

RULES OF THE ILLINOIS APPELLATE COURT, FIRST DISTRICT

Adopted May 5, 2021; effective July 1, 2021

Amended August 1, 2022

Preamble. The Appellate Court of Illinois, First District, adopts these rules pursuant to Illinois Supreme Court Rule 22(h). Proceedings in this court are primarily governed by the Illinois Supreme Court Rules, and, in particular, by Illinois Supreme Court Rules 301 through 375 and 601 through 633. These rules supplement, but do not replace, the Illinois Supreme Court Rules and any applicable laws.

As used in these rules, (1) “court” shall include each division, unless the context indicates otherwise; (2) “clerk” means the Clerk of the Appellate Court, First District; (3) “Supreme Court Rule(s)” means the Illinois Supreme Court Rule(s); (4) the term “circuit court” shall include an administrative agency whose decision has been directly appealed to this court; and (5) the term “clerk of the circuit court” shall include the keeper of the records of an administrative agency whose decision has been directly appealed to this court.

Rule 1. Organization.

(a) Divisions. The court sits in divisions as determined by the Illinois Supreme Court. Each year, each division shall elect a presiding judge and a member of the Executive Committee from among its members to serve a term of one year beginning on September 1. A division may replace an officer during that term. At the same time, each division shall also recommend one of its members to the Executive Committee to serve as a member of the Mediation Committee, whom the outgoing Executive Committee shall appoint, unless good cause is shown.

(b) Executive Committee. The Executive Committee shall consist of one judge from each division, elected by the judges of the division for a term of one year. The Executive Committee shall exercise general administrative authority over the court.

(c) Officers of the Executive Committee. The Executive Committee shall elect a chair and vice-chair to serve for a term of one year beginning on September 1 of each year. The vice-chair may act in place of the chair when the chair is unavailable.

(d) Sessions. The court shall be in session continuously throughout the year. Each division shall sit as frequently as business requires.

(e) Decisions. Three judges must participate in the disposition of every case, and the concurrence of two judges is necessary for a disposition.

(f) Motions. One judge may decide any motion of course.

(g) Scheduling. Each division may sit for oral arguments on the dates and times set by the Executive Committee. The division may set oral arguments at different times, subject to availability of the courtroom and the general authority of the Executive Committee. Oral

arguments may be conducted by telephone or video conferencing as provided by Supreme Court Rule 45.

Rule 2. Assignment of Cases.

(a) Ready Cases. When a case becomes ready, (1) the Director of Research shall review the case to determine if it should be assigned to the Research Department (except for cases placed on an accelerated docket), and (2) the case shall be randomly assigned by electronic process to an authoring judge and a panel of two additional judges from the authoring judge's division. Random assignment of cases shall be balanced for an annual equalization among judges.

If the authoring judge fails to secure a majority of the panel for any reason (either as to the judgment or the rationale), the presiding judge (if the presiding judge is in the majority) or, otherwise, the senior judge in the majority shall reassign a new author from among the judges in the majority.

If the authoring judge recuses himself or herself, the chair of the Executive Committee shall authorize the case to be randomly reassigned by electronic process.

The assigned panel shall render the dispositional order of the court, except (a) for realignment due to recusals and division rotation; (b) by order of the chair of the Executive Committee; and (c) where the authoring judge determines that (i) there is a need to promptly dispose of an accelerated or expedited case; (ii) where an assigned member of the panel is unavailable due to recusal, illness, or vacation; or (iii) adherence to panel designations would unduly delay the disposition of a case.

(b) Non-Ready Cases. The clerk shall randomly assign non-ready cases by electronic process to one of the six divisions for motion purposes. Except for transfers due to consolidations, recusals, or related case purposes, this assignment shall remain fixed until the case becomes ready, regardless of the annual rotation or reassignment of any judge to a different division.

A staff motions attorney designated by the court shall examine the notice of appeal and the docketing statement of each new appeal filed. If this review demonstrates there is a question regarding whether this court has jurisdiction over the appeal, the attorney shall notify the chair of the Executive Committee. If the chair agrees with the staff attorney's assessment, the appellant shall be ordered to file a jurisdictional statement.

(c) Related Cases. The clerk shall assign a case that is related to a prior case assigned to an authoring judge who is still a member of this court to that judge as the authoring judge and to a panel of judges from the authoring judge's division. If the authoring judge is no longer a member of the court, any case related to the disposed case shall be assigned as any other case.

Examples of related cases include, but are not limited to:

- (1) A postconviction appeal and the direct appeal of a criminal case;
- (2) An appeal at the conclusion of a case and a prior interlocutory appeal;
- (3) A section 2-1401 appeal and the direct appeal;
- (4) An appeal from the same circuit court number, or the successor circuit court number, as in a prior case;

(5) Cases that arise out of the same incident regardless of whether they share the same circuit court number; and

(6) Cases that involve similar issues where one or more of the parties are the same.

The clerk shall assign cases listed in categories (c)(5) and (c)(6) as related only with permission of the chair of the Executive Committee.

The chair of the Executive Committee may also assign cases as related in the interest of judicial economy.

(d) Assignment of Related or Consolidated Cases. When a ready case is consolidated with a non-ready case, or a ready case is designated as related to a non-ready case, the cases may, in the chair's discretion, be assigned to the authoring judge and panel of the ready case. When non-ready cases are consolidated or designated as related, they shall be assigned for motion purposes to the division of the lowest-numbered case. Consolidation orders shall specify the due date for the next forthcoming required filing, if any, and should strike any inconsistent filing deadlines.

(e) Authority of the Executive Committee. The Executive Committee may, in its discretion, transfer or reassign any case to a new authoring judge or division by randomized computer process.

Rule 3. Processing of New Cases.

