

M.R. 3140

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

Order entered October 15, 2015.

(Deleted material is struck through and new material is underscored.)

Effective January 1, 2016, Illinois Supreme Court Rules 308, 324, and 335 are amended, and effective immediately, Illinois Supreme Court Rules 39, 99, and 501 are amended, as follows.

Amended Rule 39

Rule 39. Appointment of Associate Judges

(a) Terms.

(1) The terms of all associate judges in office shall expire on June 30th of every fourth year subsequent to 1975, regardless of the date on which any judge is appointed. Notwithstanding the provisions for conditional notices of vacancy as contained in paragraph (a)(2) of this rule, the office of an associate judge shall be vacant upon his or her death, resignation, retirement, or removal, or upon the expiration of his or her term without his or her reappointment. When a sitting associate judge submits in writing his or her resignation, the chief judge of the circuit may, no sooner than 120 days before the effective date of such resignation, cause notice of the vacancy to be given pursuant to subpart (b) of this rule, provided that the candidate appointed to fill the vacancy shall not take office before the effective date of such resignation.

(2) In those instances where a sitting associate judge is running unopposed or where two or more associate judges are the only candidates opposing one another in the general election and an associate judge vacancy therefore can be anticipated, the Administrative Director may, upon the chief judge's request, approve posting of a conditional notice of vacancy not more than 30 days prior to the general election and absent a letter of resignation from a sitting associate judge. The conditional notice of vacancy shall clearly advise potential associate judge candidates that the vacancy is contingent upon certification by the Illinois Board of Elections of general election results declaring a sitting associate judge the winner. Prior to the distribution of ballots provided for in paragraph (b)(4), the Director shall await the Illinois Board of Elections' certification of the general election results.

(b) Filling Vacancies. Vacancies in the office of associate judge shall be filled in the following manner:

(1) *Notice of Vacancy.* Upon approval of the Director of the Administrative Office of the Illinois Courts, the chief judge of the circuit shall, after forwarding a copy of the notice to the Director, cause notice to be given to the bar of the circuit, in the same manner as notice of matters of general interest to the bar is customarily given in the circuit, that the vacancy exists and will be filled by the judges of the circuit. The notice of vacancy shall be given as

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soon as practicable, but no later than 30 days after the accumulation of five consecutive vacancies for which notice has not been given. If the chief judge of the circuit fails to give notice within the time period prescribed by this provision, the Chief Justice of the Supreme Court may direct the Director of the Administrative Office of the Illinois Courts to give notice of the vacancies in the manner prescribed by this rule.

(2) *Applications and Certification.* Any attorney who seeks appointment to the office of associate judge must be a United States citizen, licensed to practice law in this state, and a resident of the unit from which he/she seeks appointment. Applicants shall have 30 days after the notice of vacancy is given within which to electronically file with the Director of the Administrative Office of the Illinois Courts a signed application on the form prescribed and furnished by the Director. If an applicant is not able to submit an application electronically, an applicant shall have 30 days after the notice of vacancy is given within which to file with the Director of the Administrative Office of the Illinois Courts two signed originals of an application on the form prescribed and furnished by the Director. Applications must be received by the Director within the 30-day period. Applications transmitted via facsimile will not be accepted. At the close of the application process, the Director shall certify to the chief judge a list of those applicants who have timely filed and provide a copy of those applications.

(3) *Nomination.* In judicial circuits having a population of more than 500,000, the chief judge of each circuit and at least two but not more than 10 additional circuit judges selected by their fellow circuit judges shall serve as a nominating committee for candidates for appointment to the office of associate judge of their circuit. If there are fewer than 20 circuit judges in a circuit, all of the circuit judges may sit as a nominating committee. When one or more vacancies in the office of associate judge are to be filled, the nominating committee shall select from the applications filed twice as many names of qualified candidates as there are vacancies to be filled.

(4) *Distribution of Ballots and Related Materials.*

(i) In judicial circuits having a population of more than 500,000, the chief judge shall notify the Director of the names of those candidates selected by the nominating committee and request that the Director initiate the balloting process. Within 14 days after the chief judge's notification, the Director shall place the name of each candidate on a ballot in alphabetical order. The ballot shall also contain blank spaces equal in number to the number of vacancies to be filled, in which spaces may be written the name of any qualified applicant whose name does not appear on the ballot as a candidate.

