

**EFFECTIVE JULY 1, 2017, ALL CIVIL CASES MUST BE
ELECTRONICALLY FILED**

See Supreme Court Website: www.illinoiscourts.gov

***(FORM OF A PETITION FOR LEAVE TO APPEAL - Supreme Court Rule 315)
(Can also be used for a Petition for Appeal as a Matter of Right - Rule 317)***

(Cover of Petition = White)

No. _____

IN THE

SUPREME COURT OF ILLINOIS

_____ (Party's Name),	)	Appellate Court, _____ Judicial
(Party Designation)	)	District, Case No. _____
)	
	)	Circuit Court, _____ County, Illinois
v.	)	_____ Judicial Circuit,
	)	Case No. _____
)	
_____ (Party's Name),	)	Honorable _____,
(Party Designation)	)	Trial Judge Presiding.
)	
)	

Petition for Leave to Appeal
Pursuant to Supreme Court Rule 315

SAMPLE

NOTE:

**THIS TEMPLATE IS FOR INFORMATIONAL
PURPOSES ONLY. DO NOT FILL IN THE
BLANKS FOR USE AS YOUR PETITION.
IF THE TEMPLATE IS RETURNED FILLED IN,
YOUR SUBMISSION WILL NOT BE FILED.**

(Petitioner's Name)
(Mailing Address)
(Telephone Number)

(See attached Supreme Court Rule 315 regarding Petition and related documents.)

>>>> (Use 1 ½ " left margin in body of Petition; 1" margin on right, top & bottom)

Prayer For Leave To Appeal

Comes now, petitioner, (parties' name) , pursuant to Supreme Court Rule 315, and respectfully petitions this Court for leave to appeal from the decision of the Appellate Court, District.

Judgment Below

(Instruction: Provide a statement of the date upon which the judgment was entered; whether a petition for rehearing was filed and, if so, the date of the denial of the petition or the date of the judgment on rehearing.) (See Supreme Court Rule 315(c)(2), attached.)

SAMPLE

(Begin numbering each page)

Points Relied Upon
For Review of Judgment of the Appellate Court

(Instruction: Provide a statement of the points relied upon in asking the Supreme Court to review the judgment of the Appellate Court.) (See Supreme Court Rule 315(c)(3), attached.)

Statement of Facts

(Instruction: Provide a fair and accurate statement of the facts, which shall contain the facts necessary to an understanding of the case, without argument or comment, with appropriate references to the pages of the record on appeal, e.g., R. C7 or R. 7. Exhibits may be cited by references to pages of the record on appeal, or by exhibit number followed by the page number within the exhibit, e.g., Pl. Ex. 1, p.6. (See Supreme Court Rule 315(c)(4), attached.)

SAMPLE

Argument

(Instruction: Provide a short argument (including appropriate authorities) stating why review by the Supreme Court is warranted and why the decision of the Appellate Court should be reversed or modified.) (See Supreme Court Rule 315(c)(5), attached.)

Conclusion

Wherefore, Petitioner, (your name) , pursuant to Supreme Court Rule 315, respectfully petitions this Court for leave to appeal from the decision of the Appellate Court, District, entered (date) .

Respectfully submitted,

(Petitioner's Signature)
(Printed Name)
(Mailing Address)
(Telephone Number)

SAMPLE

(NOTE: There are no margin requirements for the Appendix)

APPENDIX

(Instruction: Provide an appendix which shall include a copy of the opinion or order of the Appellate Court and any documents from the record which are deemed necessary to the consideration of the petition.) (See Supreme Court Rule 315(c)(6), attached.)

FYI:

The Petition with Appendix must be securely stapled or bound down the left-hand side so that the document opens like a book;

- AND -

The original and 13 copies of the Petition with Appendix must be mailed to the Supreme Court Clerk's office in Springfield for filing.

SAMPLE

(Suggested Page Numbering for Appendix): A-1

Additionally, in separate documents, include the following:

1. **Proof of Service/Notice of Filing** [Sample attached; See Rules 11 & 12];

- AND -

2. **A Certificate of Compliance** (See Rule 341(c)) - Rule 315(d) requires compliance with Rule 341, including a signed Certificate of Compliance, using the following language and filling in the blank. Be advised that a petition for leave to appeal has either a 20-page or 6,000 word limit. Do not use both the page count and word count.

Certificate of Compliance

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is ___ pages [or ___ words].

(Sign here) _____

SAMPLE

(Sample Proof of Service/Notice of Filing):

IN THE
SUPREME COURT OF ILLINOIS

_____ (Party's Name) _____,)	
(Party Designation)	)	Appellate Court, _____ Judicial
	)	District, Case No. _____
)	
	)	Circuit Court, _____ County, Illinois
v.	)	_____ Judicial Circuit,
	)	Case No. _____
)	
_____ (Party's Name) _____,	)	Honorable _____,
(Party Designation)	)	Trial Judge Presiding.
)	
)	

PROOF OF SERVICE/NOTICE OF FILING

TO: (Here list the names and mailing addresses of the opposing counsels upon whom you have served your documents)

You are hereby notified that on ____ (date) ____, I submitted for filing ____ (#) ____ copies of the Petitioner's ____ (petition/motion/etc.) ____ to the Office of the Clerk of the Supreme Court of Illinois, 200 East Capitol Avenue, Springfield, Illinois, 62701, and ____ (#) ____ copies to each of the above-named opposing counsels by (personal delivery **[OR]** depositing in the U.S. mail, proper postage pre-paid, at ____ (time and place of mailing) ____).

SAMPLE

Under penalties as provided by law pursuant to Section 1-110 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Date: _____

(Petitioner's Signature) _____
(Printed Name) _____
(Mailing Address) _____
(Telephone Number) _____

MOTIONS: See attached Rule 361 (Motions in Reviewing Court)

You may be required to file one of the following motions regarding your Petition:

- **Motion for Leave to File a Petition for Leave to Appeal Instantly –**

(explaining why the Petition was submitted late and why you wish to file your petition now)

- **Motion for Extension of Time for Filing Petition for Leave to Appeal –**

(explaining why you need more time than that allowed by the Rules, and stating the date upon which you intend to file your petition (i.e., "for an extension of time to and including ____ (date) ____.")

