~ the notice of appeal shall be sent to the chief legal officer of the entity (*e.g.*, corporation counsel, city attorney), or if his name and address do not appear of record, then to the chief administrative officer of the entity at his official address.

(3) *When the Prosecuting Entity Is the Appellant.* When the State or other prosecuting entity is the appellant, ~~a copy of~~ the notice of appeal shall be sent to the defendant and ~~a copy~~ to his counsel.

**(f) Docketing.** Upon receipt of the ~~copy of the~~ notice of appeal transmitted to the reviewing court pursuant to paragraph (a) of this rule, or the entry of an order granting a motion for leave to appeal under paragraph (c) of this rule, the clerk of the reviewing court shall enter the appeal upon the docket.

**(g) Docketing Statement; Filing Fee.** Within 14 days after the filing of the notice of appeal and pursuant to notice to the appellee's attorney, the party filing the notice of appeal shall file with the clerk of the reviewing court a docketing statement, together with proof of service thereof, and the filing fee as required by Rule 313. The docketing statement shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article VI Forms Appendix. ~~The form and contents of the docketing statement shall be as follows:~~

~~Docket Number in the Reviewing Court~~

~~Case Title (Complete)~~ ~~)~~ ~~Appeal From _____ County~~
~~)~~ ~~Circuit No. _____~~
~~)~~ ~~Trial Judge _____~~
~~)~~ ~~Date of Judgment _____~~
~~)~~ ~~Date of Posttrial Motion _____~~
~~)~~ ~~Date of Notice of Appeal _____~~
~~)~~ ~~Felony ( ) Misdemeanor ( )~~
~~)~~ ~~In Custody ( ) Out on Bond ( )~~

~~DOCKETING STATEMENT~~
~~(Criminal)~~

1. Full name and complete address of appellant(s) filing this statement:

Name: _____

Address: _____

Telephone: _____ Email address: _____

Counsel On Appeal for Appellant(s) filing this docketing statement:

Name: _____ ARDC # _____

Address: _____

Telephone: _____ Email address: _____

2. Full name and complete address of appellee(s):

Name: _____

Address: _____

Telephone: _____ Email address: _____

Counsel On Appeal for Appellee(s):

Name: _____

Address: _____

Telephone: _____

ARDC # if known: _____ Email address: _____ _____

Court Reporting Personnel

(If more space is needed, use other side.)

Name: _____

Address: _____

Telephone: _____ Email address: _____

General statement of issues proposed to be raised: (Failure to include an issue in this statement will not result in the waiver of the issue on appeal.)

_____

_____

_____

_____

As ___ attorney for the appellant ____ *Pro Se* appellant, I hereby certify that on the ___ day of _____, 20__, I asked / made a written request to the clerk of the circuit court to prepare the record on appeal, and on the ___ day of _____,

~~20__, I made a written request to the court reporting personnel to prepare the transcript(s).~~

~~Date Appellant's Attorney *Pro Se Appellant*~~

~~In lieu of court reporting personnel's signature, I have attached the written request to the court reporting personnel to prepare the transcript (s).~~

~~Date Appellant's Attorney *Pro Se* Appellant~~

~~I hereby acknowledge receipt of an order for the preparation of a report of proceedings.~~

~~Date Court Reporting Personnel or Supervisor~~

Amended October 21, 1969, effective January 1, 1970; amended effective July 1, 1971, July 1, 1975, and February 17, 1977; amended July 15, 1979, effective October 15, 1979; amended April 27, 1984, effective July 1, 1984; amended August 27, 1999, effective immediately; amended October 22, 1999, effective December 1, 1999; amended December 13, 2005, effective immediately; amended July 27, 2006, effective September 1, 2006; amended March 20, 2009, effective immediately ; amended Dec. 12, 2012, eff. Jan. 1, 2013; amended Feb. 6, 2013, eff. immediately; amended Dec. 11, 2014, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 607

**Rule 607. Appeals by Indigent Defendants.~~Poor Persons~~**

**(a) Appointment of Counsel.** Upon the filing of a notice of appeal in any case in which the defendant has been found guilty of a felony or a Class A misdemeanor, or in which he has been found guilty of a lesser offense and sentenced to imprisonment or periodic imprisonment, or to probation or conditional discharge conditioned upon periodic imprisonment, or in which a sentence of probation or conditional discharge has been revoked or the conditions attached to such a sentence modified and a sentence of imprisonment or periodic imprisonment imposed, and in cases in which the State appeals, the trial court shall determine whether the defendant is represented by counsel on appeal.

If not so represented, and the court determines that the defendant is indigent and desires counsel on appeal, the court shall appoint counsel on appeal. Compensation and reimbursement for expenses of appointed attorneys shall be as provided by statute.

**(b) Report of Proceedings.** Upon finding by the court that the defendant is indigent, the court reporting personnel as defined in Rule 46 shall transcribe, certify, and file the report of proceedings with the clerk of the trial court as directed by the appellate court docketing order.

(1) On direct appeal of any case in which the defendant has been found guilty and sentenced to imprisonment, probation or conditional discharge, or periodic imprisonment, or to pay a fine, or in which a hearing has been held resulting in the revocation of or modification of the conditions of probation or conditional discharge, the defendant shall receive a copy of the report of the proceedings at his trial or hearing without charge. The clerk of the trial court shall transmit one printed copy of the filed report of proceedings to the defendant.

(2) If the conduct on which the case was based was also the basis for a juvenile proceeding that was dismissed so that the case could proceed, the defendant shall receive a copy of the report of proceedings in the juvenile proceeding without charge. The clerk of the trial court shall transmit one printed copy of the filed report of proceedings to the defendant.

(3) In subsequent collateral appeals the report of proceedings shall be provided to the defendant only upon written request from defendant's appointed counsel to the clerk of the circuit court specifying the date of the report of proceedings requested. The clerk of the trial court, upon receiving such a request from defendant's counsel, shall then transmit one printed copy of the specified report of proceedings to the defendant.

(4) The clerk of the trial court shall provide only one copy of any report of proceedings to the indigent defendant pursuant to the above procedure.

(5) The court reporting personnel who prepare reports of proceedings under this rule shall be paid pursuant to a schedule of charges approved by the public employer and employer representative for the court reporting personnel.

~~**(b) Report of Proceedings.** In any case in which the defendant has been found guilty and sentenced to imprisonment, probation or conditional discharge, or periodic imprisonment, or to pay a fine, or in which a hearing has been held resulting in the revocation of, or modification of the conditions of, probation or conditional discharge, the defendant may petition the court in which he was convicted for a report of the proceedings at his trial or hearing. If the conduct on which the case was based was also the basis for a juvenile proceeding which was dismissed so that the case could proceed, the defendant may include in his petition a request for a report of proceedings in the juvenile proceeding. The petition shall be verified by the petitioner and shall state facts showing that he was at the time of his conviction, or at the time probation or conditional discharge was revoked or its conditions modified, and is at the time of filing the petition, without financial means with which to obtain the report of proceedings. If the judge who imposed sentence or entered the order revoking probation or conditional discharge or modifying the conditions, or in his absence any other judge of the court, finds that the defendant is without financial means with which to obtain the report of proceedings at his trial or hearing, he shall order the court reporting personnel as defined in Rule 46 to transcribe an original and copy of his notes. The original and one copy of the report shall be certified by the court reporting~~

~~personnel and filed with the clerk of the trial court as provided below, without charge. The clerk of the trial court shall then, upon written request of the defendant, release a copy of the report of proceedings to the defendant's attorney of record on appeal. In the event no attorney appears of record, the clerk shall, upon written request of the defendant, release the report of proceedings to the defendant, his guardian or custodian. The court reporting personnel who prepare reports of proceedings pursuant to an order under this rule shall be paid pursuant to a schedule of charges approved by the public employer and employer representative for the court reporting personnel.~~

**(c) Filing Fees Excused.** If the defendant is represented by court-appointed counsel, the clerk of the reviewing court shall docket the appeal and accept documents~~papers~~ for filing without the payment of fees.

**(d) Paper Copies of Briefs or Petitions for Leave to Appeal.** If the defendant is represented by court-appointed counsel, unless electronically filed, the clerk of the Supreme Court shall accept for filing not less than 13~~15~~ legible paper copies of briefs or petitions for leave to appeal or answers thereto; and the clerks of the Appellate Court shall accept for filing not less than 6 legible paper copies of briefs if required by the electronic filing policy of the Appellate Court.

Amended effective June 23, 1967; amended October 21, 1969, effective January 1, 1970; amended effective July 1, 1971; amended June 28, 1974, effective September 1, 1974; amended September 29, 1978, effective November 1, 1978; amended July 30, 1979 and September 20, 1979, effective October 15, 1979; amended April 7, 1993, effective June 1, 1993; amended September 22, 1997, effective January 1, 1998; amended September 30, 2002, effective immediately; amended December 13, 2005, effective immediately; amended Feb. 6, 2013, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised 1979)

Paragraph (a)

As adopted effective January 1, 1967, this paragraph was former Rule 27(18) with no substantial change except to provide that counsel other than the public defender may be appointed only in the discretion of the court. Rule 27(18) was derived from section 121-13(b) of the Code of Criminal Procedure. This provision harmonized the rule with the provisions of section 113-3 of the Code, as amended by the 1965 General Assembly.

As adopted in 1967, paragraph (a) provided for the appointment of counsel on appeal only in cases in which the defendant had been convicted of a crime punishable by imprisonment in the penitentiary. In 1971, the rule was amended to extend the right to appointed counsel to cases in which the defendant had been convicted of an offense punishable by imprisonment for more than six months. The term "criminal" was dropped to make it plain that the rule applied to ordinance violation cases in which the penalty could exceed six months' imprisonment. in 1974, after the decision in *Argersinger v. Hamlin* (1972), 407 U.S. 25, extending the right to counsel to all cases in which any imprisonment is actually imposed, paragraph (a) was amended to bring it in accord with the decision. At the same time the limitation on appointment of counsel other than the

public defender was deleted.

Paragraph (b)

As adopted effective January 1, 1967, this paragraph was former Rule 27(9)(b) without substantial change. Rule 27(9)(b) was derived from earlier Rule 65-1(1), repealed effective January 1, 1964.

Like paragraph (a), this paragraph originally applied only to cases in which the defendant had been convicted of a crime punishable by imprisonment in the penitentiary. In 1971, it was amended to apply to cases in which the defendant had been convicted of an offense (including ordinance violations) punishable by more than six months' imprisonment. In 1974, it was amended to conform to the requirements set out in *Mayer v. City of Chicago* (1971), 404 U.S. 189, where it was held that a defendant convicted of an ordinance violation punishable by fine only is entitled, if indigent, to receive a free transcript of the proceedings at the trial. As presently worded, paragraph (b) provides that a defendant found guilty of any offense and sentenced to any of the sentences provided for in the Unified Code of Corrections (see Ill. Rev. Stat. 1973, ch. 38, par. 1005-5-3) may proceed under the rule.

Paragraph (b) was amended in October 1969 to provide explicitly that an indigent juvenile convicted of a felony after dismissal of a juvenile proceeding involving the facts on which the felony case is based is entitled to a report of proceedings of the juvenile proceeding. The need for insuring the availability of such a transcript was underscored by *People v. Jiles*, 43 Ill. 2d 145, 251 N.E.2d 529 (1969). The reference to "a felony case" in this provision was changed in 1971 to "that case," referring to any case that falls within the general coverage of the rule, meaning, since 1974, any case in which the defendant has been found guilty of an offense and sentenced. In 1978 paragraph (b) was amended to provide that upon written request the copy of the report of proceedings made for the defendant shall be delivered to the defendant's attorney of record, if he has one, and otherwise, on written request, released to the defendant or his guardian or custodian. This change was designed to avoid confusion over the delivery of the copy and leave a record of its delivery.

