

STYLE MANUAL

**FOR THE
SUPREME AND APPELLATE
COURTS
OF ILLINOIS**

FOURTH EDITION

(Rev. 2012)

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and
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PREFACE

It has long been the practice of Illinois reviewing courts to follow the standards of The Bluebook, A Uniform System of Citation, except where its rules conflict with the Illinois Supreme and Appellate Courts' own Style Manual. With this edition of the Style Manual, those writers well grounded in Bluebook practices will find many of the former exceptions to Bluebook practices have been eliminated or further explained as they pertain to Illinois-specific publications and certain other materials. Additionally, various style practices that were once prohibited, the use of *id.*, *supra*, and *infra*, for example, are now acceptable. Also, citations to the opinions of other states may be to the public-domain format adopted by a state, if available, or to only West's regional reporter, and do not require citation to the state reporter. Similarly, citations to United States Supreme Court decisions may be to only the U.S. reporter, when available; further citations to S. Ct. and L. Ed. 2d are no longer required in every case. Where a style practice required by this manual conflicts with a Bluebook rule, that exception is specifically noted herein.

Many of the present changes reflect the changing nature of legal research and the advantages that Internet and other data-oriented search engines offer a legal researcher. When provided the title of an opinion, along with a minimal amount of basic information, a researcher can now locate and access a copy of that opinion in a matter of minutes, without opening a single book. These are changes the courts should adopt and incorporate into its opinions practices in the service of conserving judicial resources and as an aid to the bench and bar.

Additional changes are mandated herein regarding the formatting of Illinois Appellate Court opinions and Rule 23 orders. Prior to adoption of this edition of the Style Manual, a lead-in to the body of an opinion was used that reflected only the name of the opinion's author. The names of those joining that opinion were then added to the end of the opinion. A new style is being adopted that requires the listing of all panel members, as well as their positions on the judgment, at the beginning of both opinions and Rule 23 orders. This change brings appellate court practice into line with existing Supreme Court practice, which adopted this format in 2006. Further, a new section has been added to the Style Manual to add guidance on procedures the appellate court should follow when modifying, withdrawing, or other reconsidering a case after remandment by the Illinois Supreme Court.

This manual was approved by the Illinois Supreme Court at the September 2010 term, to be effective for all supreme and appellate court opinions and Rule 23 written (not summary) orders filed after January 1, 2011. It is available at http://state.il.us/court/StyleManual/SupCrt_StyleManual.pdf.

PREFACE TO 2012 REVISED EDITION

Effective July 31, 2011, the Illinois Supreme Court discontinued publication of the Illinois Official Reports in book form. Instead, the Illinois Official Reports are published on the Web site for the Illinois courts. Because Web-published documents do not contain those elements that comprise a tradition case citation (volume and page numbers), the Supreme Court has directed Illinois reviewing courts to assign at the time of filing public-domain case designators, as well as internal paragraph numbers, to all opinions and Rule 23(b) orders filed after July 1, 2011. Further, any opinions that were filed prior to July 1, 2011, but not released for publication until a later date have been assigned public-domain designators and internal paragraph numbers by the Reporter of Decisions. Revisions to the Style Manual have therefore been made to reflect this new public-domain system of case citations for Illinois opinions.

The Court adopted our public-domain system through amendments to its Rules 6 and 23 and entry of administrative order in relation to Rule 23. While Rule 6 is directed to parties before the bench, Rule 23 is specifically directed to the practices of the Illinois reviewing courts, as is this Style Manual (see Ill. S. Ct. R. 23(g) (eff. July 1, 2011) (“No opinion or order may be posted to the [Illinois Supreme and Appellate Courts’] Web site that does not substantially comply with the Style Manual for the Supreme and Appellate Courts.”). Rule 23(h) further directs that “[a]n opinion or order entered under subpart (a) or (b) of this rule must be assigned a public-domain case designator and internal paragraph numbers, as set forth in the accompanying administrative order.” Ill. S. Ct. R. 23(h). Copies of Supreme Court Rule 23 and its accompanying administrative order are appended to this Style Manual.

An additional change of note is the discontinuation of the use of em dashes (—) in section and page numbers and the use, in lieu thereof, of hyphens. This style change was driven by a need to accommodate Internet search practices. Also, the previous section regarding citations to Illinois administrative rules has been expanded.

Finally, the previous “table of headings” has been reformulated as a “table of contents” with page numbers.

Sections Revised 2012		
<i>Page</i>	<i>Section Number & Title</i>	<i>Primary Change</i>
<i>ii</i>	Preface to 2012 Revised Edition	New.
<i>iii</i>	Sections Revised 2012	This table.
<i>vi</i>	Table of Contents	Modifies previous “Table of Headings” and adds page- number references.
1	I(A). Structuring an Opinion—Procedural Case Information	Public-domain case designators required on first page of opinions.
8	I(E). Structuring an Opinion—Body	Each paragraph of an opinion or written Rule 23(b) order required to be preceded by paragraph symbol and number.
8	I(E)(1). Structuring an Opinion—Body—Rule 23 Syllabus	Clarifies that only Rule 23(b) orders, not Rule 23(c) summary dispositions, must contain syllabi.
10	I(E)(6). Structuring an Opinion—Body—Judgment Lines	Format changed to make individual judgment lines consistent with numbering as separate paragraphs.
15	I(F)(6). Structuring an Opinion—Postfiling Revisions—Effect on Public-Domain Formats	New. Procedures to be followed regarding issues related to public-domain case designators and internal paragraph numbering that arise subsequent to filing the opinion.
17	I(G)(3). Structuring an Opinion—Review After Remand—The New Opinion	Directs the appellate court to assign a new public-domain designator to an opinion filed after remand.

22	II(D)(1). Grammatical Style—Capitalization—Proper Nouns	Grammatical exception regarding capitalization of plural common nouns that follow proper nouns deleted.
26	II(G). Grammatical Style—Dashes	Directs use of single hyphen rather than em dash or two hyphens in section or docket numbers.
30	III(A)(2). Citation Style—Case Citations—Illinois Official Reports	Directs and explains usage of Illinois public-domain citations; further explains usage of <i>supra</i> and <i>infra</i> as internal cross-references in an opinion.
31	III(A)(3). Citation Style—Case Citations—Public-Domain Formats	Clarifies current rule that pin-point citations to regional reporters are not given with public-domain citations.
31	III(A)(4). Citation Style—Case Citations—United States Supreme Court	Clarifies when the S. Ct. citation must be used for U.S. Supreme Court opinions unpublished in U.S. Reports.
34	III(A)(10). Citation Style—Case Citations—Illinois Electronic Databases	Directs use of the courts’ Web site to verify whether a recent Illinois opinion is final.
35	III(A)(11). Citation Style—Case Citations—Slip Opinions	New format for Illinois slip opinions filed under public-domain system.
37	III(A)(15). Citation Style—Case Citations—Rule 23 Orders	New format for Illinois Rule 23 orders filed under public-domain system.
38	III(B)(2)(a). Citation Style—Illinois Legislative Enactments—Textual References—Titles	Deleted references to former Eminent Domain Act and Habitual Criminal Act.

41	III(B)(4). Citation Style—Illinois Legislative Enactments—Citation of Illinois Compiled Statutes	Revised to note Bluebook use of “to” with inclusive section numbers; use of singular “§” with statutory subparts; use of “ <i>et seq.</i> ” in lieu of specific range and use of full section number that has an internal dash as Bluebook exceptions
45	III(B)(10). Citation Style—Illinois Administrative Rules	Explains how to cite Illinois administrative rules using the Illinois Register and the Illinois Administrative Code.
53	IV. Appendix	Copies of Supreme Court Rule 23 and the administrative order that effected the filing of public-domain opinions.

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I. STRUCTURING AN OPINION

A. Procedural Case Information

The format of the initial page of an appellate court opinion is determined on a district-by-district basis. Yet, certain basic information regarding the appeal must be included on the first page. Those essential elements are:

- ! Public-domain case designator
- ! Name of the district, and in the First District the Division
- ! Docket number in the appellate court
- ! Date of filing of the appellate court opinion
- ! Name of court or administrative agency from which review was taken
- ! Docket number of the cause in the court below or the agency
- ! Name of the trial judge or administrative law judge
- ! Caption derived from the circuit court or administrative agency proceeding

Additionally, all written orders disposing of an appeal under Supreme Court Rule 23(b) (eff. Jan. 1, 2011) must contain the following notice on the initial page of the written order:

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).

B. Party Information

(1) All Parties Listed

Owing to the generally unpublished nature of circuit court and administrative proceedings, it is the appellate court's opinion that first presents the public with a record of the proceedings below. To fulfill this function, the appellate court's opinion must list *all* parties along with their relative positions (*e.g.*, plaintiff, defendant, third-party defendant, intervening plaintiff, etc.). Because this consideration is generally not present in Supreme Court proceedings, its opinions use shortened titles.

(2) Proper Order Required

Parties' names will generally appear in the caption as they were set forth in the complaint, petition, or other document by which the action was initiated. However, an appeal that was mistitled by the parties in the notice of appeal should be corrected by the court before the opinion is filed. For example, should a defendant list his or her name first in the notice of appeal (*e.g.*, John Doe, Defendant-Appellant, v. The People of the State of Illinois, Plaintiff-Appellee), the court should correct the title to place the parties in their proper positions in the circuit court.

Positions on appeal before the appellate court should be indicated according to the following examples:

Plaintiff-Appellant
Plaintiff-Appellee and Cross-Appellant
Defendant and Counterplaintiff-Appellant
Defendant and Third-Party Plaintiff-Appellee

Parties other than plaintiffs and defendants are indicated parenthetically after the listing of both the plaintiff and the defendant. Note the punctuation and capitalization in the following:

BOB WHITE, Plaintiff-Appellee, v. FIRST NATIONAL BANK, as Trustee, Defendant (Stateville Title and Trust Company, Intervening Plaintiff-Appellant).

(3) Appeals From Administrative Agencies

In appeals from administrative agency decisions, the title is based on the alignment of the parties in either the circuit court or the appellate court where the action for review was first filed. In the titles of administrative appeals that were initially filed in the circuit court, use the terms “Plaintiff,” “Defendant,” “Appellant,” and “Appellee” and not “Petitioner” or “Respondent.” In the titles of direct appeals to the appellate court from administrative agencies, use the terms “Petitioner” and “Respondent” and not “Appellant,” “Appellee,” “Plaintiff,” or “Defendant.” In the text of administrative agency cases, refer to the parties either by name or by descriptive terms such as “the Agency,” “the board,” “the corporation,” and so forth, rather than as “petitioner” or “respondent.”

(4) Official Capacity

Regardless of the terminology used in the complaint or notice of appeal, where an individual was made a party to the action in his or her official, and not personal, capacity, that information should be added after the party’s name by a term appropriate to the position, such as Governor, Secretary of State, Attorney General, Judge, Director of Revenue, Trustee, Administrator (Adm’r), Executor *or* Executrix (Ex’r), Individually and as Administrator (Indiv. and as Adm’r), etc. Even though the party’s name may be placed in all-capital letters for style purposes, his or her capacity is not.

(5) Illinois Department and Director Titles

In an appeal from a suit by or against the director of a state agency, or against the agency itself, the opinion caption should incorporate the statutorily established title, even though the parties may have neglected to do so. The names of the Illinois state agencies and the titles of agency heads are set forth in the Departments of State Government Law (20 ILCS 5/art. 5). Section 5-20 of that act establishes the following titles for the agencies listed:

Director of Aging (Department on Aging)
Director of Agriculture (Department of Agriculture)

Director of Central Management Services (Department of Central Management Services)
Director of Children and Family Services (Department of Children and Family Services)
Director of Commerce and Economic Opportunity (Department of Commerce and Economic Opportunity)
Director of Corrections (Department of Corrections)
Director of the Illinois Emergency Management Agency (Illinois Emergency Management Agency)
Director of Employment Security (Department of Employment Security)
Secretary of Financial and Professional Regulation (Department of Financial and Professional Regulation)
Director of Healthcare and Family Services (Department of Healthcare and Family Services)
Director of Human Rights (Department of Human Rights)
Secretary of Human Services (Department of Human Services)
Director of the Illinois Power Agency (Illinois Power Agency)
Director of Juvenile Justice (Department of Juvenile Justice)
Director of Labor (Department of Labor)
Director of the Lottery (Department of the Lottery)
Director of Natural Resources (Department of Natural Resources)
Director of Public Health (Department of Public Health)
Director of Revenue (Department of Revenue)
Director of State Police (Department of State Police)
Secretary of Transportation (Department of Transportation)
Director of Veterans' Affairs (Department of Veterans' Affairs)

(6) Use of “The” in Caption

When an opinion title includes a state agency, board, commission, unit of local government, or other governmental party, including the People in either criminal or civil proceedings, the article “The” should precede that party’s name; *e.g.*, The Department of Transportation; The Pollution Control Board; The City of Chicago; The Illinois Workers’ Compensation Commission; The Department of Human Rights; The Office of the Comptroller; The People of the State of Illinois.

(7) Abbreviations

In entitling opinions, use the only the abbreviations “Inc.,” “Ltd.,” “LLC,” in the name of a party. Do not abbreviate words such as “Company” or “Corporation,” even if abbreviated by the parties.

C. Cause of Action Information

While a reviewing court should endeavor to set forth the caption under which a cause of action was filed, preserving poorly titled complaints in their original forms should be avoided. Thus, nonsubstantive changes should be made in order that a certain level of consistency be maintained to aid the bench and bar in locating decisions within the body of Illinois law.

In proceedings involving some *res* that is the basis of the cause of action (such as claims to an estate in probate, a bankrupt's estate, proposed annexation of property, etc.), the usual method of entitling the action is with the words "*In re*." Adversarial parties are not included in the main title but should be added parenthetically. In these actions, the parties are "petitioners" and "respondents," not "plaintiffs" and "defendants."

In adoption, juvenile court, and mental-health proceedings (see Ill. S. Ct. R. 330(b) (eff. Oct. 1, 2001)), only the first name and last initial, or initials only, or a pseudonym may be used where necessary to protect the identity of the minor or recipient of mental-health services.

Examples of titles in specific causes are listed below.

Adoption, custody, or support proceeding

In re ADOPTION [*or* CUSTODY] OF JOHNNY D. (Bill Smith and Ann Smith, Petitioners-Appellees, v. Jane D., Respondent-Appellant).

Note: In the absence of exceptional circumstances, an action for the support or custody of a minor that arises from a dissolution of marriage action is a continuation of the dissolution action and thus continues under the caption of the marital-dissolution proceeding (*i.e.*, "*In re* Marriage of") and is not entitled "*In re* Custody of ***."

Consolidated cases

JOHN BROWN, Plaintiff-Appellee, v. TOM WHITE, Defendant-Appellant.—JAMES BROWN, Plaintiff-Appellee, v. TIM WHITE, Defendant-Appellant.

Note: Lowest docket number is *always* listed first.

Contemnor

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. JOHN DOE, Defendant (Bob Smith, Contemnor-Appellant).

Note: Appeals by a contemnor carry the title of the action out of which the contempt arose. The contemnor's name is indicated parenthetically if it is not already in the title.

