



A GUIDE TO  
ILLINOIS CIVIL APPELLATE  
PROCEDURE

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## Preface

This guide to appellate procedure was first prepared by the Appellate Lawyers Association in 1989 to help civil litigants who were handling their own appeals. Such litigants were commonly called *pro se* litigants; *pro se* literally means “for oneself.” The guide was titled “A Guide to Illinois Civil Appellate Procedure for the *Pro Se* Litigant.” Because the Appellate Lawyers Association believed the guide was also useful to lawyers engaged in appellate practice, the title was changed in 1999, eliminating the reference to the *pro se* litigant. Nevertheless, many of the references to the *pro se* litigant (now called the “self-represented” litigant) intentionally remain in the guide. This guide is available, free of charge, on the Appellate Lawyers Association website, [www.applawyers.org](http://www.applawyers.org), under the “Publications” tab.

The guide is designed to explain some of the procedural rules you must know to navigate the appellate process for civil cases and largely relies on Article III of the Illinois Supreme Court Rules. In contrast, this guide does not discuss the rules for appeals in criminal cases.

The Illinois Supreme Court amends its rules from time to time, so you should always consult the most recent version, which can be found on the Illinois Courts’ website at <http://www.illinoiscourts.gov/>. Specifically, scroll to the “Rules/Law” section on the bottom of that page. There you will find the “Supreme Court Rules.”

You must also follow the local rules of your appellate district, which can similarly be found at the bottom of <http://www.illinoiscourts.gov/> under “Rules/Law”.

If you are handling your own appeal because you cannot afford or find an attorney, be aware that certain organizations, such as bar associations and legal clinics, may be able to help you. The circuit and appellate court clerks’ offices are also helpful resources. For the appellate court clerks’ contact information, consult the Appendix to this guide or visit <http://www.illinoiscourts.gov/courts/appellate-court/appellate-clerks/>.

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## I. WHAT THE APPELLATE COURT DOES

### A. THE APPELLATE PROCESS

The reasons for the rules of appellate procedure are easier to understand if you have some idea how the appellate court operates and what it can and cannot do for you. The appellate court's function is to review what has already happened in the circuit court (also called the trial court) and decide, based on the issues raised, whether any legal errors occurred in those proceedings. In doing so, the appellate court generally can only review documents and transcripts from the circuit court. The appellate court does not hear testimony by live witnesses and cannot consider anything that was not presented in the circuit court. In addition, it is not the appellate court's function to search for errors.

The party who lost in the circuit court and is appealing is called the appellant. The appellant must tell the court what the claimed error is and why what happened was contrary to the law. When the party is representing himself or herself, he or she is called a self-represented (or *pro se*) litigant. Note that if you are not a lawyer, you cannot file pleadings on behalf of another person or on behalf of a business other than a sole proprietorship.

There are primarily two types of rules that will be referred to in this guide – the Illinois Supreme Court Rules and the Illinois Compiled Statutes. Illinois Supreme Court Rules, which can be found at [www.IllinoisCourts.gov](http://www.IllinoisCourts.gov) (see Preface), will be cited throughout this guide as “Ill. S. Ct. R. [Rule Number].” The Illinois Compiled Statutes are the laws passed by the Illinois legislature and can be viewed on the legislature's website – [ilga.gov](http://ilga.gov) (click “Illinois Compiled Statutes” under “Legislation & Laws”). These will be cited as [Chapter Number] ILCS [Act]/[Section Number].

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<sup>1</sup> Sometimes the appellate court will consider exhibits of a descriptive or documentary nature, such as papers and photographs, if (1) the circuit court considered them, (2) they are important to the appeal, and (3) they are included in the official

record. Oversized exhibits will not be included in the record except upon order of the appellate court entered on the court's own motion or pursuant to a motion of any party.

1. The Common Law Record. This must include all the pleadings, motions, and other written documents the parties filed in the circuit court during their case (for example, complaints, answers, or motions seeking dismissal or summary judgment). It also must include all the written orders entered by the circuit court judge.

2. The Report of Proceedings. This is the written record of oral proceedings (for example, trial testimony and oral arguments on motions presented to the circuit court) that is prepared by the court reporter. The report of proceedings and common law record together make up the record on appeal,<sup>1</sup> which is governed by Illinois Supreme Court Rules 321-335.

3. The Parties' Briefs. These are written pleadings filed in the appellate court by the parties to the appeal and are governed by Illinois Supreme Court Rules 341-345. They explain to the appellate court: (a) what the case is about; (b) what happened in the circuit court; (c) what the appellant believes was wrong with the circuit court's decision; (d) the legal reasons why that decision is wrong, supported by appropriate citations to existing law; and (e) why the party on the other side (the appellee) believes the circuit court's decision was correct.

Most of the rules of appellate procedure deal with getting these documents filed in the appellate court in the proper form, and in a timely fashion, so they can be considered by that court. Each appellate district also has local rules that can be found

at [www.IllinoisCourts.gov](http://www.IllinoisCourts.gov). While this guide does not delve into them, we strongly encourage litigants to read the relevant district's local rules.

Once everything is filed, the appellate court judges have basically everything they need to decide an appeal. The court may, but is not required to, allow the parties to present oral arguments about the case (typically 10 to 20 minutes is allowed to each side). See Ill. S. Ct. Rs. 351 and 352. If oral arguments are to be heard, the parties' attorneys are notified when to appear before a panel of three justices who not only listen to what the attorneys have to say, but also ask questions about the case. Oral arguments are rarely held where one party is a self-represented litigant.

After reading the briefs, reviewing the record, considering applicable law, and listening to oral arguments (if the court has decided that oral argument is necessary), the three justices assigned to consider the appeal discuss the case among themselves, reach a decision, and file a written decision (a published opinion or an unpublished order). If all three justices are in agreement, one of them writes the decision and the other two "concur," that is, they show their agreement by signing their names. If one of the justices does not agree with the ultimate ruling, he or she will file a written "dissent" explaining the basis for the disagreement. Sometimes, a justice agrees with the ultimate ruling reached by the authoring judge but writes a special concurrence to clarify that she disagrees with the author's reasoning. The decision or the ultimate ruling agreed upon by two or more justices is the judgment of the appellate court.

The powers of the appellate court are listed in Illinois Supreme Court Rule 366. The rule describes the type of relief the court may grant; for example, reversing a judgment and entering judgment for the other party, or vacating an order and sending the case back to the circuit court for further proceedings. It also limits, to some extent, the issues that can be reviewed. For example, it provides that where there has been a jury trial, the party appealing cannot

raise on appeal any claim of error that was not raised in a post-judgment motion before the circuit court.

## **B. THE ROLE OF THE CIRCUIT AND APPELLATE COURT CLERKS**

The office of the circuit court clerk accepts and files your notice of appeal and assembles the record to be transmitted to the appellate court. In turn, the office of the appellate court clerk accepts and files the record and the briefs. The appellate court clerk keeps track of the many cases pending on appeal, records rulings on appellate motions issued in those cases, and notifies parties when the court sets a date for oral argument and issues a decision.

You will find the employees of the clerks' offices most helpful in providing information within the areas of their duties. For example, you can ask an employee of the office of the clerk of the circuit court when the fee for preparing the record must be paid and how you will receive notice when the record is ready. Similarly, employees of the offices of the appellate court clerks will answer any questions you might have regarding whether the justices have ruled on a pending appellate motion and whether a date has been set for oral argument.

Please bear in mind that while many of the clerks are lawyers, most of the employees that you will deal with in their offices are not. They are all prohibited from giving legal advice. They can tell you what their particular technical procedure is, but they cannot fill out forms for you, prepare notices of appeal for you, draft motions for you, or advise you in any way regarding your appeal.

## **C. ELECTRONIC FILING**

The Illinois Supreme Court has required all documents in civil cases to be electronically filed (hereinafter "e-filed"). All five judicial districts of the appellate court have active e-filing systems, as do the circuit courts. The clerks' offices in the various appellate court districts have public kiosk computer terminals for e-filing should you need one. Note, however, that local rules

may require paper filing in addition to electronic filing in certain instances.

You *must* e-file *all* documents in civil cases unless there is an exemption from e-filing requirements. Ill. S. Ct. R. 9(a). There are five categories of exempted documents:

(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;

(4) Documents filed by a person with a disability, as defined by the Americans with Disabilities Act of 1990, whose disability prevents e-filing; and

(5) Documents in a specific case upon good cause shown by certification. Good cause exists where a self-represented litigant is not able to e-file documents for the following reasons:

(i) no computer or Internet access in the home and travel represents a hardship;

(ii) a self-represented litigant has a language barrier or low literacy (difficulty reading, writing, or speaking in English);

(iii) the pleading is of a sensitive nature, such as a petition for an order of protection or a civil no contact/stalking order; or

(iv) a self-represented litigant tries to e-file documents but is unable to complete the process and the necessary equipment and technical support for e-filing assistance is not available to the self-represented litigant. Ill. S. Ct. R. 9(c).

If you believe that you have good cause to be exempt from e-filing requirements, you must file a certification for exemption from e-filing with the court—either in person or by mail—and you must include a certification under section 1-109 of the Code of Civil

Procedure (735 ILCS 5/1-109). If the local court permits it, you may be able to file your certification for exemption from e-filing and documents via e-mail or other means. The court will consider your filing, and it has the power to decide whether good cause was shown or whether you must e-file future documents.

Note that practices among the clerks of the various appellate court districts and the supreme court may vary as to whether you must file a certification for exemption from e-filing to take advantage of any exemption under Illinois Supreme Court Rule 9 or whether filing a certification for exemption is only necessary to benefit from the good conduct provision (Ill. S. Ct. R. 9(a)(5)).

The Administrative Office of the Illinois Courts has created an important website on e-filing: <http://efile.illinoiscourts.gov/index.htm>. That site has answers to frequently asked questions and contains documents regarding e-filing standards and procedures. You should consult that website, especially if it is your first time e-filing a document in the Illinois courts.

In order to e-file documents in the reviewing courts, you must have an e-mail address. If you do not have an e-mail address, you can register for one through websites like Gmail or Yahoo. Once you have an e-mail address, you must register with an Electronic Filing Service Provider (EFSP). A list of EFSPs, with links to their websites, can be found at <http://efile.illinoiscourts.gov/service-providers.htm>. You must e-file court documents through the EFSP; you do not file documents directly with the courts. Each EFSP's website contains guides and training materials that describe the procedures for e-filing documents. Make sure to register with an EFSP and review their training materials *before* your filing deadlines to ensure that you are familiar with e-filing and do not miss a court deadline.

The Illinois Supreme Court's Electronic Filing Procedures and User Manual can be found at <http://efile.illinoiscourts.gov/documents/S>

[upremeCourt-eFileIL-Policy-User-Manual.pdf](#)

**D. APPROVED FORMS**

The Illinois Supreme Court has approved standardized forms for many filings required in the Illinois courts. Those forms and other helpful information can be found at [www.illinoiscourts.gov/documents-and-forms/](http://www.illinoiscourts.gov/documents-and-forms/)

These forms provide a valuable resource for all people, but especially for self-represented parties. You might even find them easier to use and understand than the examples in this guide. The guide, however, provides some examples of filings in a format that attorneys might use instead. Consult either resource.

## II. WHEN TO APPEAL

### Illinois Supreme Court Rules 301-308

The “when” of an appeal is governed by Illinois Supreme Court Rules 301-308. The most basic rule, and the one most likely to affect self-represented litigants, is that one can appeal from final judgments that end the case. Ill. S. Ct. R. 301. That being said, *if* the circuit court expressly makes a certain finding, appeals may be filed from judgments that do not end the case but, instead, end the litigation only as to one or more (but fewer than all) parties or claims. Ill. S. Ct. R. 304(a). Other types of judgments or orders from which appeals can be taken as of right are set forth in Illinois Supreme Court Rules 304(b) and 307. Moreover, appeals from particular orders can also be taken by permission pursuant to Illinois Supreme Court Rules 306 and 308. Each of these types of appeal is discussed in greater detail below.

It is very important to know when to file your notice of appeal because the failure to file it within the time allowed almost always leads to dismissal of your appeal. This is not a matter for the appellate court’s discretion. If your appeal is not filed on time, the appellate court *cannot* consider it because the court has no jurisdiction to do so.

#### A. APPEALS FROM FINAL JUDGMENTS TERMINATING LITIGATION

Illinois Supreme Court Rule 301 provides a right to appeal from all final judgments of the circuit court in civil cases. In the context of Rule 301, a “final judgment” is one that completely disposes of the entire case: for example, an order dismissing the whole complaint “with prejudice,” or an order granting summary judgment as to all defendants on all claims, or an order entering judgment on a jury verdict (or on the trial judge’s findings in cases tried without a jury). A judgment is final when there is nothing more for the circuit court to do on the case. *Your notice of appeal must be filed within 30 days from the date that the final judgment is entered.* Ill. S. Ct. R. 303(a)(1). If the judge rules orally but

requires that a written order reflecting his or her ruling be prepared and filed, then the 30-day period for filing the notice of appeal runs from the date the written order is entered by the court.

In counting the 30 days, you do not count the date the judgment is entered. For example, if the circuit court grants summary judgment on May 9 (the date on the written order), May 10 is day 1; June 8 is day 30. Saturdays, Sundays, and holidays must be counted. You must file your notice of appeal on or before June 8. You can file your notice of appeal before June 8, but not later, unless the 30th day falls on a Saturday, Sunday, or court holiday (*e.g.*, Thanksgiving Day, Christmas Day, Independence Day). In that case, the deadline for your notice of appeal is the very next day the court is open for business. For example, if June 8 falls on a Sunday, then your notice of appeal would be considered timely if it is filed on Monday, June 9.

The circuit court cannot extend the time to appeal in any circumstance. However, the filing of a post-judgment motion *within 30 days* of judgment (for example, a motion to reconsider or a motion for a new trial) will toll (that is, delay) the time to appeal. When a timely post-judgment motion is filed, the time for appeal does not begin to run until the circuit court rules on that motion. Ill. S. Ct. R. 303(a)(2). ***When the circuit court’s judgment is the result of a jury verdict, you must file a post-judgment motion in the circuit court to preserve any error for review by the appellate court.*** Ill. S. Ct. R. 366(b)(2)(iii); 735 ILCS 5/2-1202(e). With other types of judgments, a post-judgment motion is not usually necessary. Ill. S. Ct. R. 366(b)(3)(ii).

After the circuit court rules on the post-judgment motion, your notice of appeal must be filed *within 30 days* after the ruling, and the time is calculated the same way as described above. Be careful, though. You cannot put off the time for appeal by filing one post-judgment motion after another in the circuit court once a final order has been entered. When the circuit court has entered its judgment, you are permitted one, and

only one, post-judgment motion asking the court to reconsider its ruling or overturn the jury's verdict. Ill. S. Ct. R. 274. Once that is ruled on, you must file your notice of appeal within 30 days or forgo an appeal. The filing of a motion asking the circuit court to reconsider its ruling on a post-judgment motion will not toll the 30 days you have to file the appeal. Ill. S. Ct. R. 303(a)(2). Also, please note that if a post-judgment motion is filed *after* a notice of appeal, that notice of appeal becomes effective when the post-judgment motion is ruled on. If the post-judgment motion is denied, an appeal from the initial judgment includes an appeal from the denial of the post-judgment motion; if it is not denied and you wish to challenge the court's ruling on the post-judgment motion, you must file a new or amended notice of appeal. Ill. S. Ct. R. 303(a)(2).

Some self-represented litigants wonder why they must wait until the end and cannot appeal every adverse ruling of the circuit court at the time it is made. There are two reasons:

1. The appeal might turn out to be unnecessary because of later developments in the case. For example, suppose John Doe is injured using a product that he bought at X Hardware Store. He sues the store and the manufacturer of the product, Acme Manufacturing Company, making claims of both negligence and strict product liability. The circuit court grants summary judgment for X Hardware on his strict product liability claims. Doe wants to appeal, but he cannot because the judgment is not "final" as to all claims and parties. He still has to go through a trial on his two claims against Acme and the one remaining claim against X Hardware. Suppose further that the case is tried, and the jury returns a verdict in Doe's favor against both Acme and X Hardware and awards him all the damages he asked for. It would not make any sense for Doe to appeal the summary judgment in favor of X Hardware on that one claim, because he has gotten everything he wanted anyway. The order that seems so

important now may not make any difference once the case is over.

2. Many orders are entered during the course of an action in the circuit court. Permitting litigants to appeal from every single order as soon as it is entered would prolong a case and create an impossible backlog in the courts. Usually, it just is inefficient to permit several appeals in a case when all claimed errors can be considered at one time in a single appeal.

Sometimes, however, the circuit court decides there is no reason to delay appealing an order that is final as to at least one party or claim, even though the order does not completely dispose of all the litigation. Those appeals are governed by Illinois Supreme Court Rule 304(a) and considered below.

## **B. FINAL JUDGMENTS AS TO FEWER THAN ALL PARTIES OR CLAIMS**

As stated, lawsuits can involve multiple parties or multiple claims for relief. The circuit court may decide there is no reason to delay the time to appeal from a final order disposing of one party or one claim, even though additional matters remain pending. In the context of Rule 304(a), a final judgment is one that entirely disposes of at least one claim against at least one party, but not all claims against all parties.

For example, suppose that the circuit court grants summary judgment for X Hardware on both the negligence claim and the strict product liability claim. Because claims are still pending against Acme, the order granting summary judgment for X Hardware is not appealable under Rule 301. Ordinarily, Doe could not appeal even though the litigation is over as to X Hardware. The same would be true of an order that granted summary judgment for both X Hardware and Acme on Doe's strict product liability claim but left Doe's negligence claims pending.

To make a final judgment on one claim appealable, however, the circuit court could enter a written finding that there is "no just

reason for delaying either enforcement or appeal” of its ruling. Ill. S. Ct. R. 304(a). That finding could be made in the same order that disposes of the claim or it could be entered later in a separate order. If you have an order entered against you that contains the finding that there is no just reason to delay enforcement or appeal, the time for filing a notice of appeal begins to run immediately. As with final orders disposing of the case, you may, within 30 days of such an order, file a motion in the circuit court asking the judge to reconsider that ruling, although you are not required to do so. If you do not file a motion to reconsider, then you must file your notice of appeal within 30 days. *If you do not file a notice of appeal within 30 days from the date when such an order is entered, you lose your right to appeal that ruling at any later time.* If you do file a motion to reconsider and it is denied, then you must file your notice of appeal within 30 days after the date on which the order denying your motion to reconsider was entered.

Just as with final judgments under Rule 301 discussed in Part A, for purposes of calculating the 30 days for filing your notice of appeal, you would not count the day the order containing the Rule 304(a) finding is entered. If that order is dated May 9, then May 10 is day 1 and June 8 is day 30. The same rule also applies when the 30th day falls on a Saturday, Sunday, or court holiday—your notice of appeal must be filed on the next day the court is open for business if you did not file it earlier.

### **C. MATTERS OTHERWISE APPEALABLE AS OF RIGHT**

The Illinois Supreme Court has decided that some orders that are not final judgments disposing of all claims (Ill. S. Ct. R. 301), or sometimes even a single claim (Ill. S. Ct. R. 304), must nonetheless be immediately appealable, without any special findings by the circuit court, to prevent undue hardship to the litigants.

### **Illinois Supreme Court Rule 304(b)**

Illinois Supreme Court Rule 304(b) allows for immediate appeal of the following judgments or orders:

1. “A judgment or order entered in the administration of an estate, guardianship, or similar proceeding which finally determines a right or status of a party.” This would include an order finding someone to be incompetent and appointing a guardian, or an order approving a final accounting in an estate, or adjudicating who are the heirs.

2. “A judgment or order entered in the administration of a receivership, rehabilitation, liquidation, or other similar proceeding which finally determines a right or status of a party and which is not appealable under Rule 307(a).” A self-represented litigant would rarely be involved in this kind of proceeding.

3. “A judgment or order granting or denying any of the relief prayed in a petition under section 2-1401 of the Code of Civil Procedure.” A section 2-1401 petition asks for relief from a final judgment that was entered more than 30 days before the filing of the petition. 735 ILCS 5/2-1401. Examples include cases where a default judgment was entered more than 30 days earlier or where there is newly discovered evidence that could not have been found before the final judgment was entered or within 30 days thereafter.

4. “A final judgment or order entered in a proceeding under section 2-1402 of the Code of Civil Procedure.” See 735 ILCS 5/2-1402. An example of such an order would be one requiring a party to turn over money or other assets to satisfy a prior judgment.

5. “An order finding a person or entity in contempt of court which imposes a monetary or other penalty.”

6. “A custody or allocation of parental responsibilities judgment or modification of such judgment entered pursuant to the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101 *et seq.*) or the Illinois Parentage Act of 2015 (750 ILCS 46/101 *et seq.*)”

Just like appeals from final judgments under Rule 301, your notice of appeal from one of these orders would be due within 30 days after the order is entered or, if a *timely* post-judgment motion is filed, within 30 days of the order disposing of the motion.

*Note that in child custody appeals brought under Rule 304(b)(6), there are special rules expediting the appeal process. See Section VII.*

### **Illinois Supreme Court Rule 307**

Illinois Supreme Court Rule 307(a) allows for immediate appeal of certain other orders before final judgment, including, but not limited to:

1. An order granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction;
2. An order appointing or refusing to appoint a receiver or sequestrator;
3. An order giving or refusing to give other or further powers or property to a receiver or sequestrator already appointed;
4. An order placing or refusing to place a mortgagee in possession of mortgaged premises;
5. An order appointing or refusing to appoint a receiver, liquidator, rehabilitator, or other similar officer;
6. An order 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. An order determining issues in eminent domain proceedings under section 20-5-10 of the Eminent Domain Act (735 ILCS 30/20-5-10).

The notice of appeal from one of these orders must be captioned “Notice of Interlocutory Appeal” and, other than its caption, should conform to the notice of appeal filed in other cases. See Section III, Part A. It must be filed with the circuit court within 30 days from the entry of the interlocutory order. *A motion for reconsideration does not toll the running of the 30-day deadline.* If the order being appealed was entered *ex parte* (only one party being present), a motion to vacate must be filed in the circuit court before appealing. Ill. S. Ct. R. 307(b).

*Like child custody appeals brought under Rule 304(b)(6), appeals brought under Rule 307(a)(6) are subject to special rules expediting the appeal process. See Section VII.*

Illinois Supreme Court Rule 307(d) also allows for immediate appeal of temporary restraining orders. The notice of appeal must be captioned “Notice of Interlocutory Appeal” and is filed in the circuit court within two days of entry or denial of the order from which review is sought. During this same two-day period, a petition (a supporting memorandum is optional) with proof of service and supporting record (see Section VI, Part F) must be filed in the appellate court. Ill. S. Ct. R. 307(d)(1). In addition, due to the expedited nature of an Rule 307(d) appeal, the rule specifically only permits service by either personal or e-mail service. Ill. S. Ct. R. 307(d)(1).

The format for a Rule 307(d) petition is similar to a petition filed pursuant to Illinois Supreme Court Rule 306, which is explained



in Section IV, Part A.<sup>1</sup> It should set forth the relief requested and the grounds for that relief.

**D. MATTERS OTHERWISE  
APPEALABLE BY PERMISSION**

Certain other non-final orders may be appealed by permission of the appellate court. Generally, you are not obligated to immediately appeal from these orders within 30 days of when they are entered and can wait until the entire case is over to appeal them.

**Illinois Supreme Court Rule 306**

Under Illinois Supreme Court Rule 306, a party *may* petition for leave to appeal to the appellate court from the following orders of the circuit court:

1. An order granting a new trial;<sup>2</sup>
2. An order allowing or denying a motion to dismiss on 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 the State on such grounds;
3. An order denying a motion to dismiss on the grounds that the defendant has done nothing that could subject defendant to the jurisdiction of the Illinois courts;
4. An order granting or denying a motion for a transfer of venue;
5. Interlocutory orders affecting the care and custody of or the allocation of parental responsibilities for unemancipated

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<sup>1</sup> Unlike petitions discussed in Section IV, a Rule 307(d) petition would be captioned “Petition in Support of Supreme Court Rule 307(d) Appeal” and would ask the court to reverse the order entered by the circuit court. Ill. S. Ct. R. 307(d).

<sup>2</sup> In some appellate court districts, binding authority holds that Rule 306 provides the exclusive means to appeal a new trial order, meaning if you want to challenge such an order, you *must* appeal pursuant to Rule 306 and not

minors, if the appeal of such orders is not specifically provided for elsewhere in the Illinois Supreme Court Rules;<sup>3</sup>

6. An order that remands the proceeding for a hearing *de novo* before an administrative agency;

7. An order granting a motion to disqualify the attorney for a party;

8. An order 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. An order denying a motion to dispose under the Citizen Participation Act (735 ILCS 110/1 *et seq.*).

Appeals brought pursuant to Rule 306 require the filing of a petition, rather than a notice of appeal, within 30 days of entry of the order. Illinois Supreme Court Rule 306(c)(1). *The filing of a motion to reconsider an interlocutory order does not toll the 30-day deadline for filing a petition for leave to appeal.* These appeals and filing requirements are further discussed in Section IV, Part A. *Also, be aware that a petition for leave to appeal from orders affecting the care and custody of or the allocation of parental responsibilities for unemancipated minors must be brought within 14 days of entry of the order. Ill. S. Ct. R. 306(b)(1); see Section VII, Part A.*

**Illinois Supreme Court Rule 308**

Illinois Supreme Court Rule 308 provides for another type of permissive appeal from an interlocutory order - the

wait until after trial. You should research the law for your district to determine whether you must challenge a new trial order pursuant to Rule 306 or whether you have the option to wait until after trial.

<sup>3</sup> Some examples of interlocutory orders affecting the care and custody of unemancipated minors include permanency planning orders, visitation orders, and temporary custody orders.

certified question. A party wishing to take an appeal under this rule must obtain permission from the circuit court and the appellate court. The circuit court must first issue an order setting forth the question and making the following requisite findings: that a question of law exists as to which there is substantial ground for difference of opinion and that an immediate appeal may materially advance the ultimate termination of the litigation. The requisite findings can be made at the time of entry of the order or at any time on the court's own motion or on the motion of any party. Ill. S. Ct. R. 308(a).

If the circuit court issues an order making the requisite findings, the party must then file an application for leave to appeal with the clerk of the appellate court, asking the court to make the same requisite findings. Ill. S. Ct. R. 308(b). Rule 308 appeals and their filing requirements are further discussed in Section IV, Part B.

**III. STARTING THE APPEAL PROCESS –  
APPEALS AS OF RIGHT  
Illinois Supreme Court Rules 301, 303,  
304, and 307**

You now know what orders you can appeal. This section will consider the proper form for a notice of appeal, or other document initiating an appeal, and where to file it.

**A. THE NOTICE OF APPEAL**

If you are appealing from a final judgment or order pursuant to Illinois Supreme Court Rule 301 or 304, your notice of appeal must identify the following: (a) the court you are appealing to (*e.g.*, Appellate Court of Illinois for the Second Judicial District); (b) the court you are appealing from (*e.g.*, the Circuit Court of the 19th Judicial Circuit, Lake County); (c) the name and circuit court number assigned to your case; (d) the name of the circuit court judge that entered the appealable order; (e) the designation of the parties, that is, who is filing the appeal (the appellant) and who will be responding to the appeal (the appellee); (f) what orders of the circuit court you are appealing from and the date they were entered; (g) what you want the appellate court to do; and (h) your address and the telephone number where you can be reached during the day. Ill. S. Ct. R. 303(b). Attorneys must include the e-mail addresses at which they can be served. Additionally, a self-represented party must provide his e-mail address if he has one. See Ill. S. Ct. R. 11(b).

If another party has already filed an appeal, and you are filing a notice of appeal to (1) join in that appeal, (2) initiate a separate appeal in the same case, or (3) initiate a cross-appeal, your notice of appeal will contain the information stated in the above paragraph but must also designate which of the three types of appeals you are pursuing. Ill. S. Ct. R. 303(a)(3); see Section III, Part B.

Similarly, a notice of appeal filed under Illinois Supreme Court Rule 307 would contain the aforementioned information but would be captioned, “Notice of Interlocutory Appeal.” See Section II, Part C.

Using the hardware store example, suppose John Doe was hurt using a product manufactured by Acme Manufacturing Company and sold by X Hardware Store. He filed suit against both on April 17, 2008, claiming negligence and strict product liability. The circuit court entered an order dismissing his strict liability claim against X Hardware on September 10, 2009, but did not add the finding of “no just reason for delaying enforcement or appeal,” so John Doe could not appeal that ruling immediately. See Ill. S. Ct. R. 304(a). On May 9, 2010, the circuit court grants summary judgment in favor of both Acme and X Hardware on all remaining counts of the complaint, and the case is then finished in the circuit court. John Doe wants to appeal from both rulings and wants the appellate court to (a) reverse the order dismissing his strict liability claim against X Hardware, (b) reverse the order granting summary judgment, and (c) send the case back to the circuit court for a trial on the merits of his claims. The suit was filed in Lake County, so his appeal must be filed in the Appellate Court for the Second District. (Visit <http://www.illinoiscourts.gov/public/illinois-judicial-redistricting> to see the counties served by each appellate district). His notice of appeal would look like Exhibit 2A or 2B found in the Appendix.

Remember to identify every order you want to appeal from, and to tell the appellate court exactly what you want it to do about each of those orders. You should also be careful to list in the caption of the notice of appeal all the parties against whom you seek relief. (Note to workers’ compensation appellants: the caption of your notice of appeal should be modified to “Appeal to the Appellate Court of Illinois, Second District – Workers’ Compensation Commission Division”).

It is important to note that the caption of the case does not change from the caption established in the circuit court even where the defendant is the appellant or where the first-named plaintiff or defendant is not a party to the appeal. Using the hardware store example, if John Doe won his case and the defendants appeal, the caption of the

case would still be *Doe v. X Hardware Store and Acme Manufacturing Company*. Doe would be identified as “Plaintiff-Appellee” and the defendants would be identified as “Defendants-Appellants.”

## **B. FILING**

The notice of appeal (or notice of interlocutory appeal) is filed with the *clerk of the circuit court* where your case was heard. Ill. S. Ct. R. 303(a)(1). In addition, your notice of appeal is generally due 30 days from the date the final order is entered, although there are exceptions.<sup>1</sup> See Timelines at A-2 through A-9.

You must e-file your notice of appeal with the circuit court unless your case is exempt from e-filing. See Ill. S. Ct. R. 9(c); Section I, Part C. Your notice of appeal will be deemed timely if you submit it for e-filing before midnight on the date that it is due and if it is accepted for e-filing by the circuit court.

If your case is exempt from the e-filing requirements, then you must file your notice of appeal on paper. Consult local rules of the respective appellate court district to determine the number of copies you must provide, as those rules vary. You should also take at least one extra copy so to have a copy stamped with the filing date for your own records. (You should do that with everything you file by paper; pleadings do not often get lost, but when they do, it is much easier to reconstruct the court file if you have kept copies with an original stamp from the court.)

If paper filing is allowed, you can file the notice of appeal by mailing the original and the required number of copies to the clerk of the circuit court or by delivering those documents to the circuit court clerk in person. Note that a petition in support of an appeal under Illinois Supreme Court Rule

307(d), *i.e.*, an appeal from the grant or denial of a temporary restraining order, must be accompanied by an appropriate supporting record and must be filed within two days of the order’s entry. See Section II, Part C.

A notice of appeal is considered filed when received by the clerk. Ill. S. Ct. R. 373. That said, an incarcerated, self-represented litigant’s notice of appeal may be considered timely filed, even if received and file-stamped after the due date, where that litigant provides proof of service and affidavit of mailing (Ill. S. Ct. R. 12), showing that the notice of appeal was placed in the mail prior to the due date. Ill. S. Ct. R. 373; see Exhibit 1C.

If your court filings are done by mail or by a third-party commercial carrier and you want a file-stamped copy for your records, be sure to include (a) an extra copy (in addition to the original and one copy that the clerk must have to process your appeal); (b) a self-addressed, stamped return envelope; and (c) a note to the clerk asking him or her to return a file-stamped copy to you in the enclosed envelope.

Rule 303(c) also requires the appellant to file *in the appellate court* a copy of the notice of appeal (or other document initiating the appeal) that was filed in the circuit court and to serve the notice of filing and notice of appeal on the other parties generally within seven days of filing the notice of appeal in the circuit court. However, before you can file these documents, the appellate court might make you wait until the circuit court clerk has e-filed your notice of appeal in the appellate court (see Ill. S. Ct. R. 304(a)(4)), which allows the appellate court to open a new case for your appeal. So long as the circuit court files your notice of appeal in the appellate court within a few days (which is typical), there should be no harm in waiting for the circuit court to file your appeal before

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<sup>1</sup> After a party has filed a notice of appeal under Rule 303(a)(1), Rule 303(a)(3) permits other parties to join in the appeal, appeal separately, or file a cross-appeal. To do so, a party must file a notice of appeal within the latter of three dates: (1) 10 days after being served with the other

party’s notice of appeal; (2) 30 days after the circuit court entered the judgment being appealed; or (3) 30 days after the circuit court entered an order disposing of the last pending postjudgment motion.

you file these documents. Call the appellate court clerk's office if you have any questions about this process.