Paragraphs (c) and (d)

These provisions, new in 1967, codified existing Supreme Court practice.

In 1979, Rule 342 was amended to provide that with the exception of stated documents (see Rule 342(a)), no portions of the record shall be reproduced. Rule 317 was amended to reflect this change in the practice. See the committee comments to Rule 342.

Commentary
(September 22, 1997)

This amendment of Rule 607(b) directing the preparation of an additional copy of the report of proceedings in a case in which a death sentence is imposed is a necessary complement to Rule 608, amended September 22, 1997, effective January 1, 1998, which requires the preparation and filing of a duplicate record on appeal, in addition to the original, in death sentence cases.

## Amended Rule 608

**Rule 608. The Record on Appeal.**

**(a) Designation and Contents.** The clerk of the circuit court shall prepare the record on appeal upon the filing of a notice of appeal as directed by the appellate court docketing order. The record on appeal must contain the entire record of the circuit court including all documents within the common-law portion of the record, all reports of proceedings of each court appearance from the filing of the charge(s) in the circuit court forward, and all exhibits, and shall be compiled and transmitted to the clerk of the appellate court as directed by the Supreme Court of Illinois Standards and Requirements for Electronic Filing the Record on Appeal, with the following:

~~(1) a cover sheet showing the title of the case;~~

(1)~~(2)~~ a certificate of the clerk showing the impaneling of the grand jury if the prosecution was commenced by indictment;

(2)~~(3)~~ the indictment, information, or complaint;

(3)~~(4)~~ a transcript of the proceedings at the defendant's arraignment and plea;

(4)~~(5)~~ all motions, transcript of motion proceedings, and orders entered thereon;

(5)~~(6)~~ all arrest warrants, search warrants, consent to search forms, eavesdropping orders, and any similar documents;

(6)~~(7)~~ a transcript of proceedings regarding waiver of counsel and waiver of jury trial, if any;

(7)~~(8)~~ the report of proceedings, including opening statements by counsel, testimony offered at trial, and objections thereto, offers of proof, arguments and rulings thereon, the instructions offered and given, and the objections and rulings thereon, closing argument of counsel, communications from the jury during deliberations, and responses and supplemental instructions to the jury and objections, arguments and rulings thereon; the court reporting personnel as defined in Rule 46 shall take the record of the proceedings regarding the selection of the jury, but the record need not be transcribed unless a party designates that such proceedings be included in the record on appeal;

(8)~~(9)~~ exhibits offered at trial and sentencing, along with objections, offers of proof, arguments, and rulings thereon; except that physical and demonstrative evidence, other than photographs, which do not fit on a standard size record page shall not be included in the record on appeal unless ordered by a court upon motion of a party or upon the court's own motion;

(9)~~(10)~~ the verdict of the jury or finding of the court;

(10)~~(11)~~ post-trial motions, including motions for a new trial, motions in arrest of judgment, motions for judgment notwithstanding the verdict and the testimony, arguments and rulings thereon;

(11)~~(12) a~~ transcript(s) of proceedings at sentencing, including the presentence investigation report, testimony offered and objections thereto, offers of proof, argument, and rulings thereon, arguments of counsel, and statements by the defendant and the court;

(12)~~(13)~~ the judgment and sentence; and

(13)~~(14)~~ the notice of appeal, if any.

Within 14 days after the notice of appeal is filed the appellant and the appellee may file a designation of additional portions of the circuit court record to be included in the record on appeal. Thereupon the clerk shall include those portions in the record on appeal. Additionally, upon motion of a party, the court may allow photographs of exhibits to be filed as a supplement~~al~~ to the record on appeal, in lieu of the exhibits themselves, when such photographs accurately depict the exhibits themselves. There is no distinction between the common law record and the report of proceedings, for the purpose of determining what is properly before the reviewing court.

**(b) Report of Proceedings; Time.** The report of proceedings contains the testimony and exhibits, the rulings of the trial judge, and all other proceedings before the trial judge, unless the parties designate or stipulate for less. It shall be certified by court reporting personnel or the trial judge and shall be filed in the trial court within 49 days after the filing of the notice of appeal. The report of proceedings shall be taken as true and correct unless shown to be otherwise and corrected in a manner permitted by Rule 329.

**(c) Time for Filing Record on Appeal.** The record shall be filed in the reviewing court within 63 days from the date the notice of appeal is filed in the trial court. ~~If more than one appellant appeals from the same judgment or from different judgments in the same cause to the same reviewing court, the trial court may prescribe the time for filing the record in the reviewing court, which shall not be more than 63 days from the date the last notice of appeal is filed.~~ If the time for filing the report of proceedings has been extended, the record on appeal shall be filed within 14 days after the expiration of the extended time.

**(d) Extensions of Time.** The reviewing court or any judge thereof may extend the time for filing, in the trial court, the report of proceedings or agreed statement of facts or for serving a proposed report of proceedings, on notice and motion filed in the reviewing court before the expiration of the original or extended time, or on notice and motion filed within 35 days thereafter. Motions for extensions of time shall be supported by an affidavit showing the necessity for extension.~~, and motions~~ Motions made after expiration of the original or extended time shall be further supported by a showing of reasonable excuse for failure to file the motion earlier. However, when a motion for extension of time is filed *pro se* from a correctional institution, the movant may submit, in lieu of the affidavit referred to herein, a certification as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109).

Amended October 21, 1969, effective January 1, 1970; amended September 29, 1978, effective November 1, 1978; amended July 30, 1979, effective October 15, 1979; amended February 19, 1982, effective April 1, 1982; amended July 3, 1986, effective August 1, 1986; amended September 22, 1997, effective January 1, 1998; amended December 13, 2005, effective immediately; amended Feb. 6, 2013, eff. immediately; amended Apr. 8, 2013, eff. immediately; amended Dec. 11, 2014, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments
(Revised July 3, 1986)

Paragraph (a)

This is former Rule 27(8) with certain changes. Former Rule 27(8) was derived from section 121-7(b) of the Code of Criminal Procedure of 1963 and earlier Rule 65-2, repealed effective January 1, 1964.

Paragraph (a) provided for the appellant, within 14 days of the filing of the notice of appeal, to file a designation of portions of the circuit court record to be included in the record on appeal. The appellee, within seven days thereafter, could file a designation of additional portions to be included. The paragraph further provided for the clerk to prepare the record on appeal containing the designated portions of the circuit court record or, if no designation was filed, to prepare a mandatory record containing the documents specified in the paragraph.

In 1986, paragraph (a) was amended to require the immediate preparation of a mandatory record on appeal, in all cases, upon the filing of the notice of appeal, without the need for any designation by the parties. The amendment expanded the portions of the circuit court record which must be included in the record on appeal and allows the parties to designate additional portions to be included.

Subsection (9) of paragraph (a) requires that the record on appeal in all cases where a sentence of death is imposed include a transcript of all proceedings regarding the selection of the jury. This subsection also requires the court reporters in other cases to take notes of the jury-selection proceedings, but the transcription of such notes is required only when requested by a party. The "proceedings regarding the selection of the jury" include the procedures set forth by the circuit court for the selection of the jury and for the exercise of peremptory challenges, the questions asked of prospective jurors, the responses thereto, questions refused by the court, along with objections, argument and rulings thereon.

Subsection (10) of paragraph (a) requires that all exhibits offered at trial and sentencing be included in the record on appeal. An exception to this requirement was added for exhibits, other than photographs, which are large, bulky or otherwise do not fit easily in the record on appeal. Examples of such exhibits include weapons, clothing, narcotics, charts and models. The court, however, should order such exhibits to be included in the record on appeal when they are relevant to the determination of an issue on appeal or needed for an understanding of the case. Photographs offered as exhibits are to be included in the record on appeal.

Paragraph (a), as amended in 1986, allows the filing of a supplemental record on appeal containing photographs of exhibits. The use of the photographs in lieu of the exhibits themselves should be permitted when the exhibits are large, bulky or otherwise do not fit easily in the record on appeal and the photographs of the exhibits are sufficient for the determination of the issues on appeal and for an understanding of the case.

Photographs of oversized photographic exhibits are permitted under this rule.

Paragraph (d)

Paragraph (d), as amended in 1979, applies to criminal cases the same time limitations on extensions of time to file the report of proceedings in the trial court and to file the record on appeal in the reviewing court imposed in civil cases by Rules 323(e) and 326.

The 1981 amendment places the sole authority for granting extensions of time under

paragraph (d) in the reviewing court. (The trial judges remain vested with the authority to grant extensions in a narrow class of cases pursuant to Rule 608(c).)

The provision permitting a grant of an extension of time to file the report of proceedings or the record on appeal within 6 months after the entry of the judgment, added in 1969, was deleted by the 1979 amendments.

Commentary
(September 22, 1997)

This rule is amended to provide for the preparation and filing of a duplicate record in a case in which a death sentence is imposed so that the parties may use the duplicate in any collateral proceedings. The availability of a certified, duplicate record will be advantageous in situations in which post-conviction proceedings must be commenced in the trial court within the time prescribed by the Post-Conviction Hearing Act (725 ILCS 5/122-1 (West 1996)) or other papers must be filed in those proceedings and the direct appeal still is pending in the Supreme Court, rendering the record unavailable.

Photographic exhibits need not be duplicated for purposes of this amendment.

Paragraph (c) also is amended to eliminate the shorter record-filing time for capital cases, consistent with practice.

**Amended Rule 610**

**Rule 610. Motions.**

**(a)** Motions in reviewing courts shall be governed by Rule 361., ~~except that in~~

**(b)** In addition to the requirements set forth in Rule 361, every motion for extension of time in a criminal case shall be supported by an affidavit or a certification as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109) showing the following:

(1) the date on which counsel was engaged or appointed to prosecute the appeal;

(2) the date on which the complete record was filed in the reviewing court;

(3) the reason for the present request for an extension.

~~However, when a motion is filed *pro se* from a correctional institution, the movant may submit, in lieu of the affidavit referred to herein, a certification as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109).~~

The purpose of this paragraph~~rule~~ is the achievement of prompt preparation and disposition of criminal cases in the reviewing courts, and motions for extension of time are looked upon with disfavor.

**(c)** In addition to the requirement of Rule 361, unless filed electronically, motions in the Supreme Court for the second, third, fourth, and fifth judicial districts shall be filed with the clerk in Springfield, and motions for the first judicial district (Cook County) shall be filed with the clerk in the Chicago satellite office.

Amended September 29, 1978, effective November 1, 1978; amended Dec. 11, 2014, eff.

immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

(Revised September 29, 1978)

This rule is an amalgam of former Rules 49 and 49-1, and is applicable to criminal cases in both the Supreme Court and the Appellate Court.

Prior to amendment in 1978, paragraph (3) provided that a motion for extension of time should include the number of extensions previously obtained from the reviewing court and the reason for each such extension. In 1978, this requirement was made applicable to civil cases by the addition of Rule 361(g), and accordingly paragraph (3) was rescinded and paragraph (4) became paragraph (3). Since motions in criminal cases are generally governed by Rule 361, this makes no change in the practice in criminal appeals.

