

M.R. 3140

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

Order entered August 2, 2023.

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

Effective immediately, Illinois Supreme Court Rule 22 is amended, as follows.

Amended Rule 22

Rule 22. Appellate Court Organization; Administrative Authority; Appellate Court Rules

(a) Divisions-Appellate Districts.

(1) Each district of the Appellate Court shall consist of one division unless the Supreme Court provides otherwise by order. The First District shall sit in the city of Chicago. The Second District shall sit in the city of Elgin. The Third District shall sit in the city of Ottawa. The Fourth District shall sit in the city of Springfield. The Fifth District shall sit in the city of Mount Vernon. With the approval of the chief justice of the Supreme Court, a division may sit at any place in the State. The Appellate Court in each district shall be in session throughout the year, and each division shall sit periodically as its judicial business requires. Each division shall sit in panels of three judges as hereinafter provided.

(2) Oral arguments in the appellate court will normally be held in the courthouse provided for that purpose in the appropriate city designated in subparagraph (a)(1). However, with the approval of all the parties and the chief justice, a panel of the appellate court may, on occasion, agree to set an oral argument to be held in a suitable, alternative location but outside the courthouse in which the panel would otherwise normally preside.

(b) Assignment to Divisions-Designation of Panels. The Supreme Court shall assign judges to the various divisions. The presiding judge of a division shall designate judges serving in that division to sit in panels of three. Such a three-judge panel shall constitute the division for purposes of rendering a decision in a case. The Executive Committee of the First District, upon request of a division of that district, may designate any Appellate Court judge of that district to sit in the place of a judge of the requesting division for such case or cases as may be designated in the request.

(c) Decisions. Three judges must participate in the decision of every case, and the concurrence of two shall be necessary to a decision. One judge may decide motions of course.

(d) Divisions—Presiding Judge. The judges of each division shall select one of their number to serve as presiding judge of that division for a term of one year.

(e) Reserved. Executive Committee of the Appellate Court of Illinois. The presiding judges

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~~of the Second, Third, Fourth, and Fifth Districts and the members of the Executive Committee of the First District shall constitute the Executive Committee of the Appellate Court of Illinois. Meetings of the executive committee may be called by any three of its members, and meetings of the Appellate Court may be called by the executive committee.~~

(f) Executive Committee of the Appellate Court in the First Appellate District. There shall be an Executive Committee of the First District composed of one member of each division, which committee shall exercise general administrative authority. The executive committee shall select one of its number as chairman.

(g) Administrative Authority. Subject to the overall authority of the Supreme Court, the presiding judge of each district, and the chairman of the Executive Committee in the First District, shall have the authority to determine, among other things, the hours of court, available leave time to which a judge is entitled, and to instruct the way in which a judge on the bench is expected to behave. In the exercise of this general administrative authority, the presiding judge of each judicial district and the chairman of the Executive Committee in the First District shall take or initiate appropriate measures to address the persistent failure of any judge to perform his or her judicial duties.

(h) Appellate Court Rules. A majority of the appellate court judges in each district may adopt rules governing civil and criminal cases which are consistent with these rules and the statutes of the state, and which, so far as practicable, shall be uniform throughout the state. All rules of court shall be filed with the Administrative Director within 10 days after they are adopted.

(i) Workers' Compensation Commission Appeals. A five-judge panel of the Appellate Court will sit as the Workers' Compensation Commission division of each district of the Appellate Court. The Workers' Compensation Commission division will hear and decide all appeals involving proceedings to review orders of the Workers' Compensation Commission. The division will sit, periodically, as its judicial business requires, at any place in the State it chooses. Five judges must participate in the decisions of the Workers' Compensation Commission division, and the concurrence of three shall be necessary to a decision. If a judge designated to serve on this panel cannot participate, the alternate designated by the Supreme Court shall participate. Motions of course may be decided by one judge.

