ADMINISTRATIVE AND PROCEDURAL RULES OF THE ILLINOIS APPELLATE COURT FIRST DISTRICT

(As of July 1, 2008)

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ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 1

ORGANIZATION

A. Court to Sit in Divisions; Presiding Judges

This Court shall sit in divisions in such numbers as from time to time shall be determined by the Supreme Court. Each division is included within the term "Court" as used in these rules unless the context indicates otherwise. The judges in each division shall each year select one of their number to serve as presiding judge for a term of one year.

B. Executive Committee

There shall be an Executive Committee of the entire Court composed of one judge from each division, selected by the judges in the division. Each member shall serve for a term of one year, but may succeed himself or herself when the individual division shall so decide. The Executive Committee shall exercise general administrative authority over the business of the Court and annually shall elect one of its members to be chairperson. The Executive Committee shall select one of its members to act as vice-chairperson, who shall automatically take over the duties of the chairperson of the Executive Committee whenever the chairperson is incapacitated or otherwise unavailable.

C. Court Sessions; Three Judges Must Participate in Every Decision

The Court shall be in session throughout the year and each division shall sit periodically as its judicial business requires. Three judges must participate in the disposition of every case and the concurrence of two shall be necessary to a disposition. Between sittings of a division, any judge of the division may decide any motion of course and also may enter any order which might have been entered under the practice previously existing in the Appellate Court or now existing in

the Supreme Court of Illinois.

D. Sitting of a Division

For the purpose of calling cases and motions, and hearing oral argument, the division will sit on such days of the week as may be determined by the Executive Committee. The sitting of a division may be varied by the division, subject to the general authority of the Executive Committee.

Amended Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 2

RULE GOVERNING THE ASSIGNMENT AND
MANAGEMENT OF CASES IN THE FIRST DISTRICT

Section

I. General Rules Concerning the Retention and Assignment of Cases
II. Panel Designations
III. Compensatory Reduction for Industrial Commission Cases
IV. Assignment of Non-Ready Cases for Motion Purposes and Motion Practice Generally
V. Management of Non-Ready Cases
VI. Priority of this Rule

§I. General Rules Concerning the Retention and Assignment of Cases

A. CASES RETAINED ON DECEMBER 2, 1996 AND ON FUTURE ROTATION DATES

Upon the rotation of the judges of the First District on December 2, 1996, and on every annual rotation date thereafter, each judge shall retain the following categories of cases:

(1) Assigned cases then under advisement (including cases in which oral arguments have been heard and non-oralled cases in which opinions or orders have been circulated or are in circulation);
(2) Previously assigned ready cases;
(3) Previously assigned Research ready cases;
(4) Anders/Finley cases assigned to a designated judge;
(5) Previously assigned non-ready cases where petitions for leave to appeal have been allowed under Rule 306 or where permissive interlocutory appeals have been allowed under Rule 308;
(6) Previously assigned non-ready cases related to a case previously disposed of by an opinion or a Rule 23 order authored by the assigned judge who is still a member of this court;
(7) Previously assigned non-ready cases in which an order has been entered expediting briefing and/or oral argument;
(8) Assigned cases which have been disposed of by an opinion or a Rule 23 order, but for which no mandate has yet issued.
(9) Assigned, non-ready cases under Supreme Court Rule 306A, Expedited Appeals in Child Custody Cases, involving initial final child custody orders, orders modifying child custody where a change of custody has been granted, final orders of adoption and final orders terminating parental rights.

B. ASSIGNMENT OF READY AND ANDERS/FINLEY CASES AS OF DECEMBER 2, 1996.

Commencing on December 2, 1996, cases that have attained ready status shall be randomly assigned, for dispositional purposes, to a designated judge, together with a panel as

provided in section II below, only after the director of Research has determined which cases will be taken by Research. Thereafter, each case shall be categorized as a "ready civil case," a "ready criminal case," or a "ready Research case." When a motion to withdraw as counsel under Anders or Finley is filed, the case shall be categorized as an "Anders/Finley" case. Such ready and Anders/Finley cases shall be assigned to a designated judge and a panel through computerized random selection, balanced for annual equalization among the judges of this court in each of the four categories listed above.

"Designated judge," as used above and throughout this Rule, refers to the judge assigned to author a decision, provided that the judge writes on behalf of a majority of the panel.

C. ASSIGNMENT OF CASES INVOLVING DISCRETIONARY APPEALS

When the division to which a case is assigned for motion purposes grants a discretionary appeal pursuant to Supreme Court Rules 306 or 308, the case shall be randomly assigned by computer to a designated judge and a panel in that division for dispositional purposes. When the case attains ready status, the designated judge shall be credited with a ready civil case.

D. ASSIGNMENT OF RELATED AND CONSOLIDATED CASES

(1) Related Cases

When it is determined that a case is related to a case previously disposed of by an opinion or Rule 23 order authored by a judge who is still a member of this court, it shall be assigned to that judge as the designated judge and a panel as provided in section II below. When such a case attains ready status, the designated judge shall be credited with a ready case in the appropriate category (*i.e.*, civil, criminal, Research or Anders/Finley). If the authoring judge of a disposed of case is no longer a member of this court, any case related to that disposed case shall be treated as any other case.

(2) Consolidated Cases

When a non-ready case is consolidated with an earlier filed non-ready case, both cases shall be assigned for motion purposes to the division in which the earlier filed case is assigned. When a non-ready case is consolidated with a ready case, the non-ready case shall be reassigned for motion and dispositional purposes to the designated judge and the panel to which the ready case is assigned, without regard to which case has the lower number.

E. ASSIGNMENT OF EXPEDITED CASES

When a division to which a case is assigned for motion purposes allows a motion to expedite the filing of briefs and/or the setting of oral argument, the case shall be randomly assigned by computer to a designated judge and a panel in that division for dispositional purposes. When the case attains ready status, the designated judge shall be credited with a ready case in the appropriate category (*i.e.*, civil, criminal, or Research).