## Amended Rule 612

**Rule 612. Number of Copies to Be Filed; Procedural Matters Which Are Governed by Civil Appeals Rules .**

**(a)** Unless filing electronically, in addition to the requirements of the below-listed civil rules, the clerk of the Supreme Court shall accept for filing in Springfield not less than 13 legible copies of petitions for leave to appeal and answers thereto, briefs, and petitions for rehearing and any answer or reply thereto. The clerks of the Appellate Court shall accept for filing not less than 9 legible copies of briefs and petitions for rehearing and any answer or reply thereto. In the Supreme Court, the copies of petitions for rehearing shall be delivered or mailed by first-class mail or delivered by third-party commercial carrier, and a certificate of mailing or delivery shall be supplied to the clerk of the Supreme Court. The service and proof of service requirements contained in Rules 315, 341, and 367 shall apply.

**(b)** The following civil appeals rules apply to criminal appeals insofar as appropriate:

(1)~~**(a)**~~ Dismissal of appeals by the trial court: Rule 309.

(2)~~**(b)**~~ Appeals to the Supreme Court: Rules 302(b), 302(c), 315, 316, 317, and 318.

(3)~~**(c)**~~ Procedure if no verbatim transcript is available and procedure for an agreed statement of facts: Rules 323(c) and (d).

(4)~~**(d)**~~ Preparation and certification of record on appeal by clerk: Rule 324.

(5)~~**(e)**~~ Transmission of record on appeal ~~or certificate in lieu of record~~: Rule 325. (If the defendant is represented by court-appointed counsel, no fees need be paid to the clerk of the trial court.)

(6)~~**(f)**~~ Notice of filing: Rule 327.

(7)~~**(g)**~~ Amendment of the record on appeal: Rule 329.

(8)~~**(h)**~~ Return of any paper or physical components of the record on appeal: Rule 331.

(9)~~**(i)**~~ Contents, form, length, number of paper copies, *etc.*, of briefs: Rule 341.

~~**(j)** Abstract: Rule 342.~~

(10)~~**(k)**~~ Times for filing and serving briefs: Rule 343.

(11)~~**(l)**~~ Briefs *amicus curiae*: Rule 345.

(12)~~**(m)**~~ Inspection of ~~original~~ exhibits: Rule 363.

(13)~~**(n)**~~ Appeal to wrong court: Rule 365.

(14)~~**(o)**~~ Rehearing in reviewing courts: Rule 367.

(15)~~**(p)**~~ Issuance, stay, and recall of mandates from reviewing court: Rule 368.

(16)~~**(q)**~~ Process in reviewing courts: Rule 370.

(17)~~**(r)**~~ Removing records from the reviewing court: Rule 372.

(18)~~**(s)**~~ Constructive date of filing documents~~papers~~ in reviewing court: Rule 373.

(19)~~**(t)**~~ Redaction of personal identifiers for documents filed in courts of review: Rule 364.

Amended October 21, 1969, effective January 1, 1970; amended effective January 1, 1970, and July 1, 1971; amended July 30, 1979, effective October 15, 1979; amended September 22, 1997, effective January 1, 1998; amended May 24, 2006, effective September 1, 2006; amended July 27, 2006, effective September 1, 2006; amended Feb. 6, 2013, eff. immediately; amended Dec. 3, 2015, eff. July 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

(Revised 1979)

This rule was new in 1967. It cross-refers to all of the civil appeals rules that are applicable to criminal appeals.

The references to an agreed statement of facts, as provided in Rule 323(d), and to the constructive date of filing papers in the reviewing court, as provided in Rule 373, were added in 1969. The reference to Rule 302(b), which deals with by-passing the Appellate Court in appeals in cases in which the public interest requires expeditions determinations, was added in 1971.

In 1971, former paragraph (g), referring to the short record provided by repealed Rule 328, was deleted, and the successive paragraphs relettered. Newly lettered paragraphs (i), (k), and (l) were amended to reflect changes in Rules 342, 343, and 344. See the committee comments to those rules.

## Amended Rule 651

**Rule 651. Appeals in Post-Conviction Proceedings**

**(a) Right of Appeal**. An appeal from a final judgment of the circuit court in any postconviction proceeding shall lie to the Appellate Court in the district in which the circuit court is located.

**(b) Notice to Petitioner of Adverse Judgment.** Upon the entry of a judgment adverse to a petitioner in a postconviction proceeding, the clerk of the trial court shall at once mail or deliver to the petitioner a notice in substantially the following form:

"You are hereby notified that on _____ the court entered an order, a copy of which is enclosed herewith. You have a right to appeal to the Illinois Appellate Court in the district in

which the circuit court is located. If you are indigent, you have a right to a transcript of the record of the postconviction proceedings and to the appointment of counsel on appeal, both without cost to you. To preserve your right to appeal you must file a notice of appeal in the trial court within 30 days from the date the order was entered."

**(c) Record for Indigents; Appointment of Counsel.** Upon the timely filing of a notice of appeal in a postconviction proceeding, if the trial court determines that the petitioner is indigent, the procedures for appointment of counsel and provision of the report on proceedings shall be governed by Rule 607. In a postconviction proceeding, the appellant or appellant's counsel shall, upon written request, be provided the postconviction report of proceedings and any relevant report of proceedings not previously provided to the appellant or appellant's counsel.~~it shall order that a transcript of the record of the post-conviction proceedings, including a transcript of the evidence, if any, be prepared and filed with the clerk of the court to which the appeal is taken and shall appoint counsel on appeal, both without cost to the petitioner.~~

The record filed in that court shall contain a showing, which may be made by the certificate of petitioner's attorney, that the attorney has consulted with petitioner by phone, mail, electronic means or in person to ascertain his or her contentions of deprivation of constitutional rights, has examined the record of the proceedings at the trial, and has made any amendments to the petitions filed *pro se* that are necessary for an adequate presentation of petitioner's contentions.

**(d) Procedure.** The procedure for an appeal in a post-conviction proceeding shall be in accordance with the rules governing criminal appeals~~, as near as may be~~.

Amended effective January 1, 1969; amended October 21, 1969, effective January 1, 1970; amended effective July 1, 1971; amended November 30, 1984, effective December 1, 1984; amended April 26, 2012, eff. immediately; amended Feb. 6, 2013, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

(Revised November 30, 1984)

This rule was drawn from former Rule 27-1, in effect from January 1, 1964, to January 1, 1967. Paragraph (a) was added.

Paragraphs (b) and (c) were amended effective January 1, 1969, by adding the references to appointment of counsel on appeal. Minor language changes were also made at that time.

The last sentence of Rule 651(c) was added in 1969 to implement the decisions of the court with respect to the responsibilities of an attorney representing an indigent prisoner in a post-conviction proceeding. *People v. Garrison* (1969), 43 Ill. 2d 121; *People v. Jones* (1969), 43 Ill. 2d 160; *People v. Slaughter* (1968), 39 Ill. 2d 278, 285.

In 1971 Rule 651 was amended to provide that appeals in post-conviction proceedings lie to the Appellate Court. Prior to that time, the appeal lay directly to the Supreme Court.

Paragraphs (a), (b), and (c) were amended in 1984 by providing that appeals from post-conviction proceedings involving a judgment imposing a sentence of death shall lie directly to the Supreme Court as a matter of right.

**New Article VI Forms Appendix**

**Rule 604. Appeals from Certain Judgments and Orders**
**(d) Appeal by Defendant From a Judgment Entered Upon a Plea of Guilty.**

**STATE OF ILLINOIS**
**IN THE CIRCUIT COURT OF THE _____JUDICIAL CIRCUIT**
**COUNTY OF _____**
**(Or, IN THE CIRCUIT COURT OF COOK COUNTY)**

THE PEOPLE OF THE STATE
OF ILLINOIS,
Plaintiff

v. CASE NO. _____

_____
Defendant

**CERTIFICATE OF COUNSEL**
**PURSUANT TO ILLINOIS SUPREME COURT RULE 604(d)**

I , _____, attorney for Defendant, certify pursuant to Supreme Court Rule 604(d) that:

1. I have consulted with the Defendant in person, by mail, by phone, or by electronic means to ascertain the defendant's contentions of error in the entry of the plea of guilty and in the sentence;

2. I have examined the trial court file and report of proceedings of the plea of guilty and the report of proceedings in the sentencing hearing; and

3. I have made any amendments to the motion necessary for the adequate presentation of any defects in those proceedings.

Respectfully submitted,

_____ _____

Date Attorney for the Defendant

**Rule 606. Perfection of Appeal**
**(d) Form of Notice of Appeal.**

In the Circuit Court of the _____ Judicial Circuit,
_____ County, Illinois
(Or, In the Circuit Court of Cook County, Illinois)

THE PEOPLE OF THE STATE OF ILLINOIS,

v. No. _____

_____

Notice of Appeal
Joining Prior Appeal / Separate Appeal / Cross Appeal
(circle one)

An appeal is taken from the order or judgment described below.

(1) Court to which appeal is taken: _____
_____

(2) Name of appellant and address to which notices shall be sent.
Name: _____
Address: _____E-mail:_____

(3) Name and address of appellant's attorney on appeal.
Name: _____
Address: _____E-mail:_____

If appellant is indigent and has no attorney, does he want one appointed?

(4) Date of judgment or order: _____

(5) Offense of which convicted _____
_____

(6) Sentence: _____

(7) If appeal is not from a conviction, nature of order appealed from:
_____

(8) If the appeal is from a judgment of a circuit court holding unconstitutional a statute of the United States or of this state, a copy of the court's findings made in compliance with Rule 18 shall be appended to the notice of appeal.

(Signed) _____
(May be signed by appellant, attorney for appellant, or clerk of circuit court.)

**(g) Docketing Statement; Filing Fee.**

Docket Number in the Reviewing Court

Case Title (Complete) ) Appeal From _____County
) Circuit No. _____
) Trial Judge_____
) Date of Judgment_____
) Date of Posttrial Motion _____
) Date of Notice of Appeal_____
) Felony ( ) Misdemeanor ( )
) In Custody ( ) Out on Bond ( )

DOCKETING STATEMENT
(Criminal)

1. Full name and complete address of appellant(s) filing this statement:
Name: _____
Address:_____
Telephone:_____ E-mail address:_____

Counsel On Appeal for Appellant(s) filing this docketing statement:
Name: _____ARDC #_____
Address: _____
Telephone:_____E-mail address:_____

2. Full name and complete address of appellee(s):
Name: _____
Address: _____
Telephone:_____E-mail address:_____

Counsel On Appeal for Appellee(s):
Name: _____
Address: _____
Telephone: _____
ARDC # if known: _____ E-mail address:_____

Court Reporting Personnel
(If more space is needed, use additional pages.)
Name: _____
Address: _____
Telephone: _____ E-mail address:_____

General statement of issues proposed to be raised: (Failure to include an issue in this statement will not result in the waiver of the issue on appeal.)

_____
_____
_____

As ___ attorney for the appellant ____ self-represented appellant (check one), I hereby certify that on the ___ day of _____, 20__, I requested the clerk of the circuit court to prepare the record on appeal, and on the ___ day of _____, 20__, I requested the court reporting personnel to prepare the transcript(s).

_____ _____ _____
Date Appellant's Attorney OR *Appellant*

**Amended Rule 706**

**Rule 706. Filing Deadlines and Fees of Registrants and Applicants**

**(a) Character and Fitness Registration.** Character and fitness registration applications filed with applications to take the bar examination shall be accompanied by a registration fee of $450.

**(b) Applications to Take the Bar Examination.** The fees and deadlines for filing

applications to take the February bar examination are as follows:

(1) $500 for applications submitted~~postmarked~~ on or before the regular filing deadline of September 15 preceding the examination;

(2) $700 for applications submitted~~postmarked~~ after September 15 but on or before the late filing deadline of November 1; and

(3) $1,000 for applications submitted~~postmarked~~ after November 1 but on or before the final late filing deadline of December 15.