(a) New Cases. When the clerk receives (1) the transmittal of a notice of appeal, a notice of interlocutory appeal, or a filing for a case not already assigned a docket number; (2) a motion for leave to file a late notice of appeal; (3) a petition for leave to appeal; (4) a Rule 308 application; (5) a Rule 604(c) bail motion; or (6) a Rule 335 petition for review, the clerk shall assign the case a permanent consecutive number and enter the case on the docket, regardless of whether the filing otherwise complies with applicable court rules. The clerk is not required to assign a docket number if (1) the required fee has not been paid and an application for a fee waiver is not presented or (2) the filing is required to be e-filed but was presented on paper without a filing exemption.

(b) Notice of Appeal Required. For cases initiated by a notice of appeal or notice of interlocutory appeal from the circuit court, this court shall take no action until it receives the notice of appeal or notice of interlocutory appeal that has been file-stamped by the clerk of the circuit court. This rule applies to motions for stay and all other motions.

If, before the circuit court has transmitted the file-stamped notice of appeal or notice of interlocutory appeal, a party must file a motion or other document in this court, the party shall (1) file a copy of the notice of appeal or notice of interlocutory appeal, file-stamped by the clerk of the circuit court, along with an additional filing such as a docketing statement, appearance, or motion, and (2) pay the required docketing or appearance fee. The clerk shall assign the matter a docket number.

Rule 4. Motions.

(a) General Provisions. Supreme Court Rule 361 allows this court to adopt a rule requiring all proposed motions to include a draft order for the convenience of the court. Pursuant to that rule, this court requires all motions to include a proposed order written in the alternative (that is, “allowed/denied”), as an additional non-paginated document and containing three signature lines. If the proposed order is more than one page in length, the signature lines shall not be set forth alone on a separate page. In addition, any motion filed in this court shall (1) comply with Supreme Court Rule 361 or, as applicable, Supreme Court Rule 610; (2) include a notice of filing and a proof of service as required by Supreme Court Rule 11; (3) be paginated; and (4) bear a title that indicates the specific nature of the relief sought (such as “Motion for Extension of Time to File Appellant’s Brief”).

The appellate docket number must appear at the top of each page of the order. Parties filing on paper because they are exempt from e-filing must file an original and three copies of the motion, with proof of service attached at the back of the original and each copy.

(b) Assignment of Motions. The division to which the case has been assigned shall hear any motion on the case. The presiding judge (or designee) shall generally consider motions of course once a week. If all judges of the division are unavailable and there is an emergency or special need for promptness, the chair of the Executive Committee may designate another division or judge to hear the motion. If the chair is unavailable, then any member of the Executive Committee may make the designation. If no member of the Executive Committee is available, then any judge may rule on the emergency motion.

(c) Motions for Extensions of Time. A motion for extension of time shall be supported by verification or affidavit as required by Supreme Court Rule 361(f). The court strongly prefers that parties file motions for extension of time sufficiently in advance of the due date so that the court can resolve the motion and any objection to the motion before the due date. The extended due date requested shall be at least 14 days after the original due date, so that the existing deadline will not have passed before the motion can be heard. The motion and accompanying order shall specify a calendar date (that is, “extension to February 20, 2021”), rather than a number of days (such as “an additional 28 days”).

Extension motions in a criminal case must comply with Supreme Court Rule 610.

(d) Motions to File *Instante*. If a motion requests to file a record, supplemental record, brief, or other material *instante*, the title of motion shall so indicate, and the proposed order should include the word “*instante*.” The material to be filed *instante* must be placed in the filing queue along with the motion. In addition, the material to be filed *instante* must also be filed by itself in a separate e-filing envelope.

(e) Records. All records are filed electronically. The clerk of the circuit court or the administrative agency shall transmit records and supplemental records to this court electronically. If the record on appeal is transmitted timely, then the clerk of this court shall docket the record and send a notification to the parties by letter.

No untimely record or supplemental record may be filed without leave of court. With respect to records filed untimely and all supplemental records, the clerk of this court will contact the attorney of record or self-represented litigant, notifying them that the record or supplemental record has been transmitted and that a motion for leave to file *instanter* is required. If no motion is filed, the clerk may reject the record or supplemental record and return it to the clerk of the circuit court or administrative agency.

(f) Motions for Stay. A motion to stay proceedings in this court shall include an order requiring that the movant or other party must file a status report by a date certain.

The status report must be filed by the due date ordered by this court. A motion for leave to file *instanter* must be filed if the status report is filed late.

(g) Stand-Alone Motions. A motion shall not include both a request for relief and a response to an already-filed motion. The motion and response must be filed separately. A response to a motion shall not include a new motion or request for new relief.

(h) Transmission of Orders. The clerk shall mail or electronically transmit a copy of any order on a motion to all attorneys or self-represented parties of record. The failure of the clerk to send the copy, or the failure to receive the copy, shall not affect the validity or effect of the order.

(i) Motions for Clarification. Proposed orders accompanying motions for clarification shall not merely indicate that the motion is granted or denied but shall also specify the relief being requested upon clarification.

(j) Emergency Motions. The court will not accept an emergency motion unless the appeal has been properly docketed pursuant to these rules or is presented pursuant to Rule 3(b). Emergency motions shall (1) be captioned as such, (2) specify the nature of the emergency and the grounds for the relief requested, and (3) specify in the first paragraph the date, if any, by which the court must act on the motion. The movant shall attach to the motion copies of all relevant circuit and appellate court documents, including court orders. The clerk shall immediately direct any emergency motion to a justice pursuant to Rule 4(b).

Emergency motions shall be served in a manner calculated to ensure prompt receipt and in compliance with Supreme Court Rule 11.

Emergency motions shall only be filed when a matter involves a genuine emergency. Motions for extensions of time to file a record or brief are not emergencies.

The court may (1) request a response by a certain date, (2) wait for the time provided by the Supreme Court Rules for a response, (3) resolve the motion, or (4) take other appropriate action.

