

HOW TO FILE AN APPELLANT'S REPLY BRIEF WITH THE ILLINOIS SUPREME COURT

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at ilao.info/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.

What is an Appellant's Reply Brief?

An *Appellant's Reply Brief* tells the Illinois Supreme Court why you disagree with the arguments in the *Appellee's Brief*.

Who can use the Appellant's Reply Brief?

- The appellant files the *Appellant's Reply Brief*. If you filed the *Petition for Leave to Appeal*, you are the appellant. (Your opponent is called the appellee.)
- You are not required to file a *Reply Brief*, and your failure to file a *Reply Brief* does not mean that you will lose the appeal.

When do I file the Appellant's Reply Brief?

- In general, your *Appellant's Reply Brief* must be filed within **14 days** after the due date for the *Appellee's Brief*.
- **SPECIAL DEADLINES IN CERTAIN CASES:**
 - If the appeal involves parental responsibility or parenting time (custody or visitation), relocation of a child, a delinquent minor, or pretrial release, the *Appellant's Reply Brief* must be filed within **7 days** after the due date for the *Appellee's Brief*.
- Be sure to ask the Supreme Court Clerk's office for the schedule that applies to your case. If you need more time to file your *Appellant's Reply Brief*, you may file a *Motion* asking for more time, but you will need to give the Supreme Court a very good reason. See Supreme Court Rule [361\(f\)](#). By signing your motion, you are verifying the truth of your statements under penalty of perjury. Motions for extensions of time must be filed **before** the due date of the document you are seeking an extension of time to file. However, the Illinois Supreme Court is not required to give you an extension.

Where can I find the forms I need?

- You can find the forms you need at: ilcourts.info/forms.
- You can also ask the Supreme Court Clerk for a copy.

What costs will I need to pay to file my Appellant's Reply Brief?

None.

Is there a page or word limit?

- Yes. The *Appellant's Reply Brief*—not including the cover, the certificate of compliance, and the proof of service—must be no more than 20 pages or 6,000 words.
- If you need more than 20 pages or 6,000 words, you may file a *Motion* with the Illinois Supreme Court to ask for permission to file an *Appellant's Reply Brief* with more pages or words. You should file a *Motion* asking for more pages or words **before** your *Reply Brief* is due.

How do I fill out the Appellant's Reply Brief?

- 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.
- You will have to add pages to the form, particularly in the Supplementary Appendix, and you might have to remove pages from it. If you have access to a computer with a PDF editing program (such as Adobe Acrobat), you can add or remove pages electronically. Otherwise, you will have to print out the form and add and remove pages by hand.
- The *Appellant's Reply Brief* form contains several sections. The instructions for each section are:

Cover page (1st page)

- The first page (cover) must be printed on light yellow paper. You need to print or copy the first page of your brief onto light yellow paper.
- Check the top box if the appeal involves parental responsibility or parenting time (custody/visitation rights), or relocation of a child. Check the second box if your case involves delinquent minor proceedings. Check the third box if your case involves pretrial release.
- Enter the Illinois Supreme Court case number (which you will receive from the Supreme Court Clerk).
- If the case was given a name beginning with "In re" (e.g., "In re Marriage of Jones"), enter that name on the line next to "In re." If this does not apply to your case, leave the line blank.
- Then, provide the name of the trial court case. Enter the names of the plaintiff/petitioner (the party who filed the trial court case) and the defendant/respondent (the party the case was filed against). Finally, check the box next to "Appellant" for your name and check the box for "Appellee" under the other party's name.
- Enter the appellate district and appellate court case number.
- Enter the trial court county, case number, and judge's name.
- Enter your name, address, and phone number. The email address (if you have one) and mailing address you put on the *Appellant's Reply Brief* is where

important legal documents will be sent to you. You should use an email account that you check every day. If you do not check your email every day, you may miss important information or documents from other parties or from the court.

Argument

- Enter the title of each argument from your original *Appellant's Brief*.
- However, do not repeat your original argument under each title. Instead, explain why the appellee's response (in the *Appellee's Brief*) to your original argument is wrong.
- To help you do this, use cases, statutes (laws), etc., and references to the pages of the record on appeal. Refer to pages of the common law record as "C [page]." Refer to pages of the report of proceedings as "R [page]."
- The form includes room for 3 arguments. If you need to make more than 3 arguments in your *Appellant's Reply Brief*, fill out and insert one or more *Additional Argument* forms into the main form.
- Once you have added all your arguments, number the pages of your *Appellant's Reply Brief*, starting with the argument page (it's numbered for you).

Certificate of Compliance

- Enter the length of your brief (number of pages or words) and check the box to show if you counted the pages or words.
- Certify that you have followed the rules for briefs, especially the page or word limit, by signing and printing your name on the certificate of compliance.