(ii) In judicial circuits having a population of less than 500,000, the chief judge shall request that the Director initiate the balloting process. Within 14 days after the chief judge's request, the Director shall place the name of each candidate on a ballot in alphabetical order.

(iii) A ballot and a brief biographical synopsis of each candidate shall be mailed to each circuit judge in the circuit. Each ballot shall also be accompanied by a stamped, addressed return envelope, an envelope marked "For Ballot Only," and a signature card. Upon request, any circuit judge may obtain a copy of the complete application of any applicant.

(5) *Balloting.* Each circuit judge shall complete his or her ballot by voting for one candidate for each vacancy to be filled, enclose the ballot in the envelope marked "For Ballot Only," seal the envelope, sign the signature card, and enclose that envelope and signature card in the stamped, addressed return envelope, which shall be delivered to the Director within 14 days of the date the ballots were distributed. The Director shall count the ballots which are accompanied by a signed signature card, tabulate the results and certify them to the chief judge, maintaining the secrecy of the ballots.

(6) *Results of Balloting; Runoffs.*

(i) In judicial circuits having a population of more than 500,000 the candidates receiving the most votes shall be declared to be appointed to fill the vacancies. Where a tie prevents a winner from being declared, reballoting shall proceed in the manner provided above for the first balloting except that ballots shall include only the names of those candidates whose tied votes prevented a winner from being declared.

(ii) In judicial circuits having a population of less than 500,000 the candidates receiving votes from a majority of the circuit judges who have voted shall be declared to be appointed to fill the vacancies. If there are not enough candidates receiving majorities to fill all the vacancies, the Director shall list alphabetically on a runoff ballot the remaining candidates, in number equal to twice the number of remaining vacancies, who received the most votes in the first balloting (or twice that number plus any who are tied with the candidate in the list who received the least number of votes). The candidates receiving the most votes in the runoff balloting shall be declared to be appointed to vacancies not filled as a result of the first balloting. Where a tie prevents a winner from being declared, reballoting shall proceed in the manner provided above for the first balloting except that ballots shall include only the names of those candidates whose tied votes prevented a winner from being declared.

(c) Reappointment of Associate Judges Upon Expiration of Their Terms.

(1) *Request for Reappointment.* An associate judge may file a request for reappointment with the chief judge of the circuit at least three months but not more than six months before the expiration of his or her term. At least 63 days before the expiration of the terms of associate judges, each chief judge shall certify to the Director the names of the associate judges in the circuit who have requested reappointment.

(2) *Distribution of Ballots.* At least 40 days before the expiration of the terms of associate judges, the Director shall prepare and distribute ballots on which each circuit judge shall vote on the question whether each associate judge who has requested reappointment shall be reappointed for another term. Each ballot shall be accompanied by a stamped, addressed return envelope, an envelope marked "For Ballot Only," and a signature card.

(3) *Balloting.* Each circuit judge shall complete his or her ballot, enclose it in the envelope marked "For Ballot Only," seal the envelope, sign the signature card, and enclose the sealed envelope and signature card in the stamped, addressed return envelope, which shall be delivered to the Director within 14 days after it was distributed. The Director shall count the ballots which are accompanied by a signed signature card, tabulate the results and certify them to the chief judge, maintaining the secrecy of the ballots. If three fifths of the circuit judges voting on the question vote in favor of reappointment of an associate judge, he

or she shall be declared reappointed for another term.

(d) Definition of “Circuit Judge.” For the purposes of this rule, “circuit judge” shall include a circuit judge elected or appointed to a term of office within a circuit (or a unit defined by law which is smaller than the circuit), including a circuit judge who is assigned to the Supreme or the Appellate Court (whether relieved of judicial duties on the circuit court or not), and a circuit judge temporarily recalled from retirement and assigned to judicial duty as a circuit judge in the circuit from which the circuit judge had been elected or appointed, but shall not include a circuit judge who was elected or appointed in another circuit but is temporarily assigned to a circuit which is in the process of selecting or retaining an associate judge. A circuit judge appointed to office during the balloting period may vote to fill associate judge vacancies in his or her circuit if the circuit judge has been sworn in and has provided a copy of his or her signed oath of office to the Director. The newly appointed circuit judge must complete and deliver his or her ballot to the Director within the same 14-day period that the ballots were distributed to the circuit judges under paragraph (b)(5). In no instance will the 14-day period specified in paragraph (b)(5) be extended for those circuit judges appointed to office during the balloting period.