The fees and deadlines for filing applications to take the July bar examination are as follows:

(1) $500 for applications submitted~~postmarked~~ on or before the regular filing deadline of February 15 preceding the examination;

(2) $700 for applications submitted~~postmarked~~ after February 15 but on or before the late filing deadline of April 1; and

(3) $1,000 for applications submitted~~postmarked~~ after April 1 but on or before the final late filing deadline of May 15.

**(c) Applications for Reexamination.** The fees and deadlines for filing applications for reexamination at a February bar examination are as follows:

(1) $500 for applications submitted~~postmarked~~ on or before the regular reexamination filing deadline of November 1;

(2) $850 for applications submitted~~postmarked~~ after November 1 but on or before the final late filing deadline of December 15.

The fees and deadlines for filing applications for reexamination at a July bar examination are as follows:

(1) $500 for applications submitted~~postmarked~~ on or before the regular reexamination filing deadline of May 1;

(2) $850 for applications submitted~~postmarked~~ after May 1 but on or before the final late filing deadline of May 15.

**(d) Late Applications.** The Board of Admissions shall not consider requests for late filing of applications after the final bar examination filing deadlines set forth in the preceding subparagraphs (b) and (c).

**(e) Applications for Admission on Motion under Rule 705.** Each applicant for admission to the bar on motion under Rule 705 shall pay a fee of $1,250.

**(f) Application for Limited Admission as House Counsel.** Each applicant for limited admission to the bar as house counsel under Rule 716 shall pay a fee of $1,250.

**(g) Application for Limited Admission as a Lawyer for Legal Service Programs.** Each applicant for limited admission to the bar as a lawyer for legal service programs under Rule 717 shall pay a fee of $100.

**(h) Recertification Fee.** Each applicant for Character and Fitness recertification shall pay a fee of $450.

**(i) Payment of Fees.** All fees are nonrefundable and shall be paid in advance by credit or debit card, certified check, cashier's check or money order payable to the Board of Admissions

to the Bar. Fees of an applicant who does not appear for an examination shall not be transferred to a succeeding examination.

**(j) Fees to be Held by Treasurer.** All fees paid to the ~~treasurer of the~~ Board of Admissions to the Bar shall be held by the Board treasurer,~~him or her~~ subject to the order of the court.

Amended January 30, 1975, effective March 1, 1975; amended October 1, 1982, effective October 1, 1982; amended June 12, 1992, effective July 1, 1992; amended July 1, 1998, effective immediately; amended July 6, 2000, effective August 1, 2000; amended December 6, 2001, effective immediately; amended February 11, 2004, effective July 1, 2004; amended October 1, 2010, effective January 1, 2011; amended January 10, 2012, effective immediately; amended Nov. 26, 2013, effective Jan. 1, 2014; amended February 10, 2014, effective immediately; amended May 26, 2016, effective July 1, 2016; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 707

### Rule 707. Permission for an Out-of-State Attorney to Provide Legal Services in Proceedings in Illinois

**(a) Permission to Provide Legal Services in a Proceeding in Illinois.** Upon filing pursuant to this rule of a verified Statement by an eligible out-of-state attorney and the filing of an appearance of an active status Illinois attorney associated with the attorney in the proceeding, the out-of-state attorney is permitted to appear as counsel and provide legal services in the proceeding without order of the tribunal. The permission is subject to termination pursuant to this rule.

**(b) Eligible Out-of-State Attorney.** An out-of-state attorney is eligible for permission to appear under this rule if the attorney:

(1) is admitted to practice law without limitation and is authorized to practice law in another state, territory, or commonwealth of the United States, in the District of Columbia, or in a foreign country and is not prohibited from practice in any jurisdiction or any other jurisdiction by reason of discipline, resignation with charges pending, or permanent retirement;

(2) on or after January 1, 2014, has not entered an appearance in more than five other proceedings under the provisions of this rule in the calendar year in which the Statement is filed;

(3) has not been enjoined or otherwise prohibited from obtaining permission under this rule; and

(4) has not been admitted to the practice of law in Illinois by unlimited or conditional admission. The admission of an attorney as a house counsel pursuant to Rule 716, as a legal services program lawyer pursuant to Rule 717, or as a foreign legal counsel pursuant to Rules 712 and 713 does not preclude that attorney from obtaining permission to provide legal services under this rule.

**(c) Proceedings Requiring Permission.** The following proceedings require permission under this rule:

(1) a case before a court of the State of Illinois;

(2) a court-annexed alternative dispute resolution proceeding; and

(3) a case before an agency or administrative tribunal of the State of Illinois or of a unit of local government in Illinois, if the representation by the out-of-state attorney constitutes the practice of law in Illinois or the agency or tribunal requires that a representative be an attorney.

The appeal or review of a proceeding before a different tribunal is a separate proceeding for purposes of this rule.

**(d) Statement.** The out-of-state attorney shall include the following information in the Statement and shall serve the Statement upon the Administrator of the Attorney Registration and Disciplinary Commission, the Illinois counsel with whom the attorney is associated in the proceeding, the attorney's client, and all parties to the proceeding entitled to notice:

(1) the attorney's full name, all addresses of offices from which the attorney practices law and related e-mail addresses and telephone numbers;

(2) the name of the party or parties that the attorney represents in the proceeding;

(3) a listing of all proceedings in which the attorney has filed an appearance pursuant to this rule in the calendar year in which the Statement is filed and the ARDC registration number of the attorney, if assigned previously;

(4) a listing of all jurisdictions in which the attorney has been admitted and the full name under which the attorney has been admitted and the license or bar number in each such jurisdiction, together with a letter or certificate of good standing from each such jurisdiction, except for federal courts and agencies of the United States;

(5) a statement describing any office or other presence of the attorney for the practice of law in Illinois;

(6) a statement that the attorney submits to the disciplinary authority of the Supreme Court of Illinois;

(7) a statement that the attorney has undertaken to become familiar with and to comply, as if admitted to practice in Illinois, with the rules of the Supreme Court of Illinois, including the Illinois Rules of Professional Conduct and the Supreme Court Rules on Admission and Discipline of Attorneys, and other Illinois law and practices that pertain to the proceeding;

(8) the full name, business address and ARDC number of the Illinois attorney with whom the attorney has associated in the matter; and

(9) a certificate of service of the Statement upon all entitled to service under this rule.

**(e) Additional Disclosures.** The out-of-state attorney shall advise the Administrator of new or additional information related to items 4, 5 and 8 of the Statement, shall report a criminal conviction or discipline as required by Supreme Court Rule 761 and Rule 8.3(d) of the Illinois Rules of Professional Conduct, respectively, and shall report the conclusion of the attorney's practice in the proceeding. The attorney shall submit~~make~~ these disclosures in writing to the Administrator within 30 days of when the information becomes known to the attorney. The out-of-state attorney shall provide waivers upon request of the Administrator to authorize bar admission or disciplinary authorities to disclose information to the Administrator.

**(f) Fee per Proceeding.** At the time of serving the Statement upon the Administrator, the out-of-state attorney shall submit to the Administrator a nonrefundable fee in the amount of $250 per proceeding, except that no fee shall be due from an attorney appointed to represent an indigent defendant in a criminal or civil case, from an attorney employed by or associated with a nonprofit legal service organization in a civil case involving the client of such a program, from an attorney providing legal services pursuant to Rule 718, or from an attorney employed by the United States Department of Justice and representing the United States. Fees shall be deposited in the disciplinary fund maintained pursuant to Rule 751(e)(6). The Attorney Registration and Disciplinary Commission shall retain $75 of each fee received under this section to fund its expenses to administer this rule. The $175 balance of each such fee shall be remitted to a trust fund established by the Attorney Registration and Disciplinary Commission for the Court's Access to Justice Commission and used at the Court's discretion to provide funding for the work of the Commission on Access to Justice and related Court programs that improve access to justice for low-income and disadvantaged Illinois residents, as well as to provide funding to the Lawyers Trust Fund of Illinois for distribution to legal aid organizations serving the State. The Court or its designee may direct the deposit of other funds into the trust fund. The Attorney Registration and Disciplinary Commission shall act in a ministerial capacity only and shall have no interest in or discretion concerning the trust fund. The Attorney Registration and Disciplinary Commission shall make payments from the trust fund pursuant to written direction from the Court or its designee. Such directions may be submitted electronically.

**(g) Administrator's Review of Statement.** The Administrator of the Attorney Registration and Disciplinary Commission shall conduct an inquiry into the Statement. It shall be the duty of the out-of-state attorney and Illinois attorneys to respond expeditiously to requests for information from the Administrator related to an inquiry under this section.

**(h) Registration Requirement.** An out-of-state attorney who appears in a proceeding pursuant to this rule shall register with the Attorney Registration and Disciplinary Commission and pay the registration fee required by Rule 756 for each year in which the attorney has any appearance of record pursuant to this rule. The attorney shall register within 30 days of the filing of a Statement pursuant to this rule if the attorney is not yet registered.

**(i) Duration of Permission to Practice.** The permission to practice law shall extend throughout the out-of-state attorney's practice in the proceeding unless earlier terminated. The Supreme Court, the Chief Judge of the Circuit Court for the circuit in which a proceeding is pending, or the court in which a proceeding is pending may terminate the permission to practice upon its own motion or upon motion of the Administrator if it determines that grounds exist for termination. Grounds may include, but are not limited to:

(1) the failure of the out-of-state attorney to have or maintain qualifications required under this rule;

(2) the conduct of the attorney inconsistent with Rule 5.5 or other rules of the Illinois Rules of Professional Conduct, the Supreme Court Rules on Admission and Discipline of Attorneys or other rules of the Supreme Court, or other Illinois law and practices that pertain to the proceeding;

(3) the conduct of the attorney in the proceeding;

(4) the absence of an Illinois attorney who is associated with the out-of-state lawyer as

counsel, who has an appearance of record in the proceeding, and who participates actively in the proceeding pursuant to Rule 5.5(c)(1) of the Illinois Rules of Professional Conduct;

(5) inaccuracies or omissions in the Statement;

(6) the failure of the attorney or the associated Illinois lawyer to comply with requests of the Administrator for information; or

(7) the failure of the attorney to pay the per-proceeding fee under this rule or to comply with registration requirements under Rule 756.

**(j) Disciplinary Authority.** The out-of-state attorney shall be subject to the disciplinary and unauthorized practice of law authority of the Supreme Court. The Administrator may institute disciplinary or unauthorized practice of law investigations and proceedings related to the out-of-state attorney. The Administrator may seek interim relief in the Supreme Court pursuant to the procedure set forth in Rule 774. The Administrator may also refer matters to the disciplinary authority of any other jurisdiction in which the attorney may be licensed.

Amended June 12, 1992, effective July 1, 1992; amended October 2, 2006, effective July 1, 2007; amended June 18, 2013, eff. July 1, 2013; amended May 29, 2014, eff. July 1, 2014; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 711

**Rule 711. Representation by Supervised Law Students or Graduates**

**(a) Eligibility.** A student in a law school approved by the American Bar Association may be certified by the dean of the school to be eligible to perform the services described in paragraph (c) of this rule, if the student~~he/she~~ satisfies the following requirements:

(1) The student~~He/She~~ must have received credit for work representing at least one-half of the total hourly credits required for graduation from the law school.

(2) The student~~He/She~~ must be ~~a student~~ in good academic standing~~,~~ and be eligible under the school's criteria to undertake the activities authorized herein.