In a Rule 307(d) appeal, the party should file a copy of the notice of interlocutory appeal in the appellate court with the "Petition in Support of Supreme Court Rule 307(d) Appeal." See Section II, Part C.

### **C. SERVICE**

Service is proved by signing and attaching a "certificate of service" to the notice of filing. The "certificate of service" is a sworn statement showing when and how the appropriate parties have been served. See Exhibit 1B.

Documents generally must be served on other parties electronically unless there is a rule or court order specifying otherwise. Ill. S. Ct. Rs. 11(c), 131(d).

In the case of electronic service, some e-filing systems can automatically serve the parties when a document is e-filed. If your e-filing system allows for automatic service, you should use it to electronically serve parties. If that service is not available, parties must serve each other by e-mail at the e-mail address listed on their appearance forms and court filings. To serve a document by e-mail, you should attach the document you are serving to your e-mail, or you should provide a link within the body of your e-mail that will allow the recipient to download the document through a reliable service provider. A document is considered served on the date that it is electronically sent.

If a self-represented litigant does not have an e-mail address, or if electronic service is not necessary, service can be made by (1) personal service, (2) delivery to an attorney's office or self-represented party's residence, (3) U.S. mail, or (4) a third-party commercial carrier. Ill. S. Ct. Rs. 11(c), 131(d).

If service is by mail, it is deemed complete four days after mailing. If service is by delivery to a third-party commercial carrier, it is deemed complete on the third

business day after delivery to the carrier. See Ill. S. Ct. R. 12(c).

The notice of filing and certificate of service in John Doe's case would look like the examples in Exhibits 1A and 1B in the Appendix.

*A party filing a notice of appeal in a child custody case must also serve copies of the notice of appeal on the circuit court 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. Ill. S. Ct. R. 311(a)(2); see Section VII, Part D.*

### **D. WHAT IF YOU MISS THE 30-DAY DEADLINE? – FILING A MOTION**

There is rarely a good excuse for missing the 30-day deadline. That said, on occasion, a litigant does not file his appeal within 30 days through no fault of his own. If that happens, you have a 30-day grace period in which to e-file a motion in the appellate court explaining the reason why you missed the original deadline and asking permission to file a late notice of appeal. Ill. S. Ct. R. 303(d). If the appellate court agrees, it may grant you leave to file your appeal. In order to get that relief, you have to e-file the following two items with the appellate court within 30 days after the date on which your notice of appeal should have been filed:

1. A motion asking for leave to file a late notice of appeal. Your motion should fully explain why you were unable to appeal within the 30 days allowed. See Exhibit 3. All stated facts must be supported with an affidavit, which is a statement sworn before a notary public or verified by certification under section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109). Ill. S. Ct. Rs. 16, 361(a). If any written documents are important to your explanation, attach those too. Any motion you file in the appellate court must be accompanied by a notice of filing and proof of service. See Exhibit 4.

2. A draft order, indicating that the motion is "granted/denied." Ill. S. Ct. R.

361(b)(2). A sample order can be seen at Exhibit 6.

If the appellate court finds your excuse for not filing on time to be sufficient, it will enter an order granting your motion. The appeal can then proceed in the manner described in the remaining sections of this guide.<sup>2</sup> A copy of the signed order could be sent via e-mail or, if you have not provided an e-mail address, via mail.

While it is difficult to predict what reasons the court will or will not accept, the following are some examples of what might be considered a good excuse: illness, an honest mistake in calculating when the appeal was to be filed, technical failures with the e-filing system, submission of a reasonable, but rejected, notice of appeal for e-filing, delay in the mail, severe weather conditions preventing the litigant from getting to court or mailing the notice of appeal, or failure to receive a copy of the final order being appealed until the normal 30-day period for appeal has expired. This list is not exclusive, and if you believe that your excuse is reasonable, submit your motion to the court.

#### **E. STAY OF JUDGMENT PENDING APPEAL**

A “stay” is an order that prevents a party from enforcing a judgment order during an appeal. There are several different types of stay:

1. Stay of Money Judgments. The enforcement of a money judgment is stayed by a circuit court only if a timely notice of appeal and an appeal bond are filed by the appellant within the time for filing the notice of appeal or within any extension of time granted. Ill. S. Ct. R. 305(a). The amount of the bond must be sufficient to cover the judgment, interest, and costs. Application for, and approval of, appeal bonds should initially be made in the circuit court. Ill. S. Ct. R. 305(d). If the circuit court refuses, the party should file a motion in the appellate

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<sup>2</sup> If the reviewing court grants leave to file a late notice of appeal, other parties have 10 days from the entry of that order to join in

court to have the bond set. Furthermore, notice of the presentment of the bond must be given to the appellee by the appellant.

2. Stay of Other Judgments. If the judgment from which you are appealing does not include monetary damages, the circuit court may stay the enforcement of the judgment only upon notice and motion. Although not otherwise required, the court may require you to file an appeal bond. Ill. S. Ct. R. 305(b). The amount of this bond will be set by the court.

Beware that in matters involving real or personal property, not money, there may be consequences for failing to perfect a stay in a timely manner. Absent a stay, a reviewing court’s decision to reverse or modify the circuit court’s judgment does not affect a non-party’s right, title, or interest with respect to the property at issue if it is acquired after the circuit court’s judgment becomes final. In short, absent a stay, you may not get your property back, even if the reviewing court agrees with you. Ill. S. Ct. R. 305(k).

3. Extension of Time to File Bond. The circuit court, appellate court, or one of the appellate court justices has the discretion to extend the time for filing an appeal bond if a party moves for an extension within the time for filing the notice of appeal. However, extensions granted by a circuit court may not exceed 45 days unless the parties stipulate otherwise. Ill. S. Ct. R. 305(c). If such a motion is filed in the appellate court, it must be supported by an affidavit or certification and be accompanied by a supporting record (see Ill. S. Ct. R. 328; Section VI, Part F) if the record on appeal has not been filed yet.

4. Stays by the Appellate Court. Although an application for a stay typically is made to the circuit court, a motion for a stay may be made to the appellate court or to one of its justices. A party filing such a motion in the appellate court must explain why application to the circuit court is not

the already filed appeal, to separately appeal, or to cross-appeal. Ill. S. Ct. R. 303(d).

practical or that the application was filed in the circuit court but the court denied it. The motion must be accompanied by “suggestions supporting the motion” and, if the record on appeal has not been filed, a supporting record (see Ill. S. Ct. R. 328; Section VI, Part F). If the appellate court grants the stay, the appellate court clerk will notify the parties and transmit to the clerk of the circuit court a certified copy of the order granting the stay. Ill. S. Ct. R. 305(d).

5. Automatic Stay Pending Appeal of Termination of Parental Rights. An order terminating parental rights under the Juvenile Court Act, to the extent the order grants an agency or person the right to consent to the child’s adoption, is automatically stayed for 60 days. Only that portion of the termination order granting an agency or person the right to consent to the child’s adoption is stayed. The rest of the termination order is in effect.

This stay means that no final judgment order of adoption can be entered for 60 days after the termination order is entered, even if no parent contests the termination. If a parent or other party files a notice of appeal, the automatic stay continues, without need of a bond, until the appeal is completed. A party may file a motion in the appellate court to lift the automatic stay, however. If no notice of appeal is filed, the automatic stay will expire. Ill. S. Ct. R. 305(e).

6. Automatic Stay – Permissive Appeals. When leave to appeal is granted with respect to an appeal taken pursuant to Ill. S. Ct. R. 306 (other than child custody appeals), the proceedings in the circuit court are stayed. The appellate court may, upon good cause shown, vacate or modify the stay or may require the petitioner to file an appropriate bond. Ill. S. Ct. R. 306(c)(6).

**IV. APPEALS BY PERMISSION**  
**Illinois Supreme Court Rules 306 and 308**

**A. ILLINOIS SUPREME COURT RULE**  
**306 APPEALS**

There are certain types of appeals that can be taken by permission of the appellate court. If the order from which you seek to appeal falls within one of the categories listed in Illinois Supreme Court Rule 306(a), you must seek permission, referred to as leave of court, to appeal by filing a petition rather than a notice of appeal. Generally, the petition and supporting record must be filed in the appellate court within 30 days after entry of the order. See Ill. S. Ct. R. 306(b) and 306(c).

*Be aware that shortened time limits and additional requirements apply to petitions related to orders regarding child custody or allocation of parental responsibilities pursuant to Illinois Supreme Court Rule 306(a)(5).*

*Also be aware that the filing of a motion to reconsider an interlocutory (non-final) order does not stay the time-period for filing the petition for leave to appeal.*

As with all court filings in the appellate court, you generally must e-file the petition unless an exemption applies. See Ill. S. Ct. R. 9(c).

The petition should contain a statement of the facts necessary to understand the issue before the court and the grounds for appeal. In addition, the statement of facts must be supported by reference to a separate supporting record prepared in accordance with Illinois Supreme Court Rule 328. See Ill. S. Ct. R. 306(c). The petition must also include an appendix consisting of a copy of the order appealed from, any opinion, memorandum, or findings of fact entered by the circuit court judge, and a table of contents to the supporting record. Ill. S. Ct. R. 306(c)(1), (3).

A sample petition for leave to appeal under Rule 306(a)(2) and supporting memorandum can be found at Exhibit 7. In this example, John Doe and Sam Smith had

a real estate contract dispute, When Doe threatened to sue him, Smith filed an action in Lake County seeking a declaration that he was not obligated to sell his farmland to Doe. Doe moved to transfer the lawsuit to Cook County, which was more convenient, but the circuit court denied the motion, giving preference to Smith's chosen forum. Doe's Rule 306 petition is seeking leave to appeal from that order.

The opposing party has 21 days after the filing of the petition to file an answer. Reply briefs are not permitted, however, except by leave of court. See Ill. S. Ct. R. 306(c)(2). The petition and answer must be filed with a notice of filing and a certificate of service See Section III, Part B.

The appellate court will rule on the petition within 30 days after the expiration of time for filing any answer. See Ill. S. Ct. R. 306(c)(5).

If leave to appeal is granted, proceedings in the circuit court are automatically stayed. The clerk of the appellate court will send notice to the clerk of the circuit court. Ill. S. Ct. R. 306(c)(6). The parties may stand on their petition or answer, or file further briefs in lieu of or in addition to their petition or answer. You should speak with the clerk's office to determine how to notify the clerk about your decision to stand on your petition or answer or to file a new brief, as practices vary across the appellate districts. Otherwise, the appellant's brief will be due 35 days from the date leave to appeal was granted; the appellee's brief will be due within 35 days of the due date of the appellant's brief; and the reply brief will be due within 14 days of the due date of the appellee's brief. See Ill. S. Ct. Rs. 306(c)(8), 343(a).

Either party may request that additional portions of the record be prepared, or the appellate court may order the appellant to file the record within 35 days of the order granting leave to appeal. Ill. S. Ct. R. 306(c)(7).

**B. ILLINOIS SUPREME COURT RULE**  
**308 APPEALS**



A party can also seek leave to appeal to the appellate court when the circuit court has certified a legal question. See Ill. S. Ct. R. 308(a).

A certified legal question arises when the circuit court finds that a court 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.” Ill. S. Ct. R. 308(a). The court must make that finding and identify the legal question in writing.

To present the certified question to the appellate court, a party must file an “Application for Leave to Appeal.” The application and supporting record must be filed within 30 days after the requisite findings have been made by the circuit court. See Ill. S. Ct. R. 308(b). As with all court filings in the appellate court, you generally must e-file the application unless you meet the requirements set forth in Illinois Supreme Court Rule 9(c). In addition to having a statement of facts and a supporting record, the application should set forth the certified question, a statement as to 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. Ill. S. Ct. R. 308(c).

Within 21 days of the application due date, the adverse party may file an answer in opposition and a supplementary supporting record containing any additional parts of the record. Oral argument is generally not permitted. Ill. S. Ct. R. 308(c).

As with other filings in the appellate court, the application and answer must be filed with a notice of filing and certificate of service. See Exhibits 1A and 1B.

If leave to appeal is granted under Illinois Supreme Court Rule 308, the parties will be required to file briefs just as in appeals from final orders. In addition, either party may request that additional portions of the record

be prepared, or the appellate court may order the appellant to file the record within 35 days of the order granting leave to appeal. The appellant must file a brief within the same 35 days. The remaining due dates are the same as those for appeals from final orders. Ill. S. Ct. Rs. 308(d), 343(a). Note that even if the reviewing court grants leave to appeal, the appeal may fail if the reviewing court ultimately determines that the certified legal question does not satisfy the criteria set forth in Illinois Supreme Court Rule 308(a).

**V. THE DOCKETING STATEMENT**  
**Illinois Supreme Court Rule 312**

Within 14 days after filing your notice of appeal in appeals as of right under Illinois Supreme Court Rule 301 or 304, or within 7 days after filing your notice of appeal under Illinois Supreme Court Rule 307(a), you must file a docketing statement in the appellate court. Ill. S. Ct. R. 312(a).

In the case of discretionary appeals (Ill. S. Ct. Rs. 306 and 308), the docketing statement is due at the time the appellant files the Illinois Supreme Court Rule 306 petition or Illinois Supreme Court Rule 308 application. Ill. S. Ct. R. 312(a); see Section IV.

The docketing statement serves as notice to the appellate court and the other parties in the appeal that all of the preliminary steps have been taken; that is, that the transcripts and record have been ordered. It also gives the opposing party some idea of the issues you will be raising on appeal and other information that permits the justices of the appellate court to see who the parties and their attorneys are so that they can decline being assigned to appeals in which the justices' connection to the parties or attorneys would make their participation inappropriate. See Exhibit 8.

Unless you have previously paid your \$50 filing fee, you must pay it when you file your docketing statement. Ill. S. Ct. Rs. 312(a), 313. The fee, collected electronically when you e-file your docketing statement, must be paid using a Discover, MasterCard, or Visa credit card or a prepaid debit card; the appellate courts do not accept eChecks. However, you may petition for a waiver of appellate court fees by using the form adopted by the Illinois Supreme Court. Ill. S. Ct. R. 313(a); see Exhibit 19A. In addition, you must complete and file an accompanying order for the court to rule on the petition. See Exhibit 19B.

The information that must be included in the docketing statement is set forth in the Illinois Supreme Court's Article III Forms Appendix. See Exhibit 8. Some of the

appellate court districts have developed their own forms, copies of which are available from the appellate district clerks. In the alternative, or if a preprinted form is not available in your district, you may type your own using the form shown in Exhibit 8. *In child custody appeals, the docketing statement must include a special bolded caption at the top of the first page. See Section VII, Part G.* If you are filing an appeal in a workers' compensation matter, be sure to include "Workers' Compensation Commission Division" at the top of the docketing statement after the district number.

As with everything else you file, you must serve a copy of the docketing statement on all other parties and attach a proof of service so that the appellate court is aware that you complied with this rule. Ill. S. Ct. R. 312(b). You can use the sample notice of filing and certificate of service that appear at Exhibits 1A and 1B (see Section III, Part B), but change the "Title of Filing" to "Docketing Statement." As with all court filings in the appellate court, you generally must e-file the docketing statement unless an exemption applies. See Ill. S. Ct. R. 9; Section I. If you are exempt from e-filing and file by mail, you may, as a practical matter, want to provide a self-addressed, stamped return envelope and an extra copy of your docketing statement for the clerk to file stamp and return to you for your records.

The appellate clerk will notify you once a number has been assigned to your appeal (the appellate court assigns a different number than the circuit court). At the time a case is docketed in the appellate court, an acknowledgment letter is immediately sent to the appellant by e-mail or mail. The letter advises that the notice of appeal was received and filed, and sets forth the docket number for the case. If you have not heard from the court within a week after filing your notice of appeal, call the appellate court clerk's office and ask if a number has been assigned. When you talk to the clerk, be sure to have handy the name of your case, the circuit court case number, and the date that you filed the notice of appeal so that the clerk can look up the appellate court case number.

The contact information that you provide on the docketing statement will allow the court to notify you of its orders and decision. The appellate court does not hear oral argument on motions and does not rule from the bench as circuit court judges do. Ill. S. Ct. R. 361(a). Everything is submitted and decided in writing, although the appellate court may hold oral arguments as to the parties' challenges to the circuit court judgment being appealed. Ill. S. Ct. R. 361(b). To make sure that you receive these written orders, it is important that you provide the court with your correct and current contact information. If your contact information changes while your appeal is pending, be sure to provide the appellate court clerk and all parties with notice of the change of address. See Exhibit 9.

**VI. PREPARING AND FILING THE REPORT OF PROCEEDINGS, THE COMMON LAW RECORD, AND THE RECORD ON APPEAL**  
**Illinois Supreme Court Rules 321-329**

When we speak of a report of proceedings, we most often are referring to a transcript setting forth verbatim everything that was said at a court date. See Ill. S. Ct. R. 323. The “common law record,” in contrast, includes every document filed in the case, such as motions, court orders, and any documentary exhibits. See Ill. S. Ct. R. 321. When we refer to “the record on appeal,” we are often referring to the combination of the report of proceedings and the common law record. Ill. S. Ct. R. 321.

Neither the report of proceedings nor the common law record is automatically prepared and sent to the appellate court when an appeal is filed; you have to ask someone to prepare them, and you also must pay the fee for their preparation *before* they will be released. This section deals with getting the court reporter’s transcripts prepared and filed (Part A); what to do if no transcript is available (Part B); requesting the circuit court clerk to prepare the record on appeal (Part C); filing the record in the appellate court (Part D); and supplementing the record (Part E). Additionally, this section addresses supporting records submitted in appeals under Illinois Supreme Court Rules 306, 307, and 308, which consist of less than the full circuit court record (Part F.).

*Further note that special rules and deadlines apply to the preparation of records in child custody appeals (see Section VII, Part D) and appeals from administrative agencies’ decisions (see Section VIII).*

**A. TRANSCRIPTS OF COURT PROCEEDINGS**

Procedures vary widely in recording the oral proceedings that take place before the circuit court judge. In some circuit courts, a court reporter is almost never present unless a party requests one to be. In others, the court automatically audio-records the proceedings. See Ill. S. Ct. R. 46. The court reporter’s notes or audio recording will be

kept until a party requests the preparation of the written transcript.

Assuming that transcripts of the proceedings are available, the appellate court will need transcripts of all relevant court dates in order to review your case. That said, you may not need to request transcripts from every single court date. For example, the reviewing court may not need the transcript of a court date where the circuit court judge only continued the hearing to another date, *i.e.*, a court date where nothing important happened. But if you plan to raise any issue about that continuance, or if the proceeding dealt in any way with any of the issues you will be raising in the appellate court, you must provide the transcript to the appellate court (or an acceptable alternative report of proceedings, discussed in Part B).

For example, John Doe wants to appeal from the order of September 10, 2009, dismissing count II of his complaint, and the order of May 9, 2010, granting summary judgment as to the remaining claims. He must provide transcripts of every court date dealing with those rulings, which will include at least the transcripts of the hearings on those dates.

1. Ordering the Transcripts.

The appellant—the party filing the appeal—is responsible for ordering the transcripts. If a court reporter was present on the date(s) of the relevant hearing(s) or trial, you can order the transcript directly from that court reporter. In some courtrooms, proceedings are audio recorded and transcripts may be ordered from the circuit’s court reporters and transcription services using the transcript request forms available on the circuit court’s website. Either way, the appellant must make a written request to “court reporting personnel” (see Ill. S. Ct. R. 46) to prepare the transcript that the appellant wishes to be included in the report of proceedings. Ill. S. Ct. R. 323(a). This must be done within the time for filing the docketing statement (see Section V). Ill. S. Ct. R. 323(a).

Find out (a) how much it will cost to have the transcripts prepared; (b) what arrangements must be made for payment; (c) about how long it will take to prepare the transcripts; and (d) how the court reporter will notify you when the transcripts are filed.

When you talk to the court reporting personnel, be prepared with all pertinent information: the name and court number of your case, the circuit court judge's name, the exact dates of the proceedings you want transcribed, and the date on which you filed, or will file, the notice of appeal. Do not procrastinate. Court reporters need plenty of advance notice to have time to prepare your transcripts. Finally, confirm your arrangements with the court reporter in writing. See Exhibit 10.

Illinois Supreme Court Rule 312 requires your docketing statement to notify other parties of what transcripts you have requested. See Section V. If another party believes other transcripts are necessary, he or she must notify you of that fact in writing within seven days after being served with your notification and specify what those additional transcripts are. If you receive such a notice, you must, within seven days, ask the court reporter to prepare the additional transcripts requested or, if you think the request is unjustified, file a motion in the circuit court asking the judge to enter an order stating that the additional transcripts need not be included in the report of proceedings unless the opposing party pays for their preparation. Ill. S. Ct. R. 323(a).

## 2. Correcting Mistakes.

There has probably never been a transcript free of typographical or other minor errors. They are hurriedly prepared, and the court reporter may have misheard a word or had to transcribe two or three people trying to talk at the same time. If the transcript is intelligible and the error does not change the sense of what was said, do not worry about it; the appellate court will be able to decipher it. If you come across passages that are unintelligible, omit important words such as "no" or "not," or

otherwise distort meaning in an important way, you may talk to the court reporter about preparing an "errata sheet" to correct the errors. The transcript may be corrected if the parties agree to the correction or the circuit court in which the proceeding occurred otherwise settles a dispute as to whether the transcript was accurate. See Ill. S. Ct. Rs. 323(b) and 329. Alternatively, if it is unlikely that the other parties in the case would dispute that an error appears in the transcript, you may note the error in your brief. Do not misquote the transcript, however. Instead, substitute the erroneous text with the correct text within square brackets.

## 3. Filing the Transcripts.

The transcript, or an acceptable alternative report of proceedings (see Part B), must be filed in the circuit court within 49 days (seven weeks) after your notice of appeal was filed. Ill. S. Ct. R. 323(b). Again, in calculating when the report of proceedings is due, you do not count the first day – if John Doe filed his notice of appeal on June 8, 2010, then June 9, 2010, would be day 1, and the report of proceedings would be due on or before July 27, 2010.

Sometimes the transcript of proceedings cannot be prepared in time to be filed within 49 days. A court reporter may be ill or, if the necessary hearing took place years earlier, it may take time to locate the reporter or have a different reporter decipher the notes and prepare the transcript.

To seek additional time, you must file a motion in the appellate court asking for an extension of time and explaining why the transcript cannot be filed within the 49-day period. Any motion for extension of time must be supported by an affidavit (a sworn statement before a notary public) or verified by certification. Ill. S. Ct. Rs. 16, 323(e), and 361(f). For example, if you contacted the court reporter and were informed that the reporter was ill, on vacation, or simply unable to finish the transcript(s) on time, then you need to explain that to the appellate court. You also need to advise the

court as to the estimated date of completion for the report of proceedings. See Exhibit 15.

Along with your motion to extend the time for filing the transcript, you must include a draft order. Ill. S. Ct. R. 361(b). See Exhibit 6 for a similar type of draft order. You must also file a notice of filing and a certificate of service. Ill. S. Ct. R. 361(b); see Exhibits 1A and 1B. Additionally, you will need to change the description of the filing to “Motion to Extend Time for Filing Transcript of Proceedings.” Please note that you will also need to add the circuit court clerk to the service list (which is necessary for any motions for extension of time that will affect the timing for filing the record). Ill. S. Ct. R. 323(e); see also Ill. S. Ct. R. 326.

If your motion is granted, the appellate court will issue an order setting a new date for filing the transcript in the circuit court. Some appellate court districts automatically send a copy of the order to the circuit clerk. If your district does not, you should send a copy of the order to the clerk of the circuit court because the record on appeal will not be due in the appellate court until 14 days after the due date for the report of proceedings. Ill. S. Ct. R. 326. Therefore, when the appellate court grants an order extending the time for filing the report of proceedings, the time for filing the record on appeal is also automatically extended.

#### **B. WHAT TO DO IF NO TRANSCRIPT IS AVAILABLE**

If, and *only* if, no transcript is available, you may provide a report of proceedings in the form of a “bystander’s report” instead of a transcript. Ill. S. Ct. R. 323(c). Specifically, someone who attended the hearing, *i.e.*, a bystander, can write a concise, accurate, and factual report of what was said. The author might be one of the parties to the dispute or a person who spoke at the hearing. Additionally, the party wishing to file a bystander’s report may ask court officials for any recording of the hearing to assist in the preparation of the report. Ill. S. Ct. R. 323(c). As a practical matter, however, a transcript is the preferred form of a report

of proceedings and should be available if an official recording exists.

A bystander’s report typically consists of a series of short, numbered paragraphs, each one setting out what was said by a particular person. If you prepare a bystander’s report, a copy of it must be served on all other parties within 28 days after you file your notice of appeal. Within 14 days after service of the report, other parties can serve you with proposed amendments to your report or submit their own proposed bystander’s reports. Within seven days after receiving the other parties’ amendments or proposed reports (or, if none are served by the other parties, within seven days after you should have received them), you must present the proposed report or reports to the circuit court judge who heard the evidence. Ill. S. Ct. R. 323(c).

You must give proper notice that you will be presenting a bystander’s report to the judge. Use the form captioned “Motion to Certify Report of Proceedings” (Exhibit 13), but substitute “Bystander’s Report” for “Report of Proceedings” and attach copies of the proposed report(s). You must file and serve a notice of motion similar to Exhibit 12. If the parties do not agree on the facts, any conflicts will be resolved by the judge, who will then certify the final bystander’s report and order that it be filed as part of the record. Ill. S. Ct. R. 323(c).

A less common, but permissible, alternative to a transcript or a bystander’s report is an agreed statement of facts. If the parties can agree on what testimony was given at the hearing, they can stipulate to a statement of facts material to the appeal, reduce it to writing, and file it with the clerk of the circuit court within 49 days (seven weeks) after the notice of appeal was filed. Ill. S. Ct. R. 323(d). Similar to the bystander’s report, an agreed statement of facts typically consists of a series of short, numbered paragraphs. See Exhibit 16.

### **C. PREPARATION OF THE RECORD ON APPEAL**

The clerk of the circuit court will arrange the record on appeal in three sections: the common law record, the report of proceedings, and the trial exhibits. Ill. S. Ct. R. 324. The common law record includes every single motion, pleading, order, or other written document filed in the circuit court during the course of the litigation. Unless otherwise specified, when the clerk of the circuit court receives a request to prepare the record on appeal, he or she will include everything that is in the court's file.

It does not matter if the record on appeal contains pleadings and orders that are irrelevant to the issues; the appellate court will just ignore them. However, you must be sure everything that the appellate court needs to review the case is included in the record. This is why the clerk of the circuit court will usually include everything. The only difference may be in the cost of preparing the record.

At present, a record containing no more than 100 pages will, at most, cost \$70 in a county with a population of 3,000,000 or more (Cook County), and \$50 in other counties. A record containing between 100 and 200 pages will not cost more than \$100, regardless of what county you are in, and the clerk may charge 25 cents for each page over 200 pages. 705 ILCS 105/27.1b(h). If you kept copies of everything filed in the circuit court, you can get a general idea of how large the record will be. If you want to limit costs, a stipulation between the parties to limit the documents included in the record may be an option.

Parties may stipulate in writing that fewer than all documents and orders should be made a part of the record. Ill. S. Ct. R. 321. The stipulation would look much like the stipulation discussed in connection with filing the transcripts by stipulation. See Exhibit 14. In the body, however, you should state:

"IT IS HEREBY STIPULATED  
AND AGREED by the parties hereto that

the record on appeal be limited to the following:"

You should then list specifically and in chronological order what pleadings, orders, transcripts, and exhibits are to be included in the record.

If a stipulation is not possible, your only other option to limit the record on appeal is to file a motion with the circuit court asking for an order limiting the record to specific pleadings. It would be similar to the motion to certify the report of proceedings (Exhibit 13), but would be captioned "Motion to Limit Record on Appeal." You would move the court for "entry of an order limiting the record on appeal to the following," and then list the pleadings, orders, transcripts, and exhibits to be included in the record. As with all motions, you must give the opposing party notice of the date and time for hearing on the motion and provide the court with certificate of service. See Exhibits 1B and 12.

#### 1. Ordering the Record on Appeal.

You must order the record on appeal from the clerk of the circuit court within 14 days after filing your notice of appeal. Because procedures vary, you must ask the clerk in advance what the preferred method is for ordering the record. The request must always be in writing, but some clerks have prepared special forms which they prefer you to use. A sample of one such form, used by the clerk of the Circuit Court of Cook County, Civil Appeals Division, is included as Exhibit 17. Similar to forms used by other clerks, it has spaces for all the information the clerk needs in order to prepare the record on appeal and to contact you when the record is ready. If the clerk does not have a special form to use, a simple letter directed to the clerk will do, but be sure you include all of the information asked for in the sample form, especially an address where mail is sure to reach you, an e-mail address (unless there is an exemption from e-filing requirements), and a telephone number where you can be contacted during the workday. See Exhibit 18.

2. Payment of the Preparation Fee.

The circuit courts also have varying rules as to when the preparation fee must be paid, but all now require at least a deposit before they start preparing the record. The rule is uniform that the record will not be transmitted until the fee is paid, so when you are notified that the record is ready, pay the fee promptly and in full. Some clerks have form letters or memos that they give to litigants, explaining the particular procedures to be followed.

You should check with the clerk's office a few weeks before the record is due to confirm that the record will be prepared by the due date. If the clerk's office advises you that they cannot meet the deadline, you will need to file a motion in the appellate court for an extension of time to file the record. Follow the same steps discussed in Section VI, Part A.5.

**D. FILING THE RECORD ON APPEAL**

1. Filing of the Record in the Appellate Court.

The record on appeal typically must be filed in the appellate court within 63 days (nine weeks) after your notice of appeal was filed, although extensions can be obtained pursuant to motion. Ill. S. Ct. Rs. 326, 361. Upon payment of the preparation fee, the clerk of the circuit court will file the record with the reviewing court. Ill. S. Ct. R. 325.

2. Obtaining the Record for Use in Preparing Your Brief.

As the person appealing, you will immediately need the record on appeal to begin preparing your brief. Other parties on appeal will eventually need the record to prepare their own briefs as well. See Sections IX-XI. When the clerk of the circuit court files the record with the appellate court, the appellate court clerk will notify you by e-mail (or by mail if there is an exemption from e-filing requirements) that the record has been filed. Then, either you will access the record on the re:SearchIL website (<https://researchil.tylerhost.net/CourtRecordsSearch/Home>

[e#/home](#)), or the appellate clerk will e-mail you a link to download the record. Charges may apply. See Ill. S. Ct. R. 313.

**E. SUPPLEMENTAL RECORD**

Occasionally, an important pleading or transcript will be accidentally omitted from the record on appeal. Sometimes pleadings get misfiled in the circuit court (some clerks' offices have tens of thousands of active files), or the importance of a transcript is not realized until you begin to prepare your appellate brief.

It is not enough to tell the appellate court that something is missing—you must supplement the record with the missing item, or the court will not consider it. Ill. S. Ct. R. 329. If you need to supplement the record, notify the circuit court clerk what documents are missing.

If the missing document is a court order, it may be easier to replace because most orders are scanned. Usually, the circuit court clerk can find an order if you provide the case number and the date of the order.

If the clerk does not have the missing document, the clerk will accept an original or copy of any filing that carries a filing stamp of the clerk of the circuit court without any need for further authentication. Provide the clerk with your file-stamped copy and keep a copy for yourself. Follow the certification process described at Part A of this section to supplement the record with a missing transcript.

Otherwise, the missing documents can be provided to the clerk by way of the stipulation procedure described at Part C. See Exhibit 21. File the stipulation, with the document(s) attached, in the circuit court clerk's office. Some clerks have prepared a special form that should accompany the stipulation. See, *e.g.*, Exhibit 22. Additionally, ask the clerk what the charge will be for preparing the supplemental record.

Once the supplemental record is filed, a notice, identifying the documents



supplemented, is given to all parties. Ill. S. Ct. R. 324. Additionally, you must file with the appellate court a motion for leave to file a supplemental record *instanter* (see Exhibit 23), accompanied by a proposed order. Essentially, “*instanter*” means right away. You must give the supplemental record to the appellate court clerk at the same time. If the motion is granted, the clerk will automatically file the record. Finally, as with other motions, your motion for leave to file a supplemental record must be accompanied by a notice of filing and a certificate of service. Ill. S. Ct. R. 361; see Exhibits 1A and 1B.

#### **F. SUPPORTING RECORD**

Parties bringing interlocutory appeals pursuant to Illinois Supreme Court Rules 306, 307, and 308 are required to file a supporting record containing enough of the circuit court record to show that (1) an appealable order or judgment was entered, (2) the appellant timely filed and served notice of appeal (or notice of interlocutory appeal) if one is required, and (3) any other matter necessary to the petition or application. Ill. S. Ct. R. 328. Consult the Illinois Supreme Court Rule governing the specific type of appeal (*e.g.*, Ill. S. Ct. R. 306), to determine the content for the supporting record. The supporting record must be authenticated by the certificate of the clerk of the circuit court or by affidavit of the attorney or party filing it. See Exhibit 24. Furthermore, the supporting record must comply with the Supreme Court of Illinois Standards and Requirements for electronic filing of the record on appeal. See <http://efile.illinoiscourts.gov/documents/IL-Record-on-Appeal-Standards-v1.0.pdf>.

