

HOW TO COMPLETE THE DOCKETING STATEMENT (CIVIL)

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at illinoislegalaid.org/lexicon/glossary. For more information about going to court including how to fill out and file forms, call or text Illinois Court Help at 833-411-1121 or go to ilcourthelp.gov.

All the Supreme Court Rules mentioned in these instructions can be found at:
illinoiscourts.gov/rules/supreme-court-rules.

What is a *Docketing Statement (Civil)*?

- A *Docketing Statement (Civil)* is a brief overview of the case you are appealing. It tells the appellate court and all the parties that you have taken the first steps to file your appeal.
- Every civil appeal **MUST** have a *Docketing Statement (Civil)*. The *Docketing Statement (Civil)* is required by Supreme Court Rule 312.

Who can use the *Docketing Statement (Civil)*?

- If you filed the *Notice of Appeal (Civil)*, you are the appellant.
- The responding party is called the appellee.
- The appellant uses the *Docketing Statement (Civil)*.

What forms do I need to fill out to file the *Docketing Statement (Civil)*?

- ***Docketing Statement (Civil)*:** This form tells the appellate court that you are appealing a trial court order or judgment.
- ***Request for Preparation of Record on Appeal*:** This form is used to ask the trial court clerk to prepare the court file for the appellate court. You must request the complete court file and give it to the appellate court.
- ***Request for Report of Proceedings (Transcripts)*:** This form is used to ask the court reporter to print a report of everything that was said in the trial court. If the court hearing or trial was not recorded, then you should use either a *Bystander's Report* or *Agreed Statement of Facts* form.
- The email address (if you have one) and mailing address you put on the forms is where important legal documents will be sent to you. 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 and documents from other parties.

Where can I find the forms I need?

You can find the forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

What costs will I need to pay to file an appeal?

- You must pay a \$50 filing fee to the Clerk of the Appellate Court when you file the *Docketing Statement (Civil)*.
- If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost by filing the *Application for Waiver of Court Fees (Appellate Court)*. This is a separate set of forms you can find at: illinoiscourts.gov/documents-and-forms/approved-forms.

When do I need to file the *Docketing Statement (Civil)*?

- The deadline to file the *Docketing Statement (Civil)* is 14 days after you file the *Notice of Appeal (Civil)* unless Supreme Court Rule 307 applies.
- If Supreme Court Rule 307 applies, the deadline to file the *Docketing Statement (Civil)* is 7 days after you file the *Notice of Appeal (Civil)*. See the next section for information on Rule 307.

How do I fill out the *Docketing Statement (Civil)*? The Court Caption.

- Fill out the form online or print it and fill it out by hand. If you fill it out by hand, you must print neatly.
- The first page of the *Docketing Statement (Civil)*, and the first page of all the papers you file with the appellate court, must include the court caption. The court caption includes the names of the parties and the courts involved in your appeal.
- In the first part of the caption, you must write in the appellate case number and the appellate district that will hear your appeal.
- The second part of the caption, on the left side, should look the same as the caption used in the trial court documents, except you must check the box to identify which party is the appellant and which party is the appellee.
- Because the *Docketing Statement (Civil)* is a brief overview for the appellate court, you must write the following information on the right side of the court caption:
 - the name of the county where the trial court made the order or judgment;
 - the trial court case number;
 - the name of the trial judge;
 - the date you filed the *Notice of Appeal (Civil)*;
 - the date of the order or judgment that you are appealing;
 - the date the trial judge issued an order on any post-judgment motion that was filed, such as a Motion to Reconsider; AND

included in Rule 307, then you can appeal that order as long as you do so within the deadline.

