



Alholm Monahan Klauke Hay Oldenburg
Attorneys at Law

Guide to Illinois Appellate Procedures

Prepared by: Rebecca Brown

Part 1:
**Appeals from the Circuit Court
to the Appellate Court**

**APPEALS FROM FINAL JUDGMENTS OF THE CIRCUIT COURT
(RULE 303) AND APPEALS FROM FINAL JUDGMENTS THAT
DO NOT DIPOSE OF AN ENTIRE PROCEEDING (Rule 304)**

Notice of Appeal

Contents: The notice of appeal should contain a specific reference to the judgment or part thereof or other orders appealed from and the relief sought from the reviewing court. See also Sample Notice of Appeal.

Caption (Example):

APPEAL TO THE ILLINOIS APPELLATE COURT, FIRST DISTRICT
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION,

JOHN SMITH,)	
)	No. 94 L 16510
Plaintiff-Appellee,)	
)	Final Judgment Entered
v.)	January 2, 2005
)	
DR. JAMES BROWN and ABC HOSPITAL)	Honorable Michael Jones,
)	Judge Presiding
Defendants-Appellants.)	

NOTICE OF APPEAL
(NOTICE OF CROSS-APPEAL)
(NOTICE OF JOINING PRIOR APPEAL)
(NOTICE OF SEPARATE APPEAL)

Due Dates: 30 days after entry of final judgment, or 30 days after disposal of last post-judgment motion, or 30 days after entry of special finding (Rule 304)

Notice of Joining Appeal, Notice of Separate Appeal, Notice of Cross Appeal: 10 days after service of notice of appeal, Or 30 days after entry of final judgment, or 30 days after disposal of last post-judgment motion, or 30 days after entry of special finding (Rule 304), whichever is later

Amended Notice of Appeal Due Dates: Without leave of reviewing court: 30 days after entry of final judgment, or 30 days after disposal

of last post-judgment motion; With leave of reviewing court: 30 days after expiration of time for filing Notice of Appeal.

Where Filed: Circuit Court

Notice of Filing Notice of Appeal

Due Date: 7 days after filing Notice of Appeal

Where Filed: Reviewing Court

Fees (Rule 313)

Appellants: \$25.00 (paid upon filing of Docketing Statement)

Appellees: \$15.00 (paid upon filing of Appearance or other document)

Docketing Statement (Rule 312)

Contents: See Sample Docketing Statement.

Who Files: Appellants, Cross-Appellants, Separate Appellants

Due Dates: 14 days after filing Notice of Appeal

Where filed: Reviewing Court

Record on Appeal (Rules 321-331)

Contents: Judgment appealed from; notice of appeal; entire original common law record (including every document filed and judgment and order entered and any documentary exhibits offered and filed by any party); and reports of proceedings.

Who Files: Clerk of Circuit Court (prepares, binds, certifies and transmits Record)

Due Dates: Appellant's Request to Court Reporters for Transcripts: 14 days after filing Notice of Appeal (same as Docketing Statement)

Appellee's Request for Additional Reports of Proceedings: 7 days after service of Appellant's Docketing Statement and request for transcripts.

Appellant's Additional Request to Court Reporters or Motion that such portions not be included in Record: 7 days after receipt of Appellee's request for additional transcripts.

Certified Copies of Transcripts: 49 days after filing Notice of Appeal

Filing of Record on Appeal: 63 days after filing of the Notice of Appeal (or last Notice of Appeal if more than one appeal is taken).

Briefs (Rules 341 – 345)

Cover

Contents: Number of case in reviewing court, name of reviewing court, name of court from which case was brought, name of trial judge entering the judgment to be reviewed, Individual names and addresses of attorneys filing the brief, names of parties (i.e., Plaintiff-Appellant or Plaintiff-Appellee; Defendant-Appellant or Defendant-Appellee), if oral argument is requested.

Appellant's Brief

Contents: Points and Authorities: A summary statement of the points argued and the authorities cited in the argument. Should contain the headings of the points and subpoints of the argument, with the citation under each heading of the authorities relied upon, and a reference to the page of the brief on which each heading and each authority appear.

Nature of the Case: This should state (1) the nature of the action and of the judgment appealed from and whether the judgment is based upon the verdict of a jury, and (2) whether any question is raised on the pleadings and, if so, the nature of the question.

Issue(s) Presented for Review: A statement of the issue or issues presented for review, without detail or citation of authorities.

Statement of Jurisdiction: Direct appeal to Supreme Court: a brief statement of the jurisdictional grounds for the appeal to the Supreme Court; Appeal to Appellate Court: a brief but precise statement or explanation of the basis for appeal including the supreme court rule or other law which confers jurisdiction upon the reviewing court; the facts of the case which bring it within this rule or other law; and the date that the order being appealed was entered and any other facts which are necessary to demonstrate that the appeal is timely. All facts should be supported by page references to the record on appeal.

Statutes Involved: Only for cases involving the construction or validity of a statute, constitutional provision, treaty, ordinance or regulation:

the pertinent parts of the provision verbatim, with a citation of the place where it may be found.

