

LOCAL RULES OF THE ILLINOIS APPELLATE COURT, FIFTH DISTRICT

October 1, 2022

*Explanatory Notes*

Supreme Court Rule 22(h) authorizes the appellate courts to adopt rules consistent with the Illinois Supreme Court Rules and Illinois statutes. To facilitate the administration of justice, the Fifth District Appellate Court hereby enacts the following the Local Rules in addition to the Illinois Supreme Court Rules. All prior Local Rules issued by the Court are hereby rescinded. The Court may at its discretion alter, modify, amend, suspend, rescind, or waive these Local Rules, in whole or in part, as the ends of justice require.

Rule 101 Filing Materials with the Court

Rule 102 Docketing Statement, Appearances, Filing Fees, Contact Information

Rule 103 Motions

Rule 104 Emergency Motion

Rule 105 Record on Appeal and Physical Exhibits (Non-Media Exhibits)

Rule 106 Restrictions on Communications with Court Staff

Rule 107 Legal Assistance for Self-represented Litigants

**Rule 101 Filing Materials with the Court**

- (a) Unless exempt as provided in Supreme Court Rule 9(c), all documents in civil cases shall be electronically filed with the clerk of court using an electronic filing system approved by the Supreme Court of Illinois.
- (b) A party filing material electronically shall do so pursuant to Illinois Supreme Court Rule 9 and the “Electronic Filing Procedures and User Manual for the Supreme Court of Illinois,” which is hereby incorporated by reference.
- (c) All documents filed with the Appellate Court must be signed by at least one attorney of record whose professional physical address, email address, and Illinois Attorney Registration and Disciplinary Commission number are listed on the document(s). Self-represented litigants shall sign their name and provide a physical address and email address
- (d) Where a party files a brief, motion, or document electronically, the electronically filed brief, motion or document shall be considered the official original. A party shall not provide paper copies of any brief (exception for Workers’ Compensation appeals), motion, or document filed electronically.
- (e) Where materials are not filed electronically, the materials must be directed to the Clerk’s Office by U.S. Mail or third-party commercial carrier, at the following address:

Fifth District Appellate Court  
14<sup>th</sup> & Main St., P.O. Box 867  
Mt. Vernon, IL 62864
- (f) Where materials are not filed electronically, the party filing the materials need only provide the original. The party shall not provide additional copies.
- (g) The Court’s acceptance of a filing does not itself establish that the filing is timely or otherwise complies with the Illinois Supreme Court rules or any other applicable rule.

**Rule 102      Docketing Statements, Appearances, Filing Fees, Contact Information**

- (a) Parties shall file their docketing statements or appearances as soon as practicable. An appellant's docketing statement shall constitute the appellant's appearance. An appellant's listing of an appellee on the docketing statement shall not constitute the appellee's appearance.
- (b) A docketing statement or appearance shall be accompanied by the filing fee pursuant to Supreme Court Rule 313(a), unless the fee is waived. In all cases docketed in the Appellate Court, appellants shall pay a filing fee of \$50. Appellees, upon entry of appearance or filing of any document, shall pay a \$30 fee.
- (c) The filing fee is waived for the following:
  - 1 Federal agencies;
  - 2 State agencies;
  - 3 Parties represented by attorneys *pro bono*;
  - 4 Indigent parties in criminal cases;
  - 5 Indigent parties represented by legal services providers in civil cases; and
  - 6 Parties granted waivers pursuant to Supreme Court Rule 313(g).
- (d) Attorneys and self-represented litigants shall promptly notify the Court of any change of contact information by filing a notice of the change, with proof of service to all parties.
- (e) An attorney representing a criminal defendant shall promptly notify the Court of any change of the defendant's contact information by filing a notice of the change, with proof of service to all parties.

