

M.R. 3140

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

Order entered May 31, 2011.

(Deleted material is struck through and new material is underscored, except in the commentary to Rule 6 and in the administrative order under Rule 23, which are both entirely new.)

Effective July 1, 2011, Supreme Court Rule 6, a commentary to Rule 6, Rule 23, and an administrative order under Rule 23 are amended, as follows.

**Amended Rule 6**

**Rule 6. Citations**

~~Citations of cases must be by title, to the page of the volume where the case begins, and to the pages upon which the pertinent matter appears in at least one of the reporters cited. It is not sufficient to use only *supra* or *infra*. Citation of Illinois cases filed prior to July 1, 2011, and published in the Illinois Official Reports shall be to the Official Reports, but the citation to the North Eastern Reporter and/or the Illinois Decisions may be added. 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; a citation to the North Eastern Reporter and/or the Illinois Decisions may be added but is not required. Quotations may be cited from either the official reports or the North Eastern Reporter or the Illinois Decisions. Citation of cases from other jurisdictions that do not utilize a public-domain citation shall include the date and may be to either the official State reports or the National Reporter System, or both. If only the National Reporter System citation is used, the court rendering the decision shall also be identified. For other jurisdictions that have adopted a public-domain system of citation, that citation shall be given along with, where appropriate, pinpoint citations to paragraph numbers; a parallel citation to an additional case reporter may be given but is not required. Textbook citations shall include the date of publication and the edition. Illinois statutes shall generally be cited to the Illinois Compiled Statutes (ILCS) but citations to the session laws of Illinois or to the Illinois Revised~~

~~Statutes shall be made when appropriate. Prior to January 1, 1997, statutory citations may shall be made to the Illinois Revised Statutes shall be given where appropriate instead of or in addition to the Illinois Compiled Statutes.~~

Adopted January 20, 1993, effective immediately; amended May 31, 2011, effective July 1, 2011.

**Commentary**  
(May 31, 2011)

*Background*

The system of case citation that has historically prevailed in the United States relies upon the elements of printed case reporters, that is, volume number, case name, beginning and pinpoint page numbers, and year of filing. In Illinois, citations have been made to our state's official reporters (Illinois Reports and Illinois Appellate Reports), with parallel citations to the appropriate West regional reporter (North East Reporter and/or Illinois Decisions) also allowed. But reliance upon printed reports for access to the courts' opinions has diminished with the rise of electronic databases, such as those found on the Court's own Internet website, Westlaw and Lexis-Nexis, and various CD-ROMs. In this state, the Illinois Supreme and Appellate Courts' opinions have been made available on the judiciary's website since 1996. However, the requirement that case citations be made to printed reporters has prevented direct citation of those opinions, even though they are now widely available on various electronic databases.

To remedy this situation, the Illinois Supreme Court has amended Supreme Court Rule 23, and has entered an administrative order in relation to Rule 23, to direct Illinois reviewing courts to assign, at the time of filing, public-domain case designator numbers (*e.g.*, "2011 IL 102345"), as well as internal paragraph numbers, to all opinions and Rule 23 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 will be assigned a public-domain case designator number and internal paragraph numbers by the Reporter of Decisions. All opinions that have been assigned public-domain case designators and paragraph numbers will be posted to the Illinois judiciary's website.

Additionally, Rule 6 has been amended to require the use of public-domain case citations for all Illinois reviewing court opinions filed or released for publication after July 1, 2011. The amendments to Rules 6 and 23 will thus introduce a new system of case citations to Illinois law based directly on the decisions of the courts. It should be noted, though, that while amended Rule 6 requires a citation to the courts' public-domain numbering and paragraphing scheme in lieu of an Illinois Official Reports citation, the rule continues to allow citations to the unofficial regional reporters.

*Citations*

A public-domain case designators is unique to each opinion and is comprised of the year of decision, the court abbreviation, and a unique identifier number derived from the docket number. A public-domain citation shall include the designator preceded by the case title and will be in accord with the following examples:

Supreme Court

*People v. Doe*, 2011 IL 102345

Appellate Court Districts

*People v. Doe*, 2011 IL App (1st) 101234

*People v. Doe*, 2011 IL App (2d) 101234

*People v. Doe*, 2011 IL App (3d) 101234

*People v. Doe*, 2011 IL App (4th) 101234

*People v. Doe*, 2011 IL App (5th) 101234

Appellate Court Workers' Compensation Division

*Doe v. Illinois Workers' Compensation Comm'n*, 2011 IL App (1st) 101234WC

In the above, a citation to *People v. Doe*, 2011 IL 102345, shows *People v. Doe* as the case name; 2011 as the year of decision; the Illinois Supreme Court as the court of decision; and 102345 as the court-assigned identifier number, which, in the Supreme Court, is the docket number and, in the Appellate Court, is the last six digits of the docket number.

Where a subsequent opinion is filed under the same docket number, such as upon reconsideration of the cause after remand, a sequential capital letter will be appended to the unique-identifier number, regardless of the year-designation portion of the citation:

*People v. Doe*, 2011 IL App (1st) 101236

*People v. Doe*, 2012 IL App (1st) 101236-B

Orders filed under Illinois Supreme Court Rule 23 will have the letter "U" appended to the unique-identifier number:

*People v. Roe*, 2011 IL App (5th) 101237-U

Additionally, Illinois reviewing court opinions will include internally numbered paragraphs. Where a pinpoint citation to an opinion is appropriate, the citation shall include the public-domain citation followed by the pinpoint paragraph or paragraphs of the opinion. *E.g.*:

*People v. Doe*, 2011 IL App (1st) 101234, ¶ 15

*People v. Doe*, 2011 IL App (1st) 101234, ¶¶ 21-23

*People v. Doe*, 2011 IL App (1st) 101234, ¶¶ 57, 68

For those opinions filed prior to July 1, 2011, but not released by the filing court for publication until after that date, the Reporter of Decisions office will add internal paragraph numbers, as well as the public-domain designator numbers.

### **Amended Rule 23**

#### **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.

M.R. No. 10343  
(Order entered May 31, 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), it is ordered 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. 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.]

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, such as upon reconsideration 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.