§II. Panel Designations

When a case is assigned to a designated judge pursuant to this Rule, regardless of its characterization as criminal, civil, Research, or Anders/Finley, in addition to its assignment to the designated judge, two other judges shall be assigned by number, through computerized random selection, to constitute a panel to consider that case. Thereafter, except for a realignment of the panel due to recusals, any opinion or Rule 23 order entered in a non-oralled case shall be rendered by the assigned panel. Also with due regard to scheduling considerations, every effort shall be made to conform oral argument settings to the assigned panel.

"Scheduling considerations," as used above, shall include, but not be limited to the following circumstances: where there is a need, in the opinion of the designated judge, to set a case for prompt hearing on an accelerated or expedited case; where an assigned member of the panel is unavailable due to recusal, illness, or vacation; where there are no ready cases to be heard on a given oral argument date; where, in the opinion of the designated judge, adherence to panel designations would unduly delay the hearing of a case.

Effective December 2, 1996, each judge is assigned a number from 1 to 4, in accordance with the order in which judges are listed within each division in M.R.1062, the September 25, 1996 order of the supreme court. (The listing is set forth below.) Thereafter, each judge shall retain the assigned number upon rotation to a different division. Except for cases then under advisement, when a judge rotates to a different division, the cases accompanying that judge shall retain their numerical panel designations and a new panel, bearing the same number designations, shall be constituted for that case within the new division. Likewise, each judge who rotates into a different division shall replace, on an assigned panel for each case, the departing judge who bears the same number. When a judge is transferred into a different division to replace another judge, outside the regular rotation system, the transferred judge shall assume the number of the replaced judge, and, if a change of numbers has occurred, the presiding judge of the division shall randomly assign judges of that division, in rotation and by number, to constitute panels for the cases accompanying the transferred judge.

Numerical Listing of Judges pursuant to Section II of the Rule Governing the Assignment and Management of Cases Incorporated by Reference in the Rule

(Note: The names in parentheses refer to the Judges' numerical assignments as of July 2004)

1. Hon. Calvin C. Campbell
   (Hon. Denise O'Malley)
2. Hon. Robert C. Buckley
   (Hon. Joseph Gordon)
3. Hon. Sheila M. O'Brien
   (Hon. Margaret S. McBride)
4. Hon. Michael J. Gallagher
   (Hon. Jill K. McNulty)

1. Hon. Anne M. Burke
   (Hon. Mary Jane Theis)
2. Hon. David Cerda
   (Hon. Alan J. Greiman)
3. Hon. Warren D. Wolfson
   (Hon. Patrick J. Quinn)
4. Hon. Daniel J. McNamara
   (Hon. Allen Hartman)

1. Hon. Gino L. DiVito
   (Hon. Anne M. Burke)
2. Hon. John P. Tully
   (Hon. Rodolfo Garcia)
3. Hon. Thomas R. Rakowski
   (Hon. Warren D. Wolfson)
4. Hon. Jill K. McNulty
   (Hon. Robert Cahill)

1. Hon. Leslie Elaine South
   (Hon. Calvin C. Campbell)
2. Hon. Thomas E. Hoffman
   (Hon. P. Scott Neville)
3. Hon. John N. Hourihane
   (Hon. Sheila M. O'Brien)
4. Hon. Allen Hartman
   (Hon. Ellis E. Reid)

1. Hon. William Cousins, Jr.
   (Hon. Leslie E. South)
2. Hon. Joseph Gordon
   (Hon. Thomas E. Hoffman)
3. Hon. Marvin Leavitt
   (Hon. Themis Karnezis)
4. Hon. Robert Cahill
   (Hon. Shelvin Louise M. Hall)

1. Hon. Mary Jane Theis
   (Hon. Margaret O'Mara Frossard)
2. Hon. Alan J. Greiman
   (Hon. John P. Tully)
3. Hon. Patrick J. Quinn
   (Hon. James Fitzgerald Smith)
4. Hon. Morton Zwick
   (Hon. Michael J. Gallagher)

§III. Compensatory Reduction for Industrial Commission Cases

When any member of this court is assigned to author an opinion or Rule 23 order as a member of the Industrial Commission Panel, the most recent prior assigned ready civil or criminal case shall be removed from that judge's case inventory and randomly reassigned as provided by this Rule.

§IV. Assignment of Non-Ready Cases for Motion Purposes and Motion Practice Generally

On December 2, 1996, all cases not listed in section 1(A) of this Rule shall become unassigned cases, and all such cases and all new cases docketed thereafter, shall be evenly assigned, through computerized random selection, among the six divisions for motion purposes only. Except for transfers due to consolidations, recusals, or related case purposes, the assignment of these cases to a division for motion purposes shall remain fixed until the case is assigned to a designated judge, regardless of the rotation or transfer of judges between the divisions.

§V. Management of Non-Ready Cases

A staff motions attorney designated by this court shall be required to examine the notice of appeal and the docketing statement for each new appeal filed. When that attorney determines that there is a question as to the court's jurisdiction to hear a given appeal, he or she shall notify the Chairman of the Executive Committee. If the Chairman of the Executive Committee agrees with the staff attorney's assessment, the appellant shall be ordered to file a jurisdictional statement within 21 days, or within any period of time deemed reasonable.

The clerk of the court shall advise the presiding judges, at regular intervals set by the presiding judges, of any case assigned to their respective divisions for motion purposes in which the record is 56 days or more past due or the appellant's or appellee's brief is 35 days or more past due, and no motion for an extension is pending. It shall thereupon be the responsibility of the division to enter an order directing the filing of the record or brief, or, in civil cases, to consider dismissing the appeal for want of prosecution, or to take the case on appellant's brief only. When the division enters an order that a case is to be taken on the appellant's brief only, the clerk shall immediately designate the case as ready, determine whether it will be taken by Research, and randomly assign it in accordance with the provisions of this Rule.

§VI. Priority of this Rule

To the extent that this Rule may be in conflict with any previous Rule of this court, the provisions of this Rule shall govern over the other Rule.