Estates

In re ESTATE OF BOB WHITE, Deceased (Acme Company, Petitioner-Appellant, v. Vera White, Ex'r, Respondent-Appellee).

Note: For claims *by* an estate against another party, the “*In re*” form should not be used. The action will generally be one of the estate, or its representative, *versus* another: VERA WHITE, Ex’r of the Estate of Bob White, Plaintiff-Appellant, v. ACME COMPANY, Defendant-Appellee.

***Ex rel.* Proceedings**

THE PEOPLE *ex rel.* THE ENVIRONMENTAL PROTECTION AGENCY, Plaintiff-Appellant, v. BOB SMITH, Defendant-Appellee.

Note: A relator’s name is given with “*ex rel.*” when the relator is a private citizen or an agency of the state and is bringing an action in the name of the state.

Illinois Workers’ Compensation Commission

ACME COMPANY, Appellant, v. THE ILLINOIS WORKERS’ COMPENSATION COMMISSION *et al.* (Jane Doe, Appellee).

Note: The Illinois Workers’ Compensation Commission is always the nominal defendant; the full title of the Commission should always be used.

***In rem* Proceedings**

In re APPLICATION OF BOB WHITE, Pike County Collector (Bob White, Petitioner-Appellant, v. Bill Black, Sue Black, Tom White, Edna White, and All Unknown Owners of Parcel No. 133 in the Town of New Salem, Respondents-Appellees).

Juvenile court proceeding

In re J.D., a Minor (The Department of Children and Family Services, Petitioner-Appellant, v. Jane D., Respondent-Appellee).

Mandamus, prohibition or habeas corpus

BILL BROWN, Petitioner, v. BOB WHITE, Director of Corrections, Respondent.

Marital dissolution

In re MARRIAGE OF JOHN DOE, Petitioner-Appellant, and JANE DOE, Respondent-Appellee.

Mental health

In re GWENDOLYN H., a Person Found Subject to Involuntary Medication (The People of the State of Illinois, Petitioner-Appellee, v. Gwendolyn H., Respondent-Appellant).

Actions Specific to the Illinois Supreme Court

Attorney disciplinary

In re ROBERT B. WHITE, Attorney, Respondent.

Admission or reinstatement to the practice of law

In re ROBERT B. WHITE, Petitioner.

Certified question under Supreme Court Rule 20

THE COUNTY OF PIKE, Appellant, v. JOHN BLUE, Appellee.

Motion for supervisory order

BOB WHITE, Petitioner, v. JANE DOE, Judge, Respondent.

Note: While there is no “appellant” in the usual sense here, the parties retain their designations from the certifying court.

D. Court Panel Information

For an Illinois reviewing court to enter a valid judgment, the Illinois Constitution requires a majority of the court to agree upon the decision to be entered. Ill. Const. 1970, art. VI, §§ 3, 5. In the Supreme Court, this requires the agreement of four justices. In the appellate court, the concurrence of two justices at the time of filing is required (see *People v. Ortiz*, 196 Ill. 2d 236, 254-56 (2001) (appellate court opinion that did not command the agreement of two justices, owing to the death of one panel member prior to filing and one of the two remaining justices writing in dissent, did not deliver a valid judgment)).

While the Constitution requires that a majority agree to the court’s final judgment, there is no requirement that a majority agree to a single rationale for that judgment. In this regard, an opinion must be viewed in light of the two distinct functions it performs: (1) delivery of the judgment and (2) expression of the rationale for that judgment. In order to show the required majority concurrence for a valid judgment, the votes of those justices who concur in the judgment must be shown on the opinion.

(1) Opinions

Immediately following the caption of an opinion is the listing that shows the names of those justices on the panel who entered the judgment. List here the author of the lead opinion as well as the other justices on the panel and their relative voting positions.

In the appellate court, these lines take one of the following forms or its derivative:

JUSTICE SMITH delivered the judgment of the court, with opinion.
Justices Jones and Wilson concurred in the judgment and opinion.

JUSTICE SMITH delivered the judgment of the court, with opinion.
Justice Jones concurred in the judgment and opinion.
Justice Wilson specially concurred, with opinion.

JUSTICE SMITH delivered the judgment of the court, with opinion.
Justice Jones concurred in the judgment and opinion.
Justice Wilson concurred in part and dissented in part, with opinion.

JUSTICE SMITH delivered the judgment of the court, with opinion.
Justice Jones concurred in the judgment and opinion.
Justice Wilson dissented, with opinion.

JUSTICE SMITH delivered the judgment of the court, with opinion.
Justice Jones concurred in the judgment and opinion.
Justice Wilson dissented from the judgment, without opinion.

JUSTICE SMITH delivered the judgment of the court, with opinion.
Justice Jones specially concurred, with opinion, joined by Justice Wilson.

JUSTICE SMITH delivered the judgment of the court, with opinion.
Justice Jones specially concurred, with opinion.
Justice Wilson dissented, with opinion.

In the Supreme Court, there is no “panel,” as, in the absence of an individual recusal, all justices sit on every appeal. The listing of the court will be in a form similar to the following:

JUSTICE SMITH delivered the judgment of the court, with opinion.
Chief Justice Jones and Justices Wilson and Miller concurred in the judgment and opinion.
Justice White specially concurred, with opinion.
Justice Green dissented, with opinion, joined by Justice Blue.

JUSTICE SMITH delivered the judgment of the court, with opinion.
Chief Justice Jones and Justices Wilson and Miller concurred in the judgment and opinion.
Justice White specially concurred, with opinion.
Justice Green dissented, with opinion.
Justice Blue took no part in the decision.

(2) Rule 23 Orders

Where an appellate court panel files a judgment under Supreme Court Rule 23(b), the decision that delivers that judgment generally is not called an “opinion” in an effort to distinguish the court’s precedential *opinions* from its nonprecedential *orders*. As with an opinion, however, the names of the panel members must be shown on a Rule 23(b) order. This is done by listing the justice who has been assigned delivery of the judgment, along with the names of the panel members who concur in that judgment.

JUSTICE SMITH delivered the judgment of the court.
Justices Jones and Wilson concurred in the judgment.

Where one or two panel members specially concur or dissent with a separate opinion, the special concurrence or dissent is noted, as with an opinion, but the phrase “with opinion” is omitted.

JUSTICE SMITH delivered the judgment of the court.
Justice Jones concurred in the judgment.
Justice Wilson dissented.

JUSTICE SMITH delivered the judgment of the court.
Justice Jones specially concurred.
Justice Wilson dissented.

E. Body

Immediately following the panel listing is either the word “OPINION” or, in the case of an order filed under Supreme Court Rule 23(b), the word “ORDER.” In both cases, the word should be printed in all-capital, boldface type. This is not a “heading,” in the sense used below, but a document title indicative of type. Do not use any qualifying terms, such as “Modified Opinion,” “Opinion Upon Remand,” “Modified Upon Denial of Rehearing,” etc. If such a term must be added to make clear that postfiling changes were made to the opinion, it should be added to the filing-date line.

Under Supreme Court Rule 23, each paragraph of text is to be numbered consecutively beginning after the heading “OPINION” or “ORDER.” (The first numbered paragraph in a Rule 23(b) order will thus be the syllabus.) Specific instructions for numbering paragraphs are given in the appendix section of this manual.

(1) Rule 23 Syllabus

Under Supreme Court Rule 23(b), as amended effective January 1, 2011, all written orders must contain a syllabus, that is, a statement of the holding of the court. The syllabus serves as a substitute for headnotes, which have traditionally been added to written opinions by case publishers. The syllabus can be much briefer than headnotes in that it merely provides the reader a brief summary of the nature of the case.

The syllabus to a Rule 23 order should be placed in a separate paragraph below the word “ORDER” and should be set up as shown in the following example:

¶1 *Held:* Where evidence in first degree murder case was sufficient to support giving defendant’s proffered instruction on self-defense, the trial court’s decision not to give the instruction was in error and defendant was granted a new trial.

The remainder of text of the order then begins on the next line, indented as a new paragraph.

(2) Headings

Although the use of headings in an opinion is not required, readability of an opinion is often assisted by the use of headings and subheadings, even where only a single issue is addressed. If various levels of subheadings are used, it is necessary for the levels to be distinguished either by the use of different typefaces for the different levels (*e.g.*, MAIN HEAD; Subhead; *Sub-subhead*) or by preceding each heading with letters or numbers (*e.g.*, I. Main Head; A. Subhead; 1. Sub-subhead; a. Sub-sub-subhead) or by combining different type with letters and numbers (*e.g.*, I. MAIN HEAD; A. Subhead; 1. *Sub-subhead*).

Do not use underscore or boldface with a to distinguish one subheading from another level of heading or subheading.

(3) Background

To reach a judgment on appeal, a reviewing court must examine the established facts and apply the public policy of the state, as expressed in its constitution, statutes, and prior judicial decisions, to determine the rights and obligations of the parties to the cause under review. However, there is no constitutional requirement that a court enter a judgment by written opinion. (In fact, under Supreme Court Rule 23, the appellate court may dispose of an appeal by entry of an unwritten, summary disposition.)

Nevertheless, one of the guiding principles of our jurisprudence is that of *stare decisis*, which holds that judges should look to past decisions for guidance and answer questions of law consistent with precedent. Consequently, when a court decides an issue with a written opinion, that ruling sets precedent for future cases presenting identical or similar questions. Thus, where the court determines that an appeal will advance development of our common law, it should express the rationale for its judgment in an opinion that allows a lower court to determine the rights of parties to an action when faced with an analogous fact pattern. However, too often the background section of an opinion is viewed as merely the means of relating the “story” of the litigation. But its function is far more important than that: it is the portion of the opinion that first allows the court to set out those facts it deems determinative of the judgment it will enter.

In determining whether an opinion should be followed, a court presented with a cause will examine an earlier opinion for a similar or analogous fact pattern, considering only those facts deemed by the reviewing court to be of primary importance to its decision. Without an adequate recounting of facts pertinent to the decision, the precedential value the opinion will be tremendously reduced. To aid the lower court in making its determination, the background section of an opinion must be written to minimize the importance of those facts the reviewing court deems irrelevant to its decision. Additionally, those facts that led the court to find an appeal controlled by a particular precedent should be set forth in the background section.

As for general information that should be included in the opening paragraphs of an opinion, include the following information:

- (a) The names of the original plaintiffs and defendants and of any party or parties later added or dismissed from the case.
- (b) The name of the county or agency from which the appeal or petition for review was taken.
- (c) The disposition of the case by the trial court and/or administrative agency.
- (d) Prior appeals in the same, or a related, action and, in supreme court opinions, the disposition of the case in the appellate court along with the appellate court citation.
- (e) Indication of the party or parties appealing or cross-appealing.

(4) Analysis

While the analysis portion of an opinion might span a hundred pages, its overriding purpose can be stated quite succinctly: here the court discerns the relevant public policy of the state, applies that public policy to the facts presented, and

determines the rights of the parties to the action under review.

(5) Conclusion/Mandate Paragraph

Every opinion should have a conclusion wherein the court summarizes what it found to be controlling law and its conclusions with respect to the rights of the parties. Further, the opinion should set forth as a second, separate paragraph within this section that allows the Clerk of the court to prepare the mandate. If the cause is to be remanded, the concluding paragraph must make clear the court or agency to which the remanded action is directed.

(6) Judgment Lines

Following the concluding paragraphs is the judgment line. The line is in ordinary roman type and is set at the left-hand margin as a new paragraph, with each line an independent, separate sentence. The judgment line is not, however, a substitute for stating the disposition in the mandate paragraph.

If the cause is to be remanded, the judgment line indicates only the remand, not its location. Affirmance or partial affirmance will be mentioned before reversal or partial reversal. Concluding language such as “wherefore” or “and it is hereby so decreed” is not used to introduce the judgment line.

The most common judgment lines are:

Affirmed.

Affirmed and remanded.

Affirmed and remanded with directions.

Affirmed as modified.

Affirmed in part and reversed in part.

Cause remanded.

Affirmed in part and vacated in part.

Appeal dismissed.

Appellate court judgment affirmed in part and reversed in part.

Circuit court judgment affirmed.

Appellate court judgment reversed.

Circuit court judgment affirmed.

Appellate court judgment vacated.

Circuit court judgment affirmed.

Certified question answered.

Judgment reversed.

Award reinstated. (*Workers' compensation cases.*)

Judgments reversed. (*Used to reverse judgments in two different cases or to reverse appellate and circuit court judgments.*)

Order affirmed.

Order reversed.
Order vacated.
Petitioner conditionally reinstated.
Petitioner reinstated.
Petitioner remanded. (*Habeas corpus cases where the petitioner is remanded to custody.*)
Respondent censured.
Respondent disbarred.
Respondent suspended.
Reversed and remanded.
Reversed and remanded with directions.
Supervisory order entered.

The judgment line will contain the words “with directions” only if the cause is remanded with specific directions. These directions should be specified in the conclusion of the opinion (or in the concluding language with respect to a particular cause when more than one cause has been consolidated for review). If the remand is for a new trial or “for further proceedings consistent with this opinion,” the judgment line does not contain the words “with directions.”

If causes are consolidated and the judgments entered in each are different, they are set out separately.

In the Supreme Court:

No. 102084, Affirmed.
No. 102096, Reversed and remanded.

In the appellate court:

No. 1-08-1001, Affirmed.
No. 1-08-1020, Reversed and remanded.

In cases where the decision of an administrative agency is under review, courts act to either “confirm” or “set aside” the decision of the agency. The words “affirmed” and “reversed” are not appropriate in this context.

(7) Supreme Court Review

If an appeal has come through the appellate court and a judgment has been entered there, it is that judgment which is pending before the court, and it must be disposed of before reference is made to the circuit court judgment. If the judgment is to simply affirm the appellate court, do not mention the circuit court in the final order. For

clarity, however, it may be desirable to repeat in the final order what the appellate court did with respect to the circuit court judgment. If the appellate court affirmed the circuit court and the judgment is to reverse the circuit court, however, both the appellate court and the circuit court judgments must be reversed. If the appellate court judgment is not affirmed in all respects, in addition to reversing and/or vacating the appellate court judgment in whole or in part, it will be necessary to state whether the circuit court judgment is wholly affirmed or partially reversed and/or vacated. The most common instances are:

Appellate court judgment reversed.
Circuit court judgment affirmed.

Appellate court judgment affirmed in part and reversed in part.
Circuit court judgment affirmed.

Appellate court affirmed in part and reversed in part.
Circuit court affirmed in part and reversed in part.
Cause remanded.

Appellate court judgment reversed.
Circuit court judgment affirmed in part and reversed in part.
Cause remanded.

(8) Separate Opinions

The nature of a separate opinion—whether a special concurrence, a partial concurrence and partial dissent, or a dissent—is determined solely by the author’s agreement or disagreement with the *judgment* entered by the majority, not its rationale for that judgment. In a special concurrence, the author agrees with the judgment entered by the court, but is writing separately for a variety of reasons. In a partial concurrence and partial dissent, the author agrees with a portion of the majority’s judgment but disagrees with another portion of the judgment. (For instance, the author might agree that the defendant’s convictions should be affirmed but, unlike the majority, would reduce the term of imprisonment imposed by the circuit court.) In a dissent, the author disagrees with the entire judgment entered of the court.