A graduate of a law school approved by the American Bar Association who (i) has not yet had an opportunity to take the examinations provided for in Rule 704, (ii) has taken the examinations provided for in Rule 704 but not yet received notification of the results of either examination, or (iii) has taken and passed both examinations provided for in Rule 704 but has not yet been sworn as a member of the Illinois bar may, if the dean of that law school has no objection, be authorized by the Administrative Director of the Illinois Courts to perform the services described in paragraph (c) of this rule.

For purposes of this rule, a law school graduate is defined as any individual not yet licensed to practice law in any jurisdiction.

**(b) Agencies Through Which Services Must Be Performed.** The services authorized by this rule may only be carried on in the course of the student's or graduate's work with one or more of the following organizations or programs:

(1) a legal aid bureau, legal assistance program, organization, or clinic chartered by the State of Illinois or approved by a law school approved by the American Bar Association;

(2) the office of the public defender; or

(3) a law office of the State or any of its subdivisions.

**(c) Services Permitted.** Under the supervision of a member of the bar of this State, and with the written consent of the person on whose behalf the law student or graduate~~he/she~~ is acting, an eligible law student or graduate may render the following services:

(1) ~~He/She may counsel~~Counsel and advise clients, negotiate in the settlement of claims, represent clients in mediation and other nonlitigation matters, and engage in the preparation and drafting of legal instruments.

(2) ~~He/She may appear~~Appear in the trial courts, courts of review and administrative tribunals of this State, including court-annexed arbitration and mediation, subject to the following qualifications:

(i) Written consent to representation of the person on whose behalf the law student or graduate is acting shall be filed in the case and brought to the attention of the judge or presiding officer.

(ii) Appearances, pleadings, motions, and other documents to be filed with the court may be prepared by the student or graduate and may be signed by him/her with the accompanying designation "Law Student" or "Law Graduate" but must also be signed by the supervising member of the bar.

(iii)In criminal cases, in which the penalty may be imprisonment, in proceedings challenging sentences of imprisonment, and in civil or criminal contempt proceedings, the student or graduate may participate in pretrial, trial, and posttrial proceedings as an assistant of the supervising member of the bar, who shall be present and responsible for the conduct of the proceedings.

(iv)In all other civil and criminal cases in the trial courts or administrative tribunals, the student or graduate may conduct all pretrial, trial, and posttrial proceedings, and the supervising member of the bar need not be present.

(v) In matters before courts of review, the law student or graduate may prepare briefs, excerpts from the record, abstracts, and other documents filed in courts of review of the State, which may set forth the name of the student or graduate with the accompanying designation "Law Student" or "Law Graduate" but must be filed in the name of the supervising member of the bar. Upon motion by the supervising member of the bar, the law student or law graduate may request authorization to argue the matter before the court of review. If the law student or law graduate is permitted to argue, the supervising member of the bar must be present and responsible for the conduct of the hearing.

**(d) Compensation.** A student or graduate rendering services authorized by this rule shall not request or accept any compensation from the person for whom the student or graduate~~he/she~~ renders the services, but may receive compensation from an agency described in paragraph (b).

**(e) Law Student Certification and Authorization.**

(1) Upon request of a student or the appropriate organization, the dean of the law school in which the student is in attendance may, if the dean~~he/she~~ finds that the student meets the requirements stated in paragraph (a) of this rule, file with the Administrative Director a certificate so stating. Upon the filing of the certificate and until it is withdrawn or terminated

the student is eligible to render the services described in paragraph (c) of this rule. The Administrative Director shall authorize, upon review and approval of the completed application of an eligible student as defined in paragraph (a) and the certification as described in paragraph (e), the issuance of the temporary license. No services that are permitted under paragraph (c) shall be performed prior to the issuance of a temporary license.

(2) Unless otherwise provided by the Administrative Director for good cause shown, or unless sooner withdrawn or terminated, the certificate shall remain in effect until the expiration of 24 months after it is filed, or until the announcement of the results of the first bar examination following the student's graduation, whichever is earlier. The certificate of a student who passes that examination shall continue in effect until the student~~he/she~~ is admitted to the bar.

(3) The certificate may be withdrawn by the dean at any time, without prior notice, hearing, or showing of cause, by the mailing of a notice to that effect to the Administrative Director and copies of the notice to the student and to the agencies to which the student had been assigned.

(4) The certificate may be terminated by this court at any time without prior notice, hearing, or showing of cause. Notice of the termination may be filed with the Administrative Director, who shall notify the student and the agencies to which the student had been assigned.

**(f) Application by Law Graduate.** A law school graduate who wishes to be authorized to perform services described in paragraph (c) of this rule shall apply directly to the Administrative Director, with a copy to the dean of the law school from which he/she graduated.

Amended effective May 27, 1969; amended July 1, 1985, effective August 1, 1985; amended July 3, 1986, effective August 1, 1986; amended June 19, 1989, effective August 1, 1989; amended June 12, 1992, effective July 1, 1992; amended October 10, 2001, effective immediately; amended December 5, 2003, effective immediately; amended February 10, 2006, effective immediately; amended June 18, 2013, eff. July 1, 2013; amended June 8, 2016, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

Committee Comments

(June 18, 2013)

This rule was amended effective July 1, 2013, to clarify that students and law graduates may perform nonlitigation legal services under this rule. Nothing in this rule should be construed to require law students or law graduates to be certified under this rule for work, including but not limited to transactional, pretrial, and policy work, that properly may be performed by a law student or other nonlawyer under Rule 5.3 of the Illinois Rules of Professional Conduct.

Committee Comments

(July 1, 1985)

This rule was amended, effective August 1, 1985, to allow the Administrative Director of the Illinois Courts to allow certain graduates of approved law schools to perform services under this

rule pending their first opportunity to sit for the bar examination and to allow the Administrative Director, upon good cause shown, to extend the termination date of a certificate beyond the period prescribed by the rule. "Good cause shown" would ordinarily be limited to evidence that the licensee was unable to sit for the first bar examination offered following his graduation because of illness, a death in his family, military obligation, etc.

**Amended Rule 712**

**Rule 712. Licensing of Foreign Legal Consultants Without Examination.**

**(a) General Regulation.** In its discretion the supreme court may license to practice as a foreign legal consultant on foreign and international law, without examination, an applicant who:

(1) has been admitted to practice (or has obtained the equivalent of such admission) in a foreign country, and has engaged in the practice of law of such country, and has been in good standing as an attorney or counselor at law (or the equivalent of either) in such country, for a period of not less than five of the seven years immediately preceding the date of his or her application, provided that admission as a notary or its equivalent in any foreign country shall not be deemed to be the equivalent of admission as an attorney or counselor at law;

(2) possesses the good moral character and general fitness requisite for a member of the bar of this state;

(3) possesses the requisite documentation evidencing compliance with the immigration laws of the United States; and

(4) intends to practice as a legal consultant in the State of Illinois and to maintain an office therefor in the State of Illinois.

**(b) Reciprocity.** In considering whether to license an applicant under this rule, the supreme court may in its discretion take into account whether a member of the bar of the supreme court would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission (as referred to in paragraphs (c)(1) and (c)(5) of this rule), if there is pending with the supreme court a request to take this factor into account from a member of the bar of this court actively seeking to establish such an office in that country which raises a serious question as to the adequacy of the opportunity for such a member to establish such an office, or if the supreme court decides to do so on its own initiative.

**(c) Proof Required.** An applicant to be licensed under this rule must file with the supreme court or its designee:

(1) a certificate from the authority in such foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice and the date thereof and as to his or her good standing as such attorney or counselor at law or the equivalent, together with a duly authenticated English translation of such certificate if it is not in English;

(2) a letter of recommendation from one of the members of the executive body of such authority, or from one of the judges of the highest law court or court of original jurisdiction of such foreign country, together with a duly authenticated English translation of such letter if it is not in English;

(3) evidence of his or her citizenship, educational and professional qualifications, period

of actual practice in such foreign country and age;

(4) the affidavits of reputable persons as evidence of the applicant's good moral character and general fitness, substantially as required by Rule 708;

(5) a summary of the laws and customs of such foreign country that relate to the opportunity afforded to members of the bar of the supreme court to establish offices for the giving of legal advice to clients in such foreign country; and

(6) a completed character and fitness registration application in the form prescribed by the Board of Admissions to the Bar and such other evidence of character, qualification and fitness as the supreme court may from time to time require and compliance with the requirements of this subsection.

**(d) Waiver.** Upon a showing that strict compliance with the provisions of paragraph (c)(1) or (c)(2) of this rule would cause the applicant unnecessary hardship, the supreme court may in its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof.

**(e) Right to Practice and Limitations on Scope of Practice.** A person licensed as a foreign legal consultant under this rule may render legal services and give professional advice within this state only on the law of the foreign country where the foreign legal consultant is admitted to practice. A foreign legal consultant in giving such advice shall not quote from or summarize advice concerning the law of this state (or of any other jurisdiction) which has been rendered by an attorney at law duly licensed under the law of the State of Illinois (or of any other jurisdiction, domestic or foreign). A licensed foreign legal consultant shall not:

(1) appear for other persons or entities~~a person other than himself or herself~~ as attorney in any court, or before any judicial officer, or before any administrative agency, in this state (other than upon admission in isolated cases pursuant to Rule 707) or prepare pleadings or any other documents~~papers~~ or issue subpoenas in any action or proceeding brought in any such court or before any such judicial officer, or before any such administrative agency;

(2) prepare any deed, mortgage, assignment, discharge, lease or any other instrument affecting real estate located in the United States of America;

(3) prepare any will, codicil or trust instrument affecting the disposition after death of any property located in the United States of America and owned by a citizen thereof;

(4) prepare any instrument relating to the administration of decedent's estate in the United States of America;

(5) prepare any instrument or other document~~paper~~ which relates to the marital relations, rights or duties of a resident of the United States of America or the custody or care of the children of such a resident;

(6) render professional legal advice with respect to a personal injury occurring within the United States;

(7) render professional legal advice with respect to United States immigration laws, United States customs laws or United States trade laws;

(8) render professional legal advice on or under the law of the State of Illinois or of the United States or of any state, territory or possession thereof or of the District of Columbia or of any other jurisdiction (domestic or foreign) in which such person is not authorized to

practice law (whether rendered incident to the preparation of legal instruments or otherwise);

(9) directly, or through a representative, propose, recommend or solicit employment of himself or herself, his or her partner, or his or her associate for pecuniary gain or other benefit with respect to any matter not within the scope of practice authorized by this rule;

(10) use any title other than "foreign legal consultant" and affirmatively state in conjunction therewith the name of the foreign country in which he or she is admitted to practice (although he or she may additionally identify the name of the foreign or domestic firm with which he or she is associated); or

(11) in any way hold himself or herself out as an attorney licensed in Illinois or as an attorney licensed in any United States jurisdiction.

**(f) Disciplinary Provisions.** Every person licensed to practice as a foreign legal consultant under this rule shall execute and file with the Illinois Attorney Registration and Disciplinary Commission, in such form and manner as the supreme court may prescribe:

(1) the foreign legal consultant's written commitment to observe the Rules of Professional Conduct, as adopted by the Illinois Supreme Court and as it may be amended from time to time, to the extent applicable to the legal services authorized by subparagraph (e) of this rule;

(2) a duly acknowledged instrument, in writing, setting forth the foreign legal consultant's address in this state and designating the clerk of the supreme court as the foreign legal consultant's agent upon whom process may be served, with like effect as if served personally upon the foreign legal consultant, in any action or proceeding thereafter brought against the foreign legal consultant and arising out of or based upon any legal services rendered or offered to be rendered by the foreign legal consultant within or to residents of this state, whenever after due diligence service cannot be made upon the foreign legal consultant at such address or at such new address in this state as he or she shall have filed in the office of the clerk of the supreme court by means of a duly acknowledged supplemental instrument in writing; and

(3) appropriate evidence of professional liability insurance or other proof of financial responsibility, in such form and amount as the supreme court may prescribe, to assure his or her proper professional conduct and responsibility.