EXTENSION MOTIONS MUST ALSO INCLUDE ONE OF THE FOLLOWING:

Notarized Affidavit in Support of the Motion

- OR -

Verification in Support of the Motion

[Samples of each attached; See Rules 341(b)(2), 361(a), and 361(f)]

ALL MOTIONS ARE REQUIRED TO INCLUDE:

A Proof of Service/Notice of Filing of the Motion and related documents [Sample attached; See Rules 11, 12, 361(b)(1) and 361(c)(1)]

SAMPLE

AND -

A Proposed Draft Order, phrased in the alternative ("Allowed/Denied"),
[Sample attached; See Rule 361(b)(3) and 361(c)(1)]

(Sample Proposed Draft Order, phrased in the alternative, for a Motion for Leave to File a Petition for Leave to Appeal Instanter):

IN THE
SUPREME COURT OF ILLINOIS

_____ (Party's Name) _____,	)	Appellate Court, _____ Judicial
(Party Designation)	)	District, Case No. _____
)	
	)	Circuit Court, _____ County, Illinois
v.	)	_____ Judicial Circuit,
	)	Case No. _____
)	
_____ (Party's Name) _____,	)	Honorable _____,
(Party Designation)	)	Trial Judge Presiding.
)	
)	

ORDER

The Motion by Petitioner, Pro Se, for Leave to File Petition for Leave to Appeal
Instanter is hereby: ALLOWED / DENIED.

SAMPLE

(Blank Line for Justice's Signature)

(Sample Proposed Draft Order, phrased in the alternative, for a Motion for Extension of Time for Filing Petition for Leave to Appeal):

IN THE
SUPREME COURT OF ILLINOIS

_____ (Party's Name) _____,)	
	)	Appellate Court, _____ Judicial
(Party Designation)	)	District, Case No. _____
)	
	)	Circuit Court, _____ County, Illinois
	)	_____ Judicial Circuit,
v.	)	Case No. _____
)	
)	
_____ (Party's Name) _____,	)	Honorable _____,
	)	Trial Judge Presiding.
(Party Designation))	
)	

ORDER

The Motion by Petitioner, Pro Se, for an Extension of Time for Filing a Petition for Leave to Appeal is hereby: ALLOWED / DENIED.

SAMPLE

(Blank Line for Justice's Signature)

(Sample Notarized Affidavit in Support of Extension Motion - Option #1):

(See Rule 361(a), attached: When the motion is based on facts that do not appear of record it shall be supported by affidavit.)

IN THE
SUPREME COURT OF ILLINOIS

_____ (Party's Name) _____,	)	Appellate Court, _____ Judicial
(Party Designation)	)	District, Case No. _____
v.	)	Circuit Court, _____ County, Illinois
_____ (Party's Name) _____,	)	_____ Judicial Circuit,
(Party Designation)	)	Case No. _____
	)	Honorable _____,
	)	Trial Judge Presiding.

AFFIDAVIT

I, _____ (Party's Name) _____, certify that affiant has read the foregoing Motion; that affiant knows the contents therein; and that if called, affiant could testify that the facts set forth in Petitioner's Motion for an Extension of Time are true and correct.

(Sign name and date on signature line)
(Print Affiant's Name Below Signature Line)

STATE OF ILLINOIS

COUNTY OF _____

Subscribed and Sworn/Attested Before Me
this date, ____ (insert date here) ____.

(Signature of Notary Public)

(Notary's Official Seal _____)

SAMPLE

(Sample Verification in Support of Extension Motion - Option #2):

IN THE
SUPREME COURT OF ILLINOIS

_____ (Party's Name) _____,	)	Appellate Court, _____ Judicial
(Party Designation)	)	District, Case No. _____
v.	)	Circuit Court, _____ County, Illinois
_____ (Party's Name) _____,	)	_____ Judicial Circuit,
(Party Designation)	)	Case No. _____
	)	Honorable _____,
	)	Trial Judge Presiding.

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Date: _____

(Petitioner's Signature)
(Printed Name)
(Mailing Address)
(Telephone Number)

SAMPLE

Checklist before submitting your Petition to the Clerk of the Court for Filing:

Under Supreme Court Rule 315, a Petition for Leave to Appeal must comply with the requirements of Rule 341 (Copies of both Rules are attached). A petition which is not in compliance with the requirements of the Supreme Court Rules will not be filed with the Court.

You may use the following check-list to see that your Petition is compliant with Rule 341, which was amended December 9, 2015, effective January 1, 2016:

- ___ 8 ½ inch x 11 inch white paper
- ___ 20 page limit, excluding Cover and Appendix
- ___ 12 point or larger typeface, including footnotes and quotations
- ___ Margins - 1.5" on left; 1" on right, top, and bottom
- ___ Double spaced, excluding footnotes
- ___ Paginated
- ___ 1 side only
- ___ Certificate of Compliance
- ___ Proof of Service/Notice of Filing
- ___ A \$50.00 docket fee** is due at the time of filing. Note: If there is more than one *pro se* petitioner filing your case, each must sign all documents and pay a separate \$50.00 fee.

** If you are financially unable to pay the statutory docket fee, please complete the Application for Waiver of Court Fees form and submit to the Clerk's office along with your petition for leave to appeal. The form can be found at

<http://illinoiscourts.gov/Forms/approved/supreme/supreme.asp>

SAMPLE

**AFTER LOOKING THROUGH THIS TEMPLATE,
PLEASE CONTACT OUR OFFICE IF YOU HAVE
ANY QUESTIONS WITH REGARD TO PREPARING
YOUR FILINGS FOR THE SUPREME COURT.**

Rule 11. Manner of Serving Documents Other Than Process and Complaint on Parties Not in Default in the Trial and Reviewing Courts

(a) On Whom Made. If a party is represented by an attorney of record, service shall be made upon the attorney. Otherwise service shall be made upon the party.

(b) E-mail Address. An attorney must include on the appearance and on all pleadings filed in court an e-mail address to which documents and notices will be served in conformance with Rule 131(d). A self-represented litigant who has an e-mail address must also include the e-mail address on the appearance and on all pleadings filed in court to which documents and notices will be served in conformance with Rule 131(d).

(c) Method. Unless otherwise specified by rule or order of court, documents shall be served electronically.

(1) Electronic service may be made

(i) through an approved electronic filing service provider (EFSP) or

(ii) to the e-mail address(es) identified by the party's appearance in the matter.

If service is made by e-mail, the documents may be transmitted via attachment or by providing a link within the body of the e-mail that will allow the party to download the document.

(2) If a self-represented party does not have an e-mail address, or if service other than electronic service is specified by rule or order of court, or if extraordinary circumstances prevent timely electronic service in a particular instance, service of documents may be made by one of the following alternative methods:

(i) *Personal Service.* Delivering the document to the attorney or party personally;

(ii) *Delivery to Attorney's Office or Self-Represented Party's Residence.* Delivery of the document to an authorized person at the attorney's office or in a reasonable receptacle or location at or within the attorney's office. If a party is not represented by counsel, by leaving the document at the party's residence with a family member of the age of 13 years or older;

(iii) *United States Mail.* Depositing the document in a United States post office or post office box, enclosed in an envelope to the party's address, as identified by the party's appearance in the matter, with postage fully prepaid; or

(iv) *Third-Party Commercial Carrier.* Delivery of the document through a third-party commercial carrier or courier, to the party's address, as identified by the party's appearance in the matter, with delivery charge fully prepaid.

