

RULES OF THE ILLINOIS APPELLATE COURT, SECOND DISTRICT  
March 7, 2017

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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 All prior rules issued by the Court are hereby rescinded.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 III. Personnel Rules

**Article I.      General Rules**

**Rule 101      Filing materials with the Court**

- (a) Materials (including but not limited to records, exhibits, briefs, motions, and memoranda) to be filed with the Court must be directed to the Clerk's Office either 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

- (b) Except as provided in Supreme Court Rule 341(*l*) and Local Rule 111, the Court does not accept electronic filings.
- (c) 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.
- (d) The Clerk's Office will not correct any filings on any party's behalf.
- (1) If a party seeks to make typographical corrections to a filing, then the party seeking to make the corrections must file a motion in the Clerk's Office identifying the changes to be made. If the motion is granted, the Clerk's Office will notify the party seeking to make the corrections of a time when the filing will be available for that party to come to the Clerk's Office to effectuate the corrections outlined in the motion.
- (2) If a party seeks to make substantive changes to a filing, then the party seeking to make the changes must file a motion seeking leave to withdraw the filing and to file a substitute.

**Rule 102      Requirements for documents filed with the Court**

- (a) All documents filed with the Court, including motions, must comply with the formatting guidelines of Supreme Court Rules 341(a), (f), and (g).
- (b) Every document filed in the Court shall be personally signed by at least one attorney of record and shall list that person's professional address. Parties who are not represented by an attorney shall sign their names and provide their addresses.

**Rule 103      Motions for extension of time**

- (a) A party moving for an extension of time must comply with Supreme Court Rules 361(a) and (f) and, where applicable, 610. In addition to the information required by those rules, the movant's affidavit 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 may become moot due to the passage of time on appeal, the date on which the appeal may become moot.
- (b) A motion for an extension of time should be filed, where practicable, at least 10 days prior to the date to be extended if served by mail or by third-party commercial carrier or at least 5 days prior to the date to be extended if served personally, by facsimile, or by e-mail.
  - (c) Motions for extension of time in cases accelerated pursuant to Supreme Court Rule 311(a) or 660A and/or Local Rule 106 must comply with subsection (a) of this Local Rule and Local Rules 106(e), (f), and (g).

**Rule 104      Records on appeal not to include physical evidence or photostatic copies**

- (a) The circuit clerks of the respective counties within the Second District of the Illinois Appellate Court are not to send to the Court any physical evidence included in the record. Examples of such evidence that should not be sent are: weapons, narcotics or drug paraphernalia, materials marked as "biohazard," and x-rays. Evidence of a descriptive or documentary nature, including video recordings, audio recordings, and photographs, should be included in the record on appeal. If physical evidence is required for consideration of an appeal, the Court, *sua sponte* or upon motion of a party, will direct the circuit court to transfer such evidence.
- (b) Except where the circuit clerks are to submit electronic records pursuant to Local Rule 111, the circuit clerks are to submit records containing the original documents from the circuit court's file, and not photostatic copies. However, photostatic copies may be submitted if:
  - (1) The original papers of the record do not exist; or
  - (2) The Chief Judge of the circuit from which the appeal originates files a letter with the Court stating good cause why the original is not available and why a photostatic copy of the record should be filed in its stead. Whether the letter filed by the Chief Judge states good cause shall be determined by the Court.

**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 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 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 day the reply brief (or cross-reply brief) is due to be filed, 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      Certain cases accelerated**

