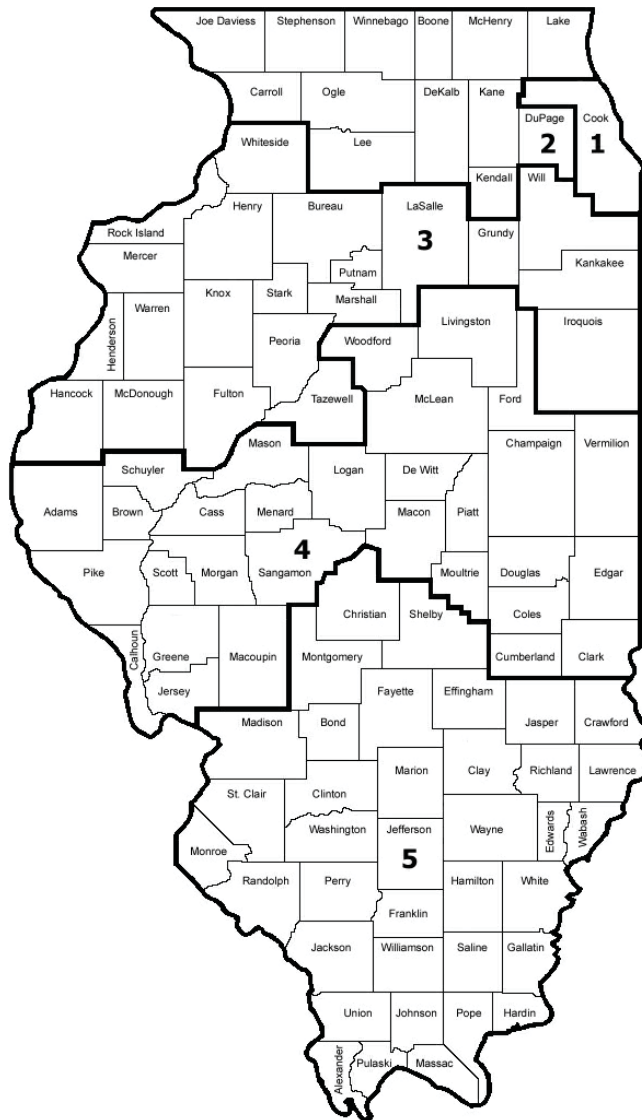




# Illinois Supreme Court Commission on Access to Justice

## Guide for Appeals to the Illinois Appellate Court For Self-Represented Litigants



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# **Guide for Appeals to the Illinois Appellate Court For Self-Represented Litigants**

This guide has information on how to file an appeal from a judgment made by a circuit court in Illinois. It includes a timeline of the process, frequently asked questions, and a checklist to consult when preparing the documents you need.

The party filing an appeal is called the “appellant.” The party responding to an appeal is called the “appellee.”

The number of steps to the appeals process varies, and may include:

1. File a notice of appeal with the clerk of the circuit court.
2. Contact the circuit court clerk to request preparation of the record on appeal, and to confirm and pay any related fees. Submit written requests to the circuit court reporters for them to prepare transcripts of the hearings held in your case, and pay the reporters’ fees for that preparation.
3. File a notice of filing with the clerk of the appellate court. Include proof of service that says you have sent copies of that document to the other parties.
4. Pay the \$50 filing fee and file the docketing statement with the appellate court, together with copies of your requests to the circuit court and the court reporters for preparation of the record on appeal and the transcripts. The circuit court clerk will file the record on appeal with the appellate court.<sup>1</sup>
5. File your brief.
6. Other side (the appellee) files its answering brief, if it chooses to do so.
7. File your reply brief. (optional)
8. The appellate court issues its decision.
9. File a Petition for Rehearing if you believe the appellate court decision should be reconsidered by the court. (optional)
10. File a Petition for Leave to Appeal to the Illinois Supreme Court. (optional)

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<sup>1</sup> Please note that [Rule 323\(b\)](#) provides that court reporting personnel must file the transcripts directly with the circuit court, rather than provide them to the appellant. [Rule 325](#) provides that in general, the circuit court clerk, and not the appellant, must file the record on appeal with the appellate court.

## IMPORTANT NOTICE

This resource lists the steps involved in an appeal in the Illinois state courts. It is a guide for self-represented litigants.

The guide refers you to the Illinois Supreme Court Rules (the “Rules”) for further information about the various steps in an appeal. The timeline, checklist, and FAQs are not legal advice. This resource is neither legal authority nor a substitute for the requirements found in the Rules.

You are strongly advised to speak to an attorney about your appeal. The appeals process can be lengthy and difficult. Should you decide to appeal your case without an attorney, you will need to follow the Rules just like those parties who have an attorney.