Amended effective July 1, 1971, and December 9, 1974; amended July 30, 1979, effective October 15, 1979; amended February 1, 1984, effective February 1, 1984, with Justice Moran dissenting (see *Yellow Cab Co. v. Jones* (1985), 108 Ill. 2d 330, 342); amended April 10, 1987, effective August 1, 1987; amended November 20, 1991, effective immediately; amended October 15, 2004, effective January 1, 2005; amended May 23, 2005, effective immediately; amended December 1, 2008, effective immediately; amended June 22, 2017, eff. July 1, 2017; amended Aug. 2, 2023, eff. immediately.

Committee Comments

(December 1, 2008)

New paragraph (g) was adopted December 1, 2008, to clarify that a presiding judge's administrative role includes the authority, and the responsibility, to address the persistent failure of any judge to perform his or her judicial duties. Such failure may be due to, among other things,

professional incompetence, poor case load management, or chronic absenteeism. Depending on the facts involved, the expectation is that the presiding judge will take or initiate appropriate action to remedy the situation. It shall be the duty of the presiding judge to provide counseling, if deemed necessary and appropriate, and to report violations of the Canons to the Judicial Inquiry Board. In circumstances where there is uncertainty as to whether the conduct at issue is violative of the Canons, the presiding judge shall report the conduct, with substantial particularity, to the Supreme Court.

(Revised February 1, 1984)

As originally adopted, Rule 22 was derived from former Rule 56-2, effective January 1, 1964, and modified June 24, 1965, without change in substance.

Paragraph (a)

As originally adopted, paragraph (a) provided that the Appellate Court should sit in divisions and specified the number of divisions in each of the five districts, four in the First, and one in each of the other districts. It was amended in 1971 to reflect the creation of a fifth division in the First District, and again in 1974, to authorize the creation of a second division in the Second District.

In 1979, the paragraph was amended. Under the paragraph, as amended, each district constitutes a single division unless the Supreme Court provides otherwise by order. A division may consist of four, five, or six judges. Cases are assigned to panels of three judges. The concurrence of two is necessary for a decision.

Paragraph (b)

In 1979, paragraph (b) was amended to permit the presiding judges to designate judges within their division to sit in panels. The authority of the Executive Committee of the First District to make designations on request of a division was retained.

Paragraph (c)

Paragraph (c) provides that three judges must participate in the decision of every case, and that two shall be necessary to a decision, other than a ruling on a motion of course. The 1979 amendments to the rule made no change in paragraph (c). Thus, though a division may consist of more than three judges, it sits in panels of three.

Paragraph (d)

The 1979 amendment retained the one-year term for the presiding judges, but eliminated the provision in the pre-1979 text requiring that the position of presiding judge be rotated among the judges of the division.

Paragraph (e)

(Revised August 2, 2023)

~~—Until 1979, paragraph (e) provided that the presiding judge of each division should be a member of the Executive Committee of the Appellate Court of Illinois. In that year it was amended to provide that the presiding judges of the Second, Third, Fourth, and Fifth Districts, together with the members of the Executive Committee of the Appellate Court in the First Appellate District, shall constitute the Executive Committee of the Appellate Court of Illinois. The 1979 amendment makes some change in the First District representation on the Executive Committee, since the members of the Executive Committee of the Appellate Court in the First Appellate District are not necessarily the presiding judges of the divisions of the First District. In 2023, the text of paragraph (e) was repealed and reserved in light of the adoption of M.R. 1963.~~

Paragraph (f)

Paragraph (f) was amended in 1979 to reflect the deletion from paragraph (a) of the specific provision setting out the number of divisions in each district. There was no change in substance.

Paragraph (g)

Paragraph (g) was added in 1984 to provide for the creation of the Industrial Commission division of the Appellate Court. A single panel of five appellate judges, one from each district (or alternates designated by the Supreme Court), will hear and decide all cases involving proceedings to review orders of the Industrial Commission. The procedure was adopted to relieve the Supreme Court of the growing burden of hearing all such appeals (see amended Rule 302(a)), and to insure that such appeals will continue to enjoy the traditional benefits of speedy consideration and uniform application of the law, the need for which was considered the original justification for giving such cases preferred status in the first place.

Notices of appeal from trial court orders disposing of cases involving review of Industrial Commission orders will be filed in the circuit court in accordance with Rule 303, and copies thereof will be sent to the clerk of the Appellate Court, as required in Rule 303(a)(4).