



**ILLINOIS STATE
BAR ASSOCIATION**

April 2, 2026

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Committee Secretary
Supreme Court Rules Committee
222 N. LaSalle Street, 13th Floor
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Re: Proposal 25-06 (P.R. 000344)
Proposal 25-08 (P.R. 000346)
Proposal 25-10 (P.R. 000348)

Dear Committee Secretary:

On behalf of its approximately 26,000 members, the Illinois State Bar Association (“ISBA”) is pleased to provide its comments on the three proposals referenced above. It appreciates the opportunity to share its views on proposed changes affecting the legal profession and the practice of law.

As a special note, the ISBA asks that Betsy Clarke, member, ISBA Child Law Section Council and Interim Executive Director of the Juvenile Justice Initiative, be allowed to address the Committee on Proposal 25-06 on the ISBA’s behalf.

- 1. Proposal 25-06 (S. Ct. Rule 307, Offered by the Supreme Court Committee on Juvenile Courts)**

The ISBA **supports** Proposal 25-06.

This proposal would amend S. Ct. Rule 307 to allow a juvenile the right to an interlocutory appeal from an order granting or denying a petition under 705 ILCS 405/5-805. The significance of this issue, and the importance of addressing it, has long been discussed by

the ISBA's Child Law Section Council. (See April 2025 Child Law Newsletter, "People v. Bias: Discretionary Juvenile Transfer and the Importance of History," by Hon. Chad Beckett; and, September 2025, Juvenile Justice Initiative Report "Keeping the Promise of Juvenile Court.") In fact, prior to publication of Proposal 25-06, the Child Law Section Council proposed addressing this issue in a slightly different way than is presented in Proposal 25-06. The ISBA Child Law Section Council's approach is to amend S. Ct. Rules 604, 660, and 660A rather than S. Ct. Rule 307. This approach was overwhelmingly approved by several ISBA substantive law groups (including Bench & Bar, Corrections & Sentencing, Criminal Justice, General Practice, Human Rights, Racial and Ethnic Minorities, Rural Practice, and Women and the Law) and ultimately was approved by the ISBA Board of Governors in February 2026. The Child Law proposal is being provided to the Rules Committee for its consideration as an alternative approach for achieving the same important purpose as Proposal 25-06.

2. Proposal 25-08 (S. Ct. Rule 10-101, Offered by the Supreme Court Commission on Access to Justice)

The ISBA **supports** Proposal 25-08.

Although no rationale for the proposal was identified by the Commission, it would appear that the proposed amendments would contribute toward the goal of statewide efficiency and effectiveness of the use of standardized forms - especially by self-represented litigants in high volume courts. Furthermore, the proposal does not appear to impose any significant burden on court clerks. Notwithstanding the ISBA's support for the proposal, and mindful that the Rule allows handwritten or typed *additions*, the ISBA would suggest that handwritten or typed *strikethroughs* be considered as lessening potential ambiguities when using standardized forms.

3. Proposal 25-10 (S. Ct. Rule 9, Offered by the Supreme Court e-Business Policy Advisory Board)

The ISBA **supports** Proposal 25-10.

Recognizing that electronically filing a document, using a filer's own electronic filing credentials, satisfies the certification requirements of S. Ct. Rule 137 is appropriate. Such recognition appears consistent with existing Illinois Supreme Court procedures (see "Electronic Filing Procedures and User Manual for the Supreme Court of Illinois," par. 6(a)), as well as at least one federal court in Illinois (see General Order 16-0020 for the Northern District of Illinois, par., IX.A.). Such recognition also may help streamline and facilitate the filing process for self-represented litigants. In addition, albeit anecdotally, it may have the positive effect of eliminating electronic filing rejections solely by virtue of an absent signature.

If you require any additional information or have questions about the comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "C. J. Northrup", written in a cursive style.

Charles J. Northrup
General Counsel

attachments

Child law Section Council Proposal (Redline)

Rule 604. Appeals from Certain Judgments and Orders

(a) Appeals by the State.