(d) Multiple Parties or Attorneys. In cases in which there are two or more plaintiffs or defendants who appear by different attorneys, service of all documents shall be made on the attorney for each of the parties. When more than one attorney appears for a party, service upon one of them is sufficient.

(e) Notice of E-mail Rejection. If a party serving a document via e-mail receives a rejection message or similar notification suggesting that transmission was not successful, the party serving the document shall make a good-faith effort to alert the intended recipient of a potential transmission problem and take reasonable steps to ensure actual service of the document.

(f) Limited Scope Appearance. After an attorney files a Notice of Limited Scope Appearance

in accordance with Rule 13(c)(6), service of all documents shall be made on both the attorney and the party represented on a limited scope basis until: (1) the court enters an order allowing the attorney to withdraw under Rule 13(c) or (2) the attorney's representation automatically terminates under Rule 13(c)(7)(ii).

Amended April 8, 1980, effective May 15, 1980; amended April 10, 1987, effective August 1, 1987; amended October 30, 1992, effective November 15, 1992; [amended December 29, 2009, effective immediately; amended Oct. 24, 2012, effective Jan. 1, 2013; amended Dec. 21, 2012, eff. Jan. 1, 2013; amended June 14, 2013, eff. July 1, 2013; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended June 22, 2017, eff. July 1, 2017; amended July 15, 2020, eff. immediately; amended Jan. 26, 2021, eff. immediately.; amended June 11, 2021, eff. July 1, 2021.](#)

Committee Comment

(July 15, 2020)

When a self-represented litigant has provided an e-mail address to the court pursuant to subparagraph (b), courts retain discretion to determine if an alternative method of service of documents or notices, either in addition to or instead of e-mail, is needed.

(December 9, 2015)

In amending Rule 11 to provide for e-mail service, the Committee considered whether special additional rules should apply to documents served by e-mail, *e.g.*, specified file formats, scan resolutions, electronic file size limitations, etc. The Committee rejected such requirements in favor of an approach which provides flexibility to adapt to evolving technology and developing practice. The Committee further anticipates good faith cooperation by practitioners. For example, if an attorney serves a motion in a format which cannot be read by the recipient, the Committee expects the recipient to contact the sender to request an alternative electronic format or a paper copy.

Committee Comment

(December 21, 2012)

New subparagraphs (b)(6) and (7) were created to allow for service of documents electronically. The amendments facilitate electronic communications among the court, parties, and counsel and complement the expansion of e-filing in the trial courts. However, electronic service may not be appropriate in all instances. For example, absent a secure method for electronic service of documents, other service options should be used for cases or documents filed confidentially.

Committee Comments

(December 29, 2009)

The rules on service and filing have been revised to provide for sending documents via third-party commercial carrier. Under these rules, the term “delivery” refers to all the carrier’s standard

pick-up methods, such as dropping a package in a UPS or FedEx box or with a UPS or FedEx contractor.

Rule 12. Proof of Service in the Trial and Reviewing Courts; Effective Date of Service

(a) **Filing.** When service of a document is required, proof of service shall be filed with the clerk.

(b) **Manner of Proof.** Service is proved:

(1) in the case of electronic service through the court electronic filing manager or an approved electronic filing service provider, by an automated verification of electronic service, specifying the time of transmission and e-mail address of each recipient;

(2) in the case of service by e-mail, by certification under section 1-109 of the Code of Civil Procedure of the person who initiated the transmission, stating the date of transmission and the e-mail address of each recipient;

~~(1)(3)~~ by written acknowledgment from signed by the person served;

~~(2)(4)~~ in case of service by personal, office, or residential delivery, by certification under section 1-109 of the Code of Civil Procedure of the person who made delivery, stating the time and place of delivery;~~certificate of the person, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)), who made delivery;~~

~~(3)(5)~~ in case of service by mail or by delivery to a third-party commercial carrier, by certification under section 1-109 of the Code of Civil Procedure~~certificate of the person, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)), who deposited the document in the mail or delivered the document to a third-party commercial carrier or courier, stating the time and place of mailing or delivery, the complete address which that appeared on the envelope or package, and the fact that proper postage or the delivery charge was prepaid; or~~

~~(4)(6)~~ in case of service by mail by a self-represented litigant residing in a correctional facility, pro se petitioner from a correctional institution, by certification under as provided in section 1-109 of the Code of Civil Procedure ~~(735 ILCS 5/1-109 (West 2012))~~ of the person who deposited the document in the institutional mail, stating the time and place of deposit and the complete address to which the document was to be delivered.;

~~(5)~~ in case of service by facsimile transmission, by certificate of the person, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)), who transmitted the document via facsimile machine, stating the time and place of transmission, the telephone number to which the transmission was sent, and the number of pages transmitted; or

~~(6)~~ in case of service by e-mail, by certificate of the person, as provided in section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109 (West 2012)), who

~~transmitted the document via e-mail, stating the time and place of transmission to a designated e-mail address of record.~~

(c) Effective Date of Service by Mail. Service by electronic means or by personal, office, or residential delivery is complete on the day of transmission. Service by delivery to a third-party commercial carrier or courier is complete on the third court day after delivery of the package to the third-party carrier. Service by U.S. mail is complete four days after mailing.

~~**(d) Effective Date of Service by Delivery to Third-Party Commercial Carrier.** Service by delivery to a third-party commercial carrier is complete on the third business day after delivery of the package to the third-party carrier.~~

~~**(e) Effective Date of Service by Facsimile Transmission.** Service by facsimile machine is complete on the first court day following transmission.~~

~~**(f) Effective Date of Service by E-mail.** Service by e-mail is complete on the first court day following transmission.~~

~~**(g) Effective Date of Service by Electronic In-box.** Service by electronic in-box under Rule 11(b)(7) is complete on the first court day following transmission.~~

Amended effective July 1, 1971, and July 1, 1975; amended October 30, 1992, effective November 15, 1992; amended December 29, 2009, effective immediately; amended Dec. 21, 2012, eff. Jan. 1, 2013; amended Jan. 4, 2013, eff. immediately; amended September 19, 2014, eff. immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended Oct. 6, 2016, eff. Nov. 1, 2016; amended June 22, 2017, eff. July 1, 2017.