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 3

DOCKETING, NUMBERING AND ASSIGNING CASES

A. Docketing and Numbering of Cases

Each case in this Court shall, upon the transmittal of the notice of appeal, or upon the filing of a motion for leave to file a late notice of appeal, filing of a Rule 306 petition, filing of a Rule 308 application, filing of a Rule 604(c) bail motion, or filing of a Petition for Review in appeals filed pursuant to Supreme Court Rule 335, be given a permanent number. The title of the case and its number shall be entered upon the clerk's docket as soon as possible. All cases shall be numbered consecutively in the order of presentation of one of the documents identified above to the clerk for filing.

B. Assignment of Cases

All cases shall be assigned by computerized random assignment to a division, in motion status, upon transmittal of the notice of appeal or the filing of one of the documents set forth in paragraph A, with the exception of cases filed under Supreme Court Rule 306A (involving initial final child custody orders, orders modifying child custody where a change of custody has been granted, final orders of adoption and final orders terminating parental rights), which shall be randomly assigned by computer to a justice of the court upon transmittal of the notice of appeal or the filing of one of the documents set forth in paragraph A.

C. Transfer or Reassignment of Cases

The Executive Committee may, in its discretion, at any time transfer or reassign any case to a different division. Cases that are consolidated, and related cases, will be reassigned to the division having the lowest permanent docket number as long as such reassignment is consistent

with the General Rules Concerning Retention and Assignment of Cases.

Amended Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 4

MOTION PRACTICE

A. General Motion Practice

Motions must comply with Supreme Court Rule 361 and be filed as follows:

> (1) Original and three (3) copies of the motion, with proof of service attached at the back of the original and each copy of the motion. The proof of service shall specify the method of delivery (personal or by mail, or by facsimile as permitted by Supreme Court Rule 11), the date served, and the name and address of the party (or the party's attorney) served. Motions must be arranged in four complete sets.
>
> (2) One (1) proposed order for the Court to sign, reciting the relief requested, and phrased in the alternative, i.e., ALLOWED/DENIED. The proposed order should not be attached to the motion.
>
> (3) Where a draft order consists of more than one page, a portion of the order, not just the Justices' signature lines, must appear on the last page. Page numbers must appear at the bottom of each page of a multiple page order. The Appellate Court number must appear at the top of each page.

B. Assignment of Motions

Motions will be directed to the division to which the case has been assigned. In an emergency, if all the judges of the assigned division are unavailable, a motion may be ruled upon by any other division or judge designated by the Chairperson of the Executive Committee. If the Chairperson of the Executive Committee is unavailable, then any other member of the Executive Committee may make that designation. If no member of the Executive Committee is available, then any judge may rule on an emergency motion.

C. Motion Titles Must Indicate the Specific Nature of the Relief Sought

Motion titles shall reflect the precise nature of the relief sought, i.e., "Motion for

Extension of Time to File the Appellant's Brief" rather than just "Motion" or "Motion for Extension of Time".

D. Motions for Extension of Time

Motions for extension of time should be filed prior to the due date. Such motions should

ask for a specific due date (i.e., extension to and including January 15, 2003), not a certain number of additional days (i.e., an additional 15 days). The extended due date requested shall be at least fourteen (14) days after the original due date, to avoid having the requested new date expire before the order granting the extension is entered (the divisions generally rule on routine motions once a week).

A motion for extension of time should be supported by an affidavit as required by Supreme Court Rule 361(f).

E. Instanter Motions

If a party is seeking to file a record, supplemental record, briefs or other documents instanter, the title of the motion and body of the accompanying proposed order should include the word "instanter". The record, supplemental record, briefs or other documents which the party is seeking to file must accompany the instanter motion.

F. Motions for Stay

A motion requesting a stay of proceedings in the Appellate Court, along with the proposed order submitted with the motion, shall include a provision that a status report will be prepared and filed with the Court on or before a date certain.

A status report shall be in the form of a motion, and shall be titled as "Motion to File

Status Report". Each status report shall include a provision for filing an updated status report on a date certain, and that provision shall also be included in the proposed order submitted with the Motion to File Status Report.

G. A Motion Shall Not Contain a Response to a Different Motion; A Response to a Motion Shall Not Contain a New Motion

A motion shall not include both a request for relief and a response to a different motion previously filed. The motion and the response must be filed separately. Similarly, in responding to a motion, the party filing the response should not include in the response a new motion or request for its own relief. A motion separate from the response must be filed.

H. Mailing of Orders

Upon the Court ruling on any motion, the Clerk shall cause a copy of the order entered to be mailed to all attorneys or parties pro se of record. However, neither the failure of the Clerk to mail the copy, nor the failure of the attorney or party pro se to receive the copy, shall affect the force, validity or effect of the order.

I. Motions for Clarification

Proposed orders submitted with a Motion for Clarification must specify the relief being requested upon clarification rather than just indicating allowed/denied.

Amended Effective September 1, 2004
Amended June 9, 2008, effective July 1, 2008, to add Paragraph A (3)

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 5

MOTIONS FILED IN THE APPELLATE COURT PRIOR TO THE TRANSMITTAL OF THE NOTICE OF APPEAL OR NOTICE OF INTERLOCUTORY APPEAL BY THE CIRCUIT COURT

For those appeals initiated by filing a Notice of Appeal or Notice of Interlocutory Appeal in the Circuit Court, the Appellate Court can take no action until it receives a Notice of Appeal or Notice of Interlocutory Appeal that has been file-stamped by the Circuit Court. This applies to Motions for Stay under Supreme Court Rule 305 as well as all other motions. If, before the Circuit Court has transmitted the file-stamped Notice of Appeal or Notice of Interlocutory Appeal to the Appellate Court, a party needs to file a motion or other document in the Appellate Court, the party shall:

(1) provide a file-stamped copy of the Notice of Appeal or Notice of Interlocutory Appeal to the Clerk of the Appellate Court, along with an additional filing such as a docketing statement, appearance, or motion (the Appellate Court will not docket an appeal and issue an appeal number solely on the basis of being presented with a Notice of Appeal or Notice of Interlocutory Appeal, unless the Notice was transmitted by the Clerk of the Circuit Court); and

(2) pay the required docketing or appearance fee.