- the Supreme Court Rule that grants the appellate court jurisdiction (more about these rules is explained in the next section).
- What is the Supreme Court Rule that grants the appellate court jurisdiction?
 - "Jurisdiction" is the court's power to hear and decide your case. The appellate court cannot hear and decide your case unless it has jurisdiction. Your *Docketing Statement (Civil)* must tell the appellate court why you think it has jurisdiction to hear and decide your case, or else they may not allow your appeal to proceed. Supreme Court Rules 301 through 308 explain when the appellate court can hear an appeal and also provide the deadline for filing your *Docketing Statement (Civil)*. The most common rules used to give the appellate court jurisdiction are:
 - Supreme Court Rule 301 – This rule gives the appellate court jurisdiction to hear and decide an appeal from a final judgment in a civil case. A final judgment is a judgment by the trial court that decides all issues in the civil case and that completely ends the case. If the trial court has entered a final judgment in your case, then you can appeal the case as long as you do so within the deadline.
 - Supreme Court Rule 304(a) – This rule gives the appellate court jurisdiction to hear and decide an appeal from a judgment that is final for some (but not all) of the parties or claims. In order for Rule 304(a) to grant the appellate court jurisdiction, the trial court must say in the judgment that “there is no just reason for delaying enforcement or appeal or both” (this is called a “special finding”). If the trial court has entered a judgment that is final for some (but not all) of the parties or claims, and the trial court has also included a special finding in that judgment, then you can appeal that judgment as long as you do so within the deadline.
 - Supreme Court Rule 304(b) – This rule gives the appellate court jurisdiction to hear and decide an appeal from certain special types of orders (such as child custody or allocation of parental responsibilities orders, guardianship orders, contempt orders, and garnishment orders). These special types of orders may be appealed without a special finding by the trial court. If the trial court has entered one of the special types of orders included in Rule 304(b), then you can appeal that order as long as you do so within the deadline.
 - Supreme Court Rule 307 – This rule gives the appellate court jurisdiction to hear and decide an appeal of another group of special types of orders even before a final judgment has been entered in the case. The special types of orders covered by Rule 307 include temporary restraining orders, injunctions, and eminent domain orders. If the trial court has entered one of the special types of orders

The Sections of the Docketing Statement (Civil):

Section 1:

- Check the "yes" box if your appeal is related to another appeal.
- A "Cross Appeal" allows the appellee to respond to the appellant's appeal while also pursuing the appellee's own appeal against the appellant. The appellee (now also the "cross appellant") can then attack an order or part of an order that gave relief to the appellant. For example, if a landlord obtains an eviction order against a tenant but the court refuses to award him past-due rent, the tenant can appeal the eviction order and the landlord can cross appeal the denial of rent.
- A "Separate Appeal" allows a second appellant to appeal without joining the first appellant's appeal. By appealing separately, the second appellant can continue against different appellees or attack different orders than those included in the first appellant's *Notice of Appeal (Civil)*. For example, if two roommates are evicted and one roommate has appealed only the eviction order, the other roommate can separately appeal and then can also attack the order awarding past-due rent.
- "Joining of a Prior Appeal" allows a second appellant to add their name to the first appellant's *Notice of Appeal (Civil)*. The two appellants then continue together
 - against the appellee. For example, if two roommates are evicted and one roommate has appealed the eviction order, the other roommate can join as the second appellant.
 - If there is no other related appeal, put a check in the box next to "No" in Section 1.

Section 2:

- If you or any other party to the appeal is a corporation or association, you must identify the names of any related companies, such as affiliates, subsidiaries, or parent groups. To find this information, you can search the company name on the Internet using the following websites: Illinois Secretary of State at ilsos.gov/corporatellc/, and D&B Hoover's at dnb.com/business-directory.html.

Section 3:

- Fill out your full name and complete address, telephone number, and email address in this section. If you are represented by a lawyer, you must enter their contact information and Lawyer Registration Number in the section for "Lawyer on Appeal for appellant."

- If there is more than one person filing the appeal (for example, your spouse), attach an *Additional Appellant Information* form and include the full name, address, telephone number, and email address for each additional person filing the appeal. If any of the other appellants are represented by a lawyer, attach an *Additional Lawyer on Appeal Information* form and include the full name, address, telephone number, fax number, and email address for each of their lawyers.

Section 4:

- You must fill in the names, addresses, and telephone numbers of all the people or companies you are filing your appeal against.
- If the other party is represented by a lawyer, you must fill in the name, address, telephone number, email address, and fax number of their lawyer. This information can be found on any of the court papers you have that were filed by the lawyer in the trial court.
- If there is more than one person or company you are filing this appeal against, then you must attach an *Additional Appellee Information* form and list the full names, addresses, telephone numbers and email addresses for each of the people or companies. You must also list the names, addresses, telephone numbers, email addresses, and fax numbers of their lawyers.