Rule 315. Leave to Appeal From the Appellate Court to the Supreme Court

(a) Petition for Leave to Appeal; Grounds. Except as provided below for appeals from the Illinois Workers' Compensation Commission division of the Appellate Court, a petition for leave to appeal to the Supreme Court from the Appellate Court may be filed by any party, including the State, in any case not appealable from the Appellate Court as a matter of right. Whether such a petition will be granted is a matter of sound judicial discretion. The following, while neither controlling nor fully measuring the court's discretion, indicate the character of reasons which will be considered: the general importance of the question presented; the existence of a conflict between the decision sought to be reviewed and a decision of the Supreme Court, or of another division of the Appellate Court; the need for the exercise of the Supreme Court's supervisory authority; and the final or interlocutory character of the judgment sought to be reviewed.

No petition for leave to appeal from a judgment of the five-judge panel of the Appellate Court designated to hear and decide cases involving review of Illinois Workers' Compensation Commission orders shall be filed, unless two or more judges of that panel join in a statement that the case in question involves a substantial question which warrants consideration by the Supreme Court. A motion asking that such a statement be filed may be filed as a prayer for alternative relief in a petition for rehearing, but must, in any event, be filed within the time allowed for filing a petition for rehearing.

(b) Time.

(1) Published Decisions. Unless a timely petition for rehearing is filed in the Appellate Court, a party seeking leave to appeal must file the petition for leave in the Supreme Court within 35 days after the entry of such judgment. If a timely petition for rehearing is filed, the party seeking review must file the petition for leave to appeal within 35 days after the entry of the order denying the petition for rehearing or, if a modified decision is issued upon denial of rehearing, from the entry of the modified decision. If a petition is granted, the petition for leave to appeal must be filed within 35 days of the entry of the judgment on rehearing. The Supreme Court, or a judge thereof, on motion, may extend the time for petitioning for leave to appeal, but such motions are not favored and will be allowed only in the most extreme and compelling circumstances. The filing of a corrected opinion by the Appellate Court where no petition for rehearing was filed does not extend the time for a party to file a petition for leave to appeal.

(2) Rule 23 Orders. The time for filing a petition for leave to appeal a Rule 23 order shall be the same as for published opinions unless a timely motion to publish has been filed in the Appellate Court pursuant to Rule 23(f). If the Appellate Court grants the motion to publish, the party seeking review must file the petition for leave to appeal within 35 days after the filing of the opinion. If the Appellate Court denies the motion to publish, the party seeking review must file the petition for leave to appeal within 35 days after entry of the order denying the motion to publish. The filing of a Rule 23(f) publication motion shall not invalidate a previously filed petition for leave to appeal. The clerk of the Appellate Court shall promptly transmit notice of the filing of a Rule 23(f) publication motion and its disposition to the clerk of the Supreme Court in any case in which a petition for leave to appeal is filed, irrespective of whether the motion to publish precedes or follows the filing of a petition for leave to appeal.

(c) Contents. The petition for leave to appeal shall contain, in the following order:

(1) a prayer for leave to appeal;

(2) a statement of the date upon which the judgment was entered; whether a petition for rehearing was filed and, if so, the date of the denial of the petition or the date of the judgment on rehearing;

(3) a statement of the points relied upon in asking the Supreme Court to review the judgment of the Appellate Court;

(4) a fair and accurate statement of the facts, which shall contain the facts necessary to an understanding of the case, without argument or comment, with appropriate references to the pages of the record on appeal, in the format as set forth in the Standards and Requirements for Electronic Filing the Record on Appeal.

(5) a short argument (including appropriate authorities) stating why review by the Supreme Court is warranted and why the decision of the Appellate Court should be reversed or modified; and

(6) an appendix which shall include the opinion or order of the Appellate Court and any documents from the record which are deemed necessary to the consideration of the petition.

(d) Format; Service; Filing. The petition shall otherwise be prepared, served, and filed in accordance with the requirements for briefs as set forth in Rules 341 through 343, except that it shall be limited to 20 pages or, alternatively, 6,000 words, excluding any items identified as excluded from the length limitation in Rule 341(b)(1).

(e) Records. The clerk of the Supreme Court shall transmit notice of the filing of the petition to the clerk of the Appellate Court, who, upon request of the clerk of the Supreme Court made either before or after the petition is acted upon, shall transmit to the clerk of the Supreme Court the record on appeal that was filed in the Appellate Court and the certified Appellate Court record.

(f) Answer. The respondent need not but may file an answer, with proof of service, within 21 days after the expiration of the time for the filing of the petition, or within such further time as the Supreme Court or a judge thereof may grant. An answer shall set forth reasons why the petition should not be granted, and shall conform, to the extent appropriate, to the form specified in this rule for the petition, omitting the items (1), (2), (3), (4) and (6) set forth in paragraph (c) except to the extent that correction of the petition is considered necessary. The answer shall be prepared, served, and filed in accordance with the requirements for briefs except that it shall be limited to 20 pages or, alternatively, 6,000 words, excluding any items identified as excluded from the length limitation in Rule 341(b)(1). No reply to the answer shall be filed. If the respondent does not file an answer or otherwise appear but wants notice of the disposition of the petition for leave to appeal, a request for such notice should be submitted to the clerk in Springfield.

(g) Transmittal of Trial Court Record if Petition Is Granted. If the petition is granted, upon notice from the clerk of the Supreme Court the clerk of the Appellate Court shall transmit to the Supreme Court the record on appeal that was filed in the Appellate Court and the Appellate Court record, unless already filed in the Supreme Court.

(h) Briefs Other Than in Child Custody, Delinquent Minor, and Pretrial Release Cases. If leave to appeal is allowed, the appellant may allow his or her petition for leave to appeal to stand

as the brief of appellant, or may file a brief. Within 14 days after the date on which leave to appeal was allowed, appellant shall serve on all counsel of record a notice of election to allow the petition for leave to appeal to stand as the brief of appellant, or to file an additional brief, and within the same time shall file the notice with the clerk of the Supreme Court. If appellant elects to allow the petition for leave to appeal to stand as his or her brief, appellant shall file with the notice a complete table of contents, with page references, of the record on appeal and a statement of the applicable standard of review for each issue, with citation to authority, in accordance with Rule 341(h)(3). If appellant elects to file an additional brief, it shall be filed within 35 days from the date on which leave to appeal was allowed. Motions to extend the time for filing an additional brief are not favored and will be allowed only in the most extreme and compelling circumstances.

The appellee may allow his or her answer to the petition for leave to appeal to stand as the brief of appellee, or may file a brief. If the appellant has elected to allow the petition for leave to appeal to stand as the brief of appellant, within 14 days after the due date of appellant's notice the appellee shall serve on all counsel of record a notice of election to let the answer stand as the brief of appellee, or to file a brief, and within the same time shall file the notice with the clerk of the Supreme Court. If the appellee elects to file a brief, such brief shall be filed within 35 days of the due date of appellant's notice of election to let the petition for leave to appeal stand as the brief of appellant.