There must be a lead-in line added to a separate opinion, which is placed immediately prior to the beginning of that opinion and is indented as a separate paragraph. The lead-in line must reflect the nature of the separate opinion and should take one of the follow forms:

JUSTICE WHITE, specially concurring.
JUSTICE BROWN, concurring in part and dissenting in part.
JUSTICE GREEN, dissenting.

F. Postfiling Revisions

Once a judgment is entered by the appellate court, a party has 21 days to file a petition for rehearing in the appellate court, unless the court orders otherwise. A party may instead seek review by the Illinois Supreme Court by filing a petition for leave

to appeal in that court within 35 days of finality of the appellate court's judgment. Once a petition for leave to appeal has been filed in the Supreme Court, the appellate court loses jurisdiction over the cause of action and may not withdraw or substantively modify its filed opinion (*People v. Collins*, 202 Ill. 2d 59 (2002)); nor may it file an additional separate opinion (*People v. Turnage*, 162 Ill. 2d 299 (1994)). However, while the appellate court still retains jurisdiction, it may take certain actions relative to its opinions, as outlined below.

(1) Corrections

After an opinion has been filed, the court may determine that revisions, corrections, or other modifications may be required in the text of the filed opinion. Where such changes involve misstatements of facts or other nonsubstantive matters, it is generally sufficient to file a correction to the opinion with the district's clerk, according to the clerk's established procedures. Regardless of a district's practices regarding corrections, the filing date of the judgment delivered by the opinion remains the original date.

(2) Modifying Opinions After Withdrawal

Occasionally a reviewing court will discover errors in a recently filed opinion sufficient to warrant filing modifications to the text of the opinion. For example, if the court had stated the matter under review was one of first impression in Illinois, but after filing *sua sponte* discovered a recent case on point from another district, the court may wish to revise its opinion to acknowledge that other opinion. To do so it will withdraw the previously filed opinion and substitute therefor a modified opinion. (Again, this would be a prohibited, substantive action upon the judgment that the court lacks the jurisdiction to take once a party files a petition for leave to appeal in the Supreme Court.)

When modifying a previously filed opinion, it is necessary to indicate that the new opinion is a modified opinion. This is done by adding the date of modification after the phrase "Modified opinion filed" instead the standard "Opinion filed" line on page 1 of the opinion. Because the initially filed opinion has been withdrawn in these circumstances, the original file date should not be retained. The date of filing line will therefore be in the following form:

Modified opinion filed September 1, 2010.

Retain the word "OPINION" at the beginning of the text portion of the document and do not replace with the word "Modified Opinion."

(3) Modifying Opinions on Denial of Rehearing

A party may not reargue a case in a rehearing petition but may suggest points were overlooked or misapprehended in the court's initial opinion. Should the court wish to address those points further but not allow rehearing, the court may modify the initially filed opinion either by modifying the text, by adding a response directed to the allegations of the rehearing petition, or by filing a supplemental opinion. In this circumstance, the initially filed opinion is not withdrawn; the filing date of the initially filed opinion is retained on page 1 but followed by phrase "Modified upon denial of rehearing" along with the date the modification was filed, as in the

following example:

Opinion filed February 19, 2010.
Modified upon denial of rehearing May 24, 2010.

Do not substitute “Modified Upon Denial of Rehearing” for the word “OPINION” at the beginning of the text portion of the document.

(4) Supplemental Opinions

Upon consideration of a petition for rehearing, the court may decide to supplement the originally filed opinion or a member of the panel may decide to write separately. Any supplemental opinion, whether by the majority or in the form of a supplemental special concurrence or supplemental dissent, must be appended to the conclusion of the initially filed opinion and prior to any separate opinion(s). The title of the document should be centered above the newly filed document, in the same manner that the word “OPINION” was added at the beginning of the initially filed opinion, and, like the lead opinion, will not contain a lead-in line. Thus, the supplemental opinion will be in the following form:

SUPPLEMENTAL OPINION UPON DENIAL OF REHEARING

In his petition for rehearing, defendant claims this court overlooked his allegation that his counsel failed to ...

Where a member of the court decides to write separately upon denial of rehearing, that document should follow any supplemental opinion by the majority or, in the absence thereof, at the conclusion of the initially filed opinion and any accompanying separate opinion(s). Add the phrase “SEPARATE OPINION UPON DENIAL OF REHEARING” above the beginning of the document and use a lead-in line in the standard form. The beginning of a supplemental separate opinion will be in the following form:

SEPARATE OPINION UPON DENIAL OF REHEARING

JUSTICE GREEN, dissenting.

I write separately upon the court’s denial of rehearing because the defendant should have an opportunity to ...

The panel lines at the beginning of the opinion showing the relative positions of the court need not be revised where only the lead opinion is supplemented upon denial of rehearing. However, where a new separate opinion is filed, the lines must be revised to reflect both the filing of the new separate opinion and to show that justices’ revised positions where appropriate:

JUSTICE SMITH delivered the judgment of the court, with opinion.
Justices Jones and Wilson concurred in the judgment and opinion.
Justice Jones also specially concurred upon denial of rehearing, with opinion.

JUSTICE SMITH delivered the judgment of the court, with opinion.
Justice Wilson concurred in the judgment and opinion.
Justice Jones dissented upon denial of rehearing, with opinion.

JUSTICE SMITH delivered the judgment of the court, with opinion.
Justice Wilson specially concurred upon denial of rehearing, with opinion.
Justice Jones dissented upon denial of rehearing, with opinion.

JUSTICE SMITH delivered the judgment of the court, with opinion.
Justice Wilson specially concurred upon denial of rehearing, with opinion.
Justice Jones dissented, with opinion.
Justice Jones also dissented upon denial of rehearing, with opinion.

(5) Allowance of Rehearing

When the court *grants* rehearing, it is the allowance of rehearing that nullifies, by operation of law, the previously filed opinion. The court need not enter an order withdrawing the initially filed opinion. Further, the opinion filed after the matter has been reheard by the court is not a modified opinion but is a newly filed opinion. The date-filed information will be in the standard form:

Opinion filed September 1, 2010.

(6) Effect on Public-Domain Formats

(a) Public-domain Designators

Once an opinion has been assigned a public-domain designator, that designator must not be revised by the court. However, when an opinion is withdrawn by the court, either by order or by operation of law through the allowance of rehearing, and a new opinion is filed in the matter, the year-of-decision portion of the designator number of the new opinion must reflect the year of filing of the later opinion. For example, if an opinion filed in the year 2012 with the public-domain designator 2012 IL 123456 has been withdrawn by the court or rehearing has been allowed and a new opinion in the matter is filed in the year 2012, the new opinion will be assigned the public-domain designator 2012 IL 123456. If filed in 2013, however, it will be assigned the public-domain designator 2013 IL 123456. Please note that the docket-number portion of the new opinion's public-domain designator does not change.

Only where an opinion is filed under the same docket number *after remand* will the docket-number portion of the public-domain designator be affected by the addition of the appropriate letter designator. In such cases, that is, where the appellate court reacquires jurisdiction owing to a remand by the supreme court, a capital letter "B" shall be appended to the case-designator number of a subsequently filed opinion. *E.g.*,

2011 IL App (1st) 101159
2012 IL App (1st) 101159-B

Any further opinions arising from the same appeal shall be assigned an alphabetic letter consecutive to the preceding opinion. Thus, if there is another remand and a third opinion is filed under the same docket number, the letter “C” will be added:

2012 IL App (1st) 101159-C

However, such letters are added *only* after remand and not where the court has made postfiling revisions to an opinion while retaining jurisdiction.

(b) Paragraph Numbers

Where revisions are made to an opinion following filing that result in the addition of a new paragraph or paragraphs, the new paragraph(s) shall be denoted by use of the paragraph number that preceded the new materials, plus the addition of consecutive, alphabetical letters (*e.g.*, ¶ 11b, ¶ 11c, etc.)

G. Review After Remand

(1) Opinion Not to Be Withdrawn

Where the Illinois Supreme Court enters a judgment remanding a cause to the appellate court, it vests that court with jurisdiction to take only such actions that conform to that mandate. The court has no authority to take any actions not in compliance with that mandate. See *People ex rel. Daley v. Scheier*, 92 Ill. 2d 271, 276 (1982). Thus, where the mandate of the Supreme Court reverses or vacates the judgment of the appellate court and remands to that court for reconsideration, or for consideration of issues left unresolved in the initial appeal, care must be taken to review the Supreme Court’s mandate and proceed only as directed. Unless the Supreme Court specifically directs the appellate court to withdraw its previously filed opinion or order, that opinion or order may not be withdrawn.

(2) Supervisory Orders

While the Supreme Court may issue a remandment order to the appellate court by way of full opinion following an appeal, a remandment order more often takes the form of a supervisory order disposing of a petition for leave to appeal. In such cases, it is generally only the *judgment* that is to be withdrawn and reconsidered, not the opinion that delivered that judgment. Such an order will often take the following form:

In the exercise of this court’s supervisory authority, the Appellate Court, Third District, is directed to vacate its judgment in *People v. Woods*, No. 3-07-0919 (October 9, 2009). The Appellate Court is directed to reconsider its judgment in light of *People v. Hodges*, 234 Ill. 2d 1 (2009).

The entry of such a remandment order by the Supreme Court after consideration of a petition for leave to appeal has the same effect as if the Supreme Court had allowed the appeal and remanded the cause to the appellate court in an opinion. In either case, only the judgment of the appellate court is to be vacated and reconsidered; in the absence of specific directions to do otherwise, the appellate court must not withdraw the opinion or order it previously filed.

(3) The New Opinion

The remanded cause will proceed under the previously assigned docket number in the appellate court. When the appellate court files its new opinion or order, that opinion is not a modified or revised one but simply a new opinion and is given a new filing date, as well as a new public-domain designator. It is permissible, and based upon the context often desired, for the new opinion to reference the previously filed opinion and rely upon holdings therein to the extent doing so does not conflict with the Supreme Court remandment order.

II. Grammatical Style

A. Quoting Text

(1) Revisions

Revisions should be made to quoted materials only sparingly. When changes are necessary, though, to clarify an ambiguity or provide a missing word or letters, for example, add or substitute the new text or letter within square, not round, brackets. When an interpolated word takes the place of the original, do not indicate the missing word by use of asterisks. Omitted punctuation marks, except for em dashes, are represented by empty brackets separated by a single space. An omitted em dash should be replaced by either a new punctuation mark, enclosed in brackets and placed flush against the preceding word, or by use of three asterisks, with a single space both before and after the asterisks.

(2) Use of “[sic]”

The word “*sic*” (“so,” “thus,” “in this manner”) is added to text to indicate to the reader that a word was misspelled or wrongly used by author of the material being quoted and not by the one doing the quoting. When required, add “[*sic*]” immediately after the misspelled or wrongly used word or phrase. Use of “[*sic*]” is required primarily where the reader is likely to believe the error was not in the original and thus should be used sparingly.

(3) Indicating Lettering and Punctuation Changes

When a letter is changed from uppercase to lowercase or from lowercase to uppercase, it must be enclosed in square brackets. However, do not change letters in text that merely reflects a capitalization or spelling convention different from the courts’ practices.

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

Not: “We the People of the United States[] in [o]rder to form a more perfect [u]nion, establish [j]ustice, insure domestic [t]ranquility, provide for the

common defen[s]e, promote the general [w]elfare, and secure the [b]lessings of [l]iberty to ourselves and our [p]osterity[] do ordain and establish this [c]onstitution for the United States of America.”

(4) Adding Emphasis

When words in a quotation are italicized for emphasis by the author, add “(Emphasis added.)” at the end of the matter quoted and before any citation. Where material that is being quoted contains emphasized words and the emphasis is retained, add “(Emphasis in original.)” at the end of the matter quoted and before the citation; use “(Emphasis omitted.)” if the emphasis is not retained. Where the parenthetical would more appropriately be placed within the main sentence, such as with the use of a parenthetical citation clause, lowercase the word “emphasis” and delete the period.

Although fraud “may be *inferred* from the nature” of the act (emphasis added) (*Szajna v. General Motors Corp.*, 115 Ill. 2d 294, 322 (1986)), it cannot be assumed under these facts.

Where a phrase or clause is quoted within a parenthetical and material is emphasized within the quotation, add the lowercased “(emphasis added)” without the period.

The court has held that fraud may be inferred (see *Szajna v. General Motors Corp.*, 115 Ill. 2d 294, 322 (1986) (fraud “may be *inferred* from the nature” (emphasis added))) but this court cannot presume fraud here.

(5) Adding Footnotes

A footnote inserted into quoted materials must be enclosed in superscripted brackets.

B. Omissions

(1) Use of Asterisks

The omission of letter within a word, a whole word, a phrase, a sentence, or multiple sentences is indicated with asterisks (***) , not ellipses (...). However, ellipses are retained where they were used in the text being quoted.

When a quotation is set off from the text as a “block” quotation, special rules for the placement of asterisks apply. To indicate the omission of one paragraph, use three unspaced asterisks indented as a paragraph on a separate line; for the omission of two or more full paragraphs, use three spaced asterisks centered on a separate line.

Because the use of asterisks paragraphed or centered indicates only the number of paragraphs omitted, it is still necessary to indicate, with asterisks, the omission of words or sentences within or at the conclusion of a paragraph.

Do not begin a quotation with asterisks.

(2) Asterisks for Parts of a Word

Where a word or phrase is being quoted that contains a word the court wishes to shorten, such as to protect the identity of a minor or a victim of sexual abuse or where the court prefers not to publish profane utterances, use three asterisks to represent the end of the word, regardless of the number of letters omitted. The asterisks follow flush against the first letter of the word, with no space if punctuation is required or with a space if followed by another word:

The officer testified, “If defendant hadn’t been stopped, his next victim would have been Lizzie B***, who lived next door.”

(3) Citations

To indicate the omission of a citation and any citation-related punctuation, replace the citation with “[citation]” if the omitted reference was a citation clause or with “[Citation.]” if the reference was to a citation sentence at the location of the original citation. (Use “[citations]” or “[Citations.]” if more than one citation is omitted; however, count a case citation and its accompanying related history or parenthetical explanation as a single citation.) Do not insert asterisks for an omitted citation. Where citations are omitted from a larger block of text that has been replaced by asterisks, do not add “[citation].” The phrase “(Citations omitted.)” following the quotation is not used.

(4) Punctuation in Statutory Subsections

When quoting a statute and the quoted portion of the material ends with a mark of punctuation other than a period, add a period within square brackets at the end of the subpart to conclude the quotation, as follows:

“§ 6.71. Except as otherwise provided in this Act, no female bison or bulls more than 6 months of age shall be loaned, leased, traded or sold in this State, except for slaughter, unless such bison either:

2. Are female 24 months of age or under which were officially vaccinated against brucellosis with a licensed vaccine, are positively identified, and are accompanied by an official certificate of vaccination[.]”

