

LOCAL RULES OF THE ILLINOIS APPELLATE COURT, THIRD DISTRICT
September 1, 2021

Explanatory Notes

Illinois Supreme Court Rule 22(h) (eff. July 1, 2017) authorizes this court to adopt rules that are consistent with the Illinois Supreme Court rules and Illinois statutes. To facilitate the administration of justice, the Illinois Appellate Court, Third District (the Court), hereby enacts the following rules (the Local Rules) in addition to the Illinois Supreme Court rules. **All prior Local Rules issued by the Court are hereby rescinded.**

Preamble

The Court may at its discretion alter, suspend, rescind, or waive these Local Rules, in whole or in part, as the ends of justice require.

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Article I. General Rules

Rule 101 Filing Materials With the Court

- (a) Except where electronic filing is required by Illinois Supreme Court Rule 9, materials to be filed with the Court may, but need not, be filed electronically.
- (b) A party filing materials 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, except as provided in subsection (c) of this Local Rule 101.
- (c) 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, motion, or document filed electronically.
- (d) Where materials are not filed electronically, the materials must be directed to the Clerk’s Office by personal delivery, or by U.S. Mail or third-party commercial carrier, at the following address:

Clerk of the Illinois Appellate Court, Third District
1004 Columbus St.
Ottawa, Illinois 61350
- (e) Where materials are not filed electronically, the party filing the materials need only provide the original. The party shall not provide additional copies.
- (f) Supporting records or supplementary supporting records shall conform to the requirements of Illinois Supreme Court Rules 324 and 328; and also the Supreme Court of Illinois Standards and Requirements for Electronic Filing the Record on Appeal. The Court finds a significant problem exists with regard to parties failing to file supporting records or supplementary supporting records that conform to the above authority. Accordingly, supporting records or supplementary supporting records that fail to conform to the above authority will be rejected within the electronic filing manager upon receipt.
- (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 Motions

- (a) Before filing any motion, a party shall confer with the opposing party and inquire as to whether the opposing party intends to file an objection. The results of that inquiry shall be stated in the motion. If the moving party is unable to confer with the opposing party, an explanation shall be stated in the motion.
- (b) Whenever possible, motions should be served electronically or, if permitted by Illinois Supreme Court Rule 11(c), personally.
- (c) 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.
- (d) 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.

- (e) 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.
- (f) Whenever possible, a motion to consolidate appeals should be filed prior to the filing of the appellant's initial brief.
- (g) Whenever possible, a motion to dismiss an appeal based on lack of jurisdiction should be filed prior to the filing of the appellant's initial brief.
- (h) A motion for an extension of time should be filed, where practicable, at least 5 business days prior to the date to be extended if served electronically. If non-electronic service is made in accordance with Illinois Supreme Court Rule 11(c), the motion should be filed, where practicable, at least 5 business days prior to the date to be extended if served personally, or at least 10 business days prior to the date to be extended if served by mail or third-party commercial carrier.
- (i) 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 and responses thereto shall not exceed 10 pages in length.

Rule 103 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 filed with the motion.
- (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 two business days to respond to the motion.

Rule 104 Briefs

- (a) The Statement of Facts section of a brief shall not exceed 15 pages in length.
- (b) Illinois Supreme Court Rule 341(h)(3) provides that the appellant "must include a concise statement of the applicable standard of review for each issue, with citation to authority, either in the discussion of the issue in the argument or under a separate

heading placed before the discussion in the argument.” The Court hereby orders that the appellant shall set forth the standard of review under a separate section titled “Standard of Review.” This section shall appear at the beginning of each issue’s argument section. If the appellee disagrees with the standard of review set forth by the appellant, the appellee shall so indicate and shall likewise set forth its version of the applicable standard of review in a separate section at the beginning of each applicable section.

- (c) When an appendix to a brief exceeds 20 pages, the appendix shall be filed separately from the brief. Where electronic filing is applicable, the appendix and the brief shall be filed in separate electronic envelopes.