If the appellant has elected to file an additional brief, within 14 days after the due date of appellant's brief the appellee shall serve on all counsel of record a notice of election to let his or her answer stand as the brief of appellee, or to file an additional brief, and within the same time shall file a copy of the notice with the clerk of the Supreme Court. If appellee elects to file an additional brief it shall be filed within 35 days of the due date of appellant's brief.

If an appellee files a brief and that brief does not contain arguments in support of cross-relief, the appellant may file a reply brief within 14 days of the due date of appellee's brief. If the brief of appellee contains arguments in support of cross-relief, the appellant may file a combined reply brief and response to the appellee's request for cross-relief within 35 days of the due date of appellee's brief, and the appellee may file a reply brief confined strictly to the appellant's arguments in opposition to the appellee's request for cross-relief within 14 days of the due date of appellant's combined brief. If the brief of the appellee contains arguments in support of cross-relief, the cover of the appellee's brief shall be captioned: "Brief of Appellee. Cross-Relief Requested," the cover of the appellant's combined reply brief and response to the appellee's request for cross-relief shall be captioned "Appellant's Reply Brief and Response to Request for Cross-Relief," and the cover of the appellee's reply in support of its request for cross-relief shall be captioned "Appellee's Reply in Support of Request for Cross-Relief."

Briefs, pleadings and other documents filed with the Supreme Court in cases covered by this rule shall, to the extent appropriate, conform to Rules 341 through 343. If the brief of appellee contains arguments in support of cross-relief, then the length limitations for cross-appeals in Rule 341(b)(1) shall apply to the briefing in the case.

In cases involving more than one appellant or appellee, including cases consolidated for purposes of the appeal, any number of either may join in a single brief, and any appellant or

appellee may adopt by reference any part of the brief of another. Parties may similarly join in reply briefs.

(i) Child custody cases.

(1) Special caption. A petition for leave to appeal in a child custody or allocation of parental responsibilities or relocation of emancipated minors case, as defined in Rule 311, and any notice, motion, or pleading related thereto, shall include the following statement in bold type on the top of the front page: **THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).**

(2) Briefs. The requirements of paragraph (h) above shall apply in all respects, except:

(a) the appellant's notice of election shall be due within 7 days after the date on which the leave to appeal was allowed;

(b) if the appellant elects to file an additional brief, it shall be filed within 21 days from the date on which leave to appeal was allowed;

(c) if the appellant has elected to allow the petition for leave to appeal to stand as the brief of the appellant, the appellee's notice of election is due within 7 days of the due date of appellant's notice of election, or if the appellant has elected to file an additional brief, the appellee's notice of election is due within 7 days after the due date of appellant's brief;

(d) if the appellee elects to file an additional brief, it shall be filed within 21 days of the due date of appellant's notice of election to let the petition for leave to appeal stand as the brief of the appellant, or if the appellant elected to file an additional brief, the appellee's additional brief shall be filed within 21 days of the due date of appellant's brief;

(e) if the appellee has elected to file an additional brief, the appellant's reply brief shall be due within 7 days of the due date of the appellee's brief; and

(f) if cross-relief was requested, appellee's reply brief shall be due within 7 days of the due date of the appellant's reply brief.

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

(j) Delinquent minor cases.

(1) Special Caption. A petition for leave to appeal in a delinquent minor case, as provided for in Rule 660A, and any notice, motion, or pleadings related thereto, 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.**

(2) Briefs. The requirements of paragraph (h) above shall apply in all respects, except:

(a) the appellant's notice of election shall be due within 7 days after the date on which the leave to appeal was allowed;

(b) if the appellant elects to file an additional brief, it shall be filed within 28 days from the date on which leave to appeal was allowed;

(c) if the appellant has elected to allow the petition for leave to appeal to stand as the brief of the appellant, the appellee's notice of election is due within 7 days of the due date of the appellant's notice of election, or if the appellant has elected to file an additional brief, the appellee's notice of election is due within 7 days after the due date of the appellant's brief;

(d) if the appellee elects to file an additional brief, it shall be filed within 28 days of the due date of the appellant's notice of election to let the petition for leave to appeal stand as brief of appellant, or if the appellant elected to file an additional brief, the appellee's additional brief shall be filed within 28 days of the due date of the appellant's brief;

(e) if the appellee has elected to file an additional brief, the appellant's reply brief shall be due within 7 days of the due date of the appellee's brief; and

(f) if cross-relief was requested, the appellee's reply brief shall be due within 7 days of the due date of the appellant's reply brief.

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

(k) Pretrial release cases.

(1) Special caption. A petition for leave to appeal in a pretrial release case under article 110 of the Code of Criminal Procedure of 1963 (725 ILCS 5/110-1 *et seq.*), and any notice, motion, or pleading related thereto, shall include the following statement in bold type on the top of the front page: **THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 604(h).**

(2) Briefs. The requirements of paragraph (h) above shall apply in all respects, except:

(a) the appellant's notice of election shall be due within 7 days after the date on which the leave to appeal was allowed;

(b) if the appellant elects to file an additional brief, it shall be filed within 21 days from the date on which leave to appeal was allowed;

(c) if the appellant has elected to allow the petition for leave to appeal to stand as the brief of the appellant, the appellee's notice of election is due within 7 days of the due date of appellant's notice of election, or if the appellant has elected to file an additional brief, the appellee's notice of election is due within 7 days after the due date of appellant's brief;

(d) if the appellee elects to file an additional brief, it shall be filed within 21 days of the due date of appellant's notice of election to let the petition for leave to appeal stand as the brief of the appellant, or if the appellant elected to file an additional brief, the appellee's additional brief shall be filed within 21 days of the due date of appellant's brief;

(e) if the appellee has elected to file an additional brief, the appellant's reply brief shall be due within 7 days of the due date of the appellee's brief; and

(f) if cross-relief was requested, appellee's reply brief shall be due within 7 days of the due date of the appellant's reply brief.

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

(l) Oral Argument. Oral argument may be requested as provided in Rule 352(a).