**As of July 1, 2017, all documents filed in the Illinois Appellate Court and Illinois Supreme Court must be [filed electronically](#) (“e-filed”).** If you need assistance, you may take your documents to the appellate court clerk’s office, where you can use a public terminal to e-file your documents. You can bring your documents on a flash drive or on paper. The terminal will have a scanner where you can scan, save, and then use the computer to e-file your documents.

In limited circumstances, Illinois Supreme Court Rule 9(c)(4) allows for an exemption from e-filing for good cause. You may be excused from e-filing if you 1) do not have internet or computer access at home, 2) have a disability that keeps you from e-filing, or 3) have trouble reading or speaking in English. To file paper documents instead of e-filing, complete a [Certification for Exemption From E-Filing](#) and file it with the appellate court. If you have any questions about the exemption, please contact your local appellate clerk’s office.

## Timeline of Events in an Appeal to the Illinois Appellate Court

Filing Event and Relevant Supreme Court Rules	Description	Deadline <sup>2</sup>
<p>File a Notice of Appeal</p> <p>Rules <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, <a href="#">303</a>, <a href="#">303A</a>, <a href="#">306</a>, <a href="#">307</a>, <a href="#">308</a>, and <a href="#">311</a></p>	<p><u>Step 1:</u> You must file your notice of appeal with the Circuit Court Clerk within <b>30 days</b> after a final order is entered by the circuit court. The Illinois Courts of Appeal and Supreme Court require electronic filing of documents in all civil appeals with limited exceptions. Exceptions include documents filed by incarcerated, self-represented litigants; wills; documents filed under the Juvenile Court Act of 1987; and documents in cases where the court has allowed paper filing by a court order. See <a href="#">Rules 9</a> and <a href="#">10</a> for requirements that apply when filing electronic or paper documents in the Illinois courts. More information on electronic filing is available at <a href="http://efile.illinoiscourts.gov/">http://efile.illinoiscourts.gov/</a>.</p> <p>You must serve the notice of appeal on any other parties in your case. If any other party is represented by an attorney, then you must serve the notice of appeal on the attorney. See <a href="#">Rule 11</a> for the methods of serving documents and <a href="#">Rule 12</a> for the ways to obtain proof of that service.</p> <p>You might have a shorter deadline for filing your notice of appeal if your appeal involves one of the following:</p> <ul style="list-style-type: none"> <li>• Certain orders made during the course of the case before the case is finally resolved, including orders involving custody or care of children (14 days). These appeals require a petition for leave to appeal with certain special requirements. See Rule 306(b) for petitions of orders regarding custody or care of children, the allocation of parental responsibilities for unemancipated minors, or the relocation of unemancipated minors. See Rule 306(c) for petitions of other orders. [<a href="#">Rule 306</a>]</li> <li>• Temporary restraining orders (TROs) (2 days) [<a href="#">Rule 307</a>]</li> <li>• Waiver of parental notice of abortion (2 days) [<a href="#">Rule 303A</a>]</li> </ul>	<p>Entry of Final Order + 30 days</p>

<sup>2</sup> You should consult the Rules, and your district's local rules, to determine whether and how you may request an extension of a particular deadline. See the questions below for more information. This chart is current as of July 10, 2018.

	<p><u>Step 2:</u> Within <b>7 days</b> of filing the notice of appeal, you must (1) serve the notice of appeal on any other parties, and (2) file a notice of filing with the clerk of the appellate court and include proof of service that says you have sent copies of the document you are filing to the other parties, or their attorneys if they are represented by counsel, in that notice of filing.</p> <p><b>If you do not file your notice of appeal before the expiration of this deadline, the appellate court cannot hear your appeal.</b></p>	
<p>Docketing Statement</p> <p>Rules <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, <a href="#">46</a>, <a href="#">298</a>, <a href="#">312</a>, and <a href="#">313</a>.</p>	<p>Within <b>14 days</b> of filing your notice of appeal you must file a docketing statement with the appellate court. At the time you file the docketing statement, you must also pay the appellate court filing fee. This fee is in addition to any fees you paid in the circuit court.</p> <p>You must pay the fee and file a docketing statement at the time you file your petition for leave to appeal or application if your appeal involves one of the following:</p> <ul style="list-style-type: none"> <li>• A petition for leave to appeal a non-final order regarding the custody or care of children, the allocation of parental responsibilities for unemancipated minors, or the relocation of unemancipated minors [<a href="#">Rule 306</a>].</li> <li>• An application for leave to appeal a non-final order that involves a new question of law [<a href="#">Rule 308</a>].</li> </ul> <p>You must pay the fee and file a docketing statement within 7 days of filing your notice of appeal if your appeal involves one of the following:</p> <ul style="list-style-type: none"> <li>• An order granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction [<a href="#">Rule 307</a>].</li> <li>• An order appointing or refusing to appoint a receiver or sequestrator [<a href="#">Rule 307</a>].</li> <li>• An order giving or refusing to give other or further powers or property to a receiver or sequestrator already appointed [<a href="#">Rule 307</a>].</li> <li>• An order placing a mortgage lender in possession of a mortgaged property [<a href="#">Rule 307</a>].</li> <li>• An order terminating parental rights or granting, denying, or revoking temporary</li> </ul>	<p>Notice of Appeal + 14 days</p>

commitment in certain adoption proceedings [[Rule 307](#)].

