



RULES OF THE ILLINOIS APPELLATE COURT, FOURTH DISTRICT

Eff. October 1, 2022

Articles

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Supreme Court Rule 22(h) authorizes the appellate courts to adopt rules consistent with the Illinois Supreme Court Rules and Illinois statutes. To facilitate the administration of justice, the Fourth District Appellate Court hereby enacts the following rules (the Local Rules). In the event of a conflict, the Supreme Court Rules shall control. All prior rules issued by the Court are hereby rescinded. The Court may at its discretion alter, modify, amend, 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

(a) Documents must be submitted for filing via eFileIL. Attorneys and self-represented litigants may not file documents through any alternative filing method except in the event of emergency with leave of court or unless the Court has granted an exemption from efileing. (See Supreme Court Rule 9) A list of approved Electronic Filing Service Providers and additional associated information is located at www.efile.illinoiscourts.gov/service-providers.htm

(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.

(c) Materials not filed electronically must be directed to the Clerk's Office by personal delivery, U.S. Mail, or third-party commercial carrier at the following address:

Fourth District Appellate Court Clerk 201 West Monroe Street Springfield, Illinois 62704

(d) 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.

(e) The Clerk's Office will not correct any filings on any party's behalf. If a party seeks to make corrections to a filing, the party seeking to make the corrections must file a motion seeking leave to withdraw the filing and file the corrected document(s).

Rule 102 Requirements for documents filed with the Court

(a) 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*.

(b) All documents filed with the Court must be signed by at least one attorney of record whose professional physical address, email address, and Illinois Attorney Registration and Disciplinary Commission number are listed on the document(s). Self-represented litigants shall sign their name and provide a physical address and email address.

(c) Attorneys shall file an appearance or other pleading before addressing the Appellate Court unless presenting a motion for leave to appear by intervention or otherwise. Procedures for withdrawal shall be consistent with Supreme Court Rule 13.

(d) Fees - As of January 1, 2015, in all cases docketed in the Appellate Court, appellants shall pay a filing fee of \$50. Appellees, upon entry of appearance or filing of any document, shall pay a \$30

fee as required by section 705 of the Appellate Court Act (705 ILCS 105/28), Supreme Court Rule 313, and Supreme Court Administrative Order M.R. 3140.

Rule 103 Docketing Statements, Appearances, Filing Fees, Contact Information

(a) Parties shall file their docketing statements or appearances as soon as practicable. An appellant's docketing statement shall constitute the appellant's appearance. An appellant's listing of an appellee on the docketing statement shall not constitute the appellee's appearance.

(b) A docketing statement or appearance shall be accompanied by the filing fee pursuant to Supreme Court Rule 313(a), unless the fee is waived.

(c) The filing fee is waived for the following:

- (1) Federal agencies;
- (2) State agencies;
- (3) Parties represented by attorneys *pro bono*;
- (4) Indigent parties in criminal cases;
- (5) Indigent parties represented by legal services providers in civil cases; and
- (6) Parties granted waivers pursuant to Supreme Court Rule 313(g).

(d) Attorneys and self-represented litigants shall promptly notify the Court of any change of contact information by filing a notice of the change, with proof of service to all parties.

(e) An attorney representing a criminal defendant shall promptly notify the Court of any change of the defendant's contact information by filing a notice of the change, with proof of service to all parties.

Rule 104 Motions

(a) Before filing any motion, the filing party shall confer with the opposing party(ies) and inquire as to whether the opposing party intends to file an objection. The results of that inquiry shall be stated in the motion. If the moving party is unable to confer with the opposing party, an explanation shall be stated in the motion.

(b) A party moving for an extension of time must comply with Supreme Court Rules 361(a), (b), and (f) and, where applicable, 610.

(c) A motion for 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.

(d) 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.

Rule 105 Records on Appeal and Physical exhibits

(a) The *Supreme Court of Illinois Standards and Requirements for Electronic Filing of the Record on Appeal* (Standards for E-filing the Record) are incorporated herein by reference. Circuit Court

Clerks and Official Court Reporters shall comply with all applicable Supreme Court Rules and the Standards for E-filing the Record when preparing and filing the record on appeal.