*Be aware that where an order terminating parental rights has been entered under the Juvenile Court Act, a full record under Rule 323 is required. See Ill. S. Ct. R. 307; Section VII, Part, F.*

**VII. CHILD CUSTODY OR ALLOCATION  
OF PARENTAL RESPONSIBILITIES  
APPEALS**

**Illinois Supreme Court Rules 306, 307,  
and 311**

Civil appeals involving children are subject to many of the same rules discussed in previous sections. This section will focus on rules that uniquely impact civil appeals involving children but be sure to read the other relevant sections of this guide as well.

Illinois Supreme Court Rule 311(a) sets forth special rules for child custody appeals involving both final and nonfinal orders that affect the care and custody of children who are alleged to be abused and neglected or whose custody is at issue in a dissolution of marriage, adoption, paternity, or other proceeding (“child custody appeals”). Some examples of final child custody orders include orders terminating a parent’s parental rights; dispositional orders under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.*); or orders dismissing or closing a case under that act. Examples also include judgments allocating parental responsibilities, relocation judgements, or orders modifying such judgments subsequent to the dissolution of marriage under the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101 *et seq.*) or the Illinois Parentage Act (750 ILCS 40/1 *et seq.*). In most cases, the appeal would be brought under Illinois Supreme Court Rule 301, 304(b)(6), 660(b), or 663(a).<sup>1</sup>

In all cases under the Juvenile Court Act, including termination of parental rights cases where a guardian has been appointed to consent to adoption, and under the Adoption Act (750 ILCS 50/0.01 *et seq.*), the last name of the child may not be used in the appellate court or supreme court. The child must be identified by his first name and last initial or by his initials only. The preferred method is by the child’s first name and last initial unless the first name, or its spelling, is unusual and would create a substantial risk of revealing a child’s identity. Ill. S. Ct.

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<sup>1</sup> Rule 660(b) pertains to non-delinquency appeals under the Juvenile Court Act, while Rule

Rs. 341(f), 364(c)(5), 660(c) and 663(b). If the parent(s) and child share a last name, an initial should be substituted for the parent’s last name as well. Some appellate court districts use only initials for a child’s name. Contact the clerk’s office in the relevant district to determine how to refer to a child.

**A. STARTING THE APPEAL**

If you are appealing from a circuit court’s final determination of child custody pursuant to Illinois Supreme Court Rules 301, 304(b)(6) (see Section II, Part C), 660(b) or 663(a), you generally must prepare and file your notice of appeal in the circuit court within 30 days of entry of the order, although exceptions to the 30-day rule may apply. See Section III, Part B; Timelines at A-2 through A-9; Exhibits 2A and 2B. As discussed below, the notice of appeal must contain the following caption in bold type, at the top of the first page:

**THIS APPEAL INVOLVES A MATTER  
SUBJECT TO EXPEDITED  
DISPOSITION UNDER RULE 311(a).**

This caption is necessary to alert the appellate court to place the appeal on an accelerated docket. If you use the form found in Exhibit 2A, be sure to check the box designating the appeal as falling under Rule 311(a).

You may also appeal certain orders that are not final (known as interlocutory orders) pursuant to Illinois Supreme Court Rule 307(a)(6). Such interlocutory orders include those terminating parental rights and those affecting temporary commitment in adoption proceedings. See Section II, Part C. The notice of appeal must be captioned “Notice of Interlocutory Appeal” and must include the same special bolded caption at the top of the page. It, too, is due within 30 days of entry of the child custody order from which you are appealing. *A motion for reconsideration does not toll the 30-day deadline for most interlocutory appeals.* Ill. S. Ct. R. 307.

663 pertains to appeals from the appointment of a guardian with the power to consent to adoption.

But in order to appeal other kinds of nonfinal orders, you must first get the appellate court's permission. Specifically, you must file a petition for leave to appeal pursuant to Illinois Supreme Court Rule 306(a)(5) if you wish to appeal an interlocutory order affecting (1) the care and custody of, (2) the allocation of parental responsibilities for, or (3) the relocation of an unemancipated minor. (Hereinafter referred to as nonfinal custody orders). These nonfinal custody orders include permanency planning, visitation, parenting time, and temporary custody orders. If the appellate court grants your petition, you may proceed with the appeal.

Petitions for leave to appeal nonfinal custody orders must be filed within 14 days of issuance of the order with proof of personal or e-mail service. Ill. S. Ct. R. 306(b)(1). *The filing of a motion to reconsider a nonfinal custody order does not toll the time period for filing the petition for leave to appeal.* Ill. S. Ct. R. 306.

Petitions related to nonfinal custody orders must state the relief requested and the grounds for that relief. Ill. S. Ct. R. 306(a)(5), (b). You can also file a supporting legal memorandum, not exceeding 15 pages in length or 4,500 words, in support of your petition. Ill. S. Ct. R. 306(b)(2); see Exhibit 7. In addition, be sure to include the special caption shown on the previous page in bold type at the top of the first page of your petition. The sample petition for leave to appeal found at Exhibit 7 does not include the requisite Rule 311 caption because that example does not involve child custody. See Section IV, Part A.

Moreover, a supporting record (see Section VI, Part F) must accompany the petition for leave to appeal. It must include the order appealed from, and any supporting documents or matters in the record necessary to the issues raised in the appeal. The supporting record must also be authenticated by the certificate of the clerk of the circuit court or by affidavit of the attorney or party filing it. Ill. S. Ct. R. 306(b)(1); see Exhibit 24. The supporting record must further comply with the

standards and requirements for The Electronic Filing Procedures and User Manual of the Supreme Court of Illinois (hereinafter referred to as the Manual). <http://efile.illinoiscourts.gov/documents/SupremeCourt-eFileIL-Policy-User-Manual.pdf>. As with other filings in appeals from child custody orders, the supporting record must include the special bold caption at the top of the cover page. Also, remember that unlike many other appeals, in a Rule 306(a)(5) appeal, the docketing statement is due at the time the appellant files the Rule 306 petition. Ill. S. Ct. R. 312(a)(2); see Section V. As with other pleadings in cases involving children, the docketing statement must include the special bolded caption at the top of the page. Ill. S. Ct. R. 311(a)(1).

## **B. FILING**

Illinois Supreme Court Rule 9(a) and the Manual state that electronic filing is required in all civil cases unless exempt under Rule 9(c). Whether a party in an appeal involving a child is required to e-file and electronically serve documents, however, often depends upon the division in which the order on appeal originated. For example, appeals from orders originating in the domestic relations division must be e-filed, as no automatic exemption applies.

In contrast, Rule 9(c)(3) exempts documents filed under the Juvenile Court Act from mandatory e-filing. That means you may e-file documents in the circuit court, appellate court, and supreme court but are not required to do so. Furthermore, as a practical matter, the circuit court may not allow you to e-file documents in a juvenile case, even if you would prefer to.

While parties appealing from a child custody order in the domestic relations division are not entitled to an exemption from e-filing under Rule 9(c)(3), they may be able to claim an exemption under a different subsection of Rule 9(c). See Section I, Part C. A self-represented party may file a certification for exemption from e-filing for good cause in the reviewing court if, for example, that party does not have a computer or internet access or has difficulty

reading or writing in English. Ill. S. Ct. R. 9(c)(5).

Be aware that practices among the clerks of the various appellate court districts and the supreme court may vary as to whether you must file a certification for exemption from e-filing form to take advantage of any exemption from e-filing or whether filing a certification for exemption form is only necessary to benefit from the good conduct exemption found in Rule 9(c)(5). Therefore, it is best to contact the clerk for the appellate court district you are filing in to confirm how you should proceed.

The Manual also states that when you do e-file a confidential document, such as a document from a case filed under the Juvenile Court Act, you must choose “Confidential” from the dropdown menu after you attach your document while e-filing. See Section III, Part B.

Note that petitions seeking leave to appeal from a nonfinal custody order pursuant to Rule 306(a)(5) are not filed in the circuit court; they are filed in the appellate court. If paper filing is allowed, you must file an original and three copies each of the petition, memorandum, and supporting record along with a notice of filing and certificate of service showing that you served the opposing party by personal or e-mail service. Ill. S. Ct. R. 306(b).

#### **C. SERVICE**

Similar to filing requirements, documents generally must be served on other parties electronically unless a rule or court order specifies otherwise. Ill. S. Ct. R. 11(c). Self-represented parties who have an e-mail address must include their e-mail address on all pleadings. Ill. S. Ct. R. 11(b), 131(d)(2). If a self-represented party does not have an e-mail address, he may be served with documents by personal delivery, by leaving the document at the party’s residence, by U.S. mail, or by a third-party commercial carrier. Ill. S. Ct. R. 11(c)(2).

In the case of electronic service, some e-filing systems will automatically serve the

parties when a document is e-filed. If that service is not available, parties must serve each other by e-mail at the e-mail address listed on their appearance forms and court filings. To serve a document by e-mail, you should attach the document you are serving to your e-mail or you should provide a link within the body of your e-mail that will allow the recipient to download the document through a reliable service provider. A document is considered served on the date that it is electronically sent. Section III, Part B.

#### **D. SPECIAL NOTICE REQUIREMENTS**

Illinois Supreme Court Rules 303(c) and 311(a)(2) contain additional notice requirements as well. Both rules require the party filing a notice of appeal or an amended notice of appeal to file a notice of that filing with the appellate court within seven days and serve the other parties with that notice. Additionally, Rule 311(a)(2) requires, in cases involving child custody or the allocation of parental responsibility, that you serve the notice of appeal on (1) the circuit court judge who entered the judgment or order appealed and (2) the office of the chief judge of the circuit in which the judgment or order was entered. A sample notice of filing and certificate of service can be found at Exhibits 1A and 1B. The caption would be different, however, and the notice of filing would include the name of the trial judge and chief judge as well as counsel for the opposing party.

#### **E. ILLINOIS SUPREME COURT RULE 306 PROCEDURE**

Rule 306(b)(1) similarly requires that a copy of the petition for leave to appeal be served on the circuit court judge who entered the order from which leave to appeal is sought.

The opposing party has five business days<sup>2</sup> following service of the petition and memorandum to file an answer. Ill. S. Ct. R. 306(b)(2). As with other permissive interlocutory appeals, the appellate court will issue a ruling whether to grant the petition and allow leave to appeal. If leave to appeal is granted, the appellant must serve, within seven days, copies of the order granting leave to appeal upon the opposing parties, 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 was entered. Ill. S. Ct. Rs. 306(b)(5), 311(a)(2).

If the appellate court allows an appeal, the parties may choose to file additional briefs or may decide not to. In order to allow their original petition or answer to serve as their brief, the party must notify the clerk of the appellate court and the other parties on or before the due date of the brief. Ill. S. Ct. R. 306(b)(5); see Section IV, Part A.

#### **F. MANDATORY EXPEDITED DISPOSITION**

Rule 311(a) mandates the expedited disposition of appeals involving child custody, the allocation of parental responsibilities, or the relocation of minors. To that end, the following requirements apply:

1. Special Caption. Virtually all pleadings must include the following statement in bold type on the top of the front page:

**THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).**

Ill. S. Ct. R. 311(a)(1).

2. Service Upon the Circuit Court. As discussed above, litigants are subject to special requirements to provide the circuit court with notice at certain times. Ill. S. Ct. R. 311(a)(2).

3. Status Hearing. On receipt of the notice of appeal or order granting leave to appeal, the circuit court judge must set a status hearing within 30 days of the date of filing of the notice or order granting leave to determine the status of the case. At the status hearing, the court should address payments of the required fees to the clerk of the circuit court and court reporting personnel for preparation of the transcript of proceedings (discussed in Section VI). And the court may take any action necessary to expedite preparation of the record on appeal and transcript of proceedings. The trial judge may request the assistance of the chief judge to resolve filing delays. Ill. S. Ct. R. 311(a)(3).

4. Record. The electronic record on appeal, including the transcript of proceedings (see Section VI), must be filed in the appellate court 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 time for filing the record must be accompanied by an affidavit of the court clerk or court-reporting personnel stating the reason for the delay and must be served on the circuit court judge and the chief judge of the circuit court. Lack of advance payment is not a reason for noncompliance with filing deadlines for the record or transcript. Ill. S. Ct. R. 311(a)(4). The record in all child custody appeals, including appeals filed under the Juvenile Court Act, must be electronically filed.

5. Deadline for Decision. Except for good cause shown, the appellate court must issue its decision within 150 days after the filing of the notice of appeal or granting of leave to appeal under Rule 306(a)(5). Ill. S. Ct. R. 311(a)(5).

6. Local Rules. The appellate court of each district is authorized to adopt mandatory procedures to ensure the issuance of a decision within the 150-day deadline. Ill. S. Ct. R. 311(a)(6). You should

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<sup>2</sup> Business days exclude weekend days and court holidays.

check the particular district's administrative orders and rules, especially related to motions for extension of time to file your brief. See Section I, Part A.

7. Briefing Schedule. The appellant's brief is due 21 days after the record is e-filed in the appellate court. The appellee's brief is due 21 days from the due date of the appellant's brief. Any reply brief is due seven days from the due date of the appellee's brief. Ill. S. Ct. R. 311(a)(7); see Section IX, Part C.

#### **G. DUE DATES FOR BRIEFS IN ILLINOIS SUPREME COURT RULE 307(a)(6) APPEALS**

While Rule 311(a) sets forth an expedited briefing schedule for child custody cases, interlocutory orders appealed under Rule 307(a)(6) follow an even tighter schedule. See Part A; see also Section II, Part C.

Under Rule 307(a)(6), in appeals from an order terminating parental rights or granting, denying, or revoking temporary commitment in adoption proceedings under the Adoption Act, the appellant's notice of interlocutory appeal and the record must be filed within 30 days of entry of the interlocutory order. Additionally, in Juvenile Court Act cases where a parent's parental rights have been terminated, litigants must file a Rule 323 record, not merely a supporting record under Rule 328 (see Section VI). Ill. S. Ct. R. 307(a). The appellant's brief is due within seven days of record being filed. The appellee's brief is due within seven days from the date the appellant's brief is filed. And the appellant may file a reply brief within seven days from the date the appellee's brief is due. Ill. S. Ct. R. 307(c).

#### **H. AFTER THE APPELLATE COURT RULES**

As in any other appeal, if the appellate court rules against you, your only recourse is to file a petition for rehearing in the appellate court (Ill. S. Ct. R. 367) or a petition for leave to appeal in the Illinois Supreme Court (Ill. S. Ct. R. 315). The deadlines and formats for these petitions are

discussed in Section XIII. Please note that under Illinois Supreme Court Rule 315(i), the timeframes for filing briefs after a petition for leave to appeal is allowed are shortened in child custody cases. The appellant's notice of election is due within seven days after the petition for leave to appeal is allowed. Ill. S. Ct. R. 315(i)(2)(a). If the appellant elects to file an additional brief, the brief is due within 21 days from the date the petition for leave to appeal is allowed. Ill. S. Ct. R. 315(i)(2)(b). If an appellee files an additional brief, it is due 21 days after the due date of the appellant's brief. Ill. S. Ct. R. 315(i)(2)(d). The appellant's reply brief is due seven days after the due date of the appellee's brief. Ill. S. Ct. R. 315(i)(2)(e).

Just as with respect to any filings in the appellate court, the petition for rehearing and the petition for leave to appeal must have the special caption in bold type on the top of the front page:

**THIS APPEAL INVOLVES A MATTER  
SUBJECT TO EXPEDITED  
DISPOSITION UNDER RULE 311(a).**

Ill. S. Ct. Rs. 311(a), 315(i)(1). In addition, you must send 13 paper copies of your e-file-stamped petition for leave to appeal or brief to the Illinois Supreme Court Clerk's office in Springfield, Illinois.

**VIII. APPEALS FROM FINAL  
ADMINISTRATIVE ORDERS  
Illinois Supreme Court Rule 335**

The Illinois legislature has provided for appeal from final orders of certain state administrative agencies. While most final administrative decisions must first be challenged in the circuit court by filing a complaint for administrative review, some final administrative decisions may be appealed from the agency directly to the appellate court by filing a petition for administrative review. This section focuses on the latter type of appeal, which is governed by Illinois Supreme Court Rule 335.

Be aware that some administrative agency's rules require litigants to challenge an administrative decision before the agency itself, prior to filing a complaint or petition for administrative review. This is what is referred to as the exhaustion of administrative remedies. Furthermore, the failure to exhaust administrative remedies may ultimately jeopardize your appeal.

The statutes and regulations governing an agency's proceedings specify how to seek review of decisions and what constitutes a final order. For example, final decisions of the following agencies are directly appealable to the appellate court: the Pollution Control Board (415 ILCS 5/41), the Illinois State Labor Relations Board (5 ILCS 315/11), the Illinois Educational Labor Relations Board (115 ILCS 5/16), certain orders of the Illinois Gaming Board (230 ILCS 10/17.1), the Local Labor Relations Board (5 ILCS 315/11), the Illinois Commerce Commission (220 ILCS 5/10-201), and the Illinois Emergency Management Agency (*formerly the Department of Nuclear Safety*) (420 ILCS 20/18). Additionally, final decisions of the Property Tax Appeal Board involving a proposed change in assessed valuation of \$300,000 or more (35 ILCS 200/16-195), a decision from the Illinois Human Rights Commission (775 ILCS 5/8-111), and a judgment of the State Board of Elections concerning disclosure of campaign contributions and expenditures may be appealed directly to the appellate court (10

ILCS 5/9-22). To appeal those decisions, you must file a petition for administrative review instead of a notice of appeal in the appropriate district of the appellate court. Ill. S. Ct. R. 335.

The time for filing the petition for administrative review is the time period specified in the law authorizing review, such as those mentioned above. Unless another time period is provided, the petition for administrative review must be filed within 35 days from the date that a copy of the order or decision sought to be reviewed was served on the party affected by the order or decision. Ill. S. Ct. R. 335(a).

Each agency's rules and regulations define when an agency's decision is deemed to be served on the litigant and, thus, when the 35-day period for filing a petition for relief starts to run. However, the Illinois Code of Civil Procedure states that "[t]he method of service of the decision shall be as provided in the Act governing the procedure before the administrative agency, but if no method is provided, a decision shall be deemed to have been served either when a copy of the decision is personally delivered or when a copy of the decision is deposited in the United States mail." 735 ILCS 5/3-103. Likewise, section 10-50(a) of the Illinois Administrative Procedure Act requires agencies to notify parties or their agents "personally, by registered or certified mail, by email as provided by Section 10-75, or as otherwise provided by law." 5 ILCS 100/10-50(a). Therefore, it is good practice to file your petition for administrative review within 35 days from the agency's mailing, e-mailing, or personal delivery of the decision. This helps ensure that your petition will be timely.

Otherwise, these appeals are subject to the same rules as any other appeal. As with all court filings in the appellate court, you generally must e-file the petition and file a docketing fee. You also have to file a docketing statement in the same manner as in regular appeals but modify it to reflect that the case involves a petition for administrative review. See Ill. S. Ct. R. 312.

## **A. THE PETITION FOR REVIEW**

When a statute permits you to appeal from an agency decision directly to the appellate court, your petition for administrative review must be filed in the appellate court, not in the circuit court or the agency's office. The parties to the administrative review proceeding are the petitioner (the party filing the petition) and the respondents (the agency and all other parties of record). A petition for review form can be found at [https://www.illinoiscourts.gov/Resources/a2e3e006-7f4a-49c5-8a06-08fc321eba4a/Rule 335 Petition Review Admin Order.pdf](https://www.illinoiscourts.gov/Resources/a2e3e006-7f4a-49c5-8a06-08fc321eba4a/Rule_335_Petition_Review_Admin_Order.pdf).

For example, suppose John Doe filed a race discrimination complaint against the Acme Manufacturing Company with the Illinois Human Rights Commission. The Commission ultimately issued a final decision and order in favor of Acme and against Doe. Doe has determined that the Illinois Appellate Court for the Second District is the appropriate district of the appellate court to review the decision.

Within 35 days of being served with the administrative decision in accordance with the agency's statutes and regulations (unless another time period is provided in the law authorizing review), Doe must file a petition for administrative review in the Illinois Appellate Court, Second District, seeking judicial review of the agency's decision. See Ill. S. Ct. R. 335(a). Doe must also serve copies of that notice on the agency, on Acme, and on any other party of record. See Ill. S. Ct. R. 335(b).

The petition must identify the order to be reviewed, the petitioner, *i.e.*, the party seeking review, and the respondents, including the agency and all parties of record (in this case, Acme). Although the agency is named as a respondent, the agency may not appear or participate in appellate proceedings. Nevertheless, Rule 335 requires that you name the agency as a respondent and serve it. This also alerts the agency that it must prepare the record to be filed in the appellate court within 35 days. See Ill. S. Ct. R. 335(e).

## **B. PREPARING AND FILING THE RECORD FOR REVIEW**

Rule 335 requires the agency whose order is the subject of the petition for administrative review to prepare and file a certified copy of the record for review within 35 days after the petition for administrative review was filed. See Ill. S. Ct. R. 335(d), (e). You must request in writing that the agency prepare the record. Ill. S. Ct. R. 335(d). In addition, that record will consist of any papers filed with the agency during the course of its proceedings, any orders or findings made, and any transcripts of oral proceedings before the agency.

Although the agency must assemble and file the record, you should not assume that this will be done automatically or that you have no responsibility to ensure that a proper record is prepared. As soon as the petition for administrative review has been filed, write your letter to the agency requesting that it prepare the record. Then advise the agency attorney that a petition for administrative review has been filed and ask to speak to the person who will be responsible for preparing the record. Every agency has its own rules and regulations regarding records and may require that you assist in making sure all relevant pleadings and transcripts are included. You should ask (1) whether there is a fee for preparing the record, (2) when and where any fee should be paid, (3) whether you have to order transcripts of hearings and pay for them, (4) when you must file any transcripts with the agency, (5) whether the agency requires that you provide a chronological list of all the pleadings, orders, and dates of hearings that are to be included in the record, (6) whether the agency has any written instructions for appeals, and (7) whether there are rules or regulations published elsewhere if the agency does not provide them.

If the agency does not timely prepare and file the record within the 35 days, you can file a motion to extend the time to file the record (using a format similar to Exhibit 15), even though this was not your responsibility. Since each appellate court district has its own practices in this regard, call the clerk of



the particular appellate court district where you filed your petition and ask what procedure you should follow in these circumstances.

Once the agency has prepared and filed the record, your appeal will proceed as it would in any other appeal.

**IX. PREPARING AND FILING THE APPELLANT'S OPENING BRIEF**  
**Illinois Supreme Court Rules 341-343**

Generally, the most important new written materials filed in the appellate court are 1) the appellant's opening brief, 2) the appellee's response brief, and 3) the appellant's reply brief. This section will concentrate on the appellant's opening brief.

**A. TIME FOR FILING**

The appellant's brief, also referred to as the opening brief, generally must be filed 35 days (five weeks) after the record on appeal is filed with the appellate court. (If that day falls on a weekend or court holiday, your brief is due on the next day that the court is open for business.) Ill. S. Ct. R. 343(a). In an interlocutory appeal as of right, the brief is due seven days after the supporting record (Ill. S. Ct. R. 328) is filed. Ill. S. Ct. R. 307(c). *Please note that in certain cases involving children have shorter due dates as well.* See Section VII, Part F. Some districts send written time schedules (referred to as a "Docketing Order") with the exact dates when the three briefs are due. Other districts (in particular, the First District, which serves Cook County) do not send any kind of time schedule but leave it to the parties to determine when their briefs are due. If you want to make sure you do not miss a deadline, you can call the clerk's office after the record on appeal is filed and ask when the appellant's brief is due.

If you receive a docketing order from the court (see Exhibit 27), read it carefully. It may contain important information about the court's particular rules. For example, if you need to file a motion for an extension of time to file your brief, some districts require you to file that motion at least 14 days before the date the brief is due. Make sure to consult that district's local rules as well; doing so is essential to ensure that your opening brief conforms to those rules and is accepted by the clerk.

**B. FORMAT OF THE BRIEF**

Illinois Supreme Court Rule 341 gives very specific directions for how the appellant's

opening brief is to be written. To understand those directions, consider the following example, a single issue, slip-and-fall-case. John Doe slipped and fell on ice in the parking lot of X Hardware and broke his arm. He sued X Hardware, and summary judgment was granted in X Hardware's favor on the ground that landowners have no duty to remove natural accumulations of ice or snow from their property (which is the general rule in Illinois). Doe appealed because his theory was that the ice was not a natural accumulation but, rather, was caused when snow, melted by the traffic of X Hardware's customers, turned to ice and then formed into ruts and ridges. Doe's appellant's brief might look like Exhibit 28.

1. Technical Matters.

a. Form of Briefs. The brief must be submitted in black text on white 8 ½ by 11 inch paper and must have page numbers in the bottom margin. Ill. S. Ct. R. 341(a). The text must be double-spaced, but headings can be single-spaced. Ill. S. Ct. R. 341(a). In addition, the lefthand margin must be at least 1½ inches while all other margins in the document should be 1 inch. Ill. S. Ct. R. 341(a); see also [http://efile.illinoiscourts.gov/documents/eFileL\\_Digital-Media-Standards.pdf](http://efile.illinoiscourts.gov/documents/eFileL_Digital-Media-Standards.pdf); [SupremeCourt-eFileL-Policy-User-Manual.pdf \(windows.net\)](#); Ill. S. Ct. R. 10(c). Additionally, 12-point font (type size) must be used in the text and footnotes. Footnotes, which are discouraged, may be single-spaced. Moreover, lengthy quotations are disfavored. Ill. S. Ct. R. 341(a).

b. Length of Briefs. In civil cases, the opening brief is limited to 50 pages. You may file a brief in excess of 50 pages so long as it contains no more than 15,000 words. Some parts of the brief do not count toward the page and word limitations, including the cover, the table of contents and statement of points and authorities, the certificate of compliance, the certificate of service, and the appendix. Ill. S. Ct. R. 341(b)(1).

c. Certificate of Compliance. You must submit a signed certification that you have

complied with these rules. See Exhibit 28. If you do not submit a certificate of compliance, the appellate court may not allow you to file your brief. Ill. S. Ct. R. 341(c).

2. Brief Cover. The cover of the appellant's opening brief must be white and contain the following information: the appellate court case number; the appellate court district where the case is being filed; the name of the case; the circuit court that is being appealed from; the name of the circuit court judge; the title of the brief; and the author's name and address, and if the author is an attorney, their law firm. Ill. S. Ct. R. 341(d). Although not required, it is recommended that you also include the circuit court case number and the brief author's phone number on the brief cover as well. If you are asking for oral argument (which the court may or may not grant), that request *must* appear on the front cover of every copy of the brief you file (Ill. S. Ct. R. 352(a)).

3. Table of Contents and Statement of Points and Authorities. Your table of contents must include a summary statement called "Points and Authorities." Under the Points and Authorities, you must include your argument headings or points, followed by a list of cases and statutes you are relying on to support each of those arguments or points. List the corresponding page number(s) for each case cited. Although it is the first page in your brief, you do not prepare it until your brief is completed. These pages do *not* count toward the 50-page or 15,000-word limit. Ill. S. Ct. R. 341(h)(1).

4. Nature of the Case. This section is a short statement of what the case is about, what happened in the circuit court, whether the judgment is based on a jury verdict, whether any question is raised on the pleadings—for example, if you are appealing from an order that dismissed your complaint with prejudice for failure to state a cause of action—and, if so, the nature of that question. Ill. S. Ct. R. 341(h)(2).

5. Issue(s) Presented For Review. In this section, the appellant sets out each issue he intends to argue in the brief. Ill. S. Ct. R. 341(h)(3). In the slip-and-fall case, for

example, there would be only one issue, which might be stated as shown in the "Issue Presented For Review" in Exhibit 28. In the product liability appeal discussed in earlier sections, plaintiff John Doe would have two issues: (1) whether the circuit court erred in dismissing the strict liability claim, and (2) whether the circuit court erred in granting summary judgment in favor of X Hardware and Acme.

6. Jurisdiction. This section sets forth the Illinois Supreme Court Rule(s) or other law(s) conferring jurisdiction on the appellate court, the facts of the case bringing it within the applicable rules or laws, and the date the order being appealed was entered. Ill. S. Ct. R. 341(h)(4). In the example, the appeal was from a final judgment entered on May 9, 2010, and, thus, the appellate court has jurisdiction under Illinois Supreme Court Rules 301 and 303.

7. Statutes Involved. This section is only necessary if the appellant is arguing about the meaning, applicability, or validity of a statute, ordinance, or regulation. If that is the case, then the rules require the appellant to quote "the pertinent parts of the provision verbatim" with a citation to where it may be found or—in the case of an especially long provision—just the citation to the pertinent provision under an "appropriate heading" such as "Statutes Involved." Ill. S. Ct. R. 341(h)(5).

8. Statement of Facts. In this section, the appellant sets out, as briefly as possible, the facts that are relevant to the issue(s) raised on appeal. Ill. S. Ct. R. 341(h)(6). This is not part of the argument, and the rules specifically provide that the facts must be stated "accurately and fairly *without argument or comment*, and with appropriate reference to the pages of the record on appeal." Ill. S. Ct. R. 341(e)(6). You should support each statement with a citation to the record or report of proceedings, using "C" for the common law record or "R" for the Report of Proceedings. If the common law record has several volumes, you should note the volume number ("C V1" for volume 1). For example, if you cite the complaint at "C 2-6, V1," that means the complaint appears in volume 1, pages 2 through 6 of the common law record. For documentary exhibits separate from the record

on appeal, cite them by their Bates-stamped designation or by the exhibit number and applicable page number.

The requirement that you cite to the record is important for two reasons: (1) it enables the justices to quickly find the relevant evidence; and (2) it forces litigants to *stick to the record* and not cite “facts” that were never before the circuit court and thus are not contained in the record. Remember—you are claiming that error occurred in the circuit court; you cannot argue that the judge committed an error if she did not see or hear the evidence you try to bring before the appellate court.

You must also bear in mind that sarcasm or biting remarks about the other parties, their attorneys, or the circuit court judge do not belong in a legal document. They are distracting and annoying to the court and, if offensive, might result in sanctions or your brief being stricken.

Of course, the more issues there are and the longer the proceedings, the longer your statement of facts will be. You should be as thorough as possible but omit facts that have no relevance to your case or the arguments being made on appeal. For example, the deposition filed in opposition to the motion for summary judgment in John Doe’s case might state that he had gone into the store to buy a wrench, but that fact is not important for purposes of this appeal. And you are telling a story—so while you cannot embellish with facts outside the record, you should put your facts in a logical sequence, regardless of where they appear in the record. In John Doe’s case, Doe’s affidavit stating how he fell may have been filed before the affidavit stating that X Hardware owned and maintained the parking lot, but the story has a more logical flow if you first set out that X Hardware owned the parking lot.

9. Standard of Review. The appellant is required to include a precise statement of the applicable standard of review for each issue, with citation to authority, either in the discussion of the issue in the argument section or under a separate heading placed before the argument section. The standard of review tells the court how it must judge the

issue before it, such as *de novo* review, which means the court need not give any deference to the circuit court’s ruling, or abuse of discretion, which means the court must affirm unless it feels the circuit court acted arbitrarily or capriciously. Ill. S. Ct. R. 341(h)(3).

10. Argument. In this section, you tell the appellate court why, applying the law to the facts, the circuit court’s ruling was wrong. Ill. S. Ct. R. 341(h)(7). You must cite to cases that support your argument as well as to the relevant parts of the record, and you must cite the exact paragraphs or page numbers in the case that support your argument, as well as the exact page in the record where the relevant facts appear. Ill. S. Ct. R. 6. You must also provide a clear explanation of why those cases and facts show your position is correct. If you fail to do any of those things, the reviewing court may disregard your argument. Ill. S. Ct. R. 341(h)(7). Beware that the appellant’s opening brief is the place to raise any legitimate argument that you have. The failure to raise a particular point in the appellant’s brief results in forfeiture, meaning that you may not raise the point at a later time. Ill. S. Ct. R. 341(h)(7).

11. Conclusion. The conclusion of your brief is a short statement of what relief you want the court to grant. Ill. S. Ct. R. 341(h)(8). In John Doe’s case, he is seeking reversal of the summary judgment order and remand for the completion of discovery and trial on the merits.

12. Certificate of Compliance. The attorney or self-represented litigant submitting the brief must certify that the brief conforms with the form and length requirements of Rule 341(a) and (b). Rule 341(c) sets forth the required language. See Exhibit 28.

13. Appendix. At the end of your brief, you must attach an appendix which includes: (1) a table of contents for the appendix; (2) all circuit court orders you are appealing from; (3) “any opinion, memorandum, or findings of fact filed or entered by the trial judge or by any administrative agency or its officers”; (4) “any pleadings or other materials from the record that are the basis of the appeal or are pertinent to it”; (5) your notice of appeal; and (6) a table of contents of the record on appeal. Ill. S. Ct.

R. 342; see also Ill. S. Ct. R. 341(h)(9). If you are raising issues on the pleadings, the relevant pleading should also be included in the appendix.

“The pages of the appendix must be numbered consecutively, beginning with the letter ‘A’ preceding the number of each page.” Ill. S. Ct. R. 342. For example, A-1, A-2, etc. “If the 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.’” Ill. S. Ct. R. 342; see Exhibit 29.

Note that while the clerk of the circuit court frequently prepares a table of contents for the record on appeal and transmits it with the record, you must nonetheless include this table of contents in your appendix.