**Rule 103      Motions**

- (a) The Court finds a significant problem exists with regard to parties failing to file proof of service as required by Illinois Supreme Court Rule 12. Accordingly, motions filed without proof of service as required by Illinois Supreme Court Rule 12 shall be stricken upon receipt.
- (b) Requests for relief shall not be included in a response to an opposing party's motion. Instead, a request for relief shall be included in an individual motion, thereby allowing the opposing party the opportunity to respond to said request for relief.
- (c) Multiple requests for relief that are distinctly independent of one another shall be set out via individual motions. For example, a request to strike a party's brief and a request to supplement the record shall be made via two individual motions.
- (d) Whenever possible, a motion to consolidate appeals should be filed prior to the filing of the record on appeal.
- (e) A motion for extension of time should be filed, where practicable, at least 5 days prior to the date to be extended if served electronically. If non-electronic service is made in accordance with Supreme Court Rule 11(c), the motion should be filed, where practicable, at least 5 days prior to the date to be extended if served personally, or at least 10 days prior to the date to be extended if served by mail or third-party commercial carrier.
- (f) A motion for leave to file instanter shall accompany any brief or document that a party is attempting to file after the brief or document's due date has passed. Where electronic filing is applicable, the instanter motion and the brief or document shall be filed in separate electronic envelopes.
- (j) Motions for extension of time in cases accelerated pursuant to Supreme Court Rule 311(a) or 660A are disfavored and shall be granted only for compelling circumstances.

**Rule 104      Emergency Motions**

Pursuant to Illinois Supreme Court Rule 361(g), emergency motions shall be filed and disposed of as follows:

- (a) An emergency motion may be filed only if an appeal has been docketed. The title of the motion shall include the words “Emergency Motion.” If the motion requires the court to act within a specific time, that information shall be set out in the first paragraph of the motion. The motion shall specify the nature of the emergency and the grounds for the specific relief requested. The motion shall also state what relief was sought in the trial court or why no relief was sought in that court. The movant shall attach to the motion every trial court and appellate court document relevant to the motion. An emergency motion should be filed only when it involves a genuine emergency.
- (b) The movant shall immediately serve the motion on every other party electronically or, if permitted by Illinois Supreme Court Rule 11(c), personally. The type of service made shall be specifically noted on the proof of service.
- (c) Except in extraordinary circumstances necessitating an earlier ruling on the motion, or unless opposing counsel has indicated no objection to the motion, the Court will allow any non-moving party three business days to respond to the motion.

**Rule 105      Records on Appeal and Physical Exhibits (Non-Media Exhibits)**

- (a) Except in appeals filed under Illinois Supreme Court Rule 311(a) and 660A, Official Court Reporters are not required to prepare transcripts of proceedings and Circuit Court Clerks are not required to file the record on appeal unless the appellant has paid the required preparation fee in full. Supreme Court Rules 311(a) and 660A provide that lack of advance payment shall not be a reason for noncompliance with filing deadlines and preparation of record on appeal and all transcripts within said cases. In all other cases the record is not required to be filed when the appellant has failed to pay the preparation fee(s), unless waived by the Court.
- (b) Pursuant to the Standards for E-filing the Record, the circuit clerks of the respective counties within the Fifth Appellate District shall not provide the court with physical exhibits. If physical exhibits are required for consideration of an appeal, the court *sua sponte* or upon motion of a party, will direct the circuit clerk to transfer such exhibits.

**Rule 106      Restrictions on communication with court employees**

The members of the Court’s staff and the staff of the Clerk’s Office will not provide legal opinions or advice to litigants or potential litigants before the court, or their counsel. All litigants and potential litigants before the court, and their counsel, shall be cognizant of these restrictions if they have occasion to communicate with staff in the Clerk’s Office.

**Rule 107      Legal Assistance for Self-Represented Litigants**

- (a) Self-represented litigants can be connected to a trained Illinois court guide via the website <https://www.ilcourthelp.gov/hc/en-us> or by calling or texting (833) 411-1121. The guide can provide information regarding the court process in Illinois, distribute court forms, and assist with e-filing.
- (b) Self-represented litigants can access the Illinois Free Legal Answers for Civil Appeals program at <https://il.freelegalanswers.org/>. Illinois Free Legal Answers operates as a free virtual legal advice clinic for civil legal issues. Self-represented litigants can submit a question about their civil case and attach any relevant

documents about their civil case, and have it answered by a pro bono attorney.