

2011 Ill. App. (2d) 100236-U  
No . 2-10-0236  
Order filed September 23, 2011

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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<i>In re</i> MARRIAGE OF	)	Appeal from the Circuit Court
JOYCE STAAT LEWIS,	)	of Du Page County.
	)	
Petitioner-Appellee,	)	
	)	
and	)	No. 92—D—2471
	)	
CHARLES BRITON LEWIS,	)	Honorable
	)	Terence M. Sheen,
Respondent-Appellant.	)	Judge, Presiding.

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JUSTICE HUDSON delivered the judgment of the court.  
Presiding Justice Jorgensen and Justice Burke concurred in the judgment.

*Held:* Respondent forfeited claim that trial court erred in allocating educational expense, and, in any event, the allocation was not an abuse of discretion; remand for more definite findings was not an appropriate remedy.

ORDER

¶1 In this martial dissolution action, Charles Briton Lewis, appearing *pro se*, appeals from the trial court's order denying reconsideration of its determination about the division of college expenses between himself and the petitioner, Joyce Staat Lewis, for the parties' children. He argues that the court erred by failing to provide an itemized list of the expenses that it allowed and disallowed when

the court had previously stated that it would do so. Although we are unable to discern why the trial court refused to provide more detailed findings, we affirm because Charles fails to cite to any legal authority for his argument that the court was required to provide more details and because the trial court did not abuse its discretion in any event. We also deny petitioner's outstanding motion for an extension of time and to supplement the record.

¶2

## I. BACKGROUND

¶3 The record in this appeal consists of 19 volumes of the common-law record and two transcripts of proceedings, with material dating back to 1992. The parties' marriage was dissolved in 1995. Subsequently, the parties contested various issues. In 2010, in lieu of trial, the court met individually with the parties pursuant to a stipulation. Charles does not point to a location in the record for the actual stipulation and we cannot find it. However, the trial court summarized the stipulation as follows:

“Instead of doing a trial, the Court had previously spent approximately an hour with each one of the parties pursuant to stipulation for them to explain their concerns and their statements to me in relation to the proceedings that were had before the Court.

On the day of trial the parties stipulated that we would do this in the form of a work pretrial, with the Court participation, as well as interview with the clients to get their input on the remaining issues that weren't worked out.”

¶4

The court asked the parties if they agreed that this is what happened, and each responded yes. The court then summarized the issues, one of which was the division of college expenses for the parties' four children. The court told the parties that it would resolve the matter by having each provide the court with a detailed listing of everything that they had paid. The court said that it would

look at the lists, determine what was proper, and disallow any extravagant payments. The court said that it would add the amounts, and the party who overpaid would be entitled to reimbursement from the other. The court also said that it was going to tell the parties which expenses it allowed and which it did not, and that the parties would be able to figure out from that what the court would and would not allow in the future.

¶5 The parties submitted their detailed lists of expenses and, on October 20, 2009, the court issued an order stating the amount that each party owed for college expenses. However, the order did not explain which specific expenses were allowed and disallowed.

¶6 On November 19, 2009, Charles moved for reconsideration and for more detailed findings. At a hearing on the motion, the court noted that it still had the notebooks that the parties provided. Charles' attorney argued that details about exactly which expenses were allowed and disallowed were needed so that the parties could plan for future expenses. Joyce's attorney stated that, because of the "somewhat unorthodox stipulations" between the parties and the procedure that was used to reach a determination, during which counsel was not present, he was not able to admit or deny anything. He stated that he advised Joyce that, because of the stipulations that were reached, he was not sure that a motion to reconsider was appropriate. Charles' counsel replied that there was another child who was not the subject of any petition and that the information was needed to prevent future legal battles over college expenses.

¶7 The court stated the general procedure that it followed when looking at the expenses and noted that the stipulation was that each party would provide a list of expenses, the court would look at them, it would not allow unreasonable expenses, and it would then add them up. The court stated that it did so and that the motion sought something beyond the stipulation, i.e., an explanation of the

basis for each and every item presented. The court stated that it had summary sheets of what was and was not included in its trial notes, which it was allowed to keep. The court indicated that there were a lot of items to look at. The court then denied the motion to reconsider. Charles now appeals.

¶8 The detailed lists of the expenses, which the parties refer to as exhibit books, are not a part of the record. Charles states that they are still with the trial court and does not explain why they are not included, though he speculates that they may have been lost or destroyed. This court ordered the trial court to make the exhibit books part of the record. Subsequently, seven additional volumes were made a part of the record, though not the original exhibit books themselves. Joyce the petitioner states that, while some of the material contained in the exhibit books is contained in these seven volumes, the seven supplemental volumes do not completely or accurately reflect what was in the exhibit books. Accordingly, petitioner now moves for an extension of time to further supplement the record. Respondent has filed a supplemental brief. In it, he requests that we vacate the portion of the trial court's order dealing with college expenses and remand so that the trial court can make more detailed findings (the same relief he requested in his opening brief). The supplemental brief contains no argument based on the material contained in the seven supplemental volumes.