Effective July 1, 1971; amended effective October 14, 1971; amended April 1, 1992, effective August 1, 1992; amended December 3, 1997, effective January 1, 1998; amended December 17, 1999, effective immediately; amended March 16, 2001, effective immediately; amended November 27, 2002, effective immediately; amended May 28, 2003, effective immediately; amended January 25, 2007, corrected January 26, 2007, effective February 1, 2007; amended April 23, 2009, effective July 1, 2009; amended Oct. 30, 2012, effective immediately; amended Dec. 28, 2012, eff. immediately; amended Jan. 29, 2015, eff. immediately; amended Aug. 10, 2015, eff. Sept. 1, 2015; amended Oct. 15, 2015, eff. immediately.

Committee Comments

(July 1, 1971)

This rule implements section 8 of article VI of the new Illinois Constitution, which provides, “Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule.”

Amended Rule 99

Rule 99. Mediation Programs.

(a) Applicability to Circuits. Mediation programs may be undertaken and conducted in those judicial circuits which, with the approval of the Supreme Court, elect to utilize this procedure and in such other circuits as directed by the Supreme Court.

(b) Local Rules.

(1) Each judicial circuit electing to establish a mediation program shall adopt rules for the conduct of the mediation proceedings. A person approved by the circuit to act as a mediator under these rules shall have judicial immunity in the same manner and to the same extent as a judge. Prior to the establishment of such a program, the Chief Judge of the circuit shall submit to the Supreme Court for its review and approval, through its Administrative Office,

rules governing the operation of the circuit's program. A circuit operating a mediation program on the effective date of this Rule may continue the program for one year after the effective date of this Rule, but must, within 90 days of the effective date of this Rule, submit for the Supreme Court's review and approval the rules under which the mediation program is operating. Any amendments to approved local rules must be submitted to the Administrative Office for review and approval prior to implementation.

(2) At a minimum, the local circuit court rules shall address:

- (i) Actions eligible for referral to mediation;
- (ii) Appointment, qualifications and compensation of the mediators;
- (iii) Scheduling of the mediation conferences;
- (iv) Conduct of the conferences;
- (v) Discovery;
- (vi) Absence of party at the conference and sanctions;
- (vii) Termination and report of mediation conference;
- (viii) Finalization of agreement;
- (ix) Confidentiality;

(x) ~~Mechanism for r~~ Reporting to the Supreme Court on for each approved the mediation program shall be conducted in a manner and method as prescribed by the Administrative Office of the Illinois Courts.

Adopted April 11, 2001, effective immediately; amended October 10, 2001, effective immediately; amended Oct. 15, 2015, eff. immediately.

Amended Rule 308

Rule 308. Certified Questions

(a) Requests. When the trial court, in making an interlocutory order not otherwise appealable, finds that the order involves a question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, the court shall so state in writing, identifying the question of law involved. Such a statement may be made at the time of the entry of the order or thereafter on the court's own motion or on motion of any party. The Appellate Court may thereupon in its discretion allow an appeal from the order.

(b) How Sought. The appeal will be sought by filing an application for leave to appeal with the clerk of the Appellate Court within ~~14~~ 30 days after the entry of the order in the trial court or the making of the prescribed statement by the trial court, whichever is later. An original and three copies of the application shall be filed.

(c) Application; Answer. The application shall contain a statement of the facts necessary to an understanding of the question of law determined by the order of the trial court; a statement of the question itself; and a statement of the reasons why a substantial basis exists for a difference of opinion on the question and why an immediate appeal may materially advance the termination

of the litigation. The application shall be accompanied by an original supporting record (Rule 328), containing the order appealed from and other parts of the trial court record necessary for the determination of the application for permission to appeal. Within 21 days after the due date of the application, an adverse party may file an answer in opposition, with copies in the number required for the application, together with an original of a supplementary supporting record containing any additional parts of the record the adverse party desires to have considered by the Appellate Court. The application and answer shall be submitted without oral argument unless otherwise ordered.