Statement of Facts: Should contain facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal.

Argument: Should contain the contentions of the appellant and the reasons therefore, with citation of the authorities and the pages of the record relied on.

Conclusion: A short conclusion stating the precise relief sought, followed by the names of counsel as on the cover.

Appendix: See below.

Due Dates:	35 days after filing of record on appeal
Page Limits:	50 pages if printed or 75 pages if not printed.
Copies Filed:	9
Copies Served:	3 each party
Cover Color:	White
Paper:	8 ½ inches by 11 inches, white
Margins:	1 inch on all sides
Line Spacing:	Double-spaced
Font:	12 point
Binding:	Left side; safe and secure method of binding

Appellee's Brief

Contents: Points and Authorities, Argument, and Conclusion. The Appellee's Brief may also contain the following sections if the presentation by the appellant is deemed unsatisfactory (sections should be in same order as Appellant's Brief): Nature of the Case, Issue(s) Presented for Review, Statement of Jurisdiction, Appeal to Appellate Court, Statutes Involved, Statement of Facts, and Appendix. For descriptions of sections, please see above.

Due Dates: 35 days after due date of Appellant's brief (if multiple appellants: the latest due date of any appellant's brief)

Page Limits: 50 pages if printed or 75 pages if not printed.

Copies Filed: 9

Copies Served: 3 each party

Cover Color: Light Blue

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Left side; safe and secure method of binding

Appellant's Reply Brief

Contents: Points and Authorities and Argument. For description of sections, see above.

Due Dates: 14 days after due date of Appellee's brief (if multiple appellees: the latest due date of any appellee's brief)

Page Limits: 20 pages if printed or 27 pages if not printed

Copies Filed: 9

Copies Served: 3 each party

Cover Color: Light Yellow

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Left side; safe and secure method of binding

Appellee's/Cross-Appellant's Briefs

Note: Cross-Appellants file a single brief as appellee and cross-appellant

Contents: See above.

Due Dates: 35 days after due date of Appellant's brief

Page Limits: 50 pages if printed or 75 pages if not printed + 35 pages is printed or 50 pages if not printed.

Copies Filed: 9

Copies Served: 3 each party

Cover Color: Light Blue

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Left side; safe and secure method of binding

Appellant's/Cross-Appellee's Reply Briefs

Note: Cross-Appellee's Reply Brief contains both the answer to the arguments on Cross-Appeal and Appellant's reply brief.

Contents: See above.

Due Dates: 14 days after due date of Appellee's/Cross-Appellant's brief

Page Limits: 20 pages if printed or 27 pages if not printed + 35 pages if printed or 50 pages if not printed

Copies Filed: 9

Copies Served: 3 each party

Cover Color: Light Yellow
Paper: 8 ½ inches by 11 inches, white
Margins: 1 inch on all sides
Line Spacing: Double-spaced
Font: 12 point
Binding: Left side; safe and secure method of binding

Appellee's/Cross-Appellant's Reply Briefs

Note: Appellee's/Cross-Appellant's Reply Brief contains only their reply to Appellant's/Cross-Appellee's response brief.

Contents: See above.
Due Dates: 14 days after due date of Appellant's brief (if multiple appeal: the latest due date of any appellee's brief)
Page Limits: 20 pages if printed or 27 pages if not printed
Copies Filed: 9
Copies Served: 3 each party
Cover Color: Light Red
Paper: 8 ½ inches by 11 inches, white
Margins: 1 inch on all sides
Spacing: Double-spaced
Font: 12 point
Binding: Left side; safe and secure method of binding

Briefs *Amicus Curiae*

Note: Leave or request of Court is necessary to file Briefs Amicus Curiae.

Contents:	Same as that of Appellee and should identify the <i>amicus</i> as such on the cover of the brief.
Due Dates:	On or before the due date of the initial brief of the party whose position it supports.
Page Limits:	50 pages if printed or 75 pages if not printed.
Copies Filed:	9
Copies Served:	3 each party
Cover Color:	Same color as that of the party's brief whose position it supports.
Paper:	8 ½ inches by 11 inches, white
Margins:	1 inch on all sides
Line Spacing:	Double-spaced
Font:	12 point
Binding:	Left side; safe and secure method of binding

Appendix

Contents:	<p><u>Appellant:</u> Table of contents to the appendix, copy of judgment appealed from, any opinion, memorandum or findings of fact filed or entered by the trial judge or by any administrative agency or its officers, any pleadings or other materials from the record which are the basis of the appeal or pertinent to it, the notice of appeal, and a complete table of contents, with page references, of the record on appeal. The table shall state: (1) the nature of each document, order or exhibit, <i>e.g.</i>, complaint, judgment, notice of appeal, will, trust deed, contract, and the like; (2) in the case of pleadings, motions, notices of appeal, orders, and judgments, the date of filing or entry; and (3) the names of all witnesses and the pages on which their direct examination, cross-examination, and redirect examination begin. Pages are to be numbers consecutively with the letter "A" preceding the number of each page. If an appendix is voluminous, it may be bound separately from the brief and labeled "Separate Appendix."</p> <p><u>Appellee:</u> May include in supplementary appendix other materials from the record which also are the basis of the appeal or are essential to any understanding of the issues raised in the appeal.</p>
-----------	--

