

Rule 343. Times for Filing and Serving Briefs

(a) Time. Except as provided in subparagraph (b) below and elsewhere in these rules (see Rules 306, 307, 308, 315, and 317), the brief of the appellant shall be filed in the reviewing court within 35 days from the filing of the record on appeal. Within 35 days from the due date of the appellant's brief, or in the case of multiple appellants, the latest due date of any appellant's brief, the appellee shall file his or her brief in the reviewing court. Within 14 days from the due date of the appellee's brief, or in the case of multiple appellees, the latest due date of any appellee's brief, the appellant may file a reply brief.

(b) Cross-Appeals and Separate Appeals. Unless otherwise ordered by the reviewing court or a judge thereof, briefs of cross-appellants and separate appellants shall be filed as follows:

(1) *Cross-Appeals.* A cross-appellant shall file a single brief as appellee and cross-appellant at the time his or her brief as appellee is due; the appellant's answer to the arguments on the cross-appeal shall be included in appellant's reply brief, which shall be filed within 35 days from the due date of the single brief filed by the cross-appellant; and the cross-appellant may file a reply brief confined strictly to replying to those arguments raised on the cross-appeal within 14 days after the due date of the appellant's reply brief.

(2) *Separate Appeals.* A separate appellant shall follow the same briefing schedule as prescribed for the appellant. All appellees shall file their briefs within 35 days of the due date of appellants' briefs. Any replies may be filed within 14 days of the due date of appellees' briefs.

(c) Extending or Shortening Time. The reviewing court or a judge thereof, *sua sponte* or upon the motion of a party supported by affidavit or verification by certification under section 1-109 of the Code of Civil Procedure showing a good cause, may extend or shorten the time of any party to file a brief. (See Rule 361.)

Amended October 21, 1969, effective January 1, 1970; amended effective September 1, 1974; amended December 17, 1993, effective February 1, 1994; [amended May 24, 2006, effective September 1, 2006](#); [amended March 26, 2008, effective July 1, 2008](#).

Committee Comments (March 26, 2008)

Paragraph (b)(1) was amended to make clear that the appellant has 35 days from the due date of the single brief filed by the cross-appellant to file a reply brief that includes the appellant's answer to the arguments on the cross-appeal rather than the 14 days generally allowed for filing reply briefs set forth in paragraph (a). This amendment makes no substantive change to this rule.

Commentary (December 17, 1993)

Paragraph (a) has been modified to make clear that only one brief need be filed when responding to multiple briefs of opponents filed at separate times.

Paragraph (b)(2) has been changed to eliminate the former practice of automatic staggering of

the briefing schedule in cases involving separate appeals.

Committee Comments
(Revised September 1, 1974)

This rule, governing the times for filing and serving briefs in all reviewing courts, is based in part upon former Supreme Court Rules 41(2) and (4) and Second, Third, Fourth, and Fifth District (and earlier Uniform) Appellate Court Rule 9. The provision in the former rule that if a brief or abstract was not filed within the time prescribed the appeal would be dismissed on the call of the docket was omitted as both too strict and unnecessary. The court has the inherent power to dismiss an appeal for any breach of its rules, although a less drastic remedy would normally suffice. In the rare instances in which a brief of an appellant is inexcusably not filed on time, the court can exercise this power without any provision in the rule specifically authorizing it to do so.

The committee recommended 35 days as the time period for the main briefs best calculated to fit the requirements of the bar and the reviewing courts. The committee recognized the importance of providing a long enough period to permit the preparation of a brief in the ordinary case without the necessity of an extension of time and a short enough period to permit prompt disposition of the business of the reviewing courts. Five weeks would seem to be a realistic compromise. The time for filing the reply brief was fixed at 14 days, consistent with the multiples-of-seven policy.

The rule establishes the time for filing briefs in all cases on appeal from final judgments of the circuit court, whether to the Appellate Court (Rules 303 and 304), or directly to the Supreme Court (Rule 302). It applies to appeals from orders of the circuit court granting a new trial (Rule 306) and to interlocutory appeals by permission (Rule 308), subject to the provisions in those rules measuring the 35 days allowed for the filing of the appellant's brief from the date of the order allowing the appeal, rather than from the filing of the record on appeal. Rule 307 provides for a special, shorter timetable for the filing of briefs in interlocutory appeals as of right. Appeals from the Appellate Court to the Supreme Court on certificate (Rule 316) are governed by Rule 343, but appeals from the Appellate Court to the Supreme Court on petition for leave to appeal (Rule 315) or petition for appeal as a matter of right (Rule 316) are governed by the provisions of Rule 315(g), which sets forth the timetable for filing briefs in such cases. Paragraph (c) of Rule 343 is applicable to all appeals.

In 1969 former paragraph (b) was relettered (c) and present paragraph (b) was inserted to provide the bar with explicit directions as to the briefs on cross-appeals and separate appeals.

The rule was amended in 1974 to delete material referring to appeals on petition for leave to appeal. This material was placed in Rules 306, 308, and 315. As part of the same amendment the words "with proof of service" were deleted and Rule 344(a) amended to set forth the requirement of filing proof of service.