(d) Record; Briefs. If leave to appeal is allowed, any party may request that an additional record on appeal be prepared as provided in Rule 321 *et seq.*, or the court may order the appellant to file the record, which shall be filed within 35 days of the date on which such leave was allowed. The appellant shall file a brief in the reviewing court within the same 35 days. Otherwise the schedule and requirements for briefs shall be as provided in Rules 341 through 344. If the reviewing court so orders, an abstract shall be prepared and filed as provided in Rule 342.

(e) Stay. The application for permission to appeal or the granting thereof shall not stay proceedings in the trial court unless the trial court or the Appellate Court or a judge thereof shall so order.

Amended effective September 1, 1974; amended July 30, 1979, effective October 15, 1979; amended December 17, 1993, effective February 1, 1994; amended February 26, 2010, effective immediately; amended Dec. 11, 2014, eff. Jan. 1, 2015; amended Oct. 15, 2015, eff. Jan. 1, 2016.

Committee Comments (Revised 1979)

This rule was new in 1967. Prior to that time appeals from interlocutory orders had been permitted in Illinois only in a few specified classes of cases. (See former Rule 31 and its predecessor, former section 78 of the Civil Practice Act (Ill. Rev. Stat. 1961, ch. 110, par. 78).) This was also generally true in the Federal courts. In 1958, however, Congress adopted what is now 28 U.S.C. § 1292(b), which permits an interlocutory appeal from other than final orders when the trial court “shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that immediate appeal from the order may materially advance the ultimate termination of the litigation.” The court of appeals may then “in its discretion” permit the appeal to be taken. Thus, this type of interlocutory appeal is allowed when both the trial and appellate courts agree that an appeal will expedite the disposition of the litigation, and also that there is a substantial question of law to be decided. The appellate courts themselves can insure that this authority to allow interlocutory appeals is not abused. This power has been sparingly exercised in the Federal courts, but it has proved valuable.

This rule establishes a similar procedure for Illinois. One change from the Federal rule is to eliminate the requirement that the question raised be a “controlling” one. The meaning of “controlling” has not been clear, despite many cases on the point, and experience has shown that sometimes an important question of law that only arguably could be said to be controlling should be heard on appeal without awaiting final judgment.

The 1964 judicial article authorized the Supreme Court to provide by rule for appeals to the Appellate Court of other than final judgments of the circuit court. Arguably, however, it made no provision for rules permitting direct appeal to the Supreme Court except in the case of final judgments. Accordingly, Rule 308 was made applicable only to appeals to the Appellate Court, but it permits the Appellate Court to allow interlocutory appeals in classes of cases in which the *final* judgment is appealable only to the Supreme Court. Though the reference to “final judgments” in section 5 of the 1964 judicial article was not carried forward into article VI, section 4 of the new constitution, direct appeals to the Supreme Court remain limited to appeals from final judgments. See Rule 302.

Normally the interlocutory appeal will not stay proceedings in the trial court. The case may proceed in that court unless the trial court or the Appellate Court or a judge thereof otherwise orders. This will discourage an attempt to take an interlocutory appeal with a motive of delay.

In 1974, paragraph (b) was amended to substitute the word “application” appearing in the last sentence of the paragraph for the word “petition” to make the terminology uniform. At the same time paragraph (d) was amended to insert the clause “the appellant shall file his brief in the reviewing court within 35 days of the date on which such leave was allowed.” This requirement formerly appeared in Rule 343(a). See the committee comments to Rule 306, paragraph (g).

Until 1979, paragraph (d) provided that, if appeal were allowed, “[e]xcerpts from record or an abstract shall be prepared and filed as provided in Rule 342.” In that year Rule 342 was amended to eliminate altogether the practice of duplicating and filing excerpts from the record and to provide that no abstract shall be filed unless by order of the reviewing court. Accordingly, paragraph (d) was amended to reflect this change. See the committee comments to Rule 342.

Amended Rule 324

Rule 324. Preparation and Certification by the Circuit Clerk of the Record on Appeal

The clerk of the trial court shall prepare, bind, and certify the record on appeal. The record shall be arranged in three sections: the common law record, the report of proceedings, and the trial exhibits. The common law record and report of proceedings shall be in chronological order. Beginning with the common law record, each separately bound volume of the common law record and report of proceedings shall be numbered consecutively. All pages of the common law record shall be numbered consecutively with the letter “C” preceding the number of each page. All pages of the report of proceedings shall be numbered consecutively by volume. In lieu of renumbering the pages of exhibits, a list of exhibit numbers shall be provided. No bound volume of the record shall exceed 250 pages, and each volume shall be securely bound. There shall be only one record on appeal even if more than one appeal is taken. The certificate shall be in the form prescribed below, and a copy shall be delivered to appellant at the time the record is forwarded to the reviewing court. The clerk shall accept for inclusion in the record or a supplemental record an original or a copy of any filing that carries a filing stamp of the clerk of the circuit court without any need for further authentication. Notice of filing must be given to all parties of record.