Due Dates: Same as brief it supports
Copies Filed: 9
Copies Served: 3 each party
Cover Color: If separate appendix – same as brief it supports
Binding: Left side; safe and secure method of binding

Motions (Rule 361, 1st District Rules 4-6)

Due Dates: For extension to file Notice of Appeal: 30 days after expiration of time for filing Notice of Appeal
For extension to file brief: Before due date of brief
Responses to a Motion: 5 days after personal or fax service; 10 days after mailing

Page Limits: None.

Copies Filed: original + 3 copies

Copies Served: 1 each party

Cover Color: White paper

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Stapled in top left corner

APPEALS FROM ORDERS OF THE CIRCUIT COURT
GRANTING NEW TRIALS AND GRANTING
OR DENYING CERTAIN MOTIONS (RULE 306)

Orders Appealable by Petition

A party may petition for leave to appeal to the Appellate Court from the following orders of the trial court: (1) from an order granting a new trial; (2) from an order allowing or denying a motion to dismiss on the grounds of *forum non conveniens*, or from an order allowing or denying a motion to transfer a case to another county on such grounds; (3) from an order denying a motion to dismiss on the grounds that the defendant has done nothing which would subject defendant to the jurisdiction of the Illinois courts; (4) from an order granting or denying a motion for a transfer of venue based on the assertion that the defendant is not a resident of the county in which the action was commenced, and no other legitimate basis for venue in that county has been offered by the plaintiff; (5) from interlocutory orders affecting the care and custody of unemancipated minors, if the appeal of such orders is not otherwise specifically provided for elsewhere; (6) from an order that remands the proceeding for a hearing *de novo* before an administrative agency; (7) from an order granting a motion to disqualify the attorney for any party; (8) or from an order denying or granting certification of a class action.

Petition for Leave to Appeal

Contents:	Petition should include Statement of Facts of the case, supported by reference to the supporting record, and of the grounds for the appeal. Supporting Record should also be filed.
Due Date:	30 days after entry of order
Copies Filed:	Original + 3
Where Filed:	Appellate Court
Copies Served:	1 each party
Page Limits:	None.
Paper:	8 ½ inches by 11 inches, white
Margins:	1 inch on all sides
Line Spacing:	Double-spaced
Font:	12 point
Binding:	Stapled in top left corner

Answer to Petition

Due Date: 21 days after filing of Petition

Copies Filed: Original + 3

Where Filed: Appellate Court

Copies Served: 1 each party

Page Limits: None.

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Stapled in top left corner

Appendix to Petition

Contents: Copy of the order appealed from; any opinion, memorandum, or findings of fact by the trial judge and a table of contents of the record on appeal.

Due Date: Same as Petition.

Briefs (Rules 341 – 345)

Cover

Contents: Number of case in reviewing court, name of reviewing court, name of court from which case was brought, name of trial judge entering the judgment to be reviewed, Individual names and addresses of attorneys filing the brief, names of parties (i.e., Plaintiff-Appellant or Plaintiff-Appellee; Defendant-Appellant or Defendant-Appellee), if oral argument is requested.

Appellant's Brief

Contents: Points and Authorities: A summary statement of the points argued and the authorities cited in the argument. Should contain the headings of the points and subpoints of the argument, with the citation under each

heading of the authorities relied upon, and a reference to the page of the brief on which each heading and each authority appear.

Nature of the Case: This should state (1) the nature of the action and of the judgment appealed from and whether the judgment is based upon the verdict of a jury, and (2) whether any question is raised on the pleadings and, if so, the nature of the question.

Issue(s) Presented for Review: A statement of the issue or issues presented for review, without detail or citation of authorities.

Statement of Jurisdiction: Direct appeal to Supreme Court: a brief statement of the jurisdictional grounds for the appeal to the Supreme Court; Appeal to Appellate Court: a brief but precise statement or explanation of the basis for appeal including the supreme court rule or other law which confers jurisdiction upon the reviewing court; the facts of the case which bring it within this rule or other law; and the date that the order being appealed was entered and any other facts which are necessary to demonstrate that the appeal is timely. All facts should be supported by page references to the record on appeal.

Statutes Involved: Only for cases involving the construction or validity of a statute, constitutional provision, treaty, ordinance or regulation: the pertinent parts of the provision verbatim, with a citation of the place where it may be found.

Statement of Facts: Should contain facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal.

Argument: Should contain the contentions of the appellant and the reasons therefore, with citation of the authorities and the pages of the record relied on.

Conclusion: A short conclusion stating the precise relief sought, followed by the names of counsel as on the cover.

Appendix: See below.

Due Dates: 35 days after leave to appeal is granted

Page Limits: 50 pages if printed or 75 pages if not printed.