**(g) Service of Process.** Service of process on the clerk of the supreme court, pursuant to the designation filed as required by Rule 712(f)(2) above, shall be made by personally delivering to and leaving with such clerk, or with a deputy or assistant authorized by the foreign legal consultant to receive such service, at his or her office, duplicate copies of such process together with a fee of $10. Service of process shall be complete when such clerk has been so served. Such clerk shall promptly send one of such copies to the foreign legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to such foreign legal consultant at his or her address specified by the foreign legal consultant as aforesaid.

**(h) Separate Authority.** This rule shall not be deemed to limit or otherwise affect the provisions of Rule 704.

**(i) Unauthorized Practice of Law.** Any person who is licensed under the provisions of this rule shall not be deemed to have a license to perform legal services prohibited by Rule 712(e)

hereof. Any person licensed hereunder who violates the provisions of Rule 712(e) is engaged in the unauthorized practice of law and may be held in contempt of the court. Such person may also be subject to disciplinary proceedings pursuant to Rule 777 and the penalties imposed by section 32-5 of the Criminal Code of 1961, as amended, and section 1 of the Attorney Act (705 ILCS 205/1).

Adopted December 7, 1990, effective immediately; amended December 6, 2001, effective immediately; amended May 30, 2008, effective immediately; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 713

**Rule 713. Applications for Licensing of Foreign Legal Consultants**

**(a) Referral to Committee on Character and Fitness.**

(1) The Committee on Character and Fitness of the judicial district in which any applicant for a license (pursuant to Rule 712) to practice as a foreign legal consultant resides shall pass upon his or her good moral character and general fitness to practice as a foreign legal consultant. The applicant shall furnish the committee with copies of the affidavits referred to in paragraphs (b)(3), (b)(4) and (b)(5) hereof. Each applicant for a license to practice as a foreign legal consultant shall appear before the committee of his district or some member thereof and shall furnish the committee such evidence of his or her good moral character and general fitness to practice as a foreign legal consultant as in the opinion of the committee would justify his or her being licensed as a foreign legal consultant.

(2) Unless otherwise ordered by the supreme court, no license to practice as a foreign legal consultant shall be granted without a certificate, from the Committee on Character and Fitness for the judicial district in which the applicant resides, certifying that the committee has found that the applicant is of good moral character and general fitness to practice as a foreign legal consultant.

**(b) Documents-Affidavits and Other Proof Required.** Every applicant for a license to practice as a foreign legal consultant shall file the following additional documents~~papers~~ with his or her application:

(1) a certificate from the authority having final jurisdiction over professional discipline in the foreign country in which the applicant was admitted to practice, which shall be signed by a responsible official or one of the members of the executive body of such authority and shall be attested under the hand and seal, if any, of the clerk of such authority, and which shall certify:

(i) as to the authority's jurisdiction in such matters;

(ii) as to the applicant's admission to practice in such foreign country and the date thereof and as to his or her good standing as an attorney or counselor at law or the equivalent therein; and

(iii)as to whether any charge or complaint has ever been filed against the applicant with such authority, and, if so, the substance of each such charge or complaint and the

disposition thereof;

(2) a letter of recommendation from one of the members of the executive body of such authority or from one of the judges of the highest law court or court of general original jurisdiction of such foreign country, certifying to the applicant's professional qualifications, together with a certificate under the hand and seal, if any, of the clerk of such authority or of such court, as the case may be, attesting to the office held by the person signing the letter and the genuineness of his signature;

(3) affidavits as to the applicant's good moral character and general fitness to practice as a foreign legal consultant from three reputable persons residing in this state and not related to the applicant, two or whom shall be practicing Illinois attorneys;

(4) affidavits from two attorneys or counselors at law or the equivalent admitted in and practicing in such foreign country, stating the nature and extent of their acquaintance with the applicant and their personal knowledge as to the nature, character and extent of the applicant's practice, and as to the applicant's good standing as an attorney or counselor at law or the equivalent in such foreign country, and the duration and continuity of such practice;

(5) the National Conference of Bar Examiners questionnaire and affidavit;

(6) documentation in duly authenticated form evidencing that the applicant is lawfully entitled to reside and be employed in the United States of America pursuant to the immigration laws thereof;

(7) such additional evidence as the applicant may see fit to submit with respect to his or her educational and professional qualifications and his or her good moral character and general fitness to practice as a foreign legal consultant;

(8) a duly authenticated English translation of every document~~paper~~ submitted by the applicant which is not in English; and

(9) a duly acknowledged instrument designating the clerk of the supreme court the applicant's agent for service of process as provided in Rule 712(f)(2).

**(c) University and Law School Certificates.** A certificate shall be submitted from each university and law school attended by the applicant, setting forth the information required by forms which shall be provided to the applicant for that purpose.

**(d) Exceptional Situations.** In the event that the applicant is unable to comply strictly with any of the foregoing requirements, the applicant shall set forth the reasons for such inability in an affidavit, together with a statement showing in detail the efforts made to fulfill such requirements.

**(e) Authority of Committee on Character and Fitness to Require Additional Proof.** The Committee on Character and Fitness may in any case require the applicant to submit such additional proof or information as it may deem appropriate.

**(f) Filing.** Every application for a license as a foreign legal consultant, together with all the documents~~papers~~ submitted thereon, shall upon its final disposition be filed in the office of the clerk of the supreme court.

**(g) Fees of Applicants.** Each applicant for a license to practice as a foreign legal consultant on foreign or international law shall pay in advance a fee of $800. All fees shall be paid to the

treasurer of the Board of Admissions to the Bar to be held by the treasurer subject to the order of the court.

**(h) Undertaking.** Prior to taking custody of any money, securities (other than unindorsed securities in registered form), negotiable instruments, bullion, precious stones or other valuables, in the course of his or her practice as a foreign legal consultant, for or on behalf of any client domiciled or residing in the United States, every person licensed to practice as a foreign legal consultant shall obtain, and shall maintain in effect for the duration of such custody, an undertaking issued by a duly authorized surety company, and approved by a justice of the supreme court, to assure the faithful and fair discharge of his or her duties and obligations arising from such custody. The undertaking shall be in an amount not less than the amount of any such money, or the fair market value of any such property other than money, of which the foreign legal consultant shall have custody, except that the supreme court may in any case in its discretion for good cause direct that such undertaking shall be in a greater or lesser amount. The undertaking or a duplicate original thereof shall be promptly filed by the foreign legal consultant with the clerk of the supreme court.

Adopted December 7, 1990, effective immediately; amended June 12, 1992, effective July 1, 1992; amended December 6, 2001, effective immediately; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 721

**Rule 721. Professional Service Corporations, Professional Associations, Limited Liability Companies, and Registered Limited Liability Partnerships for the Practice of Law**

**(a)** Professional service corporations formed under the Professional Service Corporation Act (805 ILCS 10/1 *et seq.*), professional associations organized under the Professional Association Act (805 ILCS 305/0.01 *et seq.*), limited liability companies organized under the Limited Liability Company Act (805 ILCS 180/1-1 *et seq.*), or registered limited liability partnerships organized under the Uniform Partnership Act (1997) (805 ILCS 206/100 *et seq.*), or professional corporations, professional associations, limited liability companies, or registered limited liability partnerships formed under similar provisions of successor Acts to any of the foregoing legislation or under similar statutes of other states or jurisdictions of the United States, may engage in the practice of law in Illinois provided that

(1) each natural person shall be licensed to practice law who is (A) a shareholder, officer, or director of the corporation (except the secretary of the corporation), member of the association, member ( or manager, if any) of the limited liability company, or partner of the registered limited liability partnership, (B) a shareholder, officer, or director of a corporation (except the secretary of the corporation), member of an association, member (or manager, if any) of a limited liability company, or partner of a registered limited liability partnership that itself is a shareholder of a corporation, member of an association, member (or manager, if any) of a limited liability company, or partner of a registered limited liability partnership engaged in the practice of law, or (C) engaged in the practice of law and an employee of any such corporation, association, limited liability company, or registered limited liability partnership; and

(2) one or more persons shall be members of the bar of Illinois, and engaged in the practice of law in Illinois, who are either (A) shareholders of the corporation, members of the association or limited liability company, or partners of the registered limited liability partnership permitted to engage in the practice of law in Illinois hereunder, or (B) shareholders of a corporation, members of an association or limited liability company, or partners in a registered limited liability partnership permitted to engage in the practice of law in Illinois hereunder that itself is a shareholder of the corporation, member of the association or limited liability company, or partner of the registered limited liability partnership permitted to engage in the practice of law in Illinois hereunder; and

(3) the corporation, association, limited liability company, or registered limited liability partnership shall do nothing which, if done by an individual attorney, would violate the standards of professional conduct applicable to attorneys licensed by this court; and

(4) no natural person shall be permitted to practice law in Illinois who is a shareholder, officer, director of the corporation, member of the association, member (or manager, if any) of the limited liability company, or partner of the registered limited liability partnership, or an employee of the corporation, association, limited liability company, or registered limited liability partnership, unless that person is either a member of the bar in Illinois or specially admitted by court order to practice in Illinois.

**(b)** This rule does not diminish or change the obligation of each attorney engaged in the practice of law in behalf of the corporation, association, limited liability company, or registered limited liability partnership to conduct himself or herself in accordance with the standards of professional conduct applicable to attorneys licensed by this court. Any attorney who by act or omission causes the corporation, association, limited liability company, or registered limited liability partnership to act in a way which violates standards of professional conduct, including any provision of this rule, is personally responsible for such act or omission and is subject to discipline therefor. Any violation of this rule by the corporation, association, limited liability company, or registered limited liability partnership is a ground for the court to terminate or suspend the right of the corporation, association, limited liability company, or registered limited liability partnership to practice law or otherwise to discipline it.

**(c)** No corporation, association, limited liability company, or registered limited liability partnership shall engage in the practice of law in Illinois, or open or maintain an establishment for that purpose in Illinois, without a certificate of registration issued by this court.

**(d)** Unless the corporation, association, limited liability company, or registered limited liability partnership maintains minimum insurance or proof of financial responsibility in accordance with Rule 722, the articles of incorporation or association or organization, or the partnership agreement, shall provide, and in any event the shareholders of the corporation, members of the association or limited liability company, or partners of the registered limited liability partnership shall be deemed to agree by virtue of becoming shareholders, members, or partners, that all shareholders, members, or partners shall be jointly and severally liable for the acts, errors, and omissions of the shareholders, members, or partners, and other employees of the corporation, association, limited liability company, or registered limited liability partnership, arising out of the performance of professional services by the corporation, association, limited liability company, or registered limited liability partnership while they are shareholders,

members, or partners.

**(e)** An application for registration shall be ~~in writing~~ signed by an authorized shareholder of the corporation, member of the association or limited liability company, or partner of the registered limited liability partnership, and filed with the clerk of this court with a fee of $50. The application shall contain the following:

(1) the name and street address of the corporation, association, limited liability company, or registered limited liability partnership in the State of Illinois;

(2) the statute under which it is formed;

(3) the names and addresses of the shareholders of the corporation, members of the association or limited liability company, or partners of the registered limited liability partnership;

(4) a statement of whether the corporation, association, limited liability company, or registered limited liability partnership is on a calendar or fiscal year basis and if fiscal, the closing date;

(5) a statement that each shareholder, officer, and director of the corporation (except the secretary of the corporation), each member of the association, each member (and each manager, if any) of the limited liability company, or each partner of the registered limited liability partnership is a member of the bar of each jurisdiction in which such person practices law and that no disciplinary action is pending against any of them; and

(6) such other information and documents as the court may from time to time require.