Appeal to the _____ Court of Illinois

_____ District
From the Circuit Court of the _____ Judicial Circuit
_____ County, Illinois

[Names of all plaintiffs,
including intervening plaintiffs]

v.

Circuit Court No. _____
Trial Judge _____
Reviewing Court No. _____

[Names of all defendants,
including intervening or
impleaded defendants]

(The designations of appellant, appellee, cross-appellant, and cross-appellee may be added to follow the trial court designations. If not all plaintiffs or all defendants are appellants or appellees, the names of those who are should be included parenthetically just below the title.)

CERTIFICATION OF RECORD

The record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ volume/s of Common Law Record
_____ volume/s of Report of Proceedings
_____ volume/s or description of Exhibits

(Here set forth a detailed table of contents of the record on appeal.)

Kindly acknowledge receipt of this record on the attached copy of this letter.

I do further certify that this certification of the record pursuant to Supreme Court Rule 324 issued out of my office this _____ day of _____, 20__.

Clerk of the Circuit Court

cc: _____
Appellant's Attorney

Address

City, State & Zip

Received this above record this ____ day of _____, 20__.

Clerk of the Reviewing Court

Amended October 21, 1969, effective January 1, 1970; amended July 30, 1979, effective October 15, 1979; amended July 1, 1985, effective August 1, 1985; amended April 10, 1987, effective August 1, 1987; amended December 17, 1993, effective February 1, 1994; amended May 30, 2008, effective immediately; amended Oct. 15, 2015, eff. Jan. 1, 2016.

Committee Comments
(Revised July 30, 1979)

This rule was based in part on former Rules 36(1)(b) and (2)(a), and was in part new in 1967. As originally adopted, it provided in part that “[u]nless otherwise ordered by the trial or reviewing court, the original papers in the trial court record shall be used and copies need not be furnished by the parties.” Thus the use of the original papers was permissive, though the contemplation was that in most instances original papers would be used. In 1979 this provision was deleted and Rule 321 was amended to provide that the record on appeal shall consist of the “entire original trial court record,” unless the parties stipulate for or the trial or reviewing court orders “less.” See the committee comments to Rule 321.

Commentary
(December 17, 1993)

This rule is amended to explain more specifically the manner in which the record on appeal shall be prepared. The circuit clerk now is required to provide the reviewing court with an inventory of exhibits, and the rule establishes a 250-page limit per volume of record to make the record easier to use.

Amended Rule 335

Rule 335. Direct Review of Administrative Orders by the Appellate Court

The procedure for a statutory direct review of orders of an administrative agency by the Appellate Court shall be as follows:

(a) The Petition for Review. The Unless another time period is provided specifically by the law authorizing review, the petition for review shall be filed in the Appellate Court within 35 days from the date that a copy of the order or decision sought to be reviewed was served upon

the party affected by any order or decision of the administrative agency, and shall specify the parties seeking review and shall designate the respondent and the order or part thereof to be reviewed. The agency and all other parties of record shall be named respondents. The form of the petition shall be as follows:

IN THE APPELLATE COURT OF ILLINOIS
FOR THE _____ DISTRICT

[Name of Petitioner],

Petitioner,

v.

[Names of Agency and Other
Parties of Record],⁽¹⁾

Respondent.

Petition for Review

of Order of the

[Name of Agency]

And Docket Number

[Name of Petitioner] hereby petitions the court for review of the order [or part of the order] of the [name of agency] which [describe the order or part as to which review is sought] entered on _____, 19 ____

Attorney for Petitioner

Address:

(b) Service. The petitioner shall serve the petition for review on the agency and on all other parties of record to the proceeding before the agency in the manner prescribed for serving and proving service of a notice of appeal in Rule 303(c).

(c) Other Parties. If any respondent other than the agency wishes to participate in the proceeding in the Appellate Court, that respondent shall file a written appearance, and those who do shall be parties in the Appellate Court.