The docketing statement is a snapshot of the case you are appealing.

Step 1: Send written requests to the circuit court clerk and court reporter asking them to prepare their sections of the record on appeal (see Record on Appeal, below). Check with your circuit court clerk to see if they have a certain process that you must follow to order the record.

As the appellant, you are responsible for the costs involved in preparing the record on appeal (unless the circuit court waives the costs because you cannot afford them).

- Each district of the appellate court has [local rules](#) about fee waivers. Please note that getting a fee waiver from the circuit court for the preparation of the record on appeal does not mean your filing fee is waived in the appellate court. In addition, getting a fee waiver from the appellate court does not mean that the costs involved in preparing the record on appeal are waived. See [Rule 298](#) for more information on applying for a waiver of court fees in the circuit court.

Step 2: Prepare the docketing statement in the form specified by [Rule 312](#) and in the [Article III Forms Appendix](#).

Step 3: You must serve a copy of the docketing statement on each of the other parties in your case.

Step 4: Pay \$50.00 filing fee and file the docketing statement, together with copies of your requests to the circuit court and the court reporters for preparation of the record on appeal and the transcripts, with the appellate court clerk. Include a proof of service that states the address information, manner of service, and any other information required by [Rule 12](#).

If you are unable to pay the \$50.00 filing fee, you may file a request for a fee waiver in the appellate court using the “[Application for Waiver of Court Fees \(Appellate Court\)](#)”

	available in the Article III Forms Appendix. You may find additional instructions regarding appellate fee waivers on the <a href="#">Illinois Supreme Court website</a> . [Rule 313]	
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<p>Record on Appeal</p> <p>Rules <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, <a href="#">312</a>, <a href="#">321</a>, <a href="#">323</a>, and <a href="#">325-329</a></p>	<p>Once you have requested the record on appeal, the clerk of the circuit court will then prepare the record on appeal and transmit it to the appellate court. If there was no court reporter at your case in the circuit court, you may prepare a bystander’s report or an agreed statement of facts (discussed below).</p> <p><u>What it is:</u> The record on appeal includes the common law record, the exhibits and the report of proceedings. The <i>common law record</i> includes all of the written documents created or considered by the circuit court during your case. The <i>report of proceedings</i> is a record of what was said at any hearings held at the circuit court during your case. Together, the common law record, exhibits and report of proceedings are the source of all the facts the appellate court can look at when deciding your appeal. The record on appeal must include everything that was before the circuit court when the decision you are appealing was made. This may include transcripts prepared by a court reporter or a report certified by the circuit court of what was said at any important hearings.</p> <p><u>Who prepares the record:</u> The clerk of the circuit court will prepare the record on appeal after you make a written request and pay the preparation fee as described above (see Docketing Statement).</p> <p>If a court reporter or recording equipment was in the courtroom, then the court reporter will, upon payment, prepare transcripts for the report of proceedings. You must make a written request to the court reporter to prepare the transcripts (see Docketing Statement). These transcripts will be filed by the court reporter with the circuit court. The circuit court clerk will then file the entire record on appeal with the clerk of the appellate court.</p> <p>If no court reporter was present, you have the option of preparing either a <i>bystander’s report</i> [<a href="#">Rule 323(c)</a>] or an <i>agreed statement of facts</i> [<a href="#">Rule 323(d)</a>].</p> <ul style="list-style-type: none"> <li>• The <i>bystander’s report</i> is a written report that describes what was said in the circuit court. This report must be made by someone who was at the hearings. You will need</li> </ul>	<p>You must request the Record on Appeal immediately after you file your Notice of Appeal, and include copies of your requests with the Docketing Statement you file with the appellate court clerk.</p> <p>The circuit court must then provide the Record on Appeal to the appellate court within 63 days of the Notice of Appeal.</p>
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to serve this report on all parties within **28 days** of the filing of the notice of appeal. Other parties have until **14 days** after service of this report to serve proposed amendments or an alternative report. You will need to submit this report and the amendments or reports of other parties, if any, to the circuit court for certification within **7 days** of the receipt of any amendments (or within 49 days of the filing of the notice of appeal). The circuit court will need to certify the report in order for it be included in the record on appeal, unless all parties in the case agree that the report may be included without that certification.