(k) Motions to Amend a Notice of Appeal. If the time to file an amended notice of appeal (or cross-appeal) by right under Supreme Court Rule 303(a) or Rule 606 has expired and a party files a motion in this court pursuant to that rule, the motion must (1) specify the information

being modified, (2) include a proposed order specifying that modification, (3) be accompanied by a proposed amended notice of appeal (or cross-appeal), (4) be accompanied by a copy of the original notice of appeal, and (5) specify the amendment being requested. Similarly, a timely amended notice of appeal (or notice of cross-appeal) filed with the clerk of the circuit court should specify the amendment being made.

(l) Motion to Withdraw or Substitute Counsel. Attorneys seeking to withdraw or substitute as counsel must file a motion consistent with Supreme Court Rule 13(c). If an attorney appears as additional, not substituted counsel, the attorney may simply file an additional appearance titled as such, with proof of service and payment of the appropriate fee. If one attorney or law firm withdraws and is simultaneously substituted, the substituting counsel need not pay an additional fee. If the substitution is not simultaneous, then the substituting counsel shall pay the appropriate fee.

(m) Motion for Prehearing Conference—Supreme Court Rule 310. The clerk shall process motions for a prehearing conference under Supreme Court Rule 310 as required by Rule 21 of these rules.

Rule 5. Supreme Court Rules 306, 307(d), 308, and 604(c) Cases.

The cover page of the petition, application, or motion relating to appeals brought under Supreme Court Rules, 306 (petition for leave to appeal by permission), 307(d) (appeal of a temporary restraining order), 308 (application for leave to appeal a certified question), or 604(c) (bail order) shall specify the rule under which the document is filed. If the case is exempt from electronic filing, an original and three copies of the petition, application, or motion and three copies of the supporting record, with proof of service, shall be filed.

When a party receives electronic notification that an electronically filed document for a Supreme Court Rule 306, 307(d), 308, or 604(c) case has been accepted, the party shall provide the clerk with three paper copies of the briefs and appendices bearing this court's electronic file stamp within one business day.

Applications or petitions filed under Supreme Court Rules 306, 307(d), or 308 must be filed electronically unless the party is exempt from e-filing. If a motion for review under Supreme Court Rule 604(c) (bail orders) is filed on paper, the movant must file an original and three copies with proof of service attached.

If a party elects to allow the petition or answer to stand as the brief, the party shall comply with the notice and filing requirements of Supreme Court Rule 306.

Rule 6. Docketing Statements, Appearances, and Fees.

(a) Late Docketing Statements. The clerk may accept docketing statements past the due date, without the need for a motion seeking leave to file it *instanter*.

(b) Appearances. Parties should file appearances as soon as possible so as to become parties of record and receive orders and other notifications. The listing of an opposing party on a docketing statement does not constitute an appearance. The docketing statement of an appellant shall constitute that party's appearance. Unless accompanied by a fee waiver application, a fee is required at the time of filing an appearance or docketing statement pursuant to Supreme Court Rule 313. An appearance by an attorney employed by a law firm shall constitute an appearance by the law firm. An indication on a docketing statement of an attorney for a party does not constitute an appearance. All docketing statements shall include an e-mail address for the purpose of official court communication. If the attorney is employed by a law firm, then the attorney shall also provide a general e-mail address to be used by all attorneys in the firm. Parties and their attorneys are responsible to ensure that settings for spam or junk email recognize the court as a trusted sender.

(c) Fees and Fee Waivers. Each party or *amicus* that appears must pay the applicable fee established by Supreme Court Rule 313 to file any papers or to receive orders and notifications. Fees are automatically waived in criminal and juvenile delinquency appeals for the State's Attorney, the State Appellate Defender, and the Public Defender. Fees are automatically waived in civil cases for (1) the State's Attorney; (2) the Cook County Public Guardian, when the public guardian represents a minor; (3) the Illinois Guardianship and Advocacy Commission, when the circuit court appointed the commission for the appeal; and (4) legal service providers who have filed a Supreme Court Rule 298(d) certification.

Fees in both civil and criminal cases are waived for the Illinois Attorney General.

In all other appeals, all parties not identified in the preceding paragraph shall either pay the appropriate fee or file a fee waiver application on the official form pursuant to Supreme Court Rule 298(a) and available at https://courts.illinois.gov/Forms_Repository/statewide_forms/appellate/Appellate_Fee_Waiver_Application_Approved.pdf.

(d) Change of Address. Attorneys and self-represented parties shall immediately notify the clerk of any change of address by electronically filing a letter, with proof of service to all parties. Parties exempt from electronic filing may file the notice on paper.

A self-represented criminal defendant shall promptly notify the clerk of his/her name, appellate case number(s), Department of Corrections number (if any), and current address, with proof of service to all parties of record. The defendant shall provide a similar notification for any subsequent change of address.

If a criminal defendant is represented by counsel, counsel shall file a notice of the defendant's current address within 14 days of filing the defendant's brief, with proof of service to all parties of record. The notice shall be titled "Notice of Criminal Defendant's Current Address" and also

contain the appellate court case number, the circuit court case number, the defendant's name, and the defendant's Department of Corrections number (if any). Counsel shall provide a similar notification for any subsequent change of address.

Rule 7. Appeals Under Supreme Court Rules 306(a)(5) and 311 (Allocation of Parental Responsibilities).

(a) Supreme Court Rules Govern. Filings in appeals under Supreme Court Rule 311 shall follow the procedures set forth in those rules.

(b) First District Procedures. Pursuant to Supreme Court Rule 311(a)(6), this court adopts the following mandatory procedures to ensure completion of child custody or allocation of parental responsibilities appeals: (1) a party may request, by motion, to file a memorandum in lieu of a brief and (2) on motion of a party or its own motion, the court may sever issues regarding child custody or allocation of parental responsibilities issues from other issues on appeal.