If the clerk does not prepare the table of contents to the record on appeal, you must include a description of each document, order, or exhibit (*e.g.*, complaint, judgment order), the date of filing or date of entry (where applicable), and the page number in the record on which it starts. With respect to the report of proceedings, the table of contents should show the name of each witness and the pages on which their direct examination, cross-examination, and redirect examination begins. Ill. S. Ct. R. 342(a); Exhibit 29. Please note that in the example, John Doe’s case never made it to trial. Therefore, the appendix will not reference any witness testimony.

### **C. FILING AND SERVING THE APPELLANT’S BRIEF**

You must e-file your brief unless an exception applies. See Ill. S. Ct. R. 9; Section I; Section III, Part B. You should check with the appellate court clerk for your district and that district’s local rules to determine whether you need to submit paper copies of your brief after you e-file it. Ill. S. Ct. R. 341(e).

If the court requires you to file duplicate paper copies of the brief, those paper copies must be bound on the left side, and the binding cannot obscure the text. Ill. S. Ct. R. 341(e). If you do not have access to a binding machine, you can use three large staples to

bind the brief on the left side.

Similar to a notice of appeal (see Section III, Part B), your brief is considered filed when received by the clerk of the appellate court. Ill. S. Ct. R. 373. That said, an incarcerated, self-represented litigant’s brief may be considered timely filed, even if received and file-stamped after the due date, where that litigant provides proof of mailing, under Illinois Supreme Court Rule 12, showing that the notice of appeal was placed in the mail prior to the due date. See Exhibit 1A for samples of a notice of filing, including a sample notice of filing by mail/proof of mailing.

Generally, you must electronically serve each of the other parties to the appeal. Ill. S. Ct. R. 11(c)(1); see Section III, Part C. Electronic service may be accomplished through your e-filing service or, if not, you likely will need to serve the other parties by e-mail. In limited circumstances, service by an alternate method may be made. Ill. S. Ct. R. 11(c)(1). A certificate of service must be filed with your brief showing proof of service on the other parties. See Exhibits 1B and 30.

### **D. REFERENCE TO PARTIES**

Parties should be referred to as in the trial court (*e.g.*, plaintiff and defendant) or by their actual names or descriptive terms (*e.g.*, “the employee” or “the company”). Ill. S. Ct. R. 341(f). However, in juvenile, child protection, and mental health cases, the juvenile or recipient of mental health services shall be referred to by first name and last initial only. If the parents share a child’s last name, they also should be referred to by first name and last initial. Ill. S. Ct. R. 341(f).

### **E. RESEARCHING THE LAW FOR YOUR BRIEF (for self-represented litigants)**

The books you will need to do research for your appeal are found in law libraries. All law schools have such libraries, and you should check to see if they are open to the public. Some public libraries have a basic collection, so that is another place you might look. In Chicago, the Cook County Law Library, located in the Richard J. Daley Center on the 29th

Floor, is open to the public.

Lawyers spend several years learning the law and where to find it, and this guide cannot begin to compress all of that into the space available. However, here are a few hints that might help you:

1. Deciphering Legal Citations. Most of what will be relevant to your appeal will be cases and statutes. Decisions in cases issued by the Illinois Supreme Court and the appellate court prior to July 1, 2011, appear in two different volumes of books. The official versions are the Illinois Reports (Illinois Supreme Court cases) and the Illinois Appellate Reports (appellate court cases). Illinois Reports contains the earlier Illinois Supreme Court cases and is abbreviated as “Ill.”; Illinois Reports, Second, contains the more recent cases and is abbreviated as “Ill. 2d.” Illinois Appellate Reports, which contains the oldest appellate court cases, is cited as “Ill. App.”; Illinois Appellate Reports, Second, which contains more recent cases, is abbreviated as “Ill. App. 2d”; and Illinois Appellate Reports, Third, which contains the most recent cases, is abbreviated as “Ill. App. 3d.”

The citation includes the case name, the volume number, and the page number within the volume. For example, the citation *Hankla v. Burger Chef Systems, Inc.*, 93 Ill. App. 3d 909 (4th Dist. 1981), tells you that the case is in Volume 93 of the Illinois Appellate Reports, Third, starting on page 909, and that it was decided in 1981 by the Fourth District of the Illinois Appellate Court. If you quote or cite to a specific part of the case, you must also include the pin cite—the page number where the quotation or statement occurs, *e.g.*, *Hankla v. Burger Chef Systems, Inc.*, 93 Ill. App. 3d 909, 911 (4th Dist. 1981). The pin cite is page number 911. Ill. S. Ct. R. 6.

For Illinois cases decided after July 1, 2011, you should cite the public-domain case citation and, where appropriate, the paragraph number within the decision. The decisions can be found on the Illinois courts’ website, at [www.illinoiscourts.gov](http://www.illinoiscourts.gov), under “Quick Links,” “Appellate Court,” then click on “Opinions.” The public-domain case citation includes the name of the case and the

public domain case designator, consisting of the year of the decision, the court abbreviation (and district, if an appellate court) and an identifier number derived from the docket number. The identifier number for Illinois Supreme Court cases is the docket number assigned to the case, and the identifier number for appellate court cases is the last six digits of the docket number. For example, the citation *People v. Jackson*, 2011 IL 110615, tells you that the case *People v. Jackson* was decided in 2011 by the Illinois Supreme Court and was assigned docket number 110615. The citation *People v. Quinonez*, 2011 IL App (1st) 092333, ¶ 25, tells you that the case *People v. Quinonez* was decided in 2011 by the Illinois Appellate Court, First District, that the docket number was 1-09-2333, and that paragraph 25 is the location of the material cited or discussed in the party’s brief.

Be aware that if a “U” appears at the end of the appeal number, for example *Doe v. Smith*, 2021 IL App (1st) 123456-U, the case is unpublished. If the unpublished decision was filed on or after January 1, 2021, the decision is usually not precedential but may be cited as persuasive authority. Ill. S. Ct. R. 23(e). If an unpublished decision was filed before that date, you generally may not cite it at all. Ill. S. Ct. R. 23(e). Furthermore, unpublished summary orders under Rule 23(c) may never be cited, regardless of when the summary order was filed.

There is also a collection of books, called regional reporters, which contain cases for a number of states. Illinois cases appear in the regional reporter called the Northeast Reporter. Cases there are identical, word for word, with the official reporters and the public domain cases. The Northeast Reporter also has a second series of volumes; older cases appear in the Northeast Reporter, abbreviated as “N.E.,” and more recent cases appear in the Northeast Reporter, Second, abbreviated as “N.E.2d.” The courts require only that you give the official (Ill., Ill. App., or public domain) cite. The required citation for the *Hankla* case would be: *Hankla v. Burger Chef Systems, Inc.*, 93 Ill. App. 3d 909 (4th Dist. 1981). For a more detailed explanation of citations, see Illinois Supreme Court Rule 6. Note that cases decided by courts outside of Illinois may be cited as persuasive authority, but are not binding on

Illinois courts.

Illinois statutes (laws enacted by the legislature) are published in several large volumes called Illinois Compiled Statutes (“ILCS”). That set is republished every other year, since the legislature frequently amends or adds to the statutes. The Illinois Supreme Court Rules are also published in those books. A citation to a statute would look like this: 735 ILCS 5/1-101. That translates as: Title 735, Act 5, Section 1-101.

2. Finding the Law. There are two publications found in law libraries that are very helpful in finding cases relevant to the issue you want to address. One is West’s Illinois Digest, which is divided and indexed by topic (contracts, product liability, negligence, pretrial procedure, workers’ compensation, etc.). Cases are then categorized according to topic. To use West’s Illinois Digest, find the volume that includes the topic you want to research (say, product liability) and look through that volume’s index to find the issue you are interested in—for example, elements of the cause of action for product liability. The book gives a section number, and listed under that section, a number of Illinois cases that discuss the elements that must be pleaded to state a cause of action for strict product liability in Illinois.

West’s Smith-Hurd Illinois Compiled Statutes Annotated collects cases dealing with Illinois statutes. For example, to find cases about the statute of limitations for product liability actions, telling you how long you have to file suit, look in the volume that contains Title 735, Section 5/13-213. There, divided by topics, you will find most of the cases that have been decided involving that statute.

If you have access to the internet, you can use the Google search engine to find cases. Go to <http://scholar.google.com> and click the case law button. The case of *Hankla v. Burger Chef Systems, Inc.*, can be found by typing in the citation 93 Ill. App. 3d 909. Please note that cases from Google Scholar do not indicate whether they are still good law, though it does let you know if the case has been cited in other cases. Although Google Scholar is a useful tool, Google does not

warrant that the information is accurate or complete.

You can also use the free LEXIS/NEXIS® terminals at the Cook County Law Library branches for Lexis research. Lexis is a legal search engine. Call the library branch in advance to see what times and restrictions apply to using the free Lexis terminal(s). You can also search the Cook County Law Library website for information on research options and branch locations at <https://www.cookcountyil.gov/agency/law-library>.

It seems self-represented litigants are most frequently confronted with dismissals and summary judgments. There are several places you could look to find cases about these two procedures and the grounds for granting them.

#### *Dismissal*

You might find helpful cases in West’s Smith-Hurd Illinois Compiled Statutes Annotated under 735 ILCS 5/2-615 (dealing with dismissal for failure to state a cause of action) and 735 ILCS 5/2-619 (dealing with dismissal on other grounds, such as the statute of limitations). Another helpful source is West’s Digest, under the topic “Pretrial Procedure,” subheading “involuntary dismissal.”

#### *Summary Judgment*

You might find helpful cases in West’s Smith-Hurd Illinois Compiled Statutes Annotated under 735 ILCS 5/2-1005, the statute that deals with summary judgment. In West’s Illinois Digest, you would look under the topic “Judgments,” subheading “summary proceedings.”

In all of these publications, the author gives a one-sentence description of what a case holds. Once you find a case that looks like it might be relevant to your appeal, go and read the actual case; do not just rely on the description. Frequently you will find that, while the case does contain that statement as a general proposition, the facts of the case are not helpful to you and may even hurt your case.

For many of the general propositions of law, you will find 20 or 30 cases cited. For example, many cases say, “summary judgment is a drastic remedy which should not be lightly granted.” You do not need to cite all the cases for that proposition. One or, at most, two will suffice. Citing 100 cases in your brief will not help you as much as citing two or three relevant cases that are similar to yours. See Ill. S. Ct. R. 341(h)(7).

#### **F. EXTENSIONS OF TIME FOR FILING BRIEFS**

You should start researching as soon as you file your notice of appeal and use those first nine weeks profitably, focusing on the one or two primary issues in your appeal.

If you find yourself needing additional time to prepare your appellant’s opening brief, you may file a motion for an extension of time. Ill. S. Ct. R. 343(c). Check each district’s local rules. In the First District, you must file a motion for an extension prior to the due date of the brief and you must ask for an extension of at least 14 days. 1st Dist. Local Rule 4(c). In the Second District, and in addition to the information required by Illinois Supreme Court Rule 361, the motion for an extension of time must provide:

(1) The number of days requested and the number of days granted on each of the previous motions for extension of time filed by the movant, and the total number of days granted on all of those previous motions;

(2) The total number of days requested and the total number of days granted on all of the previous motions for extension of time filed by other parties;

(3) The number of days that will have elapsed from the date of filing of the notice of appeal to the date that the case will be ready for disposition, pursuant to Local Rule 105 or 107, if the present extension and no further extension is granted; and

(4) In a criminal case, the status of the defendant’s sentence (where applicable), or, in any case that would become moot due to the passage of time on appeal, the date on which the appeal would become

moot. 2d Dist. Local Rule 103(a). Additionally, the Second District requires you to file your motion for an extension of time at least 5 days prior to the date to be extended (if filed electronically). 2d Dist. Local Rule 103(b).

There is no specific rule about how many days you may seek, but 28-35 days is a typical request. *Note, however, that in child custody cases, motions for extensions of time are disfavored.* Ill. S. Ct. R. 311(a)(7).

Your motion should be short and explain why you need additional time to complete your brief. The motion must be supported by an affidavit or a verification. Ill. S. Ct. Rs. 343(c), 361(f). It would be appropriate to tell the court that you are a self-represented litigant, that you have no experience in the law, and explain your work schedule, and the daily amount of time you can work on your brief. If you or a family member have been ill or you have been out of town, that would also constitute a reason why you require additional time. If you provide the court with honest and legitimate reasons, it is likely the court will grant your request.

The motion follows the same rules as any other motion, *i.e.*, you also need a notice of filing, a certificate of service, and a proposed order. Unless you are exempt from e-filing, you generally must e-file your extension motion. See Ill. S. Ct. R. 9; Section I; Section III, Part B. A sample motion, with verification (you can also use a notarized affidavit), notice of filing, and certificate of service and proposed order can be found at Exhibit 31.



**X. PREPARING AND FILING THE APPELLEE’S BRIEF**  
**Illinois Supreme Court Rules 313 and 341**

For a self-represented litigant or attorney responding to an appeal, this section will consider what you must do as an appellee to preserve your right to file a response to the appellant’s brief.

**A. APPEARING AS APPELLEE**

Shortly after the appellant files the docketing statement in the appellate court, you must file your appearance and pay a \$30 fee as appellee. Ill. S. Ct. R. 313. However, you may petition for a waiver of appellate court fees by using the application and order adopted by the Illinois Supreme Court. Ill. S. Ct. R. 313; see Exhibits 19A and 19B. If the district you are in does not have a pre-printed appearance form, type your own using Exhibit 32 as a guide. Check with the appellate court clerk’s office for appearance requirements.

**B. CHECKING THE RECORD FOR COMPLETENESS**

When the clerk of the circuit court files the record with the reviewing court, the e-filing system will notify you by e-mail that the record has been filed. If you are exempt from e-filing and electronic service, you will be notified by mail. You may then access the record in one of two ways: (1) visit the re:SearchIL website, or (2) download the record from a link e-mailed by the appellate court clerk. If you do not have a computer, you may be able access one at the appellate court clerk’s office.

Once you have the record, immediately check to see that it contains all the important pleadings and exhibits. If anything is missing, you may need to file a motion to supplement the record and a supplemental record. Ill. S. Ct. R. 329; see Section VI, Part E.

**C. TIME FOR FILING**

Generally, the appellee’s brief must be filed 35 days (five weeks) after the appellant’s

brief is filed. Ill. S. Ct. R. 343(a). Interlocutory appeals as of right have a shorter time-period of seven days. Ill. S. Ct. Rs. 307(c), 343(a). *Child custody briefs have shorter due dates as well.* See Section VII, Part D. In addition, in some, but not all, districts, the appellate court clerk sends a written time schedule, otherwise known as a docketing order, setting forth the exact dates when briefs are due. See Section IX, Part A. If you get such an order, read it carefully and follow all the special instructions. As with the appellant’s brief, it is possible to obtain an extension of time for filing the appellee’s brief. See Section IX, Part F.

**D. FORMAT OF THE BRIEF**

The only sections that the appellee’s brief must include are a table of contents, including your points and authorities, your argument, and a conclusion setting forth the relief that the court should grant, namely, the affirmance of the circuit court. Ill. S. Ct. R. 341(i). You must also file a certificate of compliance. Ill. S. Ct. R. 341(c). Otherwise, the appellee may rely on the appellant’s brief to inform the court of the nature of the case, the basis for jurisdiction, the issues presented for review, the standard of review, and the statement of facts. Usually, however, the appellee will want to state those in accordance with his point of view and will want to state additional facts that may have been omitted by the appellant. If so, the appellee’s brief must comply with the following requirements. See Exhibit 33.

1. Technical Matters. The technical requirements for the appellee’s brief are identical to those for an appellant’s brief. See Section IX, Part B.

2. The Cover. The cover of the appellee’s brief must be light blue, both when submitted electronically and when printed. The cover also must contain the same information as on the appellant’s brief cover—the difference being, of course, that you would title yours “Brief and Argument of Defendant-Appellee” (or “Plaintiff-Appellee,” depending on your position in the circuit court). Ill. S. Ct. R.341(d). If you want the court to grant oral argument (which it may or may not do), you must request it at the

bottom of the cover, just as the appellant does. If the appellant has not requested oral argument, you may still do so.

3. Table of Contents and Statement of Points and Authorities. This is prepared in the same manner as a table of contents for an appellant's brief. Provide a short one-sentence summary of each argument and list all of the cases or statutes you have cited in support of your argument. Ill. S. Ct. R. 341(h)(1).

4. Nature of the Case. This section is optional but an appellee might want to provide one phrased in a manner more favorable to his position. Compare Exhibit 33 with Exhibit 28. Ill. S. Ct. R. 341(h)(2).

5. Jurisdiction. There is no need to include this in the appellee's brief unless the appellant's brief is inaccurate. Ill. S. Ct. R. 341(h)(4)(ii).

6. Statement of the Issues. This section, too, is optional, but again, an appellee might want to provide one phrased in a manner more favorable to his position. Ill. S. Ct. R. 341(h)(3); compare Exhibit 33 with Exhibit 28.

7. Statement of Facts. Similarly, the statement of facts may be omitted if the appellant's statement was accurate and complete. Ill. S. Ct. R. 341(h)(6); see Exhibit 33.

8. Standard of Review. This section describes the applicable standard of review for each issue, with citation to authority. It can be located within the argument or under a separate heading placed before the discussion of the issue. See Ill. S. Ct. R. 341(h)(3).

9. Argument. The appellee's brief must contain this section to tell the appellate court why, legally, the circuit court's ruling was correct and should be affirmed. Ill. S. Ct. R. 341(h)(7); see Section IX, Part E; Exhibit 33.

10. Conclusion. The appellee's brief would contain a conclusion similar to that found in the appellant's brief (see Section IX,

Part B), but would ask the appellate court to affirm the ruling of the circuit court. Ill. S. Ct. R. 341(h)(8); see Exhibit 33.

11. Certificate of Compliance. The attorney or self-represented litigant submitting the brief must certify that the brief conforms with the form and length requirements of Illinois Supreme Court Rule 341(a) and (b). See Exhibit 33.

Much of the same guidance applies to both the appellant's brief and the appellee's brief. See Section IX, Parts B and E, for more information.

### **E. FILING AND SERVICE OF APPELLEE'S BRIEF**

The method for filing and serving, and the number of copies required, is identical to that of an appellant. You must e-file your brief unless an exemption applies. Ill. S. Ct. R. 9; see Section I, Part B. Most districts of the appellate court also require, in their e-filing procedures or local rules, that you submit duplicate paper copies of your brief that have the court's electronic file stamp. You should check the court's e-filing procedures and local rules to determine whether you need to submit paper copies of your brief after you e-file it. Ill. S. Ct. R. 341(e).

If the court requires you to file duplicate paper copies of the brief, those paper copies must be bound on the left side and the binding cannot obscure the text. Ill. S. Ct. R. 341(e). If you do not have access to a binding machine, you can use three large staples to bind the brief on the left side.

You also must serve your brief on the other parties. See Section III, Part C. Electronic service may be accomplished through your e-filing service or, if not, you likely will need to serve the other parties by e-mail. In limited circumstances, service by an alternate method may be made. Ill. S. Ct. R. 11(c)(1). A certificate of service must be filed with your brief showing proof of service on the other parties. See Exhibits 1B and 30.

**XI. PREPARING AND FILING  
APPELLANT’S REPLY BRIEF  
Illinois Supreme Court Rule 341**

The appellant is entitled to file a reply brief responding to the arguments made by the appellee. Ill. S. Ct. R. 341(j).

**A. TIME FOR FILING**

Generally, the appellant’s reply brief must be filed within 14 days after the appellee’s response brief is filed, unless a request for an extension of time is made and granted. See Ill. S. Ct. R. 343(a). A reply brief for an interlocutory appeal is due seven days after the appellee’s brief is filed. Ill. S. Ct. R. 307(c). *Be aware that child custody reply briefs have shorter due dates.* See Ill. S. Ct. R. 311; Section VII, Part F.

**B. FORMAT OF THE REPLY BRIEF**

The reply brief is intended solely to give the appellant an opportunity to respond to arguments made by the appellee. *You may not raise new matters not contained in your appellant’s opening brief, and you should not re-argue what you have already said in that brief.* Ill. S. Ct. R. 341(h)(7). Accordingly, the brief is limited to 20 pages. Ill. S. Ct. R. 341(b)(1). You may file a reply brief longer than 20 pages so long as it contains no more than 6,000 words. Some parts of the brief do not count toward the page and word limitations, including the cover, the table of contents and statement of points and authorities, the certificate of compliance, the certificate of service, and those matters to be appended to the brief. See Ill. S. Ct. R. 341(b)(1).

The same technical rules apply to the appellant’s brief, the appellee’s brief, and the reply brief. See Section IX, Part B. In addition, the reply brief’s cover must be light yellow, both in the electronic and printed versions. Ill. S. Ct. R. 341(d). It also must be identical to the appellant’s opening brief cover (including any request for oral argument), but would be titled “Reply Brief of Plaintiff-Appellant” (or “Defendant-Appellant”). See Exhibit 34.

Because this is a reply, the only section required is the “Argument” (in which you respond to the appellee’s arguments) and the certificate of compliance. Ill. S. Ct. R. 341(c), (j). A sample reply brief can be found at Exhibit 34.

**C. FILING AND SERVICE OF THE  
REPLY BRIEF**

The method for filing and serving the reply brief, and the number of copies required, is identical to that for an appellant’s opening or appellee’s response brief: you must e-file your reply brief unless an exemption applies. Ill. S. Ct. R. 9; see Section I, Part B. You should check the court’s e-filing procedures and local rules to determine whether you need to submit paper copies of your brief after you e-file it. Ill. S. Ct. R. 341(e).

You also must serve the other parties with a copy of your reply brief. See Section III, Part C. A certificate of service must be filed with your brief showing proof of service on the other parties. See Exhibits 1B and 30.

## **XII. ORAL ARGUMENT**

### **Illinois Supreme Court Rule 352**

Oral argument will not be granted unless requested on the cover of the appellant's or appellee's brief. See Section IX, Part B and Section X, Part D. Even then, oral argument is a matter solely within the discretion of the appellate court. Additionally, oral argument has rarely been held when one of the parties is self-represented. If the appellate court does grant oral argument, a notice of the date and time of the argument will be sent to the parties.

Aside from those generalities, oral argument varies by district, as each district has different guidelines, formats, and practices, so you should also consult the district's local rules. This section offers only general suggestions about conducting an oral argument should the appellate court order one.

#### **A. COURTROOM DEMEANOR**

When you come forward to present your argument, stand at the podium and set down your notes. The microphone in front of you is for recording purposes and does not amplify your voice for the justices, so you must speak clearly and distinctly. The audio recording of the argument will be made available at [www.illinoiscourts.gov](http://www.illinoiscourts.gov).

Oral argument in the appellate court is more formal than in the circuit court. The appellant is given the opportunity to speak first and can reserve some of his or her time for rebuttal. The appellee speaks second, and then the appellant has the opportunity to address the appellee's arguments during rebuttal.

Regardless of whether you are the appellant or the appellee, once the justices permit you to approach the podium, begin by saying, "May it please the court." Next, politely greet the justices and your opposing counsel. You may then present your argument. When people are nervous, they tend to speak very rapidly. You should try to keep that in mind and speak more slowly. Look up at the justices while you are making your argument and speak directly to them.

The justices sometimes interrupt argument with questions. If a justice begins speaking, immediately stop speaking and listen carefully to the question. Then answer the question that was asked of you, regardless of where you were in your argument.

Decorum and professionalism are absolutely required during oral argument. Making faces, shaking your head, sighing, or engaging in other distracting behavior while your opponent is speaking will not impress the justices and is likely to annoy them. Sit quietly, listen, and spend the time making notes of specific points you want to respond to when you are given an opportunity to do so.

Unless the court orders otherwise, each party is allowed up to 20 minutes and the appellant is allowed up to 10 additional minutes to rebut the appellee's argument. Ill. S. Ct. R. 352(b). Check the local rules of each district to see whether they have shorter time allotments.

#### **B. THE CONTENT OF YOUR ARGUMENT**

The justices have read your briefs, so do not read your brief to them during your oral argument. See Ill. S. Ct. R. 352(c). If there is a small group of facts particularly important to the case, you may (if the local rules permit it) summarize it briefly and continue with your argument. You will not have time to cover more than two or three important points, so carefully consider which points are your best and argue those to the court. At the end of your argument, you may state that you will "stand on your brief" as to any points not orally argued.

An outline of points is more useful than a written or memorized speech. Given that the justices will almost certainly interrupt you, you must be able to easily deviate from and return to your outline. In your outline, include any record or case citations you want to bring to the court's attention.

When the justices ask questions, immediately provide a simple, direct answer.

Do not put the justices off by saying, “I’m getting to that,” or “I’ll address that problem later.” If you cannot answer the question, say so. If you do not understand the question, tell the justice you do not understand. He or she will usually rephrase it or explain what is wanted.

Do not exceed your allotted time. If you need a moment to conclude, ask the court for permission to do so and be very concise with your conclusion. If you have finished everything you wanted to say within that time, and the justices have no questions, sit down. Do not feel compelled to keep talking just because there is more time available.

If you have time left to reply to your opponent’s arguments, use it only to reply to specific points made by the other side. There is no point in going over your basic arguments again. While the other side is speaking, make a note of what you want to reply to and devote only two or three sentences to each of those points. The most effective rebuttal lasts no longer than three or four minutes.

When you have finished with all of your arguments, ask the justices if they have any questions for you. If there are none, thank the court and leave the podium.

**XIII. AFTER THE APPELLATE COURT  
ISSUES A DECISION  
Illinois Supreme Court Rules 315 and  
367**

Once all the briefs have been filed and any oral argument has been held, the appellate court will issue its decision in a full, published, precedential opinion or an “unpublished,” and generally nonprecedential, order. Most unpublished orders are nonetheless accessible to the public at [www.Illinoiscourts.gov](http://www.Illinoiscourts.gov). Ill. S. Ct. R. 23; see also Section IX, Part E. An unpublished order may also be entered as a “summary order,” in which case the order will not be posted on the court’s website. Ill. S. Ct. R. 23(c), (g). If the decision is unpublished, you may, within 21 days, file a motion to publish the order as an opinion. Ill. S. Ct. R. 23(f).

If the appellate court’s decision is against you, you may file a petition for rehearing (Ill. S. Ct. R. 367), or a petition for leave to appeal to the Illinois Supreme Court (Ill. S. Ct. R. 315). This section will focus on those pleadings.

**A. PETITION FOR REHEARING**

If the appellate court has decided against you and you believe the court overlooked some important fact or misunderstood one of your points, you may file a petition for rehearing. Do not file a petition for rehearing merely because the appellate court disagreed with you. A petition for rehearing is not a vehicle to reargue the case. Ill. S. Ct. R. 367(b). Moreover, you cannot raise new points in your petition. Ill. S. Ct. R. 341(h)(7).

You may file a petition for rehearing within 21 days after the court’s opinion or order was filed. Ill. S. Ct. R. 367(a). The appellate court will only grant extensions of time “in the most extreme and compelling circumstances.” Ill. S. Ct. R. 367(a).

A petition for rehearing is limited to 27 pages or 8,100 words, but you often should be able to briefly state your point in fewer

than 10 pages. See Ill. S. Ct. R. 367(a). It should contain a statement of your points and authorities and must follow the same technical requirements that apply to other briefs, such as providing a certificate of compliance. Ill. S. Ct. R. 367(a); see Section IX, Part B.

Your cover must be light green, in both electronic and printed form. Additionally, it must contain the same information as the cover for other briefs. It must, however, be titled “Petition for Rehearing.” Ill. S. Ct. R. 367(c). Do not include a request for oral argument, which the court will only order on its own motion. Ill. S. Ct. R. 367(d). You will need a notice of filing and certificate of service as well. See Exhibits 1A and 1B.

The party who prevailed in the appellate court’s decision may *not* file an answer to a petition for rehearing unless the appellate court issues an order requesting one. If one is requested by the court, it cannot exceed 27 pages (or 8,100 words). Additionally, the party who filed the petition for rehearing has 14 days from an answer’s due date to file a reply. The reply is limited to 10 pages or 3,000 words. Both the answer and the reply must be accompanied by a certificate of compliance. Ill. S. Ct. R. 367(d).

**B. PETITION FOR LEAVE TO APPEAL**

If you decide not to file a petition for rehearing in the appellate court, you may file a petition for leave to appeal in the Illinois Supreme Court within 35 days after the appellate court files its opinion or order in your case. Ill. S. Ct. R. 315(b). Sometimes the appellate court will file a “corrected” opinion or order, which is intended to remedy small errors without making substantive changes. Be aware that corrected opinions and orders do not extend the 35-day period. Ill. S. Ct. R. 315(b).

Even if a petition for rehearing is filed, you may file a petition for leave to appeal to the Illinois Supreme Court once the petition for rehearing is resolved.<sup>1</sup> If the petition for rehearing is denied, a petition for leave to

under this rule is the most common. See, *e.g.*, Ill. S. Ct. Rs. 20, 302, 316, and 317.

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<sup>1</sup> There are other rules that allow for review by the Illinois Supreme Court, but discretionary review

appeal is due 35 days after the appellate court denied the petition for rehearing. If a petition for rehearing is granted, the petition for leave to appeal is due 35 days after the appellate court enters a judgment upon rehearing. Ill. S. Ct. R. 315(b).

Moreover, an exception to the 35-day time limit exists where a litigant, within 21 days, files a timely motion to publish an order as an opinion. Parties have 35 days from the denial of a motion to publish to file a petition for leave to appeal. Additionally, where the appellate court grants a timely motion to publish, the parties have 35 days from the entry of the newly published opinion to file a petition for leave to appeal. Ill. S. Ct. R. 315(b)(2).

When you file your petition for leave to appeal, thereby becoming “the petitioner,” you must also pay the \$50 filing fee unless you petition for a waiver of fees by using the Illinois Supreme Court’s form. See Exhibit 20.

Generally, there is no absolute right to appeal to the Illinois Supreme Court, which accepts very few cases for review. In most cases, the supreme court has discretion to decide which cases it will hear on appeal. Your petition must convince the court that your case is one that it should hear, perhaps because it involves a question of general importance in Illinois, a conflict between different Illinois decisions, or a conflict between an Illinois decision and a decision of the United States Supreme Court. Ill. S. Ct. R. 315(a).

Be aware that an additional requirement applies to petitions for leave to appeal from decisions of the special, five-member, appellate court panel that reviews orders of the Illinois Workers’ Compensation Commission. Specifically, you may not file a petition for leave to appeal from that panel’s decision unless two or more judges “join in a statement that the case in question involves a substantial question which warrants consideration by the Supreme Court.” Ill. S. Ct. R. 315(a). You must, within the time permitted for filing a petition for rehearing (21 days), ask the appellate court to make such a statement, either in a motion filed for

that specific purpose or as a prayer for relief in a petition for rehearing. Ill. S. Ct. R. 315(a). You cannot wait until the appellate court has denied your petition for rehearing to make this request.

#### 1. The Petition’s Contents.

Follow the same technical procedures as for all other briefs. Ill. S. Ct. R. 315(d); see Section IX, Part B. In addition, you must attach, as an appendix to your petition, a copy of the opinion or order issued by the appellate court. Ill. S. Ct. R. 315(c)(6); see Exhibit 29. Also attach any documents in the record that are necessary to evaluate your petition. Ill. S. Ct. R. 315(c)(6). The petition cannot exceed 20 pages or 6,000 words in length, excluding the items referred to in Illinois Supreme Court Rule 341(b)(1). Ill. S. Ct. R. 315(d); see Exhibit 35.

a. The Cover. The cover of a petition for leave to appeal is white and should contain the same information that appears in Exhibit 35. Ill. S. Ct. R. 341(d). As stated, the party seeking leave to appeal is called the “petitioner.” The party responding to the petition is called the “respondent.”

*A petition filed in a child custody case and any notice, motion, or pleading related thereto shall include the following statement in bold type at the top of the front page:*

**“THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).”**

Ill. S. Ct. R. 315(i).

b. Prayer for Leave to Appeal. Your petition should begin with a short request for leave to appeal. See Exhibit 35.

c. Statement of Date Upon Which Judgment Was Entered. You must advise the court of the date that the appellate court entered its opinion or order deciding the appeal. You must also state whether a petition for rehearing was filed. If a petition for rehearing was

filed, you must set forth the date when the petition was denied or, if rehearing was granted, the date on which the appellate court entered its subsequent decision disposing of the appeal. Please note that this section is sometimes labeled as “Judgment Below.”

d. Points Relied Upon for Review. This section would provide the major points in support of your assertion that the Illinois Supreme Court should grant leave to appeal. See Exhibit 35.

e. Remainder of the Petition. The rest of your petition should resemble your appellate brief in that it would have a statement of facts and a short argument supported by legal authority, expanding on why review is warranted and why the appellate court should be reversed or modified. Ill. S. Ct. R. 315(c); see also Section IX, Part B. As a practical matter, you should end with a conclusion asking the court to “allow,” meaning grant, your petition for leave to appeal. You must also provide a certificate of compliance (see the last page of Exhibit 28). Ill. S. Ct. Rs. 315(d), 341(c).

