

RULES OF THE ILLINOIS APPELLATE COURT, SECOND DISTRICT
February 5, 2019

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Explanatory Notes

Supreme Court Rule 22(h) authorizes this court to adopt rules that are consistent with the Illinois Supreme Court Rules and Illinois statutes. The Uniform Administrative and Procedural Rules Appellate Courts Second, Third, Fourth, and Fifth Districts (the Uniform Administrative Rules) also provide rules for this court. To facilitate the administration of justice, the Illinois Appellate Court, Second District (the Court), hereby enacts the following rules (the Local Rules) in addition to the Supreme Court Rules and the Uniform Administrative Rules. In the event of a conflict, the Supreme Court Rules and the Uniform Administrative Rules shall control. All prior rules issued by the Court are hereby rescinded.

Preamble

These Local Rules are set forth to facilitate the administration of justice in the Court. The Court may at its discretion alter, suspend, rescind, or waive these Local Rules, in whole or in part, as the ends of justice require.

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Article I. General Rules

Rule 101 Filing materials with the Court

- (a) Except where electronic filing is required by Supreme Court Rule 9, materials to be filed with the Court may, but need not, be filed electronically.
- (b) A party filing materials electronically shall do so pursuant to Supreme Court Rule 9 and the “Supreme Court of Illinois Electronic Filing Procedures and User Manual,” which is here incorporated by reference, except as provided in subsection (c) of this Local Rule.
- (c) Where a party files a brief electronically, the electronically filed brief shall be considered the official original. The party shall provide the Clerk’s Office with five duplicate paper copies, which shall be received in the Clerk’s Office within five days of the electronic notification generated upon acceptance of the electronically filed brief. Each paper copy shall be a printed version of the electronically filed brief, bearing the Clerk’s electronic file stamp, and shall be printed one-sided and securely bound on the left side in a manner that does not obstruct the text. The paper copies shall comply with all applicable Supreme Court Rules, including the color-cover requirement in Supreme Court Rule 341. A party shall not provide paper copies of any other materials filed electronically.
- (d) Where materials are not filed electronically, the materials must be directed to the Clerk’s Office by personal delivery, or by U.S. Mail or third-party commercial carrier, at the following address:

Clerk of the Illinois Appellate Court, Second District
55 Symphony Way
Elgin, Illinois 60120
- (e) Where materials are not filed electronically, the party filing the materials shall provide the original and one copy. However, where the party is filing a brief, the party shall provide the original and five copies.
- (f) The Court’s acceptance of a filing does not itself establish that the filing is timely or otherwise complies with the Supreme Court Rules or any other applicable rule.
- (g) The Clerk’s Office will not correct any filings on any party’s behalf. If a party seeks to make corrections to a filing, then the party seeking to make the corrections must file a motion seeking leave to withdraw the filing and to file a substitute.

Rule 102 Requirements for documents filed with the Court

All documents filed with the Court, including motions, must comply with the formatting guidelines in Supreme Court Rules 10, 131(d), and 341(a), (f), and (g). Documents filed electronically must also comply with the formatting guidelines in the “Supreme Court of Illinois Electronic Filing Procedures and User Manual.”

Rule 103 Motions for extension of time

- (a) A party moving for an extension of time must comply with Supreme Court Rules 361(a), (b), and (f) and, where applicable, 610. In addition to the information required by those rules, the movant’s affidavit or verification must provide:
 - (1) The number of days requested and the number of days granted on each of the previous motions for extension of time filed by the movant, and the total number of days granted on all of those previous motions;
 - (2) The total number of days requested and the total number of days granted on all of the previous motions for extension of time filed by other parties;
 - (3) The number of days that will have elapsed from the date of filing of the notice of appeal to the date that the case will be ready for disposition, pursuant to Local Rule 105 or 107, if the present extension and no further extension is granted; and
 - (4) In a criminal case, the status of the defendant’s sentence (where applicable), or, in any case that would become moot due to the passage of time on appeal, the date on which the appeal would become moot.
- (b) A motion for an extension of time should be filed, where practicable, at least 5 days prior to the date to be extended if served electronically. If non-electronic service is made in accordance with Supreme Court Rule 11(c), the motion should be filed, where practicable, at least 5 days prior to the date to be extended if served personally, or at least 10 days prior to the date to be extended if served by mail or third-party commercial carrier.
- (c) Motions for extension of time in cases accelerated pursuant to Supreme Court Rule 311(a) or 660A must comply with subsection (a) of this Local Rule and Local Rules 106(b), (c), and (d).

