

**ADMINISTRATIVE AND PROCEDURAL RULES OF THE ILLINOIS APPELLATE  
COURT - FOURTH DISTRICT**

**201 West Monroe Street, Springfield, IL 62704**

**217-782-2586**

Effective November 15, 2014

Rev. 4/2015

Supreme Court Rule 22(h) authorizes this Court to adopt rules of practice that are consistent with the Illinois Supreme Court Rules, the Uniform Administrative and Procedural Rules of the Illinois Appellate Courts and the Illinois Compiled Statutes.

**General Procedures**

**1. Filing and Form of Documents Filed In the Appellate Court**

Documents and materials including, but not limited to, the original common law record (Supreme Court Rule 321), exhibits, motions, briefs and any and all other materials must be forwarded to the Appellate Court Clerk's office either by personal delivery or by the United States Postal Service or similar courier.

**For physical delivery by private courier:**

**For United States Postal Service mail**

**Fourth District Appellate Court Clerk  
201 West Monroe Street  
Springfield, Illinois 62704**

**Fourth District Appellate Court Clerk  
201 West Monroe Street  
Post Office Box 19206  
Springfield, Illinois 62794-9206**

Unless received after the due date, documents and materials required to be filed within a specified time will be deemed filed upon receipt by the Appellate Court Clerk (Supreme Court Rule 373). If received after the due date, the time of mailing shall be deemed the time of filing. Proof of mailing shall be as provided in Supreme Court Rule 12.

All documents filed with the Fourth District Appellate Court, including motions, must comply with supreme court rules and must be signed by at least one attorney of record and shall list that person's professional physical address, email address and Illinois Attorney Registration and Disciplinary Commission number. Parties not represented by an attorney shall sign their name and provide a contact address and email address, if possible.

**2. Appearance and Withdrawal of Attorneys**

Attorneys shall file a written appearance or other pleading before addressing the Court unless presenting a motion for leave to appear by intervention or otherwise. Procedures for withdrawal shall be consistent with Supreme Court Rule 13(c).

**3. Address Changes**

All attorneys, as well as all pro se parties, shall immediately notify the Appellate Court Clerk in writing of any change of address. A copy of the letter shall be served on all parties of record.

#### **4. Contents of the Record on Appeal**

The record on appeal shall consist of the judgment from which the appeal is taken, the notice of appeal, and the entire original common law record. The common law record includes every document filed, judgment or order entered in the cause, all documentary exhibits offered and filed and the report of proceedings (Supreme Court Rule 321).

The contents of the record on appeal are specified in Supreme Court Rules 321 and 608. Rule 608(a)(10) requires that all exhibits offered at trial and sentencing be included in the record on appeal.

Exceptions:

##### **(a) Physical evidence**

Examples of physical evidence that **should not** be sent to the reviewing Court are weapons, narcotics, drug paraphernalia, clothing or other physical evidence. Photographs offered as exhibits are to be included in the record on appeal.

If physical evidence is required for consideration by the reviewing Court of the case on appeal, the Court, on its own motion or upon motion of a party, will direct the Circuit Court Clerk to transfer such evidence.

Exhibits of a descriptive or documentary nature including video recordings, audio recordings, computer media such as disks or flash drives **should be sent** to the Appellate Court.

The use of photographs in lieu of the exhibits themselves is permitted when the exhibits are large, bulky or otherwise do not fit easily into the record on appeal and the photographs of the exhibits are sufficient for the determination of the issues on appeal and for an understanding of the case.

##### **(b) Pornographic evidence**

Transmission of any materials through the United States Postal Service that are pornographic in nature must follow the protocol from the United States Attorney's office requiring that such materials be double-wrapped with the inner wrapper clearly marked "to be opened by addressee only, contains pornographic evidence" or a similar statement that describes what is being transmitted. The outer wrapping on which the address is printed should be sent via United States Mail and should require a signature release. The address should state the specific individual to whom the package is to be delivered.

To send parcels containing pornographic material to the Fourth District Appellate Court of Illinois, address the outer package as directed in paragraph number 1, General Procedures.