## 2. Filing and Service of the Petition.

As with other documents, you generally must e-file your petition unless an exemption applies. Ill. S. Ct. R. 9; see Section I and Section III, Part B. Once the Illinois Supreme Court accepts the e-filing of your petition, you must provide the clerk in Springfield with 13 paper copies of the e-filed document that bears the clerk’s electronic file stamp. The clerk must receive these paper copies within five days of acceptance of your petition. See the Illinois Supreme Court’s Electronic Filing Procedures and User Manual, found on that court’s website. <http://efile.illinoiscourts.gov/documents/SupremeCourt-eFileIL-Policy-User-Manual.pdf>.

Your petition must also include a proof of service. See Exhibit 1B. Each party must be served electronically unless an exception applies. Ill. S. Ct. R. 11(c)(1); see Section III, Part C. Electronic service may be

accomplished through your e-filing service. If that method of service is unavailable, you generally must serve the other parties by e-mail.

## 3. Responding to the Petition.

If a petition for leave to appeal is filed, the respondent may, but is not required to, file an answer to the petition. An answer is due 21 days after the petition for leave to appeal was filed unless an extension is granted. Ill. S. Ct. R. 315(f).

The answer is limited to 20 pages in length or 6,000 words, excluding certain items identified in Rule 341(b)(1), and should consist of a short argument stating why the issues involved do not merit review. Ill. S. Ct. R. 315(f). The answer’s cover must be light blue. Ill. S. Ct. R. 341(d). Additionally, the answer is subject to the same e-filing and service requirements as the petition, and 13 paper copies of the e-filed answer must be provided to the Springfield clerk within five days of the clerk’s acceptance of it. The party filing an answer must pay a \$30 filing fee absent a petition for a waiver of fees. See Exhibit 20. If the respondent does not want to file an answer but does want to be notified when the Illinois Supreme Court rules on the petition, the respondent can submit a request for notice to the Illinois Supreme Court clerk in Springfield. Ill. S. Ct. R. 315(f). If the respondent chooses to file an answer, the petitioner will not be permitted to reply. *Id.* After any answer has been filed, the Illinois Supreme Court will grant or deny the petition for leave to appeal.

## 4. If the Petition is Allowed.

If the petition for leave to appeal is allowed, the petitioner becomes the appellant, and the respondent becomes the appellee. Accordingly, we will refer to the parties as appellant and appellee for the remainder of this section. The record that was before the appellate court will automatically be transmitted to the Illinois Supreme Court. Ill. S. Ct. R. 315(e). Furthermore, the parties will be permitted to file additional pleadings, and the schedule for filing them begins to run from the date on



which the petition is allowed.

*There are different, shorter time requirements for **child custody cases** and for **delinquent minor cases**. If the Illinois Supreme Court has allowed a petition for leave to appeal in such a case, carefully review Illinois Supreme Court Rule 315(i) or Rule 315(j), respectively. See Section XII, Part G.*

For all other cases, the following requirements apply.

a. The Appellant's Notice of Election. Within 14 days after the petition is allowed, the appellant must file with the Illinois Supreme Court, and serve on opposing parties, a notice of election stating whether she elects to have the petition for leave to appeal stand as the appellant's brief or whether she will file an appellant's brief in lieu of, or as a supplement to, the petition. Ill. S. Ct. R. 315(h). See Exhibit 37.

b. Standing on the Petition or Filing an Appellant's Brief. If the appellant elects for the petition for leave to appeal to stand as the appellant's brief, the appellant must file, with the notice of election, "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 Supreme Court Rule 341(h)(3)." Ill. S. Ct. R. 315(h). This is similar to what is required in the appellant's brief filed in the appellate court. See Section IX, Part B. The appellant must also provide the clerk in Springfield with 13 paper copies of the e-filed document, bearing the clerk's electronic file stamp, and the clerk must receive these copies within five days of being notified that the clerk accepted your document for e-filing. See the Illinois Supreme Court's Electronic Filing Procedures and User Manual. To request oral argument, you must file that request, with proof of service, on opposing parties, within the time that you could have filed a brief. Ill. S. Ct. Rs. 315(k), 352(a).

If the appellant elects to file a brief after the petition for leave to appeal was allowed, that brief is due 35 days (five weeks) from the order allowing the petition. Ill. S. Ct. R. 315(h). Follow the same format for the appellant's brief. See Section IX.

c. The Appellee's Notice of Election. The appellee must also decide whether he wants to stand on his answer to the petition, if one was filed, or file an appellee's brief. If the appellant elects to stand on her petition for leave to appeal, the appellee's notice of election to stand on his answer or file an appellee's brief must be filed with the Illinois Supreme Court within 14 days after the due date for the appellant's notice of election. Ill. S. Ct. R. 315(h). If the appellant elects to file a brief, however, the appellee has 14 days from the due date of the appellant's brief to file the appellee's notice of election. Ill. S. Ct. R. 315(h). The notice would be similar to Exhibit 37.

d. Standing on the Answer or Filing an Appellee's Brief. If the appellee elects to stand on his answer, and desires oral argument, he must file that request with proof of service on opposing parties. Ill. S. Ct. Rs. 315(k), 352(a). As a practical matter, an appellee should think twice before deciding to stand on his answer to a petition for leave to appeal. Even if the answer had merit, the correctness of the answer's position was not so clear as to prevent the Illinois Supreme Court from allowing the appellant leave to appeal.

If the appellee decides to file an appellee's brief, that brief is due 35 days from the date that the appellant's notice of election was due or 35 days after the appellant's brief is due if the appellant elected to file one. Ill. S. Ct. R. 315(h). The appellee's brief would follow the format discussed in Section X. If the appellee is requesting oral argument, he must state that request on the cover of his brief. Ill. S. Ct. Rs. 315(k), 352(a).

Additionally, the appellee may request cross-relief. For instance, the appellate court might have decided an

issue against the appellee, which the appellee would like the Illinois Supreme Court to review in addition to the points that the appellant has raised. In that case, the cover of the appellee's brief should be captioned: "Brief of Appellee. Cross-Relief Requested." The same length limitations would apply. Ill. S. Ct. R. 315(h).

e. Reply Brief(s). If the appellee files a brief that does not contain arguments in support of cross-relief, the appellant may file a reply within 14 days of the due date of the appellee's brief. Ill. S. Ct. R. 315(h). The format for a reply brief is discussed in Section XI. In that instance, the appellee cannot file any further response.

If the appellee's brief does contain arguments in support of cross-relief, however, the appellant has 35 days from the due date for the appellee's brief to file a single document combining (1) a reply in support of the appellant's arguments and (2) a response to the appellee's request for cross-relief. The appellant's arguments in opposition to the request for cross-relief should be included in his reply brief. In that instance, the cover of the appellant's combined pleading must be captioned, "Appellant's Reply Brief and Response to Request for Cross-Relief."

The appellee may, within 14 days of the due date for the appellant's combined pleading, file a reply brief in support of his own request for cross-relief, strictly confining his arguments to the appellant's contentions raised in opposition to the appellee's request for cross-relief. The cover of the appellee's pleading must be captioned, "Appellee's Reply in Support of Request for Cross-Relief." Ill. S. Ct. R. 315(h).

f. Extensions of Time. The time for filing a brief in the Illinois Supreme Court may be extended by an order. The manner for requesting an extension is the same as was discussed in Section IX, Part F, except the motion would be filed

in the Illinois Supreme Court and would contain the caption that appears in Exhibit 35. The body of the motion would be similar to that found in Exhibit 31. Furthermore, Illinois Supreme Court Rule 361 provides a detailed explanation of the procedures for filing motions in the Illinois Supreme Court. Be sure to consult that rule.

**CLERKS' OFFICES – ILLINOIS SUPREME AND APPELLATE COURTS**

**Supreme Court**

Clerk's Office – Springfield  
Supreme Court Building  
200 E. Capitol Avenue  
Springfield, IL 62701  
(217) 782-2035  
TDD (217) 524-8132  
Office Hours: 8:30 - 4:30

Clerk's Office - Chicago  
Michael A. Bilandic Building  
160 North LaSalle Street, 20th Floor  
Chicago, IL 60601  
(312) 793-1332  
TDD (312) 793-6185  
Office Hours: 8:30 - 4:30

**Appellate Courts**

**1st District Appellate Clerk's Office**

160 North LaSalle St.  
Chicago, IL 60601  
(312) 793-5484  
Office Hours: 8:30 - 4:30

**2nd District Appellate Clerk's Office**

Appellate Court Building  
55 Symphony Way  
Elgin, IL 60120  
(847) 695- 3750  
Office Hours: 8:30 - 4:30

**3rd District Appellate Clerk's Office**

1004 Columbus Street  
Ottawa, IL 61350  
(815) 434-5050  
Office Hours: 8:30 - 4:30

**4th District Appellate Clerk's Office**

201 West Monroe Street  
Springfield, IL 62704  
(217) 782-2586  
Office Hours: 8:30 - 4:30

**5th District Appellate Clerk's Office**

14th & Main Street  
Mt. Vernon, IL 62864  
(618) 242-3120  
Office Hours: 8:30 - 4:30

**TIMELINE<sup>1</sup>**

**Appeals from Final Judgments or Orders**  
(Supreme Court Rules 301, 303 and 304)

<b><u>Document to be Filed</u></b>	<b><u>Due Date</u></b>
Notice of Appeal (filed in circuit court)	Within 30 days from date final judgment is entered or, if post-judgment motion filed, 30 days after entry of order disposing of last pending post-judgment motion
Notice of Filing of Notice of Appeal (transmitted to appellate court by circuit clerk)	Within seven days after filing Notice of Appeal in circuit court
Docketing Statement (filed in appellate court)	Within 14 days after filing Notice of Appeal
Request for Report of Proceedings (filed in circuit court)	Within 14 days after filing Notice of Appeal
Report of Proceedings (filed by circuit clerk)	Within 49 days after filing Notice of Appeal
Record (filed by circuit clerk)	Within 63 days after filing Notice of Appeal
Appellant's Brief (filed in appellate court)	Within 35 days after filing Record
Appellee's Brief (filed in appellate court)	Within 35 days after due date or filing of Appellant's Brief <sup>2</sup>
Reply Brief (filed in appellate court)	Within 14 days after due date or filing of Appellee's Brief <sup>3</sup>

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<sup>1</sup> Note: the due dates are set forth in the Illinois Supreme Court Rules, which are amended from time to time. Always consult the current version of the rules which can be found at the Illinois courts' website at <http://www.illinoiscourts.gov/SupremeCourt/Rules/>.

<sup>2</sup> Appellate districts may vary, so absent an order setting forth your deadline, consult your appellate district clerk's office.

<sup>3</sup> *Id.*

**TIMELINE<sup>1</sup>**

**Interlocutory Appeals By Permission (Except For Child Custody Cases)**  
(Supreme Court Rule 306)

<b><u>Document to be Filed<sup>2</sup></u></b>	<b><u>Due Date</u></b>
Petition for Leave to Appeal (PLA)	Within 30 days of entry of circuit court order
Docketing Statement	Due at time PLA is filed
Supporting Record	Due at time PLA is filed
Answer and Supplementary Supporting Record (if any)	Within 21 days of the filing of PLA

**If Leave Allowed**

<b><u>Document to be Filed</u></b>	<b><u>Due Date</u></b>
Additional Record (if any)	Within 35 days of order granting leave
Appellant's Brief or notification of election to allow PLA to stand as brief	Within 35 days of order granting leave
Appellee's Brief or notification of election to allow Answer to stand as brief	Within 35 days of due date or filing of Appellant's Brief or election <sup>3</sup>
Reply Brief	Within 14 days of due date or filing of Appellee's Brief or election <sup>4</sup>

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<sup>1</sup> Note: the due dates are set forth in the Illinois Supreme Court Rules, which are amended from time to time. Always consult the current version of the rules which can be found at the Illinois courts' website at <http://www.illinoiscourts.gov/SupremeCourt/Rules/>.

<sup>2</sup> All referenced filings are in the appellate court.

<sup>3</sup> Appellate districts may vary, so absent an order setting forth your deadline, consult your appellate district clerk's office.

<sup>4</sup> *Id.*

**TIMELINE<sup>1</sup>**

**Interlocutory Appeals By Permission**  
(Supreme Court Rule 308)

<b><u>Document to be Filed<sup>2</sup></u></b>	<b><u>Due Date</u></b>
Application for Leave to Appeal	Within 30 days of entry of order in the trial court or the making of the prescribed statement by the trial court, whichever is later
Docketing Statement	Due at time Rule 308 application is filed
Supporting Record	Due at time Rule 308 application is filed
Answer in Opposition and Supplementary Supporting Record (if any)	Within 21 days of the due date of the application

**If Leave Allowed**

<b><u>Document to be Filed</u></b>	<b><u>Due Date</u></b>
Complete Record (if requested by party or ordered by the court)	Within 35 days of order granting leave
Appellant's Brief	Within 35 days of order granting leave
Appellee's Brief	Within 35 days of due date or filing of Appellant's Brief <sup>3</sup>
Reply Brief	Within 14 days of due date of Appellee's Brief <sup>4</sup>

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<sup>1</sup> Note: the due dates are set forth in the Illinois Supreme Court Rules, which are amended from time to time. Always consult the current version of the rules which can be found at the Illinois courts' website at <http://www.illinoiscourts.gov/SupremeCourt/Rules/>.

<sup>2</sup> All referenced filings are in the appellate court.

<sup>3</sup> Appellate districts may vary, so absent an order setting forth your deadline, consult your appellate district clerk's office.

<sup>4</sup> *Id.*

**TIMELINE<sup>1</sup>**

**Interlocutory Appeals As Of Right**  
(Supreme Court Rule 307(a))

<b><u>Document to be Filed</u></b>	<b><u>Due Date</u></b>
Notice of Interlocutory Appeal (filed in circuit court) <sup>2</sup>	Within 30 days of entry of interlocutory order
Notice of Filing Notice of Interlocutory Appeal (transmitted to appellate court by the circuit clerk)	Within seven days after filing Notice of Interlocutory Appeal in circuit court
Docketing Statement (filed in appellate court)	Within seven days after filing Notice of Interlocutory Appeal
Supporting Record (filed in appellate court)	Within 30 days of entry of interlocutory order
Appellant's Brief (filed in appellate court)	Within seven days of filing of Supporting Record
Appellee's Brief and optional supplemental Supporting Record (filed in appellate court)	Within seven days of filing of Appellant's Brief
Reply Brief (filed in appellate court)	Within seven days of filing of Appellee's Brief

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<sup>1</sup> Note: the due dates are set forth in the Illinois Supreme Court Rules, which are amended from time to time. Always consult the current version of the rules which can be found at the Illinois courts' website at <http://www.illinoiscourts.gov/SupremeCourt/Rules/>.

<sup>2</sup> There are special rules if the interlocutory order is entered *ex parte*. See Supreme Court Rule 307(b).

**TIMELINE<sup>1</sup>**

**Interlocutory Appeals As Of Right – Temporary Restraining Orders**  
(Supreme Court Rule 307(d))

<b><u>Document to be Filed</u></b>	<b><u>Due Date</u></b>
Petition and supporting legal memorandum (if any) (filed in appellate court)	Within two days of entry or denial of order from which review is being sought
Notice of Interlocutory Appeal (filed in circuit court)	Within two days of entry or denial of order from which review is being sought
Docketing Statement (filed in appellate court)	Due at time of filing Petition and Notice of Interlocutory Appeal
Supporting Record (filed in appellate court)	Due at time of filing Petition and Notice of Interlocutory Appeal
Respondent’s Memorandum (filed in appellate court)	Within two days of filing of Petition, any legal memorandum and Supporting Record
Decision	Within five days after filing of Respondent’s Memorandum

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<sup>1</sup> Note: the due dates are set forth in the Illinois Supreme Court Rules, which are amended from time to time. Always consult the current version of the rules which can be found at the Illinois courts’ website at <http://www.illinoiscourts.gov/SupremeCourt/Rules/>.



**TIMELINE<sup>1</sup>**

**Appeals From Final Child Custody Or Allocation Of Parental Rights Judgments Or  
Modifications Of Judgments**

(Supreme Court Rules 301, 304(b)(6) and 311(a))

<b><u>Document to be Filed</u></b>	<b><u>Due Date</u></b>
Notice of Appeal (filed in circuit court)	Within 30 days from date final judgment or modification of judgment is entered or if post-judgment motion filed, 30 days after entry of order disposing of last pending post-judgment motion
Notice of Filing of Notice of Appeal (transmitted to the appellate court by the circuit clerk)	Within seven days after filing Notice of Appeal in circuit court
Docketing Statement (filed in the appellate court)	Within 14 days after filing Notice of Appeal
Record, including the report of the proceedings (transmitted to the appellate court by the circuit clerk)	Within 35 days after filing Notice of Appeal
Appellant Brief (filed in the appellate court)	Within 21 days after filing Record
Appellee Brief (filed in the appellate court)	Within 21 days after due date of Appellant Brief
Reply Brief (filed in the appellate court)	Within seven days after due date of Appellee Brief

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<sup>1</sup> Note: the due dates are set forth in the Illinois Supreme Court Rules, which are amended from time to time. Always consult the current version of the rules which can be found at the Illinois courts' website at <http://www.illinoiscourts.gov/SupremeCourt/Rules/>.

**TIMELINE<sup>1</sup>**

**Interlocutory Appeals Affecting The Care And Custody Of An Unemancipated Minor**  
(Supreme Court Rules 306(a)(5), 306(b), and 311(a))

<b><u>Document to be Filed<sup>2</sup></u></b>	<b><u>Due Date</u></b>
Petition for Leave to Appeal (PLA) and Legal Memorandum (if any)	Within 14 days of the entry of the interlocutory order
Docketing Statement	Due at time PLA and Legal Memorandum filed
Supporting Record	Due at time PLA and Legal Memorandum filed
Answer or Responding Memorandum	Within five business days of the filing of the PLA <sup>3</sup>

**If Appeal Allowed**

<b><u>Document to be Filed</u></b>	<b><u>Due Date</u></b>
Additional Record	Within 35 days of order allowing PLA
Appellant's Brief or notification of election to allow PLA to stand as brief	Within 21 days of filing Record
Appellee's Brief or notification of election to allow Answer to stand as brief	Within 21 days of filing of Appellant's Brief or election <sup>4</sup>
Appellant's Reply brief	Within seven days of appellee's brief <sup>5</sup>

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<sup>1</sup> Note: the due dates are set forth in the Illinois Supreme Court Rules, which are amended from time to time. Always consult the current version of the rules which can be found at the Illinois courts' website at <http://www.illinoiscourts.gov/SupremeCourt/Rules/>.

<sup>2</sup> All referenced filings are in the appellate court.

<sup>3</sup> A business day excludes weekends and court holidays.

<sup>4</sup> Appellate districts may vary, so absent an order setting forth your deadline, consult your appellate district clerk's office.

<sup>5</sup> *Id.*

**TIMELINE<sup>1</sup>**

**Interlocutory Appeals As Of Right Under The Adoption Act**  
(Supreme Court Rule 307(a)(6))

<b><u>Document to be Filed</u></b>	<b><u>Due Date</u></b>
Notice of Interlocutory Appeal (filed in circuit court)	Within 30 days of entry of interlocutory order
Notice of Filing Notice of Interlocutory Appeal (transmitted to appellate court by circuit clerk)	Within seven days after filing Notice of Interlocutory Appeal in circuit court
Docketing Statement (filed in appellate court)	Within seven days after filing Notice of Interlocutory Appeal
Record (filed in appellate court by circuit clerk)	Within 30 days of entry of interlocutory order
Appellant's Brief (filed in appellate court)	Within seven days of filing Record
Appellee's Brief (filed in appellate court)	Within seven days of filing of Appellant's Brief
Reply Brief (filed in appellate court)	Within seven days of filing of Appellee's Brief

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<sup>1</sup> Note: the due dates are set forth in the Illinois Supreme Court Rules, which are amended from time to time. Always consult the current version of the rules which can be found at the Illinois courts' website at <http://www.illinoiscourts.gov/SupremeCourt/Rules/>.

# **EXHIBIT 1A**

(Attach the appropriate Notice of Filing (see examples below) to the filing)

## **NOTICE OF ELECTRONIC FILING**

I, John Doe, state that on [DATE], I electronically filed [TITLE OF FILING] with the Clerk of the [NAME OF COURT].

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

s/ John Doe  
John Doe

## **NOTICE OF FILING BY MAIL**

I, John Doe, state that on [DATE], I filed [TITLE OF FILING] by enclosing it in an envelope, addressed to the Clerk of the [NAME OF COURT], [ADDRESS], with First Class postage prepaid, and depositing the envelope in the U.S. Mail.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

(signature)  
John Doe

## **NOTICE OF FILING BY THIRD-PARTY CARRIER**

I, John Doe, state that on [DATE], I filed the [TITLE OF FILING] by enclosing it in an envelope, addressed to the Clerk of the [NAME OF COURT], [ADDRESS], and delivering the envelope to [NAME OF COMMERCIAL CARRIER] for delivery to the Clerk of the [NAME OF COURT] within three business days.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

(signature)  
John Doe

# **EXHIBIT 1B**

(Attach the appropriate Certificate of Service (see examples below) to the filing)

**[List here other self-represented parties or counsel for other parties, including their address/e-mail address]**

## **CERTIFICATE OF SERVICE BY E-MAIL**

I, John Doe, state that on [DATE], I served the foregoing [TITLE OF FILING(S)] upon counsel listed above by e-mail.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

s/ John Doe  
\_\_\_\_\_  
John Doe

## **CERTIFICATE OF ELECTRONIC SERVICE**

I, John Doe, state that on [DATE], I served the foregoing [TITLE OF FILING(S)] upon counsel listed above via Odyssey eFileIL as set forth below.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

s/ John Doe  
\_\_\_\_\_  
John Doe

## **CERTIFICATE OF SERVICE BY MAIL**

I, John Doe, state that on [DATE], I served the foregoing [TITLE OF FILING(S)] upon counsel listed above by enclosing copies thereof in envelopes, addressed as shown, with First Class postage prepaid, and depositing them with the U.S. Mail.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

(signature)  
\_\_\_\_\_  
John Doe

## **EXHIBIT 1B**

(Attach the appropriate Certificate of Service (see examples below) to the filing)

### **CERTIFICATE OF SERVICE BY THIRD-PARTY CARRIER**

I, John Doe, state that on [DATE], I served the foregoing [TITLE OF FILING(S)] upon counsel listed above by enclosing it in an envelope, addressed as shown, and delivering the envelope to [NAME OF COMMERCIAL CARRIER] for delivery to counsel within three business days.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

(signature)

John Doe

SAMPLE

# EXHIBIT 1C

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Appellate Courts.

<b>Instructions</b> ▼	<input type="checkbox"/> THIS APPEAL INVOLVES A QUESTION OF CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, ADOPTION, TERMINATION OF PARENTAL RIGHTS, OR OTHER MATTER AFFECTING THE BEST INTEREST OF THE CHILD.
Use white paper for this cover page.	
Check the box to the right if applicable.	Appellate Case No.: _____
Enter the Appellate Court case number.	<b>IN THE APPELLATE COURT OF ILLINOIS</b>
Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed.	_____ District
Enter the names of the parties as they appear on the trial court order being appealed.	<b>Appeal from the Circuit Court of _____ County</b>
The person who filed the appeal is the "appellant" and the person responding to the appeal is the "appellee." Check the correct box for each person.	<b>Trial Court Case No.:</b> _____
To the far right, enter the trial court county, trial court case number, and trial judge's name.	<b>Honorable _____ Judge, Presiding</b>
	<b>Plaintiff/Petitioner</b> (First, middle, last names) _____ <input type="checkbox"/> Appellant <input type="checkbox"/> Appellee
	v.
	<b>Defendant/Respondent</b> (First, middle, last names) _____ <input type="checkbox"/> Appellant <input type="checkbox"/> Appellee

See *How To Prepare and File a Proof of Service & Affidavit of Mailing* for the difference between *Proof of Service* and *Affidavit of Mailing*.

In 1, fill in the name of the document you are sending to the other parties.

In 2, fill in the date you are sending the document to the other parties.

In 3, fill in the time you are sending the document to the other parties.

In 4, fill in the full name and address of the party or lawyer to whom you are sending the document and check the box to show how you are sending it.

## PROOF OF SERVICE & AFFIDAVIT OF MAILING (APPEAL)

### PROOF OF SERVICE TO THE PARTIES

1. I am sending the \_\_\_\_\_.
  2. On: \_\_\_\_\_, 20\_\_\_\_\_  
*Date*
  3. At: \_\_\_\_\_  a.m.  p.m.  
*Time*
  4. To:  
Name: \_\_\_\_\_  
*First Middle Last*  
Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*
- By:  Personal hand delivery  
 Regular, First-Class Mail, deposited into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

# EXHIBIT 1C

Enter the Case Number given by the Appellate Court Clerk: \_\_\_\_\_

**CAUTION:** You may send the document by email or fax only if the other party has agreed to receive documents in the lawsuit by email or fax.

Third-party commercial carrier, delivered to:

\_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*

Email

Sender's address: \_\_\_\_\_ @ \_\_\_\_\_

Recipient's address: \_\_\_\_\_ @ \_\_\_\_\_

Fax

Sender's number: \_\_\_\_\_

Recipient's number: \_\_\_\_\_

Mail from a correctional institution, deposited into:

\_\_\_\_\_  
*Place of deposit into institutional mail*

If there is a second party or lawyer to send the document to, fill in their name and address here and check the box to show how you are sending it.

To:

Name:

\_\_\_\_\_  
*First Middle Last*

Address:

\_\_\_\_\_  
*Street, Apt # City State ZIP*

By:

Personal hand delivery

Regular, First-Class Mail, deposited into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

Third-party commercial carrier, delivered to:

\_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*

Email

Sender's address: \_\_\_\_\_ @ \_\_\_\_\_

Recipient's address: \_\_\_\_\_ @ \_\_\_\_\_

Fax

Sender's number: \_\_\_\_\_

Recipient's number: \_\_\_\_\_

Mail from a correctional institution, deposited into:

\_\_\_\_\_  
*Place of deposit into institutional mail*

If there are more than 2 parties or lawyers to whom you must send the document, fill out and attach an *Additional Service List* and check to box.

I have listed additional parties or lawyers on the attached *Additional Service List* form.

## Stop!

Fill out the *Affidavit of Mailing* only if you are filing the document with the court clerk by U.S. Mail or third-party commercial carrier.

In 5, fill in the name of the document you are sending to the court clerk's office for filing.

## AFFIDAVIT OF MAILING TO THE COURT

**\*\*Fill in sections 5-9 only if you are filing the document with the court clerk by U.S. Mail or third-party commercial carrier\*\***

5. I filed the \_\_\_\_\_.



# EXHIBIT 1C

Enter the Case Number given by the Appellate Court Clerk: \_\_\_\_\_

In 6, fill in the date you are depositing the document in the U.S. Mail, or giving the document to a third-party commercial carrier, or depositing the document into institutional mail.

6. On: \_\_\_\_\_, 20 \_\_\_\_\_.  
*Date*

7. At: \_\_\_\_\_  a.m.  p.m.  
*Time*

8. By:  Regular, First-Class Mail, deposited into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

Third-party commercial carrier, delivered to:

\_\_\_\_\_  
*Name (for example, FedEx or UPS) and office address*

Mail from a correctional institution, deposited into:

\_\_\_\_\_  
*Place of deposit into institutional mail*

In 7, fill in the time you are depositing the document in the U.S. Mail, or giving the document to a third-party commercial carrier, or depositing the document into institutional mail.

In 8, check the method you are using to send the document to the court clerk's office for filing.

9. To:

Clerk of the \_\_\_\_\_  
*Name of Court*

Address of Clerk's Office: \_\_\_\_\_  
*Street City State ZIP*

In 9, fill in the court's name and the address of the court clerk's office where you are sending the document for filing.

## CERTIFICATION

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

**I certify that everything in the *Proof Of Service & Affidavit Of Mailing (Appeal)* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.**

\_\_\_\_\_  
*Your Signature*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*Print Your Name*

\_\_\_\_\_  
*City, State, ZIP*

Enter your complete current address and telephone number.

\_\_\_\_\_  
*Telephone*



# EXHIBIT 2A

In 3, identify every order or judgment you want to appeal by listing the date the trial court entered it.

### 3. List the date of every order or judgment you want to appeal:

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

In 4, state what you want the appellate court to do. You may check as many boxes as apply.

### 4. State your relief:

- reverse the trial court's judgment (*change the judgment in favor of the other party into a judgment in your favor*) and  send the case back to the trial court for any hearings that are still required;
- vacate the trial court's judgment (*erase the judgment in favor of the other party*) and  send the case back to the trial court for a new hearing and a new judgment;
- change the trial court's judgment to say: \_\_\_\_\_

order the trial court to: \_\_\_\_\_

other: \_\_\_\_\_

and grant any other relief that the court finds appropriate.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name. Fill in your address and telephone number.

*/s/*  
\_\_\_\_\_  
*Your Signature*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*Your Name*

\_\_\_\_\_  
*City, State, ZIP*

\_\_\_\_\_  
*Telephone*

### Additional Appellant Signature

All appellants must sign this form. Have each additional appellant sign the form here and enter their name, address, and telephone number.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*City, State, ZIP*

\_\_\_\_\_  
*Telephone*

**GETTING COURT DOCUMENTS BY EMAIL:** If you agree to receive court documents by email, check the box below and enter your email address. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates. Other parties may still send you court documents by mail.

- I agree to receive court documents at this email address during my entire case.

\_\_\_\_\_  
*Email*



# EXHIBIT 2A

Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
*Date*

At: \_\_\_\_\_  a.m.  p.m.  
*Time*

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

3. I sent this document:

a. To: \_\_\_\_\_  
Name: \_\_\_\_\_  
*First Middle Last*

Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*

Email address: \_\_\_\_\_

b. By:  Personal hand delivery  
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
*Name (for example, FedEx or UPS) and office address*

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (not through an EFM or EFSP)

Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
*Date*

At: \_\_\_\_\_  a.m.  p.m.  
*Time*

If you are serving more than 3 parties or lawyers, fill out and insert 1 or more *Additional Proof of Service* forms after this page.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name.

**I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

/s/ \_\_\_\_\_  
*Your Signature*

\_\_\_\_\_  
*Print Your Name*

**EXHIBIT 2B**

IN THE CIRCUIT COURT OF LAKE COUNTY, ILLINOIS  
NINETEENTH JUDICIAL CIRCUIT

JOHN DOE,	)	
	)	
Plaintiff-Appellant,	)	
	)	
v.	)	Circuit Court No. 123456
	)	
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	Hon. James S. Smith,
a corporation,	)	Judge Presiding.
	)	
Defendants-Appellees.	)	

**NOTICE OF APPEAL**

Plaintiff-Appellant John Doe, by his attorney, Jennifer Johnson, , appeals to the Appellate Court of Illinois for the Second District from the following orders entered in this matter in the Circuit Court of Lake County:

1. The order of September 10, 2009, dismissing with prejudice Count II of his complaint, alleging strict product liability against Defendant-Appellee X Hardware Store; and
2. The order of May 9, 2010, granting summary judgment in favor of Defendants-Appellees Acme Manufacturing Company and X Hardware Store and against Plaintiff-Appellant John Doe on all remaining claims of the complaint.

By this appeal, Plaintiff-Appellant will ask the Appellate Court to reverse the orders of September 10, 2009, and May 9, 2010, and remand this cause with directions to reinstate all counts of the complaint for trial on the merits as to all claims, or for such other and further relief as the Appellate Court may deem proper.

/s/ Jennifer Johnson  
Attorney for Plaintiff-Appellant

Jennifer Johnson  
3333 Magnolia Lane  
Lake Forest, IL 60045  
(847) 777-7777  
JJohnson@Judgment.com

**INCLUDE CERTIFICATE OF FILING/SERVICE**  
(e.g., Exhibits 1A and 1B)

# **EXHIBIT 3**

No. [to be inserted by Appellate Court]  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

JOHN DOE,	)	Appeal from the Circuit Court,
	)	19th Judicial Circuit, Lake County,
Plaintiff-Appellant,	)	Illinois.
	)	
v.	)	
	)	Circuit Court No. XXXXX
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	
a corporation,	)	Honorable
	)	James S. Smith,
Defendants-Appellees.	)	Judge Presiding.

## **MOTION FOR LEAVE TO FILE LATE NOTICE OF APPEAL**

Plaintiff-Appellant John Doe, self-represented litigant, moves this Court pursuant to Supreme Court Rule 303(d) for leave to file a late notice of appeal. In support thereof, John Doe states as follows:

1. The circuit court entered a final order on May 9, 2010, granting summary judgment in favor of Defendants-Appellees Acme Manufacturing Company and X Hardware Store.
2. Plaintiff's notice of appeal was due on June 8, 2010.
3. Plaintiff was unable to file his notice of appeal on June 8, 2010 because [INSERT REASON].
4. Plaintiff has filed this motion within 30 days of the 30-day period provided by Supreme Court Rule 303(d).
5. Attached to this motion is the affidavit of John Doe in support of this motion and Plaintiff's proposed Notice of Appeal.

## **EXHIBIT 3**

WHEREFORE, Plaintiff-Appellant John Doe respectfully prays for entry of an order granting him leave to file his notice of appeal and directing the clerk of this Court to transmit the notice of appeal to the circuit court for filing.

