



## ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS CIVIL APPEALS – FAQ

This document provides information for self-represented litigants in filing an appeal from a circuit court order or judgment in a civil case to the Illinois Appellate Court. It does not discuss how to file an appeal in a criminal case or in federal court.

The civil appeals process is difficult. The process involves many strict deadlines and adherence to [Illinois Supreme Court Rules](#) ("Rules"). You are strongly encouraged to speak to a lawyer about your appeal. Should you decide to appeal your case without a lawyer, you will need to follow the Rules just like those parties who have an attorney. You will also need to do a significant amount of legal research and write lengthy briefs in order to convince the appellate court that your position is correct. You can search for a lawyer with experience in appeals to represent you at [Illinois Lawyer Finder](#) (outside Cook) or [Chicago Bar Association Lawyer Referral Service](#) (in Cook).

The material presented herein is legal information and aims to provide general resources for you. This FAQ is not a substitute for legal counsel and does not constitute legal advice. You must speak with a lawyer to receive legal advice. This resource is neither legal authority nor a substitute for the requirements found in the Rules.

### SECTION ONE: CIVIL APPEALS OVERVIEW

#### 1.) **What is an appeal?**

An appeal is a review by a higher court of a lower court's judgment or order to determine if the lower court made any errors in those proceedings. The person seeking an appeal is called an appellant, while the person responding to the appeal is called an appellee.

An appeal is **NOT** a new trial. The only information the appellate court will review in deciding whether the circuit court or the jury made an error is the following: the common law record (all the documents filed in your case; every judgment entered; and any documentary exhibits that were filed by any party), report of proceedings (transcripts of court hearings), appellant and appellee's briefs, and oral arguments (if granted).

Appeals must be made on valid, accepted grounds, such as: legal or factual errors by the circuit court or jury, unfair trials, and situations where the evidence did not support the outcome reached by the circuit court or jury.

- ⊗ It is NOT a new trial or a chance to present your case again in front of a different judge.
- ⊗ It is NOT a chance to present new evidence or witnesses.
- ⊗ The appellate court does NOT hear live testimony from witnesses.



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### 2.) **Who can appeal?**

Generally, only a party in the circuit court case can appeal a decision in that case. If you were a party and were dissatisfied with the decision of the circuit court, you have a right to appeal, with or without the assistance of a lawyer. You may not appeal for a spouse, child, relative, or friend unless you are a legally appointed representative of that person (such as the person's guardian or conservator).

### 3.) **What decisions can be appealed?**

Generally, you can only appeal a final judgment or order – a decision by the circuit court judge that ends your civil case (it settles all claims relating to all parties in the lawsuit). The judgment, often called an order, is typically in writing and explains why the court ruled the way it did. The judgment often will explain rights and obligations of one or both parties, and may require one or both parties to do something. [Rule 301](#) governs the right to appeal from all final judgments in civil cases.

In addition, Illinois Supreme Court Rules state that some orders and judgments can be appealed *before* the trial court enters a final judgment for the entire case. For example:

- [Rule 304\(a\)](#): Some cases involve multiple parties and/or multiple issues being litigated in the circuit court. The court can make an order disposing of one party or issue, while the rest of the case is still being litigated. You may appeal such an order if the circuit court 1) enters a final judgment that ends only *part* of the case; and 2) says that this judgment can be appealed.
- [Rule 304\(b\)](#): Some orders involve special circumstances that, due to the nature of the issue, are immediately appealable prior to a final judgment. You may appeal such an order if the circuit court 1) enters a final judgment that ends only *part* of the case; and 2) the judgment is one that is listed in Rule 304(b), such as, but not limited to, an order involving **child custody, guardianship, administration of an estate, or contempt of court**.
- [Rule 307\(a\)](#): You may immediately appeal some orders that do not end any part of the case. These are called interlocutory appeals and the orders within this rule include, but are not limited to, **terminations of parental rights, injunctions, orders placing or refusing to place a mortgagee in possession of mortgaged premises, and eminent domain**.



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### 4.) **Are there other post-trial motions I should consider filing before filing my appeal?**

In some circumstances a post-trial (or post-judgment) motion might be an option to correct or address what you feel was wrong with the circuit court's decision. In certain situations, after a trial or a final judgment is entered, a party may file a motion to bring to the circuit court's attention newly discovered evidence, changes in the law, or errors in the court's previous handling of existing law. These motions give the circuit court a chance to fix errors, as well as provide an opportunity for litigants to preserve an issue for appeal and to make a more complete record for the appellate court to review. There are specific deadlines for filing a post-judgment motion and the circuit court retains discretion to grant it.