(d) The Record. The entire record before the administrative agency shall be the record on review unless the agency and the petitioner stipulate to omit portions. Omitted portions shall be transmitted to the Appellate Court at any time on the request of the agency, the petitioner or any other party, which request shall be served on all parties, or on order of the court. Either the original or a certified copy of the record shall be filed with the Appellate Court. As near as may be possible, the record shall contain, be arranged, prepared, bound, numbered and certified as required for the record on appeal under Rules 321 through 325.

(e) Time for Filing Record.

(1) The agency shall file the record or the certificate described in subparagraph (2) within 35 days after the filing of the petition for review. Extensions of time for filing the record or certificate may be granted by the reviewing court or a judge thereof on motion made before the expiration of the original or extended time or on motion filed within 35 days thereafter supported by a showing of reasonable excuse for failure to file the motion earlier.

(2) In lieu of filing the record within the time specified in subparagraph (1), the agency may, for the purpose of aiding the parties in preparation of briefs, excerpts or abstracts, file

with the reviewing court a certificate that the record has been prepared and is available in the form prescribed by paragraph (d). The timely filing of the certificate in the reviewing court shall be considered the filing of the record.

(3) If a certificate is filed in lieu of the record, the record shall be filed no later than the date upon which the reply brief is due or earlier if the reviewing court so orders.

(f) Time for Filing Briefs. The time for filing briefs specified in Rule 343 begins to run from the day the record or the certificate in lieu thereof is filed.

(g) Stay. Application for a stay of a decision or order of an agency pending direct review in the Appellate Court shall ordinarily be made in the first instance to the agency. A motion for stay may be made to the Appellate Court or to a judge thereof, but the motion shall show that application has been made to the agency and denied, with the reasons, if any, given by it for denial, or that application to the agency for the relief sought was not practicable. The motion shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute the motion shall be supported by affidavit. With the motion shall be filed such parts of the record as are relevant to the relief sought. Reasonable notice of the motion shall be given to all parties to the proceeding in the Appellate Court. The court may condition relief under this rule upon the filing of a bond or other appropriate security.

(h) In any proceeding for the review of a decision by the Illinois State Labor Relations Board, the Illinois Local Labor Relations Board, or the Illinois Educational Labor Relations Board, a cross-petition for enforcement may be filed by the Board in accordance with the procedures set forth in Rule 361 governing motion practice in the Appellate Court, except that no proposed order shall be submitted.

(i) Application of other Rules and Administrative Review Law.

(1) Insofar as appropriate, the provisions of Rules 301 through 373 (except for Rule 326) are applicable to proceedings under this rule. As used in any applicable rule, the term “appellant” includes a petitioner and the term “appellee” includes a respondent in proceedings to review or enforce agency orders.

(2) Sections 3-101, 3-108(c), 3-109, 3-110, and 3-111 of the Code of Civil Procedure are applicable to proceedings to review orders of the agency. The Appellate Court has all of the powers which are vested in the circuit court by the above enumerated sections.

(j) Return of the Record on Appeal. The record on appeal shall be returned by the clerk of the reviewing court to the clerk of the administrative agency after the final decision of the reviewing court.

Effective July 1, 1971; amended May 28, 1982, effective July 1, 1982; amended April 27, 1984, effective July 1, 1984; amended December 17, 1993, effective February 1, 1994; amended Oct. 15, 2015, eff. Jan. 1, 2016.

Committee Comments
(Revised December 17, 1993)

The General Assembly has provided by law that a final order of the Pollution Control Board (415 ILCS 5/41 (West 1992)), a judgment concerning disclosure of campaign contributions and

expenditures from the State Board of Elections (10 ILCS 5/9-22 (West 1992)), a final order of the Illinois State Labor Relations Board, Illinois Local Labor Relations Board (5 ILCS 315/11 (West 1992)) or the Illinois Educational Labor Relations Board (115 ILCS 5/16 (West 1992)), a decision from the Illinois Human Rights Commission (775 ILCS 5/8-111 (West 1992)), any order or decision of the Illinois Commerce Commission (220 ILCS 5/10-201 (West 1992)), final orders of the Illinois Gaming Board (230 ILCS 10/17.1 (West 1992)), final decisions of the Property Tax Appeal Board where a change in assessed valuation of \$300,000 or more was sought (35 ILCS 205/111.4 (West 1992 Supp.)) and a certain initial license issuance by the Director of the Department of Nuclear Safety and in connection therewith certain determinations of the Low-Level Radioactive Waste Disposal Facility Siting Commission (420 ILCS 20/18 (West 1992)) may be appealed directly to the Appellate Court.

