

Rule 365. Appeal to Wrong Court

If a case is appealed to either the Supreme Court or the Appellate Court, or the wrong district of the Appellate Court, which should have been appealed to a different court, the case shall be transferred to the proper court, and the clerk shall transmit the record on appeal and all other documents filed in the case, with the order of transfer, to the clerk of the proper court. That clerk shall file the record and other documents upon receiving them, without charging an additional filing fee, and the case shall then proceed as if it had been appealed to the proper court in the first instance. Any bond executed in such a transferred case is binding on the parties thereto with the same force and effect as if given in a case appealed directly to the court to which the case is transferred.

Amended December 17, 1993, effective February 1, 1994; [amended June 22, 2017, eff. July 1, 2017](#).

Committee Comments

Paragraph (a) is former Rule 28-1(D), which belongs here rather than in the rule relating to direct appeals to the Supreme Court. Paragraph (b) is section 86 of the Civil Practice Act, which covers the same ground as former Rule 47.

Commentary (December 17, 1993)

Paragraph (a) concerning collateral attack and waiver is deleted because it is an outdated vestige of practice under Illinois' former Constitution.

This rule is expanded to permit limited, intra-district transfers when appeals are docketed in the wrong appellate court district.