Copies Filed: 9

Copies Served: 3 each party

Cover Color: White
Paper: 8 ½ inches by 11 inches, white
Margins: 1 inch on all sides
Line Spacing: Double-spaced
Font: 12 point
Binding: Left side; safe and secure method of binding

Appellee's Brief

Contents: Points and Authorities, Argument, and Conclusion. The Appellee's Brief may also contain the following sections if the presentation by the appellant is deemed unsatisfactory (sections should be in same order as Appellant's Brief): Nature of the Case, Issue(s) Presented for Review, Statement of Jurisdiction, Appeal to Appellate Court, Statutes Involved, Statement of Facts, and Appendix. For descriptions of sections, please see above.

Due Dates: 35 days after due date of Appellant's brief (if multiple appellants: the latest due date of any appellant's brief)

Page Limits: 50 pages if printed or 75 pages if not printed.

Copies Filed: 9

Copies Served: 3 each party

Cover Color: Light Blue

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Left side; safe and secure method of binding

Appellant's Reply Brief

Contents:	Points and Authorities and Argument. For description of sections, see above.
Due Dates:	14 days after due date of Appellee's brief (if multiple appellees: the latest due date of any appellee's brief)
Page Limits:	20 pages if printed or 27 pages if not printed
Copies Filed:	9
Copies Served:	3 each party
Cover Color:	Light Yellow
Paper:	8 ½ inches by 11 inches, white
Margins:	1 inch on all sides
Line Spacing:	Double-spaced
Font:	12 point
Binding:	Left side; safe and secure method of binding

INTERLOCUTORY APPEALS AS OF RIGHT (RULE 307)

Orders Appealable Under this Rule

An appeal may be taken to the Appellate Court from an interlocutory order of court: (1) granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction; (2) appointing or refusing to appoint a receiver or sequestrator; (3) giving or refusing to give other or further powers or property to a receiver or sequestrator already appointed; (4) placing or refusing to place a mortgagee in possession of mortgaged premises; (5) appointing or refusing to appoint a receiver, liquidator, rehabilitator, or other similar officer for a bank, savings and loan association, currency exchange, insurance company, or other financial institution, or granting or refusing to grant custody of the institution or requiring turnover of any of its assets; (6) terminating parental rights or granting, denying or revoking temporary commitment in adoption cases; (7) determining issues raised in proceedings to exercise the right of eminent domain.

Notice of Interlocutory Appeal

Contents:	The Notice of Interlocutory Appeal should contain a specific reference to the judgment or part thereof or other orders appealed from and the relief sought from the reviewing court.
Due Date:	30 days after entry of interlocutory order
Paper:	8 ½ inches by 11 inches, white
Margins:	1 inch on all sides
Line Spacing:	Double-spaced
Font:	12 point
Binding:	Stapled in top left corner.

Briefs (Rules 307, 341-344)

Cover

Contents:	Number of case in reviewing court, name of reviewing court, name of court from which case was brought, name of trial judge entering the judgment to be reviewed, Individual names and addresses of attorneys filing the brief, names of parties (i.e., Plaintiff-Appellant or Plaintiff-Appellee; Defendant-Appellant or Defendant-Appellee), if oral argument is requested.
-----------	--

Appellant's Brief

Contents: Points and Authorities: A summary statement of the points argued and the authorities cited in the argument. Should contain the headings of the points and subpoints of the argument, with the citation under each heading of the authorities relied upon, and a reference to the page of the brief on which each heading and each authority appear.

Nature of the Case: This should state (1) the nature of the action and of the judgment appealed from and whether the judgment is based upon the verdict of a jury, and (2) whether any question is raised on the pleadings and, if so, the nature of the question.

Issue(s) Presented for Review: A statement of the issue or issues presented for review, without detail or citation of authorities.

Statement of Jurisdiction: Direct appeal to Supreme Court: a brief statement of the jurisdictional grounds for the appeal to the Supreme Court; Appeal to Appellate Court: a brief but precise statement or explanation of the basis for appeal including the supreme court rule or other law which confers jurisdiction upon the reviewing court; the facts of the case which bring it within this rule or other law; and the date that the order being appealed was entered and any other facts which are necessary to demonstrate that the appeal is timely. All facts should be supported by page references to the record on appeal.

Statutes Involved: Only for cases involving the construction or validity of a statute, constitutional provision, treaty, ordinance or regulation: the pertinent parts of the provision verbatim, with a citation of the place where it may be found.

Statement of Facts: Should contain facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal.

Argument: Should contain the contentions of the appellant and the reasons therefore, with citation of the authorities and the pages of the record relied on.

Conclusion: A short conclusion stating the precise relief sought, followed by the names of counsel as on the cover.

Appendix: See below.

Due Date: 7 days after from filing of Record on Appeal.

Page Limits: 50 pages if printed or 75 pages if not printed.