(signature) \_\_\_\_\_

John Doe

Plaintiff-Appellant, self-represented litigant

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

**INCLUDE NOTICE OF FILING AND CERTIFICATE  
OF SERVICE**

(e.g., Exhibits 1A and 1B)

SAMPLE



# EXHIBIT 4

[If you file a notarized affidavit, it should take the following form]

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF COOK        )

## AFFIDAVIT

John Doe, being first duly sworn on oath, deposes and states as follows:

1. I am the Plaintiff-Appellant in this appeal.
2. The circuit court entered a final order on May 9, 2010, granting summary judgment in favor of Defendants-Appellees Acme Manufacturing Company and X Hardware Store.
3. Plaintiff's notice of appeal was due on June 8, 2010.
4. Plaintiff was unable to file his notice of appeal on June 8, 2010, because [INSERT REASON].

FURTHER AFFIANT SAYETH NAUGHT.

(signature) \_\_\_\_\_

John Doe

Subscribed and sworn to  
before me on this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

## **EXHIBIT 4**

**[If you file an affidavit by certification, it should take the following form]**

### **CERTIFICATION**

I, John Doe, state as follows:

1. I am the Plaintiff-Appellant in this appeal.
2. The circuit court entered a final order on May 9, 2010, granting summary judgment in favor of Defendants-Appellees Acme Manufacturing Company and X Hardware Store.
3. Plaintiff's notice of appeal was due on June 8, 2010.
4. Plaintiff was unable to file his notice of appeal on June 8, 2010, because [INSERT REASON].

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

(signature) \_\_\_\_\_

John Doe

# **EXHIBIT 5**

[Reserved]

**EXHIBIT 6**

No. [to be inserted by Appellate Court]  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

JOHN DOE,	)	Appeal from the Circuit Court,
	)	19th Judicial Circuit, Lake County,
Plaintiff-Appellant,	)	Illinois.
	)	
v.	)	
	)	Circuit Court No. XXXXX
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	
a corporation,	)	Honorable
	)	James S. Smith,
Defendants-Appellees.	)	Judge Presiding.

**ORDER**

This matter coming on to be heard on the motion of Plaintiff-Appellant John Doe for leave to file a late notice of appeal, notice having been given and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that the motion of Plaintiff-Appellant for leave to file a late notice of appeal is granted / denied.

\_\_\_\_\_  
Justice

\_\_\_\_\_  
Justice

\_\_\_\_\_  
Justice

Prepared by:  
John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

# **EXHIBIT 7**

No. \_\_\_\_\_  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

SAM SMITH,	)	Appeal from the Circuit Court,
	)	19th Judicial Circuit, Lake County,
Plaintiff-Respondent,	)	Illinois.
	)	
v.	)	Circuit Court No. XXXXXX
	)	
JOHN DOE,	)	
	)	
Defendant-Petitioner.	)	

## **PETITION FOR LEAVE TO APPEAL AND SUPPORTING LEGAL MEMORANDUM PURSUANT TO SUPREME COURT RULE 306**

Defendant-Petitioner, John Doe, petitions this Court for leave to appeal pursuant to Supreme Court Rule 306(a)(2), from the order of the circuit court entered on May 19, 2010, denying Defendant's motion to transfer this case from Lake County to Cook County, Illinois on the basis of *forum non conveniens*.

### **STATEMENT OF FACTS**

Plaintiff, Sam Smith, a California resident, is the owner of farmland located in Lake County, Illinois. Sup C 2. On April 1, 2010, Smith entered into a contract with Defendant John Doe in which Smith agreed to sell and Doe agreed to purchase the farmland at a purchase price of \$50,000. Sup C 15. Doe is a resident of Cook County, Illinois. Sup C 2. The purchase contract was negotiated in the Cook County office of Michael Mason, the real estate broker. Sup C 30. Present during the negotiations and signing of the contract were Mason, Smith and Doe. Sup C 31.

## **EXHIBIT 7**

Under the terms of the contract, Doe was required to provide Mason with a cashier's check in the amount of \$5,000 by April 15, 2010 to be held in an escrow account held by Mason. Doe also agreed to sign a promissory note for the balance and to provide a guaranty signed by his father-in-law, Rick Jones, a business acquaintance of Smith, at the closing. The closing was to occur in Cook County on May 21, 2010. Sup C 16. Doe made the payment on April 15, 2010, but on May 1, 2010, Rick Jones suffered a stroke and would not be able to sign the guaranty. Doe told Morris that Doe's father would sign the guaranty and Morris relayed that information to Smith. Smith told Morris that he would not agree to the substitution and that the deal was over. He also told Morris that he had received a better offer from someone else. After Doe threatened to sue, Smith filed a declaratory judgment action in Lake County, Illinois, on May 10, 2010 seeking a declaration that Doe failed to comply with the terms of the contract and, thus, Smith was not obligated to sell the farmland property to him. Sup C 2-16.

On May 17, 2010, Doe moved to transfer venue to the circuit court in Cook County, Illinois, pursuant to the doctrine of *forum non conveniens*. Sup C 25. Doe argued that the proper forum should be Cook County, Illinois because that is where the contract was negotiated and the documentary evidence exists. Cook County also is where one of the parties and one of the key witnesses reside. Sup C 25-30. Doe argued that the testimony of Mason will be key to his defense and that Mason will not be able to travel to Lake County due to a medical condition. Sup C 28. Doe attached to his motion the affidavits of Mason and Mason's physician setting forth the details of Mason's medical condition and his travel limitations. Sup C 32, Sup C 34. (In his affidavit, Mason also stated that Smith told him he did not want to go through with the sale to Doe because he had received a better offer from someone else.) Doe further argued that the Plaintiff's chosen forum should not be given preference because the Plaintiff does not reside

## **EXHIBIT 7**

there (he resides in California) and the only connection the lawsuit has with Lake County is that the farmland is located there. Sup C 29.

Smith responded to the motion to transfer venue on May 26, 2010, arguing that the plaintiff's choice of forum outweighs any other facts. In addition, he argued that the location of the farmland should be given weight. Sup C 36-40. Doe filed a reply (Sup C 41-43), and the circuit court heard argument on June 10, 2010. The court denied Doe's motion to transfer venue. Sup C 45.

### **REASONS PETITION FOR LEAVE TO APPEAL SHOULD BE GRANTED**

The denial of a motion to transfer based upon the doctrine of *forum non conveniens* is reviewed on the abuse of discretion standard. E.g., Wagner v. Eagle Food Centers, Inc., 398 Ill. App. 3d 354, 359 (1st Dist. 2010). This Court should grant leave to appeal in this case because the circuit court abused its discretion in denying Defendant's motion to transfer this case to Cook County from Lake County.

The doctrine of *forum non conveniens* is an equitable doctrine designed to promote fair play between the litigants. E.g., Torres v. Walsh, 98 Ill. 2d 338, 351 (1983); Golden Rule Ins. Co. v. Manasherov, 200 Ill. App. 3d 961, 966 (5th Dist. 1990). Under this doctrine, "a court may decline to exercise jurisdiction of a case whenever it appears that there is another forum with jurisdiction of the parties in which trial can be more conveniently had." Bland v. Norfolk & Western Ry. Co., 116 Ill. 2d 217, 223 (1987).

The decision to grant or deny a *forum non conveniens* motion involves a balancing of the private interest factors affecting the convenience of the parties and the public interest factors affecting the administration of the courts. Bland, 116 Ill. 2d at 224, quoting Gulf Oil Corp. v. Gilbert, 330 U.S. 501, 508-09 (1947). A further consideration is the plaintiff's choice of forum.

## **EXHIBIT 7**

That choice, however, is entitled to less deference when the plaintiff is not a resident of the chosen forum. E.g., Peile v. Skelgas, Inc., 163 Ill. 2d 323, 337-38 (1994); Bland, 116 Ill. 2d at 227-28.

Here, the circuit court erred in denying Defendant's motion to transfer. The only relationship that Lake County has with the underlying dispute is that it was the forum choice of a non-resident plaintiff and it is the situs of the property that was the subject of the sale. But Plaintiff's choice of forum is not entitled to significant weight because Plaintiff is not a resident of Lake County and was not a resident of that county at any time relevant to the instant dispute. See, e.g., Peile, 163 Ill. 2d at 337-38; Bland, 116 Ill. 2d at 227-28. Plaintiff resides in California and will have to travel regardless of where the case is litigated in Illinois. Indeed, it would seem that Cook County would be a more convenient forum for Plaintiff because Chicago is a major transportation hub and is likely to be the location where Plaintiff will arrive when traveling to Illinois for the trial.

Transfer to Cook County also is warranted because of other private interest factors. The dispute between the parties centers on their performance of a contract that was negotiated and executed in Cook County, Illinois. Most of the proofs and witnesses hale from Cook County. Mason, the chief witness in the case, would be subject to compulsory process should he refuse to comply with the trial subpoena. While his medical condition would not prohibit him from attending the trial, it would make it quite difficult for him to attend a trial in another county. See Peile, 163 Ill. 2d 323 (reversing denial of motion to transfer on grounds of *forum non conveniens* where nominal connections to forum chosen by plaintiff and plaintiff was not resident of chosen forum); Bland, 116 Ill. 2d 217 (same).

As to the public factors, which are of lesser weight than the private interest factors



## **EXHIBIT 7**

(Washington v. Illinois Power Co., 144 Ill. 2d 395, 399 (1991)), Cook County has a greater interest in the controversy. The real estate contract was negotiated and executed there, and Doe performed his contractual payment obligation there. Cook County has an interest in enforcing the contracts of its residents. See Golden Rule, 200 Ill. App. 3d at 967-68 (finding forum has localized interest when product, insurance policy, purchased there). Cook County's interest is further evidenced by the fact that the \$5,000 escrow was held in Cook County and the real estate closing was to occur in Cook County.

The overriding purpose of the doctrine of *forum non conveniens* is convenience to the parties, the witnesses and the court. See Franklin v. FMC Corp., 150 Ill. App. 3d 343, 349 (1st Dist. 1986). Under the facts of this case, that purpose and the ends of justice are best served by a transfer of this cause to Cook County, Illinois. See Washington, 144 Ill. 2d at 399. The trial court clearly erred in denying Defendant Doe's motion to transfer and this Court should grant Defendant leave to appeal that denial.

### **PRAYER FOR LEAVE TO APPEAL**

Defendant-Petitioner John Doe, self-represented litigant, pursuant to Illinois Supreme Court Rule 306(a)(2), respectfully prays that this Court grant leave to appeal from the order of the circuit court entered on June 10, 2010, denying Defendant's motion

## **EXHIBIT 7**

to transfer this case from Lake County to Cook County, Illinois on the basis of *forum non conveniens*.

Dated: July 9, 2010

Respectfully submitted,

---

John Doe, self-represented litigant  
Defendant-Petitioner

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

**INCLUDE NOTICE OF FILING  
AND CERTIFICATE OF SERVICE**  
(e.g., Exhibits 1A and 1B)

# EXHIBIT 8

No. [Appellate Court No.]  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

JOHN DOE,	)	Appeal from _____ County
	)	Circuit Number _____
Plaintiff-Appellant,	)	Trial Judge _____
	)	Date of Notice of Appeal _____
v.	)	Date of Judgment _____
	)	Date of Postjudgment _____
ACME MANUFACTURING COMPANY, a	)	Motion Order _____
corporation, and X HARDWARE STORE,	)	Supreme Court Rule which confers
a corporation,	)	jurisdiction upon the reviewing court
	)	_____
Defendants-Appellees.	)	

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: \_\_\_\_\_

## EXHIBIT 8

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 or relocation of unemancipated minors pursuant to Illinois Supreme Court Rule 311(a), which requires **Mandatory Accelerated Disposition of Child Custody, Allocation of Parental Responsibilities, and Relocation of Unemancipated Minors Appeals?**

# **EXHIBIT 8**

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 MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).**

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

# **EXHIBIT 9**

No. [Appellate Court No.]  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

JOHN DOE,	)	Appeal from the Circuit Court,
	)	19th Judicial Circuit, Lake County,
Plaintiff-Appellant,	)	Illinois.
	)	
v.	)	
	)	Circuit Court No. XXXXX
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	
a corporation,	)	Honorable
	)	James S. Smith,
Defendants-Appellees.	)	Judge Presiding.

## **NOTICE OF CHANGE OF ADDRESS**

PLEASE TAKE NOTICE of the following change of address for John Doe, Plaintiff-Appellant, self-represented litigant in the above-captioned matter.

John Doe  
[NEW ADDRESS]

(signature)

John Doe, Plaintiff-Appellant, self-represented litigant

Prepared by:  
John Doe  
[insert new address  
and telephone number]  
JohnDoe@Justice.com

**INCLUDE NOTICE OF FILING AND CERTIFICATE OF SERVICE**  
(e.g., Exhibits 1A and 1B)

## EXHIBIT 10

Name of Court Reporter  
Address

Re: John Doe v. Acme Manufacturing Company, *et al.*  
Circuit Court No. \_\_\_\_\_

Dear \_\_\_\_\_:

Confirming our conversation on [INSERT DATE], I have requested that you prepare transcripts of the proceedings held in the above-referenced matter before Judge James Smith on September 10, 2009, and May 9, 2010, to be included in the record on appeal.

The notice of appeal was [will be] filed on [by] June 8, 2010.

I understand that a deposit of \$ \_\_\_\_\_ is required, and my check for that amount is enclosed. For your convenience, below are my address and telephone number where I can be reached during the workday.

Very truly yours,

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

# **EXHIBIT 11**

[Reserved]

SAMPLE



# **EXHIBIT 12**

IN THE CIRCUIT COURT OF LAKE COUNTY, ILLINOIS  
NINETEENTH JUDICIAL CIRCUIT

JOHN DOE, )  
 )  
Plaintiff, )  
 )  
v. ) Circuit Court No. XXXXXX  
 )  
ACME MANUFACTURING COMPANY, a )  
corporation, and X HARDWARE STORE, )  
a corporation, )  
 )  
Defendants. )

## **NOTICE OF MOTION**

TO: Name and address of attorney for Acme  
Name and address of attorney for X Hardware

PLEASE TAKE NOTICE that on [DATE], at [TIME], the undersigned shall appear before the Honorable James Smith, Circuit Court of Lake County, Illinois, in the courtroom usually occupied by him and present the MOTION TO CERTIFY REPORT OF PROCEEDINGS, a copy of which is herewith served upon you.

(signature) \_\_\_\_\_  
John Doe, Plaintiff, self-represented litigant

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Litigation.com

## **INCLUDE CERTIFICATE OF SERVICE**

[e.g., Exhibit 1B]

**EXHIBIT 13**

IN THE CIRCUIT COURT OF LAKE COUNTY, ILLINOIS  
NINETEENTH JUDICIAL CIRCUIT

JOHN DOE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Circuit Court No. XXXXXX
	)	
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	
a corporation,	)	
	)	
Defendants.	)	

**MOTION TO CERTIFY REPORT OF PROCEEDINGS**

Plaintiff John Doe, self-represented litigant, moves this Court to certify the transcripts of the proceedings in the captioned matter for September 10, 2009, and May 9, 2010.

	(signature)	_____
John Doe		John Doe, Plaintiff, self-represented litigant
1111 Sandy Lane		
Lake Forest, IL 60045		
(847) 555-5555		
JohnDoe@Litigation.com		

**INCLUDE NOTICE OF MOTION AND CERTIFICATE OF SERVICE**  
(e.g., Exhibits 1B and 12)



## **EXHIBIT 14**

(signature)

\_\_\_\_\_  
Name/Address/Phone Number/E-mail address

Attorney for Defendant X Hardware Store

SAMPLE

**EXHIBIT 15**

No. [Appellate Court No.]  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

JOHN DOE,	)	Appeal from the Circuit Court,
	)	19th Judicial Circuit, Lake County,
Plaintiff-Appellant,	)	Illinois.
	)	
v.	)	
	)	Circuit Court No. XXXXX
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	
a corporation,	)	Honorable
	)	James S. Smith,
Defendants-Appellees.	)	Judge Presiding.

**MOTION TO EXTEND TIME TO FILE TRANSCRIPT OF PROCEEDINGS**

Plaintiff-Appellant John Doe, a self-represented litigant, moves this Court for entry of an order extending the time for filing the transcript of proceedings for [NUMBER OF DAYS REQUESTED] days, from [DATE CURRENTLY DUE] to and including [NEW DATE]. In support thereof, John Doe states as follows:

[Set forth the reason(s) for the request simply and directly in separately numbered paragraphs.] (See Exhibit 3.) According to the court reporter, the transcript will be completed by \_\_.

An Affidavit is attached.

## **EXHIBIT 15**

WHEREFORE, Plaintiff-Appellant John Doe respectfully requests that this Court enter an order extending the time for filing the Transcript of Proceedings to and include [NEW DATE].

(signature)  
John Doe, Plaintiff-Appellant, self-represented litigant

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

SAMPLE

# **EXHIBIT 15**

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF COOK        )

## **AFFIDAVIT**

John Doe, being first duly sworn on oath, deposes and states as follows:

1.     I am the Plaintiff-Appellant in this appeal.
2.     The Report of Proceedings is currently due on [INSERT DATE].
3.     Plaintiff is unable to file the Report of Proceedings because [INSERT REASON].
4.     Upon information from the court reporter, I believe the transcript will be completed by \_\_\_.

FURTHER AFFIANT SAYETH NAUGHT.

\_\_\_\_\_  
John Doe

Subscribed and sworn to  
before me on this \_\_\_ day  
of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
Notary Public

**INCLUDE CERTIFICATE OF FILING/SERVICE**  
(e.g., Exhibits 1A and 1B)

# EXHIBIT 16

IN THE CIRCUIT COURT OF LAKE COUNTY, ILLINOIS  
NINETEENTH JUDICIAL CIRCUIT

JOHN DOE, )  
 )  
Plaintiff, )  
 )  
v. ) Circuit Court No. XXXXXX  
 )  
ACME MANUFACTURING COMPANY, a )  
corporation, and X HARDWARE STORE, )  
a corporation, )  
 )  
Defendants. )

## AGREED STATEMENT OF FACTS

IT IS HEREBY STIPULATED AND AGREED by and between the parties or their counsel, pursuant to Supreme Court 323(d), that the following facts material to this appeal were testified to in oral proceedings before Judge James Smith on May 9, 2010:

LIST AGREED UPON FACTS IN SEPARATELY NUMBERED PARAGRAPHS; FOR EXAMPLE:

1. On October 18, 2003, John Doe purchased a lawnmower from the X Hardware Store.
2. The lawnmower was designed, manufactured, and sold to X Hardware Store by Acme Manufacturing Company.
3. John Doe testified at the oral proceedings before Judge Smith that on April 9, 2004, while he was mowing the lawn at his home, he struck a small rock or pebble.
4. [CONTINUE WITH AGREED UPON FACTS]

(signature) \_\_\_\_\_

John Doe, Plaintiff, self-represented litigant  
Address/Phone Number  
JohnDoe@Justice.com

(signature) \_\_\_\_\_

Name/Address/Phone Number/E-mail address  
Attorney for Defendant Acme Manufacturing Company



## **EXHIBIT 16**

(signature)

---

Name/Address/Phone Number/E-mail address

Attorney for Defendant X Hardware Store

SAMPLE

**EXHIBIT 17**

Request for the Preparation of Record on Appeal

(2/01/06) CCJ 0027

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
JUVENILE JUSTICE AND CHILD PROTECTION DEPARTMENT  
JUVENILE JUSTICE DIVISION**

\_\_\_\_\_ } Trial Court No. \_\_\_\_\_  
Minor's Name }

**REQUEST FOR THE PREPARATION OF RECORD ON APPEAL**

DATE NOTICE OF APPEAL WAS FILED: \_\_\_\_\_

WILL THE RECORD HAVE REPORTS OF PROCEEDINGS? YES  NO

WILL THE RECORD INCLUDE TRIAL EXHIBITS: YES  NO

ARE THERE IMPOUNDMENTS? YES  NO

**PERSON REQUESTING RECORD**

CONTACT INFORMATION: NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
ATTORNEY CODE: \_\_\_\_\_

**FOR IMPOUNDED ORDERS/EXHIBITS YOU MUST SUBMIT AN IMPOUND ORDER TO THE APPEALS CLERK AS SOON AS POSSIBLE.**

**FAILURE TO SUPPLY A RELEASE ORDER MAY DELAY THE APPEALS PROCESS.**

**BOTTOM PORTION FOR CLERK'S OFFICE ONLY**

DATE APPELLATE NUMBER WAS RECEIVED: \_\_\_\_\_

DATE TRANSCRIPTS ARE DUE: \_\_\_\_\_

NUMBER OF VOLUMES OF TRANSCRIPTS: \_\_\_\_\_

DATE COMMON LAW RECORD IS DUE: \_\_\_\_\_

DATE MANDATE WAS RECEIVED: \_\_\_\_\_

AMOUNT AND DATE OF PAYMENT: \_\_\_\_\_

**\*PLEASE RETURN COMPLETED FORM TO THE JUVENILE JUSTICE APPEALS CLERK\***

**DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

# EXHIBIT 18

[DATE]

Clerk of the Circuit Court  
[ADDRESS]

Re: Doe v. Acme Manufacturing Company, et al.  
Circuit Court No. XXXXXX

Dear \_\_\_\_\_:

A notice of appeal was filed in the above-referenced matter on [DATE]. I hereby request that you prepare the record on appeal for filing in the appellate court. There will be transcripts of proceedings, which have been ordered from the court reporter and will be filed as soon as they are available. [IF APPLICABLE, INCLUDE WHETHER TRIAL EXHIBITS HAVE YET TO BE FILED AND WHETHER THE EXHIBITS SHOULD BE INCLUDED IN THE RECORD ON APPEAL.] Thank you for your assistance in this matter.

Sincerely,

John Doe, Plaintiff, self-represented litigant  
1111 Sandy Lane  
Lake Forest, IL  
(847) 555-5555  
JohnDoe@Justice.com

# EXHIBIT 19A

This form is approved by the Illinois Supreme Court and is required to be used in all Illinois Appellate Courts.

<p><b>Instructions ▼</b></p> <p>Check the box to the right if your case involves parental responsibility or parenting time (custody/visitation rights) or relocation of a child.</p> <p>Enter the Appellate Court case number, if you have it.</p> <p>Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed.</p> <p>If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties as they appeared in the trial court, and check the correct boxes to show which party filed the appeal ("appellant") and which party is responding to the appeal ("appellee").</p> <p>To the far right, enter the trial court county, trial court case number, and trial judge's name.</p>	<p><input type="checkbox"/> <b>THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).</b></p> <p style="text-align: center; margin-top: 20px;">Appellate Case No.: _____</p> <p style="text-align: center;"><b>IN THE APPELLATE COURT OF</b></p> <p style="text-align: center;"><b>ILLINOIS</b></p> <p style="text-align: center;">_____ District</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 20px;"> <tr> <td style="width: 60%; padding: 5px;"> <p><b>In re</b> _____</p> <hr/> <p><b>Plaintiff/Petitioner</b> in the trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> <b>Appellant</b>      <input type="checkbox"/> <b>Appellee</b></p> <p>v.</p> <hr/> <p><b>Defendant/Respondent</b> in the trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> <b>Appellant</b>      <input type="checkbox"/> <b>Appellee</b></p> </td> <td style="width: 40%; padding: 5px;"> <p><b>Appeal from the Circuit Court of _____ County</b></p> <p><b>Trial Court Case No.:</b> _____</p> <p><b>Honorable</b> _____</p> <p><b>Judge, Presiding</b></p> </td> </tr> </table>	<p><b>In re</b> _____</p> <hr/> <p><b>Plaintiff/Petitioner</b> in the trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> <b>Appellant</b>      <input type="checkbox"/> <b>Appellee</b></p> <p>v.</p> <hr/> <p><b>Defendant/Respondent</b> in the trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> <b>Appellant</b>      <input type="checkbox"/> <b>Appellee</b></p>	<p><b>Appeal from the Circuit Court of _____ County</b></p> <p><b>Trial Court Case No.:</b> _____</p> <p><b>Honorable</b> _____</p> <p><b>Judge, Presiding</b></p>
<p><b>In re</b> _____</p> <hr/> <p><b>Plaintiff/Petitioner</b> in the trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> <b>Appellant</b>      <input type="checkbox"/> <b>Appellee</b></p> <p>v.</p> <hr/> <p><b>Defendant/Respondent</b> in the trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> <b>Appellant</b>      <input type="checkbox"/> <b>Appellee</b></p>	<p><b>Appeal from the Circuit Court of _____ County</b></p> <p><b>Trial Court Case No.:</b> _____</p> <p><b>Honorable</b> _____</p> <p><b>Judge, Presiding</b></p>		

## APPLICATION FOR WAIVER OF COURT FEES (APPELLATE COURT)

<b>NOTE:</b>	<p style="text-align: center;">If you are completing this form on behalf of a minor or an incompetent adult, provide that person's information on this form instead of your own information.</p>
<p>In <b>1a</b>, enter your full name.</p> <p>In <b>1b</b>, only enter the year you were born. DO NOT enter your entire date of birth.</p> <p>In <b>1c</b>, enter your complete current address.</p> <p>In <b>2</b>, if you are currently incarcerated, attach a copy of your inmate trust fund ledger for the last 6 months or your <i>Application</i> will be rejected.</p>	<p>Pursuant to <a href="#">Illinois Supreme Court Rule 313(f)</a>, <a href="#">Illinois Supreme Court Rule 298</a> and <a href="#">735 ILCS 5/5-105</a>, I state:</p> <p><b>1. I believe I cannot afford to pay the court fees in this case and I am providing the following information about myself:</b></p> <p>a. Name: _____  <span style="margin-left: 100px;"><i>First</i></span> <span style="margin-left: 150px;"><i>Middle</i></span> <span style="margin-left: 100px;"><i>Last</i></span></p> <p>b. Year of Birth: _____</p> <p>c. Street Address: _____  City, State, ZIP: _____</p> <p><b>2. I am currently incarcerated.</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, inmate I.D. # _____  <b>If yes, I am attaching a copy of my inmate trust fund ledger for the last six (6) months.</b></p> <p><b>**If you answered "Yes" in section 2, skip section 3, 4, and 5 and sign below.**</b></p>

# EXHIBIT 19A

Enter the Case Number given by the Appellate Court Clerk: \_\_\_\_\_

In **3a**, enter the number of people age 18 and older living in your house who you support. Support means that the people rely on you financially.

In **3b**, enter the number of people under age 18 living in your house who you support.

In **4**, check "Yes" if you are currently receiving 1 or more of the benefits listed below.

If you check "Yes" in **4**, skip **5** and sign the form. You do not have to complete **5**.

In **5a**, check "Yes" if you have applied for at least 1 of the benefits listed in section 4.

In **5b**, check the box for each type of money you have received in the past month. Also enter the gross (before taxes) amount for each type.

Under **Other** in **5b** and **5c**, include any money received from family or friends.

In **5c**, check the box for each type of money you have received in the past 12 months. Also enter the gross (before taxes) amount for each type.

In **5d**, check all of your debts and expenses for the past month and list the amount of money you pay each month for that expense.

### 3. I am providing the following information about people who live with me:

- a. I support \_\_\_\_\_ adults (*not counting myself*) who live with me.  
b. I support \_\_\_\_\_ children under 18 who live with me.

### 4. I have received 1 or more of the benefits listed below in the past 4 weeks:

Yes  No

- Supplemental Security Income (SSI) (Not Social Security)
- Aid to the Aged, Blind and Disabled (AABD)
- Temporary Assistance to Needy Families (TANF)
- State Children & Family Assistance
- SNAP (Food Stamps)
- General Assistance (GA), Transitional Assistance or State Children and Family Assistance.

**\*\*If you answered "Yes" in section 4, you qualify for a fee waiver under [735 ILCS 5/5-105\(a\)\(2\)\(i\) and \(b\)\(1\)](#). You can skip section 5 and sign the form.\*\***

### 5. I checked "No" in section 4, so I am providing the following financial information:

- a. I have applied for 1 or more of the benefits listed in section 4:

Yes  No

- b. I receive the following money each month. (*check all that apply*)

- My employment: \$ \_\_\_\_\_  Social Security (not SSI): \$ \_\_\_\_\_  
 Child support: \$ \_\_\_\_\_  Unemployment: \$ \_\_\_\_\_  
 Pension: \$ \_\_\_\_\_  
 Money from other household members: \$ \_\_\_\_\_  
 Other (*list type and amount*): \_\_\_\_\_ \$ \_\_\_\_\_  
 No income

Total of all money received in the past month: \$ \_\_\_\_\_

- c. I received the following total amount of money in the past 12 months. (*check all that apply*)

- My employment: \$ \_\_\_\_\_  Social Security (not SSI): \$ \_\_\_\_\_  
 Child support: \$ \_\_\_\_\_  Unemployment: \$ \_\_\_\_\_  
 Pension: \$ \_\_\_\_\_  
 Money from other household members: \$ \_\_\_\_\_  
 Other (*list type and amount*): \_\_\_\_\_ \$ \_\_\_\_\_  
 No income

Total of all money received in the past 12 months: \$ \_\_\_\_\_

- d. My current monthly debts and expenses are listed below. (*check all that apply*)

- Rent: \$ \_\_\_\_\_ per month  
 Home \$ \_\_\_\_\_ per month  
 Other Mortgage: \$ \_\_\_\_\_ per month  
 Utilities: \$ \_\_\_\_\_ per month  
 Food: \$ \_\_\_\_\_ per month  
 Medical: \$ \_\_\_\_\_ per month  
 Car Loan: \$ \_\_\_\_\_ per month  
 Childcare \$ \_\_\_\_\_ per month  
 Child Support \$ \_\_\_\_\_ per month

# EXHIBIT 19A

Enter the Case Number given by the Appellate Court Clerk: \_\_\_\_\_

Other expenses not listed above (*list type and amount*): \_\_\_\_\_ \$ \_\_\_\_\_

Other debts not listed above (*list type and amount*): \_\_\_\_\_ \$ \_\_\_\_\_

I have no expenses

Total of all expenses: \$ \_\_\_\_\_ per month

In 5e, check all of the items owned by you and list the value of each item. If you own real estate, include the total you owe on any mortgage.

e. I have the belongings listed below. (*check all that apply*)

Bank accounts and cash totaling: \$ \_\_\_\_\_

Home worth: \$ \_\_\_\_\_

The total I owe on my home mortgage is: \$ \_\_\_\_\_

Other real estate, not including the house I live in, worth: \$ \_\_\_\_\_

The total I owe on my other mortgage is: \$ \_\_\_\_\_

1<sup>st</sup> vehicle worth: \$ \_\_\_\_\_ The 1<sup>st</sup> vehicle is paid off:  Yes  No

2<sup>nd</sup> vehicle worth: \$ \_\_\_\_\_ The 2<sup>nd</sup> vehicle is paid off:  Yes  No

Other (*list items and value*): \_\_\_\_\_ \$ \_\_\_\_\_

None of the above

Under Illinois Supreme Court Rule 137, your signature means that you have read the document, that to the best of your belief, it is true and correct and that you are not filing it for an improper purpose, such as to cause delay.

/s/ \_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Street Address

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name. Enter your complete current address and telephone number.

\_\_\_\_\_  
Print Your Name

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Relationship to Minor or Incompetent Adult (if applicable)

\_\_\_\_\_  
Telephone

If you are filling out this form for a minor or incompetent adult, sign and print your name and state your relationship to that person. Enter your complete current address and telephone number.

**GETTING COURT DOCUMENTS BY EMAIL:** If you agree to receive court documents by email, check the box below and enter your email address. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates. Other parties may still send you court documents by mail.

I agree to receive court documents at this email address during my entire case.

\_\_\_\_\_  
Email



# EXHIBIT 19B

Enter the Case Number given by the Appellate Court Clerk: \_\_\_\_\_

**OR**

- c.  Payment of fees, costs or charges would result in undue hardship to the applicant or his or her family.
2.  The applicant **qualifies** for a **partial** (75%, 50%, or 25%) waiver of all fees, costs and charges because the applicant's household income is (check one):
- more than **125%** but not greater than **150%** (75% waived) ; OR
  - more than **150%** but not greater than **175%** (50% waived) ; OR
  - more than **175%** but not greater than **200%** (25% waived)
- of the current poverty level as established by the US Department of Health and Human Services and the Applicant's non-exempt assets under [735 ILCS 5/12-901](#) and [735 ILCS 5/12-1001](#) are such that the applicant is unable to pay the fees costs and charges in full.
3.  The applicant must **provide additional information and attend a hearing** before the court decides if the applicant qualifies for a fee waiver.
4.  The applicant **does not qualify** for a fee waiver because (must state specific reason):

\_\_\_\_\_  
\_\_\_\_\_

## IT IS HEREBY ORDERED:

- A.  Application for Waiver of Court Fees is **GRANTED**.
- i.  The applicant qualifies for a **full waiver**, and may participate in this case without payment of fees, costs, or charges
- OR
- ii.  The applicant qualifies for a **partial fee waiver** as follows (check one):
- 75%** of all fees, costs, and charges **are waived** (and the applicant must pay 25% of all fees, costs, and charges).
  - 50%** of all fees, costs, and charges **are waived** (and the applicant must pay 50% of all fees, costs, and charges).
  - 25%** of all fees, costs, and charges **are waived** (and the applicant must pay 75% of all fees, costs, and charges).
- The applicant must pay fees, costs and charges currently due by: \_\_\_\_\_  
Date
- OR
- Upon good cause shown, the applicant may make payments as follows (describe deferral, installment plan, or other reasonable terms): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**This order expires one year from the date of this order.** The applicant may reapply before or after the expiration date.