Section 5:

- You must enter the name, address, telephone number, and email address of the court reporter who recorded the hearing or trial that you are appealing.
- You need to know the dates of the hearing or trial that you are appealing because you must ask the court reporter to prepare a transcript of the hearing or trial for your appeal.
- To get this information, you can call the Court Administration Office of the Circuit Court where your hearing or trial happened. If the hearing was recorded electronically, the Court Administration Office will be able to tell you how to request a transcript of the recording.
- If there is more than one court reporter, you must attach an *Additional Court Report Reporter Information* form and include the full name, address, telephone number, and email address for each court reporter.

Section 6:

- If your appeal involves an order about child custody, allocation of parental responsibilities, adoption, termination of parental rights, or other matters involving the best interests of a child, put a check in the box next to "Yes."
- There are special rules that apply to appeals involving the best interests of children that you must read and follow.

- The child custody or allocation of parental responsibilities appeal rule is Supreme Court Rule 311. Also, each appellate court has its own local rules governing child custody or allocation of parental responsibilities appeals that you must read. You can find the local rules at: illinoiscourts.gov/courts/appellate-court/appellate-court-local-rules/.

Section 7:

- Briefly write down your reasons for filing this appeal. You should include how and why you disagree with the trial court's order or judgment.

Section 8:

- In 8a, write down the date or dates that you asked the trial court clerk's office (where you filed your *Notice of Appeal*) (*Civil*) to prepare the record on appeal.
- For more information on asking the trial court clerk to prepare the record for an appeal, read *How to Order the Record on Appeal*.
- In 8b, write down the date or dates that you asked the court reporter to prepare the transcripts.
- A transcript is a written record of everything that was said in court. It is prepared by a Court Reporter who was either at the hearing or listened to a recording made by the court.
- Give the Court Reporter the *Request for Report of Proceedings (Transcripts)* and attach a copy of that request to your *Docketing Statement*.
- **NOTE:** If there was no Court Reporter at the hearing and the hearing was not recorded, you must use the *Bystander's Report* or the *Agreed Statement of Facts* form.
- You can find more information on the *Request a Report of Proceedings (Transcripts)*, *Bystander's Report*, and *Agreed Statement of Facts* forms here: illinoiscourts.gov/documents-and-forms/approved-forms.

Proof of Service:

- Show how you are sending your *Docketing Statement (Civil)* to the other parties (see Step 1 below).

What do I do after I fill out the Docketing Statement (Civil):

Step 1: Send your *Docketing Statement (Civil)* to all other parties.

- You must send your *Docketing Statement (Civil)* to the other parties in the case. If any party has a lawyer, you must send your *Docketing Statement (Civil)* to the lawyer.
- If you and the person you're sending the *Docketing Statement (Civil)* to have an email address, you must send it by email or by notification through the e-filing

- system. If you or the person you're sending the *Docketing Statement (Civil)* does not have an email address, you may give it to the other parties by personal hand delivery, mail, or third-party commercial carrier (for example, FedEx or UPS).
- Complete the *Proof of Service* with information to show how you sent your *Docketing Statement (Civil)* to each party. The Proof of Service has room for 3 parties. If you are sending your *Docketing Statement (Civil)* to more than 3 parties, fill out and insert one or more *Additional Proof of Service* forms into the *Docketing Statement (Civil)* form.
- If you do not have access to a computer or if you need help e-filing, bring your form to the trial court clerk's office or appellate court clerk's office where you can use a public computer terminal to e-file your form.
 - You can bring your form on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your form.

Step 2: File the *Docketing Statement (Civil)* with the appellate court.

- You must file the *Docketing Statement (Civil)* with the appellate court by the filing deadlines listed above in the section titled "What is the Supreme Court Rule that grants the appellate court jurisdiction?"
- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, (2) you have a disability that keeps you from e-filing, or (3) you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer; (2) you have trouble reading or speaking in English, or (3) you tried to e-file your documents, but you were unable to complete the process because the equipment or assistance you need is not available.
 - If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: illinoiscourts.gov/documents-and-forms/approved-forms.
 - If you are not e-filing, contact the appellate court clerk's office and ask how many copies of your *Docketing Statement* you must provide. Then deliver your original *Docketing Statement*, the required number of copies, and the *Certification* to the clerk's office in person, by mail, or by third-party commercial carrier (e.g., FedEx or UPS).
- To e-file, create an account with an e-filing service provider.
 - Visit efile.illinoiscourts.gov/service-providers.htm to select a service provider. Some providers are free, while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileLL, see the self-help user guides online at: <https://www.illinoiscourts.gov/self-help/resources-for-srls-in-civil-appeals>.