- The *agreed statement of facts* is a statement of facts material to the case, agreed upon and signed by all of the parties. You do not need to submit it to the circuit court for certification.

Supplementing the record: The appellate court will not consider anything that is not in the record on appeal. If you think something is missing from the record, you must ask the clerk of the circuit court to prepare the additional material. You must also file a motion with the clerk of the appellate court asking permission to add things to the record after it has been filed in the appellate court. You cannot simply attach the extra material to your brief. Nothing can be included in the record or in your brief that was not part of your case in the circuit court.

Using the record to write your brief: The Rules require that you provide a citation to the record for every fact in your brief. After the circuit court clerk files the record on appeal in the appellate court, you will need to request the record from the appellate court so that you can provide these citations in your brief.

<p>Appellant's Brief</p> <p>Rules <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, and <a href="#">341-343</a></p>	<p>Your opening brief must be filed with the clerk of the appellate court no more than <b>35 days</b> after the record on appeal is filed in the appellate court.</p> <p>Your brief must be no more than 50 pages (or alternatively, no more than 15,000 words), not including the appendix. It must be in the form specified in <a href="#">Rule 341(a)</a>, and must include a proof of service on the other party and a certificate of compliance with Rules <a href="#">341(a)</a> and <a href="#">(b)</a>. That certificate should follow the form located at Rule 341(c). The cover of your opening brief must be white.</p> <p>The Rules contain requirements for preparing briefs on appeal. The Checklist for Filings in the Appellate Court lists those requirements. The Court in which you are filing may have adopted rules requiring paper filings in addition to electronic filing. Rules regarding paper copies, if any, will be available on the Court's website.</p> <p>You might have shorter deadlines for filing your brief if your appeal involves one of the following:</p> <ul style="list-style-type: none"> <li>• Appeals concerning the custody or care of children. In these appeals, the appellant's brief is due 21 days after filing of the record on appeal in the appellate court. The appellee's brief is due 21 days after the appellant's brief is due, and any reply brief by the appellant is due 7 days after the appellee's brief is due. See Rule 311(a) for additional information on the procedures that apply in these appeals. [<a href="#">Rule 311</a>]</li> <li>• Appeals from final judgments in delinquent minor proceedings. In these appeals, the appellant's brief is generally due within 28 days from the filing of the record on appeal, and the appellee's brief is due 28 days from the due date of the appellant's brief. The appellant's reply brief is due within 7 days from the due date of the appellee's brief. See Rule 660A for additional information on the procedures that apply in these appeals. [<a href="#">Rule 660A</a>]</li> </ul>	<p>Record on Appeal + 35 days</p>
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<p>Appellee's Brief</p> <p>Rules <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, and <a href="#">341-343</a></p>	<p>The appellee's brief must be filed with the clerk of the appellate court within <b>35 days</b> from the due date of the appellant's brief.</p> <p>The appellee's brief must be no more than 50 pages (or alternatively 15,000 words), not including the appendix, and must be in the form specified in <a href="#">Rule 341(a)</a>. The appellee's brief must also include a certificate of compliance with <a href="#">Rules 341(a)</a> and <a href="#">(b)</a>, as well as a proof of service on the other party. The cover of the appellee's brief must be light blue.</p> <p>The Court in which you are filing may have adopted rules requiring paper filings in addition to electronic filing. Rules regarding paper copies, if any, will be available on the Court's website.</p>	<p>Due Date for Appellant's Brief + 35 days</p>
<p>Appellant's Reply Brief</p> <p>Rules <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, and <a href="#">341-343</a></p>	<p>You may file a reply brief no more than <b>14 days</b> after the appellee's brief is due.</p> <p>The reply brief must be no more than 20 pages (or alternatively 6,000 words) and must be in the form specified in <a href="#">Rule 341(a)</a>. Your reply brief must include a certificate of compliance with <a href="#">Rules 341(a)</a> and <a href="#">(b)</a>, and a proof of service on the opposing party. The cover of your reply brief must be light yellow. Unlike your opening brief, your reply brief may contain only argument.</p> <p>The Court in which you are filing may have adopted rules requiring paper filings in addition to electronic filing. Rules regarding paper copies, if any, will be available on the Court's website.</p>	<p>Due Date for Appellee's Brief + 14 days</p>