- B.  Application for Waiver of Court Fees is **SET FOR HEARING** on \_\_\_\_\_  
Date

at \_\_\_\_\_ in courtroom: \_\_\_\_\_  
Time

The applicant must bring the following documents: \_\_\_\_\_  
\_\_\_\_\_



# **EXHIBIT 19B**

Enter the Case Number given by the Appellate Court Clerk: \_\_\_\_\_

C.  *Application for Waiver of Court fees is DENIED.*

The applicant must pay all fees, costs, and charges currently due by: \_\_\_\_\_  
*Date*

**DO NOT** complete  
this section. The  
justice will sign and  
date here.

**ENTERED:**

\_\_\_\_\_  
*Justice*

\_\_\_\_\_  
*Date*

# EXHIBIT 20

## 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.

# EXHIBIT 20

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 or relocation of unemancipated minors pursuant to Illinois Supreme Court Rule 311(a), which requires **Mandatory Accelerated Disposition of Child Custody, Allocation of Parental Responsibilities, and Relocation of Unemancipated Minors 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:

# EXHIBIT 20

**THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).**

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



# EXHIBIT 20

Enter the Case Number given by the Appellate Court Clerk: \_\_\_\_\_

In **3a**, enter the number of people age 18 and older living in your house who you support. Support means that the people rely on you financially.

In **3b**, enter the number of people under age 18 living in your house who you support.

In **4**, check "Yes" if you are currently receiving 1 or more of the benefits listed below.

If you check "Yes" in **4**, skip **5** and sign the form. You do not have to complete **5**.

In **5a**, check "Yes" if you have applied for at least 1 of the benefits listed in section 4.

In **5b**, check the box for each type of money you have received in the past month. Also enter the gross (before taxes) amount for each type.

Under **Other** in **5b** and **5c**, include any money received from family or friends.

In **5c**, check the box for each type of money you have received in the past 12 months. Also enter the gross (before taxes) amount for each type.

In **5d**, check all of your debts and expenses for the past month and list the amount of money you pay each month for that expense.

### 3. I am providing the following information about people who live with me:

- a. I support \_\_\_\_\_ adults (*not counting myself*) who live with me.  
b. I support \_\_\_\_\_ children under 18 who live with me.

### 4. I have received 1 or more of the benefits listed below in the past 4 weeks:

Yes  No

- Supplemental Security Income (SSI) (Not Social Security)
- Aid to the Aged, Blind and Disabled (AABD)
- Temporary Assistance to Needy Families (TANF)
- State Children & Family Assistance
- SNAP (Food Stamps)
- General Assistance (GA), Transitional Assistance or State Children and Family Assistance.

**\*\*If you answered "Yes" in section 4, you qualify for a fee waiver under [735 ILCS 5/5-105\(a\)\(2\)\(i\) and \(b\)\(1\)](#). You can skip section 5 and sign the form.\*\***

### 5. I checked "No" in section 4, so I am providing the following financial information:

- a. I have applied for 1 or more of the benefits listed in section 4:

Yes  No

- b. I receive the following money each month. (*check all that apply*)

- My employment: \$ \_\_\_\_\_  Social Security (not SSI): \$ \_\_\_\_\_  
 Child support: \$ \_\_\_\_\_  Unemployment: \$ \_\_\_\_\_  
 Pension: \$ \_\_\_\_\_  
 Money from other household members: \$ \_\_\_\_\_  
 Other (*list type and amount*): \_\_\_\_\_ \$ \_\_\_\_\_  
 No income

Total of all money received in the past month: \$ \_\_\_\_\_

- c. I received the following total amount of money in the past 12 months. (*check all that apply*)

- My employment: \$ \_\_\_\_\_  Social Security (not SSI): \$ \_\_\_\_\_  
 Child support: \$ \_\_\_\_\_  Unemployment: \$ \_\_\_\_\_  
 Pension: \$ \_\_\_\_\_  
 Money from other household members: \$ \_\_\_\_\_  
 Other (*list type and amount*): \_\_\_\_\_ \$ \_\_\_\_\_  
 No income

Total of all money received in the past 12 months: \$ \_\_\_\_\_

- d. My current monthly debts and expenses are listed below. (*check all that apply*)

- Rent: \$ \_\_\_\_\_ per month  
 Home \$ \_\_\_\_\_ per month  
 Other Mortgage: \$ \_\_\_\_\_ per month  
 Utilities: \$ \_\_\_\_\_ per month  
 Food: \$ \_\_\_\_\_ per month  
 Medical: \$ \_\_\_\_\_ per month  
 Car Loan: \$ \_\_\_\_\_ per month  
 Childcare \$ \_\_\_\_\_ per month  
 Child Support \$ \_\_\_\_\_ per month

# EXHIBIT 20

Enter the Case Number given by the Appellate Court Clerk: \_\_\_\_\_

Other expenses not listed above (*list type and amount*): \_\_\_\_\_  
\$ \_\_\_\_\_

Other expenses not listed above (*list type and amount*): \_\_\_\_\_  
\$ \_\_\_\_\_

I have no expenses

Total of all expenses: \$ \_\_\_\_\_ per month

e. I have the belongings listed below. (*check all that apply*)

Bank accounts and cash totaling: \$ \_\_\_\_\_

Home worth: \$ \_\_\_\_\_

The total I owe on my home mortgage is: \$ \_\_\_\_\_

Other real estate, not including the house I live in, worth: \$ \_\_\_\_\_

The total I owe on my other mortgage is: \$ \_\_\_\_\_

1<sup>st</sup> vehicle worth: \$ \_\_\_\_\_ The 1<sup>st</sup> vehicle is paid off:  Yes  No

2<sup>nd</sup> vehicle worth: \$ \_\_\_\_\_ The 2<sup>nd</sup> vehicle is paid off:  Yes  No

Other (*list items and value*): \_\_\_\_\_ \$ \_\_\_\_\_  
 None of the above

In 5e, check all of the items owned by you and list the value of each item. If you own real estate, include the total you owe on any mortgage.

Under Illinois Supreme Court Rule 137, your signature means that you have read the document, that to the best of your belief, it is true and correct and that you are not filing it for an improper purpose, such as to cause delay.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name. Enter your complete current address and telephone number.

If you are filling out this form for a minor or incompetent adult, sign and print your name and state your relationship to that person. Enter your complete current address and telephone number.

\_\_\_\_\_  
*/s/*  
Your Signature

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Print Your Name

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Relationship to Minor or Incompetent Adult (if applicable)

\_\_\_\_\_  
Telephone

**GETTING COURT DOCUMENTS BY EMAIL:** If you agree to receive court documents by email, check the box below and enter your email address. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates. Other parties may still send you court documents by mail.

I agree to receive court documents at this email address during my entire case.

\_\_\_\_\_  
Email

**Rule 313. Supreme Court Fee Waiver**

**EXHIBIT 20**

This form is approved by the Illinois Supreme Court and is required to be used in the Supreme Court.

<p><b>Instructions ▼</b></p> <p>Check the box to the right if your case involves parental responsibility or parenting time (custody/visitation rights) or relocation of a child.</p> <p>Enter the Supreme Court case number if one has been assigned.</p> <p>If the case name in the trial and/or appellate court began with "In re" (e.g., "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties as they appeared in the trial/appellate court, and check the correct boxes to show which party filed the appeal in the Supreme Court ("appellant") and which party is responding to the appeal ("appellee").</p> <p>To the far right, enter the number of the appellate district, appellate court case number, trial court county, trial court case number, and trial judge's name.</p>	<p><input type="checkbox"/> <b>THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).</b></p> <p style="text-align: center;">Case No.: _____</p> <p style="text-align: center;"><b>IN THE SUPREME COURT OF ILLINOIS</b></p> <table style="width:100%; border: none;"> <tr> <td style="width:60%; border: none; padding: 5px;"> <p>In re _____</p> <hr/> <p><b>Plaintiff/Petitioner</b> in trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant    <input type="checkbox"/> Appellee</p> <p>v.</p> <hr/> <p><b>Defendant/Respondent</b> in trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant    <input type="checkbox"/> Appellee</p> </td> <td style="width:40%; border: none; padding: 5px;"> <p><b>Appeal from the Appellate Court, _____ District No. _____</b></p> <p><b>Appeal from the Circuit Court of _____ County</b></p> <p><b>Trial Court Case No.:</b> _____</p> <p><b>Honorable</b> _____</p> <p><b>Judge, Presiding</b></p> </td> </tr> </table>	<p>In re _____</p> <hr/> <p><b>Plaintiff/Petitioner</b> in trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant    <input type="checkbox"/> Appellee</p> <p>v.</p> <hr/> <p><b>Defendant/Respondent</b> in trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant    <input type="checkbox"/> Appellee</p>	<p><b>Appeal from the Appellate Court, _____ District No. _____</b></p> <p><b>Appeal from the Circuit Court of _____ County</b></p> <p><b>Trial Court Case No.:</b> _____</p> <p><b>Honorable</b> _____</p> <p><b>Judge, Presiding</b></p>
<p>In re _____</p> <hr/> <p><b>Plaintiff/Petitioner</b> in trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant    <input type="checkbox"/> Appellee</p> <p>v.</p> <hr/> <p><b>Defendant/Respondent</b> in trial court (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant    <input type="checkbox"/> Appellee</p>	<p><b>Appeal from the Appellate Court, _____ District No. _____</b></p> <p><b>Appeal from the Circuit Court of _____ County</b></p> <p><b>Trial Court Case No.:</b> _____</p> <p><b>Honorable</b> _____</p> <p><b>Judge, Presiding</b></p>		

**APPLICATION FOR WAIVER OF COURT FEES  
(SUPREME COURT)**

**NOTE:** If you are completing this form on behalf of a minor or an incompetent adult, provide that person's information on this form instead of your own information.

In 1a, enter your full name.
In 1b, only enter the year you were born. DO NOT enter your entire date of birth.
In 1c, enter your complete current address.
In 2, if you are currently incarcerated, attach a copy of your inmate trust fund ledger for the last 6 months or your <i>Application</i> will be rejected.

Pursuant to [Illinois Supreme Court Rule 313\(f\)](#), [Illinois Supreme Court Rule 298](#) and [735 ILCS 5/5-105](#), I state:

1. I believe I cannot afford to pay the court fees in this case and I am providing the following information about myself:
  - a. Name: \_\_\_\_\_  

*First*
*Middle*
*Last*
  - b. Year of Birth: \_\_\_\_\_
  - c. Street Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_
  
2. I am currently incarcerated.  Yes  No If yes, inmate I.D. # \_\_\_\_\_  
**If yes, I am attaching a copy of my inmate trust fund ledger for the last six (6) months.**

**\*\*If you answered "Yes" in section 2, skip section 3, 4, and 5 and sign below.\*\***



# EXHIBIT 20

Enter the Case Number given by the Supreme Court Clerk: \_\_\_\_\_

In **3a**, enter the number of people age 18 and older living in your house who you support. Support means that the people rely on you financially.

In **3b**, enter the number of people under age 18 living in your house who you support.

In **4**, check "Yes" if you are currently receiving 1 or more of the benefits listed below.

If you check "Yes" in **4**, skip **5** and sign the form. You do not have to complete **5**.

In **5a**, check "Yes" if you have applied for at least 1 of the benefits listed in section 4.

In **5b**, check the box for each type of money you have received in the past month. Also enter the gross (before taxes) amount for each type.

Under **Other** in **5b** and **5c**, include any money received from family or friends.

In **5c**, check the box for each type of money you have received in the past 12 months. Also enter the gross (before taxes) amount for each type.

In **5d**, check all of your debts and expenses for the past month and list the amount of money you pay each month for that expense.

### 3. I am providing the following information about people who live with me:

- a. I support \_\_\_\_\_ adults (*not counting myself*) who live with me.  
b. I support \_\_\_\_\_ children under 18 who live with me.

### 4. I have received 1 or more of the benefits listed below in the past 4 weeks:

Yes  No

- Supplemental Security Income (SSI) (Not Social Security)
- Aid to the Aged, Blind and Disabled (AABD)
- Temporary Assistance to Needy Families (TANF)
- State Children & Family Assistance
- SNAP (Food Stamps)
- General Assistance (GA), Transitional Assistance or State Children and Family Assistance.

**\*\*If you answered "Yes" in section 4, you qualify for a fee waiver under [735 ILCS 5/5-105\(a\)\(2\)\(i\) and \(b\)\(1\)](#). You can skip section 5 and sign the form.\*\***

### 5. I checked "No" in section 4, so I am providing the following financial information:

- a. I have applied for 1 or more of the benefits listed in section 4:

Yes  No

- b. I receive the following money each month. (*check all that apply*)

- My employment: \$ \_\_\_\_\_  Social Security (not SSI): \$ \_\_\_\_\_  
 Child support: \$ \_\_\_\_\_  Unemployment: \$ \_\_\_\_\_  
 Pension: \$ \_\_\_\_\_  
 Money from other household members: \$ \_\_\_\_\_  
 Other (*list type and amount*): \_\_\_\_\_ \$ \_\_\_\_\_  
 No income

Total of all money received in the past month: \$ \_\_\_\_\_

- c. I received the following total amount of money in the past 12 months. (*check all that apply*)

- My employment: \$ \_\_\_\_\_  Social Security (not SSI): \$ \_\_\_\_\_  
 Child support: \$ \_\_\_\_\_  Unemployment: \$ \_\_\_\_\_  
 Pension: \$ \_\_\_\_\_  
 Money from other household members: \$ \_\_\_\_\_  
 Other (*list type and amount*): \_\_\_\_\_ \$ \_\_\_\_\_  
 No income

Total of all money received in the past 12 months: \$ \_\_\_\_\_

- d. My current monthly debts and expenses are listed below. (*check all that apply*)

- Rent: \$ \_\_\_\_\_ per month  
 Home Mortgage: \$ \_\_\_\_\_ per month  
 Other Mortgage: \$ \_\_\_\_\_ per month  
 Utilities: \$ \_\_\_\_\_ per month  
 Food: \$ \_\_\_\_\_ per month  
 Medical: \$ \_\_\_\_\_ per month  
 Car Loan: \$ \_\_\_\_\_ per month  
 Childcare: \$ \_\_\_\_\_ per month  
 Child Support: \$ \_\_\_\_\_ per month

# EXHIBIT 20

Enter the Case Number given by the Supreme Court Clerk: \_\_\_\_\_

Other expenses not listed above (*list type and amount*): \_\_\_\_\_  
\$ \_\_\_\_\_

Other expenses not listed above (*list type and amount*): \_\_\_\_\_  
\$ \_\_\_\_\_

I have no expenses  
 Total of all expenses: \$ \_\_\_\_\_ per month

e. I have the belongings listed below. (*check all that apply*)

Bank accounts and cash totaling: \$ \_\_\_\_\_

Home worth: \$ \_\_\_\_\_  
 The total I owe on my home mortgage is: \$ \_\_\_\_\_

Other real estate, not including the house I live in, worth: \$ \_\_\_\_\_  
 The total I owe on my other mortgage is: \$ \_\_\_\_\_

1<sup>st</sup> vehicle worth: \$ \_\_\_\_\_ The 1<sup>st</sup> vehicle is paid off:  Yes  No

2<sup>nd</sup> vehicle worth: \$ \_\_\_\_\_ The 2<sup>nd</sup> vehicle is paid  Yes  No

Other (*list items and value*): \_\_\_\_\_ \$ \_\_\_\_\_

None of the above

In 5e, check all of the items owned by you and list the value of each item. If you own real estate, include the total you owe on any mortgage.

Under Illinois Supreme Court Rule 137, your signature means that you have read the document, that to the best of your belief, it is true and correct and that you are not filing it for an improper purpose, such as to cause delay.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name. Enter your complete current address and telephone number.

If you are filling out this form for a minor or incompetent adult, sign and print your name and state your relationship to that person. Enter your complete current address and telephone number.

    /s/      
*Your Signature*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*Print Your Name*

\_\_\_\_\_  
*City, State, ZIP*

\_\_\_\_\_  
*Relationship to Minor or Incompetent Adult (if applicable)*

\_\_\_\_\_  
*Telephone*

**GETTING COURT DOCUMENTS BY EMAIL:** If you agree to receive court documents by email, check the box below and enter your email address. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates. Other parties may still send you court documents by mail.

I agree to receive court documents at this email address during my entire case.

\_\_\_\_\_  
*Email*

# EXHIBIT 20

## 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]

v.

Circuit Court No. \_\_\_\_\_  
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

# EXHIBIT 20

## **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.

[Names of Agency and Other

Parties of Record],

Respondent.

Petition for Review

of Order of the

[Name of Agency]

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:

# EXHIBIT 20

## 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: \_\_\_\_\_  
\_\_\_\_\_

## **EXHIBIT 20**

Phone: \_\_\_\_\_

SSN: \_\_\_\_\_

Other personal identifier information as defined in Rule 364(b), to the extent applicable:

(Attach additional pages, if necessary.)

# EXHIBIT 21

IN THE CIRCUIT COURT OF LAKE COUNTY, ILLINOIS  
NINETEENTH JUDICIAL CIRCUIT

JOHN DOE, )  
 )  
Plaintiff, )  
 )  
v. ) Circuit Court No. XXXXXX  
 )  
ACME MANUFACTURING COMPANY, a )  
corporation, and X HARDWARE STORE, )  
a corporation, )  
 )  
Defendants. )

## STIPULATION FOR PREPARATION OF SUPPLEMENTAL RECORD

IT IS HEREBY STIPULATED by and between the parties or their counsel, pursuant to Supreme Court 329, that a supplemental record may be prepared by the Clerk of the Circuit Court of Lake County containing the following document(s), a copy of which is attached to this stipulation:

[LIST DOCUMENT(S)]

Stipulated and agreed to on [DATE]:

(signature)

\_\_\_\_\_  
John Doe, Plaintiff, self-represented litigant  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

(signature)

\_\_\_\_\_  
Name/Address/Phone Number/E-mail address  
Attorney for Defendant Acme Manufacturing Company

(signature)

\_\_\_\_\_  
Name/Address/Phone Number/E-mail address  
Attorney for Defendant X Hardware Store

# EXHIBIT 22

Request for Preparation of Supplemental  
Record on Appeal

(12/01/20) CCA 0023 A

**APPEAL TO THE APPELLATE COURT OF ILLINOIS  
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

\_\_\_\_\_ DEPARTMENT, \_\_\_\_\_ DIVISION/DISTRICT

_____	Reviewing Court No.: _____
Plaintiff/ Appellant Appellee	Circuit Court No.: _____
v.	Honorable _____
_____	Trial Judge
Defendant/ Appellant Appellee	Date of Order being Appealed: _____
	Date Notice of Appeal Filed: _____

**REQUEST FOR PREPARATION OF SUPPLEMENTAL RECORD ON APPEAL**

Atty. No.: \_\_\_\_\_ ARDC No.: \_\_\_\_\_  
Pro Se 99500

Atty Name: \_\_\_\_\_

Atty. for: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Primary Email: \_\_\_\_\_

The Appellant in the above case has requested preparation of a Supplemental Record on Appeal for submission to the reviewing court pursuant to Illinois Supreme Court Rule 329. The Supplemental Record on Appeal should be prepared pursuant to the following:

A stipulation signed by the parties

An order of court dated \_\_\_\_\_ (copy with judge's signature attached).

**Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois**

**cookcountyclerkofcourt.org**



# **EXHIBIT 22**

If documents were filed under seal with the Circuit Court, this Order should authorize them to be unsealed for inclusion in the Record on Appeal, or in the alternative, an Order must be obtained from the Appellate Court authorizing the inclusion of sealed documents in the Record on Appeal. See Rule 17 of the Appellate Court of Illinois.

Any filing that carries a filing stamp of the Clerk of the Circuit Court (Original or copy attached with a Notice of Filing). See Illinois Supreme Court Rule 324.

## **FEES**

Payment may be made by Cash, Check or Money Order. Cash payments accepted for in-person payments only. Checks or money order should be made to Clerk of the Circuit Court of Cook County. Pursuant to 705 ILCS 105/27.2a(k) and 27.2(k), the Clerk of the Circuit Court of Cook County must charge fees for Records on Appeal in advance as follows:

100 pages or less, \$70

100 - 200 pages, \$100

Each page in excess of 200, \$.25/page

All prescribed fees are due in advance of transmission of the Supplemental Record on Appeal. It is understood and agreed that once a request for preparation of a Supplemental Record on Appeal is made by submission of this form to the Electronic Appeals Filing submission portal, the Appellant is responsible for the costs of preparing the Supplemental Record on Appeal, regardless of whether the Appeal is successful, dismissed, the time is extended, or a party elects to not have the Circuit Clerk transmit the Supplemental Record on Appeal to the Appellate Court. The Clerk of the Circuit Court of Cook County reserves the right to pursue a claim to recover the costs and expenses, including reasonable attorneys' fees, related to preparation of the Supplemental Record on Appeal.

---

Name

---

Signature of Requestor

**EXHIBIT 23**

No. [Appellate Court No.]  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

JOHN DOE,	)	Appeal from the Circuit Court,
	)	19th Judicial Circuit, Lake County,
Plaintiff-Appellant,	)	Illinois.
	)	
v.	)	
	)	Circuit Court No. XXXXX
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	
a corporation,	)	Honorable
	)	James S. Smith,
Defendants-Appellees.	)	Judge Presiding.

**MOTION FOR LEAVE TO FILE SUPPLEMENTAL RECORD *INSTANTER***

Plaintiff-Appellant John Doe, self-represented litigant, moves this Court for leave to file a supplemental record *instanter*. In support thereof, John Doe states as follows:

[Set forth when the original record was filed; that a pleading or transcript necessary for review was omitted; name the pleading or transcript; state that the omission was not discovered until recently and that pleading or transcript is necessary in order for the Court to have a complete understanding of the case.]

WHEREFORE, Plaintiff-Appellant John Doe respectfully prays for leave to file a supplemental record in this matter *instanter*.

(signature) \_\_\_\_\_  
John Doe, Plaintiff-Appellant, self-represented litigant

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

**EXHIBIT 24**

No. [Appellate Court No.]  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

JOHN DOE,	)	Appeal from the Circuit Court,
	)	19th Judicial Circuit, Lake County,
Plaintiff-Petitioner,	)	Illinois.
	)	
v.	)	
	)	Circuit Court No. XXXXX
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	
a corporation,	)	Honorable
	)	James S. Smith,
Defendants-Respondents.	)	Judge Presiding.

**AFFIDAVIT REGARDING PREPARATION OF  
SUPPORTING RECORD PURSUANT TO SUPREME COURT RULE 328**

John Doe, Petitioner, self-represented litigant, states as follows:

1. I am the Petitioner in the above-captioned case.
2. I am competent to testify to the matters stated in this affidavit based on my own personal knowledge.
3. I prepared the Petitioner’s Supporting Record pursuant to Supreme Court Rule 328, and, to the best of my knowledge, the documents contained therein are true and correct copies of the documents as they appear in the trial court record.

Further Affiant Sayeth Not.

\_\_\_\_\_  
John Doe

Subscribed and sworn to before  
me on this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**EXHIBIT 25**

IN THE APPELLATE COURT OF ILLINOIS  
FOR THE SECOND DISTRICT

JOHN DOE,	)	Petition for Administrative
	)	Review of Decision and Order
Petitioner,	)	of Illinois Human Rights
	)	Commission
v.	)	
	)	Human Rights Commission
STATE OF ILLINOIS HUMAN RIGHTS	)	Case No. _____
COMMISSION, ACME MANUFACTURING	)	
COMPANY, a corporation,	)	
	)	
Respondents.	)	

**PETITION FOR ADMINISTRATIVE REVIEW OF AN ORDER OF THE  
ILLINOIS HUMAN RIGHTS COMMISSION DOCKET NO.**

John Doe, self-represented litigant, hereby petitions the Court for review of the final order of May 9, 2010, of the Illinois Human Rights Commission finding in favor of Acme Manufacturing Company on his complaint of race discrimination in employment.

Petitioner John Doe respectfully submits that the decision and order of the Respondent Illinois Human Rights Commission is clearly erroneous and/or against the manifest weight of the evidence for the following reasons:

WHEREFORE, Petitioner respectfully requests that the Court enter an order reversing the final order of May 9, 2010.

(signature) \_\_\_\_\_  
John Doe, Petitioner, self-represented litigant

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
[E-mail address if you consent to being served in that manner]

# EXHIBIT 26

## IN THE APPELLATE COURT OF ILLINOIS FOR THE SECOND DISTRICT

JOHN DOE,	)	Petition for Administrative
	)	Review of Decision and Order
Petitioner,	)	of Illinois Human Rights
	)	Commission
v.	)	
	)	Human Rights Commission
STATE OF ILLINOIS HUMAN RIGHTS	)	Case No. _____
COMMISSION, ACME MANUFACTURING	)	
COMPANY, a corporation,	)	
	)	
Respondents.	)	

### NOTICE OF FILING OF PETITION FOR ADMINISTRATIVE REVIEW

TO: Name and address of Director, Human Rights Commission  
Name and address of attorney for Acme

PLEASE TAKE NOTICE that on [DATE], Petitioner John Doe filed in the Appellate Court of Illinois, Second District, 55 Symphony Way, Elgin, IL 60120, the PETITION FOR ADMINISTRATIVE REVIEW, a copy of which is hereby served upon you.

(signature) \_\_\_\_\_

John Doe, Petitioner, self-represented litigant  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555

[E-mail address if you consent to being served in that manner]

### CERTIFICATE OF SERVICE

[E.g., Exhibit 1B]

**EXHIBIT 27**

APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

[DATE]

RE: General No. [Appellate Court No.]  
County of Lake  
Doe, John v. Acme Manufacturing Company, et al.

CURRENT DOCKETING ORDER – DUE DATES

Notice of Appeal filed:	06/08/2010*
Report of Proceedings filed in trial court: (Supreme Court Rule 323)	07/27/2010*
Record, including Report of Proceedings or Certificate in Lieu of Record, filed: (Supreme Court Rules 325, 326)	08/10/2010*
Appellant’s Brief, with Appendix due to be filed: (Supreme Court Rules 342, 343)	09/14/2010
Appellee’s Brief due to be filed: (Supreme Court Rule 343)	10/19/2010
Appellant’s Reply Brief due to be filed: (Supreme Court Rule 343)	11/02/2010

\*denotes filed

\*\*\*\*\*

[ANY INSTRUCTIONS FROM THE APPELLATE COURT WOULD APPEAR HERE]

# EXHIBIT 28

No. [Appellate Court No.]  
IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

---

JOHN DOE,

*Plaintiff-Appellant,*

v.

X HARDWARE STORE, a corporation,

*Defendant-Appellee.*

---

Appeal from the Circuit Court of Lake County, Illinois  
Nineteenth Judicial Circuit, No. XXXXXX  
The Honorable James M. Smith, Judge Presiding.

---

## BRIEF AND ARGUMENT OF PLAINTIFF-APPELLANT

---

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

Plaintiff-Appellant, self-represented litigant

ORAL ARGUMENT REQUESTED

# **EXHIBIT 28**

## **POINTS AND AUTHORITIES**

I. THE CIRCUIT COURT ERRED IN GRANTING SUMMARY JUDGMENT FOR DEFENDANT WHERE THE AFFIDAVITS AND DEPOSITIONS ON FILE CREATED A QUESTION OF FACT REGARDING WHETHER THE ICE AND SNOW ON ITS PREMISES WAS AN UNNATURAL ACCUMULATION .....3

McCann v. Bethesda Hosp., 80 Ill. App. 3d 544 (1st Dist. 1979) .....3, 4, 5, 6

Tzakis v. Dominick’s Finer Foods, Inc., 356 Ill. App. 3d 740 (1st Dist. 2005) .....4

Kileen v. Dunteman Co., 78 Ill. App. 3d 473 (1st Dist. 1979) ..... 4

Bernard v. Sears, Roebuck & Co., 166 Ill. App. 3d 533 (1st Dist. 1988).....4

Fitzsimons v. Nat’l Tea Co., 29 Ill. App. 2d 306 (2d Dist. 1961) .....4, 5

Gilberg v. Toys “R” Us, Inc., 126 Ill. App. 3d 554 (1st Dist. 1984) .....4

Stiles v. Panorama Lanes, Inc., 107 Ill. App. 3d 986 (5th Dist. 1982) ..... 5

Foster v. George C. Cyrus & Co., 2 Ill. App. 3d 272 (1st Dist. 1971) .....5

Branson v. R&L Inv., Inc., 196 Ill. App. 3d 1088 (1st Dist. 1990) .....5

[DOE WOULD CONTINUE UNTIL ALL CASES CITED ARE LISTED. HE WOULD LIST HIS SECOND “POINT” OR ARGUMENT, IF HE HAD ONE, AND LIST ALL OF THE CASES CITED IN THAT ARGUMENT.]



# **EXHIBIT 28**

## **NATURE OF THE CASE**

This appeal involves a personal injury action arising from Plaintiff John Doe's fall in an ice-covered parking lot owned and maintained by Defendant X Hardware Store. Plaintiff fell and broke his arm on January 8, 2004, and this suit was filed on March 25, 2005, alleging that Defendant was negligent in failing to remove snow and ice from the lot. (C 2-6 V1). Defendant moved for summary judgment on the ground that the ice in question was a natural accumulation for which it was not liable as a matter of law. (C 105-10 V1). In response, Plaintiff filed portions of his own deposition and that of the store manager that established that the ice in question resulted from several days of customer traffic on the snow-covered lot which caused the snow to form icy ridges. (C 111-125 V1). The circuit court granted summary judgment in favor of Defendant on May 10, 2010 (C 126 V1; A-5), and this appeal followed. (C 127-30 V1; A1-4). No questions are raised on the pleadings.

## **JURISDICTION**

This is an appeal under Supreme Court Rule 301 from a final judgment. The circuit court granted summary judgment in favor of the Defendant X Hardware Store on May 9, 2010. (C 126 V1; A5). This appeal was filed 30 days thereafter, on June 9, 2010. (C 127-30 V1; A-1-4).

[OR, IF THIS IS AN APPEAL IN WHICH THE JUDGMENT WAS AS TO ONE BUT NOT ALL PARTIES OR CLAIMS, IT WOULD READ AS FOLLOWS:

This is an appeal pursuant to Supreme Court Rule 304(a) from a judgment in favor of one of two Defendants, X Hardware Store. The circuit court granted summary judgment in favor of X Hardware Store on May 9, 2010, and expressly found in that order that there was no just cause to delay enforcement or appeal. (C 126 V1; A5). This appeal was filed 30 days thereafter, on June 9, 2010. (C 127-301 V1; A-1-4). The cause remains pending in the circuit court against Defendant Acme Manufacturing Company which is not a party to this appeal.]

# **EXHIBIT 28**

## **ISSUE PRESENTED FOR REVIEW**

Did the circuit court err in ruling, as a matter of law, that the icy ruts and ridges formed in Defendant's parking lot by its customers' cars were not an unnatural accumulation that should have been removed to make the premises safe for customers entering and exiting Defendant's store?

[FOR EACH ISSUE, THE APPELLANT MUST STATE THE APPLICABLE STANDARD OF REVIEW, EITHER IN THE DISCUSSION OF THE ISSUE IN THE ARGUMENT OR UNDER A SEPARATE HEADING PLACED BEFORE A DISCUSSION OF THE ISSUE OF THE ARGUMENT.]

## **STATEMENT OF FACTS**

Defendant X Hardware Store owns and operates a business at 1212 Beech Street in Lake Forest, Illinois (C 15 V1), including an adjacent parking lot that it maintains for the use of its customers. (C 112 V1).

On January 8, 2004, Plaintiff John Doe was a business patron of X Hardware. (C 2 V1). As such, he parked his car in Defendant's parking lot. (C2 V1, 42). At that time, the lot was covered with snow, which had formed icy ruts and grooves as a result of other patrons' cars which had also used the lot. (C 2, 45 V1). The lot had not been plowed, scraped, or salted prior to Plaintiff's fall. (C 55 V1). The entrance of Defendant's store, however, had been cleared of snow and ice. (C 55 V1). As Plaintiff departed the store to return to his car in the parking lot, he slipped on the icy ruts, fell, and broke his arm. (C 26 V1). Plaintiff filed a complaint against Defendant on March 25, 2005, alleging that the Defendant was negligent in maintaining the lot for its customers' use. (C 2-8 V1).

Defendant moved for summary judgment, alleging there was no genuine issue of material fact concerning its duties because the snow that had been churned into icy ruts by customer

## **EXHIBIT 28**

traffic was a natural accumulation. (C 105-10 V1). The circuit court granted that motion on May 9, 2010 (C 126 V1; A-5), and this appeal followed. (C 127-30 V1; A-1-5).