Proof of Delivery

Show how you are sending your *Appellant's Reply Brief* to the other parties (see **Step 1 below**).

Supplementary Appendix

- You do **not** have to attach a Supplementary Appendix.
- Include a Supplementary Appendix if there are documents from the record on appeal that you think would be helpful to the Illinois Supreme Court, but **only** if you did not already attach those documents to your original *Appellant's Brief*.
- Add the documents after the Supplementary Appendix page and number them (SA-1, SA-2, SA-3, etc.).
- List each document in your Supplementary Appendix in the order you attached them, and add the page number (SA-1, SA-2, etc.) where each document starts.

What do I do after I fill out the *Appellant's Reply Brief*?

Step 1: Send your *Appellant's Reply Brief* to all other parties.

- You must send your *Appellant's Reply Brief* to the other parties in the case. However, if any party has a lawyer, you must send your *Appellant's Reply Brief* to the lawyer.
- If you and the person you're sending the *Appellant's Reply Brief* 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 *Appellant's Reply Brief* to 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 Delivery* with information to show how you sent your *Brief* to each party. The *Proof of Delivery* has room for 3 parties. If you send your *Appellant's Reply Brief* to more than 3 parties, fill out and add one or more *Additional Proof of Delivery* pages to your *Appellant's Reply Brief* form.

Step 2: File your *Appellant's Reply Brief* with the Illinois Supreme Court.

E-filing:

- You must file your *Appellant's Reply Brief* by the filing deadline that applies to your case. If you are uncertain as to when the filing deadline is, call the Supreme Court Clerk's office at 217-782-2035.
- After you fill out your court forms, file them with the Illinois Supreme Court. This is done by electronic filing, called 'e-filing.'
- You do not have to e-file if you qualify for an exemption (see "Not E-Filing" below), or your case involves a criminal matter.
- Most people e-file their forms using Odyssey eFileIL at ilcourts.info/efile.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at ilcourts.info/EfileHowTo.
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library, or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerks' office. These places offer public computers where you can e-file your forms.
 - Depending on your courthouse, you can bring your forms on paper and there may be public computers with a scanner where you can turn your paper forms into electronic files.
 - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.

Not E-filing:

- Some people are not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
 - inmates in prison or jail who do not have a lawyer.
 - people with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if you:
 - Do not have Internet or computer access in your home, and it is hard for you to travel.
 - Have trouble reading, writing, or speaking English.
 - Are filing documents in a sensitive case, such as an order of protection.
 - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- You must file the original *Certification for Exemption from E-Filing* form with the Illinois Supreme Court Clerk's office.

Step 3: Mail paper copies to the Court.

- Once your filing is accepted, you **must do one** of the following to mail bound copies of your *Appellant's Reply Brief*. All copies must have a light yellow cover page and are mailed to the Clerk of the Illinois Supreme Court at:

Clerk of the Illinois Supreme Court
200 E. Capitol Ave.
Springfield, IL 62701-1721
- **E-filing**
 - If you e-filed your brief, send **13 bound copies** of the *Appellant's Reply Brief* and supplementary appendix (showing the clerk's e-file stamp) to the Springfield office of the Clerk of the Illinois Supreme Court within **5 days** of the date your brief was accepted and filed.
- **Not E-filing**
 - If you were not required to e-file, send your *Appellant's Reply Brief* and supplementary appendix to the Springfield office of the Clerk of the Illinois Supreme Court. You must include **1 original, plus 12 bound copies**.
- All copies must be bound on the left side of the page and the binding must not block the text of the document. Acceptable binding includes comb binding, spiral binding, or stapling. Paper clips, hole punch, inserted into a binder, and zip ties are **not** permitted.

Step 4: Wait for oral argument, if any.

- After all the briefs are filed, the Illinois Supreme Court will notify the parties whether it will hear oral argument or not. (The Court is not required to have

oral argument even if you asked for it on your *Appellant's Brief*.)

- If the Court is going to hear oral argument, it will send you a notice of oral argument.
- You must respond to the notice and tell the Court if you will appear and argue or not.
- If you appear and argue, you must arrive on time for the court date. Explain your argument to the justices when they ask you. Be prepared to answer any questions.
- If the Court decides not to have oral argument, you will receive a notice that the Court will decide the case based on the briefs that were filed.

Step 5: Wait for the Court's decision.

- The Illinois Supreme Court will send you a written decision. This might take several months.
- If you think that the Court overlooked or misunderstood any of your points, you may file a *Petition for Rehearing*, which is due within **21 days** after the date of the decision. You must point out errors in the decision; you are not allowed to reargue your case.