<p><b>Appellate Court’s Decision</b></p>	<p>The appellate court will consider the record on appeal, the parties’ briefs, and (in certain cases) the parties’ oral argument. The appellate court decides whether oral argument is needed in a case. If the appellate court decides to hear oral argument, the appellate court clerk will notify the parties of the date and time of the hearing.</p> <p>The appellate court clerk will notify all parties when the court issues a decision. You will be able to access the decision on the <a href="#">Illinois Supreme Court website</a>.</p>	
<p>Petition for Rehearing</p> <p>Rules <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, <a href="#">341</a>, and <a href="#">367</a></p>	<p>If you disagree with the appellate court’s decision, you may ask for a rehearing in a petition describing the points that you believe the appellate court overlooked or misunderstood. The petition must be filed with the clerk of the appellate court within <b>21 days</b> after the appellate court’s written decision is filed.</p> <p>The petition must be no more than 27 pages (or alternatively 8,100 words) and must include a certificate of compliance with Rules <a href="#">341(a)</a> and <a href="#">(b)</a> that follows the form located at Rule <a href="#">341(c)</a>. The petition must also include a proof of service on the other party. The cover of your petition must be light green.</p> <p>The Court in which you are filing may have adopted rules requiring paper filings in addition to electronic filing. Local rules regarding paper copies, if any, are posted on the Supreme Court’s website.</p> <p><b>If you do not file your petition for rehearing on time, the appellate court cannot consider your petition.</b></p>	<p>Appellate Decision + 21 days</p>
<p>Petition for Leave to Appeal to the Illinois Supreme Court</p> <p>Rules <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, <a href="#">315</a>, and <a href="#">341</a></p>	<p>You may also file a petition for leave to appeal (a “PLA”) with the Illinois Supreme Court requesting review of the appellate court’s decision. The PLA must explain your reasons for requesting review by the Supreme Court and why you believe the appellate court’s decision should be reversed or changed.</p> <p>You must file your PLA with the clerk of the Illinois Supreme Court no more than <b>35 days</b> after the appellate court files its decision.</p>	<p>Appellate Decision or Rehearing Denial + 35 days</p>

	<p>However, if you have asked the appellate court for a rehearing and that request was denied, you must file your PLA no more than <b>35 days</b> after the appellate court denies your rehearing. If the appellate court granted your petition for rehearing, you must file your PLA no more than <b>35 days</b> after the appellate court enters its judgment on rehearing.</p> <p>The PLA must be no more than 20 pages (or alternatively no more than 6,000 words), not including the appendix.</p> <p>All filed PLAs need a proof of service attached to the back of the petition.</p> <p>When you file your PLA, you must pay a \$50 filing fee to the clerk of the Illinois Supreme Court. This fee is in addition to any fees paid in the circuit or appellate courts. To apply for a waiver of fees in the Illinois Supreme Court, use the “<a href="#">Application for Waiver of Court Fees (Supreme Court)</a>” available in the Article III Forms Appendix. You may find additional instructions regarding this type of fee waiver on the <a href="#">Illinois Supreme Court website</a>. [<a href="#">Rule 313</a>]</p>	
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## **Questions Commonly Asked by Pro Se Litigants**

### **1. Are there special rules for the court where I live?**

There are five Appellate Districts in Illinois, and you must follow the rules of your district. If you don't know which district you are in, view [this map](#) to find out.

Be sure to check your district's local rules to see if there are any special requirements for notices of appeal. Click on your district's number to read their rules:

- [District 1](#)
- [District 2](#)
- [District 3](#)
- [District 4](#)
- [District 5](#)

### **2. Is the circuit court's decision in effect while my appeal is pending?**

Yes. If you wish to halt enforcement of the circuit court's judgment while your appeal is pending, you must comply with [Rule 305](#).

### **3. What are the filing fees in the appellate court?**

Every appellant must pay a \$50.00 docket fee and all other parties must pay a \$30.00 appearance fee [[Rule 313](#)]. If a party cannot afford its fees, that party may file the "[Application for Waiver of Court Fees \(Appellate Court\)](#)," available in the Article III Forms Appendix, with the clerk of the appellate court to ask to have the fee waived.

Parties must pay these fees at the time they file the docketing statement or entry of appearance (the docketing statement serves as an appellant's entry of appearance). If you are seeking a fee waiver, you must file your application for a fee waiver with your docketing statement or entry of appearance.

### **4. What is a motion and are there rules for filing one in the appellate court?**

Any time you want to make a request to the appellate court you must do so in writing, and that written request is called a "motion." [Rule 361](#) describes the rules for filing a motion in the appellate court.

Often a motion will ask for an exception to a Rule. When you write your motion, you will need to tell the court exactly what it is that you want and why you think the court should grant your motion.

The Rules require that you file the motion with the clerk of the appellate court. Any documents, including motions, filed in the appellate court must be accompanied by a document,

called a “proof of service,” that states how the opposing party was served. [Rule 11](#) describes the methods of serving documents, and [Rule 12](#) describes the accepted formats for proofs of service.

You must also submit a proposed order along with your motion.

The local rules for your appellate district may have different requirements for what must be included in your motion.

## **5. Can I respond to a motion?**

Yes. You can file a written response to the motion with the clerk of the appellate court. Generally, you must file the response within 5 days after you receive the motion by email or personal service, or 10 days after the motion was served on you by mail. You must file a proof of service along with your response to the motion.

