

# HOW TO FILE AN APPELLANT'S REPLY BRIEF

**NOTE:** If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at [ilao.info/glossary](http://ilao.info/glossary). For more information about going to court including how to fill out and file forms, call or text Illinois Court Help at 833-411-1121 or go to [ilcourthelp.gov](http://ilcourthelp.gov).

More information and resources for civil appeals are available at: [ilcourts.info/appl-resources](http://ilcourts.info/appl-resources). There is also a Guide for Appeals to the Illinois Appellate Court for Self-Represented Litigants at: [ilcourts.info/aoc-appl-guide](http://ilcourts.info/aoc-appl-guide).

## What is an Appellant's Reply Brief?

An *Appellant's Reply Brief* tells the appellate court why you disagree with the arguments in the *Appellee's Brief*.

## Who can use the Appellant's Reply Brief form?

The *Appellant's Reply Brief* is filed by the appellant. If you filed the *Notice of Appeal (Civil)*, you are the appellant. (Your opponent is called the appellee.)

## When do I file the Appellant's Reply Brief form?

- In general, your *Appellant's Reply Brief* must be filed within **14 days** after the due date for the *Appellee's Brief*.
- **SPECIAL DEADLINES IN CERTAIN CASES:**
  - Appeals involving parental responsibility or parenting time (custody or visitation), or relocation of a child have shorter deadlines. The appellate court clerk's office will give you the schedule that applies to your case.
- If you need additional time to file your *Appellant's Reply Brief*, you may file a *Motion* with the appellate court for an extension of time, but you will need to give the court a good reason. See Supreme Court Rule [361\(f\)](#). Motions for extensions of time must be filed **before** the due date of the document you are seeking an extension of time to file. However, the appellate court is not required to give you an extension.
- You are not required to file an *Appellant's Reply Brief*, and your failure to file it does **not** mean that you will lose the appeal.

## Where can I find the forms I need?

You can find forms for your civil appeal at: [ilcourts.info/appl-forms](http://ilcourts.info/appl-forms).

## What are the costs to file my Appellant's Reply Brief?

None.

## Is there a page or word limit?

- Yes. The *Appellant's Reply Brief*—not including the cover, the certificate of compliance, and the proof of delivery—must be no more than 20 pages or 6,000 words.

- If you need more than 20 pages or 6,000 words, you may file a *Motion* with the appellate court to ask for permission to file a brief with more pages or words. You must file a *Motion* asking for more pages or words **before** your *Appellant's Reply Brief* is due.

## How do I fill out the Appellant's Reply Brief form?

- Fill out the form online or print it and fill it out by hand. If you fill it out by hand, you must print neatly.
- You might have to add pages to the form and remove pages from it. If you have access to a computer with a PDF editing program (e.g., Adobe Acrobat), you can add and remove pages electronically. Otherwise, you will have to print out the form and add and remove pages by hand.
- The *Appellant's Reply Brief* form contains several sections. The instructions for each section are:

### Cover page (1<sup>st</sup> page)

- The first page (cover) must be light yellow. You need to print or copy the first page of your brief onto light yellow paper.
- Check the top box if the appeal involves parental responsibility or parenting time (custody/visitation rights), or relocation of a child.
- Enter the appellate court case number (which you received from the appellate court clerk) and the appellate court district.
- Provide the name of the trial court case. If the case was given a name beginning with "In re" (e.g., "In re Marriage of Jones"), enter that name on the line next to "In re." If this does not apply to your case, leave the line blank.
- Then, enter the names of the plaintiff/petitioner (the party who filed the trial court case) and the defendant/ respondent (the party against whom the case was filed). Finally, check the box next to "Appellant" for your name and check the box for "Appellee" under the other party's name.
- Enter the trial court county, case number, and judge's name.
- Enter your name, address, phone number, and email address (if you have one). The email address you put on the form is where important legal documents will be sent to you. You should use an email account that you check every day. If you do not check your email every day, you may miss important information or documents from other parties or from the court.

### Argument

- Restate the title of each argument from your original *Appellant's Brief*.
- However, under each title, do **not** repeat your original argument. Instead, explain why the appellee's response to your original argument is wrong.
- To help you do this, use authorities (cases, statutes (laws), rules, etc.) and references to the pages of

the record. Refer to pages of the common law record as “C [page].” Refer to pages of the report of proceedings as “R [page].”

- The form includes room for 3 arguments. If you made more than 3 arguments in your *Appellant’s Brief*, fill out and insert one or more *Additional Argument* forms into the main form.
- Once you have added all your arguments, number the pages of your *Appellant’s Reply Brief*, starting with the argument page (the first page is numbered for you).

