

HOW TO FILE AN APPELLANT'S REPLY BRIEF

What is an *Appellant's Reply Brief*?

- An *Appellant's Reply Brief* tells the appellate court why you disagree with the arguments in the *Appellee's Brief*.

Who can use the *Appellant's Reply Brief* form?

- The *Appellant's Reply Brief* is filed by the appellant. If you filed the *Notice of Appeal*, you are the appellant. (Your opponent is called the appellee.)

When do I file the *Appellant's Reply Brief* form?

- In general, your *Appellant's Reply Brief* must be filed within 14 days after the due date for the *Appellee's Brief*. However, in cases involving custody of a child, for example, the appellate court may shorten that time. Be sure to ask the appellate court clerk's office for the schedule that applies to your case. If you need additional time, you may file a *Motion* with the appellate court to ask for an extension. However, the appellate court is not required to give you an extension and may decide the case without a *Reply Brief* if you do not file your brief on time. You are not required to file a *Reply Brief*, and your failure to file a *Reply Brief* does not mean that you will lose the appeal.
- For more information see the Guide for Appeals to the Illinois Appellate Court for Self Represented Litigants:
http://illinoiscourts.gov/CivilJustice/Resources/Guide_for_Appeals_to_the_IL_Appellate_Court_rev_093016.pdf

What costs will I need to pay to file my *Appellant's Reply Brief* form?

- None.

Is there a page or word limit?

- Yes. The *Appellant's Reply Brief*—not including the cover, the certificate of compliance, and the proof of service—must be no more than 20 pages or 6,000 words.
- If you need more than 20 pages or 6,000 words, you may file a *Motion* with the appellate court to ask for permission to file a *Brief* with more pages or words.

How do I fill out the *Appellant's Reply Brief* form?

- Fill out the form online, or print it and fill it out by hand. If you fill it out by hand, you must print neatly.
- You might have to add pages to the form and remove pages from it. If you have access to a computer with a PDF editing program (e.g., Adobe Acrobat), you can add and remove pages electronically. Otherwise, you will have to print out the form and add and remove pages by hand.

- The *Appellant's Reply Brief* form contains several sections.
- The form contains instructions for each section. The sections are:

Cover

- Check the top box if the appeal involves custody, visitation, or removal of a child.
- Enter the appellate court case number (which you will receive from the appellate court clerk) and the appellate court district.
- Provide the name of the trial court case. If the case was given a name beginning with "In re" (e.g., "In re Marriage of Jones"), enter that name. Then, enter the names of the plaintiff/petitioner (the party who filed the trial court case) and the defendant/respondent (the party against whom the case was filed). Finally, show which party is the appellant and which party is the appellee.
- Enter the trial court county, case number, and judge's name.
- Enter your name, address, and phone number. You may also enter your email address, but, if you do, the court may use it to send you important documents. Therefore, you should enter your email address only if you check your email frequently.
- The cover must be light yellow.

Argument

- Restate the title of each argument in your original *Appellant's Brief*.
- However, under each title, do not repeat your original argument.
- Instead, explain why the appellee's response to your original argument is wrong.
- To help you do this, use authorities (cases, statutes (laws), etc.) and references to the pages of the record. Refer to pages of the common law record as "C [page]." Refer to pages of the report of proceedings as "R [page]."

The form includes room for 3 arguments. If you made more than 3 arguments in your *Appellant's Brief*, fill out and insert one or more *Additional Argument* forms into the main form.

Certificate of Compliance

Certify that you have followed the rules for briefs, especially the page or word limit, by signing the Certificate of Compliance.

Proof of Service

Show how you are sending your *Brief* to the other parties. (see Step 1 below)

What do I do after I fill out the form?

Step 1: Send your *Brief* to all other parties.

- You must send your *Brief* to the other parties in the case. However, if any party has a lawyer, you must send your *Brief* to the lawyer.
- You may send your *Brief* to the other parties by personal hand delivery, by mail, by third-party commercial carrier (for example, FedEx or UPS), or through the court's electronic filing manager or an approved e-filing service provider. You may send your *Brief* to a party by e-mail if they have listed their e-mail address on a court document. Complete the *Proof of Service* with information to show how you sent your *Brief* to each party. The *Proof of Service* has room for 3 parties. If you are sending your *Brief* to more than 3 parties, fill out and insert one or more *Additional Proof of Service* forms into the main form.

Step 2: File your *Brief* with the appellate court.

- If you are an inmate in a prison or jail and don't have a lawyer, you may file your *Brief* by mail. Otherwise, you must electronically file (e-file) your *Brief*. If you are unable to e-file, you can ask the court for permission to file in person, by mail, or by third-party commercial carrier. To ask the court for approval to file this way, you can use the *Appellate Motion* form found here: <http://www.illinoiscourts.gov/Forms/approved/default.asp>. You must have a good reason that prevents you from e-filing.
- To e-file, create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to select a service provider. Some are free, while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see *Odyssey File & Serve: Individual Filer User Guide* here: <https://tylertech.egain.cloud/kb/ilh5/content/PROD-16579/HTML-5-Individual-Filer-User-Guide-20170>
- If you do not have access to a computer, or if you need additional help, you may take your *Brief* to the appellate court clerk's office, where you can use a public terminal to e-file your *Brief*. You can bring your *Brief* on a flash drive or on paper. The terminal will have a scanner and computer where you can scan, save, and e-file your *Brief*. To locate the clerk of the appellate court district where your appeal has been filed, click here: <http://www.illinoiscourts.gov/AppellateCourt/ClerksDefault.asp>

Step 3: Wait for oral argument, if any.

- After all the briefs are filed, the appellate court may send you a notice to appear for oral argument, even if you did not ask for oral argument on the cover of your *Appellant's Brief*. (If you did ask for oral argument, the appellate court is not required to have oral argument.) If you get a notice, arrive on time for the court date.

- When your appeal is called, explain your argument to the judges. Be prepared to answer any questions. After you argue, the appellee will get a chance to respond, and you will get a chance to reply.

Step 4: Wait for the appellate court's decision.

- The appellate court will send you a written decision. This might take several months.
- If you think that the appellate court overlooked or misunderstood any of your points, you may file a *Petition for Rehearing*, which is due within 21 days after the date of the decision. You must point out errors in the decision; you are not allowed to reargue your case.