**(f)** A certificate of registration shall continue in effect until it is suspended or revoked, subject, however, to renewal annually on or before January 31 of each year. The application for renewal shall contain the information itemized in paragraph (e) of this rule and be signed by an authorized shareholder, member, or partner and filed with the clerk of this court with a fee of $40. No certificate is assignable.

**(g)** Nothing in this rule modifies the attorney-client privilege.

**(h)** To the extent that the provisions of this rule or Rule 722 are inconsistent with any provisions of the Professional Service Corporation Act, the Professional Association Act, the Limited Liability Company Act, or the Uniform Partnership Act, such provisions of said acts shall have no application.

Effective March 18, 1969; amended October 21, 1969, effective November 15, 1969; amended October 1, 1976, effective November 15, 1976; amended February 19, 1982, effective April 1, 1982; amended October 9, 1984, effective November 1, 1984; amended February 5, 1997, effective March 1, 1997; amended April 1, 2003, effective July 1, 2003; amended May 20, 2008, effective immediately; amended September 30, 2009, effective immediately; amended June 22, 2017, eff. July 1, 2017.

Commentary
(Revised December 5, 2003)

As amended, Rule 721: (i) includes registered limited liability partnerships among the kinds of entities that may engage in the practice of law in Illinois; (ii) facilitates registration and renewal by permitting a single authorized member of such law firms to execute the application for registration or renewal; and (iii) clarifies that a corporation, association, limited liability company, registered limited liability partnership formed under the laws of this state or similar statutes of other states or jurisdictions of the United States can itself be a shareholder of a corporation, member of an association or limited liability company, or partner of a registered limited liability partnership that is registered under the rule.

## Amended Rule 759

**Rule 759. Restoration to Active Status**

**(a) Petition.** An attorney transferred to disability inactive status under the provisions of Rules 757, 758 or, prior to November 1, 1999, pursuant to Rule 770 may file a petition with the court for restoration to active status. The petition must be accompanied by verification from the Director of MCLE that the attorney has complied with MCLE requirements as set forth in Rule 790 *et seq.* and verification from the Administrator that the attorney has reimbursed the Client Protection Program for all payments arising from petitioner's conduct pursuant to Rule 780(e). ~~A copy of the~~The petition shall be served on the Administrator, who shall have 21 days to answer the petition. If the Administrator consents or fails to file exceptions in the answer to the petition, the court may order that the petitioner be restored to active status without a hearing. If the Administrator excepts to the petition in the answer, the petition and answer shall be referred to the Hearing Board, which shall hear the matter.

**(b) Hearing and Review Procedure.** The hearing and review procedure shall be the same as provided in Rule 753 for disciplinary cases.

**(c) Disposition.** The court may impose reasonable conditions upon an attorney's restoration to active status as may be warranted by the circumstances. A restoration ordered under this rule shall be effective seven days after entry of the court's order allowing the petition provided that the petitioner produces to the Administrator within the seven days verification from the Director of MCLE that the attorney has complied with MCLE requirements as set forth in Rule 790 *et seq.*

**(d) Resumption of Disciplinary Proceedings.** If an attorney is restored to active status, disciplinary proceedings pending against the attorney may be resumed.

Adopted March 30, 1973, effective April 1, 1973; amended September 8, 1975, effective October 1, 1975; amended June 1, 1984, effective July 1, 1984; amended October 16, 1990, effective November 1, 1990; amended June 29, 1999, effective November 1, 1999; amended September 29, 2005, effective immediately; amended February 9, 2015, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 762

**Rule 762. Disbarment and Other Discipline on Consent**

**(a) Disbarment on Consent.** If, while any charge of misconduct is under investigation or pending against him before the Inquiry Board, Hearing Board or Review Board, an attorney files with the court a motion to strike his name from the roll of attorneys admitted to practice law in this State, the clerk of the court shall immediately file with the Administrator a copy of the motion. Within 21 days thereafter the Administrator shall file with the court and serve upon the attorney respondent a statement of charges which shall set forth a description of the evidence which would be presented against the attorney respondent if the cause proceeded to hearing and the findings of misconduct which that evidence would support. Within 14 days after the statement of charges is filed with the court, the attorney respondent shall file with the court his affidavit stating that:

(1) he has received a copy of the statement of charges;

(2) if the cause proceeded to a hearing, the Administrator would present the evidence described in the statement of charges, and that evidence would clearly and convincingly establish the facts and conclusions of misconduct set forth in the statement of charges; except that in cases where the charges are based upon a judgment of conviction of a crime, it shall be sufficient that the attorney respondent state that if the matter proceeded to hearing, the judgment of conviction would be offered into evidence and would constitute conclusive evidence of his guilt of the crime for purposes of disciplinary proceedings;

(3) his motion is freely and voluntarily made; and

(4) he understands the nature and consequences of his motion.

If the attorney respondent fails to file the required affidavit within the 14-day period provided above, or in the event the affidavit does not contain the statements required by subparagraphs (1), (2), (3) and (4) above, the court may deny the attorney's motion to strike his name from the roll of attorneys admitted to practice law in this State. If the court allows the motion, the facts and conclusions of misconduct set forth in the Administrator's statement of charges shall be deemed established and conclusive in any future disciplinary proceedings related to the attorney, including any proceedings under Rule 767.

**(b) Other Discipline on Consent.**

(1) *Petition.* The Administrator and respondent may file with~~submit a proceeding to~~ the court as an agreed matter ~~by way of~~ a petition to impose discipline on consent under the following circumstances:

(a) during the pendency of a proceeding before the court; or

(b) during the pendency of a proceeding before the Review, Hearing or Inquiry Boards and with the approval of the board before which the proceeding is pending.

(2) *Content of Petition.* The petition shall be prepared by the Administrator and shall set forth the misconduct and a recommendation for discipline.

(3) *Affidavit.* Attached to the petition shall be an affidavit executed by the attorney stating that:

(a) he has read the petition;

(b) the assertions in the petition are true and complete;

(c) he joins in the petition freely and voluntarily; and

(d) he understands the nature and consequences of the petition.

The affidavit may recite any other facts which the attorney wishes to present to the court in mitigation.

(4) *Submission to Court.* The Administrator shall file the petition and affidavit with the Clerk of the court. The Clerk shall submit the matter to the court as an agreed matter.

(5) *Action on Petition.* The court may allow the petition and impose the discipline recommended in the petition. Otherwise, the court shall deny the petition. If the petition is denied, the proceeding will resume as if no petition had been submitted. No admission in the petition may be used against the respondent. If the proceeding resumes before the Inquiry or Hearing Board, the proceeding will be assigned to a different panel of the Board.

Adopted March 30, 1973, effective April 1, 1973; amended May 21, 1975; amended October 13, 1989, effective immediately; amended January 5, 1993; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 763

**Rule 763. Reciprocal Disciplinary Action**

If an attorney licensed to practice law in Illinois and another jurisdiction is disciplined in the other jurisdiction, the attorney may be subjected to the same or comparable discipline in Illinois, upon proof of the order of the other jurisdiction imposing the discipline. For purposes of this rule, "other jurisdiction" is defined as the District of Columbia; a country other than the United States; a state, province, territory, or commonwealth of the United States or another country.

The Administrator shall initiate proceedings under this rule by filing a petition with the court, to which a certified copy of the order of the other jurisdiction is attached, together with proof of service upon the attorney. Within 21 days after service of a copy of the petition upon him the attorney may file a request for~~in writing~~ a hearing on the petition. If the court allows the request for a hearing, the hearing shall be held before the Hearing Board no less than 14 days after notice thereof is given to the attorney respondent and the Administrator. At the hearing the attorney may be heard only on the issues as to (1) whether or not the order of the other jurisdiction was entered; (2) whether it applies to the attorney; (3) whether it remains in full force and effect; (4) whether the procedure in the other jurisdiction resulting in the order was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process of law; and (5) whether the conduct of the attorney warrants substantially less discipline in Illinois.

If an attorney is suspended until further order of the Court or disbarred in Illinois pursuant to this rule, reinstatement in Illinois shall be governed by the provisions of Rule 767.

Nothing in this rule shall prohibit the institution of independent disciplinary proceedings in this State against any attorney based upon his conduct in another jurisdiction, and, in the event the Administrator elects to proceed independently, any discipline imposed in this State shall not be limited to the discipline ordered by the other jurisdiction.

Adopted March 30, 1973, effective April 1, 1973; amended September 21, 1994, effective October 1, 1994; amended February 9, 2015, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 768

**Rule 768. Notification of Disciplinary Action**

Upon the date on which an order of this court disbarring or suspending an attorney, or transferring him to disability inactive status becomes final, the clerk shall forthwith transmit~~mail a copy of~~ the order to the attorney, the presiding judge of each of the Illinois Appellate Court Districts, the chief judge of each of the judicial circuits of Illinois, the chief judge of each of the United States district courts in Illinois, and the chief judge of the United States Court of Appeals for the Seventh Circuit. The Administrator shall forthwith provide a copy of the order to each other jurisdiction in which the attorney is known to be licensed to practice law and to the National Regulatory Data Bank administered by the American Bar Association.

Adopted March 30, 1973, effective April 1, 1973; amended June 29, 1999, effective November 1, 1999; amended February 9, 2015, eff. immediately; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 773

**Rule 773. Costs**

**(a) Costs Defined.** Costs may include the following expenses reasonably and necessarily incurred by the administrator in connection with the matter: witness fees; duplication of documents necessary to the prosecution of the case; travel expenses of witnesses; bank charges for producing records; expenses incurred in the physical or mental examination of a respondent attorney; fees of expert witnesses; and court reporting expenses except the cost of transcripts of proceedings before the hearing board or review board where the administrator takes exception to the findings and recommendation of the hearing board or review board, which shall be paid by the administrator unless the administrator prevails, at least in part, before the reviewing board or this court, in which case the administrator may include the transcript costs in the statement of costs subject to the limitations of section (c) of this rule. If both the administrator and respondent take exception to the findings and recommendation of the hearing panel or review board, the cost of the transcript may be taxed to the nonprevailing party. If the administrator and the respondent each prevail in part, the respondent may include the costs of transcripts in the statement of costs, subject to the limitations of section (c) of this rule.

**(b) Duty of Respondent.** It is the duty of a respondent to reimburse the Commission for costs not to exceed $1,000 and for such additional amounts as the court may order on the motion of the Administrator for good cause shown, which may include (1) costs incurred in the investigation, hearing and review of matters brought pursuant to article VII of these rules which result in the imposition of discipline, (2) costs involved in the investigation of alleged violations of the terms and conditions of any such disciplinary order, when such violations are later proved, (3) costs involved in any proceedings for the enforcement of any rule, judgment or order of this court which was made necessary by any act or omission on the part of the respondent, (4) costs incurred to compel the appearance of respondent and to transcribe respondent's testimony when the appearance followed respondent's failure to comply with a request from the Inquiry Board or Administrator to provide information concerning a matter under investigation, and (5) costs

incurred to obtain copies of records from a financial institution, when the institution's production of the records followed respondent's failure to comply with a request from the Inquiry Board or the Administrator to provide those records.