(5) Public-Domain Citation System Paragraph Numbers

Courts that have adopted public-domain citation systems add paragraph numbers, generally in the left margin, as location markers. These numbers should not be considered part of the text and should not be quoted, nor should they be considered as text for purposes of determining where text begins for purposes of indenting the paragraph. Do not indicate their omission, such as with asterisks or empty brackets.

(6) Display Type

Printed materials often contain text set in bold face, italics, or underscored type as a element of typography that is not the author’s doing but that of the publisher or

printer. Because these materials were not intended to be emphasized by the author but merely reflect the printer's choice of a display type, do not reproduce the typeface in your quotation and do not indicate that emphasis was omitted.

(7) Quotation Marks

Generally, quoted material is enclosed in double quotation marks (even if set off as a block quotation) and further quotations within that material are enclosed in single quotation marks. However, readability can often be inhibited by multiple sets of quote marks. If omission of a set or sets of quote marks will enhance the readability of a passage, enclose the entire quotation within double quotation marks, omit the interior quotation marks, and indicate that omission with the phrase “(Internal quotation marks omitted.)” after the close of the quotation.

If both double and single are used, add one space between the single and double quotation marks.

C. Block Quotations

(1) Paragraphing

Whether the first line of a paragraph is indented, set flush, or set further into the left margin is a matter of typographical style. The typographical style for Illinois reviewing court opinions requires an indentation that is set into the paragraph. This style is carried over in block quotations as well. Thus, when extracting materials for a block quotation, retain the general paragraphing structure of the original, but indent each paragraph, regardless of the style reflected in the original.

(2) When First Line Is Indented

Where a quotation includes the beginning of a paragraph in the extract, the block quotation should also begin with an indented paragraph. If the initial word or words of a paragraph are omitted, including section numbers if applicable, the opening line of the block quotation begins flush left.

(3) Citations

If the block quotation requires a case or other authority citation, the citation should also be placed with the margins of the block and not returned to the primary left margin. Further, place the citation after the close of the quotation and any indication of an alteration, such as “(Emphasis added.)” or “(Internal quotation marks omitted.)”

Additional citations are returned to the left margin.

(4) Courtroom Testimony

Each paragraph of courtroom testimony is indented regardless of how it appears in the transcript. Each new speaker starts a new paragraph, but a single speaker can have more than one paragraph for statements made.

“MR. DAVEY [Assistant State’s Attorney]: Judge, I would ask that the case be recalled. I believe that was an improper sentence under the statute.

THE COURT: Bring out the defendant again, please.

* * *

THE COURT: Mr. Davey, you wish to make some objection to the court's authority to place the defendant on probation because he had a previous conviction for burglary?

MR. DAVEY: That is correct.

* * *

MR. DAVEY: Under the statute I believe that this defendant is not qualified for a sentence of probation.

THE COURT: Mr. Knutz [defense attorney], are you aware of the section of the statute he is citing?"

The courtroom testimony of witnesses is quoted in a question-and-answer format, with capitalized Q's and A's followed by periods.

"Q. What did you say to Mrs. Paul and what did she say to you?

A. I continued questioning her relative to the accident. During my interview with the defendant, she indicated that— What I mean to say is, she could not have known that the bones were in there.

Q. Is it not true that you told [Office Jones] that the victim—

MR. DOOLEY [plaintiff's attorney]: Your Honor, I object that this line of questioning violates the order *in limine*.

THE COURT: Objection sustained.

Q. [Defense attorney:] Was the victim aware of the danger or not?

A. Yes, I believe he was."

Note: Use em dashes (—), not asterisks or ellipses, to indicate interruptions of speech.

(5) *Italicized Words*

Words and phrases in a foreign language which have not been well accepted into the English vocabulary and are likely to be unfamiliar to readers should be italicized. The following words and abbreviations should always be italicized.

a fortiori

a priori

ab initio

actus res

ad hoc

ad litem

additur

amicus curiae

arguendo

bona fide

carte blanche

certiorari

cf.

contra

id.

i.e.

in absentia

in camera

in forma pauperis

in limine

in loco parentis

in pari materia

in personam

in rem

in toto

incommunicado

instanter

inter alia

per curiam

per diem

per quod

per se

praecipe

prima facie

pro bono

pro forma

pro rata [noun]

pro se

qua

quaere

quantum meruit

quid pro quo

<i>corpus delicti</i>	<i>inter alios</i>	<i>quo warranto</i>
<i>de facto</i>	<i>inter se</i>	<i>res</i>
<i>de jure</i>	<i>inter sese</i>	<i>res ipsa loquitur</i>
<i>de minimis</i>	<i>inter vivos</i>	<i>res judicata</i>
<i>de novo</i>	<i>ipso facto</i>	<i>respondeat superior</i>
<i>dehors</i>	<i>laches</i>	<i>scienter</i>
<i>dicta</i>	<i>lex fori</i>	<i>scire facias</i>
<i>dictum</i>	<i>lex loci</i>	<i>semble</i>
<i>duces tecum</i>	<i>lis pendens</i>	<i>seriatim</i>
<i>e.g.</i>	<i>mandamus</i>	<i>sic</i>
<i>emeritus</i>	<i>mens rea</i>	<i>stare decisis</i>
<i>en banc</i>	<i>modus operandi</i>	<i>sua sponte</i>
<i>et seq.</i>	<i>n.o.v.</i>	<i>sub judice</i>
<i>ex officio</i>	<i>nisi prius</i>	<i>sub nom.</i>
<i>ex parte</i>	<i>nolle prosequi</i> [noun]	<i>sub silentio</i>
<i>ex rel.</i>	<i>nolo contendere</i>	<i>sui generis</i>
<i>forum non conveniens</i>	<i>nunc pro tunc</i>	<i>ultra vires</i>
<i>habeas corpus</i>	<i>orbiter dictum</i>	<i>vis-a-vis</i>
<i>habendum</i>	<i>passim</i>	<i>viz.</i>
	<i>pendente lite</i>	<i>voir dire</i>

The following words should be in roman typeface:

alter ego	nol-prossed [verb]
caveat	prorated [verb]
corpus	remitter
etc.	situs
forum [except in <i>forum non conveniens</i>]	status quo
indicia	subpoena(ed)
mittimus	vacatur
nol-pros [verb]	venire

(6) Possessive Endings

A possessive ending added to a case name is in roman typeface:

Miranda's requirements were not followed.

D. Capitalization

(1) Proper Nouns

Capitalize proper nouns (*e.g.*, “General Assembly” but not “the legislature” or “the government”), imaginative names of particular persons, places or things (*e.g.*, “the Land of Lincoln”), and short-form nouns that are intended to replace and carry the full significance of a previously set forth proper noun (*e.g.*, “the State” or “the People” when used in lieu of “Illinois”). Common nouns are not capitalized, *e.g.*, “the plaintiff,” “the complaint,” “a state highway”).

If a proper noun is used as an adjective to modify a common noun (*e.g.*, the Holiday Inn motel), the compound as a whole remains common and only the proper noun is capitalized:

the Bloomington police department
the Chicago city counsel
the Cook County circuit court
the Cook County board of supervisors
the Du Page County jail
the Madison County board

(2) Governmental Units and Officials

Only the titles of state- and federal-level bodies and officials are capitalized. The names of local bodies and officials, such as county and municipal governmental agencies and officials, are set in lower case.

Governmental Units:

Appellate Court, Fourth District (*or* the Fourth District *but* the district)
Appellate Court, First District, Third Division (*or* the Third Division)
Congress (*but not* congressional)
Illinois Supreme Court (*but* the supreme court)
Illinois Appellate Court (*but* the appellate court)
Eighteenth Judicial Circuit
Environmental Protection Agency
General Assembly
Ninety-eighth Congress
Peoria Housing Authority
Pike County Unit School District No. 10
United States Supreme Court (*or* Supreme Court *or* Court)

Governmental Officials:

Attorney General
Director of Corrections (*or* the Director)
Governor
Justice
President (federal)
Representative (federal or state)
Senator (federal or state)
State Appellate Defender
State's Attorney (*but*, the assistant State's Attorney)

Note: County-level officials, such as the Cook County public guardian and local public defenders, are not state-level officers and thus their titles are not capitalized where they do not precede the office holder's name.

(3) Common Noun Used as Title

Capitalize the titles of local public offices (county, municipal, etc.) when used in the adjective form and immediately preceding an officer's name, but not when standing alone:

Assistant State's Attorney White
Detective Smith
Livingston County Public Defender Smith
Madison County Board President Doe
Mayor Bob Smith

Titles used only in their general sense are not capitalized:

the Acme board of directors
Bob Smith, vice-president of data processing
the directors of the Bank of America
the Madison County board president
the mayor of Chicago
the president of Dow Chemical Corporation

Titles that indicate a profession, even when proceeding a name, are not capitalized:

attorney Smith
baseball player Robinson
nurse Brewer
police officer Jones

(4) Documents

Do not capitalize the *descriptive* name of a legal document or subparts thereof:

count I
fourteenth amendment
motion for summary judgment
order
paragraph
section 8.1
writ of *habeas corpus*

The proper title of a document may be capitalized when quoted:

At the meeting the parties signed the "Plan of Reorganization."

If a shortened form of the formal title is to be used thereafter in the opinion, indicate that fact by adding the shortened form in parentheses after the proper title:

At the meeting the parties signed the "Plan of Reorganization" (the Plan).

(5) Making Common Nouns Proper

Where readability would be aided by capitalizing a common word form, place the word or words that will thereafter be capitalized in parentheses (but not also in quote

marks) immediately following the common form:

During the summer of 1999, Midwest Foundation Corporation entered into a joint venture (hereinafter, the Joint Venture) with Halverson Construction Company, Inc., in connection with a project undertaken by the Illinois Department of Transportation.

Add any additional phrase within the parenthesis where required:

“The automobile dealerships and their owners (hereafter collectively referred to as the Dealerships) were made parties to the suit.”

However, because retention of the lowercased, common-noun word form as a general term of classification generally aids readability, do not use the capitalized word form unless clearly warranted by the topic of the opinion.

(6) Headings

In headings of an opinions, capitalize all words except the following when used as an article, conjunction, or preposition: a, an, and, as, at, but, by, for, if, in, nor, of, off, on, or, out, the, to, up.

E. Illinois Counties

The proper spelling of Illinois counties is as follows (note the space used between words in some county names):

Adams	Ford	Livingston	Randolph
Alexander	Franklin	Logan	Richland
Bond	Fulton	Macon	Rock Island
Boone	Gallatin	Macoupin	Saline
Brown	Greene	Madison	Sangamon
Bureau	Grundy	Marion	Schuyler
Calhoun	Hamilton	Marshall	Scott
Carroll	Hancock	Mason	Shelby
Cass	Hardin	Massac	St. Clair
Champaign	Henderson	McDonough	Stark
Christian	Henry	McHenry	Stephenson
Clark	Iroquois	McLean	Tazewell
Clay	Jackson	Menard	Union
Clinton	Jasper	Mercer	Vermilion
Coles	Jefferson	Monroe	Wabash
Cook	Jersey	Montgomery	Warren
Crawford	Jo Daviess	Morgan	Washington
Cumberland	Johnson	Moultrie	Wayne
DeWitt	Kane	Ogle	White
De Kalb	Kankakee	Peoria	Whiteside
Douglas	Kendall	Perry	Will
Du Page	Knox	Piatt	Williamson
Edgar	La Salle	Pike	Winnebago
Edwards	Lake	Pope	Woodford
Effingham	Lawrence	Pulaski	
Fayette	Lee	Putnam	

F. Contractions

With the exception of the word “o’clock,” contractions are not to be used in an opinion.

G. Dashes

Where a dash is grammatically used or required, such as to denote parenthesis use either two hyphens or an em dash (—). No space precedes or follows a dash, except a space follows the dash where it represents the end of a word for which letters have been omitted in materials being quoted. Use a single hyphen, rather than an em dash or two hyphens, in section or docket numbers.

H. Abbreviations in Text

Abbreviations should be used only sparingly *in text*. (Abbreviations in citations is controlled under “Citation Style,” *infra*.) Generally, abbreviate only those words that precede or follow personal names (such as Mr., Ms., Mrs., Jr., Sr., Esq., M.D.), that denote expressions of time (such as a.m., p.m., CST, A.D., B.C.), and those few miscellaneous expressions that generally appear *primarily* in their abbreviated form (such as *i.e.*, *e.g.*, *et al.*, f.o.b., No.). Abbreviate, in text, the words “Limited” (Ltd.) and “Incorporated” (Inc.) when a part of a business name, but not words such as “Brothers,” “Company,” or “Corporation,” unless the actual title of the business uses the abbreviated form.

The following words or phrases are often abbreviated in documents where the emphasis is on communicating data in its briefest form. These and similar words and phrases should *not* be abbreviated in a court opinion:

centimeters (<i>not</i> cm)	ounce <i>or</i> ounces (<i>not</i> oz.)
feet <i>or</i> foot (<i>not</i> ft.)	pound <i>or</i> pounds (<i>not</i> lb.)
inch <i>or</i> inches (<i>not</i> in.)	revolutions per minute (<i>not</i> rpm)
mile <i>or</i> miles (<i>not</i> mi.)	square feet (<i>not</i> sq. ft.)
miles per gallon (<i>not</i> mpg)	square meter (<i>not</i> sq. m.)
miles per hour (<i>not</i> mph)	yard <i>or</i> yards (<i>not</i> yd.)

Acronyms and all-capital abbreviations made up of single initials generally require no period and no internal space (TWA, UAW, NFL, UFO, GM, CPA).

I. Numerals

Numbers less than 10 are spelled out and a figure is used for a single number of 10 or more, with the exception of the first word of a sentence, which is always spelled out, and the following exceptions.

(1) *Clock time*

4:30 p.m. (*not* 4:30 p.m. in the afternoon)
10 o’clock *or* 10 p.m. (*not* 10 o’clock p.m. or 10:00 p.m.)
12 a.m. (*or* midnight); 12 p.m. (*or* noon)
Half past 4.
2359 (military time)

(2) Fractions

Fractions standing alone or if followed by the words “of a” or “of an” are generally spelled out.

three-fourths of an inch; *not* $\frac{3}{4}$ inch *or* $\frac{3}{4}$ of an inch

one-half inch

One-hundredth of 1%; *not* 1/100 of 1%

But: $\frac{1}{2}$ to $1\frac{3}{4}$ pages, $\frac{1}{2}$ -inch pipe, $\frac{1}{2}$ -inch-diameter pipe, $3\frac{1}{2}$ cans

(3) Mathematical Expressions

Multiplied by 3

3 plus 5 equals 8

(4) Money

The dollar sign (\$) should be used in lieu of the word “dollar.”

\$3.65

\$0.75

\$3 (*not* \$3.00)

\$5 million

The word “cents” should be spelled out.

75 cents

0.5 cent

(5) Percentages

Use a percent sign (%) rather than the word “percent” with a numeral. Because a sentence should not begin with a numeral, the sentence should be restructured to avoid the use of the spelled-out number and the word “percent.”