Copies Filed: 9
Copies Served: 3 each party
Cover Color: White
Paper: 8 ½ inches by 11 inches, white
Margins: 1 inch on all sides
Line Spacing: Double-spaced
Font: 12 point
Binding: Left side; safe and secure method of binding

Appellee's Brief

Contents: Points and Authorities, Argument, and Conclusion. The Appellee's Brief may also contain the following sections if the presentation by the appellant is deemed unsatisfactory (sections should be in same order as Appellant's Brief): Nature of the Case, Issue(s) Presented for Review, Statement of Jurisdiction, Appeal to Appellate Court, Statutes Involved, Statement of Facts, and Appendix. For descriptions of sections, please see above.

Due Date: 7 days after Appellant's Brief is filed.

Page Limits: 50 pages if printed or 75 pages if not printed.

Copies Filed: 9
Copies Served: 3 each party
Cover Color: Light Blue
Paper: 8 ½ inches by 11 inches, white
Margins: 1 inch on all sides
Line Spacing: Double-spaced
Font: 12 point
Binding: Left side; safe and secure method of binding

Appellant's Reply Brief

Contents:	Points and Authorities and Argument. For description of sections, see above.
Due Date:	7 days after Appellee's brief is filed.
Page Limits:	20 pages if printed or 27 pages if not printed
Copies Filed:	9
Copies Served:	3 each party
Cover Color:	Light Yellow
Paper:	8 ½ inches by 11 inches, white
Margins:	1 inch on all sides
Line Spacing:	Double-spaced
Font:	12 point
Binding:	Left side; safe and secure method of binding

INTERLOCUTORY APPEALS BY PERMISSION (RULE 308)

Application for Leave to Appeal

Contents:	Statement of Facts necessary to an understanding of the question of law determined by the order of the trial court; Statement of the Question; Statement of reasons why a substantial basis exists for a difference of opinion on the question and why an immediate appeal may materially advance the termination of the litigation; Supporting Record containing the order appealed from and other parts of the trial court record necessary for the determination of the application for permission to appeal.
Due Date:	14 days after the entry of the order in the trial court or the making of the prescribed statement by the trial court, whichever is later.
Copies Filed:	original + 3 copies
Copies Served:	1 each party
Page Limits:	None.
Cover Color:	White paper
Paper:	8 ½ inches by 11 inches, white
Margins:	1 inch on all sides
Line Spacing:	Double-spaced
Font:	12 point
Binding:	Stapled in top left corner

Answer to Application for Leave to Appeal

Due Date:	14 days after the due date of the Application.
Copies Filed:	original + 3 copies
Copies Served:	1 each party
Page Limits:	None.
Cover Color:	White paper

Paper: 8 ½ inches by 11 inches, white
Margins: 1 inch on all sides
Line Spacing: Double-spaced
Font: 12 point
Binding: Stapled in top left corner

Briefs (Rules 308, 341 – 345)

Cover

Contents: Number of case in reviewing court, name of reviewing court, name of court from which case was brought, name of trial judge entering the judgment to be reviewed, Individual names and addresses of attorneys filing the brief, names of parties (i.e., Plaintiff-Appellant or Plaintiff-Appellee; Defendant-Appellant or Defendant-Appellee), if oral argument is requested.

Appellant’s Brief

Contents: Points and Authorities: A summary statement of the points argued and the authorities cited in the argument. Should contain the headings of the points and subpoints of the argument, with the citation under each heading of the authorities relied upon, and a reference to the page of the brief on which each heading and each authority appear.

Nature of the Case: This should state (1) the nature of the action and of the judgment appealed from and whether the judgment is based upon the verdict of a jury, and (2) whether any question is raised on the pleadings and, if so, the nature of the question.

Issue(s) Presented for Review: A statement of the issue or issues presented for review, without detail or citation of authorities.

Statement of Jurisdiction: Direct appeal to Supreme Court: a brief statement of the jurisdictional grounds for the appeal to the Supreme Court; Appeal to Appellate Court: a brief but precise statement or explanation of the basis for appeal including the supreme court rule or other law which confers jurisdiction upon the reviewing court; the facts of the case which bring it within this rule or other law; and the date that the order being appealed was entered and any other facts

which are necessary to demonstrate that the appeal is timely. All facts should be supported by page references to the record on appeal.

Statutes Involved: Only for cases involving the construction or validity of a statute, constitutional provision, treaty, ordinance or regulation: the pertinent parts of the provision verbatim, with a citation of the place where it may be found.

Statement of Facts: Should contain facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal.

Argument: Should contain the contentions of the appellant and the reasons therefore, with citation of the authorities and the pages of the record relied on.

Conclusion: A short conclusion stating the precise relief sought, followed by the names of counsel as on the cover.

Appendix: See below.

Due Dates:	35 days after leave to appeal was allowed
Page Limits:	50 pages if printed or 75 pages if not printed.
Copies Filed:	9
Copies Served:	3 each party
Cover Color:	White
Paper:	8 ½ inches by 11 inches, white
Margins:	1 inch on all sides
Line Spacing:	Double-spaced
Font:	12 point
Binding:	Left side; safe and secure method of binding

Appellee's Brief

Contents: Points and Authorities, Argument, and Conclusion. The Appellee's Brief may also contain the following sections if the presentation by the appellant is deemed unsatisfactory (sections should be in same order as

Appellant's Brief): Nature of the Case, Issue(s) Presented for Review, Statement of Jurisdiction, Appeal to Appellate Court, Statutes Involved, Statement of Facts, and Appendix. For descriptions of sections, please see above.