- (a) In addition to the categories of cases listed in Supreme Court Rules 311(a) and 660A, the Court will also accelerate appeals from orders granting or denying petitions for removal.
- (b) In order to expedite appeals under Supreme Court Rules 311(a) and 660A and this Local Rule, 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), and (j), and Local Rule 102.
- (c) Unless the Court orders otherwise, all cases listed in Supreme Court Rule 311(a) shall adhere to the following schedule:
  - (1) The record on appeal (or certificate in lieu of record), including the common-law record and the transcript of proceedings, shall be filed no later than 35 days after the filing of the notice of appeal. Any request for extension of the time for filing shall be accompanied by an affidavit of the court clerk or court reporter stating the reason for the delay, and shall be served on the trial judge and the chief judge of the circuit. Lack of advance payment shall not be a reason for noncompliance with filing deadlines.
  - (2) The appellant's brief or memorandum in lieu of a formal brief must be filed within 21 days of the filing of the record or certificate with the Court.
  - (3) The appellee's brief or memorandum in lieu of a formal brief must be filed within 21 days thereafter.
  - (4) Any reply brief or memorandum in lieu of a formal brief must be filed within 7 days thereafter.
  - (5) In the case of a cross-appeal, the cross-reply brief or memorandum in lieu of a formal brief must be filed within 7 days thereafter.
- (d) Unless the Court orders otherwise, all cases listed in Supreme Court Rule 660A shall adhere to the following schedule:
  - (1) The record on appeal (or certificate in lieu of record), including the common-law record and the transcript of proceedings, shall be filed no later than 35 days after the filing of the notice of appeal. Any request for extension of the time for filing shall be accompanied by an affidavit of the court clerk or court reporter stating the reason for the delay, and shall be served on the trial judge and the chief judge of the circuit. Lack of advance payment shall not be a reason for noncompliance with filing deadlines.
  - (2) The appellant's brief or memorandum in lieu of a formal brief must be filed within 28 days of the filing of the record or certificate with the Court.
  - (3) The appellee's brief or memorandum in lieu of a formal brief must be filed within 28 days thereafter.

- (4) Any reply brief or memorandum in lieu of a formal brief must be filed within 7 days thereafter.
- (5) In the case of a cross-appeal, the cross-reply brief or memorandum in lieu of a formal brief must be filed within 7 days thereafter.
- (e) 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 a file-stamped copy of any order entered at the status hearing and an affidavit of the clerk or court reporter stating the reason for the delay.
  - (3) A motion for an extension must be filed at least 10 days prior to the date to be extended if served by mail or by third-party commercial carrier or at least 5 days prior to the date to be extended if served personally, by facsimile, or by e-mail.
  - (4) The Court may require a personal appearance by the attorney or party requesting the extension.
- (f) Motions should be served personally, by facsimile, or by e-mail whenever possible.
- (g) 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 and/or Local Rule 106 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 is filed. If a timely motion or timely motions for extension 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 circuit court or why no relief was sought in that court. The movant shall attach to the motion a copy of every circuit 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 personally, by facsimile, or by e-mail. 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 3 days to respond to an emergency 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 those filed under seal or impounded, will be made available for review upon request by any party or non-party. Parties may request filed materials from the record of any appeal to which they are a party, and the materials will be made available as soon as practicable pursuant to Supreme Court Rule 372. Non-parties may view filed materials by making a written request to the Clerk at least 7 days before the date on which the non-party desires to view the materials. Before making such materials available to non-parties, the Court may conduct its own review and redact any sensitive information appearing on the materials. The Court may also monitor any review of the materials in order to ensure the integrity of the documents and the privacy of such sensitive information.
- (b) The Court’s computer system and the information contained in that system, including but not limited to internal electronic communications and internal administrative documents, will not be printed out or provided to any party or his or her attorney, or to the general public.