## **6. How do I receive my appellate court case number?**

The appellate court will notify you of your appellate court case number after you file your notice of appeal with the circuit clerk, and after the circuit clerk electronically files the notice of appeal with the appellate court.

## **7. How do I serve documents?**

Motions and other documents filed in the appellate court must be “served on,” or sent to, the other parties in your case, and a proof of service must be attached to your motion or document at the time of filing to tell the court you have served it on the other side. If the other party has an attorney, you must serve that party’s attorney.

[Rule 11](#) describes the kinds of service that are allowed. The proof of service lays out (i) what documents you served (e.g., your motion or brief), (ii) to whom you sent the documents (e.g., the appellee’s attorney), (iii) the date you sent the documents, and (iv) how you sent them.

[Rule 12](#) describes the requirements for proofs of service. Standardized forms for proof of delivery are available on the [Supreme Court’s website](#).

## **8. I filed my notice of appeal in the circuit court but it was late – what can I do?**

You may file a motion for leave to file a late notice of appeal with the clerk of the appellate court.

This motion must comply with the rules for filing motions set forth in [Rule 361](#) and summarized in the answer to question #4 above. You must attach your notice of appeal to the motion and pay any filing fee. A proposed order must be filed with the motion.

In civil cases, you must follow [Rule 303\(d\)](#). A motion for leave to file a late notice of appeal must be filed with the clerk of the appellate court no later than 30 days after the time for filing the notice of appeal has passed.

In criminal cases, you must follow [Rule 606\(c\)](#). A motion for leave to file a late notice of appeal in criminal cases must be filed with the clerk of the appellate court within 30 days after

the time to file an appeal has passed. If you also file an affidavit showing there is merit to the appeal and that the failure to meet the deadline for filing a notice of appeal was not due to your “culpable negligence,” you must file your motion for leave to file a late notice of appeal no later than six months after the time to file an appeal has passed.

### **9. Will the circuit court send the record to the appellate court once it is ready?**

Yes. Provided that the appellant has paid the fee for the preparation of the report of proceedings, the court reporter will electronically file the report of proceedings with the circuit court clerk within 49 days after the filing of the notice of appeal. The court reporter will then notify all parties that the report of proceedings has been filed with the circuit court. [Rule 323\(b\)](#) governs this step in the process.

Next, the appellant must pay the circuit court clerk the prescribed fee for preparation of the record on appeal. The circuit court clerk will then file the record with the appellate court pursuant to [Rule 325](#). If an extension of time for filing the record on appeal is necessary, the appellant must file a motion seeking that extension before the due date for the record on appeal expires. If it is already past the due date for filing the record on appeal, then the appellant must file a motion for leave to file the record on appeal no later than 35 days after the expiration of the due date, and must also show that you have a “reasonable excuse” for failing to file the motion sooner. These motions are governed by [Rule 326](#).

### **10. If the record is missing a key item, can I add it?**

Yes. If the key item(s) were before the trial court when the court entered the order you are appealing, you may ask for permission to correct the record on appeal pursuant to Rule 329. To do so, you may need to file a motion for leave to file a supplemental record in the circuit court. Any supplements to the record must be documents that were reviewed by the circuit court, and the circuit court clerk must prepare these supplement(s). You must file a motion with the clerk of the appellate court for leave to supplement the record before the appellate court will consider any material. Consult the [local rules](#) for your appellate district for any specific procedures related to supplementing the record on appeal.

### **11. How can I submit a report of proceedings if there was no court reporter present during my case?**

If there was no court reporter transcribing the proceedings as they occurred in the trial court, you may prepare either an “Agreed Statement of Facts” or a “Bystander’s Report” reflecting what occurred during your case.

If you and the appellee(s) can agree on the material facts of your case, then you may submit an “Agreed Statement of Facts” following [Rule 323\(d\)](#). You do not need to have the Agreed Statement of Facts certified by the circuit court.

Another option is to file a “Bystander’s Report” following [Rule 323\(c\)](#). To pursue this option, you must serve a copy of this report on all parties to the case no later than 28 days after filing your notice of appeal. The other parties then have 14 days to send you suggested changes to the report, or a different report altogether. You must file the proposed report, together with



any proposed amendments, to the circuit court within 21 days after you sent your initial report to the other parties. For more information on how to send the report to the other parties, see the discussion in question #7 about serving documents and obtaining proofs of service. After you have submitted the proposed report and any proposed amendments to the circuit court, the court will then certify the report if it concludes that the report is accurate. The court may decide to hold hearings before certifying the report.

**12. I need more time to file my record or file my brief. What should I do?**

You may file a motion for more time with the clerk of the appellate court asking for a date when your record or brief can be filed. Please refer to question #4 (above) for how to file motions in the appellate court.