In preparation of the record on appeal, the Circuit Court Clerks within the Fourth Appellate District of Illinois are to submit records containing the original documents, not copies of the original documents. However, copies may be submitted if:

- 1) The original papers of the record do not exist, or
- 2) The Chief Judge of the circuit from which the appeal originates files a letter with the stating good cause why the original is not available and why a copy of the record should be accepted by the Appellate Court instead. Whether the letter filed by the Chief Judge states good cause shall be determined by the Appellate Court.

The record on appeal shall be prepared in accordance with Supreme Court Rules 323, 324 and 325. Upon transmittal of the prescribed fees by the appellant, the Circuit Court Clerk shall forward the record to the Appellate Court, or upon request, provide it to the appellant for delivery to the Appellate Court (Supreme Court Rule 325).

At the request of any party, the clerk of the trial court shall deliver to the Appellate Court a certificate that the record has been prepared and certified in the form required. The timely filing of the certificate in lieu of record shall be considered the filing of the record on appeal (Supreme Court Rule 325).

### **5. Review of Administrative Orders**

The procedure for direct review of Administrative Orders by the Appellate Court is defined in Supreme Court Rule 335.

### **6. Briefs**

All briefs filed with the Fourth District Appellate Court must be signed by at least one attorney of record and shall list that person's professional physical address, email address and Attorney Registration and Disciplinary Commission number. Parties not represented by an attorney shall sign their name and provide a contact address and telephone number. The form, length, number of copies, format of briefs, and time deadlines, must comply with Supreme Court Rules 341 through 345.

### **7. Filing Fees and Reproduction of Materials**

As of 1/1/2015, in all cases docketed in the Appellate Court, all appellants or cross-appellants shall pay a filing fee of \$50. All appellees, upon entry of appearance or filing any paper, shall pay a \$30 fee as required by section 705 of the Appellate Court Act (705 ILCS 105/28) and Supreme Court Rule 313, and Court Administrative Order M. R. 3140.

The Clerk's office will not photocopy bound and certified records for any party or non-party. Reproductions of other documents filed with the Appellate Court Clerk may be requested and, if the request is granted, will be provided at the cost of \$0.25 per page (Supreme Court

Administrative Order M.R. 10958).

Filed materials, including those that may not be photocopied, will be made available for review upon request with the exception of cases involving minor(s). The Court may monitor any review of materials to ensure the integrity of the record.

The Court's computer system and the information contained in that system, including but not limited to internal electronic court communications and internal administrative documents, will not be printed or provided to any party, his or her attorney, or the general public.

### **8. Motions**

Motion titles shall reflect the precise nature of the relief sought, such as "Motion for Extension of Time to File the Appellant's Brief" rather than merely "Motion" or "Motion for Extension of Time."

Motions shall be in writing and shall state the relief sought and the grounds therefor. When the motion is based on facts that do not appear of record, the motion shall be supported by affidavit. If counsel has conferred with opposing counsel and opposing counsel has no objection to the motion, that fact should be stated in the motion and affidavit in order to allow the Court to rule on the motion. The procedures for motions are specified in Supreme Court Rules 361 and 610.

### **9. Emergency Motions**

Emergency motions shall be filed and proceed pursuant to Supreme Court Rule 361(g). No emergency motion may be filed in the Appellate Court unless the appeal has been docketed following receipt of a filed notice of appeal or interlocutory petition under applicable supreme court rules.

The words "Emergency Motion" must appear in the title. The Appellate Court Clerk, upon receiving a filing entitled "Emergency Motion," shall immediately direct that filing to the Court's motions judge. If the emergency motion requires action by the Court by a certain date or time, that information must be set forth in the first paragraph of the motion. The motion shall specify the nature of the emergency and the grounds for the specific relief requested.

The movant shall attach to the motion a copy of all Circuit Court and Appellate Court documents, including orders, relevant to the motion. The party filing the emergency motion shall immediately personally serve all other parties, if possible, or otherwise immediately serve all other parties by facsimile or overnight mail. The type of service made shall be specifically indicated on the Certificate of Service.

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

Upon receipt of an Emergency Motion, the Court may

1. Enter an order requesting a response by a specific date or time;
2. Wait for the time provided by supreme court rule for expiration of time for a response.
3. Enter an order resolving the motion; or
4. Take whatever action is deemed appropriate.