#### Certificate of Compliance

- Enter the length of your brief (number of pages or words) and check the box to show whether you counted the pages or words.
- Certify that you have followed the rules for briefs, especially the page or word limit, by signing the certificate of compliance.

#### Proof of Delivery

Show how you are sending your *Appellant’s Reply Brief* to the other parties (see **Step 1 below**).

#### Supplementary Appendix

- You do **not** have to attach a Supplementary Appendix.
- Include a Supplementary Appendix if there are documents from the record on appeal that you think would be helpful to the appellate court, but **only** if you did not already attach those documents to your original *Appellant’s Brief*.
- Add the documents after the Supplementary Appendix page and number them (SA-1, SA-2, SA-3, etc.).
- List each document in your Supplementary Appendix in the order you attached them, and add the page number (SA-1, SA-2, etc.) where each document starts.

#### **What do I do after I fill out the form?**

##### **Step 1: Send your *Brief* to all other parties.**

- You must send your *Appellant’s Reply Brief* to the other parties in the case. However, if any party has a lawyer, you must send your *Appellant’s Reply Brief* to the lawyer.
- If you and the person you’re sending the *Appellant’s Reply Brief* to have an email address, you must send it by email or through the e-filing system. If you or the person you’re sending the *Appellant’s Reply Brief* to does not have an email address, you may give it to the other person by personal hand delivery, mail, or third-party commercial carrier (for example, FedEx or UPS).
- Complete the *Proof of Delivery* with information to show how you sent your *Appellant’s Reply Brief* to each party. The *Proof of Delivery* has room for 3 parties. If you send your *Appellant’s Reply Brief* to more than 3 parties, fill out and insert one or more *Additional Proof of Delivery* pages into the main form.

##### **Step 2: File your *Brief* with the appellate court in your district.**

You must file your *Appellant’s Reply Brief* by the specific filing deadline that applies to your case. If you are uncertain as to when the filing deadline is, call the clerk’s office.

#### **E-filing:**

- Court forms are filed by electronic filing, called “e-filing.” You do not have to e-file if:
  - you qualify for an exemption (see Not E-filing below) or
  - your case involves a criminal matter.
- Most people e-file their forms using Odyssey eFileLL at [ilcourts.info/efile](http://ilcourts.info/efile).
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at [ilcourts.info/efile-info](http://ilcourts.info/efile-info).
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library, or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerk’s office. These places offer public computers where you can e-file your forms.
  - Depending on your courthouse, you can bring your forms on paper and there may be public computers with a scanner where you can turn your paper forms into electronic files.
  - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.

#### **Not E-filing:**

- Some people are not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
  - Inmates in prison or jail who do not have a lawyer.
  - People with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if you:
  - Do not have Internet or computer access in your home, and it is hard for you to travel.
  - Have trouble reading, writing, or speaking English.
  - Are filing documents in a sensitive case, such as an order of protection.
  - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To get an exemption from e-filing, use the form at [ilcourts.info/appl-exempt](http://ilcourts.info/appl-exempt). If you can’t print this form, then ask for it at your local courthouse.
  - File your *Certification for Exemption from E-Filing* form with your other court forms at the appellate court clerk’s office or by mail.
  - Bring at least two copies of your signed court forms to the appellate court clerk’s office.

**NOTE:** Your appellate district's local rules may require a different number of paper copies. Check the local rules for your district at [ilcourts.info/appl-local-rules](http://ilcourts.info/appl-local-rules) or call the clerk's office in your district for further instructions.

- If you need to make copies of your forms, you can do that at the clerk's office. They may charge you to make copies.

**Step 3: Wait for oral argument, if any.**

- After all the briefs are filed, the appellate court will notify the parties whether it will hear oral argument or not. The court is not required to have oral argument even if you asked for it on the cover of your *Appellant's Brief*.
- If the court is going to hear oral argument, it will send you a notice of oral argument.
- If you appear and argue, you must arrive on time for the court date. When your appeal is called, explain your argument to the judges. Be prepared to answer any questions from the judges. After you argue, the appellee will get a chance to respond, and you will get a chance to reply.
- If the court decides not to have oral argument, you will receive notice that the case will be decided based on the briefs.

**Step 4: Wait for the appellate court's decision.**

- The appellate court will send you a written decision. This might take several months.
- If you think that the appellate court overlooked or misunderstood any of your points, you may file a *Petition for Rehearing*, which is due within **21 days** after the date of the decision. You must point out errors in the decision; you are not allowed to reargue your case.
- You can find the *Petition for Rehearing* form and instructions at [ilcourts.info/appl-forms](http://ilcourts.info/appl-forms).