(1) *When State May Appeal.* In criminal cases the State may appeal only from an order or judgment the substantive effect of which results in dismissing a charge for any of the grounds enumerated in section 114-1 of the Code of Criminal Procedure of 1963; arresting judgment because of a defective indictment, information or complaint; quashing an arrest or search warrant; suppressing evidence; from an order imposing conditions of pretrial release; from an order denying a petition to deny pretrial release; or from an order denying a petition to revoke pretrial release.

(2) *Leave to Appeal by State.* The State may petition for leave to appeal under Rule 315(a).

(3) *Release of Defendant Pending Appeal.* A defendant shall not be held in jail or to bail during the pendency of an appeal by the State, or of a petition or appeal by the State under Rule 315(a), unless there are compelling reasons for his or her continued detention or being held to bail.

(4) *Time Appeal Pending Not Counted.* The time during which an appeal by the State is pending is not counted for the purpose of determining whether an accused is entitled to discharge under section 103-5 of the Code of Criminal Procedure of 1963.

(b) Appeals When Defendant Placed Under Supervision or Sentenced to Probation, Conditional Discharge or Periodic Imprisonment. A defendant who has been placed under supervision or found guilty and sentenced to probation or conditional discharge (see 730 ILCS 5/5-6-1 through 5-6-4), or to periodic imprisonment (see 730 ILCS 5/5-7-1 through 5-7-8), may appeal from the judgment and may seek review of the conditions of supervision, or of the finding of guilt or the conditions of the sentence, or both. He or she may also appeal from an order modifying the conditions of or revoking such an order or sentence.

(c) Appeals by Defendant Before Conviction From Bail Orders Entered Until the Effective Date of Public Act 101-652.

(1) *Appealability of Order With Respect to Bail.* Before conviction a defendant may appeal to the Appellate Court from an order setting, modifying, revoking, denying, or refusing to modify bail or the conditions thereof. As a prerequisite to appeal the defendant shall first present to the trial court a written motion for the relief to be sought on appeal. The motion shall be verified by the defendant and shall state the following:

- (i) the defendant's financial condition;
- (ii) his or her residence addresses and employment history for the past 10 years;
- (iii) his or her occupation and the name and address of his or her employer, if he or she is employed, or his or her school, if he or she is in school;

- (iv) his or her family situation; and
- (v) any prior criminal record and any other relevant facts.

If the order is entered upon motion of the prosecution, the defendant's verified answer to the motion shall contain the foregoing information.

(2) *Procedure.* The appeal may be taken at any time before conviction by filing a verified motion for review in the Appellate Court. The motion for review shall be accompanied by a verified copy of the motion or answer filed in the trial court and shall state the following:

- (i) the court that entered the order;
- (ii) the date of the order;
- (iii) the crime or crimes charged;
- (iv) the amount and condition of bail;
- (v) the arguments supporting the motion; and
- (vi) the relief sought.

No brief shall be filed. The motion shall be served upon the opposing party. The State may promptly file an answer.

(3) *Disposition.* Upon receipt of the motion, the clerk shall immediately notify the opposing party by telephone of the filing of the motion, entering the date and time of the notification on the docket, and promptly thereafter present the motion to the court.

(4) *Report of Proceedings.* The court, on its own motion or on the motion of any party, may order court reporting personnel as defined in Rule 46 to file in the Appellate Court a report of all proceedings had in the trial court on the question of bail.

(5) *No Oral Argument.* No oral argument shall be permitted except when ordered on the court's own motion.

(d) Appeal by Defendant From a Judgment Entered Upon a Plea of Guilty. No appeal from a judgment entered upon a plea of guilty shall be taken unless the defendant, within 30 days of the date on which sentence is imposed, files in the trial court a motion to reconsider the sentence, if only the sentence is being challenged, or, if the plea is being challenged, a motion to withdraw the plea of guilty and vacate the judgment.

