

## **Rule 20. Certification of Questions of State Law From Certain Federal Courts**

**(a) Certification.** When it shall appear to the Supreme Court of the United States, or to the United States Court of Appeals for the Seventh Circuit, that there are involved in any proceeding before it questions as to the law of this State, which may be determinative of the said cause, and there are no controlling precedents in the decisions of this court, such court may certify such questions of the laws of this State to this court for instructions concerning such questions of State law, which certificate this court, by written opinion, may answer.

**(b) Contents of Certification Order.** A certification order shall contain:

(1) the questions of law to be answered; and

(2) a statement of all facts relevant to the questions certified and showing fully the nature of the controversy in which the questions arose.

**(c) Record Before Certifying Court.** This court may require the original or copies of all or of any portion of the record before the certifying court to be filed with it, if, in the opinion of this court, the record or a portion thereof may be necessary in answering the questions.

**(d) Briefs and Argument.** Proceedings in this court shall be those provided in these rules governing briefs and oral arguments, except that the time for filing briefs specified in Rule 343 begins to run from the day this court agrees to answer the certified question of law, and the parties retain the same designation as they have in the certifying court.

**(e) Costs of Certification.** Fees and costs shall be the same as in civil appeals docketed before this court and shall be equally divided between the parties unless otherwise ordered by the certifying court.

Adopted August 30, 1983, effective October 1, 1983; amended April 1, 1992, effective August 1, 1992.

### Committee Comments

This rule permits the Supreme Court of the United States or the United States Court of Appeals for the Seventh Circuit to certify a question of Illinois law to the Supreme Court of Illinois, which question may be controlling in an action pending before said court and upon which no controlling Illinois authority exists.

The Court of Appeals for the Seventh Circuit has a rule which encourages certification in jurisdictions that have a rule similar to the one provided herein. See Rule 13 of the Rules of the United States Court of Appeals for the Seventh Circuit.

Subparagraph (a) establishes the standard for certification and also makes the acceptance of certification by the Supreme Court of Illinois discretionary.

Subparagraph (b) establishes the contents of a certification order.

Subparagraph (c) provides that the Supreme Court of Illinois may require the original or copies of all or any portions of the record before the certifying court.

Subparagraph (d) provides that briefs and arguments are to be governed by the Supreme Court of Illinois rules dealing with briefs and oral arguments. Amended in 1992 to provide that the time schedule for briefs will not begin to run until the court decides that it will answer the

certified question.

Subparagraph (e) of the rule provides for fees and costs in the Supreme Court of Illinois.