5%

Five percentage points

(6) Proportions

1 to 4

A 5 to 4 majority

(7) Game scores

1 up (golf)

3 to 2 (baseball)

2 all (tie)

(8) Numbers Spelled Out

Numbers of less than 100 preceding a compound modifier containing a figure are spelled out:

Ten 4³/₄-inch boards; Twelve 10-inch guns
But: 120 12-inch boards

(9) Indefinite expressions

The seventies; the early sixties (*but:* the 1870s)
Eight thousand and one reasons
Between two and three hundred horses (*better:* between 200 and 300 horses)
In the midthirties
In his eighties (*not:* his 80s)
But: 1 to 3 million; mid-1951; 40-plus people

Note: The words “nearly,” “about,” “around,” “approximately,” etc., do not constitute indefinite expressions for these purposes.

(10) Related Numbers in Close Proximity

Fifty or sixty miles away is Mount McKinley.
There were 7 to 15 witnesses present.
But: Only two of the officers saw the 12-car collision.

(11) Dates

When the day follows the month, use cardinal figures (1, 2, 3, etc.). When the day precedes the month or stands alone, use ordinal words (the first, the second, the third, etc.):

November 11 was the day.
It happened on the third of the month.

Omit the commas when only the month and year are used:

November 1957 was the month that ***.
But: November 11, 1957, was the day that ***.

Abbreviated ordinals, such as “7th” or “21st” are not used in text.

In referring to a fiscal year, consecutive years, or a continuous period of two years or more, when contracted, the form 1906-38 (*but* 1898-1901) is used. If the word “from” precedes a year or the word “inclusive” follows it, the second year is not shortened and the word “to” is used in lieu of the dash (from 1933 to 1936; 1935 to 1936, inclusive).

In dates, A.D. precedes the year (A.D. 937); B.C. follows the year (254 B.C.).

(12) Decimals

In text, a zero should be supplied before a decimal point if there is no unit, and zeros should be omitted after a decimal point unless they indicate exact measurements.

0.25 inch; 1.25 inches
silver 0.900 fine
specific gravity 0.9547
But: .38-caliber handgun

(13) Numbers Larger than 1 Million

\$12 million (*not* \$12,000,000)
\$2.75 million (*not* 2,750,000 dollars)
\$2½ million *or* \$2.5 million (*not* two and one-half million dollars)
But: Three-quarters of a billion dollars

(14) Consecutive Numerals

504-05 (page numbers)
1985-86 (school year, fiscal year, etc.)
But: 498-501 (page numbers)

J. Name Suffixes

The abbreviations “Jr.,” “Sr.,” “Inc.,” and “Ltd.” require both preceding and following commas when used with a *full name* in text:

John Doe, Jr., was the prime suspect.

Commas are not necessary when using these terms with only the first name:

John Jr. was the prime suspect.

Preceding and following commas are not used in names such as “John Doe III.”

K. Attempted Crimes

Crimes of attempt are referred to as “attempted murder,” “attempted battery,” etc., or “attempt to commit murder,” “attempt to commit battery,” etc., rather than the ungrammatical “attempt murder” or “attempt battery.” Use of a parenthetical phrase, such as in “he was convicted of attempt (murder),” is also acceptable.

L. Attorney Fees

Use the phrase “attorney fees” rather than “attorney’s fees” or “attorneys’ fees.”

III. CITATION STYLE

Bluebook

The official style guide for Illinois reviewing court opinions is The Bluebook, A Uniform System of Citation (19th ed. 2008), except to the extent specific rules are modified herein. Not all rules below represent a departure from the Bluebook rules; many expand upon the rules for authorities that are specific to Illinois practice. Further, the Bluebook contains two typeface conventions: one intended for law journals, which most notably uses large and small capital letter as a type style; and a second style intended for more common forms of legal writing. It is the latter set of typeface conventions that should be used in Illinois reviewing court opinions.

A. Case Citations

(1) Signals

(Exception to Bluebook Rule 1.2)

Typeface of signals is in roman and not italic typeface, except for the signal “*contra*” and the abbreviations “*cf.*” and “*e.g.*”

(2) Illinois Official Reports

(Exception to Bluebook Table T1)

Always cite to Illinois’s official reports (Illinois Reports (Ill. or Ill. 2d) or Illinois Appellate Court Reports (Ill. App., Ill. App. 2d, or Ill. App. 3d) for opinions published therein. For Illinois cases filed on or after July 1, 2011, and for any case not published in the Illinois Official Reports prior to that date and for which a public-domain citation has been assigned, the public-domain citation shall be given and, where appropriate, pinpoint citations to paragraph numbers shall be given. See Ill. S. Ct. R. 6 (eff. July 1, 2011). Cite to Illinois Official Reports public-domain opinions as follows:

People v. White, 2011 IL 109689

People v. White, 2011 IL 109689, ¶ 139

People v. Brown, 2012 IL App (1st) 091940

People v. Brown, 2012 IL App (1st) 091940, ¶¶ 63, 64

Cross-referencing, internal citations within an opinion take the following form:

Supra ¶ 12

Infra ¶ 32 (White, J., dissenting)

Parallel citations to the North Eastern Reporter (N.E. or N.E.2d) are not given for Illinois cases cited in supreme court opinions. Parallel citations for Illinois cases in the North Eastern Reporter *may* be given in appellate court opinions, but are not required. However, if citations to both the Illinois Official Reports and the North Eastern Reporter are used, they must be given throughout the opinion. Citations to Illinois Decisions, Westlaw, and Lexis-Nexis shall not be used.

Citations to the first 10 volumes of the Illinois Reports do not use the Reporter of Decisions' name as part of the cite:

Fail & Nabb v. Goodtitle, 1 Ill. 201 (1826)
Not: *Fail & Nabb v. Goodtitle*, 1 Ill. (Breeze) 201 (1826)

Although the state is divided into five judicial districts, the sole purpose of that division is to define the political units from which judges of the appellate and supreme courts are to be selected. There is, though, but one Illinois Appellate Court. *People v. Granados*, 172 Ill. 2d 358, 371 (1996). A non-public-domain citation to an opinion of the appellate court therefore does not call for an indication of the district, unless that information is of particular relevance to the discussion. In that case, indicate the district parenthetically along with the year of decision:

We recognize the difference of opinion on this issue among the districts of the Illinois Appellate Court. Compare *People v. Smith*, 141 Ill. App. 3d 797 (3d Dist. 1986), with *People v. Williams*, 142 Ill. App. 3d 266 (5th Dist. 1986).

(3) Public-Domain Formats

(Exception to Bluebook Rule 10.3.3)

As directed in the Bluebook, for those states that have adopted a public-domain system of citation, cite according to the state's public-domain format. However, for those states, including Illinois, that have adopted a public-domain format that uses paragraph numbers and the citation requires a pinpoint citation, do not add a pinpoint citation to the regional reporter, regardless of the state's preference. For example, the Maine Supreme Court has adopted a public-domain citation form that includes the calendar year, the state's postal code, and the sequential number assigned by the court to its opinions, in the following form:

Smith v. Jones, 1997 ME 7, 685 A.2d 110

The Maine court further requires that pinpoint citations shall be made by reference to paragraph numbers assigned by the court *and* to specific pages of the Atlantic Reporter, giving the following example:

Smith v. Jones, 1997 ME 7, ¶ 14, 685 A.2d 110, 115

An Illinois reviewing court opinion citing to a specific paragraph within a Maine opinion need cite only to the calendar year, the state's postal code, the sequential filing number, and the relevant paragraph number(s). A pinpoint page cite to the regional reporter shall not be used.

Please note also that, regardless of a state's preferred public-domain citation format, a comma follows the sequential number if a paragraph symbol is used, and there is a space between the paragraph symbol and the number.

(4) United States Supreme Court

As stated in Bluebook Table T1, cite only to the United States Reports (U.S.) for cases published therein.

For an opinion that has not yet been reported in the U.S. Reports advance sheets, leave a blank for the beginning page number, as well as any required pinpoint, and add a citation to West’s Supreme Court Reporter (S. Ct.), including any applicable pinpoint page.

Lewis v. City of Chicago, 560 U.S. ___, ___, 130 S. Ct. 2191, 2220 (2010)

(5) *Italicize Case Name*

(Exception to Bluebook Rule 2.1(a))

Case name citations are always italicized. The remainder of the citation—volume, reporter designation, page numbers, and date—is in roman type:

City of Chicago v. Joyce, 38 Ill. 2d 368 (1967)

Because underscoring has become the standard Internet method of indicating a link to another document, it should not be used in lieu of italics.

Only the titles of *opinions* are italicized. The title of a *cause of action* (as opposed to an opinion that arises from a cause of action) is set in roman typeface. For clarity, when discussing an action in text, refer to the cause number and not the title of the action.

County officials have been before the circuit court of Lake County several times for a resolution of this issue. *Smith v. White*, No. 83-C-101 (Cir. Ct. Lake Co.); *Jones v. White*, No. 83-C-705 (Cir. Ct. Lake Co.); *Doe v. White*, No. 84-C-205 (Cir. Ct. Lake Co.). In cause No. 83-C-101, the petitioner, Smith, unsuccessfully sought a writ of *mandamus* ***.

In referring to a cause of action, as opposed to an opinion, do not use a single party’s name to represent the entire action:

That objection was raised in the *Jones v. White* action.

Not: That objection was raised in Jones.

(6) *Prepositional Phrases of Location*

The name of a school district or other government entity in a case title should not be considered a phrase of location and should be retained:

Board of Education of Community Unit School District No. 201-U v. Crete-Monee Education Ass’n, 147 Ill. App. 3d 188 (1986)

Metropolitan Sanitary District of Greater Chicago ex rel. O’Keeffe v. Ingram Corp., 85 Ill. 2d 458, 475 (1981)

(7) Abbreviations in Party Names

(Exception to Bluebook Rule 10.2)

Use the following abbreviations, and only the following abbreviations, for party names in a case citation:

& (And)	Inc. (Incorporated)
Ass'n (Association)	Ltd. (Limited)
Co. (Company)	No. (Number)
Cos. (Companies)	Nos. (Numbers)
Comm'n (Commission)	R. (Rail)
Corp. (Corporation)	R.R. (Railroad)
Corps. (Corporations)	Ry. (Railway)

Do not abbreviate the first word in the name of a party. Also, a word that might otherwise be abbreviated, such as "Company," should not be shortened in the limited circumstance where it is not used in the sense of indicating a business designation but rather is used as an integral part of the business's name. Similarly, an article that is generally omitted, such as "The," is retained where it is an integral part of the business's name:

The Company Man, Inc. v. Robinson
Not: *Co. Man, Inc. v. Robinson*

In all other elements of a citation, the Bluebook's recommended rules on abbreviations control.

(8) Date of Decision

The year shown in a general case citation should be the year in which the opinion was filed, not the date submitted (the term in which the court takes the cause under advisement), the year in which rehearing was denied, the year when the opinion was modified, etc.

An entry *nunc pro tunc* is a manifestation of the inherent power of a court to make its record speak the truth, that is, to correct clerical errors at a later time so that the record reflects what actually occurred at an earlier time. This means the judgment had been entered on the *nunc pro tunc* date, rather than the date reflected by the file stamp. In such a case, the date given as the date of filing will be the *nunc pro tunc* date.

(9) Illinois Administrative Agency Decisions

Bluebook Rule 14.3 controls the citation of administrative agency adjudications, with the exceptions noted below.

(a) Illinois Labor Relations Decisions

Effective July 9, 2000, amendments to the Illinois Public Labor Relations Act (5

ILCS 315/5.1 (West 2010) dissolved the Illinois State Labor Relations Board and the Illinois Local Relations Board and transferred their jurisdiction and authority to the State Panel and the Local Panel of the Illinois Labor Relations Board. Owing to this change, the cite forms will be different depending on when an decision was filed.

Citations to decisions of the Illinois State Labor Relations Board take the following form:

Pleasure Driveway & Park District of Peoria, 6 PERI ¶ 2042 (ISLRB 1990)

Citations to decisions of the Illinois Labor Relations Board, State Panel and Local Panel, take the following form:

American Federation of State, County & Municipal Employees, Council 31, 24 PERI ¶ 84 (ILRB State Panel 2008)

Metropolitan Pier & Exposition Authority, 22 PERI ¶ 87 (ILRB Local Panel 2006)

Citations to Illinois Educational Labor Relations Board decisions take the following form:

Spraggins-Gully, 16 PERI ¶ 1043 (IELRB 2000)

Note: In certain instances the Public Employee Reporter for Illinois (PERI) does not reflect the proper name of the agency (e.g., “Illinois Labor Board” instead of “Illinois Labor Relations Board”). Nevertheless, a citation to such a decision must reflect the proper abbreviated name of the board.

(b) Unpublished Agency Decisions

In the absence of a specific reporter for an administrative agency’s decisions, the abbreviated name of the agency is generally used. Retain the agency’s report designation (e.g., opinion, report, etc.), document number, and date of decision.

Mills, Ill. Pollution Control Bd. Op. 93-69 (Dec. 7, 1993)

Moberly, Ill. Hum. Rts. Comm’n Rep. 1992SF0137 (Mar. 6, 1993)

(10) *Electronic Databases*

Databases on the Internet are cited as directed in Bluebook Rule 18.3.

Note that court opinions are posted to electronic databases, such the Illinois courts’ own Web site, Westlaw or Lexis-Nexis, as soon as practicable after filing. However, following issuance of a slip opinion there are several actions the court might take (such as withdrawing the opinion, modifying the opinion, allowing rehearing, etc.) that would

affect the precedential value of that opinion. Therefore, for recent decisions it is important to verify the status of any opinion found on an electronic database to determine whether the court has taken final action on the case and has released the opinion for publication. For Illinois Supreme and Appellate Court opinions, this can be determined by verifying that an Official Reports version of the opinion has been posted to the courts' Web site. An opinion that is not final should not be cited without that status being noted.

(11) Slip Opinions

Slip opinions are court opinions that will be, but have yet been, published. If their citation is not to an electronic database or according to their court-assigned universal citation format, they should be cited by caption, docket number, name of court, and date of filing:

Bailey v. Preserve Rural Roads of Madison County, Inc., No. 2009-SC-000417-DG, slip op. at 4 (Ky. Dec. 22, 2011)

When citing a slip opinion, include any information known that may affect the status of the opinion:

In re B.C., 2012 IL App (3d) 101234, *pet. for leave to appeal pending*, No. 110613 (filed Jan. 25, 2012)

(12) Reference to Authoring Judge

(a) Lead Opinions

In citing an opinion that is a lead opinion, but is not a majority or plurality opinion, the style is:

Roberts v. Louisiana, 428 U.S. 325, 333 (1976) (opinion of Stewart, J., joined by Powell and Stevens, JJ.)

(b) Plurality Opinions

A plurality opinion is that opinion which is joined by the greatest number, but less than a majority, of the court's justices. The name of the author is not given; the phrase "plurality op." is added parenthetically:

Hamdi v. Rumsfeld, 542 U.S. 507, 517 (plurality op.)

(c) Separate Opinions

The name of the author of an opinion or the fact that a judge concurred or dissented in the opinion is noted only where the concurrence or dissent is being cited or where the opinion is a lead opinion. In citing a concurrence or dissent, the style is:

People v. Maldonado, 109 Ill. 2d 319, 325 (1985) (Ward, J., dissenting)

In citing a concurring or dissenting opinion in which another justice or justices have joined, the style is:

Gonzalez v. Prestress Engineering Corp., 115 Ill. 2d 1, 15 (1986) (Ryan, J., dissenting, joined by Moran, J.)