Presentation to the Clerk of the Appellate Court of a file-stamped copy of a Notice of Appeal, or Notice of Interlocutory Appeal, and/or presentation of the Notice of Filing the Notice of Appeal, or Notice of Interlocutory Appeal, pursuant to Supreme Court Rule 303(c), are not sufficient bases for the Appellate Court to docket an appeal and issue an Appellate Court number.

Effective September 1, 2004
Opening paragraph amended June 9, 2008, effective July 1, 2008, to add "Notice of Interlocutory Appeal" language and to specifically reference Supreme Court Rule 305

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 6

EMERGENCY MOTIONS

No emergency motion may be filed in the Appellate Court unless the appeal has been docketed pursuant to First District Rule 3 (Docketing, Numbering and Assigning Cases) or Rule 5 (Motions Filed in the Appellate Court Prior to the Transmittal of the Notice of Appeal by the Circuit Court).

The words "Emergency Motion" must appear in the title. The Appellate Court Clerk, upon receiving a filing titled "Emergency Motion", shall immediately direct that filing to the justices of the division to which the appeal has been assigned. If the emergency motion requires action by the Court by a certain date or time, that information must be set forth in the first paragraph of the motion. The motion shall specify the nature of the emergency and the grounds for the specific relief requested. The movant shall attach to the motion a copy of all Circuit Court and Appellate Court documents, including orders, relevant to the motion.

The party filing the emergency motion shall immediately personally serve all other parties, if possible, or otherwise immediately serve the other parties by facsimile or overnight mail. The type of service made shall be specifically noted on the Certificate of Service.

Emergency motions should only be filed when a matter involves a genuine emergency. Motions for extensions of time to file a record or a brief are not considered emergencies.

The Court may (1) enter an order requesting a response by a specific date; (2) wait for the time provided by Supreme Court Rule for a response to expire; (3) enter an order resolving the motion; or (4) take whatever action is deemed appropriate.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 7

AMENDING A NOTICE OF APPEAL OR NOTICE OF CROSS-APPEAL

If the time to file an amended Notice of Appeal (or Notice of Cross-Appeal) as of right under Supreme Court Rule 303b(4) has expired, and a party files a motion in the Appellate Court pursuant to that rule to amend the Notice of Appeal (or Notice of Cross-Appeal), the party must specify the information being corrected.

The party shall state in both the title of the motion to amend, and the proposed order submitted with the motion, the amendment being requested, i.e., "Motion to Amend the Trial Court Number to ___", or "Motion to Amend the Date of the Trial Court's Judgment To ____".

Similarly, a timely amended Notice of Appeal (or Notice of Cross-Appeal) filed with the Clerk of the Circuit Court should specify the amendment being made.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 8

APPEALS UNDER SUPREME COURT RULES 306, 307(d), 308,
AND 604(c) - FILING REQUIREMENTS

When filing a Petition for Leave to Appeal under Supreme Court Rule 306[1], an appeal relating to Temporary Restraining Orders under Supreme Court Rule 307(d), an Application for Leave to Appeal under Supreme Court Rule 308, or a Verified Motion for Review of a bail order under Supreme Court Rule 604(c), a party shall specify on the cover page of the Petition, Application or Verified Motion the Supreme Court Rule pursuant to which the document is being filed.

Parties filing an Application or Petition under Supreme Court Rules 306, 307(d), or 308, or a Verified Motion for Review under Supreme Court Rule 604(c), shall file an original and three copies with proof of service attached. If the supporting record for an Application or Petition is based on an attorney's or party's affidavit, four copies of the supporting record must be filed, and a copy provided to every other party. If the supporting record has been prepared, bound and certified by the Clerk of the Circuit Court, no additional copies need be submitted to the Appellate Court, or served on other parties.

If a party elects to allow his or her petition or answer to stand as his or her brief, he or she must comply with the notice and filing requirements of Supreme Court rule 306 (i).

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[1]Under amendments to Supreme Court Rule 306(a)(5), effective January 1, 2004, a party filing a petition for leave to appeal from an interlocutory order affecting the care and custody of unemancipated minors under Supreme Court Rule 306(a)(5) must also file a notice of interlocutory appeal with the Clerk of the Circuit Court within the time allowed for filing the petition for leave to appeal. See Rule 306(b) for the expedited filing requirements.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 9

DOCKETING STATEMENTS AND APPEARANCES; FEES

The Clerk's Office may accept docketing statements for filing beyond the fourteen (14) day due date, for a reasonable time, without motion.

The docketing statement may serve as the appearance for the appellant or petitioner.

Appellees and respondents are encouraged to file an appearance with the Clerk of the Appellate Court as soon as possible so as to become a party of record entitled to receive notification from the Court of any orders entered. The fact that an appellant or petitioner has indicated on the docketing statement the appellee's or respondent's name, or the name of the appellee's or respondent's attorney, does not constitute an appearance for the appellee or respondent.

Docketing Fee/Appearance Fee Must Be Paid by Each Law Firm

Each law firm that appears by way of the docketing statement, appearance form, pro hac vice motion and/or as amicus must pay the appropriate fee to be of record and receive copies of the Court's orders.

The Appellant's docketing fee for a criminal case is $25. The Appellee's appearance fee for a criminal case is $15.

The Appellant's docketing fee for a civil case is $25. The Appellee's appearance fee for a civil case is $15.

Effective January 1, 2009
Amended to reflect that filing fees for both civil and criminal appeals are: Appellant's docketing fee - $25.00; Appellee's appearance fee - $15.00

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 10

ADDRESS CHANGES - ATTORNEYS AND NON-IMPRISONED PARTIES

All attorneys, as well as all parties representing themselves, shall immediately notify the Appellate Court Clerk by letter of any change of address.