When a party in a case subject to Supreme Court Rule 311 files a motion for an extension of time based on delay in preparing the record, the motion shall detail the proceedings at the status hearing in the circuit court required by Supreme Court Rule 311(a)(3), including the circuit court's determination of the record and whether the circuit court judge has requested the chief judge's assistance in resolving any filing delays. The motion shall include a file-stamped copy of any order entered by the circuit court at the status hearing.

(c) Rule 306(a)(5) Appeals. If the court allows a petition for leave to appeal pursuant to Supreme Court Rule 306(a)(5), the time for filing any additional record and for either filing a notice of election to stand on the petition or for filing a brief under Supreme Court Rule 306(b)(5) shall be subject to the expedited procedures set forth in the Supreme Court Rule 311, except that the time for the filings shall begin on the date the court granted the petition, rather than the date the notice of appeal was filed. Except for good cause shown, the court shall issue its decision within 150 days after entry of the order allowing the Supreme Court Rule 306(a)(5) petition for leave to appeal.

Rule 8. Accelerated Appeals Generally.

A motion for accelerated docket pursuant to Supreme Court Rule 311(b) shall set forth (1) the nature of the case, (2) an affidavit setting forth good cause for acceleration, and (3) when the record and appellant's brief will be filed. A party seeking an accelerated appeal must communicate with the clerk of the circuit court to ensure expedited preparation of the record. If the appellant seeks leave to prepare and file a supporting record pursuant to Supreme Court Rule 328 in lieu of the certified record prepared by the clerk of the circuit court, the appellant must file a motion seeking leave to do so and explaining why it is impractical to use the certified circuit court record.

When a division, either collectively or by action of a judge hearing motions, grants a motion for an accelerated appeal, the clerk shall assign the case by random electronic process to an authoring judge in that division.

Rule 9. Impounded, Confidential, and Sealed Materials.

Pursuant to Supreme Court Rule 8, certain cases and records may be designated as “impounded”, “confidential”, or “sealed”. All three categories of cases and records are available to the court, and may be released by court order. Impounded materials are also accessible to the parties of record. Confidential materials are also accessible to the party submitting the materials or filing the case. Sealed materials are accessible only to the court.

Pursuant to Supreme Court Rule 371, any material filed in the circuit court impounded, confidential, or under seal shall remain so when filed with this court. If a party desires access to a sealed record, the party must file a motion requesting that access be granted to certain persons or entities.

If a party wishes to impound or seal material in this court that was not impounded, confidential, or sealed in the circuit court, the party must file a motion to impound or seal the material. The material will not be impounded or sealed unless and until this court enters an order impounding or sealing the material.

The clerk shall impound the dockets for all juvenile criminal and juvenile child protection cases.

Subject to restrictions in the Supreme Court Rules, an impoundment or sealing does not restrict the ability of the court to cite impounded or sealed material if necessary to explain its disposition on the merits.

Rule 10. Records.

(a) Filing the Record. All records must be transmitted by the clerk of the circuit court or administrative agency and filed electronically with this court. For appeals from the circuit court, it is the appellant's responsibility to request the clerk of the circuit court to prepare the record.

(b) Withdrawal of Paper Record During Briefing. Before the due date of the reply brief, any party of record may withdraw a paper record for the purpose of working on the appeal. The request for withdrawal shall be made by submitting a signed request listing the requestor's address and telephone number. The party shall return the record when the party's brief is filed.

If a certificate in lieu of record has been filed, the record shall be filed, at the latest, upon the filing of the reply brief or the due date for the filing of the reply brief.

(c) Withdrawal of Paper Record After Briefing. No one may withdraw a paper record from the time the case has been fully briefed or designated as "ready" until the court issues its mandate, except by permission of the court. Permission may be requested by letter to the clerk with proof of service to all parties. The court shall determine whether to grant permission to withdraw the record. The court may allow the record to be viewed in the clerk's office only or may deny access to the record.

(d) Exhibits in the Record. The clerk of the circuit court shall comply with the "Supreme Court of Illinois Standards and Requirements for Electronic Filing of the Record on Appeal."

(e) Impounded Exhibits. If this court needs to review an exhibit or physical evidence, the clerk of the circuit court may forward the material to this court on this court's order. A party may file a motion requesting such an order.

(f) Digital Exhibits. The court may order that a party provide a duplicate of a non-electronically filed digital exhibit, such as a video recording, converted to a format readable by the court.

Rule 11. Supplemental Records.

The first record filed is considered to be the complete record.

Any subsequent certified record filed is a supplemental record and cannot be filed without a motion seeking leave to file the supplemental record *instanter*. A stipulation is not sufficient. The motion must specify the number of volumes of the supplemental record. Once the supplemental record has been transmitted by the clerk of the circuit court or administrative agency, the requesting party must file a motion for leave to file the supplemental record *instanter*. If the party does not file that motion, the clerk of this court shall reject the supplemental record.

The clerk of the circuit court or administrative agency (in petitions for review filed under Supreme Court Rule 335) prepares supplemental records on appeal. The supplemental record shall be certified by the clerk of the circuit court or by the administrative agency.

In appeals from the circuit court, that court retains jurisdiction regarding supplemental record preparation. Therefore, motions regarding the content of a supplemental record should be filed in the first instance in the circuit court.

Rule 12. Supreme Court Rule 328 Supporting Records.

Supporting records filed pursuant to Supreme Court Rule 328 shall be served on all parties through the e-filing system pursuant to Supreme Court Rule 11. If a party is exempt from e-filing, four paper copies of the supporting record shall be filed with the court and served pursuant to Supreme Court Rule 11(c)(1)-11(c)(4). A supporting record shall contain legible copies of all relevant court orders.

Rule 13. Identification of Circuit Court Judge.

The name of the circuit court judge(s) or administrative agency whose ruling is being appealed shall be listed on the notice of appeal, motions, and the cover page of briefs.

Rule 14. Corrections to Filed Documents.

The clerk of this court shall not correct any documents. Corrections to electronically filed documents should be made by filing a motion to withdraw the original and file a replacement document *instanter*.