(13) Case Histories

The first time that a decision is cited, give any prior or subsequent history of the case with italicized words between the two citations.

People v. McDaniel, 249 Ill. App. 3d 621 (1994), *aff'd*, 164 Ill. 2d 173 (1995)

Omit the history on remand, denial of rehearing, or denial of *certiorari* or leave to appeal unless specifically relevant to the opinion (such as explaining the history of the case under review).

A citation to a prior or subsequent history should follow any parenthetical information given.

Use the following partial list of explanatory phrases and abbreviations (in combination where appropriate):

<i>acq.</i>	<i>dismissing</i>	<i>pet.</i>
<i>acq. in result</i>	<i>enforcing</i>	<i>prob. juris. noted</i>
<i>aff'd</i>	<i>mem. op.</i>	<i>reh'g</i>
<i>aff'd without op.</i>	<i>modified</i>	<i>rev'd</i>
<i>aff'g</i>	<i>modifying</i>	<i>rev'g</i>
<i>appeal</i>	<i>nonacq.</i>	<i>vacated</i>
<i>argued</i>	<i>other grounds</i>	<i>withdrawn</i>
<i>cert.</i>	<i>pending</i>	
<i>denied</i>		

The explanatory phrase in a subsequent history is followed by a comma, while the phrase in a prior history is not:

Kingston v. Turner, 133 Ill. App. 3d 677 (1985), *rev'd*, 115 Ill. 2d 445 (1987)

Kingston v. Turner, 115 Ill. 2d 445 (1987), *rev'g* 133 Ill. App. 3d 677 (1985)

(14) Abstract Opinions

Precedential authority was not conferred upon decisions of the Illinois Appellate Court until amendments to the Courts Act in 1935 (Ill. Rev. Stat. 1935, ch. 37, ¶ 41). Thereafter, under Illinois Supreme Court Rule 57, each division of the appellate court determined, on a case-by-case basis, which of its opinions should be published in full based upon its precedential value. Those opinions not published in full were published

in abstract form. Abstract opinions should be cited in the following form:

People v. Whitson, 31 Ill. App. 3d 49 (abstract of op.)

(15) Rule 23 Orders

In 1972, the Illinois Supreme Court adopted Rule 23, which authorized the appellate court to affirm a judgment by “memorandum opinion” under specific circumstances. Unlike abstracted opinions, however, cases disposed under Rule 23 are not precedential and may only be cited “to support contentions of double jeopardy, *res judicata*, collateral estoppel or law of the case.” They are also cited simply to give the reader a fuller understanding of the history of a case.

Although Rule 23 orders are not published, their titles, docket numbers, filing dates, and dispositions are given by district in the back of relevant Illinois Appellate Court Reports, Third Series. Citation to a Rule 23 order found in the tables of the Illinois Appellate Court Reports may be as follows:

People v. Castro, 127 Ill. App. 3d 1159 (1984) (table) (unpublished order under Supreme Court Rule 23)

For Rule 23 orders filed prior to July 1, 2011, the citation may also be given by title, docket number, and date of filing:

People v. Castro, No. 1-83-2151 (1984) (unpublished order under Supreme Court Rule 23)

For Rule 23 orders filed after July 1, 2011, citation shall be according to its public-domain designator:

People v. Brown, 2011 IL App (5th) 090400-U

(16) Short-form Case Citations

Under Bluebook Rule 4.1, “*id.*” may be used when citing the immediately preceding authority. In a case citation to an already cited opinion that does not follow immediately, it is permissible to shorten a case citation by using one (or both if necessary) of the litigants’ names, and the volume, reporter, and page-number information. The name of either party may be used, but if an opinion is popularly known by a particular name, use that term (e.g., *Marbury*, *Metromedia*, *National League of Cities*, *Pedrick*). Avoid using the name of a governmental litigant (e.g., *Illinois*, *People*, *State*, *United States*) as a single-party title. Do not indicate the date of decision or give *both* beginning-page *and* specific-page information in a short-form citation.

Full citation: *Pedrick v. Peoria & Eastern R.R. Co.*, 37 Ill. 2d 494 (1967)

Short-form citations: *Pedrick*, 37 Ill. 2d 494 [General citation to the opinion.]
Pedrick, 37 Ill. 2d at 510 [Specific-page citation.]

B. Illinois Legislative Enactments

(1) ILCS Overview

Public Act 87-1005 (eff. Sept. 3, 1994), codified the public acts of Illinois as the Illinois Compiled Statutes, or ILCS. While the Act provides for the *compilation* of the general acts of this state, it must be noted that the ILCS establishes an *organizational scheme* only; it is not a replacement of the General Assembly's practice of enacting titled public acts. Instead, publication of the text of those acts has been performed by unofficial publishers such as West and Lexis-Nexis. Thus, the ILCS designation is used for *citation* purposes only.

Also, in any case where a statute is alleged to have governed the conduct at issue, it is axiomatic that the public act in effect on the relevant date, or dates, is the governing law. Yet, a bound edition of West's ILCS publication might contain the text of several public acts that became effective, and then amended, during the period since the previous publication. Further, an edition will contain those public acts enacted *during* the year shown on the spine of the bound volume, even though those public acts might not become effective until the following year. For example, West shipped the 2004 ILCS during the spring of 2005. Even though it appears in West's 2004 edition of the ILCS, section 11-501 of the Illinois Vehicle Code (735 ILCS 5/11-501 (West 2004)) contains Public Act 93-1093, which became effective on March 29, 2005. In fact, the version of section 11-501 in 2004 ILCS contains *seven* public acts that became effective on various dates between the publication of the 2002 and the 2004 ILCS.

(2) Textual References

(a) Titles

As noted above, the ILCS establishes an *organizational scheme* only, and use of an ILCS designation is limited to citations. A textual reference to an Illinois legislative enactment must always use the short title of the public act and, where appropriate, the section or sections being cited:

Defendant was convicted under section 12-1 of the Criminal Code of 1961 (720 ILCS 5/12-1 (West 2010))

Not: Defendant was convicted under 720 ILCS 5/12-1.

Always refer to an act by its full, official short title in an initial textual reference. This title is usually given in the first, last, or next to the last section of the act, and it may be necessary to examine later amendments of the act for a short title. Do not capitalize the word "the" when used before a short title, even if done so in the act: "As provided in the School Code ***."

Through legislative action, some well-known acts have been integrated into more comprehensive acts. For example, what was once known as the Dead-Man's Act is now a single section of the Code of Civil Procedure (735 ILCS 5/8-201 (West 2010)). Because the titles of these older acts appear throughout Illinois case law, and their titles would be more readily recognized than the present section or article numbers of the acts

into which they have been incorporated, it is permissible to continue to refer to them by their former titles. The following shows those older acts and the more comprehensive acts into which they have been incorporated.

(1) In the Code of Civil Procedure:

Dead-Man's Act

735 ILCS 5/8-201 (West 2010)

or 735 ILCS 5/art. VIII (West 2010)

Forcible Entry and Detainer Act

735 ILCS 5/9-101 to 9-321 (West 2010)

or 735 ILCS 5/art. IX (West 2010)

Habeas Corpus Act

735 ILCS 5/10-101 to 10-137 (West 2010)

or 735 ILCS 5/art. X (West 2010)

Healing Arts Malpractice Act

735 ILCS 5/2-622 (West 2010)

Limitations Act

735 ILCS 5/13-101 to 13-225 (West 2010)

or 735 ILCS 5/art. XIII (West 2010)

(2) In the Code of Criminal Procedure of 1963:

Post-Conviction Hearing Act

725 ILCS 5/122-1 to 122-7 (West 2010)

or 725 ILCS 5/art. 122 (West 2010)

(3) In the Liquor Control Act of 1934:

Dramshop Act

235 ILCS 5/6-21 (West 2010)

(4) In the Probate Act of 1975:

Survival Act

755 ILCS 5/27-6 (West 2010)

(b) “Shortening” Short Titles

It is sometimes preferable to shorten the official short title of an act to aid the readability of the opinion after the act has initially been cited in full. The preferable method is as follows:

Those rights are guaranteed under section 2-1000 of the Mental Health and Developmental Disabilities Code (the Code) (405 ILCS 5/2-100 (West 2010)).

Where more than one act or code is discussed in an opinion, however, it might be necessary to use a fuller reference to the act:

Those rights are guaranteed under section 2-100 of the Mental Health and Developmental Disabilities Code (the Mental Health Code) (405 ILCS 5/2-100 (West 2010)).

Do not replace an official title of a state act with an acronym.

Illinois Marriage and Dissolution of Marriage Act (the Act)

Not: Illinois Marriage and Dissolution of Marriage Act (the IMDMA)

(c) Capitalization of Parts

When used in nonquoted text, the words “appendix,” “article,” “chapter,” “division,” “part,” “paragraph,” and “section” are spelled out and are not capitalized, even when preceding a specific number. The words “title” and “public act” are spelled out and (1) are not capitalized when used generally and not before a specific number, but (2) are capitalized when used before a specific number.

The abbreviations “app.,” “art.,” “ch.,” “div.,” “par.,” “Pub. Act,” and “tit.” are used only in citations; in text they should be spelled out. Use the section sign (“§”) in text only in references to the sections of the United States Code.

(3) Quoting Illinois Statutes

While the structure and numbering scheme employed in the Illinois Compiled Statutes is official, care must be taken to insure that a quotation taken from the text of an unofficial statutory compilation does not include materials added by the publisher. Generally, these materials are of the following three types: section titles, footnotes, and statutory history.

(a) Section Titles

A section title, or heading, will often be added to an ILCS publication by the publisher. One should refer to the title of a section of an act only when that title was

enacted by the General Assembly. Such titles will always follow the section number of the act.

(b) Footnotes

Often the General Assembly will refer to another act within the section of the act being quoted. The footnoting of the quoted section, however, is by the publisher, not the legislature. Omission of a footnote number is not indicated.

(c) Statutory History

The statutory history that follows a section of an act has been added by the publisher and is not a part of the act. The following example, taken from section 1b of the Non-Support of Spouse and Children Act (750 ILCS 15/1b (West 2010)), demonstrates the above:

“15/1b. Prosecutions by Attorney General

§ 1b. In addition to enforcement proceedings by the several State’s Attorneys, a proceeding for the enforcement of this Act may be instituted and prosecuted by the Attorney General in cases referred to his office by the Department of Public Aid as provided in Section 12-16 of ‘the Illinois Public Aid Code’,¹ wherever, as a consequence of the defendant’s failure to provide support, the Department of Public Aid has expended assistance as defined in ‘The Illinois Public Aid Code’² to or in behalf of the spouse or child or children of the defendant.

Laws 1915, p. 470, § 1b, added by Laws 1965, p. 1325, § 1, eff. July 8, 1965. Amended by P.A. 77-928, § 1, eff. Aug. 17, 1971.

Formerly Ill. Rev. Stat. 1991, ch. 40, ¶ 1103, transferred from Ill. Rev. Stat., ch. 68, ¶ 24b.

¹ 305 ILCS 5/12-16.

² 305 ILCS 5/1-1 et seq.”

In this case, it would not be proper to refer to section 1b of the Non-Support of Spouse and Children Act as being entitled “Prosecutions by Attorney General,” as that section has no official title. Also, a quotation of the section would not include the footnote references or the historical materials following the section’s concluding phrase “or children of the defendant.”

(4) Citation of Illinois Compiled Statutes

(Exception to Bluebook Rule 3.3)

Every initial reference to an Illinois statute must be followed by a citation to the Illinois Compiled Statutes (ILCS), if the act is found therein. Citation of the Illinois Compiled Statutes is according to section 5.04 of the Legislative Reference Bureau Act, which provides, in relevant part:

“[The] general Acts [shall be divided] into major topic areas and into chapters within those areas ***. Chapters shall be numbered. Each Act shall

be assigned to a chapter and shall be ordered within that chapter. An Act prefix number shall be designated for each Act within each chapter. Chapters may be divided into subheadings. Citation to a section of ILCS shall be in the form ‘X ILCS Y/Z (A)’, where X is the chapter number, Y is the Act prefix number, Z is the Section number of the Act, Y/Z is the section number in the chapter of ILCS, and A is the year of publication, if applicable.” 25 ILCS 135/5.04 (West 2010).

Once the ILCS citation has been given *for a specific section*, it is permissible to refer to the section without repeating the ILCS citation. However, references to other sections of the act would still require an ILCS citation.

Because the ILCS establishes an organizational scheme only, every citation to the Illinois Compiled Statutes must contain both the name of the publisher and the year of the volume containing the appropriate public act. In general, the year of publication would be the year of the volume that contains the public act applicable to the occurrence or transaction involved. Because ILCS compilations are only a source for the pertinent public acts, the publisher and date information is vitally important to a correct citation of the appropriate public act. The publisher’s name and the year of publication are given parenthetically at the conclusion of the ILCS designation:

720 ILCS 5/7-1 (West 2010)
720 ILCS 5/9-1 (West Supp. 1993)

Note: Use the publisher’s name parenthetically with the date, and not publisher-recommended phrases such as “(State Bar Edition 1992).”

When more than one provision is cited, the citation may be as follows:

720 ILCS 5/9-1, 9-2, 9-4 (West 2010)
720 ILCS 5/9-1 to 9-3 (West 2010)
720 ILCS 5/9-1(b)(6)(a)(i), (ii) (West 2010)
720 ILCS 5/9-1(b)(6)(a)(i)-(iv) (West 2010)

Please note that under Bluebook Rule 3.3, a citation to consecutive sections uses inclusive numbers (*e.g.*, 28 U.S.C. §§ 1 to 6) and thus use of “*et seq.*” is specifically prohibited, even when citing an entire act. Further, Bluebook Rule 3.3 provides that when citing multiple sections which contain identical digits or letters separated by a punctuation mark, those elements that precede the punctuation mark may be omitted. *Do not follow these portions of Rule 3.3.* Use of “*et seq.*” to denote an entire act is allowed, and retain all elements of the section number:

720 ILCS 5/1-1 *et seq.* (West 2010)
735 ILCS 5/2-615, 2-619 (West 2010)
Not: 735 ILCS 5/2-615, -619 (West 2010)

Where an act is composed of numbered or lettered articles, a full article, or articles, may be cited by ILCS chapter, act number, and article number; use a roman numeral for the article number where the General Assembly has done so:

720 ILCS 5/art. 7 (West 2010)
720 ILCS 5/arts. 5, 7 (West 2010)

735 ILCS 5/art. XIII (West 2010)

Where an act is composed of numbered or lettered chapters, a full chapter or chapters may be cited by ILCS chapter, act number, and chapter number:

405 ILCS 5/ch. III (West 2010)

625 ILCS 5/ch. 1 to 20 (West 2010)

Article V of chapter III of the Mental Health and Developmental Disabilities Code would be cited as follows:

405 ILCS 5/ch. III, art. V (West 2010)

Where a statutory provision has been repealed or where the provision has been recodified, such information should be parenthetically added to the basic citation:

The permit required under the Mass Gatherings Act (Ill. Rev. Stat. 1983, ch. 111½, ¶¶ 901 to 915 (repealed by Pub. Act 84-1064, § 3 (eff. Nov. 27, 1985))) was issued by the authorities.