A copy of the letter shall be served on all parties.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 11

ADDRESS NOTIFICATION FOR DEFENDANTS IN CRIMINAL MATTERS

Within 14 days of the filing of the appellee's brief in any criminal matter, counsel for the defendant(s)[1] shall serve notice on the Clerk of the Appellate Court, stating the case title, Appellate Court and Circuit Court numbers, the defendant's name and Department of Corrections number, and the defendant's then current address. The notice shall be titled "NOTICE OF CRIMINAL DEFENDANT'S CURRENT ADDRESS".

Thereafter, counsel shall immediately serve the Clerk of the Appellate Court with notice of any subsequent change of the defendant's address. Such subsequent notice(s) shall be titled "NOTICE OF SUBSEQUENT CHANGE OF ADDRESS OF A CRIMINAL DEFENDANT".

A Certificate of Service showing that service has been made on all other parties shall be attached to all such notices.

If a defendant in a criminal matter is not represented by counsel, then it is that defendant's responsibility to initially advise the Clerk of the Appellate Court by letter of his or her case title, Appellate Court and Circuit Court numbers, Department of Corrections number, and his or her address if that information does not appear on the notice of appeal. Such defendants must thereafter immediately notify the Clerk by letter of any change of address and must identify the Appellate Court case numbers of all active appeals in which the defendant is representing himself.

Effective September 1, 2004

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[1]As used in this rule, the word "defendant" refers to all non-prosecuting parties in criminal matters, regardless of whether such party is identified in the pleadings as the plaintiff or defendant, petitioner or respondent, or appellant or appellee.

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 12

SUBSTITUTION OR WITHDRAWAL OF COUNSEL

Attorneys seeking to withdraw or to be substituted as counsel must file a motion consistent with Supreme Court Rule 13(c).

If, however, an attorney is appearing as additional, not substituted, counsel, the attorney may simply file an appearance form titled "Additional Appearance", with a proof of service and payment of the appropriate fee.

Where the substitution of one law firm for another law firm is simultaneous, if the original law firm has paid the fee, the substituted law firm does not need to also pay a fee. If the substitution is not simultaneous, a fee will be required from the law firm that appears at a date after the prior attorney has withdrawn.

Effective September 1, 2004
Amended June 9, 2008, effective July 1, 2008, to add paragraph regarding simultaneous versus non-simultaneous substitution

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 13

WAIVER OF FEES

The Appellate Court's fees are automatically waived in criminal and juvenile delinquency appeals for the State's Attorney, the State Appellate Defender and the Public Defender only. Fees are automatically waived in civil cases only for the State's Attorney and the Public Guardian, when the Public Guardian is representing a minor. Fees in both criminal and civil cases are waived for the Illinois Attorney General.

In all other appeals, all parties not identified in the preceding paragraph shall either pay the appropriate fee or file a motion requesting that the fee be waived.

Information Required for Waiver of Fees

A party seeking to proceed as a poor person must file a motion supplying the financial information that is required by Supreme Court Rule 298. An updated Circuit Court indigency form may be attached in support of the motion.

Effective September 1, 2004
Amended June 9, 2008, effective July 1, 2008, to add "Information Required for Waiver of Fees"

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 14

CUSTODY CASES EXPEDITED UNDER SUPREME COURT RULE 306A - MANDATORY PROCEDURES FOR CUSTODY CASES INVOLVING (1) INITIAL FINAL CUSTODY ORDERS, (2) ORDERS MODIFYING CHILD CUSTODY WHERE A CHANGE OF CUSTODY HAS BEEN GRANTED, (3) FINAL ORDERS OF ADOPTION AND (4) FINAL ORDERS TERMINATING PARENTAL RIGHTS; APPLICABILITY OF SUPREME COURT RULE 306A TO PETITIONS FOR LEAVE TO APPEAL ALLOWED UNDER SUPREME COURT RULE 306(a)(5)

A. Record on Appeal - Due Date

In the four types of custody cases enumerated in Supreme Court Rule 306A, the record on appeal shall be filed within 35 days of the filing of the notice of appeal pursuant to Supreme Court Rule 306A, subsection (e).

Any initial motion for extension of time to file the record filed in the Circuit Court pursuant to Rule 306A, as well as the ruling on such motion, must be immediately served on the Clerk of the Appellate Court by counsel for the moving party, or by the party who filed the motion if the party is not represented by counsel.

All subsequent motions for extension of time, which must be filed in the Appellate Court, as well as the rulings on such motions, must be immediately served on the trial judge and the chief judge of the Circuit Court by counsel for the moving party, or by the party who filed the motion if the party is not represented by counsel.

B. Briefing Schedule

The appellant's brief shall be filed within 21 days from the filing of the record on appeal.

Within 21 days from the due date of the appellant's brief, or in the case of multiple appellants, the latest due date of any appellant's brief, the appellee shall file his or her brief. Within 14 days from the due date of the appellee's brief, or in the case of multiple appellees, the latest due date of any appellee brief, the appellant may file a reply brief.

C. Requests for Extensions

In accordance with Supreme Court Rule 306A(h), requests for a continuance may only be granted upon written motion by counsel or the party requesting the continuance. Such motions will not be favored, except for good cause shown.

D. Decision Due Date

Pursuant to Supreme Court Rule 306A, section (f), except for good cause shown, the Appellate Court shall issue its decision within 150 days after the filing of the notice of appeal.

E. Applicability of This Rule to Petitions Allowed Under Supreme Court Rule 306(a)(5)

If a petition for leave to appeal an interlocutory order affecting the care and custody of unemancipated minors filed pursuant to Supreme Court Rule 306(a)(5) is allowed, then the time for filing any additional record under Supreme Court Rule 306(g), and for either filing a notice of election to stand on the petition or for filing a brief under Supreme Court Rule 306(h), shall be the same as the time permitted for the filing of the record and the filing of briefs under Supreme Court Rule 306A, except that the time for such filings shall begin to run from the date that the petition was granted rather than the date that the Notice of Appeal was filed.

Except for good cause shown, the Appellate Court shall issue its decision within 150 days after entering the order allowing the 306(a)(5) petition for leave to appeal.

Effective: July 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 15

ACCELERATING THE APPEAL

A party seeking to have an appeal expedited shall file a motion pursuant to Supreme Court Rule 311.