Due Dates: 35 days after due date of Appellant's brief (if multiple appellants: the latest due date of any appellant's brief)

Page Limits: 50 pages if printed or 75 pages if not printed.

Copies Filed: 9

Copies Served: 3 each party

Cover Color: Light Blue

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Left side; safe and secure method of binding

Appellant's Reply Brief

Contents: Points and Authorities and Argument. For description of sections, see above.

Due Dates: 14 days after due date of Appellee's brief (if multiple appellees: the latest due date of any appellee's brief)

Page Limits: 20 pages if printed or 27 pages if not printed

Copies Filed: 9

Copies Served: 3 each party

Cover Color: Light Yellow

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced
Font: 12 point
Binding: Left side; safe and secure method of binding

**ISSUANCE, STAY, AND RECALL OF MANDATES
FROM REVIEWING COURT (RULE 368)**

Clerk of reviewing court shall transmit to the circuit court the mandate of the reviewing court not earlier than 21 days after the entry of judgment of the reviewing court. Timely filing of a Petition for Rehearing will stay the mandate until disposition of Petition. If Petition is denied, the mandate may issue 7 days after entry of the order denying the Petition for Rehearing.

The mandate is also stayed automatically if a party or attorney files an Affidavit of Intent to seek review of the Supreme Court with the Appellate Court, or a Petition for such review is filed with the Supreme Court.

**FILING OF MANDATE IN CIRCUIT COURT
AND PROCEEDINGS THEREAFTER (RULE 369)**

The clerk of the circuit court shall file the mandate promptly upon receiving it. When the reviewing court dismisses the appeal or affirms the judgment and the mandate is filed in the circuit court, enforcement of the judgment may be had and other proceedings may be conducted as if no appeal had been taken. When the reviewing court remands the case for a new trial or hearing and the mandate is filed in the circuit court, the case shall be reinstated therein upon 10 days' notice to the adverse party.

Part 2:
**Appeals from the Appellate Court
to the Supreme Court**

**LEAVE TO APPEAL FROM THE APPELLATE COURT
TO THE SUPREME COURT (RULE 315)**

Petition for Leave to Appeal

- Contents: (1) Prayer for leave to appeal;
 (2) Statement of date upon which judgment was entered; whether an affidavit of intent to seek review was filed with the Appellate Court and, if so, the date it was filed; whether a petition for rehearing was filed and, if so, the date of denial of the petition or the date of the judgment on rehearing;
 (3) Statement of the points relied upon for reversal of the judgment of the Appellate Court;
 (4) A fair and accurate statement of the facts, which shall contain the facts necessary to an understanding of the case, without argument or comment, with appropriate references to the pages of the record on appeal;
 (5) A short argument, including appropriate authorities, stating why review by the Supreme Court is warranted and why the decision of the Appellate Court should be reversed or modified; and
 (6) An appendix which shall include a copy of the opinion or order of the Appellate Court, a copy of the affidavit or the section 1-109 certification of intent to file a petition if an affidavit or certification was filed with the Appellate Court, and any documents from the record which are deemed necessary to the consideration of the petition. See also Sample Petition for Leave to Appeal.
- Due Date: 21 days after entry of judgment of Appellate Court or denial of petition for rehearing by Appellate Court.
- Where Filed: Supreme Court
- Page Limits: 20 pages excluding Appendix
- Copies Filed: 20
- Copies Served: 3 each party
- Cover Color: White
- Paper: 8 ½ inches by 11 inches, white
- Margins: 1 inch on all sides
- Line Spacing: Double-spaced

Font: 12 point
Binding: Left side; safe and secure method of binding

Answer to Petition for Leave to Appeal

Contents: The Answer should set forth the reasons why the Petition should not be granted and should be in the same form as the Petition, omitting items 1, 2, 3, 4, and 6 above except to the extent that correction of the Petition is considered necessary.

Due Date: 14 days after expiration of time for filing of Petition.

Copies Filed: 20

Copies Served: 3 each party

Cover Color: White

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Left side; safe and secure method of binding

Abstract

Contents: As filed in the Appellate Court.

Due Date: 14 days after Petition for Leave to Appeal is granted.

Copies Filed: 20

Briefs (Rules 341-345)

Cover

Contents: Number of case in reviewing court, name of reviewing court, name of court from which case was brought, name of trial judge entering the judgment to be reviewed, Individual names and addresses of attorneys filing the brief, names of parties (i.e., Plaintiff-Appellant or Plaintiff-

Appellee; Defendant-Appellant or Defendant-Appellee), if oral argument is requested.

Appellant's Brief

Contents:

Points and Authorities: A summary statement of the points argued and the authorities cited in the argument. Should contain the headings of the points and subpoints of the argument, with the citation under each heading of the authorities relied upon, and a reference to the page of the brief on which each heading and each authority appear.