Amended effective November 30, 1972; amended effective September 1, 1974; amended October 1, 1976, effective November 15, 1976; amended September 29, 1978, effective November 1, 1978; amended July 30, 1979, effective October 15, 1979; amended February 19, 1982, effective April 1, 1982; amended May 28, 1982, effective July 1, 1982; amended February 1, 1984, effective February 1, 1984, with Justice Moran dissenting (see *Yellow Cab Co. v. Jones* (1985), 108 Ill. 2d 330, 342); amended April 27, 1984, effective July 1, 1984; amended February 21, 1986, effective August 1, 1986; amended February 27, 1987, effective April 1, 1987; amended April 7, 1993, effective June 1, 1993; amended December 17, 1993, effective February 1, 1994; amended September 23, 1996, effective immediately; amended September 22, 1997, effective October 1, 1997; amended March 19, 2003, effective May 1, 2003; amended December 5, 2003, effective immediately; amended October 15, 2004, effective January 1, 2005; amended February 10, 2006, effective July 1, 2006; amended May 24, 2006, effective September 1, 2006; amended August 15, 2006, effective immediately; amended October 2, 2006, effective immediately; amended September 25, 2007, effective October 15, 2007; amended February 26, 2010, effective immediately; amended Mar. 15, 2013, eff. May 1, 2013; amended May 23, 2013, eff. July 1, 2013; amended Dec. 11, 2014, eff. Jan. 1, 2015; amended Mar. 15, 2016, eff. immediately; amended June 22, 2017, eff. July 1, 2017; amended June 28, 2017, eff. July 1, 2017; amended Sept. 15, 2017, eff. Nov. 1, 2017; amended Mar. 21, 2018, eff. Apr. 1, 2018; amended Apr. 3, 2018, eff. July 1, 2018; amended Sept. 26, 2019, eff. Oct. 1, 2019; amended Sept. 30, 2020, eff. Oct. 1, 2020; amended Sept. 29, 2021, eff. Oct. 1, 2021; amended Dec. 7, 2023, eff. immediately.

Committee Comments
(February 10, 2006)

Paragraph (b) is amended to dispense with the requirement of filing an affidavit of intent to file a petition for leave to appeal or a certificate of intent to file a petition for leave to appeal. This amendment is consistent with the public policy of this state as evinced by the Code of Civil Procedure, which favors resolution on the merits: “This Act shall be liberally construed, to the end that controversies may be speedily and finally determined according to the substantive rights of the parties.” 735 ILCS 5/1-106.

The amendment also addresses the concerns addressed in *A.J. Maggio Co. v. Willis*, 197 Ill. 2d 397 (2001), *Roth v. Illinois Farmers Insurance Co.*, 202 Ill. 2d 490 (2002), and *Wauconda Fire Prevention District v. Stonewall Orchards, LLP*, 214 Ill. 2d 417 (2005), all of which dealt with the rather unclear requirements of Rule 315, which had been amended in 1993 to require the filing of an affidavit of intent within 21 days in order to have 35 days in which to file a petition for leave to appeal.

Paragraph (b) is further amended to separate the provision on the time for filing a petition for leave to appeal, which remains in paragraph (b), from the provision on the content of the petition, which becomes a new paragraph (c). The subsequent paragraphs are relettered accordingly.

Paragraph (b) is also amended to allow a party that may not have sought Supreme Court review of an adverse disposition under Rule 23(b) or (c) the opportunity to seek review of that disposition after the Appellate Court grants a motion to publish it.

Rule 341. Briefs

(a) Form of Briefs. Briefs shall be submitted in clear, black text on white pages, each measuring 8½ by 11 inches. The text must be double-spaced; however, headings may be single-spaced. Margins must be at least 1½ inch on the left side and 1 inch on the other three sides. Each page shall be numbered within the bottom margin. Quotations of two or more lines in length may be single-spaced; however, lengthy quotations are not favored and should be included only where they will aid the court's comprehension of the argument. Footnotes are discouraged but, if used, may be single-spaced.

Typeface must be 12-point or larger throughout the document, including quoted material and any footnotes. Condensed type is prohibited.

(b) Length of Briefs.

(1) Length Limitation. The brief of appellant and brief of appellee shall each be limited to 50 pages, and the reply brief to 20 pages. Alternatively, the brief of appellant and brief of appellee shall each be limited to no more than 15,000 words and the reply brief to 6,000 words. This limitation excludes pages and words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a). Cross-appellants and cross-appellees shall each be allowed an additional 30 pages or, alternatively, 9,000 words, and the cross-appellant's reply brief shall not exceed 20 pages or, alternatively, 6,000 words.

(2) Motions. Motions to file a brief in excess of the length limitation of this rule are not favored. Such a motion shall be filed not less than 10 days before the brief is due or not less than 5 days before a reply brief is due and shall state the excess number of pages or words

requested and the specific grounds establishing the necessity for excess pages or words. The motion shall be supported by affidavit or verification by certification under Section 1-109 of the Code of Civil Procedure of the attorney or self-represented litigant. Any affidavit shall be sworn to before a person who has authority under the law to administer oaths.

(c) Certificate of Compliance. The attorney or self-represented litigant shall submit with the brief his or her signed certification that the brief complies with the form and length requirements of paragraphs (a) and (b) of this rule, as follows:

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is ____ pages or words.

(d) Covers. The cover of the brief shall contain: the number of the case in the reviewing court and the name of that court; the name of the court or administrative agency from which the case was brought; the name of the case as it appeared in the lower tribunal, except that the status of each party in the reviewing court shall also be indicated (*e.g.*, plaintiff-appellant); the name of the trial judge entering the judgment to be reviewed; and the individual names and addresses of the attorneys and their law firm (or of the party if the party has no attorney) filing the brief shall also be stated.

The colors of the covers of the documents, whether electronic or paper, shall be: appellant's brief or petition, white; appellee's brief or answer, light blue; appellant's reply brief, light yellow; reply brief of appellee, light red; petition for rehearing, light green; answer to petition for rehearing, tan; and reply on rehearing, orange. If a separate appendix is filed, the cover shall be the same color as that of the brief which it accompanies.

(e) Duplicate Copies and Proof of Service. Electronically filed briefs shall be considered the official original. A court of review may, in its electronic filing procedures, require duplicate paper copies bearing the court's electronic file stamp. Such copies shall be printed one-sided and securely bound on the left side in a manner that does not obstruct the text. Such copies shall be received by the clerk within five days of the electronic notification generated upon acceptance of an electronically filed document.

The brief shall be served upon each other party to the appeal represented by separate counsel. Proof of service shall be filed with all briefs.

(f) References to Parties. In the brief the parties shall be referred to as in the trial court, *e.g.*, plaintiff and defendant, omitting the words appellant and appellee and petitioner and respondent, or by using actual names or descriptive terms such as "the employee," "the injured person," "the taxpayer," "the railroad," etc.

In all appeals involving juveniles filed from proceedings under the Juvenile Court Act or the Adoption Act, and in all appeals under the Mental Health and Developmental Disabilities Code, the Mental Health and Developmental Disabilities Confidentiality Act, or from actions for collection of fees for mental health services, the respective juvenile or recipient of mental-health services shall be identified by first name and last initial or by initials only.

The preferred method is the 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 the individual's identity. The name of the involved juvenile or recipient of services shall not appear in the brief.