**13. How long does the appeals process take?**

It can take anywhere from several months to years to complete an appeal. The issues involved, how long it took the parties to submit the record and their briefs to the appellate court, and the number of cases pending before the appellate court are factors that impact the amount of time the appellate court needs to decide your case.

**14. How will I know when the court has made a decision on my appeal?**

The clerk of the appellate court will notify all of the parties when the court has issued its decision. The decision will be available on the [Illinois Supreme Court website](#).

**15. What can I do if I don't agree with the court's decision?**

You may file a Petition for Rehearing in the appellate court, and you may also file a Petition for Leave to Appeal to the Illinois Supreme Court. You may file both a Petition for Rehearing and a Petition for Leave to Appeal. If you file a Petition for Rehearing, you cannot file a Petition for Leave to Appeal until after the appellate court has ruled on your Petition for Rehearing.

**16. I received a letter addressed to the clerk of the circuit court stating that the appellate court issued the mandate. What is the mandate?**

The mandate is the order that officially finalizes the decision of the appellate court and transfers limited authority to hear the case back to the circuit court. The appellate court will send the mandate to the clerk of the circuit court.

## Checklist for Filings in the Appellate Court

1. The Notice of Appeal must contain:
  - A case caption ([Rule 303\(b\)\(1\)](#))
  - If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the cover sheet must state in bold at the top of the page ([Rule 311\(a\)\(1\)](#)): THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).
  - If you appeal a delinquent minor case, the cover sheet must state in bold type at the top of the page ([Rule 660A](#)): THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT.
  - Identification of the judgment appealed from and the relief sought in the reviewing court ([Rule 303\(b\)\(2\)](#))
  - A copy of the circuit court's findings, if you are appealing the circuit court's holding that a state or federal statute is unconstitutional (Rules [18](#) and [303\(b\)\(3\)](#)) (*Note that if you are arguing that a statute, ordinance, administrative regulation, or other law is unconstitutional or preempted by federal law, you must file and serve a notice in accordance with [Rule 19](#) on the Attorney General, State's Attorney, municipal counsel, or agency attorney, as the case may be.*)
  - The name and address of appellant (the party filing the appeal) or appellant's attorney ([Rule 303\(b\)\(4\)](#))
  
2. The Docketing Statement ([Rule 312\(a\)](#)) should be prepared using the form provided in the Article III Forms Appendix, where you should indicate:
  - The case caption
  - Whether the appeal is a cross-appeal
  - If any party is a corporation or association, the identity of any affiliate, subsidiary, or parent group
  - The full name and address of the parties and any lawyers on appeal
  - The name and contact information of court reporting staff
  - If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the cover sheet must state in bold at the top of the page ([Rule 311\(a\)\(1\)](#)): THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).
  - If you appeal a delinquent minor case, the cover sheet must state in bold type at the top of the page ([Rule 660A](#)): THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT.
  - A statement of the issues to be discussed in the appeal
  - Certification of appellant
  
3. You must submit written requests, and pay the preparation fees, for the Record on Appeal. The circuit court clerk will prepare portions of the Record on Appeal upon request, and you will also need to request any transcripts from the court reporter. The Record on Appeal must include:
  - The judgment appealed from ([Rule 321](#)) (*Circuit court clerk will prepare*)
  - The notice of appeal ([Rule 321](#)) (*Circuit court clerk will prepare*)

- The entire *original* common law record, which includes every document filed, every judgment and order entered, and any documentary exhibits offered and filed by any party in the circuit court ([Rule 321](#)) (*Circuit court clerk will prepare*)
  - A report of proceedings (e.g., a transcript) including evidence, oral rulings of the trial judge, a statement by the trial judge of the reasons for the court’s decision, and any other proceedings that should be incorporated in the record on appeal ([Rule 323\(a\)](#)) (*You will need to initiate, as explained below*)
    - If a court reporter was present during proceedings in the circuit court, you must order a copy of the transcript.
    - If no court reporter was present, you may prepare a bystander’s report ([Rule 323\(c\)](#)) or an agreed statement of facts ([Rule 323\(d\)](#)).
4. Briefs on appeal must include:
- A colored cover sheet, as specified in [Rule 341\(d\)](#), containing:
    - The case number in the reviewing court and the name of that court
    - The name of the circuit court
    - The name of the case as it appeared in the circuit court
    - The status of each party in the appellate court (e.g., plaintiff-appellant)
    - The name of the trial judge
    - The names and addresses of any attorneys (and their law firm) representing you or, if you do not have an attorney, your name and address
    - If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the cover sheet must state in bold at the top of the page ([Rule 311\(a\)\(1\)](#)): THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).
    - If you appeal a delinquent minor case, the cover sheet must state in bold type at the top of the page ([Rule 660A](#)): THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT.
    - *If you are seeking oral argument, you must note this at the bottom of the cover page of your brief.* ([Rule 352\(a\)](#))
  - A statement of “Points and Authorities” consisting of the headings of the points and subpoints in your argument, with a citation under each heading to the authorities relied upon or distinguished, and a reference to the page of the brief on which each heading and authority may be found ([Rule 341\(h\)\(1\)](#))
  - An introductory paragraph ([Rule 341\(h\)\(2\)](#)) stating:
    - The nature of the action
    - The judgment appealed from
    - Whether the judgment is based upon a jury verdict
    - Whether any question is raised on the pleadings and, if so, the nature of the question
  - A statement of the issue(s) presented for review ([Rule 341\(h\)\(3\)](#))
  - A statement of jurisdiction ([Rule 341\(h\)\(4\)](#))
  - A copy of any statutes, constitutional provisions, treaties, ordinances, or regulations at issue in the appeal ([Rule 341\(h\)\(5\)](#))