### **10. Disposition of Cases**

Where no appellee brief is timely filed, a case will be considered ready for submission to the Court five days after the day the brief is due to be filed, unless a timely motion for extension of time to file the brief is filed. If a timely motion for extension of time is filed, but no brief is subsequently timely filed, the case will be considered ready for submission to the Court on the due date determined by the resolution of the motion(s) for extension.

All other cases will be considered ready for disposition upon the timely filing of the appellant reply brief (or cross-reply brief). Where no reply brief (or cross-reply brief) is timely filed, a case will be considered ready for disposition on the day the reply brief (or cross-reply brief) is due to be filed, unless a timely motion for extension is filed.

If a timely motion for extension is filed but no reply brief (or cross-reply brief) is subsequently timely filed, the case will be considered ready for disposition as of the due date determined by the resolution of the motion or motions for extension. See last page of this document for appeal time schedule.

### **11. Mandatory Accelerated Disposition of Child Custody Appeals**

The expedited procedures in Rule 311(a) shall apply to appeals from final orders in child custody cases and to interlocutory appeals in child custody cases from which leave to appeal has been granted pursuant to Rule 306(a)(5). If the appeal is taken from a judgment or order affecting other matters, issues or decisions affecting the rights of persons other than the child, the court may handle all pending issues using the expedited rules in Rule 311(a), unless doing so will delay the decision on the child custody appeal.

In order to expedite appeals under Rule 311(a), parties may file memoranda in lieu of formal briefs. Such memoranda must comply with the requirements of Supreme Court Rules 341(a), (b), (c), (d), (e), (f), (g) and (j).

### **12. Appeals advanced in Delinquent Minor Cases**

The expedited procedures in Supreme Court Rule 660A shall apply to appeals from final judgments in delinquent minor proceedings arising under the Juvenile Court Act.

### **13. Accelerated Case Timetable for cases other than appeals filed under Rules 311(a) and 660A**

All accelerated cases must adhere to the following due date schedule:

1. The record on appeal (or certificate in lieu of record) and the report of proceedings shall be filed no later than 35 days after the filing of the notice of appeal. Any request for extension of the time for filing shall be accompanied by an affidavit of the court clerk or court reporter stating the reason for the delay, and shall be served on the trial judge and the chief judge of the judicial circuit.

2. The appellant brief or memorandum in lieu of a formal brief must be filed within 21 days of the filing of the record or certificate in the Appellate Court.

3. The appellee brief or memorandum in lieu of a formal brief must be filed within 21 days thereafter.

4. Any reply brief or memorandum in lieu of a formal brief must be filed within 7 days thereafter.

5. In the case of a cross-appeal, the cross-reply brief or memorandum in lieu of a formal brief must be filed within 7 days thereafter.

**Requests for continuance are disfavored and shall be granted only for compelling circumstances** (Supreme Court Rule 311a(7)).

When a motion requesting a continuance is based on a delay in the preparation of the record, the motion shall detail the proceedings at the status hearing required by Supreme Court Rule 311(a)(3), including the trial court's determination of the record and whether the trial judge has requested the chief judge's assistance in resolving any filing delays. The motion shall also attach a file-stamped copy of any order entered at the status hearing and an affidavit of the clerk or court reporter stating the reason for the delay.

#### **14. Disposition of Accelerated Cases**

Where no appellee brief is timely filed, an accelerated case will be considered ready for disposition 3 days after the day that the brief is due to be filed, unless a timely motion for extension of time to file the appellee brief is filed. If a timely motion for extension of time is filed but no appellee brief is subsequently timely filed, the case will be considered ready for disposition 3 days after the due date determined by the resolution of the motion or motions for extension of time.

All other accelerated cases will be considered ready for disposition upon the timely filing of the appellant reply brief (or cross-reply brief, if applicable). Where no reply brief (or cross-reply brief) is timely filed, a case will be considered ready for disposition on the due date for the reply brief (or cross-reply brief) unless a timely motion for extension of time is filed.

If a timely motion for extension is filed but no reply brief (or cross-reply brief) is subsequently timely filed, the case will be considered ready for disposition as of the due date determined by the

resolution of the motion or motions for extension of time.