(g) Citations. Citations shall be made as provided in Rule 6.

(h) Appellant's Brief. The appellant's brief shall contain the following parts in the order named:

(1) A table of contents, including a summary statement, entitled “Points and Authorities,” of the points argued and the authorities cited in the Argument. This shall consist of the headings of the points and subpoints as in the Argument, with the citation under each heading of the authorities relied upon or distinguished, and a reference to the page of the brief on which each heading and each authority appear. ~~Cases shall be cited as near as may be in the order of their importance.~~

(2) An introductory paragraph stating (i) the nature of the action and of the judgment appealed from and whether the judgment is based upon the verdict of a jury, and (ii) whether any question is raised on the pleadings and, if so, the nature of the question.

Illustration:

“This action was brought to recover damages occasioned by the alleged negligence of the defendant in driving his automobile. The jury rendered a verdict for the plaintiff upon which the court entered the judgment from which this appeal is taken. No questions are raised on the pleadings.”

(3) A statement of the issue or issues presented for review, without detail or citation of authorities.

Illustration:

Issue Presented for Review:

“Whether the plaintiff was guilty of contributory negligence as a matter of law.”

[or]

“Whether the trial court ruled correctly on certain objections to evidence.”

[or]

“Whether the jury was improperly instructed.”

The appellant must include a concise statement of the applicable standard of review for each issue, with citation to authority, either in the discussion of the issue in the argument or under a separate heading placed before the discussion in the argument.

(4) A statement of jurisdiction:

(i) In a case appealed to the Supreme Court directly from the trial court or as a matter of right from the Appellate Court, a brief statement under the heading “Jurisdiction” of the jurisdictional grounds for the appeal to the Supreme Court.

(ii) In a case appealed to the Appellate Court, a brief, but precise statement or explanation under the heading “Jurisdiction” of the basis for appeal including

the supreme court rule or other law which confers jurisdiction upon the reviewing court; the facts of the case which bring it within this rule or other law; and the date that the order being appealed was entered and any other facts which are necessary to demonstrate that the appeal is timely. In appeals from a judgment as to all the claims and all the parties, the statement shall demonstrate the disposition of all claims and all parties. All facts recited in this statement shall be supported by page references to the record on appeal.

(5) In a case involving the construction or validity of a statute, constitutional provision, treaty, ordinance, or regulation, the pertinent parts of the provision verbatim, with a citation of the place where it may be found, all under an appropriate heading, such as “Statutes Involved.” If the provision involved is lengthy, its citation alone will suffice at this point, and its pertinent text shall be set forth in an appendix.

(6) Statement of Facts, which shall contain the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal in the format as set forth in the Standards and Requirements for Electronic Filing the Record on Appeal.

(7) Argument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on. Evidence shall not be copied at length, but reference shall be made to the pages of the record on appeal where evidence may be found. Citation of numerous authorities in support of the same point is not favored. Points not argued are forfeited and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.

(8) A short conclusion stating the precise relief sought, followed by the names of counsel as on the cover.

(9) An appendix as required by Rule 342.

(i) Briefs of Appellee and Other Parties. The brief for the appellee and other parties shall conform to the foregoing requirements, except that items (2), (3), (4), (5), (6), and (9) of paragraph (h) of this rule need not be included except to the extent that the presentation by the appellant is deemed unsatisfactory.

(j) Reply Brief. The reply brief, if any, shall be confined strictly to replying to arguments presented in the brief of the appellee and need contain only Argument.

(k) Supplemental Brief on Leave to Appeal. A party allowing a petition for leave to appeal or for appeal as a matter of right or an answer thereto to stand as his or her main brief, may file a supplemental brief, so entitled, containing additional material, and omitting any of the items set forth in paragraph (h) of this rule to the extent that they are adequately covered in the petition or answer. The Points and Authorities in the supplemental brief need relate only to the contents of that brief.

Amended October 21, 1969, effective January 1, 1970; amended July 30, 1979, effective October 15, 1979; amended January 5, 1981, effective February 1, 1981; amended February 19, 1982, effective April 1, 1982; amended May 28, 1982, effective July 1, 1982; amended April 27, 1984, and May 16, 1984, effective July 1, 1984; amended April 10, 1987, effective August 1, 1987; amended May 21, 1987, effective August 1, 1987; amended June 12, 1987, effective immediately; amended May 18, 1988, effective August 1, 1988; amended January 20, 1993, effective immediately; amended December 17, 1993, effective February 1, 1994; amended May 20, 1997, effective July 1, 1997; amended April 11, 2001, effective immediately; amended October 1, 2001, effective immediately; amended May 24, 2006, effective September 1, 2006; amended March 16, 2007, effective immediately; amended June 4, 2008, effective July 1, 2008; amended Feb. 6, 2013, eff. immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended June 22, 2017, eff. July 1, 2017; amended Sept. 15, 2017, eff. Nov. 1, 2017; amended May 25, 2018, eff. immediately; amended Sept. 30, 2020, eff. Oct. 1, 2020.

Rule 361. Motions in Reviewing Court

(a) Content of Motions; Supporting Record; Other Supporting Documents. Unless another form is elsewhere prescribed by these rules, an application for an order or other relief shall be made by filing a motion. Motions shall be in writing and shall state the relief sought and the grounds therefor. If the record has not been filed the movant shall file with the motion an appropriate supporting record (Rule 328). When the motion is based on facts that do not appear of record it shall be supported by affidavit or verification by certification pursuant to section 1-109 of the Code of Civil Procedure. Any affidavit shall be sworn to before a person who has authority under the law to administer oaths. Argument not contained in the motion may be made in a supporting memorandum.

If counsel has conferred with opposing counsel and opposing counsel has no objection to the motion, that fact should be stated in the motion in order to allow the court to rule upon the motion without waiting until the time for filing responses has expired.

(b) Filing; Proposed Order; Responses. The motion shall be served, presented, and filed as follows:

(1) The motion, together with proof of service, shall be filed with the clerk. See Rule 11 regarding manner of serving documents and Rule 12 regarding proof of service. Service and filing will be excused only in case of necessity.

(2) A proposed order phrased in the alternative (*e.g.*, “Allowed” or “Denied”) shall be submitted with each motion and shall be served upon all counsel of record. No motion shall be accepted by the clerk unless accompanied by such a proposed order.

(3) Responses to a motion shall be in writing and be filed, with proof of service, within 7 days after personal or e-mail service of the motion, or 10 days after mailing of the motion if service is by mail, or 10 days after delivery to a third-party commercial carrier if service is by delivery to a third-party commercial carrier, or within such further time as the court or a judge thereof may allow. Except by order of court, replies to responses will not be allowed and oral arguments on motions will not be heard.