- A statement of the facts of the case, without argument, and with citation to the corresponding pages of the record on appeal ([Rule 341\(h\)\(6\)](#))
  - A statement of the applicable standard of review for each issue, with citation to authority ([Rule 341\(h\)\(3\)](#))
  - Argument, with citation to legal authorities and to the pages of the record relied upon ([Rule 341\(h\)\(7\)](#)). ***If you are the appellant and do not raise a point of argument in your opening brief, you may not raise it in the reply brief, in oral argument, or on petition for rehearing. If you are the appellee and do not raise a point of argument in your response brief, you may not raise it in oral argument or on petition for rehearing. (Generally, appellees do not get to file reply briefs.)***
  - A conclusion stating the relief you are seeking, followed by the names of your attorney, or your name, as on the cover of the brief ([Rule 341\(h\)\(8\)](#))
  - A certificate of compliance with the requirements of Rule 341(a) and (b) ([Rule 341\(c\)](#))
  - A proof of service ([Rule 12](#))
  - An appendix ([Rule 342](#)) containing:
    - A table of contents to the appendix
    - A complete table of contents, with page references, of the record on appeal
    - The judgment appealed from
    - Any opinion, memorandum, or findings of fact made by the circuit court
    - Any pleadings or other materials from the record pertinent to the appeal
    - The notice of appeal
5. A Petition for Rehearing must include ([Rule 367\(b\)](#)):
- A brief statement of the points you believe were overlooked or misunderstood by the appellate court
  - References to portions of the record and briefs relied upon in the petition
  - Citation to legal authorities in support of your argument
  - A proof of service ([Rule 12](#))
6. A Petition for Leave to Appeal to the Illinois Supreme Court must include:
- A colored cover sheet, as specified in [Rule 330\(a\)](#), containing:
    - The case number in the reviewing court and the name of that court ([Rule 330\(a\)](#))
    - The name of the appellate court whose decision is being reviewed ([Rule 330\(a\)](#))
    - The name of the case as it appeared in the appellate court ([Rule 330\(a\)](#))
    - The status of each party in the reviewing court (e.g., plaintiff-appellant) ([Rule 330\(a\)](#))
    - The name of the trial court judge, trial court case number, circuit court, and county where your case was originally filed ([Rule 330\(a\)](#))
    - The title of the document being filed (e.g. “Petition for Leave to Appeal”) ([Rule 330\(a\)](#))
    - The names and addresses of any attorneys (and their law firm) representing you or, if you do not have an attorney, your name and address

- If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the cover sheet must state in bold type at the top of the page ([Rule 315\(i\)](#)): THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).
- If you appeal a delinquent minor case, the cover sheet must state in bold type at the top of the page ([Rule 315\(j\)](#)): THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT.
- If you are seeking oral argument, you must note this at the bottom of the cover page of your petition.* ([Rule 352\(a\)](#))
- A prayer for leave to appeal ([Rule 315\(c\)\(1\)](#))
- A statement ([Rule 315\(c\)\(2\)](#)) 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 judgment on rehearing
- A statement of points relied upon ([Rule 315\(c\)\(3\)](#))
- A statement of the facts, without argument, with citations to the record on appeal ([Rule 315\(c\)\(4\)](#))
- A short argument, with citation to legal authorities, stating why review is warranted and why the appellate court's judgment should be reversed ([Rule 315\(c\)\(5\)](#))
- A certificate of compliance with the requirements of Rule 341(a) and (b) ([Rule 341\(c\)](#))
- A proof of service ([Rule 12](#))
- An appendix ([Rule 315\(c\)\(6\)](#)) containing:
  - A copy of the appellate court's order or opinion
  - Any documents from the record necessary to the consideration of the petition