Parties seeking to expedite the briefing schedule, the setting of oral argument, or the filing of the decision shall file a motion setting forth the reasons to expedite.

Appellant, when moving the Court to expedite the briefing, must state when the complete record and appellant's brief will be filed. Communication with the Clerk of the Circuit Court as to record preparation is necessary. If the appellant is seeking leave to prepare and file a supporting record supported by affidavit of the attorney or party in lieu of the bound, certified record prepared by the Circuit Court Clerk, the appellant must explain why the preparation of the record by the Circuit Court Clerk is not practical.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 16

PREHEARING CONFERENCES

Motions for a Rule 310 conference shall be directed to the Chairman of the Executive Committee for consideration.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 17

FILING DOCUMENTS UNDER SEAL

No record, exhibit, or brief may be filed under seal in the Appellate Court, unless the Appellate Court has first given leave for filing under seal, notwithstanding that the material was filed under seal in the Circuit Court.

A motion will specify exactly what will be filed under seal and identify by name the persons to whom the party wants to restrict access to the sealed documents.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 18

RECORDS - FILING, WITHDRAWING AND RETURNING RECORDS ON APPEAL

A. Filing the Record - Notice of Filing

Upon filing the record in the Appellate Court, the appellant, petitioner, or the administrative agency (in a Supreme Court Rule 335 appeal) shall serve a notice of filing on the other parties to the appeal. The notice of filing shall indicate the number of volumes being filed.

B. Withdrawing and Returning A Record Before A Case is Fully Briefed or Otherwise Ready

Prior to the due date of the reply brief, any party of record may sign out the record for purposes of working on the appeal. If a party of record is not represented by counsel, then the signature of the party of record, along with the party's address and telephone number, shall serve as a written request under Supreme Court Rule 372(a). If a party of record is represented, then the signature of the party's attorney of record, along with the attorney's address and telephone number, shall serve as a written request under Supreme Court Rule 372(a). A party shall return the record to the Clerk's Office when it files its brief.

If a certificate in lieu of record has been filed, the record, at the latest, shall be presented upon the filing of the reply brief, or the due date for filing a reply brief.

C. Withdrawing the Record After a Case is Fully Briefed or is Otherwise Ready

No one, including the parties and their attorneys, may withdraw the record from the Clerk's Office from the time the case has been fully briefed or deemed "ready" by the Court until issuance of the mandate, except by permission of the Court. Permission to withdraw the record may be requested by motion, or by letter submitted to the division clerk for the appropriate

division. Proof of service must accompany such motion or letter.

The Court may refuse to allow the record to be withdrawn, may allow the record to be viewed in the Clerk's Office only, or may allow the record to be withdrawn.

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 19

SUPPLEMENTAL RECORDS

A bound and certified record prepared by the Clerk of the Circuit Court, or administrative agency in an appeal under Supreme Court Rule 335, that is filed in the Appellate Court, First District, is considered to be the complete record. Any record subsequently prepared shall be a supplemental record and shall also be bound and certified. A record cannot be supplemented with documents attached to a motion seeking leave to supplement the record, since such documents have not been bound and certified.

The trial court retains jurisdiction regarding supplemental record preparation. Therefore, motions for leave to file a supplemental record should be filed in the first instance in the trial court. Such motions may be filed initially in the Appellate Court only if the movant shows that filing a motion in the trial court would not be practical or that the trial court has denied the motion to supplement the record in whole or in part.

Once a supplemental record has been bound and certified, a motion must be filed in the Appellate Court seeking leave to file the supplemental record instanter. The bound and certified supplemental record must be submitted with the motion. Both the motion to supplement the record instanter, and the proposed order submitted with the motion, shall specify the number of volumes, boxes, etc., of supplemental record that the party is seeking leave to file.

Presentation of a stipulation with the bound and certified supplemental record alone is not sufficient; the Appellate Court requires a motion for leave to file the supplemental record instanter.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 20

SUPPORTING RECORDS UNDER RULE 328

When a Supreme Court Rule 328 supporting record is prepared pursuant to attorney or party affidavit, the party submitting the supporting record shall submit four (4) copies of the supporting record with any filing, whether it be a Rule 306, Rule 307(d) or Rule 308 appeal, or any other filing asking for relief. If the supporting record has been prepared, bound and certified by the Clerk of the Circuit Court, no additional copies need be submitted to the Appellate Court, or served on other parties.

The movant shall include in the supporting record all relevant court orders.

Service of a supporting record prepared pursuant to attorney or party affidavit shall be made on all parties.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 21

RECORD PREPARATION - EXCLUSION OF PHYSICAL EVIDENCE AND EXHIBITS; RECORDS TO CONSIST OF ORIGINAL DOCUMENTS

A. Exclusion of Physical Evidence and Exhibits

The Clerk of the Circuit Court shall not send to this Court with the record on appeal any physical evidence included in the record as an exhibit, except that evidence of a descriptive or documentary nature, such as papers or photographs, shall still be included in the record on appeal.

If any exhibit or physical evidence not included in the record pursuant to this Rule is required for consideration on appeal, the Circuit Court may forward such exhibit to the Clerk of the Appellate Court upon order of the Appellate Court entered on the Court's own motion or pursuant to the motion of any party.

B. Record to Consist of Original Documents

In preparing the record on appeal, the Circuit Court shall include only original documents from the Circuit Court Clerk's file and not photocopies, unless original papers do not exist.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 22

TRIAL JUDGE TO BE IDENTIFIED

The name of the Circuit Court judge whose ruling is being appealed should appear on the notice of appeal, as well as on motions and the cover pages of the briefs.

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 23

CORRECTIONS TO BRIEFS OR OTHER DOCUMENTS

The Clerk's Office shall not correct any documents. If the corrections sought to be made are minor, then the party seeking to make the corrections should send a letter to the Clerk of the Appellate Court identifying the changes to be made. The letter shall evidence that all parties to the appeal were sent a copy of the letter. The Clerk's office will notify the party seeking to make the changes when the briefs will be available for that party to come to the Clerk's office to effectuate the changes outlined in the letter. Briefs or documents to which minor changes have been made will not be re-stamped, nor will the individual pages on which the minor changes are found be stamped.