**(c) Statement of Costs.** After the imposition of discipline by the court, the Administrator shall prepare an itemized statement of costs, not to exceed $1,000, which shall be made a part of the record. A copy of the statement shall be served on the respondent. The Administrator may petition the court for costs reasonably and necessarily incurred by the administrator in excess of $1,000, which may be allowed for good cause shown. Costs up to $1,000 shall be paid by the respondent within 30 days of service of the statement. Costs in excess of $1,000 shall be paid by the respondent within 30 days of the order allowing the petition for excess costs.

**(d) Assessment of Costs.** If the respondent contests the amount of the costs or fails to pay the costs within 30 days of service of the statement or order allowing excess costs, the Administrator may petition the court for an order and judgment assessing costs against the respondent and directing the respondent to pay the costs, in full or in part, to the Commission. Costs shall be paid by the respondent attorney within 30 days after the entry of the order and judgment assessing costs. Proceedings for the collection of costs assessed against the respondent attorney may be initiated by the Administrator on the order and judgment entered by the court. A petition for reinstatement pursuant to Rule 767 must be accompanied by a receipt verifying payment of any costs imposed in connection with prior disciplinary proceedings involving the petitioner.

JUSTICE McMORROW dissents from this October 5, 2000, amendment of Rule 773.

Adopted August 9, 1983, effective October 1, 1983; amended June 1, 1984, effective July 1, 1984; amended February 21, 1986, effective August 1, 1986; amended October 13, 1989, effective immediately; amended October 5, 2000, effective November 1, 2000; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 776

**Rule 776. Appointment of Receiver in Certain Cases**

**(a) Appointment of Receiver.** Where it comes to the attention of the circuit court in any judicial circuit from any source that a lawyer in the circuit is unable properly to discharge his responsibilities to his clients due to disability, disappearance or death, and that no partner, associate, executor or other responsible party capable of conducting the lawyer's affairs is known to exist, then, upon such showing, the presiding judge in the judicial circuit in which the lawyer maintained his practice, or the supreme court, may appoint an attorney from the same judicial circuit to serve as a receiver to perform certain duties hereafter enumerated. Notice of such appointment shall be made promptly to the Administrator of the Attorney Registration and Disciplinary Commission either at his Chicago or Springfield office, as appropriate. A copy of

said notice shall be served on the affected attorney at his or her last known residence.

**(b) Duties of the Receiver.** As expeditiously as possible, the receiver shall take custody of and make an inventory of the lawyer's files, notify the lawyer's clients in all pending cases as to the lawyer's disability, or inability to continue legal representation, and recommend prompt substitution of attorneys, take appropriate steps to sequester client funds of the lawyer, and to take whatever other action is indicated to protect the interests of the attorney, his clients, or other affected parties. A copy of the appointing order shall be served on the affected attorney at his or her last known residence address.

(1) The attorney appointed to serve as receiver shall be designated from among members of the bar from the same judicial circuit who are not representing any party who is adverse to any known client of the disabled, absent or deceased lawyer, and who have no adverse interest or relationship with that lawyer or his estate which would affect the receiver's ability to perform the duties above enumerated.

(2) An attorney appointed as receiver may decline the appointment for personal or professional reasons. If no available members of the bar from the same judicial circuit can properly serve as receiver as a result of personal or professional obligations, the Administrator of the Attorney Registration and Disciplinary Commission shall be appointed to serve as receiver.

(3) Any objections by or on behalf of the disabled, absent, or deceased lawyer, or any other interested party to the appointment of or conduct by the receiver shall be raised and heard in the appointing court prior to or during the pendency of the receivership.

**(c) Effect of Appointment of Receiver.** Where appropriate, a receiver appointed by the court pursuant to this rule may file a motion with~~apply to~~ the court for a stay of any applicable statute of limitation, or limitation on time for appeal, or to vacate or obtain relief from any judgment, for a period not to exceed 60 days. A motion~~An application to the court~~ setting forth reasons for such stay~~application~~ shall constitute a pleading sufficient to toll any limitations period. For good cause shown, such stay may be extended for an additional 30 days.

**(d) Liability of Receiver**. A receiver appointed pursuant to this rule shall:

(1) not be regarded as having an attorney-client relationship with the clients of the disabled, absent or deceased lawyer, except that the receiver shall be bound by the obligations of confidentiality imposed by the Rules of Professional Conduct with respect to information acquired as receiver;

(2) have no liability to the clients of the disabled, absent or deceased lawyer except for injury to such clients caused by intentional, willful or gross neglect of duties as receiver; and

(3) except as herein provided, be immune to separate suit brought by or on behalf of the disabled, absent, or deceased lawyer.

**(e) Compensation of the Receiver.**

(1) The receiver shall normally serve without compensation.

(2) On motion~~application~~ by the receiver, with notice to the Administrator of the Attorney Registration and Disciplinary Commission, and upon showing by the receiver that the nature of the receivership was extraordinary and that failure to award compensation would work substantial hardship on the receiver, the court may award reasonable

compensation to the receiver to be paid out of the Disciplinary Fund, or any other fund that may be designated by the supreme court. In such event, compensation shall be awarded only to the extent that the efforts of the receiver have exceeded those normally required in an amount to be determined by the court.

**(f) Termination of Receivership.** Upon completion of the receiver's duties as above enumerated, he shall file with the appointing court a final report with a copy thereof served upon the Administrator of the Attorney Registration and Disciplinary Commission.

Adopted October 20, 1989, effective November 1, 1989; amended March 25, 1991, effective immediately; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 777

**Rule 777. Registration of, and Disciplinary Proceedings Relating to, Foreign Legal Consultants**

**(a) Supervision and Control of Foreign Legal Consultants.** The registration of, and disciplinary proceedings affecting, persons who are licensed (pursuant to Rule 712) to practice as foreign legal consultants shall be subject to the supreme court rules (Rule 751 *et seq.*) and to the rules of the Attorney Registration and Disciplinary Commission relating to the registration and discipline of attorneys. As used in those rules, the terms "attorney" and "attorney and counselor at law" shall include foreign legal consultants except to the extent that those rules concern matters unrelated to the permissible activities of foreign legal consultants.

**(b) Issuance of Subpoenas by Clerk Relating to Investigation of Foreign Legal Consultants.** Upon application by the Administrator or an Inquiry Board, disclosing that the Administrator or Inquiry Board is conducting an investigation of either professional misconduct on the part of a foreign legal consultant or the unlawful practice of law by a foreign legal consultant, or of a Hearing Board that it is conducting a hearing relating thereto, or upon application by a respondent, the clerk of this court shall be empowered to issue subpoenas for the attendance of witnesses and the production of books and documents~~papers~~ before the Administrator or Inquiry Board or Hearing Board.

**(c) Issuance of Subpoenas by Clerk Relating to Investigation of Wrongfully Representing Himself as a Foreign Legal Consultant.** Upon application by the Administrator or an Inquiry Board disclosing that it has reason to believe that a person, firm or corporation other than a foreign legal consultant is unlawfully practicing or assuming to practice law as a foreign legal consultant and that it is conducting an investigation thereof, or of a Hearing Board that it is conducting a hearing relating thereto, or upon application by any respondent, the clerk of this court shall be empowered to issue subpoenas for the attendance of witnesses and production of books and documents~~papers~~ before the Administrator or Inquiry Board or Hearing Board.

**(d) Taking Evidence.** The Administrator or Inquiry Board conducting an investigation and any Hearing Board conducting a hearing pursuant to this rule is empowered to take and transcribe the evidence of witnesses, who shall be sworn by any person authorized by law to administer oaths.

**(e) Disciplinary Procedure.** Disciplinary proceedings and proceedings under Rules 757, 758, or 759 against any foreign legal consultant shall be initiated and conducted in the manner and by the same agencies as prescribed by law for such proceedings against those admitted as attorneys.

Adopted December 7, 1990, effective immediately; amended December 16, 2010, effective immediately; amended June 22, 2017, eff. July 1, 2017.

## Amended Rule 793

### Rule 793. Requirement for Newly-Admitted Attorneys

**(a) Scope**

Except as specified in paragraph (f), every Illinois attorney admitted to practice on or after October 1, 2011, must complete the requirement for newly-admitted attorneys described in paragraph (c).

**(b) Completion Deadline**

The requirements established in paragraphs (c), (f) and (h) must be completed by the last day of the month that occurs one year after the newly-admitted attorney's admission to practice in Illinois.

**(c) Elements of the Requirement for Newly-Admitted Attorneys**

The requirement for newly-admitted attorneys includes three elements:

(1) A Basic Skills Course of no less than six hours covering topics such as practice techniques and procedures under the Illinois Rules of Professional Conduct, client communications, use of trust accounts, attorneys' other obligations under the Court's Rules, required record keeping, professional responsibility topics (which may include professionalism, diversity and inclusion, mental health and substance abuse, and civility) and may cover other rudimentary elements of practice. The Basic Skills Course must include at least six hours approved for professional responsibility credit. An attorney may satisfy this requirement by participating in a mentoring program approved by the Commission on Professionalism pursuant to Rule 795(d)(11)~~(12)~~; and

(2) At least nine additional hours of MCLE credit. These nine hours may include any number of hours approved for professional responsibility credit;

(3) Reporting to the MCLE Board as required by Rule 796.

**(d) Exemption From Other Requirements**

During this period, the newly-admitted lawyer shall be exempt from the other MCLE requirements, including Rule 794(d)(2). A newly-admitted attorney may earn carryover credit as established by Rule 794(c)(2).

**(e) Initial Reporting Period**

The newly admitted attorney's initial two-year reporting period for complying with the MCLE requirements contained in Rule 794 shall commence, following the deadline for the attorney to complete the newly-admitted attorney requirement, on the next July 1 of an even-

numbered year for lawyers whose last names begin with a letter A through M, and on the next July 1 of an odd-numbered year for lawyers whose last names begin with a letter N through Z.

**(f) Prior Practice**

(1) Attorneys admitted to the Illinois bar before October 1, 2011

The newly-admitted attorney requirements of Rule 793(c) do not apply to attorneys who are admitted in Illinois before October 1, 2011, and after practicing law in other states for a period of one year or more. Attorneys shall report this prior practice exemption to the MCLE Board under Rule 796. Thereafter, such attorneys will be subject to MCLE requirements under the appropriate schedule for each attorney.

(2) Attorneys admitted to the Illinois bar on October 1, 2011, and thereafter

The newly-admitted attorney requirements of Rule 793(c) do not apply to attorneys who: (i) were admitted in Illinois on October 1, 2011, and thereafter; and (ii) were admitted in Illinois after practicing law in other states for a period of at least one year in the three years immediately preceding admission in Illinois. Instead, such attorneys must complete 15 hours of MCLE credit (including four hours of professional responsibility credits) within one year of the attorney's admission to practice in Illinois. Such attorneys shall report compliance with this requirement to the MCLE Board under Rule 796. Thereafter, such attorneys will be subject to the MCLE requirements under the appropriate schedule for each attorney.

**(g) Approval**

The Basic Skills Course shall be offered by CLE providers, including "in-house" program providers, authorized by the MCLE Board after its approval of the provider's planned curriculum and after approval by the Commission on Professionalism of the professional responsibility credit. Courses shall be offered throughout the state and at reasonable cost.

**(h) Applicability to Attorneys Admitted after December 31, 2005, and before October 1, 2011**

Attorneys admitted to practice after December 31, 2005, and before October 1, 2011, have the option of completing a Basic Skills Course totaling at least 15 actual hours of instruction as detailed under the prior Rule 793(c) or of satisfying the requirements of paragraph (c).

Adopted September 29, 2005, effective immediately; amended September 27, 2011, effective immediately; amended May 23, 2017, eff. July 1, 2017; amended June 22, 2017, eff. July 1, 2017.