¶9

## II. ANALYSIS

¶10 Without invoking any legal authority, Charles argues that the trial court failed to abide by the stipulation of the parties and should be required to provide a more detailed order that lists the specific expenses that were allowed and disallowed. He does not cite to any case law, rule, or statute that requires a court to make more detailed factual findings when determining the amount of educational expenses awarded or that would require the court to render what would essentially be

an advisory opinion. Illinois courts do not render advisory opinions. *Golden Rule Insurance Co. v. Schwartz*, 203 Ill. 2d 456, 469 (2003). Charles cites only to the statute that allows an award of college expenses and provides the basic considerations involved in making such an award (though he does not attempt to apply it to the facts of this case). 750 ILCS 5/513 (West 2008).

¶11 Illinois Supreme Court Rule 341(h)(7) requires the appellant’s brief to contain “the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on.” Ill. S. Ct. R. 341(h)(7) (eff. Sept. 1, 2006). The rule is not a guideline. *Kerger v. Board of Trustees of Community College District No. 502*, 295 Ill. App. 3d 272, 275 (1997). Rather, it sets forth the requirements to which parties to an appeal must adhere in presenting clear and orderly arguments for the reviewing court’s consideration. *47th & State Currency Exchange, Inc. v. B. Coleman Corp.*, 56 Ill. App. 3d 229, 232 (1977). Thus, when submitting briefs to this court, appellants must clearly define the issues raised and cite relevant authority. *Obert v. Saville*, 253 Ill. App. 3d 677, 682 (1993). An appellant’s *pro se* status does not relieve him or her of the obligation to submit a brief that complies with the applicable supreme court rules. *Twardowski v. Holiday Hospitality Franchising, Inc.*, 321 Ill. App. 3d 509, 511 (2001).

¶12 “It is well settled that ‘[a] reviewing court is entitled to have issues clearly defined with pertinent authority cited and cohesive arguments presented ([Ill. S. Ct. R. 341(h)(7) (eff. Sept. 1, 2006)]), and it is not a repository into which an appellant may foist the burden of argument and research.’ ” *Stenstrom Petroleum Services Group, Inc. v. Mesch*, 375 Ill. App. 3d 1077, 1098-99 (2007) (quoting *Obert*, 253 Ill. App. 3d at 682). An appellant who fails to present cogent arguments supported by authority forfeits those contentions on appeal. *People v. Ward*, 215 Ill. 2d 317, 332 (2005). In both his opening and supplemental briefs, Charles does not provide any legal authority

to support his contention that the trial court's failure to make more detailed findings requires a remand, and he makes no attempt to explain why the trial court's allocation of educational expenses is erroneous.

¶13 More fundamentally, the trial court's failure to make more detailed findings does not preclude effective review of its allocation of educational expenses. It is well established that we review the result to which the trial court arrived rather than its reasoning. *In re Marriage of Ackerley*, 333 Ill. App. 3d 382, 392 (2002). Hence, respondent could have (and should have) explained why paragraphs seven and eight of the trial court's order (which allocate educational expenses for two of the parties' children) were error. Respondent was allowed to supplement the record, and he could have explained to this court which expenses were appropriate, which were not, and which should be allocated to each of the parties, irrespective of what the trial court ruled. There is no reason to remand this cause to allow the trial court to set forth its *reasoning*; rather, it was incumbent upon respondent to explain why the *result* the trial court came to was incorrect. Having failed to attack the substance of the trial court's decision, we cannot now conclude that the trial court's division of these expenses constituted an abuse of discretion.

¶14 Moreover, despite respondent's failure to contest the merits of the trial court's decision, we have reviewed the record, including the seven supplemental volumes and find no error in the decision. The allocation of educational expenses is a matter within the discretion of the trial court. *In re Marriage of Zukauskys*, 244 Ill. App. 3d 614, 623 (1993). An abuse of discretion occurs only where no reasonable person could agree with the position taken by the trial court. *In re Marriage of O'Brien*, 393 Ill. App. 3d 364, 382 (2009). On the state of the record before us, we cannot conclude that no reasonable person could agree with the trial court.

¶15 Finally, we address petitioner’s outstanding motion for a continuance and to supplement the record. That motion is denied. Having concluded that we cannot disturb the decision of the trial court based on the record, including the material submitted by respondent, we do not see how additional supplemental material from petitioner would lead us to a different result.

¶16 III. CONCLUSION

¶17 In sum, Charles has forfeited his contentions on appeal, and the trial court’s allocation of educational expenses was not error in any event. Accordingly, the judgment of the circuit court of Du Page County is affirmed. Petitioner’s outstanding motion is denied.

¶18 Affirmed.