No appeal shall be taken upon a negotiated plea of guilty challenging the sentence as excessive unless the defendant, within 30 days of the imposition of sentence, files a motion to withdraw the plea of guilty and vacate the judgment. For purposes of this rule, a negotiated plea of guilty is one in which the prosecution has bound itself to recommend a specific sentence, or a specific range of sentence, or where the prosecution has made concessions relating to the sentence to be imposed and not merely to the charge or charges then pending.

The motion shall be in writing and shall state the grounds therefor. When the motion is based

on facts that do not appear of record it shall be supported by affidavit unless the defendant is filing the motion pro se from a correctional institution, in which case the defendant may submit, in lieu of an affidavit, a certification as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109). The motion shall be presented promptly to the trial judge by whom the defendant was sentenced, and if that judge is then not sitting in the court in which the judgment was entered, then to the chief judge of the circuit, or to such other judge as the chief judge shall designate. The trial court shall then determine whether the defendant is represented by counsel, and if the defendant is indigent and desires counsel, the trial court shall appoint counsel.

If the defendant is indigent, the trial court shall order a copy of the transcript as provided in Rule 402(e) be furnished the defendant without cost. The defendant's attorney shall file with the trial court a certificate stating that the attorney has consulted with the defendant either by phone, mail, electronic means or in person to ascertain defendant's contentions of error in the sentence and the entry of the plea of guilty, has examined the trial court file and both the report of proceedings of the plea of guilty and the report of proceedings in the sentencing hearing, and has made any amendments to the motion necessary for adequate presentation of any defects in those proceedings.

The motion shall be heard promptly, and if allowed, the trial court shall modify the sentence or vacate the judgment and permit the defendant to withdraw the plea of guilty and plead anew. If the motion is denied, a notice of appeal from the judgment and sentence shall be filed within the time allowed in Rule 606, measured from the date of entry of the order denying the motion. Upon appeal any issue not raised by the defendant in the motion to reconsider the sentence or withdraw the plea of guilty and vacate the judgment shall be deemed waived.

The certificate of counsel shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article VI Forms Appendix.

(e) Appeal From an Order Finding Defendant Unfit to Stand Trial or Be Sentenced. The defendant or the State may appeal to the Appellate Court from an order holding the defendant unfit to stand trial or be sentenced.

(f) Appeal by Defendant on Grounds of Former Jeopardy. The defendant may appeal to the Appellate Court the denial of a motion to dismiss a criminal proceeding on grounds of former jeopardy.

(g) Appeal From an Order Granting a Motion to Disqualify Defense Counsel. The defendant may petition for leave to appeal to the Appellate Court from an order of the circuit court granting a motion to disqualify the attorney for the defendant based on a conflict of interest. The procedure for bringing interlocutory appeals pursuant to this subpart shall be the same as set forth in Supreme Court Rule 306(c).

(h) Appeals From Orders Imposing Conditions of Pretrial Release, Granting or Denying

a Petition to Deny Pretrial Release, or Revoking or Refusing to Revoke Pretrial Release.

(1) *Orders Appealable.* An appeal may be taken to the Appellate Court from an interlocutory order of court entered under sections 110-5, 110-6, and 110-6.1 of the Code of Criminal Procedure of 1963 as follows:

- (i) by the State and by the defendant from an order imposing conditions of pretrial release;
- (ii) by the defendant from an order revoking pretrial release or by the State from an order denying a petition to revoke pretrial release;
- (iii) by the defendant from an order denying pretrial release; or
- (iv) by the State from an order denying a petition to deny pretrial release.

(2) *Motion for Relief.* As a prerequisite to appeal, the party taking the appeal shall first present to the trial court a written motion requesting the same relief to be sought on appeal and the grounds for such relief. The trial court shall promptly hear and decide the motion for relief. Upon appeal, any issue not raised in the motion for relief, other than errors occurring for the first time at the hearing on the motion for relief, shall be deemed waived.