If a party wishes to make minor corrections in a document filed on paper, the party should send a letter to the clerk of this court specifying the desired changes, along with proof of service to all parties. The clerk shall notify the party when the documents will be available for correction in the clerk's office. Corrected documents, and the pages on which corrections have been made, will not be re-file-stamped.

If major changes to a document filed on paper are necessary, then the party should file a motion seeking leave to withdraw the material and substitute new material in lieu thereof, indicating (1) the date on which the substitute material will be filed if the motion is granted and (2) whether the original material should be returned to the party or discarded by the clerk. The substitute material will be file-stamped as of the date it is filed.

Rule 15. Notification of Oral Arguments and Decisions.

(a) Newspaper Publication. The clerk shall publish notices of oral arguments and future filings of opinions, Supreme Court Rule 23 orders, and summary orders in the *Chicago Daily Law Bulletin*. This publication shall constitute official notice of the arguments and filings. Errors or omissions in the published notice shall not impair the validity of the argument schedule or filings.

(b) Notification to Parties. The clerk shall notify parties regarding oral arguments and the forthcoming filing of an opinion, Supreme Court Rule 23 order, or summary order. The notice of an oral argument shall (1) indicate if the oral argument will be conducted in person or by videoconference and, if by videoconference, provide instructions for counsel regarding logistics and promptly provide an acknowledgment for the party to return to the clerk at 1stDistrict@illinoiscourts.gov. Errors or omissions in the notice shall not impair the validity of the notice or decision.

If the oral argument is to be held in person, counsel and self-represented parties must promptly complete and return the provided acknowledgment of the oral argument notice to the clerk of this court, with proof of service to all parties. Unless the party is exempt from electronic filing, the acknowledgment must be electronically filed.

Counsel or a self-represented party who is unable to attend an oral argument due to a schedule conflict or other good cause must file a motion seeking appropriate relief.

(c) Decisions. The clerk shall not mail copies of decisions. Opinions and Supreme Court Rule 23 orders are posted to the court's web site, www.illinoiscourts.gov. Opinions, Supreme Court Rule 23 orders, and summary orders are available in the clerk's office at no charge to parties of record and may be e-mailed upon request. The clerk shall email summary orders to parties or their attorneys, because they are not posted to the court's web site. The clerk shall mail summary orders to litigants who have an exemption from e-filing. Non-parties may obtain copies at the cost of \$0.25 per page.

Rule 16. Mandates.

The clerk of this court issues the mandate to the clerk of the circuit court, who files the mandate in that court's records. Copies of the mandate shall be requested from the clerk of the circuit court, not of this court.

A party wishing to have the mandate issue fewer than 21 days from the entry of judgment shall file a motion with this court seeking appropriate relief, with proof of service to all parties.

A party seeking immediate issuance of the mandate once 21 days have passed from this court's judgment may file a motion indicating that no petition for rehearing, no petition for leave to appeal, and no motion for extension of time to file a petition for leave to appeal has been filed, and requesting issuance of the mandate as soon as possible, with proof of service to all parties.

Rule 17. Supreme Court Dispositions.

(a) Affirmances and Dismissals. When the Illinois Supreme Court affirms a judgment of this court or that court dismisses the appeal and the mandate of the supreme court is filed in this court, the clerk shall issue this court's mandate.

(b) Remands. When a judgment of this court is reversed by the Illinois Supreme Court and the case is remanded to this court pursuant to the supreme court's mandate, the clerk shall note the supreme court's judgment in this court's records and transmit a copy of the supreme court's mandate to the original authoring justice and panel members, if they are still members of the court. If the author is no longer a member of the court, the clerk shall send a copy of the mandate to the justice who has been assigned the docket of the original author. If the supreme court specifies the judgment to be entered by this court, this court will enter an order consistent with the supreme court's order. If the supreme court does not specify what judgment this court is to enter, this court may file any order it deems appropriate and/or entertain further arguments from the parties.

Rule 18. Dismissal of Appeals in the Circuit Court.

When an appeal is dismissed in the circuit court pursuant to Supreme Court Rule 309 (civil appeals) or Rule 606(b) (criminal appeals), the circuit court shall transmit the dismissal order to this court pursuant to those rules. The parties shall send a file-stamped copy of the dismissal order to the clerk of this court.

Rule 19. Bonds in Civil Cases.

(a) Obtaining a Bond. Supreme Court Rule 305 provides that applications for bond pending appeal should be initially sought in the circuit court. A party seeking approval of a bond in this court shall file a motion requesting that this court set the amount of the bond. If this court allows the motion and the party obtains the required bond, the party shall present the bond to the clerk of this court, who shall present the bond to the court for approval.

(b) Filing of Original Bonds. Supreme Court Rule 305(m) provides that all original bonds approved by this court shall be returned to the party requesting the bond. That party shall then file the original bond with the clerk of the circuit court.

(c) Authorized Sureties on Bonds. Bonds on money judgments shall be issued by a surety company authorized to issue bonds by the Supervising Judge of the Surety Section of the Law Division of the Circuit Court of Cook County. The signer of the bond for the company must be one of the authorized signers as set forth in the surety judge's authorization order. See Cook County Cir. Ct. R. 9.2.

Rule 20. Duties of the Clerk.

(a) C-Track Case Management System. The clerk shall not print out information in the case management system to any party, counsel, or the general public.

(b) Photocopies. The clerk shall not photocopy paper circuit court records for any party. Pursuant to Supreme Court Administrative Order M.R. 10958, the clerk may photocopy other documents filed in the clerk's office at a charge of \$0.25 per page. This charge must be paid in advance and is not waived for parties who have obtained a fee waiver.

(c) Document Preparation. The clerk's office shall only assist a party or counsel in a manner consistent with the "Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers", which is available at https://www.illinoiscourts.gov/Resources/33fb071a-03e1-44a9-8e28-5d41ab25b73e/Safe_Harbor_Policy.pdf. Additional information, including helpful forms, for self-represented litigants is available at <https://www.illinoiscourts.gov/documents-and-forms>.