If major changes to a brief or other documents are necessary, then the party seeking to make the changes should file a motion seeking leave to withdraw the briefs or other documents and file substituted briefs or documents, indicating generally the changes to be made and the date on which the substituted briefs or documents will be filed. The substituted briefs or other documents will be stamped as of the date that they are filed. The motion to withdraw and substitute should indicate whether the original briefs or other documents should be returned to the party filing the motion or discarded by the Clerk's Office.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 24

TAPES OF ORAL ARGUMENTS

Tapes of oral arguments are for the Court's use. No tape of an oral argument will be made available except by leave of Court, which shall be requested by motion. The Court may refuse the request, allow the parties to listen to the tape at the Court, or enter any other order deemed appropriate.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 25

LAW BULLETIN NOTIFICATION OF ORAL ARGUMENTS AND DECISIONS

The Appellate Court, First District, publishes in the Chicago Daily Law Bulletin notices of the oral arguments scheduled and the future filings of the Court's decisions. This publication shall constitute official notice of such arguments and filings.

However, the failure of the Clerk to provide notice, and/or of the Chicago Daily Law Bulletin to publish such notice, shall not impair the force, validity or effect of the oral argument schedules or future filings.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 26

ORAL ARGUMENT NOTIFICATION AND NOTICE OF THE FILING OF A DECISION; DECISIONS NOT TO BE MAILED

A. Oral Argument Notification

If the Court determines that an oral argument shall be held in an appeal, the Clerk's office shall provide written notification to the parties or their attorneys of record, or, if the matter involves an emergency, oral notification, of the scheduling of the oral argument.

If written notification is provided, the parties or their attorneys are required to promptly return to the Clerk's Office the acknowledgment form that accompanies the notice of argument.

Parties must serve a copy of the executed acknowledgment form on all other parties or their attorneys of record.

Failure of the Clerk's Office to provide written or oral notification of a scheduled oral argument shall not affect the scheduled oral argument.

B. Notice of the Filing of a Decision

The Clerk's Office shall provide written notification of the Court's filing of an opinion, Rule 23 order, or summary order to the parties or their attorneys of record.

However, the failure of the Clerk to provide written notification of the filing of an opinion, Rule 23 order or summary order shall not impair the force, validity or effect of the filing.

C. Decisions Not to be Mailed

The Clerk's office shall not mail copies of decisions. Copies of decisions shall be available in the Clerk's office at no charge to the attorneys and parties of record. Non-parties may obtain copies in the Clerk's office at a cost of $.25 per page.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 27

MANDATES

The Clerk of the Appellate Court issues the mandate to the Clerk of the Circuit Court, who files the mandate and spreads it of record. Certified copies of the filed mandate shall be requested from the Clerk of the Circuit Court, not the Clerk of the Appellate Court.

A party seeking to have the mandate issue fewer than 21 days from the entry of judgment shall file a motion with the Appellate Court.

For immediate issuance of the mandate once 21 days have elapsed after the entry of a judgment, a party may submit a letter to the Clerk of the Appellate Court stating that no Petition for Rehearing, no Affidavit of Intent, no Petition for Leave to Appeal, and no Motion for Extension of Time for Filing a Petition for Leave to Appeal has been filed, and requesting that the mandate issue as soon as possible. The letter shall be served on all parties.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 28

CASES AFFIRMED OR REMANDED BY THE SUPREME COURT

A. Cases Affirmed by the Supreme Court

When a judgment of this Court is affirmed by the Supreme Court on appeal, or the appeal is dismissed, and the mandate of the Supreme Court is filed in this Court, the Clerk of this Court shall issue this Court's mandate.

B. Cases Remanded By the Supreme Court

When a judgment of this Court is reversed by the Supreme Court and the case is remanded to this Court pursuant to the Supreme Court's mandate, the Supreme Court's judgment shall be reflected in the Appellate Court records. If the Supreme Court specifies the judgment to be entered by this Court, this Court will enter an order consistent with the Supreme Court judgment. If the Supreme Court does not specify what judgment is to be entered here, this Court may file any order it deems appropriate and/or entertain motions from the parties.

Amended Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 29

DISMISSAL OF APPEALS BY THE TRIAL COURT

When an appeal has been dismissed in the trial court pursuant to Supreme Court Rule 309 (civil appeals), or Rule 606(b) (criminal appeals), the Circuit Court shall transmit such dismissal orders to the Appellate Court pursuant to Supreme Court Rules 309 and 606(b). In addition, the parties shall send to the Clerk of the Appellate Court a file-stamped copy of the Rule 309 or Rule 606(b) order of dismissal.

Effective September 1, 2004

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 30

BONDS IN CIVIL CASES

A. Obtaining a Bond in the Appellate Court

Consistent with Supreme Court Rule 305, applications for, and approval of, bonds should initially be sought in the Circuit Court.

If approval of a bond is sought in the Appellate Court, the party seeking the bond shall file a motion in the Appellate Court to have the amount of the bond set.

If the Appellate Court allows the motion and sets the amount of the bond, the party seeking the bond, after obtaining a bond in the amount ordered, shall present the bond to the Clerk of the Appellate Court, who shall take the bond to an Appellate Court Justice for approval. Unless otherwise requested by a party in its motion for bond and approved by the Appellate Court in its order allowing a bond, only surety bonds may be presented to the Appellate Court for approval.

B. Original Bonds Approved in the Appellate Court to be Filed in the Circuit Court

In accordance with Supreme Court Rule 305(m), all original bonds approved by the Appellate Court shall be returned to the party that requested the bond. That party shall then file the original bond with the Clerk of the Circuit Court.

Effective July 1, 2004

ILLINOIS APPELLATE COURT DISTRICT RULE 31

CRIMINAL DEFENDANTS' MAIL

A. Mail Concerning Anders/Finley Cases and Cases Where Defendant is Pro Se

1. Mail reasonably related to Anders and Finley motions, including responses to such motions, should be mailed to, and will be handled by, the Clerk's office.