Numbered or lettered statutory subsections are always given parenthetically within round brackets, even if not set out in brackets in the original:

705 ILCS 505/9(A) (West 2010)

Not: 705 ILCS 505/9A (West 2010)

(5) Citation of Illinois Revised Statutes

Because the statutory law is generally determined by public acts in effect at the time of the occurrence or transaction at issue in a case, many cases will have arisen under statutes found in the Illinois Revised Statutes (Ill. Rev. Stat.) but, because of subsequent amendment, not found in the ILCS. These cases will require the continued citation to the applicable Ill. Rev. Stat. volume. In such instances, use one of the following forms:

Ill. Rev. Stat. 19xx, ch. 38, ¶ 7-5

Ill. Rev. Stat. 19xx, ch. 38, ¶ 7-5(a)(2), (3)

Ill. Rev. Stat., 19xx Supp., ch. 38, ¶¶ 7-5, 7-7

Unless relevant to the discussion, do not indicate the current ILCS citation.

(6) Citation of Annotated Statutes

Annotated versions of the Illinois Compiled Statutes, such as West's Smith-Hurd Illinois Compiled Statutes Annotated and Illinois Annotated Statutes, or Michie's Illinois Compiled Statutes Annotated, are generally cited only with reference to a council commentary, historical and practice note, or similar material found therein. In such cases, use the following form:

725 ILCS Ann. 5/106-1, Committee Comments-1963, at 351 (Smith-Hurd 1992)

Ill. Ann. Stat., ch. 110, ¶ 2-619, Historical & Practice Notes, at 662 (Smith-Hurd 1983)

(7) Public Acts

In citing a statute that is not yet or never was published in any version of the Illinois Compiled Statutes, give the public act number, the effective date, and related ILCS information, if applicable.

Pub. Act 87-1154 (eff. Jan. 1, 1993) (amending 705 ILCS 405/4-4 (West 2008))

Where the public act is adding a new provision, omit any reference to an ILCS year of publication:

Pub. Act 87-1005 (eff. Sept. 3, 1992) (adding 25 ILCS 135/5.04)

With some older statutes, it may be necessary to cite to Laws of Illinois rather than a public act number. A citation to Laws of Illinois is by year, title (Ill. Laws) and the page number on which the relevant provision begins:

1959 Ill. Laws 1841

Section number information may be given parenthetically:

1939 Ill. Laws 80 (§ 345)

(8) Legislative Debates and Bills

Cite to the debates of the General Assembly as follows:

83d Ill. Gen. Assem., Senate Proceedings, May 8, 1983, at 61
81st Ill. Gen. Assem., House Proceedings, June 30, 1981, at 717
(statements of Representative Dunn)

Bills are cited as follows:

83d Ill. Gen. Assem., House Bill 463, 1983 Sess.
77th Ill. Gen. Assem., Senate Bill 472, 1971 Sess.
94th Ill. Gen. Assem., Senate Bill 1790, 2005 Sess.; House Bill 4761,
2006 Sess.

(9) Governor's Messages

A Governor's message to the General Assembly when returning a bill is included on the Illinois General Assembly's Web site with the history of the enrolled bill. See <http://www.ilga.gov/legislation/96/HB/PDF/09600HB5154gms.pdf> (visited Sept. 2010).

Laws of Illinois is another source for the Governor's messages to the General Assembly and should be cited as follows:

1981 Ill. Laws 253, Governor's Message, at 253-54

(10) Illinois Administrative Rules

(a) Illinois Register

Since 1978, all proposed and adopted administrative rules of Illinois state agencies have been published in the Illinois Register, which is issued weekly and organized annually by volume number and consecutively paginated (with the exception of the first year of publication, when each issue was individually paginated). The Illinois Secretary of State, as custodian of the Illinois Register, has made the Register available in a hard-copy version since its initial publication and, for those administrative agency rules proposed and adopted since volume 26 in August of 2002, in a Web-published form at <http://ilsos.net/departments/index/register/home.html>.

Additionally, under the Illinois Administrative Procedure Act, the Secretary of State has been directed to develop and maintain a codification system for the administrative rules of all Illinois state agencies effective on or after October 1, 1984. In 1985, this plan for codification was finalized by the Secretary and the first nine volumes of the Illinois Administrative Code were published. In 1998, the Secretary adopted final rules that formally restructured the Administrative Code as of July 1 of that year.

Thus administrative rules adopted prior to July 1984 are cited to the Illinois Register, while permanent rules adopted after that date are generally cited to Illinois Administrative Code. However, because the Administrative Code contains only permanently adopted rules, the Illinois Register must be cited for other rulemaking activities, such as proposed rules, amendments to or repealers of existing rules, and rules promulgated by emergency or peremptory action.

A citation to an adopted, permanent rule as published in the Illinois Register takes the following form:

6 Ill. Reg. 5981 (eff. May 3, 1982)

Because a proposed rule has no effective date, indicate parenthetically the date of the Illinois Register issue in which it was published as a proposed rule:

29 Ill. Reg. 2149 (proposed Feb. 14, 2005)

Emergency rules or amendments are adopted when an agency believes a situation exists that constitutes a threat to the public interest, safety or welfare. They are in effect for a maximum of 150 days and may or may not be replaced by regular rules. Peremptory rules or amendments are those necessitated by federal laws, federal rules or court orders that preclude compliance with the general rulemaking requirements of the Illinois Administrative Procedure Act. The nature of such rules is noted parenthetically, along with their effective dates:

36 Ill. Reg. 4150 (emergency rule eff. Feb. 29, 2012)

36 Ill. Reg. 4158 (peremptory amendment eff. Mar. 5, 2012)

A pinpoint citation to a page in the Illinois Register requires both the page upon which the regulation begins and the specific page:

29 Ill. Reg. 2149, 2154-55 (proposed Feb. 14, 2005)

Note: In a few instances, the page numbering between the hard-copy versions of the Illinois Register and the Web site's electronic version vary by one or two numbers. Where there is a discrepancy, use the pagination on the Web site.

(b) Illinois Administrative Code

(1) *Organization*

The Illinois Administrative Code contains those adopted permanent rules first published in the Illinois Register. Although they were initially published in book form, they currently are published on the State's Web site at:

<http://www.ilga.gov/commission/jcar/admincode/titles.html>

Under the codification scheme adopted for the Administrative Code, the permanent rules of Illinois state agencies are organized into titles, parts, subparts, and sections. Parts and subparts are cited as follows:

Part: 1 Ill. Adm. Code 100
Subpart: 1 Ill. Adm. Code 100.Subpart L

As further explained below, citation to a section requires date information:

Section: 1 Ill. Adm. Code 100.500 (1998)

Note that, under the Administrative Code's organizational scheme, an appendix, illustration, exhibit, or table is generally adopted as a separate section and not as subsection. Thus, an appendix, illustration, exhibit, or table would generally be cited in the same format as a numbered section:

1 Ill. Adm. Code 100.Appendix A ([year])
1 Ill. Adm. Code 100.Exhibit A ([year])
1 Ill. Adm. Code 100.Illustration A ([year])
1 Ill. Adm. Code 100.Table A ([year])

Occasionally, however, items such as illustrations are used as subparts of one another. See, *e.g.*, 1 Ill. Adm. Code 100.Appendix A (where several appendices contain illustrations). In such cases, a citation to the primary section is required even if the illustration, exhibit, etc., is designated a section rather than a subsection. For example, each of the five appendices in title 1, part 100, contains an illustration labeled "Section 100.ILLUSTRATION A." Even though the structure of the part reveals those illustrations to be subparts of specific appendices, each is labeled as if it were a separate section. In such cases, where the context shows an illustration, table, or exhibit to be a subsection of an appendix, cite to the appendix as the primary section and, if required for clarity, parenthetically indicate the illustration, as follows:

1 Ill. Adm. Code 100.Appendix A (Illustration A) ([year])

(2) *Dates*

A general reference to a title and part or subpart requires no specific date:

“Rules concerning the Department’s rental of boats at its facility have been adopted. See 17 Ill. Adm. Code 210.”

When citing to a specific section, however, and reference to the rule’s publication in the Illinois Register is not given, indicate the year of the most recent action on the rule (either adoption or amendment), as shown at the conclusion of the section:

1 Ill. Adm. Code 100.1200 (1994)

(3) *Use With Illinois Register*

Because the Administrative Code is a continually updated compilation of final rules published in the Illinois Register, it contains only the most recent version of a rule, with the prior version found only in the Illinois Register. Thus, because a rule under review may have been amended since the cause of action arose, reference to the Illinois Register may still be required.

At the bottom of each section of the Administrative Code is a citation to the rule’s most recent publication in the Illinois Register. To illustrate, the current version of section 527.600 of title 77 shows the rule was amended at 35 Ill. Reg. 7708, effective April 27, 2011, as shown at the conclusion of the rule:

“(Source: Amended at 35 Ill. Reg. 7708, effective April 27, 2011)”

One can use this information to determine the full history of the rule by use of the Illinois Register. There, at 35 Ill. Reg. 7708, 7710, one finds the following:

“SOURCE: Adopted at 29 Ill. Reg. 13855, effective August 23, 2005; amended at 34 Ill. Reg. 11419, effective July 21, 2010; amended at 35 Ill. Reg. 7708, effective April 27, 2011.”

Thus it can be determined the rule was adopted in 2005, amended in 2010, and further amended in 2011.

In a case arising under section 527.600 of title 77, if the action arose after August 23, 2005, but prior to July 21, 2010, the rule should be cited as follows:

77 Ill. Adm. Code 527.600, adopted at 29 Ill. Reg. 13855 (eff. Aug. 23, 2005)

If the action arose on or after July 21, 2010, and before April 27, 2011, and the rule should be cited as follows:

77 Ill. Adm. Code 527.600(b), amended at 34 Ill. Reg. 11419 (eff. July 21, 2010)

Finally, if the action arose on or after April 27, 2011, and the 2011 amendment reflects the most recent rulemaking action, the section may be cited either by year or by an

additional citation to the Illinois Register:

- 77 Ill. Adm. Code 527.600(b) (2011)
- or:* 77 Ill. Adm. Code 527.600(b), amended at 35 Ill. Reg. 7708 (eff. Apr. 27, 2011)
- But not:* 77 Ill. Adm. Code 527.600(b) (2011), amended at 35 Ill. Reg. 7708 (eff. Apr. 27, 2011)

(11) Court Rules

A citation to the rules of a court, including rules adopted by the Illinois Supreme or Appellate Court, is not required where the rule is clearly identified in text and the effective date of the rule is given parenthetically. For example, the following direct reference would be sufficient to allow the reader to determine the appropriate rule:

“All briefs must be in compliance with Illinois Supreme Court Rule 315 (eff. July 1, 2006).”

However, where only a citation is needed, use the appropriate form shown below.

(a) Illinois Supreme Court

Use the following cite form, with the effective date (not adopted date) added parenthetically:

- Ill. S. Ct. R. 315(d) (eff. Sept. 1, 2006)
- Ill. S. Ct. R. 315(a), (d) (eff. Feb. 26, 2010)
- Ill. S. Ct. Rs. 315(d), 341(a) (eff. Sept. 1, 2006)
- Ill. S. Ct. R. 3 (eff. May 24, 2006); R. 315(d) (eff. Sept. 1, 2006)

Cite to a committee comment by the rule number:

- Ill. S. Ct. R. 901, Committee Comments (adopted Feb. 10, 2006)

Note: Because committee comments to the Illinois Supreme Court rules are not, themselves, rules of the Court, they do not become “effective” and should be cited according to the date on which they were filed (indicated as the “adopted” date).

Cite to a complete canon within the Code of Professional Responsibility:

- Ill. S. Ct. Code of Prof. Res., canon 7

Cite to an administrative order of the Supreme Court:

- Ill. S. Ct., M.R. 20959 (eff. May 24, 2006)

(b) Illinois Appellate Court

Under Supreme Court Rule 22(h) (eff. Dec. 1, 2008), each district of the appellate court may adopt “local rules” for that govern appellate practices in that district. Cite these local rules as follows:

- Ill. App. Ct., First Dist., R. 4 (July 1, 2008)
- Ill. App. Ct., Second Dist., R. 100 (Apr. 6, 2010)
- Ill. App. Ct., Third Dist., Admin. Order 39 (Oct. 11, 1995)
- Ill. App. Ct., Fourth Dist., R. 6 (Mar. 1, 2010)
- Ill. App. Ct., Fifth Dist., Admin. Order (Apr. 1, 2010)

(c) Circuit Courts

Citation to circuit court rules is by judicial circuit designation, rule number, and effective date of the rule or general order:

- Cook Co. Cir. Ct. R. 9.2(d) (Apr. 1, 1987)
- Cook Co. Cir. Ct. G.O. 18 (July 10, 1980)
- 16th Judicial Cir. Ct. R. 9.03 (Oct. 5, 1988)

(12) Local Ordinances

Cite local ordinances by the name of the political unit, type of code (e.g., municipal code, county code, zoning ordinance, etc.), section, paragraph or other part number, and the most specific adopted, amended or effective date available for the cited portion (indicated parenthetically):

- Chicago Municipal Code § 8-4-015 (added June 17, 1992)
- Cook County Ordinance No. 06-O50 (approved Nov. 14, 2006)
- Champaign County Ordinance No. 822, § 42 (approved Jan. 24, 2008)
- Calumet City Municipal Code § 10-1 (adopted May 26, 2005)
- Calumet City Municipal Code §§ 10-1, 10-2 (adopted May 26, 2005)
- Calumet City Municipal Code §§ 10-1 to 10-3 (adopted May 26, 2005)

Where the ordinance is one of a non-Illinois municipality or county, give the name of the state parenthetically, using the postal abbreviation:

- Phoenix (AZ) Municipal Code § 1 (eff. Jan. 1, 1958)

(13) Constitutions

The following forms should be used in citing constitutions and their commentary:

- U.S. Const., art. I, § 9
- U.S. Const., amend. XIV
- Ill. Const. 1970, art. I, § 9
- Ill. Const. 1870, art. VI (amended 1964), § 1

Ill. Ann. Stat., 1970 Const., art. XIII, § 8, Constitutional Commentary, at 310-11 (Smith-Hurd 1971)
ILCS Ann., 1970 Const., art. XIII, § 8, Constitutional Commentary (Smith-Hurd 1983)

(14) *United States Code*

Pursuant to the Bluebook, Table T1, cite to the United States Code (U.S.C.), along with the appropriate date of publication, for federal statutes contained therein. However, a general, textual reference to a provision within the United States Code does not require a year of publication:

“The general rule in cases arising under 42 U.S.C. § 1983 is that a plaintiff need not exhaust administrative remedies before turning to the courts for relief.”