- **Non-jury civil cases:** In all cases tried without a jury, a party may, within **30 days after the entry of the judgment**, file a motion in the circuit court for a *rehearing*, *retrial*, *modification of the judgment*, to *vacate the judgment* or for other relief. See Illinois Compiled Statutes [735 ILCS 5/2-1203\(a\)](#) and Supreme Court [Rule 366](#) for more information and to ensure you are following deadlines and procedures.
- **Jury cases:** Following a trial in a jury case, a party may file a single, written post-trial motion within **30 days after entry of judgment** (or the discharge of the jury if no verdict is reached). The post-trial motion must “contain the points relied upon, particularly specifying the grounds in support thereof and must state the relief desired.” Examples of relief include granting a new trial or entry of a judgment. All issues for appeal of the judgment, including requesting a new trial, are *waived* if they are not included in this single post-trial motion. Additionally, a post-trial motion filed on time "stays enforcement of the judgment" which means the circuit court's judgment cannot be enforced for a period of time. See Illinois Compiled Statutes [735 ILCS 5/2-1202](#) and Supreme Court [Rule 366](#) for more information and to ensure you are following deadlines and procedures.

For more information on post-trial motions, you may also wish to consult Illinois Legal Aid Online (ILAO) for a detailed [overview](#).

### 5.) **When do I need to file my Notice of Appeal?**

It is very important that you know the deadline to file your Notice of Appeal. If you do not file on time, your appeal will be dismissed because the appellate court will not have



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jurisdiction to hear your case. If you miss the deadline to file your Notice of Appeal, you may file a Motion to request an extension of time to file it (see #6 below). Be sure to read the Illinois Supreme Court Rules and pay careful attention to deadlines.

In general, you must file your Notice of Appeal **within 30 days** after the circuit court enters the *final judgment* in your case (or, if any party files a motion to reconsider or a similar post-judgment motion within that time, you must file your Notice of Appeal within 30 days after the circuit court rules on that motion).

However, under the Illinois Supreme Court Rules, some orders and judgments are appealable *before* the trial court enters the final judgment in the case. For example:

- Under [Rule 304\(a\)](#), you must file your Notice of Appeal **within 30 days** after the court makes that finding (or, if any party files a motion to reconsider or a similar post-judgment motion within that time, you must file your *Notice of Appeal* within 30 days after the trial court rules on that motion).
- Under [Rule 304\(b\)](#), you must file your Notice of Appeal **within 30 days** after the trial court enters that judgment (or, if any party files a motion to reconsider or a similar post-judgment motion within that time, you must file your *Notice of Appeal* within 30 days after the trial court rules on that motion).
- Under [Rule 307](#), you must file your Notice of Appeal **within 30 days** after the trial court enters the order.
- If you are appealing an order listed in [Rule 307\(a\)](#), such as termination of parental rights, you must file your Notice of Appeal **within 30 days** after the circuit court enters the order.
- If you are appealing an order that was entered without any prior notice to you, you must file a motion in the trial court to vacate that order, and you must file your Notice of Appeal **within 30 days** after the trial court denies that motion (or, if the trial court fails to rule on that motion within 7 days after you file it, you must file your Notice of Appeal **within 30 days** after those 7 days are up).
- If you are appealing the entry or denial of a temporary restraining order, you must file your Notice of Appeal **within 2 days** after the entry or denial of the order.



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**6.) What if I missed the deadline to file my Notice of Appeal?**

You may ask for more time to file your Notice of Appeal. To do so, file a motion for leave to file a late Notice of Appeal with the appellate court **within 30 days** of when your Notice of Appeal was originally due ([Rule 303\(d\)](#)). You must attach your Notice of Appeal to the motion and pay a \$50 filing fee. If you cannot afford to pay the filing fee, you can ask the court to file for free by filing the Application for Waiver of Court Fees (Appellate) found at: <http://www.illinoiscourts.gov/Forms/approved/>.

However, please note that the appellate court does not have to give you more time to file your Notice of Appeal. The appellate court may dismiss your appeal if you do not have a “reasonable excuse” for filing a late Notice of Appeal.

You can find a general motion form to use to request an extension of time here – <http://www.illinoiscourts.gov/Forms/approved/appellate/appellate.asp>

**7.) How much does an appeal cost?**

The fees associated with filing an appeal are outlined below:

<b>Type of Fee</b>	<b>Cost</b>	<b>Who pays</b>	<b>Statutory Authority</b>
Record on Appeal	Costs vary based on county where you are filing. Circuit clerks charge fees for preparation of the Record on Appeal based on the number of the pages the court record contains.	Appellant	<a href="#">Clerks of Courts Act (705 ILCS 105/)</a> 27.1a(k), 27.2(k), and 27.2a(k)
Transcripts	Varies – the court reporter will inform you how much it will cost to prepare the transcript based on the number of pages. The current charge is a minimum of \$4.00 per page.	Appellant	<a href="#">Court Reporters Act (705 ILCS 70/5)</a> you can locate current transcript fees in the <a href="#">Administrative Regulations for Court Reporting Services in the Illinois Courts</a>
Docketing Statement	\$50.00	Appellant	<a href="#">Rule 313</a>
Appearance and Filing Fee	\$30.00	Appellee and other parties	<a href="#">Rule 313</a>

If you cannot afford the filing fees, you may file an [Application for Waiver of Court Fees](#) with your Docketing Statement or Notice of Appearance to request that the appellate



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court let you participate in an appeal for free. However, the fee waiver does not apply to the costs of transcripts (if applicable to your case, you will still be responsible for paying the costs of transcripts).