Nature of the Case: This should state (1) the nature of the action and of the judgment appealed from and whether the judgment is based upon the verdict of a jury, and (2) whether any question is raised on the pleadings and, if so, the nature of the question.

Issue(s) Presented for Review: A statement of the issue or issues presented for review, without detail or citation of authorities.

Statement of Jurisdiction: Direct appeal to Supreme Court: a brief statement of the jurisdictional grounds for the appeal to the Supreme Court; Appeal to Appellate Court: a brief but precise statement or explanation of the basis for appeal including the supreme court rule or other law which confers jurisdiction upon the reviewing court; the facts of the case which bring it within this rule or other law; and the date that the order being appealed was entered and any other facts which are necessary to demonstrate that the appeal is timely. All facts should be supported by page references to the record on appeal.

Statutes Involved: Only for cases involving the construction or validity of a statute, constitutional provision, treaty, ordinance or regulation: the pertinent parts of the provision verbatim, with a citation of the place where it may be found.

Statement of Facts: Should contain facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal.

Argument: Should contain the contentions of the appellant and the reasons therefore, with citation of the authorities and the pages of the record relied on.

Conclusion: A short conclusion stating the precise relief sought, followed by the names of counsel as on the cover.

Appendix: See below.

Due Dates: Notice of Election to let Petition stand in lieu Brief: 14 days after Petition for Leave to Appeal is granted.

Brief: 35 days after Petition for Leave to Appeal is granted.

Page Limits: 50 pages if printed or 75 pages if not printed.

Copies Filed: 20

Copies Served: 3 each party

Cover Color: White

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Left side; safe and secure method of binding

Appellee's Brief

Contents: Points and Authorities, Argument, and Conclusion. The Appellee's Brief may also contain the following sections if the presentation by the appellant is deemed unsatisfactory (sections should be in same order as Appellant's Brief): Nature of the Case, Issue(s) Presented for Review, Statement of Jurisdiction, Appeal to Appellate Court, Statutes Involved, Statement of Facts, and Appendix. For descriptions of sections, please see above.

Due Dates: Notice of Election to let Answer to Petition stand in lieu of Brief: 14 days after Appellant's Notice of Election or Brief is filed.

Brief: 35 days after due date of Appellant's Brief.

Page Limits: 50 pages if printed or 75 pages if not printed.

Copies Filed: 20

Copies Served: 3 each party

Cover Color: Light Blue
Paper: 8 ½ inches by 11 inches, white
Margins: 1 inch on all sides
Line Spacing: Double-spaced
Font: 12 point
Binding: Left side; safe and secure method of binding

Appellant's Reply Brief

Contents: Points and Authorities and Argument. For description of sections, see above.
Due Date: 14 days after due date of Appellee's Brief
Page Limits: 20 pages if printed or 27 pages if not printed
Copies Filed: 20
Copies Served: 3 each party
Cover Color: Light Yellow
Paper: 8 ½ inches by 11 inches, white
Margins: 1 inch on all sides
Line Spacing: Double-spaced
Font: 12 point
Binding: Left side; safe and secure method of binding

Appellee's Reply Brief

Due Date: 14 days after due date of Appellant's Reply Brief
Page Limits: 20 pages if printed or 27 pages if not printed
Copies Filed: 20

Copies Served: 3 each party
Cover Color: Light Red
Paper: 8 ½ inches by 11 inches, white
Margins: 1 inch on all sides
Line Spacing: Double-spaced
Font: 12 point
Binding: Left side; safe and secure method of binding

Appellee's/Cross-Appellant's Briefs

Note: Cross-Appellants file a single brief as appellee and cross-appellant

Contents: See above.
Due Dates: 35 days after due date of Appellant's brief
Page Limits: 50 pages if printed or 75 pages if not printed + 35 pages is printed or 50 pages if not printed.
Copies Filed: 20
Copies Served: 3 each party
Cover Color: Light Blue
Paper: 8 ½ inches by 11 inches, white
Margins: 1 inch on all sides
Line Spacing: Double-spaced
Font: 12 point
Binding: Left side; safe and secure method of binding

Appellant's/Cross-Appellee's Reply Briefs

Note: Cross-Appellee's Reply Brief contains both the answer to the arguments on Cross-Appeal and Appellant's reply brief.

Contents: See above.

Due Dates: 14 days after due date of Appellee's/Cross-Appellant's brief

Page Limits: 20 pages if printed or 27 pages if not printed + 35 pages if printed or 50 pages if not printed

Copies Filed: 20

Copies Served: 3 each party

Cover Color: Light Yellow

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Left side; safe and secure method of binding

Appellee's/Cross-Appellant's Reply Briefs

Note: Appellee's/Cross-Appellant's Reply Brief contains only their reply to Appellant's/Cross-Appellee's response brief.

Contents: See above.