(15) *IICLE*

In citing to Illinois Institute for Continuing Legal Education publications, cite to an individual article as if it were in a legal periodical (author’s name and first initial and article title in italics), then indicate that the article is “in” the appropriate main volume, as follows:

Francis Hess, *Terminating Installment Contracts*, in Illinois Real Estate Litigation § 12.5 (Ill. Inst. for Cont. Legal Educ. 1984)

(16) *Illinois Pattern Jury Instructions*

(a) Civil

The first two editions of Illinois Pattern Jury Instructions, Civil, were printed as bound volumes, which were updated by use of either pocket parts or soft-cover supplements. The third edition was a loose-leaf publication. Beginning in 1995, annual and bi-annual soft-cover editions have been issued and the numbered-edition series discontinued. Because of the differences in publication methods, the citation forms for the first three editions vary from those of the more recent editions. Use the appropriate form the first time an IPI is cited. Thereafter, use of the short form is acceptable, whether the citation is to the same or to a different instruction within the same publication.

First edition:

Illinois Pattern Jury Instructions, Civil, No. ___ (1st ed. 1961) (hereinafter, IPI Civil No. ___)

Illinois Pattern Jury Instructions, Civil, No. ___ (1st ed. Supp. 1965) (hereinafter, IPI Civil No. ___ (Supp. 1965))

Second edition:

Illinois Pattern Jury Instructions, Civil, No. ___ (2d ed. 1971) (hereinafter, IPI Civil 2d No. ___)

Illinois Pattern Jury Instructions, Civil, No. ___ (2d ed. Supp. 1977) (hereinafter, IPI Civil No. ___ (Supp. 1977))

Third edition:

Illinois Pattern Jury Instructions, Civil, No. ____ (3d ed. 1994) (hereinafter, IPI Civil 3d No. __)

Year editions (1995, 2000, 2005, 2006, 2008):

Illinois Pattern Jury Instructions, Civil, No. ____ (1995) (hereinafter, IPI Civil (1995) No. __)

Illinois Pattern Jury Instructions, Civil, No. ____ (Supp. 1997) (hereinafter, IPI Civil (Supp. 1997) No. __)

(b) Criminal

There have been four editions of the Illinois Pattern Jury Instructions, Criminal, issued since 1968. Unlike the civil instructions, all criminal instructions have been issued in a serial-edition format, with soft-cover supplements. The appropriate edition should be cited as follows.

First edition:

Illinois Pattern Jury Instructions, Criminal, No. ____ (1st ed. 1961) (hereinafter, IPI Criminal No. __)

Illinois Pattern Jury Instructions, Criminal, No. ____ (1st ed. Supp. 1965) (hereinafter, IPI Criminal No. __ (Supp. 1965))

Second edition:

Illinois Pattern Jury Instructions, Criminal, No. ____ (2d ed. 1981) (hereinafter, IPI Criminal 2d No. __)

Illinois Pattern Jury Instructions, Criminal, No. ____ (2d ed. Supp. 1987) (hereinafter, IPI Criminal 2d No. __ (Supp. 1987))

Illinois Pattern Jury Instructions, Criminal, No. ____ (2d ed. Supp. 1989) (hereinafter, IPI Criminal 2d No. __ (Supp. 1989))

Third edition:

Illinois Pattern Jury Instructions, Criminal, No. ____ (3d ed. 1992) (hereinafter, IPI Criminal 3d No. __)

Illinois Pattern Jury Instructions, Criminal, No. ____ (3d ed. Supp. 1992) (hereinafter, IPI Criminal 3d No. __ (Supp. 1992))

Illinois Pattern Jury Instructions, Criminal, No. ____ (3d ed. Supp. 1996) (hereinafter, IPI Criminal 3d No. __ (Supp. 1996))

Fourth edition:

Illinois Pattern Jury Instructions, Criminal, No. ____ (4th ed. 2000) (hereinafter, IPI Criminal 4th No. __)

Illinois Pattern Jury Instructions, Criminal, No. ____ (4th ed. Supp. 2009)
(hereinafter, IPI Criminal 4th No. __ (Supp. 2009))

(17) Paragraph and Section Symbols

In a citation, use the section sign (§) or paragraph symbol (¶). However, use “§” even in textual references to the United States Code when it appears in the format “__ U.S.C. § __.” Where used, there is a single space between the symbol and the number that follows, whether used in the plural (“¶¶”; “§§”) or singular (“¶”; “§”).

(18) Brackets

Some publications use square brackets around numbered parts in their organizational scheme. Because square brackets are used by the courts to denote changes to text, confusion could result from retaining those brackets used by those publishers. Instead, convert the square brackets to round brackets.

(19) Initials and Spaces

An initial followed by another letter requires a space:

In re Ch. C., 2012 IL App (4th) 110762-U

In a citation that contains a capital letter followed by a comma, use a space after the comma *and* between the other letters of the abbreviation:

Board of Education v. A, C & S, Inc., 131 Ill. 2d 428 (1989)

In a citation that contains a capital letter followed by a period and then an ampersand, use a space after the period:

People ex rel. No. 3 J. & E. Discount, Inc. v. Whitler, 81 Ill. 2d 473, 479-80 (1980)

In single-initial abbreviations, whether lowercase or all-capital, no space is added:

f.o.b.

U.S.C.

USO

R.E.J., Inc.

For spacing purposes, treat an ordinal as a single initial:

F.2d

Treat an ampersand as a single initial only when appearing with all-capital abbreviations without periods:

R&E Trucking Company

IV. APPENDIX

Rule 23. Disposition of Cases in the Appellate Court

The decision of the Appellate Court may be expressed in one of the following forms: a full opinion, a concise written order, or a summary order conforming to the provisions of this rule. All dispositive opinions and orders shall contain the names of the judges who rendered the opinion or order.

(a) Opinions. A case may be disposed of by an opinion only when a majority of the panel deciding the case determines that at least one of the following criteria is satisfied:

- (1) the decision establishes a new rule of law or modifies, explains or criticizes an existing rule of law; or
- (2) the decision resolves, creates, or avoids an apparent conflict of authority within the Appellate Court.

(b) Written Order. Cases which do not qualify for disposition by opinion may be disposed of by a concise written order which shall succinctly state:

- (1) in a separate introductory paragraph, a concise syllabus of the court's holding(s) in the case;
- (2) the germane facts;
- (3) the issues and contentions of the parties when appropriate;
- (4) the reasons for the decision; and
- (5) the judgment of the court.

(c) Summary Order. In any case in which the panel unanimously determines that any one or more of the following dispositive circumstances exist, the decision of the court may be made by summary order. A summary order may be utilized when:

- (1) the Appellate Court lacks jurisdiction;
- (2) the disposition is clearly controlled by case law precedent, statute, or rules of court;
- (3) the appeal is moot;
- (4) the issues involve no more than an application of well-settled rules to recurring fact situations;
- (5) the opinion or findings of fact and conclusions of law of the trial court or agency adequately explain the decision;
- (6) no error of law appears on the record;
- (7) the trial court or agency did not abuse its discretion; or
- (8) the record does not demonstrate that the decision of the trier of fact is against the manifest weight of the evidence.

When a summary order is issued it shall contain:

- (i) a statement describing the nature of the case and the dispositive issues without a discussion of the facts;
- (ii) a citation to controlling precedent, if any; and
- (iii) the judgment of the court and a citation to one or more of the criteria under this rule which supports the judgment, *e.g.*, "Affirmed in accordance with Supreme Court Rule 23(c)(1)."

The court may dispose of a case by summary order at any time after the case is docketed in the Appellate Court. The disposition may provide for dismissal, affirmance, remand, reversal or any combination thereof as appropriate to the case. A summary order may be entered after a dispositive issue has been fully briefed, or if the issue has been raised by motion of a party or by the court, *sua sponte*, after expiration of the time for filing a response to the motion or rule to show cause issued by the court.

(d) Captions. All opinions and orders entered under this rule shall bear a caption substantially conforming to the requirements of Rule 330. Additionally, an opinion or order entered under subpart (a) or (b) of this rule must clearly show the date of filing on its initial page.

(e) Effect of Orders.

(1) An order entered under subpart (b) or (c) of this rule is not precedential and may not be cited by any party except to support contentions of double jeopardy, *res judicata*, collateral estoppel or law of the case. When cited for these purposes, a copy of the order shall be furnished to all other counsel and the court.

(2) An order entered under subpart (b) of this rule must contain on its first page a notice in substantially the following form:

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).

(f) Motions to Publish. If an appeal is disposed of by order, any party may move to have the order published as an opinion. The motion shall set forth the reasons why the order satisfies the criteria for disposition as an opinion and shall be filed within 21 days of the entry of the order.

(g) Electronic Publication. In order to make available to the public all opinions and orders entered under subparts (a) and (b) of this rule, the clerks of the Appellate Court shall transmit an electronic copy of each opinion or order filed in his or her district to the webmaster of the Illinois Supreme and Appellate Courts' Web site on the day of filing. No opinion or order may be posted to the Web site that does not substantially comply with the Style Manual for the Supreme and Appellate Courts.

(h) Public-Domain Case Designators

An opinion or order entered under subpart (a) or (b) of this rule must be assigned a public-domain case designator and internal paragraph numbers, as set forth in the accompanying administrative order.

Effective January 31, 1972; amended effective July 1, 1975; amended February 19, 1982, effective April 1, 1982; amended May 18, 1988, effective August 1, 1988; amended November 21, 1988, effective January 1, 1989; amended and Commentary and Administrative Order adopted June 27, 1994, effective July 1, 1994; amended May 30, 2008, effective immediately; amended September 13, 2010, effective January 1, 2011; amended May 31, 2011, effective July 1, 2011.

Administrative Order under Illinois Supreme Court Rule 23 (eff. July 1, 2011)

M.R. No. 10343

(Amended Oct. 4, 2011)

Under the general administrative and supervisory authority granted the Illinois Supreme Court over the courts of this state (Ill. Const. 1970, art. VI, §16), the order entered under Supreme Court Rule 23, dated May 31, 2011, is amended as follows:

(A) Assignment of Public-Domain Case Designators

The Districts of the Illinois Appellate Court shall assign a public-domain case designator to those opinions filed on or after July 1, 2011. This designator number for an opinion must be unique to that opinion and shall include the year of decision, the court abbreviation, and an identifier number comprised of the final six digits of the docket number, or the final six digits of the initial docket number in a consolidated appeal, without use of the hyphen. In the case of opinions by the Workers' Compensation Commission Division of the Appellate Court, the letters "WC" shall be added as a suffix. The public-domain identifier shall appear at top of the first page of an opinion and shall be in the following form:

[year] IL App (1st) [no.]

[year] IL App (2d) [no.]

[year] IL App (3d) [no.]

[year] IL App (4th) [no.]

[year] IL App (5th) [no.]

Workers' Compensation Commission Division

2011 IL App ([dist.]) [no.]WC

By way of example, should the First District file an opinion in cause No. 1-10-1234 in 2011, the public-domain case designator will be "2011 IL App (1st) 101234."

Where a second opinion is filed under the same docket number after remand, a capital letter "B" will be appended to the case-designator number, regardless of the year-designator portion of the citation:

2011 IL App (1st) 101159

2012 IL App (1st) 101159-B

Any further opinions arising from the same appeal shall be assigned an alphabetic letter consecutive to the preceding opinion.

However, where an opinion is withdrawn while jurisdiction has been retained by the issuing court, the new opinion or order in the matter shall be given the same case-designator number as the withdrawn opinion without the addition of a sequential alphabetic designator.

Orders filed under Illinois Supreme Court Rule 23(b) shall have the letter "U," preceded by a hyphen, appended to the case-designator number:

2011 IL App (5th) 101160-U

A subsequently filed unpublished order in the same cause of action will result in use of both a “U” and an alphabetic designator:

2011 IL App (5th) 101160-UB

Use of the “U” designator for unpublished decisions and use of an alphabetic designator (“B,” “C,” etc.) for a subsequent opinion or order are independent elements of the case-designator number:

2011 IL App (5th) 101160-U [unpublished; initial decision]

2011 IL App (5th) 101160-B [published; decision after remand]

2011 IL App (5th) 101160-UC [unpublished; decision after second remand]

Should an unpublished order under Supreme Court Rule 23 be converted to a published opinion, the “U” designation shall be deleted.

(B) Internal Paragraphing of Opinions

Illinois reviewing court opinions shall include internally numbered paragraphs as directed below. Use of internal paragraph numbers allows a pinpoint citation to the appropriate portions of an opinion when cited for a specific proposition. Such a citation will include the case name, the public-domain designator number, and the specific, or pinpoint, paragraph or paragraph numbers within the opinion:

People v. Doe, 2011 IL App (1st) 101157, ¶ 15

People v. Doe, 2011 IL App (1st) 101157, ¶¶ 21-23

People v. Doe, 2011 IL App (1st) 101157, ¶¶ 57, 68

Except for the materials denoted in paragraph below, each paragraph of text is to be numbered consecutively beginning after the heading “OPINION” or “ORDER” (including the lead-in line to a separate opinion and any joiner lines thereto).

(2) The numbering of paragraphs within a separate opinion shall be consecutive to the final paragraph number of the opinion that precedes it, beginning with the lead-in line to the separate opinion, as shown in the example below:

¶ 43	CONCLUSION
¶ 44	For the reason stated, the judgment of the circuit court is reversed and the cause is remanded to that court for further proceedings.
¶ 45	Judgment reversed;
¶ 46	cause remanded.
¶ 47	JUSTICE DOE, dissenting:
¶ 48	Because I believe the circuit court correctly resolved the issues presented in the motion to suppress, I would affirm.

The following portions of an opinion do not constitute new paragraphs and shall not be numbered:

- (a) indented (blocked) text, regardless of the nature material (*e.g.*, quotation, listing of issues, etc.) or the length of the material;
- (b) text immediately following indented text, unless such text begins a new paragraph;
- (c) text within footnotes;
- (d) appendices or other attachments.

If quoted text, including indented quotations, is derived from a source that uses numbered paragraphs under a public-domain system of citation, the numbers from the original source shall not be shown in the quoted material but in the citation only.

If a supplemental document is filed, the paragraph numbering in the original document shall be continued into the supplemental document, including any lead-in lines and document headings (*e.g.*, “Supplemental Opinion”; “Dissent Upon Denial of Rehearing”).

Where revisions are made to an opinion following filing that result in the addition of a new paragraph or paragraphs, the new paragraph(s) shall be denoted by use of the paragraph number that preceded the new materials, plus the addition of consecutive, alphabetical letters (*e.g.*, ¶ 11b, ¶ 11c, etc.)

Each paragraph number shall be shown using the paragraph symbol, followed by a space, and then the number (*e.g.*, ¶ 1). The paragraph number is placed at the left margin, followed by a tab that indents the paragraphed text, as follows:

¶ 23 The appellate court found that *Grant* supported its conclusion that the designation of the NAF in the agreement to arbitrate was integral to the agreement. Specifically, citing *Grant*, the court noted:

“[The NAF] has a very specific set of rules and procedures that has implications for every aspect of the arbitration process.”

Thus the court found that section 5 of the Arbitration Act could not be used to reform the arbitration provision.

¶ 24 The defendant argues that the appellate court erroneously determined there is a split in federal case law as to the proper application of section 5 of the Act.