

# New and Proposed Changes to the Illinois Appellate Landscape

— GUEST ARTICLE —

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Below is a summary of new implementations by the Second District Appellate Court and proposed changes to several Illinois Supreme Court Rules addressing appeals.

## 1. Filing Fee Increase - Statewide

As of January 1, 2015, filing fees in the reviewing courts will go up and will be as follows:

- \$50.00 for Appellants
- \$30.00 for Appellees

## 2. Electronic Records on Appeal - Second District

In all cases in which the notice of appeal is filed on or after June 1, 2014, the circuit clerks of Boone, Carroll, De Kalb, Du Page, Jo Daviess, Kendall, Lake, Lee, McHenry, Ogle, Stephenson and Winnebago Counties shall electronically transfer records on appeal (common-law records and reports of proceedings) to the clerk of the Court via [i2file.net](http://i2file.net). In all cases in which the notice of appeal is filed on or after October 1, 2014, the circuit clerk of Kane County shall electronically transfer records on appeal (common-law records and reports of proceedings) to the clerk of the Court via [i2file.net](http://i2file.net). The electronic reports of proceedings shall be formatted with text-searchable by both word and phrase. Except as provided by Local Rule 104(a), the circuit

clerks shall transfer exhibits physically, not electronically. Paper Records may be generated by filling out a "Paper on Demand Request" and e-mailing it to the clerk of the Illinois Second District Appellate Court.

## 3. Proposed Supreme Court Rule Changes via Proposal 14-02

The Chicago Bar Association has offered Proposal 14-02 which details multiple amendments to certain Illinois Supreme Court Rules:

- **Amendment to 303(a)(1):** "The notice of appeal may be filed by any party or by any attorney representing the party appealing, regardless of whether that attorney has filed an appearance in the circuit court case being appealed."
- **Amendment to 308(c):** Provides 21 days (replacing 14) after the due date of the application, an adverse party may file an answer in opposition, with copies in the number required for the application, together with an original of a supplementary supporting record containing any additional parts of the record the adverse party desires to have considered by the Appellate Court.
- **Amendment to 315(a):** Deletes the provision that takes into account in

deciding whether to grant a Petition for Leave to Appeal whether the matter is final or interlocutory.

- **Amendment to 315(f):** Changes the time to answer from 14 days to 21 days.
- **Amendment to 318(b):** Deletes the sentence that review of cases at an interlocutory stage is not favored.

## 4. Proposed Supreme Court Rule Changes via Proposal 13-09

The Appellate Lawyers Association has offered Proposal 13-09 which details changes to Rule 361 and 367:

- **Amendment to Rule 361(b)(2):** Provides a five-day response window for when a motion in the reviewing court is served via e-mail; adds email as a form of service.
- **Amendment to Rule 367(d):** Addresses answers to Petitions for Rehearings, detailing that "unless authorized by the Court or a judge thereof, the answer shall be limited to 27 pages, the reply shall be limited to 10 pages, and each must be supported by a Certificate of Compliance in accordance with Rule 341(c)."

(The links for 13-09 and 14-02 are available in the online version of this article. To view, visit Counsel Press' Blog, the *Appellate Law Journal* section.)

## Guest Article: New and Proposed Changes to the Illinois Appellate Landscape

PUBLISHED ON NOVEMBER 10, 2014 BY [LINDSAY C. CLOONAN, ESQ.](#)



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*The below synopsis of recent changes to Illinois appellate rules and procedures was provided by Matthew Davison, Esq. [Law Office of Matthew R. Davison, LLC](#) is a boutique Illinois law practice, which is devoted to matters involving Trusts & Estates, Appeals and Mental Health Law. We thank Mr. Davison for his contribution to Counsel Press' Appellate Practice Blog.*

Appellate practitioners tend to get excited over miniscule and/or bookish developments to our procedures and rules. This short article is no different. What follows is a summary of new implementations by the [Illinois Second District Appellate Court](#) and proposed changes to several [Illinois Supreme Court](#) Rules addressing appeals.

### 1. Filing Fee Increase – statewide

As of January 1, 2015, filing fees in the reviewing courts (including the Second District Appellate Court) will be as follows:

- \$50.00 for Appellants (up from \$25.00)
- \$30.00 for Appellees (up from \$15.00)

### 2. Electronic Records on Appeal – Second District

In all cases in which the notice of appeal is filed on or after June 1, 2014, the circuit clerks of Boone, Carroll, De Kalb, Du Page, Jo Daviess, Kendall, Lake, Lee, McHenry, Ogle, Stephenson, and Winnebago Counties shall electronically transfer records on appeal (common-law records and reports of proceedings) to the Clerk of the Court via i2file.net. In all cases in which the notice of appeal is filed on or after October 1, 2014, the circuit clerk of Kane County shall electronically transfer records on appeal (common-law records and reports of proceedings) to the Clerk of the Court via i2file.net. The electronic reports of proceedings shall be formatted with text searchable by both word and phrase. Except as provided by Local Rule 104(a), the circuit clerks shall transfer exhibits physically, not electronically. Paper Records may be generated by filling out a "Paper on Demand Request" and e-mailing it to the clerk of the Illinois Second District Appellate Court.

### 3. Proposed Supreme Court Rule Changes via Proposal 14-02

The [Chicago Bar Association](#) has offered Proposal 14-02 which details multiple amendments to certain Illinois Supreme Court Rules:

- *Amendment to 303(a)(1)*: "The notice of appeal may be filed by any party or by any attorney representing the party appealing, regardless of whether that attorney has filed an appearance in the circuit court case being appealed."
- *Amendment to 308(c)*: Provides 21 days (replacing 14) after the due date of the application, an adverse party may file an answer in opposition, with copies in the number required for the application, together with an original of a supplementary supporting record containing any additional parts of the record the adverse party desires to have considered by the Appellate Court.
- *Amendment to 315(a)*: Deletes the provision that takes into account in deciding whether to

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grant a Petition for Leave to Appeal whether the matter is final or interlocutory.

- *Amendment to 315(f)*: Changes the time to answer from 14 days to 21 days.
- *Amendment to 318(b)*: Deletes the sentence that review of cases at an interlocutory stage is not favored.

A full copy of Proposal 14-02 is available via this link: [Click here](#).

#### 4. Proposed Supreme Court Rule Changes via Proposal 13-09

The [Appellate Lawyers Association](#) has offered Proposal 13-09 which details changes to Rule 361 and 367:

- *Amendment to Rule 361(b)(2)*: Provides a five-day response window for when a motion in the reviewing court is served via e-mail. Adds email as a form of service.
- *Amendment to Rule 367(d)*: Addresses answers to Petitions for Rehearings, detailing that “unless authorized by the Court or a judge thereof, the answer shall be limited to 27 pages, the reply shall be limited to 10 pages, and each must be supported by a Certificate of Compliance in accordance with Rule 341(c).”

A full copy of Proposal 13-09 is available via this link: [Click here](#).

Should you have any questions regarding the Illinois Appellate and Supreme Courts’ rules and procedures, please do not hesitate to contact [Lindsay C. Cloonan](#) directly. Ms. Cloonan assists Counsel Press’ clients from our [office in Chicago](#), which specializes in the rule-compliant appellate filings in the Illinois Appellate Court (all districts), Illinois Supreme Court, United States Court of Appeals for the Seventh Circuit, United States Court of Appeals for the Eighth Circuit, United States Court of Appeals for the Sixth Circuit, Wisconsin Court of Appeals and Supreme Court and Indiana Court of Appeals and Supreme Court.

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