### **15. Oral Arguments**

Cases in the Appellate Court shall be called for argument or submitted without argument in the sequence and manner provided by Supreme Court Rules 351 and 352.

Appellant(s) and appellee(s) shall receive a total of 20 minutes for oral argument. The appellant(s) will receive a total of 5 additional minutes to present rebuttal. Oral argument shall omit the recitation of the facts and procedural history of the case except to the extent necessary to frame the issues that are presented on appeal.

In workers' compensation cases, the appellant(s) and appellee(s) shall receive a total of 15 minutes for oral argument with 5 additional minutes to present rebuttal for appellant.

### **16. Rehearing**

A petition for rehearing may be filed within 21 days after the filing of the judgment (Supreme Court Rule 367).

### **17. Recording of Proceedings**

Audio recordings of all oral arguments in the Illinois Appellate Court are available at [www.state.il.us/court](http://www.state.il.us/court)  
<http://www.state.il.us/court>

### **18. Workers' Compensation Commission Appeals**

A five-judge panel of the Appellate Court will sit as the Workers' Compensation Commission division of each district of the Appellate Court and will hear and decide all appeals involving review of orders from the Workers' Compensation Commission. (Supreme Court Rule 22 ( i )).

### **19. Fourth District Appellate Courthouse Building**

The Fourth District Appellate Court Clerk's office is open for the transaction of business from 8:30 a.m. to 4:30 p.m. each day except Saturdays, Sundays and legal holidays as determined by the Illinois Supreme Court.

### **20. Personnel**

The members of the Fourth District Appellate Court staff are precluded from providing legal advice to litigants, potential litigants, or their counsel.

### **21. Electronic Records on Appeal**

Effective December 1, 2011, when the record on appeal is filed by the Circuit Court Clerk electronically, as authorized by the Supreme Court of Illinois, any party to the appeal may request access to the electronic record on appeal. This section of the Fourth District Appellate Court local rules is in addition to all existing Supreme Court Rules governing the appellate process, and in all

instances of conflict, the Supreme Court rules control.

**\*The Fourth District Appellate Court is presently conducting a pilot project for electronic transmission of the Record on Appeal with Adams, Moultrie and Logan Counties.**

a. Any party who wishes to access an electronic copy of the Record on Appeal must register with the Appellate Court Clerk pursuant to the Clerk's required registration process.

b. The Appellate Court Clerk will acknowledge successful registration, when complete, and respond to the requesting party electronically.

c. Upon receipt of any party's request for access to the electronic record on appeal, the Fourth District Appellate Court shall, in its own discretion, grant or deny authorization to access the electronic Record on Appeal as offered by the Appellate Court Clerk at a designated secured web site. <http://www.judici.com> Any copy of the electronic record downloaded by either party need not be returned to the Court.

d. In its sole discretion, the Court may revoke future access to an electronic record, or any portion thereof.

e. In preparation of the Record on Appeal the Circuit Court Clerk shall label documents in the common law record's Table of Contents exactly as titled. The more descriptive the title of the document, the more efficient the electronic Record on Appeal in navigation and location of specific contents. Example:

**"Motion to Compel Production of Tax and Financial Information"** rather than simply **Motion**.

f. If the Record on Appeal includes an impounded document, protected document, or document filed under seal or other restriction, the document(s) shall be referenced in the Electronic Record on Appeal PDF file's Table of Contents. Such references within the electronic Record on Appeal shall advise that the document filed on that date was impounded, sealed or otherwise secured by the trial court.

During the process of preparation of the Record on Appeal, the Circuit Court Clerk shall create a separate secured volume or PDF file as part of the Record on Appeal entitled "Secured Record on Appeal" in which any such secured document(s) within the common law record or any secured exhibits or reports of proceedings shall be placed. The Table of Contents of the PDF file in the "Secured Record on Appeal" shall index the documents contained within it.