(b) Except in appeals filed under Supreme Court Rule 311(a) and 660A, Official Court Reporters are not required to prepare transcripts of proceedings and Circuit Court Clerks are not required to file the record on appeal unless the appellant has paid the required preparation fee in full. Supreme Court Rules 311(a) and 660A provide that lack of advance payment shall not be a reason for noncompliance with filing deadlines. In all other cases, the record is not required to be filed when the appellant has failed to pay the preparation fee(s), unless waived by the court.

(c) Pursuant to the Standards for E-filing the Record, the circuit clerks of the respective counties within the Fourth Appellate District 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 106 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 107 Preparation of accelerated cases

Motions for extension of time are disfavored and shall be granted only for compelling circumstances.

(a) A motion for an extension must comply with Local Rule 104.

(b) 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.

(c) 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.

Rule 108 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 109 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 110 Oral Argument

(a) In general, the appellant(s) will receive a total of 20 minutes for their main argument, the appellee(s) will receive a total of 20 minutes for their response, and the appellant(s) will receive a total of 5 minutes for rebuttal.

(b) In the event of a cross-appeal, the appellant(s)/cross-appellee(s) will receive a total of 20 minutes for their main argument, the appellee(s)/cross-appellant(s) will receive a total of 20 minutes for their response and their main argument, the appellant(s)/cross-appellee(s) will receive a total of 5 minutes for their rebuttal and response, and the appellee(s)/cross-appellant(s) will receive a total of 5 minutes for their rebuttal.

(c) 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 presented on appeal.

(d) At any time, a party may move for an oral argument to be conducted remotely or at the courthouse. The Court retains the discretion to grant or deny the motion.

Rule 111 Availability of Materials

(a) Filed documents, not including impounded or sealed documents, will be made available for review upon request by any party or non-party. The Court may monitor any review of the materials to ensure the integrity of the materials.

(b) The Court Clerk's office will not produce paper copies of certified records on appeal for any party or non-party. Reproductions of other documents filed with the Appellate Court Clerk may be requested. If the request is granted, reproductions will be provided at the cost of .25 per page (Supreme Court Administrative Order M.R. 10958).

(c) Information contained in the Court's internal case management system, including but not limited to internal electronic court communications and internal administrative documents, will not be printed or provided to any party, attorney, or to the public.

Rule 112 Availability of Impounded or Sealed Materials

(a) Any party or attorney of record on appeal may access impounded materials but may not access sealed materials without leave of the Court. Any non-party may not access impounded materials or sealed materials without leave of the Court. The Court, in its sole discretion, shall grant or deny leave upon motion supported by affidavit or verification, specifying the basis for access.

(b) If any materials are misclassified as impounded or sealed, the Court, *sua sponte* or upon motion, may accurately reclassify the materials.

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.

(3) If neither of the above 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 Fourth District Appellate Courthouse is open for transaction of court business from 8:30 a.m. to 4:30 p.m. each day except weekends and legal holidays as determined by the Supreme Court.

Article III. Personnel Rules

Rule 301 Restrictions on communication with Court staff

Neither the Court staff nor the Clerk of the Court or her staff will provide legal opinions or advice to litigants or potential litigants or counsel. All litigants and potential litigants before the Court and counsel shall be cognizant of these restrictions when communicating with Court staff.

Self-represented litigants can be connected to a trained Illinois court guide via the website <https://www.ilcourthelp.gov/hc/en-us> or by calling or texting (833) 411-1121. The guide can provide information regarding the court process in Illinois, distribute court forms, and assist with e-filing.

The Illinois Free Legal Answers for Civil Appeals program offers a virtual legal advice clinic at [Illinois \(freelegalanswers.org\)](https://www.freelegalanswers.org). Self-represented litigants can submit a question about their civil case and attach any relevant documents. They will receive a response from a *pro bono* attorney.