Rule 104 Documentary and physical exhibits

The “Supreme Court of Illinois Standards and Requirements for Electronic Filing the Record on Appeal” are here incorporated by reference. Pursuant to those standards and requirements, the circuit clerks of the respective counties within the second appellate district shall provide the Court with documentary exhibits but shall not provide the Court with physical exhibits. If physical exhibits are required for consideration of an appeal, the Court, *sua sponte* or upon motion of a party, will direct the circuit clerk to transfer such exhibits.

Rule 105 Disposition of cases

- (a) Where no appellee’s brief is timely filed, a case will be considered ready for disposition two weeks after the day that the brief is due to be filed, unless a timely motion for extension of time to file the appellee’s brief is filed. If a timely motion or timely motions for extension of time are filed but no appellee’s brief is subsequently timely filed, the case will be considered ready for disposition two weeks after the due date determined by the resolution of the motion or motions for extension.
- (b) All other cases will be considered ready for disposition upon the timely filing of the appellant’s reply brief (or cross-reply brief, if applicable). Where no reply brief (or cross-reply brief) is timely filed, a case will be considered ready for disposition

on the due date for the reply brief (or cross-reply brief), unless a timely motion for extension of time to file the reply brief (or cross-reply brief) is filed. If a timely motion or timely motions for extension of time are filed but no reply brief (or cross-reply brief) is subsequently timely filed, the case will be considered ready for disposition as of the due date determined by the resolution of the motion or motions for extension.

Rule 106 Preparation of accelerated cases

- (a) In order to expedite appeals under Supreme Court Rules 311(a) and 660A, parties may file memoranda in lieu of formal briefs. Such memoranda need not comply with all the requirements applicable to formal briefs but must comply with the requirements of Supreme Court Rules 341(a), (b), (d), (e), (f), (g), (h)(9), and (j), and Local Rule 102.
- (b) Motions for extension of time are disfavored and shall be granted only for compelling circumstances.
 - (1) A motion for an extension must comply with Local Rule 103(a).
 - (2) When a motion for an extension is based on a delay in the preparation of the record, the motion shall detail the proceedings at the status hearing required by Supreme Court Rule 311(a)(3) or 660A(b), including the trial court's determination of the status of the case, the trial judge's actions to expedite the preparation of the record, and whether the trial judge has requested the chief judge's assistance in resolving any filing delays. The motion shall also attach any order entered at the status hearing and an affidavit or verification of the clerk or court reporter stating the reason for the delay.
 - (3) A motion for an extension must be filed at least 5 days prior to the date to be extended if served electronically. If non-electronic service is made in accordance with Supreme Court Rule 11(c), the motion must be filed at least 5 days prior to the date to be extended if served personally, or at least 10 days prior to the date to be extended if served by mail or third-party commercial carrier.
 - (4) The Court may require a personal appearance by the attorney or party requesting the extension.
- (c) Whenever possible, motions should be served electronically or, if permitted by Supreme Court Rule 11(c), personally.
- (d) Before filing any motion, a party shall confer with opposing counsel and inquire as to whether opposing counsel intends to file an objection. The results of that inquiry shall be stated in the motion.

Rule 107 Disposition of accelerated cases

- (a) Where no appellee’s brief is timely filed, a case accelerated pursuant to Supreme Court Rule 311(a) or 660A will be considered ready for disposition three days after the day that the brief is due to be filed, unless a timely motion for extension of time to file the appellee’s brief is filed. If a timely motion or timely motions for extension of time are filed but no appellee’s brief is subsequently timely filed, the case will be considered ready for disposition three days after the due date determined by the resolution of the motion or motions for extension.
- (b) All other accelerated cases will be considered ready for disposition upon the timely filing of the appellant’s reply brief (or cross-reply brief, if applicable). Where no reply brief (or cross-reply brief) is timely filed, a case will be considered ready for disposition on the due date for the reply brief (or cross-reply brief), unless a timely motion for extension of time to file the reply brief (or cross-reply brief) is filed. If a timely motion or timely motions for extension of time are filed but no reply brief (or cross-reply brief) is subsequently timely filed, the case will be considered ready for disposition as of the due date determined by the resolution of the motion or motions for extension.