(3) *Notice of Appeal; Time; Docketing Statement; Fee.* After disposition of its motion for relief in the trial court, a party may initiate an appeal by filing a notice of appeal in the circuit court at any time prior to conviction. No docketing statement is required.

If the defendant is represented by court-appointed counsel, the clerk of the reviewing court shall docket the appeal and accept documents for filing without the payment of the appellate court filing fee.

(4) *Report of Proceedings.* Court reporting personnel, as defined in Rule 46, shall certify and file a report of proceedings of hearings concerning pretrial detention or release held in the circuit court with the clerk of the circuit court within 21 days of the filing of the notice of appeal. The report of proceedings should not extend to proceedings not bearing on detention or release on conditions. If a transcript can be timely prepared, the court reporting personnel shall certify and file a transcript as the report of proceedings for purposes of the appeal. If a transcript cannot be timely prepared and if the proceedings were recorded by means of an electronic recording system, the court reporting personnel may certify the recording as the report of proceedings for purposes of the appeal and file the recording with a detailed table of contents as required by the Supreme Court of Illinois Standards and Requirements for Electronic Filing the Record on Appeal. Upon written request from the defendant or defendant's counsel, the clerk of the circuit court shall transmit a printed copy of any transcript filed by the court reporting personnel to a defendant whom the circuit court has found indigent. The clerk of the circuit court shall provide only one printed copy of the transcript without cost to the indigent defendant.

(5) *Record.* Within 30 days of the filing of the notice of appeal, the clerk of the circuit court shall file the record on appeal as required by Rule 324. Motions for extension of time to file the record on appeal are disfavored and will be granted only for good cause shown.

(6) *Supplement to the Record on Appeal.* Supplementation of the record, including by stipulation, shall be according to Rule 329.

(7) *Memoranda.* The motion for relief will serve as the argument of the appellant on appeal. The appellant may file, but is not required to file, a memorandum not exceeding 4500 words, within 21 days of the filing of the record on appeal. Issues raised in the motion for relief are before the appellate court regardless of whether the optional memorandum is filed. If a memorandum is filed, it must identify which issues from the motion for relief are being advanced on appeal. Whether made in the motion for relief alone or as supplemented by the memorandum, the form of the appellant's arguments must contain sufficient detail to enable meaningful appellate review, including the contentions of the appellant and the reasons therefore and citations of the record and any relevant authorities. The appellee may file a memorandum not to exceed 4500 words in response to the motion for relief or appellant's memorandum. The response shall be filed within 21 days of the time for filing the appellant's memorandum. Each memorandum shall be clearly titled on the cover page as Appellant's Memorandum or Appellee's Memorandum in bold type. The memoranda shall be filed in the appellate court with proof of personal or e-mail service as provided in Rule 11. Replies and requests for extension of time consistent with Rule 361(f) will be allowed only by order of court for good cause shown.

(8) *Oral Argument; Deadline for Disposition.* Oral argument will not be heard, except on the court's motion. Except for good cause shown, the time from the filing of the notice of appeal until disposition shall not exceed 100 days.

(9) *Jurisdiction of the Circuit Court.* The circuit court shall retain jurisdiction to proceed with the case during the pendency of any appeal from an order entered pursuant to sections 110-5, 110-6, and 110-6.1 of the Code of Criminal Procedure of 1963.

(10) *Notification of Mootness.* If the issues raised on appeal become moot due to resolution of the case or otherwise, trial counsel for the party initiating the appeal must advise the clerk of the relevant appellate district of the basis for mootness via e-mail within 24 hours, with a copy of the e-mail sent to all trial and appellate counsel of record and self-represented parties. Unless the appellant's e-mail communication expressly makes a request to dismiss the appeal, it shall be followed by a motion to voluntarily dismiss.