### **STANDARD OF REVIEW**

Summary judgment is appropriate when all the pleadings, depositions, admissions, and affidavits demonstrate that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. 735 ILCS 5/2-1005(c) (West 2008). “The function of a reviewing court on appeal from a grant of summary judgment is limited to determining whether the trial court correctly concluded that no genuine issue of material fact was raised and, if none was raised, whether judgment as a matter of law was correctly entered.” *American Family Mutual Insurance Co. v. Page*, 366 Ill. App. 3d 1112, 1115 (2d Dist. 2006). The decision to grant summary judgment presents a question of law, which is reviewed *de novo*. *Doria v. Village of Downers Grove*, 397 Ill. App. 3d 752, 756 (2d Dist. 2009).

### **ARGUMENT**

#### **I. THE CIRCUIT COURT ERRED IN GRANTING SUMMARY JUDGMENT FOR DEFENDANT WHERE THE AFFIDAVITS AND DEPOSITIONS ON FILE CREATED A QUESTION OF FACT REGARDING WHETHER THE ICE AND SNOW ON ITS PREMISES WAS AN UNNATURAL ACCUMULATION.**

The undisputed evidence in this case established that Plaintiff’s fall was caused not by mere snow that had recently fallen, but by icy grooves and ridges created over several days by traffic that Defendant encouraged by maintaining a parking lot for the use of its customers. (C 42-55 V1).

It is well-settled that a dismissal at a preliminary stage of a proceeding is a drastic action and, therefore, summary judgments should be granted with caution. *McCann v. Bethesda Hosp.*, 80 Ill. App. 3d 544, 547 (1st Dist. 1979). A summary judgment should be entered in favor of the moving party only where the pleadings, depositions, affidavits, and other documents demonstrate

## **EXHIBIT 28**

that no genuine issue of fact exists which warrants trying the case, and that the moving party is entitled to judgment as a matter of law. *Tzakis v. Dominick's Finer Foods, Inc.*, 356 Ill. App. 3d 740, 745 (1st Dist. 2005). Additionally, courts construe the record strictly against the moving party and liberally in favor of the opponent of the motion. *Kileen v. Dunteman Co.*, 78 Ill. App. 3d 473, 475 (1st Dist. 1979).

Traditionally, a property owner has not been held liable for injuries sustained by a business invitee who falls as a result of natural accumulations of ice and snow on the owner's property. *Bernard v. Sears, Roebuck & Co.*, 166 Ill. App. 3d 533, 535 (1st Dist. 1988). However, a well-recognized exception exists in those situations where the action, or inaction, of the property owner transforms the natural accumulation into an unnatural state. *Fitzsimons v. Nat'l Tea Co.*, 29 Ill. App. 2d 306 (2d Dist. 1961). In those instances, the rationale is that the owner has allowed a condition to exist that is tantamount to a defect in his property, and he should be held liable for any resultant damages.

The elements necessary to be affirmatively shown in order to recover are that the accumulation of ice, snow, or water was due to natural causes and that the property owner had actual or constructive knowledge of the condition. *Gilberg v. Toys "R" Us, Inc.*, 126 Ill. App. 3d 554, 557 (1st Dist. 1984). Further, the courts have held that a finding of an unnatural or aggravation of a natural condition must be based on an identifiable cause of ice formation. *Gilberg*, 126 Ill. App. 3d at 557; *McCann*, 80 Ill. App. 3d at 550-51 (slope of parking lot); *Fitzsimons*, 28 Ill. App. 2d at 318 (improper drain placement).

Although the courts have held that a landowner is under no obligation to remove natural accumulations of snow and ice from his property (*Tzakis*, 356 Ill. App. 3d at 746), they nevertheless have recognized that the owner may be liable when the ice on which the Plaintiff

## **EXHIBIT 28**

falls accumulates whether as a result of the owner's aggravating of a natural condition or because of his conduct that gives rise to a new, unnatural or artificial condition. McCann, 80 Ill. App. 3d at 551; Fitzsimons, 29 Ill. App. 2d 318-19.

The ruts and ridges in question were caused by vehicular traffic and were not of recent origin. (C 48 V1). There was no indication that Defendant made any attempt to remove or minimize the icy conditions through the use of sand, salt, or gravel. (C 55 V1). While no clear route of ingress or egress was provided from the parking lot to the store, Defendant recognized its importance and value to its customers by clearing the area in front of the entranceway to the building. (C 52 V1).

In Stiles v. Panorama Lanes, Inc., 107 Ill. App. 3d 896 (5th Dist. 1982), Justice Harrison, in his dissent, addressed just such a situation as follows:

The icy ridges and ruts on the parking lot surface were allegedly formed by automobiles driving on the lot after a snowfall. The automobile traffic occurred because of defendant's implied invitation to enter onto the premises for business purposes. Thus, the character of the initial natural accumulation changed as a result of defendant's use of the area concerned. Under such circumstances, the icy ridges and ruts in the parking lot would constitute unnatural accumulations, in effect, created by the defendant. 107 Ill. App. 3d at 901 (emphasis added).

The owner of property is under a duty to exercise ordinary care not to create an unsafe condition with customary and regular use of its property. Foster v. George C. Cyrus & Co., 2 Ill. App. 3d 274, 278 (1st Dist. 1971). An owner also has a duty to provide business invitees with a safe means of ingress and egress. Branson v. R&L Inv., Inc., 196 Ill. App. 3d 1088, 1092 (1st Dist. 1990). It is reasonably foreseeable that the automobiles of a property owner's business invitees are going to form ruts in soft snow which will become icy when frozen. It is equally foreseeable that business invitees will experience extreme difficulty traversing such an area when

## **EXHIBIT 28**

these conditions are allowed to exist. A reasonable person in the owner's position would take appropriate measures to alleviate this problem by providing a safe pathway to his establishment.

In the case at bar, it is clear that Defendant recognized this situation and the concomitant duties when it cleared the area in front of its entranceway. However, this limited remedial action failed to provide Plaintiff, a business invitee, with a safe route of ingress and egress from the parking lot to the store.

Plaintiff fell as a result of slipping on the ruts and ridges created by the vehicles of Defendant's customers. But for Defendant's implied invitation to enter onto the premises for business purposes, these vehicles and the resultant ruts would not be present. Hence, this action of Defendant aggravated a natural condition, transforming its character into an unnatural state. As per the requirement in McCann, this aggravated natural condition is based on an identifiable cause to automobiles of Defendant's business invitees. Therefore, Defendant failed in its duty to protect Plaintiff from a reasonably foreseeable dangerous condition and should be held responsible.

There still remain questions as to the length of time this condition was allowed to exist and what, if any, contributory negligence existed on the part of Plaintiff. Therefore, the order granting Defendant's motion for summary judgment was improper and should be vacated.

## **EXHIBIT 28**

### **CONCLUSION**

WHEREFORE, for the foregoing reasons, Plaintiff-Appellant John Doe respectfully requests that this Court reverse the order of the circuit court granting Defendant's motion for summary judgment and remand this case for completion of discovery and for trial on the merits.

Respectfully submitted,

(signature)

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

Plaintiff-Appellant, self-represented litigant

# **EXHIBIT 28**

## **CERTIFICATE OF COMPLIANCE**

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 [insert the number] pages or words.

(signature) \_\_\_\_\_

**INCLUDE NOTICE OF FILING AND SERVICE**

(e.g., Exhibits 1A and 1B)

SAMPLE



**EXHIBIT 29**

**APPENDIX**

SAMPLE

**EXHIBIT 29**

**TABLE OF CONTENTS TO APPENDIX**

Order dated [DATE] ..... A-1

Any Opinion or Memorandum or Findings of Fact filed [DATE] ..... A-2

Any Pleading or Other Material from Record Pertinent to Appeal ..... A-3

Notice of Appeal filed [DATE] ..... A-4

Table of Contents to the Record on Appeal..... A-5

SAMPLE

**EXHIBIT 29**

[COPY OF ORDER YOU ARE APPEALING]

SAMPLE

**EXHIBIT 29**

[ANY OPINION, MEMORANDUM OR FINDINGS OF FACT  
ENTERED OR FILED BY TRIAL JUDGE]

SAMPLE

**EXHIBIT 29**

[ANY PLEADINGS OR OTHER MATERIAL FROM THE RECORD  
THAT ARE THE BASIS OF APPEAL OR PERTINENT TO IT]

SAMPLE

**EXHIBIT 29**

IN THE CIRCUIT COURT OF LAKE COUNTY, ILLINOIS  
NINETEENTH JUDICIAL CIRCUIT

JOHN DOE,	)	
	)	
Plaintiff-Appellant,	)	
	)	Circuit Court No. XXXXX
v.	)	
	)	
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	Hon. James S. Smith,
a corporation,	)	Judge Presiding.
	)	
Defendants-Appellees.	)	

**NOTICE OF APPEAL**

Plaintiff-Appellant John Doe, self-represented litigant, appeals to the Appellate Court of Illinois for the Second District from the following orders entered in this matter in the Circuit Court of Lake County:

1. The order of September 10, 2009, dismissing with prejudice Count II of his complaint, alleging strict product liability against Defendant-Appellee X Hardware Store; and
2. The order of May 9, 2010, granting summary judgment in favor of Defendants-Appellees Acme Manufacturing Company and X Hardware Store and against Plaintiff-Appellant John Doe on all remaining claims of the complaint.

By this appeal, Plaintiff-Appellant will ask the Appellate Court to reverse the orders of September 10, 2009 and May 9, 2010, and remand this cause with directions to reinstate all counts of the complaint for trial on the merits as to all claims, or for such other and further relief as the Appellate Court may deem proper.

(signature) \_\_\_\_\_  
 John Doe  
 Plaintiff-Appellant, self-represented litigant

John Doe  
 1111 Sandy Lane  
 Lake Forest, IL 60045  
 (847) 555-5555  
 JohnDoe@Justice.com

**EXHIBIT 29**

**TABLE OF CONTENTS OF RECORD ON APPEAL**

Placita..... C 1 V1

Complaint filed April 17, 1995 ..... C 2 V1

Summons and Return filed May 2, 1995 ..... C 10 V1

Appearance of Defendant filed June 1, 1995 ..... C 12 V1

Motion to Dismiss filed June 1, 1995 ..... C 13 V1

Order of August 12, 1995 ..... C 19 V1

Circuit Court Certification ..... C 250 V2

Transcript of Proceedings of August 12, 1995 ..... R 2-50

[CONTINUE UNTIL ALL DOCUMENTS HAVE BEEN LISTED, INCLUDING ANY EXHIBITS]

# **EXHIBIT 30**

(example of notice of filing when local rules require paper copies)

No. [Appellate Court No.]  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

JOHN DOE,	)	Appeal from the Circuit Court,
	)	19th Judicial Circuit, Lake County,
Plaintiff-Appellant,	)	Illinois.
	)	
v.	)	
	)	Circuit Court No. XXXXX
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	
a corporation,	)	Honorable
	)	James S. Smith,
Defendants-Appellees.	)	Judge Presiding.

## **NOTICE OF FILING**

TO: Name and address/e-mail address of attorney for Acme  
Name and address of attorney/e-mail address for X Hardware

PLEASE TAKE NOTICE that on [DATE], the undersigned electronically filed the APPELLANT'S BRIEF with the Clerk of the Appellate Court of Illinois, Second District, 55 Symphony Way, Elgin, IL 60120, a copy of which is herewith served upon you. [Number] paper copies of APPELLANT'S BRIEF were also submitted to the Clerk pursuant to the Court's local rules.

s/ John Doe

John Doe, Plaintiff-Appellant, self-represented litigant

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

**INCLUDE CERTIFICATE OF SERVICE**  
(see Exhibit 1B)



**EXHIBIT 31**

No. [Appellate Court No.]  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

JOHN DOE,	)	Appeal from the Circuit Court,
	)	19th Judicial Circuit, Lake County,
Plaintiff-Appellant,	)	Illinois.
	)	
v.	)	
	)	Circuit Court No. XXXXX
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	
a corporation,	)	Honorable
	)	James S. Smith,
Defendants-Appellees.	)	Judge Presiding.

**MOTION TO EXTEND TIME TO FILE APPELLANT’S BRIEF**

Plaintiff-Appellant John Doe, self-represented litigant, moves this Court for a 35-day extension of time, from September 12, 2010 to and including October 17, 2010, within which to file his Appellant’s Brief. The verification by certification of John Doe in support thereof is attached.

(signature) \_\_\_\_\_  
John Doe, Plaintiff-Appellant, self-represented litigant

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

# **EXHIBIT 31**

## **VERIFICATION BY CERTIFICATION**

I, John Doe, state as follows:

1. I am the Plaintiff-Appellant in this appeal.
2. Plaintiff's Appellant's Brief is currently due on September 12, 2010.
3. Plaintiff is unable to complete and file his Appellant's Brief on September 12, 2010, because [INSERT REASON].

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

Executed on [DATE]

(signature)

John Doe

**INCLUDE NOTICE OF FILING AND CERTIFICATE OF SERVICE**

(e.g., Exhibits 1A and 1B)

**EXHIBIT 31**

No. [Appellate Court No.]  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

JOHN DOE,	)	Appeal from the Circuit Court,
	)	19th Judicial Circuit, Lake County,
Plaintiff-Appellant,	)	Illinois.
	)	
v.	)	
	)	Circuit Court No. XXXXX
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	
a corporation,	)	Honorable
	)	James S. Smith,
Defendants-Appellees.	)	Judge Presiding.

**ORDER**

This matter coming on to be heard on the motion of Plaintiff-Appellant John Doe to extend time to file Appellant’s Brief, notice having been given and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that the motion of Plaintiff-Appellant for leave to extend time to file Appellant’s Brief to and including October 17, 2010, is ALLOWED / DENIED.

\_\_\_\_\_  
Justice

\_\_\_\_\_  
Justice

\_\_\_\_\_  
Justice

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
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**EXHIBIT 32**

No. [Appellate Court No.]  
IN THE APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

JOHN DOE,	)	Appeal from the Circuit Court,
	)	19th Judicial Circuit, Lake County,
Plaintiff-Appellee,	)	Illinois.
	)	
v.	)	
	)	Circuit Court No. XXXXX
ACME MANUFACTURING COMPANY, a	)	
corporation, and X HARDWARE STORE,	)	
a corporation,	)	Honorable
	)	James S. Smith,
Defendants-Appellants.	)	Judge Presiding.

**APPEARANCE**

Plaintiff-Appellee John Doe hereby enters his appearance as a self-represented litigant in this case.

(signature) \_\_\_\_\_

John Doe  
1111 Sandy Lane  
Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

**INCLUDE NOTICE OF FILING AND CERTIFICATE OF SERVICE**  
(e.g., Exhibits 1A and 1B)

**EXHIBIT 33**

No. [Appellate Court No.]  
IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

---

JOHN DOE,

*Plaintiff-Appellant,*

v.

X HARDWARE STORE, a corporation,

*Defendant-Appellee.*

---

Appeal from the Circuit Court of Lake County, Illinois  
Nineteenth Judicial Circuit, No. XXXXXX  
The Honorable James M. Smith, Judge Presiding.

---

**BRIEF AND ARGUMENT OF  
DEFENDANT-APPELLEE**

---

Attorney for Defendant-Appellee  
Address  
Telephone  
E-mail address

ORAL ARGUMENT REQUESTED

# **EXHIBIT 33**

## **POINT AND AUTHORITIES**

I. DEFENDANT WAS ENTITLED TO JUDGMENT AS A MATTER OF LAW UNDER THE UNDISPUTED EVIDENCE ESTABLISHING THAT PLAINTIFF’S FALL WAS CAUSED BY THE NATURAL ACCUMULATION OF ICE AND SNOW ON DEFENDANT’S PREMISES. ....3

*Tzakis v. Dominick’s Finer Foods, Inc.*, 356 Ill. App. 3d 704 (1st Dist. 2005).....3

*Zide v. Jewel Tea Co.*, 39 Ill. App. 2d 217 (2d Dist. 1963) .....3, 4

*Erasmus v. Chicago Housing Authority*, 86 Ill. App. 3d 142 (1st Dist. 1980).....3, 4

*Fitzsimons v. National Tea Co.*, 29 Ill. App. 2d 306 (2d Dist. 1961).....3

*McCann v. Bethesda Hospital*, 80 Ill. App. 3d 544 (1st Dist. 1979) .....3

*Stiles v. Panorama Lanes, Inc.*, 107 Ill. App. 3d 896 (5th Dist. 1982).....4

## **NATURE OF THE CASE**

Plaintiff John Doe’s single-count complaint against Defendant X Hardware Store alleged that he slipped and fell as a result of an “unnatural” accumulation of ice and snow in a parking lot owned by Defendant. (C 1-3 V1). Based on the undisputed evidence establishing that Plaintiff slipped on a natural accumulation of ice in the parking lot, the trial court granted summary judgment in favor of Defendant. (C126 V1; A-5). This appeal followed. (C 127-30 V1; A-1-4). No questions are raised on the pleadings.

## **ISSUE PRESENTED FOR REVIEW**

Was Defendant landowner entitled to judgment as a matter of law when the undisputed evidence established that the ice on which Plaintiff purportedly slipped accumulated naturally and not as a result of any defect in the premises or any conduct on Defendant’s part?

# **EXHIBIT 33**

## **STATEMENT OF FACTS**

On March 25, 2005, Plaintiff John Doe filed a single count complaint alleging in pertinent part that he slipped and fell on ice in a parking lot owned by Defendant X Hardware Store on January 8, 2004, and that Defendant had “allowed and permitted” an “unnatural” accumulation of ice and snow to form. (C 1-2 V1). The following undisputed facts were established at Plaintiff’s deposition:

1. When Plaintiff entered the parking lot, he noticed it was slippery (C 42-43 V1);
2. The lot had not been plowed, scraped, or salted (C 45 V1);
3. Plaintiff noticed that the surface of the ice was uneven because of tire ruts, but it was the slippery surface, not the ruts, that caused him to fall (C 44 V1); and
4. In Plaintiff’s opinion, the accumulation in the lot appeared to be “snow that had been driven through that became ice” (C 55 V1).

In response to Defendant’s motion for summary judgment, Plaintiff failed to present any evidence that Defendant had created the icy condition of the parking lot through improper attempts of snow removal, or that the ice had formed as a result of some defect in the parking lot’s design. Instead, he asserted only that his deposition (in which he claimed to have fallen as a result of the slippery surface rather than the ruts or grooves) created a question of fact “as to whether the ruts, bumps, and grooves formed in the slush by the tires and then frozen over is or is not a natural condition.” (C 37 V1).

After considering the pleadings and the arguments, the circuit court granted summary judgment for Defendant. (C 126 V1). This appeal followed.

## **STANDARD OF REVIEW**

Summary judgment is appropriate when all the pleadings, depositions, admissions and

## **EXHIBIT 33**

affidavits demonstrate that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. 735 ILCS 5/2-1005(c) (West 2008); *Wagemann Oil Co. v. Marathon Oil Co.*, 306 Ill. App. 3d 562, 566-67 (1st Dist. 1999). Upon a defendant's motion for summary judgment, "a plaintiff has an affirmative duty to bring forth all facts and evidence that satisfy his burden of proving the existence of a cognizable cause of action." *Holland v. Arthur Andersen & Co.*, 212 Ill. App. 3d 645, 652-53 (1st Dist. 1991). If a plaintiff cannot establish any element of his cause of action, summary judgment for the defendant is proper. *Lawrence & Allen v. Cambridge Human Resource Group, Inc.*, 292 Ill. App. 3d 131, 135 (2d Dist. 1997). The appellate court reviews an order granting summary judgment *de novo* and without giving any deference to the judgment of the circuit court. *E.g., Zahl v. Krupa*, 399 Ill. App. 3d 993, 1012 (2d Dist. 2010).

### **ARGUMENT**

**I. DEFENDANT WAS ENTITLED TO JUDGMENT AS A MATTER OF LAW UNDER THE UNDISPUTED EVIDENCE ESTABLISHING THAT PLAINTIFF'S FALL WAS CAUSED BY THE NATURAL ACCUMULATION OF ICE AND SNOW ON DEFENDANT'S PREMISES.**

It is well-established that a property owner has no duty to remove ice and snow from its premises. *Tzakis v. Dominick's Finer Foods, Inc.*, 356 Ill. App. 3d 740, 746 (1st Dist. 2005). Therefore, a property owner "is not liable for injury sustained by a business invitee in a fall on an icy sidewalk or parking lot maintained by the property owner for the use of its customers where the condition is a natural one and not caused or aggravated by the property owner." *Zide v. Jewel Tea Co.*, 39 Ill. App. 2d 217, 222-23 (2d Dist. 1963). Accordingly, in order to withstand a motion for summary judgment, a plaintiff must show by affirmative evidence that the snow or ice accumulated either as "the direct result of the landowner's [snow] cleaning operations" or



## EXHIBIT 33

because of “design deficiencies that promote unnatural accumulations of ice and snow.” *Erasmus v. Chicago Housing Authority*, 86 Ill. App. 3d 142, 145 (1st Dist. 1980).

In the instant case, there was no allegation or evidence that the icy condition of the parking lot was caused by negligent attempts at snow removal. To the contrary, Plaintiff himself testified that the lot had not been plowed, scraped, or salted. (C 45 V1). Nor was there any allegation, let alone evidence, that there was a design deficiency, such as an improper slant or slope in the lot, which caused ice to accumulate at the spot where Plaintiff fell.

In sum, there simply was no evidence presented from which a jury might find that the snow and ice in Defendant’s parking lot was an “unnatural accumulation” as that term has been interpreted by case law. See, e.g., *Fitzsimons v. National Tea Co.*, 29 Ill. App. 2d 306, 318-19 (2d Dist. 1961) (store’s improper snow removal caused unnatural accumulation of ice); *McCann v. Bethesda Hospital*, 80 Ill. App. 3d 544, 549-51 (1st Dist. 1979) (excessive slope of parking lot caused unnatural accumulation). In the absence of such an affirmative showing, there was no question of fact to be resolved by a jury, and Defendant was entitled to judgment as a matter of law.

The gist of Plaintiff’s argument is that the accumulation in question should be considered “unnatural” because traffic caused the snow to turn to ice. However, it is established that changes in the surface of naturally accumulated snow or ice as a result of normal usage do not constitute an “unnatural accumulation.” Thus, in a case where Plaintiff actually tripped on a tire rut formed by traffic, summary judgment for Defendant landowner was affirmed as follows:

In the instant case all that the defendant may be said to have done to cause an unnatural accumulation of snow and ice is to suffer its customers to use its parking lot while snow was upon the ground. *In view of the fact that only ordinary vehicular traffic caused the ruts of which plaintiff complains in a place intended for use by such vehicles, we do not think that the ruts resulting from such use may be said to have been an unnatural accumulation of snow and ice created by the*

## EXHIBIT 33

*defendant. Stiles v. Panorama Lanes, Inc.*, 107 Ill. App. 3d 896, 899 (5th Dist. 1982) (emphasis added).

The *Stiles* ruling was based on this Court's opinion in *Zide v. Jewel Tea Co.*, 39 Ill. App. 2d 217 (2d Dist. 1963). There, as here, Plaintiff contended that the unnatural accumulation of ice in a parking lot was established by her testimony, without more, that the ice on which she fell was "ridged." Nevertheless, this Court reversed a jury verdict for Plaintiff and remanded the cause with directions that judgment be entered for Defendant because there was "absolutely no evidence" that the ice itself was caused to form or aggravated by Defendant's conduct. 39 Ill. App. 2d at 224.

Similarly, in *Erasmus*, 86 Ill. App. 3d 142, the plaintiff contended on appeal that summary judgment for the defendant was improper where there was evidence that pedestrian traffic on a sidewalk maintained by the defendant created the ridged, uneven ice on which she fell. The court affirmed the summary judgment, noting:

The plaintiff must show that the exposed stratum of ice was itself an unnatural accumulation, *created directly or indirectly by the defendant*. (Citation omitted). Here, plaintiff has offered no facts which would allow a jury to find that the ice on the sidewalk was anything other than a natural accumulation. *The pedestrian traffic that, presumably, created the rutted and uneven surface cannot be considered 'unnatural' on an urban sidewalk\*\*\*. On the record in this case the trial court could not find, as a matter of law, that the icy sidewalk was the product of a natural accumulation\*\*\*.* 86 Ill. App. 3d at 14 (emphases added).

Likewise, on the record in this case, the trial court properly found that the evidence established that Plaintiff fell on a natural accumulation, and that the ruts caused by ordinary vehicular traffic did not constitute an unnatural accumulation or otherwise afford a basis for liability. The order granting summary judgment in favor of Defendant was, therefore, properly entered and should be affirmed.

## **EXHIBIT 33**

### **CONCLUSION**

WHEREFORE, for the foregoing reasons, Defendant-Appellee X Hardware Store respectfully requests that this Court affirm the order of the circuit court granting Defendant's motion for summary judgment.

Respectfully submitted,

(signature)

Attorney for Defendant-Appellee

SAMPLE

# **EXHIBIT 33**

## **CERTIFICATE OF COMPLIANCE**

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 [insert the number] pages or words.

(signature) \_\_\_\_\_

**INCLUDE NOTICE OF FILING  
AND CERTIFICATE OF SERVICE**  
(e.g., Exhibits 1A and 1B)

# EXHIBIT 34

No. [Appellate Court No.]  
IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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JOHN DOE,

*Plaintiff-Appellant,*

v.

X HARDWARE STORE, a corporation,

*Defendant-Appellee.*

---

Appeal from the Circuit Court of Lake County, Illinois  
Nineteenth Judicial Circuit, No. XXXXXX  
The Honorable James M. Smith, Judge Presiding.

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## REPLY BRIEF OF PLAINTIFF-APPELLANT

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John Doe  
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Lake Forest, IL 60045  
(847) 555-5555  
JohnDoe@Justice.com

Plaintiff-Appellant, self-represented litigant

ORAL ARGUMENT REQUESTED

# **EXHIBIT 34**

## **ARGUMENT**

### **I. THE ACTION OF THE AUTOMOBILES OF DEFENDANT'S PATRONS TRANSFORMED THE SNOW AND ICE INTO UNNATURAL RUTS AND RIDGES.**

Defendant cites the majority opinion in the case of Stiles v. Panorama Lanes, Inc., 107 Ill. App. 3d 896 (5th Dist. 1982), which relied on the rationale in Zide v. Jewel Tea Co., 39 Ill. App. 2d 217 (2d Dist. 1963). An examination of Zide reveals that it can be easily reconciled with the present case. The Zide Court properly set aside the verdict of the jury because Plaintiff failed to introduce any evidence as to the cause of the icy ridge that resulted in the fall. 39 Ill. App. 2d at 225. As the Zide Court correctly noted, some evidence must be introduced that reveals icy ridges were formed and aggravated by a negligent act or omission of Defendant. 39 Ill. App. 2d at 225-28.

Defendant similarly cites the case of Timmons v. Turski, 103 Ill. App. 3d 36 (5th Dist. 1981). In Timmons, the defendant had merely shoveled a sidewalk exposing ice that had naturally formed underneath. The plaintiff failed to introduce any evidence that the exposed ice was unnaturally formed through some act by the defendant. 103 Ill. App. 3d at 38-39.

In the present case, Plaintiff introduced evidence, unrefuted by Defendant, that the ruts and ridges were not a naturally occurring formation but had only been formed by the action of the automobiles of Defendant's patrons. But for Defendant's invitation to these patrons to utilize the parking lot provided, no such formation would have been created. The snow and ice did not naturally form into the types of ruts and ridges at issue. Requiring Defendant to assume responsibility for the dangerous conditions created in its own parking lot by the automobiles of its business invitees would not be placing Defendant in the position of an absolute insurer of the

## **EXHIBIT 34**

safety of its patrons. Rather, it is the logical application of the rule that requires Defendant to provide a safe means of ingress and egress to its establishment.

By requesting that the decision of the circuit court be allowed to stand, Defendant is seeking to have this Court permit it to continue to reap the enormous benefit of the customers' patronage while exculpating it of any responsibility for the harm that may befall its customers as they attempt to traverse the area from its lot to its store. Such would not occur but for the dangerous conditions created in Defendant's parking lot as a result of Defendant's invitation to its patrons to utilize the lot.

It is easily foreseeable that hazardous conditions will occur when the automobiles of Defendant's customers make ruts and ridges that will freeze and therefore become a dangerous obstacle when one attempts to walk from a car parked in the lot to Defendant's establishment.

To allow such conditions to exist with no responsibility for them is to require the customers to assume an unconscionable risk of injury which, to this point, the courts in Illinois have always resisted.

# **EXHIBIT 34**

## **CONCLUSION**

WHEREFORE, for all of the reasons herein, as well as in his opening brief, Plaintiff-Appellant John Doe respectfully requests that this Court reverse the order of the circuit court granting summary judgment in favor of Defendant and remand this cause for further discovery and trial.

Respectfully submitted,

(signature) \_\_\_\_\_

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Plaintiff-Appellant, self-represented litigant



# **EXHIBIT 34**

## **CERTIFICATE OF COMPLIANCE**

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 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 [insert the number] pages or words.

(signature) \_\_\_\_\_

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AND CERTIFICATE OF SERVICE**  
(e.g., Exhibits 1A and 1B)

# **EXHIBIT 35**

No. [to be provided by Supreme Court]

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## **IN THE SUPREME COURT OF ILLINOIS**

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JOHN DOE,

*Plaintiff-Petitioner,*

v.

X HARDWARE STORE, a corporation,

*Defendant-Respondent.*

---

On Petition for Leave to Appeal from the  
Appellate Court of Illinois, Second District, No. X-XX-XXXX  
There heard on appeal from the Circuit Court of the  
Nineteenth Judicial Circuit, Lake County, Illinois  
No. XXXXX  
Honorable James M. Smith, Judge Presiding

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### **PETITION FOR LEAVE TO APPEAL**

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JohnDoe@Justice.com

Plaintiff-Petitioner, self-represented litigant

# **EXHIBIT 35**

## **PRAYER FOR LEAVE TO APPEAL**

Plaintiff-Petitioner John Doe, a self-represented litigant, pursuant to Illinois Supreme Court Rule 315(a), respectfully petitions this Court for leave to appeal from the judgment of the Appellate Court of Illinois, Second Judicial District.

## **JUDGMENT BELOW**

On August 28, 2010, the appellate court issued a decision affirming an order of the Circuit Court of Lake County, Illinois, granting summary judgment against Petitioner and in favor of Respondent X Hardware Store. The court found that an icy condition of Respondent's parking lot, which caused Petitioner to fall, was a "natural condition" even though it was created by the automobile traffic of Respondent's business patrons.

On September 18, 2010, Petitioner filed a Petition for Rehearing in the appellate court which was denied in an order entered on November 19, 2010.

## **POINTS RELIED UPON FOR REVIEW**

This Court should grant leave to appeal in this matter for the following reasons:

1. The appellate court in this case has determined that a business entity, which is otherwise responsible for providing its customers with safe ingress and egress from its premises, nonetheless has no duty to remedy unsafe conditions created by other customers, even when such conditions are known to the business entity. Such a blanket departure from the long-recognized rule that a business entity has a duty to take reasonable measures to protect its business invitees from harm should not become the law of this State without further review by this Court.

2. The appellate court's decision is contrary to that of the Illinois Appellate Court, First District, [or of this Court] in [INSERT NAME AND CITE OF CASE] and that conflict should be resolved by this court. [NOTE – YOU CAN ONLY MAKE THIS CLAIM IF, IN

## **EXHIBIT 35**

FACT, THERE IS ANOTHER DECISION CONTRARY TO THE DECISION IN YOUR  
CASE.]

### **STATEMENT OF FACTS**

[Write out the statement of facts, as in the Appellant's Brief – Exhibit 28]

### **ARGUMENT**

[Write out the argument, as in the Appellant's Brief – Exhibit 28]

### **CONCLUSION**

For the foregoing reasons, Plaintiff-Petitioner respectfully requests that the Court grant  
his petition for leave to appeal.

Respectfully submitted,

(signature)

---

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Plaintiff-Petitioner, self-represented litigant

# **EXHIBIT 35**

## **CERTIFICATE OF COMPLIANCE**

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 [insert number] pages or words.

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AND CERTIFICATE OF SERVICE  
(e.g., Exhibits 1A and 1B)**

**EXHIBIT 36**

[Reserved]

SAMPLE

**EXHIBIT 37**

No. [Supreme Court No.]  
IN THE  
SUPREME COURT OF ILLINOIS

JOHN DOE,

Plaintiff-Appellant,

v.

X HARDWARE STORE, a corporation,

Defendant-Appellee.

) On leave to appeal from the  
) Appellate Court of Illinois, Second  
) District, No. X-XX-XXXX.  
)  
) There on appeal from the Circuit  
) Court of the Nineteenth Judicial  
) Circuit, Lake County, Illinois,  
) No. XXXXXXXXX.  
)  
) Honorable  
) James M. Smith,  
) Judge Presiding.

**NOTICE OF ELECTION**

Plaintiff-Appellant John Doe, self-represented litigant, states that he elects to allow his Petition for Leave to Appeal to stand as the Appellant’s Brief [OR he elects to file an Appellant’s Brief in this appeal].

(signature) \_\_\_\_\_

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[THIS NOTICE IS GENERALLY DUE 14 DAYS AFTER THE SUPREME COURT GRANTS LEAVE TO APPEAL. INCLUDE A NOTICE OF FILING AND CERTIFICATE OF SERVICE AND SERVE ON ALL OPPOSING COUNSEL OR PARTIES (e.g., Exhibits 1A and 1B)]