Rule 108 Emergency motions

Pursuant to Supreme Court Rule 361(g), emergency motions shall be filed and disposed of as follows:

- (a) An emergency motion may be filed only if an appeal has been docketed. The title of the motion shall include the words “Emergency Motion.” If the motion requires the Court to act within a specific time, that information shall be set out in the first paragraph of the motion. The motion shall specify the nature of the emergency and the grounds for the specific relief requested. The motion shall also state what relief was sought in the trial court or why no relief was sought in that court. The movant shall attach to the motion every trial court and appellate court document relevant to the motion. An emergency motion should be filed only when it involves a genuine emergency.
- (b) The movant shall immediately serve the motion on every other party electronically or, if permitted by Supreme Court Rule 11(c), personally. The type of service made shall be specifically noted on the proof of service filed with the motion.
- (c) Except in extraordinary circumstances necessitating an earlier ruling on the motion, or unless opposing counsel has indicated no objection to the motion, the Court will allow any non-moving party three days to respond to the motion.

Rule 109 Length and substance of oral arguments

- (a) Each side will receive a total of 15 minutes to present its main argument, and the appellant or appellants will receive a total of 5 additional minutes to present rebuttal.
- (b) Oral arguments shall omit the recitation of the facts and the procedural history of the case except to the extent necessary to frame the issues that are presented on appeal.

Rule 110 **Availability of materials**

- (a) Any filed materials, not including secured materials, will be made available for review upon request by any party or non-party. The Court may monitor any review of the materials in order to ensure the integrity of the materials.
- (b) The Court’s internal electronic communications and internal administrative documents will not be provided to any party or his or her attorney, or to the general public.

Rule 111 **Availability of secured materials**

In all appeals, any party or attorney of record on appeal wishing to access secured materials must move to access those materials. Upon motion supported by affidavit or verification, specifying the basis for access, the Court, in its sole discretion, shall grant or deny authorization to access any such materials.

Rule 112 **Related-case statements**

- (a) If an appeal is related to any case in the Court, or in any other court, the appellant shall file and serve, with his or her docketing statement, an additional statement that includes the name, docket number, and status of all such related cases. Within seven days thereafter, if any other party has reason to know that the appellant has failed to report all such related cases, that party shall file and serve his or her own related-case statement.
- (b) For purposes of this Local Rule, a “related case” is (1) any prior or pending case involving substantially the same parties and the same or similar issues or (2) any prior or pending criminal case involving a codefendant of the defendant in the present appeal.
- (c) For purposes of this Local Rule, “any other court” means the Illinois Supreme Court, any other district of the Illinois Appellate Court, or any circuit court in the second appellate district.

Rule 113 **Jurisdictional statements in postdissolution appeals**

In any appeal from the final order disposing of any petition or motion filed in a postdissolution proceeding, the appellant’s jurisdictional statement pursuant to Supreme Court Rule 341(h)(4)(ii) shall specify that the Court has jurisdiction because (1) the trial court has jurisdiction of no other postdissolution matters or (2) although the trial court has jurisdiction of other postdissolution matters, the trial court entered a finding under Supreme Court Rule 304(a) as to the order appealed. If neither of those conditions applies, the appellant shall acknowledge same and specify how the Court nevertheless has jurisdiction. For purposes of this Local Rule, a “postdissolution proceeding” is a dissolution case in which a judgment of dissolution has been entered but is not the order appealed. The appellant’s compliance with this Local Rule does not necessarily establish that the Court has jurisdiction.

Article II. Building Rules

Rule 201 Clerk's Office hours of operation

Except in extraordinary circumstances, the Clerk's Office will be open for the transaction of public business from 8:30 a.m. to 4:30 p.m. each day, except Saturdays, Sundays, and those legal holidays determined by the Illinois Supreme Court.

Rule 202 No smoking in the courthouse

Smoking is not allowed in the courthouse.

Article III. Personnel Rules

Rule 301 Restrictions on communication with Court staff

The members of the Court's staff will not render legal opinions or advice to litigants or potential litigants before the Court, or their counsel. All litigants and potential litigants before the Court, and their counsel, shall be cognizant of these restrictions if they have occasion to communicate with the Court's staff.