(d) Notice of Filing and Proof of Service. The clerk shall not accept any document for filing that is not accompanied by a notice of filing and proof of service that complies with Supreme Court Rule 11. The clerk shall not serve any documents on behalf of a party, even if the party has obtained a fee waiver or is incarcerated.

(e) Use of State Facilities and Property. The clerk shall not forward mail on behalf of a party except as provided in these rules. Parties or their attorneys may not send documents by facsimile transmission nor request the clerk to send documents by that method on their behalf, unless requested by the court. Parties and counsel may not request the clerk to make telephone calls on their behalf. The clerk is not authorized to accept collect calls.

(f) Docket Maintenance. The clerk shall periodically advise the presiding judges of any civil case assigned to their respective divisions in which the record is 56 or more days past due, or the appellant's or appellee's brief is 35 or more days past due, and no motion for extension is pending. The division shall then enter an order directing the filing of the record or brief or, in civil cases, consider dismissing the case for want of prosecution or taking the case on the appellant's brief only. When a division enters an order taking a case on the appellant's brief only, the clerk shall designate the case as "ready." Notwithstanding the procedure in this rule, the court may dismiss a case for want of prosecution, or take a case on the appellant's brief on its own motion, at any appropriate time.

(g) Communications. The clerk shall review and process mail related to *Anders* and *Finley* motions, including responses to those motions; mail from criminal defendants and self-represented litigants; and all general correspondence, inquiries, and other mail to determine whether it should be handled by the clerk or directed elsewhere.

When a party is represented by counsel, the party must send all material, including correspondence, motions, requests for briefs, requests for status, and other documents to the party's counsel and not the clerk. Counsel shall review these materials and respond timely or file

the material with the clerk, if appropriate. If counsel transmits the material to the clerk, counsel shall provide a brief explanation as to why the matter could not be handled by counsel. The clerk shall not consider materials sent by defendants who are represented by counsel but will instead forward the materials to counsel.

Rule 21. Settlement Conference Program.

(a) Program Goals. The primary purpose of the Settlement Conference Program is to provide the parties to certain civil appeals pending in the First District of the Illinois Appellate Court with a forum to explore settlement in compliance with Supreme Court Rule 310.1. The program also provides the parties with an opportunity to limit and simplify the issues on appeal and has the potential for reducing the court's calendar.

(b) Definitions. The following terms, when used in this rule, shall have the meanings hereinafter ascribed to them, except when the context requires otherwise.

(1) "Court" means the First District of the Illinois Appellate Court.

(2) Appellate Mediator. "Appellate Mediator" means an individual appointed by the settlement administrator to preside over a settlement conference following training provided by the Administrative Office of the Illinois Courts.

(3) Mediation Committee. "Mediation Committee" means the committee of judges of this court appointed to administer and oversee the operation of the Settlement Conference Program.

(4) Settlement Administrator. "Settlement Administrator" means the attorney designated by the court to assist the mediation committee in administering the Settlement Conference Program.

(5) Executive Committee. "Executive Committee" means the Executive Committee of the First District of the Illinois Appellate Court.

(c) Administration. The Settlement Conference Program shall be administered by a mediation committee consisting of six judges of this court, one from each division, appointed by the Executive Committee for one-year terms effective September 1 of each year. The members of the mediation committee shall select one of their number to serve as the chair. The mediation committee shall be assisted in its duties by a settlement administrator designated by the chair of the Executive Committee.

(d) Appellate Mediators.

(1) Qualifications. Current judges of this court and retired supreme, appellate, and circuit court judges are qualified to serve as mediators in the Settlement Conference Program. Attorneys who have been licensed to practice law in the State of Illinois for a minimum of 10 years and who have participated in more than five appeals before any state or federal appellate court are qualified to serve as mediators in the Settlement Conference Program.

(2) Appointment. Any person possessing the qualifications to serve as an appellate mediator as set forth in the preceding paragraph may apply to the mediation committee for appointment. Appellate mediators shall be approved by and serve at the pleasure of the mediation committee. The mediation committee shall maintain a current roster of all individuals that have been approved to serve as appellate mediators. The roster shall indicate each individual's area(s) of expertise.

(3) Assignment. Upon the transfer of an appeal to the settlement conference docket as hereinafter provided, the settlement administrator shall select an appellate mediator from the roster maintained by the mediation committee and assign that individual to the case. However, under no circumstances shall a judge of this court be assigned as an appellate mediator to any case that has been assigned to him or her for dispositional purposes. The settlement administrator shall make every reasonable effort to suitably match appellate mediators with cases that fall within their areas of expertise.

(4) Compensation. Judges of this court serving as appellate mediators shall receive no additional compensation. All other individuals serving as appellate mediators shall be compensated at the rate of \$125.00 per hour. Special consent must be obtained from the chair of the mediation committee for any appellate mediator other than a judge of this court to devote more than three hours to any assigned case.

(e) Applicability. The Settlement Conference Program shall be applicable to appeals in accordance with Supreme Court Rule 310.1(b).

Appeals that have been assigned to a judge of this court for dispositional purposes are not eligible for inclusion in the Settlement Conference Program without the approval of the judge to whom the case is so assigned. Appeals brought pursuant to Supreme Court Rules 304(b)(2) and (5), 306, 307(a)(2) through (7), inclusive, and 308 and appeals that have been placed on an accelerated docket pursuant to Supreme Court Rule 311 shall not be assigned to the Settlement Conference Program unless the presiding judge of the division to which the case is assigned recommends it for inclusion within the program or the judge to whom the case has been assigned for dispositional purposes, if any, approves of the assignment.

(f) Case Selection.