(c) Additional Requirement in Supreme Court.

(1) If a rule provides that relief may be granted “by the court or a justice thereof,” the motion shall be directed to only one justice. The clerk shall direct the motion to the justice of the judicial district involved or, in Cook County, to the justice designated to hear motions. The response to a motion shall also be directed to the justice within the time provided in paragraph (b)(3).

(2) If the motion seeks relief that under these rules requires action by the full court, the movant shall file the motion in accordance with paragraph (b)(1). Responses to a motion shall be filed with the clerk within the time provided in paragraph (b)(3) or, if applicable, within the time provided in Rule 381 or 383.

(d) When Acted Upon. Except in extraordinary circumstances, or where opposing counsel has indicated no objections, no motion will be acted upon until the time for filing responses has expired.

(e) Corrections. The clerk is authorized to make corrections in any document of a party to

any pending case upon receipt of written request from that party together with proof that a copy of the request has been transmitted to all other parties.

(f) Motions for Extensions of Time. Motions for extensions of time shall be filed on or before the due date of the document the party is seeking an extension of time to file and shall be supported by affidavit or verification by certification under section 1-109 of the Code of Civil Procedure of counsel or the party showing the number of previous extensions granted and the reason for each extension. Any affidavit shall be sworn to before a person who has authority under the law to administer oaths.

(g) Emergency Motions and Bail Motions. Each District of the Appellate Court shall promulgate and publish rules setting forth the procedure for emergency motions, including notice requirements. Subject to the rules of each District, an emergency motion must specify the nature of the emergency and the grounds for the specific relief requested. Except in the most extreme and compelling circumstances, a motion for an extension of time will not be considered an emergency. Motions regarding bail in criminal cases or bonds in civil and criminal cases shall be considered emergency motions if so designated by the movant.

(h) Dispositive Motions.

(1) Dispositive motions in the Appellate Court should be ruled upon promptly after the filing of the objection to the motion, if any. A dispositive motion may be taken with the case where the court cannot resolve the motion without consideration of the full record on appeal and full briefing of the merits.

(2) For purposes of this Rule 361(h), “dispositive motion” means any motion challenging the Appellate Court’s jurisdiction or raising any other issue that could result in the dismissal of any portion of an appeal or cross appeal without a decision on the merits of that portion of the appeal or cross-appeal.

(3) A dispositive motion shall include:

(a) a discussion of the facts and issues on appeal sufficient to enable the court to consider the dispositive motion;

(b) a discussion of the facts and law supporting the dismissal of the appeal or cross-appeal or portion thereof prior to a determination of the appeal on the merits;

(c) a discussion of the relationship, if any, of the purported dispositive issue to the other issues on appeal;

(d) an appropriate supporting record containing (i) if the record on appeal has not yet been filed, the parts of the trial court record necessary to support the dispositive motion; and (ii) if necessary, any evidence of relevant matters not of record in accordance with Rule 361(a).

(4) An objection to a dispositive motion shall address each of the required portions of the motion, and if the record on appeal has not yet been filed, shall include any parts of the trial court record not submitted by the movant that is necessary to oppose the motion, and may include evidence of relevant matters not of record in accordance with Rule 361(a).

(5) The Appellate Court may order additional briefing, record submissions, or oral argument as it deems appropriate.

Amended September 29, 1978, effective November 1, 1978; amended July 30, 1979, effective October 15, 1979; amended January 5, 1981, effective February 1, 1981; amended May 28, 1982, effective July 1, 1982; amended June 15, 1982, effective July 1, 1982; amended August 9, 1983, effective October 1, 1983; amended August 30, 1983, effective October 1, 1983; amended February 27, 1987, effective April 1, 1987; amended December 17, 1993, effective February 1, 1994; amended October 1, 1998, effective immediately; amended May 25, 2001, effective immediately; amended October 14, 2005, effective January 1, 2006; [amended May 24, 2006, effective September 1, 2006](#); [amended December 29, 2009, effective immediately](#); [amended March 14, 2014, effective immediately](#); [amended Dec 11, 2014, eff. Jan. 1, 2015](#); [amended June 22, 2017, eff. July 1, 2017](#); [amended Nov. 19, 2021, eff. Dec. 1, 2021](#); [amended Dec. 22, 2022, eff. Feb. 1, 2023](#).

Committee Comments
(January 1, 2006)

Paragraph (h) was added effective January 1, 2006, to address the concerns of the bench and bar with respect to dispositive motions in the Appellate Court. Where a straightforward dispositive issue exists, such as an easily determinable lack of appellate jurisdiction, taking the motion with the case delays the final resolution of the case and greatly increases the burden on all parties by forcing them unnecessarily to brief and argue the merits of the appeal. Paragraph (h) requires that dispositive motions provide the necessary context, including those portions of the record that are necessary to resolve the motion. Where such context is provided, the rule provides that the court should resolve the dispositive motion “promptly after the filing of the objection, if any.”

Committee Comments
(Revised May 1982)

Rule 361 replaced former section 86.1 of the Civil Practice Act, former Supreme Court Rule 49, former Rule 3 of the First District Appellate Court, and former Rule 5 of the other districts (earlier Uniform Appellate Court Rule 5). It applies to motions in all reviewing courts. Except for the provisions as to time, the rule made no substantial change in the preexisting practice. The argument in support of a motion, if not set forth in the motion itself, is to be submitted in a memorandum in support of the motion, rather than in a document entitled “suggestions.” The time provisions are designed to insure that the other parties have an opportunity to file objections. The number of copies of documents conforms to former requirements in the Supreme Court and all Appellate Court districts except the First District, which required an original and two copies. The additional copy gives the clerk one for his file. Paragraph (f) was new.

Paragraph (g) was added in 1978, extending to civil cases a requirement formerly appearing in Rule 610(3) (58 Ill. 2d R. 610(3)), applicable only to criminal appeals.

Two clarifying changes were made in 1979. The first sentence of paragraph (a) was added to make it explicit that, unless otherwise provided for, all applications for relief are to be made by motion, and the provisions of former Rule 328, abrogated in 1979, were in substance transferred to paragraph (a) of this rule, where they appear as the third sentence. The “short record” under the former practice is called a “supporting record” in recognition of the fact that such a record serves the sole purpose of supporting the motion and not as a basis for docketing an appeal as the “short record” was under Rule 327 before its amendment in 1979.

In 1981, paragraph (c) was amended to require that copies of motions directed to a justice when the court is not in session must be sent to the other justices at their district chambers whenever the motion seeks relief that will require action by the full court. In 1982, it was amended to clarify this requirement.

Commentary
(December 17, 1993)

The rule has been reorganized and nonsubstantive additions are made. Reference to the former motion call practice of the Supreme Court in the First District has been deleted.