8.) **I don't have a lawyer, can the court or clerk's office appoint a lawyer to represent me?**

No, the court and the clerk's office cannot appoint or recommend a specific lawyer. If you want a lawyer, you will need to hire one to represent you in your case. Not all lawyers work on appeals, so make certain you speak with a lawyer who has experience in appeals. Only a lawyer can give you legal advice and tell you whether or not you should pursue an appeal based on the specific details of your case.

You have the right to appeal your case without a lawyer. However, appeals are complicated and time-consuming. If you decide to appeal your case without a lawyer, you must meet all deadlines and follow all the court's rules and procedures just like those parties who have a lawyer.

9.) **What are the rules for filing an appeal?**

Civil appeals are governed by [Illinois Supreme Court Rules](#) (Rules 301-384). Failure to follow these rules, procedures and deadlines may result in your appeal being dismissed; therefore, it is very important that you carefully review and comply with these rules.

Each appellate district also has local rules. Be sure to check your district's local rules to see if there are special requirements – you can find them by clicking the link to your appellate district below:

- [District 1](#)
- [District 2](#)
- [District 3](#)
- [District 4](#)
- [District 5](#)

10.) **In what district will my appeal be heard?**

There are five appellate districts in Illinois. Appeals will be heard in the appellate court district where the circuit court that ruled on your case is located. If you don't know the appellate district to which your circuit court is assigned, you can find a map here -

<http://www.illinoiscourts.gov/AppellateCourt/DistrictMap.asp>



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If you have general questions, you should reach out to the appellate clerk's office in your district. You can find the address and phone numbers for each appellate district here - <http://www.illinoiscourts.gov/AppellateCourt/ClerksDefault.asp>

### 11.) **How do I receive my appellate court case number?**

The appellate court will notify you via email or regular mail of your appellate court case number after you file your Notice of Appeal with the circuit clerk, and after the circuit clerk then files the Notice of Appeal with the appellate court.

### 12.) **How do I serve documents?**

Motions and other documents filed in the appellate court must be “served on” (or sent to) the other parties in your case. If the other party has an attorney, you must serve that party’s attorney. A proof of service must be filed with your document to tell the court you have served the other party (or the other party's attorney) with it. The proof of service lays out (i) what document you served (e.g., your motion or brief), (ii) to whom you sent the document (e.g., the appellee’s attorney), (iii) the date you sent the document, and (iv) how you sent it.

[Rule 11](#) describes the kinds of service that are allowed, which include:

- personal hand delivery;
- regular first-class mail (U.S. Postal Service);
- third-party commercial carrier (FedEx or UPS);
- email (caution - if the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document);
- The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP); or
- Mail from a prison or jail.

[Rule 12](#) describes the requirements for proof of service. For your convenience, a Proof of Service form is included within each appellate standardized form available on the Illinois Courts' [website](#).

### 13.) **I speak a language other than English, what services are available to help me with my appeal?**

All documents submitted to the appellate court must be written in English. If you wish to submit a filing to the court in a language other than English, you must include a *certified*



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translation of that document. Litigants are responsible for the costs associated with translating their documents. If you are incarcerated, however, the court is responsible for the associated translation fees (incarcerated litigants should contact the appellate clerk's office for more information).

As a reminder, many of the standardized forms available on the Illinois Courts [website](#) have been translated into six languages – Spanish, Polish, Arabic, Chinese, Russian, and Korean. Those translated forms are for reference purposes only -- litigants must complete and submit their form(s) in English to the court. Only a *certified* translation of the document will be accepted (i.e., a friend or family member cannot translate documents to submit to the court for you).

An online directory of certified translators is available through the American Translator Association (<http://www.atanet.org>).

### Interpreters

Pursuant to the [Illinois Supreme Court Language Access Policy](#), if you do not speak English well and need the assistance of a spoken or sign language interpreter to communicate effectively during the oral argument of your appeal, the court is required to provide an interpreter at no cost to you. Contact the appellate clerk's office to notify them that you will need an interpreter. If you are deaf or hard of hearing and would like to observe an oral argument in an appellate court, you can contact the appellate clerk's office and they will make the appropriate accommodation for you.