Due Dates: 14 days after due date of Appellant's brief (if multiple appeal: the latest due date of any appellee's brief)

Page Limits: 20 pages if printed or 27 pages if not printed

Copies Filed: 20

Copies Served: 3 each party

Cover Color: Light Red

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Spacing: Double-spaced
Font: 12 point
Binding: Left side; safe and secure method of binding

Briefs *Amicus Curiae*

Note: Leave or request of Court is necessary to file Briefs Amicus Curiae.

Contents: Same as that of Appellee and should identify the *amicus* as such on the cover of the brief. See also Sample Brief *Amicus Curiae*.

Due Dates: On or before the due date of the initial brief of the party whose position it supports.

Page Limits: 50 pages if printed or 75 pages if not printed.

Copies Filed: 20

Copies Served: 3 each party

Cover Color: Same color as that of the party's brief whose position it supports.

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Left side; safe and secure method of binding

Appendix

Contents: Appellant: Table of contents to the appendix, copy of judgment appealed from, any opinion, memorandum or findings of fact filed or entered by the trial judge or by any administrative agency or its officers, any pleadings or other materials from the record which are the basis of the appeal or pertinent to it, the notice of appeal, and a complete table of contents, with page references, of the record on appeal. The table shall state: (1) the nature of each document, order or exhibit, *e.g.*, complaint, judgment, notice of appeal, will, trust deed, contract, and the like; (2) in the case of pleadings, motions, notices of

appeal, orders, and judgments, the date of filing or entry; and (3) the names of all witnesses and the pages on which their direct examination, cross-examination, and redirect examination begin. Pages are to be numbered consecutively with the letter “A” preceding the number of each page. If an appendix is voluminous, it may be bound separately from the brief and labeled “Separate Appendix.”

Appellee: May include in supplementary appendix other materials from the record which also are the basis of the appeal or are essential to any understanding of the issues raised in the appeal.

Due Dates: Same as brief it supports

Copies Filed: 20

Copies Served: 3 each party

Cover Color: If separate appendix – same as brief it supports

Binding: Left side; safe and secure method of binding

Motions (Rule 361)

While Supreme Court is in Session

Due Dates: For extension to file brief: Before due date of brief

Responses to a Motion: 5 days after personal or fax service; 10 days after mailing.

Where Filed: Clerk of Supreme Court (with Proof of Service and proposed order phrased in the alternative (“Allowed” or “Denied”))

Copies Filed: original + 1 copy

Copies Served: 1 each party

Cover Color: White paper

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point
Binding: Stapled in top left corner

While Supreme Court is NOT in Session

Motion seeking relief that may be granted “by the court or justice thereof”

Directed To: 1st District (Cook County): Justice designated to hear motions
2nd – 5th Districts: Justice of judicial district involved at district chambers

Where Filed: 1st District (Cook County): Clerk of Supreme Court in Chicago satellite office. (Deputy Clerk will direct motion to Justice designated to hear motions.) All Motions should be filed with Proof of Service and proposed order phrased in the alternative (“Allowed” or “Denied”).
2nd – 5th Districts: Original Motion filed with Clerk of Supreme Court in Springfield with Proof of Service identifying justice receiving motion and acknowledging compliance with proposed-order rule. Copy of Motion and Order is served on justice of judicial district.

Copies Filed: original + 1 copy

Copies Served: 1 each party

Cover Color: White paper

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Stapled in top left corner

Response to Motion seeking relief that may be granted “by the court or justice thereof”

Due Date: 5 days after personal or fax service
10 days after mailing

Where Filed: 1st District (Cook County): Clerk of Supreme Court in Chicago satellite office.
2nd – 5th Districts: Original filed with Clerk of Supreme Court in Springfield. Copy of response served on justice of judicial district.

Copies Filed: original + 1 copy

Copies Served: 1 each party

Cover Color: White paper

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Stapled in top left corner

Motion seeking relief that requires action by the full court

Where Filed: 1st District (Cook County): Original and 5 copies filed with Clerk of Supreme Court in Chicago satellite office. Copy of Motion served on each justice at justice’s judicial district chambers.
2nd – 5th Districts: Original and 1 copy of Motion filed with Clerk of Supreme Court in Springfield with copy of Motion served on each justice of the court at the justice’s district chambers.

Copies Served: 1 each party

Cover Color: White paper

Paper: 8 ½ inches by 11 inches, white

Margins: 1 inch on all sides

Line Spacing: Double-spaced

Font: 12 point

Binding: Stapled in top left corner

Response to Motion seeking relief that requires action by the full court

Due Date:	5 days after personal or fax service 10 days after mailing
Where Filed:	1 st District (Cook County): Original and 5 copies filed with Clerk of Supreme Court in Chicago satellite office. Copy of response served on each justice at justice's judicial district chambers. 2 nd – 5 th Districts: Original and one copy filed with Clerk of Supreme Court in Springfield. Copy of response served on each justice at justice's judicial district chambers.
Copies Served:	1 each party
Cover Color:	White paper
Paper:	8 ½ inches by 11 inches, white
Margins:	1 inch on all sides
Line Spacing:	Double-spaced
Font:	12 point
Binding:	Stapled in top left corner