Both the Record on Appeal and the separate PDF file entitled "Secured Record on Appeal," if any, shall be transmitted together by the Circuit Court Clerk to the Fourth District Appellate Court on or before the due date of the record on appeal.

g. A party to an appeal wishing to access the "Secured Record on Appeal," or any portion thereof, must move to unseal or view the documents within it. Upon proper motion supported by affidavit justifying such access, the Court, in its sole discretion, shall grant or deny access to such document(s) within the "Secured Record on Appeal" PDF file.

h. Upon grant of any motion to supplement the Record on Appeal, the supplement shall be prepared as a separate PDF file by the Circuit Court Clerk. The supplement PDF file shall be titled as such by the Circuit Court Clerk and transmitted electronically in the same manner as the Record on Appeal to the Fourth District Appellate Court Clerk.

i. When labeling transcripts in the Reports of Proceedings section of the Record on Appeal, the Circuit Court Clerk shall include in description the date of the court proceeding and the last name of the court reporter that certified the transcript.

j. Whenever possible the Circuit Clerk shall request and obtain the transcripts from the court reporter(s) in a format which allows the transcript text to be searched, copied and pasted when working with the electronic Record on Appeal, as this significantly enhances the utility of the record.

k. When creating the Table of Contents of the Exhibits the Circuit Court Clerk shall use the exhibit number and party offering the exhibit.

l. Photographic exhibits shall be scanned and included in the electronic record. Any photographs larger than 8 ½ x 11 inches that cannot be successfully scanned shall remain in the possession of the Circuit Court Clerk and shall be listed in the Table of Contents of the Exhibits. The Index or Table of Contents of the Record on Appeal shall advise as to which exhibits, if any, were retained by the Circuit Court Clerk by insertion of a page in proper sequential order stating what the exhibit is and that it was retained by the Circuit Clerk.

m. The Circuit Court Clerk shall insert a page into the Table of Contents of the Exhibits for any exhibit(s) that were offered by a party in the circuit court proceedings but were not allowed by the trial court. The inserted page shall state that the exhibit was offered but not allowed. Example:

**" People's Exhibit #12 - Not Admitted,"** or similar language.

n. Exhibits of a descriptive or documentary nature including video recordings, audio recordings, computer media such as discs or flash drives that cannot be included in the electronic record **should be sent** to the Appellate Court via other delivery method. Those exhibits shall be listed in the Table of Contents of the Exhibits which shall advise which exhibits, if any, were unable to be included in the electronic record and the date they were sent to the Appellate Court, and the delivery method.

o. The clerk shall include in the package(s) of such descriptive or documentary exhibit item(s) a receipt to be signed by the Appellate Clerk and returned to the Circuit Court Clerk confirming

receipt by the Appellate Court Clerk of the package, its contents, and the date received.

p. Any physical exhibits such as clothing, weapons, drugs, documents too large or bulky to scan or other **physical** exhibits shall remain in the custody of the Circuit Court Clerk unless or until requested by the Appellate Court. The Table of Contents of the Exhibits in the electronic record shall advise which such exhibits were unable to be included in the electronic record. Physical Exhibits retained by the Circuit Court Clerk such weapons, drugs, etc. shall be listed in the Table of Contents of the Exhibits with a page inserted describing the exhibit and that it was retained by the Circuit Clerk. Example:

**"People's Exhibit #14 - knife - retained by the Circuit Court Clerk,"** or similar language.

## TIME SCHEDULE FOR AN APPEAL

- DAY 0 An appealable order is entered.
- DAY 30 The notice of appeal must be filed in the Circuit Court within 30 days of the entry of an appealable order. **The filing of the notice of appeal begins a new time schedule.**
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- DAYS 0-7 The notice of appeal must be filed, with proof of service, in the Appellate Court.
- DAY 1 to 14 Appellant orders transcripts and requests the circuit clerk to prepare the Record on Appeal.
- DAY 14 Docketing statement must be filed in the Appellate Court.
- DAY 49 Report of proceedings filed with Circuit Court Clerk (seven weeks after notice of appeal.)
- DAY 63 Record on appeal must be filed in the Appellate Court (nine weeks after notice of appeal.) **The filing of the record begins a new time schedule.**
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- DAY 0 The record or certificate in lieu of record must be filed in the Appellate Court.
- 35 DAYS The appellant brief is due 35 days (five weeks) after the record is filed.
- 35 DAYS The appellee brief must be filed 35 days (five weeks) after the due date of the appellant brief.
- 14 DAYS The appellant reply brief must be filed 14 days (two weeks) after the due date of the appellee brief.

**The case proceeds to oral or nonoral calendar.**