2. Mail from a defendant who has been allowed by the Appellate Court to proceed pro se should be mailed to, and will be handled by, the Clerk's office.

B. Mail Concerning General Correspondence and Inquiries that are Not Case Specific

The Clerk of the Appellate Court will review all general correspondence, inquiries and other mail that is not case specific to determine whether the matters addressed should be handled by the Clerk's office or directed elsewhere.

C. Mail Concerning Appeals Where the Defendant is Represented by Counsel

In cases where the defendant is represented by retained or appointed counsel, the defendant must send all mail, including correspondence, motions, requests for briefs, requests for status and other documents to his or her attorney. Copies of such mail shall not be sent to the Clerk's office. Counsel shall review all mail and timely respond or file the documents in the Appellate Court, if appropriate. If counsel determines that the matter should be handled by the Clerk's office, counsel shall forward the document to the Clerk's office with a brief explanation as to why the matter could not be handled by counsel.

Mail sent by defendants to the Clerk's office in cases where a defendant is represented by counsel shall not be considered by the Clerk and shall be returned to the defendant.

D. Other Mail

The Clerk of the Appellate Court shall determine by whom mail not covered by the preceding paragraphs should be handled.

Effective September 1, 2004

ILLINOIS APPELLATE COURT DISTRICT RULE 32

COURT'S COMPUTER INFORMATION

The Court's computer system and the information contained in that system may not be printed out and provided to any party or his or her attorney, or the general public.

ILLINOIS APPELLATE COURT DISTRICT RULE 33

RECORDS NOT TO BE PHOTOCOPIED BY THE CLERK'S OFFICE

The Clerk's office for the Appellate Court, First District, may not photocopy bound and certified records for any party or non-party. Pursuant to Supreme Court Administrative Order M.R. 10958, the Clerk's office may photocopy other documents filed in the Clerk's office at a charge of $.25 per page. This charge is not waived for parties who have been allowed to proceed as poor persons.

Effective September 1, 2004

ILLINOIS APPELLATE COURT DISTRICT RULE 34

REPEAL OF PRIOR ADMINISTRATIVE AND PROCEDURAL RULES AND RESOLUTIONS, AND ADOPTION OF NEW ADMINISTRATIVE AND PROCEDURAL RULES

Except for Rule 14 (expedited custody cases) and Rule 30 (bonds in civil cases), all prior Administrative and Procedural Rules and Resolutions previously in force and effect in the Illinois Appellate Court, First District, are hereby repealed as of September 1, 2004. The new Administrative and Procedural Rules, except Rules 14 and 30, are effective September 1, 2004, and shall govern all matters, whether already pending or filed on or after September 1, 2004, unless, in regard to pending matters, application of the new rules would not be feasible or would result in an injustice, in which case the party or parties affected may file a motion seeking to have the repealed rule or resolution apply.

In regard to Rules 14 and 30, those rules remain effective as of July 1, 2004.

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 35

CLERK'S OFFICE NOT TO ASSIST WITH DOCUMENT PREPARATION;
CLERK'S OFFICE NOT TO PROVIDE LEGAL ADVICE;
PROOF OF SERVICE REQUIRED

No member of the Clerk's office, including any attorneys employed in that office, may prepare any documents for any party or attorney, or review any documents for any party or attorney, other than to determine whether the documents may be accepted for filing.

The fact that a document is accepted for filing by the Clerk's office does not mean that the document complies with all applicable Supreme Court Rules, First District Rules, and relevant statutes or case law.

No member of the Clerk's office, including any attorneys employed in that office, may provide legal advice to any party or attorney.

The Clerk's office cannot accept any documents for filing that are not accompanied by a Proof of Service. The Clerk and the Clerk's staff are prohibited from serving any documents on behalf of any party, even if the party has been allowed by the Court to proceed as a poor person and/or is incarcerated.

Effective January 1, 2005
Amended June 9, 2008, effective July 1, 2008, to add paragraph regarding Proof of Service

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 36

RESTRICTIONS ON THE CLERK'S OFFICE'S
USE OF MAIL, FAXES, AND TELEPHONES
ON BEHALF OF PARTIES OR THEIR ATTORNEYS;
ADVANCED PAYMENT REQUIRED FOR COPIES OF DOCUMENTS

The clerk's office may not forward mail on behalf of any party or attorney (except as provided in Rule 31, Criminal Defendants' Mail). Parties and their attorneys may not send faxes to the clerk's office, nor request the clerk's office to send faxes on their behalf, unless so requested by the Court. Parties and their attorneys may not request the clerk's office to make telephone calls on their behalf. The Clerk's office is not permitted to accept any collect calls.

Where a request is made for copies of documents in the Clerk's office, no copies will be made unless the person making the request first pays the appropriate fee.

Effective January 1, 2005
Amended June 9, 2008, effective July 1, 2008, regarding prepayment required for copies of documents

ILLINOIS APPELLATE COURT FIRST DISTRICT RULE 38

Briefs

A. No Briefs May Filed Until Record is Filed

No party may file a brief unless the record (or Certificate in Lieu of Record) has been filed.

B. Page Limits/Orders for Supplemental Briefs

When the Court issues an order allowing a supplemental brief to be filed, the supplemental brief shall be limited to 20 pages unless the party files a motion seeking additional pages in advance of the filing of the supplemental brief. A party filing a Motion for Leave to File A Supplemental Brief must include in the proposed order a date by which the Supplemental Brief will be filed if the order is allowed.

C. Parties Who Have Appeared But Will Not be Filing A Brief

Any party who has filed an appearance but will not be submitting a brief shall send a letter to the Clerk of the Appellate Court on or before the date the party's brief would have been due advising that no brief will be filed by that party. All counsel must be copied on the letter.

D. Adopting the Brief of Another Party

If a party intends to adopt the brief of another party, the party seeking to adopt the brief shall file a motion to adopt within 14 days of the filing of the brief being adopted.

Adopted June 9, 2008, effective July 1, 2008