(1) Settlement Status Report. An appellant in a civil appeal filed with this court may file a “Settlement Status Report” in the form attached to this rule with the clerk of this court contemporaneously with the filing of the docketing statement. Consistent with the provisions of paragraph (f)(2) below, nothing herein precludes this court from entertaining a “Settlement Status Report” requesting that this case be assigned to the Settlement Conference Program when filed by any party at any time. Notice of the filing of a “Settlement Status Report”, along with a copy of same, shall be served upon all parties in accordance with the provisions of Supreme Court Rule 11.

(2) Motions for Assignment to the Settlement Conference Program. On his or her own motion or on motion of any party, the presiding judge of the division to which a case is assigned may, with the approval of the judge to whom the case may have been assigned for dispositional purposes, if any, recommend to the mediation committee that a civil appeal be assigned to the Settlement Conference Program. When filed by a party, such motion shall be accompanied by a “Settlement Status Report” as provided in paragraph (f)(1) above.

(3) Mediation Committee Review. Upon receipt of a “Settlement Status Report” requesting assignment of a case to the Settlement Conference Program or a recommendation from a

presiding judge of this court, the clerk of this court shall transmit a copy of the “Settlement Status Report” or recommendation to each member of the mediation committee and, in the case of a “Settlement Status Report,” to the presiding judge of the division to which the case is assigned. If the case has been previously assigned to a judge of this court for dispositional purposes, the presiding judge of the division shall forward a copy of the “Settlement Status Report” to the judge to whom the case is assigned.

Within 10 days of the delivery of copies of the “Settlement Status Report” or recommendation from a presiding judge to the members of the mediation committee, the Mediation Committee shall evaluate the case to determine if the case is eligible for assignment to the Settlement Conference Program. If the case is eligible, the Mediation Committee shall so notify the chair of the Executive Committee. Upon such notice, the chair of the Executive Committee shall enter an order assigning the case to the Settlement Conference Program, transferring it to a settlement docket to be maintained and monitored by the mediation committee, and staying the filing of the record and/or briefs pending further order of court.

(4) Notification. Upon the entry of an order assigning a case to the Settlement Conference Program, the settlement administrator shall immediately assign an appellate mediator to the case, and the clerk of this court shall forward a written notice to the parties and the appellate mediator informing them that the case has been selected for inclusion in the Settlement Conference Program and that an appellate mediator has been appointed.

(5) Objection to Assignment. Any party to an appeal may object to the case being assigned to the Settlement Conference Program by submitting a written objection to the settlement administrator. Such objections shall be submitted no later than 10 court days after the date upon which the clerk of this court mailed the written notice to the parties informing them that the case was selected for inclusion in the program. Copies of the objection need not be served on any opposing party or counsel; rather, upon receipt of any such objection, the settlement administrator shall send a written notice to all parties and the appellate mediator, informing them that an objection has been received and that, as a consequence, the case will be removed from the Settlement Conference Program. With the mailing of such a notice, the appointment of the appellate mediator shall be considered terminated without fee. The settlement administrator shall deliver a copy of the objection to the chairman of the executive committee, who shall, unless otherwise directed by the chairman of the Mediation Committee, enter an order removing the case from the Settlement Conference Program, reassigning the case to the division of this court to which it was assigned prior to its assignment to the program, and reestablishing a record and/or briefing schedule. Thereafter, the clerk of this court shall mail a copy of such order to each party.

Objections filed pursuant to the terms of this section shall not be placed in the file of the case maintained by the clerk of this court, and the name of the party filing the objection shall remain confidential. A separate confidential file containing objections shall be maintained by the settlement administrator, who shall not permit access thereto without an order entered by the chair of the Executive Committee.

(g) Settlement Conferences.

(1) Scheduling. Within 21 days of the assignment of a case to the Settlement Conference Program and provided that no timely objection to such assignment has been received, the settlement administrator, after consulting with the appellate mediator, shall furnish the parties with a written notice containing three proposed dates when the appellate mediator is available for an initial settlement conference. These dates shall be no earlier than 7 days and no later than 21 days after the date on which the notice of proposed dates is mailed. Within 5 days of the mailing of the notice of proposed dates, the parties shall advise the settlement administrator of their preferences as to a date. If a party fails to so notify the settlement administrator of a preferred date, it shall be presumed that the party is available for the initial conference on any of the suggested dates. Thereafter, the settlement administrator shall promptly select one of the proposed dates, taking into consideration, to the extent possible, the parties' preferences, and notify the parties and the appellate mediator of the date of the initial settlement conference. The scheduling of any settlement conferences after the initial conference shall be made at the direction of the appellate mediator in consultation with the attorneys representing the parties, with notice to the special administrator.

(2) Location of Settlement Conferences. All settlement conferences shall be held in rooms provided for that purpose at 160 N. LaSalle Street, Chicago, Illinois.

(3) Participation. Participation by all parties to an appeal assigned to the Settlement Conference Program is mandatory unless or until the case has been removed from the program by order of the chair of the Executive Committee. Unless ordered otherwise by the appellate mediator, parties may be represented at settlement conferences by their attorneys of record. Each attorney representing a client at a settlement conference must be able to contact his or her client by telephone during the conference. If the party is a corporation, partnership, or other body or organization, the attorney attending the conference must be able to contact a person having settlement authority.

(4) Role of the Appellate Mediator. The appellate mediator's role is to preside over settlement conferences, facilitate the voluntary resolution of the case, assist the parties in simplifying issues, and set the dates for continued settlement conferences, provided no date for any settlement conference may be extended for more than 45 days after assignment of the case to the Settlement Conference Program unless approved by the chair of the Executive Committee. The appellate mediator has the authority to terminate the settlement conference at any time that, in his or her opinion, the process has become unproductive for any reason. If the appellate mediator does terminate a settlement conference, he or she shall so notify the settlement administrator in writing. Promptly thereafter, the chair of the Executive Committee shall enter an order removing the case from the Settlement Conference Program, reassigning the case to the division from which it came, and reestablishing a record and/or briefing schedule.