(11) *Appeals From Subsequent Orders.* No appeal from a subsequent detention or release order may be taken while a prior appeal under this rule by the same party remains pending in the appellate court.

(i) Appeal From an Order Ruling on a Petition for Transfer of a Juvenile to Adult Criminal Court. Either the minor or the State may appeal to the Appellate Court from an order ruling on a petition to transfer a juvenile case to adult criminal court pursuant to 705 ILCS 405/5-805.

Child Law Section Council Proposal (Redline)

Rule 660. Appeals in Cases Arising Under the Juvenile Court Act

(a) **Delinquent Minors.** Appeals from final judgments and appeals covered by Rule 604(i) in delinquent minor proceedings, except as otherwise specifically provided, shall be governed by the rules applicable to criminal cases.

(b) **Other Proceedings.** In all other proceedings under the Juvenile Court Act, appeals from final judgments shall be governed by the rules applicable to civil cases.

(c) **All Proceedings.** In all appeals filed from proceedings under the Juvenile Court Act, the minor(s) shall be identified by first name and last initial or by initials only. The preferred method is first name and last initial. The alternative method of initials only is to be used when, due to an unusual first name or spelling, the preferred method would create a substantial risk of revealing a minor's identity. The name(s) of the involved minor(s) shall not appear on any documents filed with the Appellate Court or any subsequent court

Child Law Section Council Proposal (Redline)

Rule 660A. Expedited Appeals in Delinquent Minor Cases

The expedited procedures in this rule shall apply to appeals from final judgments and appeals covered by Rule 604(i) in delinquent minor proceedings arising under the Juvenile Court Act.

(a) *Special Caption; Service of Notice of Appeal on Trial Judge.* The notice of appeal or petition for leave to appeal, docketing statement, briefs and all other notices, motions and pleadings filed by any party in relation to an appeal involving a delinquent minor case under the Juvenile Court Act shall include the following statement in bold type on the top of the front page: **THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT.** When the notice of appeal is filed pursuant to the provisions of Rule 606(b), it shall also be served on the trial judge.

(b) *Status Hearing in Circuit Court.* Upon receipt of the notice of appeal in a delinquent minor case arising under the Juvenile Court Act, the trial judge shall take any and all action necessary to expedite preparation of the record on appeal. The trial court shall have continuing jurisdiction for the purpose of enforcing the rules for preparation of the record. The trial court may request the assistance of the chief judge to resolve filing delays, and the chief judge shall assign or reassign the court reporting personnel's work as necessary to ensure compliance with the filing deadlines.

(c) *Record.* The record on appeal shall be filed in the appellate court no later than 35 days after the filing of the notice of appeal or granting of leave to appeal. Any request for extension of the time for filing shall be accompanied by an affidavit of the court clerk or court reporting personnel stating the reason for the delay, and shall be served on the trial judge and the chief judge of the circuit. Lack of advance payment shall not be a reason for noncompliance with filing deadlines for the record or transcript. Any subsequent request for an extension of time shall be made to the appellate court by written notice and motion to all parties in accordance with rules.

(d) *Time for Filing of Briefs in the Appellate Court.* Unless otherwise ordered by the appellate court, the brief of the appellant shall be filed in the reviewing court within 28 days from the filing of the record on appeal. Within 28 days from the due date of the appellant's brief, the appellee shall file a brief in the reviewing court. Within 7 days from the due date of the appellee's brief, the appellant may file a reply brief in the reviewing court.

(e) *Oral Argument.* If oral argument is requested by a party, a reviewing court shall, no later than seven days from the due date of appellant's reply brief, determine whether the case should be called for oral argument.

(f) *Deadline for Decision.* Except for good cause shown, the appellate court shall file its decision within 150 days after the filing of the notice of appeal.

(g) *Extensions of Time Disfavored.* Requests for extensions of time are disfavored and shall be granted only for compelling circumstances.

(h) *Effective Date.* This rule shall apply to all orders in which a notice of appeal is filed after its effective date.