**Rule 111      Electronic records on appeal**

- (a) In all cases in which the notice of appeal is filed on or after June 1, 2014, the circuit clerks of Boone, Carroll, De Kalb, Du Page, Jo Daviess, Kendall, Lake, Lee, McHenry, Ogle, Stephenson, and Winnebago Counties shall electronically transfer records on appeal (common-law records and reports of proceedings) to the Clerk of the Court via i2file.net. In all cases in which the notice of appeal is filed on or after October 1, 2014, the circuit clerk of Kane County shall electronically transfer records on appeal (common-law records and reports of proceedings) to the Clerk of the Court via i2file.net. The electronic reports of proceedings shall be formatted with text searchable by both word and phrase. Except as provided by Local Rule 104(a), the circuit clerks shall transfer exhibits physically, not electronically.
- (b) Upon request by the Clerk of the Court, the circuit clerks shall create and transport to the Clerk of the Court the paper copy of the record on appeal, prepared and certified in accordance with the Supreme Court Rules. Otherwise, the circuit clerks shall not create paper records on appeal but shall retain original common-law records and reports of proceedings in accordance with the Supreme Court Rules.
- (c) Throughout the duration of an appeal, the Clerk of the Court shall retain an unmodified copy of the electronic record on appeal and, where the paper copy of the record on appeal has been requested and prepared, the paper copy of the record on appeal, in accordance with the Supreme Court Rules. After the Court issues its mandate in the appeal, the Clerk of the Court may delete the copy of the electronic record on appeal and shall transport to the circuit clerk any paper record created at the Court's request and the exhibits.
- (d) When a party requests the record on appeal from the Court, that party will receive a copy of the electronic record on appeal. If a party submits to the Clerk of the Court a written request for the paper record on appeal, the Clerk of the Court shall immediately forward that request to the circuit clerk with a direction to immediately create and transport the paper record on appeal pursuant to this Local Rule. The written request shall include: (1) the full name of the case on appeal (and, if applicable, the case(s) with which the case is consolidated); (2) the appellate case number(s); (3) the circuit case number(s); and (4) the requesting party's name, address, phone number, and e-mail address. The Clerk of the Court shall not send the paper record on appeal, as opposed to a copy thereof, to any correctional institution.
- (e) A party who wishes to access the electronic record on appeal must register a user name and a password and provide a valid e-mail address at i2file.net. The party then must make a written request through i2file.net in the standard pdf format and in the form prescribed by the Court.
- (f) Upon receipt of a written request for access to the electronic record on appeal, the Clerk of the Court shall have the sole authority to grant or deny access to the electronic record on appeal and, if granted, may deny or revoke future access to the electronic record on appeal.
- (g) Upon receipt of a copy of the electronic record on appeal, a party may search, bookmark, and annotate that copy, which need not be returned to the Court. All markings shall be secure and shall be unique to that copy. When that copy is

deleted, all markings shall be destroyed. No party shall view or access another party's copy.

- (h) Upon the grant of a motion to supplement the electronic record on appeal, the supplement shall be prepared as a separate volume. The volume shall be paginated with consecutive numbers starting with the next number following the last number in the preceding volume.
- (i) If an electronic record on appeal includes documents that are impounded, sealed, or otherwise protected, an Impounded Table of Contents will list all such documents according to the dates they were filed with the circuit clerk. The electronic record on appeal shall contain, as applicable, separate volumes entitled Impounded Common Law Record and Impounded Report of Proceedings. The Impounded Common Law Record shall be paginated with consecutive numbers starting with one, with an "IC" preceding each page number, and shall contain no more than 250 pages per volume. The Impounded Report of Proceedings shall follow the same requirements, except that an "IR" shall precede each page number.
- (j) In all appeals, except as provided below, any party or attorney of record on appeal wishing to access impounded or sealed documents in the electronic record on appeal must move to access those documents. Upon written motion supported by affidavit, specifying the basis for access, the Court, in its sole discretion, shall grant or deny authorization to access any such documents. However, in criminal appeals, in appeals under Supreme Court Rules 311(a) and 660A, and in appeals under the Mental Health and Developmental Disabilities Code (405 ILCS 5/1-100 *et seq.*), attorneys of record on appeal may access, without motion, all impounded documents in the electronic record on appeal. Such access without motion does not extend to *sealed* documents in the electronic record on appeal.

**Rule 112      Related-case statement**

- (a) If an appeal is related to any case 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 7 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 any prior or pending case involving (1) substantially the same parties and (2) the same or similar issues.
- (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 Illinois 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 Illinois 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. As used in this Local Rule, a “postdissolution proceeding” is a dissolution case in which a judgment of dissolution has been entered and 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.