Rule 335 prescribes the procedure for the review of orders of any agency which the legislature has assigned to the Appellate Court.

The rule is based upon the procedures followed under the Administrative Review Act, the Illinois rules governing appeals, and the Federal Rules of Appellate Procedure which relate to review of administrative orders by an appellate court. The orders of many Federal agencies have long been directly reviewed by the United States Courts of Appeals.

Only a few provisions of the rule require comment.

Since the petition for review serves the function of the notice of appeal, and nothing else, it should in form be as simple as the notice of appeal, as it is in the Federal practice. The statement of the questions to be presented for review is left to the appellant's brief as in other appeals and for the same reasons.

The Illinois practice of permitting parties before the administrative agency to become parties before the Appellate Court merely on filing of a notice of appearance is preferable to the Federal practice of requiring a motion to intervene.

Under both Illinois and Federal appellate practice and under the Illinois Administrative Review Act the entire record before the agency is the record before the reviewing court, wherever that record may be at any particular time. The rule is designed to insure that the record will be available to the parties when needed for the preparation of briefs, as under present Rule 325 for ordinary appeals, and to the reviewing court when it is needed there. Any portions of the record not already filed in the Appellate Court shall be transmitted thereto on request of the court, the agency, or any party. Since the report of the proceedings before the administrative agency will normally have been transcribed and be available by the time of the administrative decision, a shorter period for filing the record is allowed than in other Illinois appeals. This also conforms to the public interest in expediting review of these cases.

In 1984 subparagraph (d) was amended to require that the agency should arrange, prepare, bind, and certify the record, as near as possible, in the way the record on appeal must be prepared under Rule 324.

Commentary
(December 17, 1993)

Paragraph (h) is included to indicate that petitions for enforcement of labor board orders may be brought in the Appellate Court (see *Central City Education Association v. Illinois Educational Labor Relations Board* (1992), 149 Ill. 2d 496) and are treated as motions before the reviewing court without the need for formal briefing.

Amended Rule 501

Rule 501. Definitions

(a) Bond Certificates. Bail security documents which also guarantee payment of judgments for fines, penalties and costs, not to exceed \$140 for any single offense or \$500 for multiple offenses arising out of the same occurrence (auto bond certificates), or not to exceed \$500 for any single offense covered by Rule 526(b)(1) (truck bond certificates), which are issued or guaranteed, in counties other than Cook, by companies or membership associations authorized to do so by the Director of Insurance, State of Illinois, under regulations issued by this court. (Note: Copies of these regulations may be obtained by writing to: Director, Administrative Office of the Illinois Courts, 3101 Old Jacksonville Road, Springfield, IL 62704-6488.) The privilege of issuing bond certificates for use in Cook County shall be governed by rule of the Circuit Court of Cook County. (Note: Copies of the Cook County rule may be obtained by writing to: Office of the Chief Judge, Richard J. Daley Center, Chicago IL 60602.)

(b) Cash or Cash Bail. United States currency; transfer of United States currency by means of credit cards, debit cards, or electronic fund transfer; traveler's checks issued by major banks or express companies which, alone or in combination with currency, total the exact amount required to be deposited as bail; and negotiable drafts on major credit card companies, under conditions approved by the Administrative Director.

(c) Conservation Offense. Any case charging a violation listed below, except any charge punishable upon conviction by imprisonment in the penitentiary:

- (1) The Fish and Aquatic Life Code, as amended (515 ILCS 5/1-1 *et seq.*);
- (2) The Wildlife Code, as amended (520 ILCS 5/1.1 *et seq.*);
- (3) The Boat Registration and Safety Act, as amended (625 ILCS 45/1-1 *et seq.*);
- (4) The Park District Code, as amended (70 ILCS 1205/1-1 *et seq.*);
- (5) The Chicago Park District Act, as amended (70 ILCS 1505/ 0.01 *et seq.*);
- (6) The State Parks Act, as amended (20 ILCS 835/ 0.01 *et seq.*);
- (7) The State Forest Act, as amended (525 ILCS 40/ 0.01 *et seq.*);
- (8) The Forest Fire Protection District Act, as amended (425 ILCS 40/ 0.01 *et seq.*);
- (9) The Snowmobile Registration and Safety Act, as amended (625 ILCS 40/1-1 *et seq.*);
- (10) The Endangered Species Protection Act, as amended (520 ILCS 10/1 *et seq.*);
- (11) The Forest Products Transportation Act, as amended (225 ILCS 740/1 *et seq.*);
- (12) The Timber Buyers Licensing Act, as amended (225 ILCS 735/1 *et seq.*);
- (13) The Downstate Forest Preserve District Act, as amended (70 ILCS 805/ 0.001 *et seq.*);
- (14) The Exotic Weed Act, as amended (525 ILCS 10/1 *et seq.*);

(15) The Ginseng Harvesting Act, as amended (525 ILCS 20/ 0.01 *et seq.*);

(16) The Cave Protection Act, as amended (525 ILCS 5/1 *et seq.*);

(17) Any regulations, proclamations or ordinances adopted pursuant to any code or act named in this Rule 501(c);

(18) Ordinances adopted pursuant to the Counties Code for the acquisition of property for parks or recreational areas (55 ILCS 5/5-1005(18));

(19) The Recreational Trails of Illinois Act, as amended (20 ILCS 862/1 *et seq.*);

(20) The Herptiles-Herps Act, as amended (510 ILCS 68/1-1 *et seq.*).

(d) Driver's License. A current driver's license or temporary visitor's driver's license issued by the Secretary of State of Illinois. However, restricted driving permits, monitoring device driving permits, instruction permits, probationary licenses or temporary licenses issued under chapter 6 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-100 *et seq.*) shall not be accepted in lieu of or in addition to bail amounts established in Rule 526.

(e) Unit of Local Government. Any county, municipality, township, special district, or unit designated as a unit of local government by law.

(f) Traffic Offense. Any case which charges a violation of any statute, ordinance or regulation relating to the operation or use of motor vehicles, the use of streets and highways by pedestrians or the operation of any other wheeled or tracked vehicle, including cases charging violations under chapter 6 of the Illinois Vehicle Code, as amended (625 ILCS 5/6-100 *et seq.*), but excluding cases in which a ticket was served by "tie-on," "hang-on," or "appended" methods and cases charging violations of:

(1) Section 9-3(b) of the Criminal Code of 1961, as amended (reckless homicide) (720 ILCS 5/9-3(b));

(2) Section 12-5 of the Criminal Code of 1961, as amended (reckless conduct) (720 ILCS 5/12-5);

(3) Article I of chapter 4 of the Illinois Vehicle Code, as amended (anti-theft laws) (625 ILCS 5/4-100 *et seq.*);

(4) Any charge punishable upon conviction by imprisonment in the penitentiary;

(5) "Jay walking" ordinances of any unit of local government;

(6) Any conservation offense (see Rule 501(c)).

(g) Promise to Comply. An option available to Illinois residents and residents of other member jurisdictions of the Nonresident Violator Compact of 1977 (625 ILCS 5/6-800 *et seq.*) to obtain release from custody without bail following arrests on view for minor traffic offenses (see 625 ILCS 5/6-306.4(a) or 6-308(a)) by signing a written promise to comply with the terms of the Uniform Citation and Complaint (625 ILCS 5/6-306.4 or 6-308). Residents of Illinois not charged with a petty traffic violation, and nonresidents charged with traffic offenses specified in section 6-306.4(b) of the Illinois Vehicle Code, as amended (625 ILCS 6-306.4(b)), shall not be released on a promise to comply, but must post bail or secure release in accordance with these rules.

(h) Individual Bond. Bonds authorized without security for persons arrested for or charged with offenses covered by Rules 526, 527 and 528 who are unable to secure release from custody

under these rules (see Rule 553(d)).

Amended effective October 7, 1970; amended January 31, 1972, effective March 1, 1972; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended May 24, 1995, effective January 1, 1996; amended September 30, 2002, effective immediately; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010; amended Dec. 12, 2013, eff. Jan. 1, 2014; amended June 11, 2014, eff. July 1, 2014; amended December 30, 2014, eff. Jan. 1, 2015; amended Oct. 15, 2015, eff. immediately.