(5) Nature of the Conference. The settlement conference shall be an informal, confidential meeting presided over by the appellate mediator. The agenda for the conference shall be set by the appellate mediator, who may request that the parties complete and file with the settlement administrator a pre-conference memorandum on forms approved by the mediation committee. The sequence of presentation at a settlement conference shall be at the discretion of the appellate

mediator, and he or she shall be at liberty during the course of a scheduled conference to speak to the parties separately.

(h) Settlement Agreements.

(1) Dismissals. If the settlement conference results in the settlement of the case and the parties agree to dismiss the appeal, the parties shall execute a stipulation to dismiss and file same with the clerk of this court. Upon the filing of a stipulation to dismiss, an order dismissing the appeal shall be entered by three judges assigned to the mediation committee.

(2) Agreements to Narrow Issues. If the settlement conference does not result in the settlement of the case but the parties do agree to narrow the issues on appeal, they shall memorialize their agreement in writing and prepare a proposed order reciting the terms thereof. If the order is approved by the mediation committee, it shall be entered by three judges assigned to the mediation committee and shall be binding upon the parties unless modified by subsequent order of this court. Upon the entry of an order approving the parties' agreement to narrow the issues on appeal, the chair of the Executive Committee shall enter an order removing the case from the Settlement Conference Program, reassigning the case to the division of this court to which it was assigned prior to its assignment to the program, and reestablishing the filing of the record and/or briefing schedule.

(i) Confidentiality. The settlement conference and all documents prepared by the parties, the appellate mediator, and the settlement administrator shall be confidential. No transcript or recording shall be made of any settlement conference, and no mention of the settlement discussions shall be made in any brief filed with this court or in oral argument. Except for orders entered by this court and written stipulations and agreements entered into by the parties, documents prepared by the parties and received by the appellate mediator or the settlement administrator as part of the Settlement Conference Program shall not be filed of record with the clerk of this court and, upon the dismissal of the case or its removal from the Settlement Conference Program, whichever is first to occur, shall be destroyed by the settlement administrator.

(j) Sanctions. Failure to participate in a settlement conference in good faith, failure to attend a regularly scheduled settlement conference, or failure to comply with the rules of this court applicable to settlement conferences may subject a party to the imposition of sanctions under Supreme Court Rule 375.

(k) Statistical Reporting. The settlement administrator shall maintain statistics as to the number and type of cases that are considered by the mediation committee for inclusion in the Settlement Conference Program, assigned to the Settlement Conference Program, removed from the program on the objection of a party, removed from the program without any settlement having been reached, dismissed by agreement of the parties while assigned to the program, and removed from the program after the entry of an order narrowing the issues on appeal. The settlement administrator shall report those statistics to the members of this court annually and to the Director of the Administrative Office of the Illinois Courts annually.

* * *

IN THE APPELLATE COURT OF ILLINOIS FIRST DISTRICT

Appellate Court No. _____

Trial Court No. _____

Trial Judge _____

SETTLEMENT STATUS REPORT

Is there a potential for settlement of this case through assignment to the Settlement Conference Program pursuant to Illinois Supreme Court Rule 310.1?

Yes No

If yes, the undersigned requests that this matter be scheduled for a Settlement Conference Program pursuant to Illinois Supreme Court Rule 310.1 and First District Illinois Appellate Court Rule 21.

Nature of this Cause of Action (check appropriate box):

- Tort Contract Probate
 Other (if so, briefly specify) _____

Brief statement of pertinent issues (50 words or less):

Attorney(s) for Appellant(s):

Name _____

Address _____

Telephone Number _____

Attorney(s) for Appellee(s):

Name _____

Address _____

Telephone Number _____

Rule 22. Briefs.

(a) Time of Filing. No party may file a brief until the record has been filed.

(b) Supplemental Briefs. The proposed order accompanying a motion seeking leave to file a supplemental brief shall include a date by which the supplemental brief will be filed if the motion is allowed. Supplemental briefs shall not exceed 20 pages or, alternatively, 6000 words in length unless authorized by court order.

(c) Parties Not Filing a Brief. Any party who has filed an appearance but will not submit a brief shall so notify the clerk by letter before the date on which the brief would be due, with proof of service to all parties of record. Unless the party is exempt from e-filing, the letter shall be filed electronically.

(d) Adoption of Another Party's Brief. A party wishing to adopt the brief of another party shall file a motion to adopt within 14 days of the filing of the brief being adopted. If the adopting party has already filed a brief, the length of the party's own brief and the adopted brief shall be aggregated and count toward the adopting party's length limits.

(e) Paper Copies of Electronically Filed Briefs. An electronically filed brief shall be considered the official original. Within five days of the electronic notification generated upon acceptance of an electronically filed brief, the filer shall file five duplicate paper copies of the brief and appendices bearing the court's electronic file stamp. These copies shall (1) be printed one-sided and securely bound on the left side in a manner that does not obstruct the text, (2) bear a color cover as required by Supreme Court Rule 341, and (3) be the printed version of the electronically filed document bearing the clerk's file stamp.

(f) Briefs Filed by Parties Exempt from E-Filing. A party exempt from e-filing shall file four duplicate paper copies of the brief and appendices in the manner set forth in subsection (e)(1) and (e)(2) of this rule.

Rule 23. Adoption of Electronic Filing Manual. All filings in this court shall comply with the "Electronic Filing Procedures and User Manual of the Supreme Court of Illinois," except that requirements in these rules regarding the number of paper copies of a document that must be submitted shall supersede those specified in that manual.

Rule 24. General Provisions. All prior administrative and procedural rules in effect in this court are repealed as of July 1, 2021. These rules are effective July 1, 2021, and shall govern all pending cases. If application of the new rules would not be feasible or would result in an injustice, the party affected may file a motion seeking to have the repealed rule apply. The court reserves the prerogative of departing from the procedures of this rule in an individual case, in its discretion and the interests of justice.