Rule 105 Motions to Withdraw as Counsel – Finley & Anders

- (a) Where counsel finds that no issue of potential merit can be raised on appeal and moves to withdraw representation, counsel shall file a motion to withdraw and supporting memorandum establishing review of the record and setting forth any potential issues that counsel ultimately deems meritless.
- (b) The motion and memorandum shall:
 - (1) Be served upon the client, and
 - (2) Inform the client of the following
 - (A) That the client shall have 35 days to respond to counsel’s motion to withdraw, unless the case is expedited under the Illinois Supreme Court rules, and then the client shall have 21 days to respond,
 - (B) Of the mailing address of the Court (or provide instructions describing how to electronically file the response with the Court),
 - (C) That the client is allowed only one response and any subsequent responses will be stricken upon receipt, and
 - (D) That if the motion to withdraw is allowed, the Court will not appoint new counsel to represent the client.
- (c) Counsel shall file with the motion and memorandum a notice and proof of service attesting to the date and manner of service of the motion and memorandum on the client.
- (d) The client shall have 35 days (21 days if expedited) to file a response from the date that counsel mails or electronically files his or her motion to withdraw.

Rule 106 Length of Oral Arguments

- (a) In general, the appellant(s) will receive a total of 15 minutes for their main argument, the appellee(s) will receive a total of 15 minutes for their response, and the appellant(s) will receive a total of 5 minutes for their rebuttal.
- (b) In the event of a cross-appeal, the appellant(s)/cross-appellee(s) will receive a total of 15 minutes for their main argument, the appellee(s)/cross-appellant(s) will receive a total of 15 minutes for their response and their main argument, the appellant(s)/cross-appellee(s) will receive a total of 5 minutes for their rebuttal and their response, and the appellee(s)/cross-appellant(s) will receive a total of 5 minutes for their rebuttal.
- (c) Any proposed deviation in length from the above subsections, or division of time amongst co-counsel, shall be requested via written motion. The motion shall

include a specific proposal and be filed at least one business day prior to the oral argument.

- (d) The Court retains the discretion to *sua sponte* allow any party additional time during their respective argument.

Rule 107 Physical Exhibits (Non-Media Exhibits)

The Supreme Court of Illinois Standards and Requirements for Electronic Filing the Record on Appeal are hereby incorporated by reference. Pursuant to those standards and requirements, the circuit clerks of the respective counties within the Third 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 108 Availability of Exhibits

Exhibits will be made available for review within the Clerk's Office. If a party or attorney of record wishes to examine an exhibit outside the Clerk's Office, the party or attorney shall make said request via written motion. The motion shall specifically identify which exhibit or exhibits are sought to be examined. The motion shall also expressly provide an appropriate mailing address and recipient.

Rule 109 Availability of Impounded or Sealed Materials

- (a) Any party or attorney of record on appeal may access impounded materials but may not access sealed materials without leave of the Court. Any non-party may not access impounded materials or sealed materials without leave of the Court. The Court, in its sole discretion, shall grant or deny leave upon motion supported by affidavit or verification, specifying the basis for access.
- (b) If any materials are misclassified as impounded or sealed, the Court, *sua sponte* or upon motion, may reclassify the materials.

Article II. Building Rules

Rule 201 Clerk's Office Hours of Operation

Except in extraordinary circumstances, the Clerk's Office will be open for the transaction of public business from 8:30 a.m. to 4:30 p.m. each day, except Saturdays, Sundays, and those legal holidays determined by the Illinois Supreme Court.

Rule 202 No Smoking in the Courthouse

Smoking is not allowed in the courthouse.

Rule 203 Law Library

The law library is available to the public by appointment only. Anyone wishing to use the law library must request a time slot by calling (815) 434-5050 or emailing AC3@illinoiscourts.gov. This request must be made at least 24-hours in advance of arrival. Reservations may not exceed a three-hour block. This policy ensures that

the Court has appropriate resources and staff to serve all patrons and helps to keep the environment clean and sanitized before and after patrons.

Article III. Personnel Rules

Rule 301 Corrections to a Filing

The Clerk's Office will not correct any filings on any party's behalf. If a party seeks to make corrections to a filing, then the party seeking to make the corrections must file a motion seeking leave to withdraw the filing and to file a substitute.

Rule 302 Restrictions on Communication With Court Employees

The Clerk's Office will not render 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 303 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.