

HOW TO ORDER THE RECORD ON APPEAL

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 the Record on Appeal?

- The Record on Appeal is made up of all the pleadings, orders, motions, evidence, transcripts, exhibits and other documents that were filed in the trial court while your case was in front of the trial court judge. The appellate court uses the Record on Appeal to find out what happened in the trial court. The appellate court cannot look at anything that is not in the Record on Appeal, so you must have a complete Record on Appeal.

Who can use the forms for ordering the Record on Appeal?

- The person who filed the appeal (the appellant) must order the Record on Appeal.
- It is the appellant's responsibility to make sure the Record on Appeal is complete.
- **NOTE:** If you are appealing one of the orders listed in Rule 307, you need to file a Rule 328 Supporting Record instead of a *Request for Preparation of Record on Appeal*. For more information about filing a Rule 328 Supporting Record, see the Appellate Lawyers Association's "A Guide to Civil Appellate Procedure": ilcourts.info/ALAAppealsGuide.

What form do I need to fill out to order and file the Record on Appeal?

Request for Preparation of Record on Appeal: This form is used to ask the trial court clerk's office to organize everything in the trial court file, put page numbers on it, and make it ready for the appellate court. The email address (if you have one) and mailing address you put on the *Request for Preparation of Record on Appeal* 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 form I need?

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

How do I fill out the *Request for Preparation of Record on Appeal* form?

You use the *Request for Preparation of Record on Appeal* form to ask the trial court clerk to prepare the Record on Appeal. This form also tells the trial court clerk what to include in the Record on Appeal:

Section 1

- Write your name in the space provided on the form.

Section 2

- Section 2 says what documents will be in the Record on Appeal. The Record on Appeal contains the common law record and any reports of proceedings (transcripts). The common law record includes all papers filed, all judgments and orders entered and all exhibits used at trial.
- Exhibits are a very important part of the common law record. You need to make sure that any exhibits used at trial or attached to another paper were properly filed with the trial court clerk. Exhibits may include physical objects, photographs or video. It is your responsibility to make sure the trial court clerk has all the exhibits for the common law record. At the time you ask the trial court clerk to prepare the Record on Appeal, you should ask the trial court clerk if they have all the exhibits.
- If you discover that any exhibits are not in the court file for your case, you need to file a circuit court *Motion* asking the trial court judge to order the trial court clerk to put those exhibits in the Record on Appeal. Find the *Motion* form here: illinoiscourts.gov/documents-and-forms/approved-forms.
- Only the exhibits the trial court judge looked at before the appeal was filed can be put in the Record on Appeal. New exhibits that the trial court judge did not see before you appealed cannot be put in the Record on Appeal.
- The Report of Proceedings is a transcript that tells the appellate court what the judge and the parties said in the trial and court hearings. You must complete a *Request for Report of Proceedings (Transcripts)*.
- **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 for Report of Proceedings (Transcripts)*, *Bystander's Report*, and *Agreed Statement of Facts* forms here: illinoiscourts.gov/documents-and-forms/approved-forms.

When do I need to file the *Request for Preparation of Record on Appeal* form?

- You must file the *Request for Preparation of Record on Appeal* to the trial court clerk within 14 days after you filed the *Notice of Appeal (Civil)*.
- You must also file the *Request for Preparation of Record on Appeal* with the *Docketing Statement* that is due in the appellate court within 14 days after you filed the *Notice of Appeal (Civil)*.
- The 14-day period to deliver the *Request for Preparation of Record on Appeal* to the trial court clerk starts on the day after you filed the *Notice of Appeal (Civil)*. You must count weekends and holidays. However, if the 14th day falls on a weekend or court holiday, you may deliver the *Request for Preparation of Record on Appeal* on the next business day.
- You must certify in your *Docketing Statement* that you delivered the *Request for Preparation of Record on Appeal* to the trial court clerk's office within 14 days after you filed your *Notice of Appeal (Civil)*.

What costs will I need to pay when I use the *Request for Preparation of Record on Appeal* form?

- The trial court clerk's office charges a fee to prepare the Record on Appeal. The amount of the fee depends on the length of the Record on Appeal. The trial court clerk's office will tell you when payment is due.
- You may ask the trial court clerk for a fee waiver. See the *How to Ask the Court to Participate in a Court Case for Free* instruction sheet found at: illinoiscourts.gov/documents-and-forms/approved-forms.
- If you received a fee waiver earlier in the case, it may not apply to the cost of the Record on Appeal and you may have to file another request for a fee waiver with the trial court clerk. Any fee waiver the appellate court gives you does not cover fees the trial court charges for the Record on Appeal.

What do I do after I fill out the form?

Step 1: File the *Request for Preparation of Record on Appeal* with the clerk of the trial court where your trial court case was heard.

- 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; or (2) you have a language barrier or low literacy (difficulty reading, writing, or speaking in English).
 - 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 trial court clerk's office and ask how many copies of your *Request for Preparation of Record on Appeal* you must provide. Then deliver your original *Request for Preparation of Record on Appeal*, 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 eFileL, see the self-help user guides online at: illinoiscourts.gov/self-help/resources-for-srls-in-civil-appeals.
- 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: Filing of the Record on Appeal

- You must pay any balance due for the preparation of the Record on Appeal before the Record on Appeal is due to be filed in the appellate court, unless your fees have been waived.
- Upon payment of the fee for preparation of the Record on Appeal, the trial court clerk will file the Record on Appeal with the appellate court. Make sure you have also paid your \$50 Docketing Statement fee to the appellate court clerk or they may not accept the Record on Appeal.
- Deadlines for the trial court clerk to file the Record on Appeal depend on the type of appeal you filed. There are 2 possible deadlines for filing the Record on Appeal:
 - Generally, the trial court clerk must file the Record on Appeal in the appellate court within 63 days after you filed the *Notice of Appeal (Civil)* in the trial court.
 - However, in child custody (parental responsibilities and decision-making), adoption, or other accelerated (fast-tracked) appeals, the trial court clerk must file the Record on Appeal in the appellate court within 35 days after you filed the *Notice of Appeal (Civil)* in the trial court.

- To figure out your deadline, count from the day after you filed the *Notice of Appeal (Civil)*. You must count weekends and holidays. However, if the deadline falls on a weekend or court holiday, the trial court clerk may file the Record on Appeal on the next business day.

NOTE: You must keep track of the deadline for the Record on Appeal and periodically check with the trial court clerk to make sure the Record on Appeal will be ready on the deadline. If you find out that the trial court clerk cannot meet the deadline, you must file a *Motion* with the appellate court asking for an extension of time or the trial court clerk to file the Record on Appeal. You can use the *Appellate Motion* form found here: illinoiscourts.gov/documents-and-forms/approved-forms.