

Rule 316. Appeals from Appellate Court to Supreme Court on Certificate

Appeals from the Appellate Court shall lie to the Supreme Court upon the certification by the Appellate Court that a case decided by it involves a question of such importance that it should be decided by the Supreme Court. Application for a certificate of importance may be included in a petition for rehearing or may be made by filing a petition, clearly setting forth the grounds relied upon, with the clerk of the Appellate Court within 35 days after the entry of the judgment appealed from if no petition for rehearing is filed or, if a petition for rehearing is filed, within 14 days after the denial of the petition or the entry of the judgment on rehearing. An application for a certificate of importance does not extend the time for filing a petition for leave to appeal to the Supreme Court. The length of the application and answer, if any, shall be governed by Supreme Court Rule 367. No answer to an application for a certificate of importance will be received unless requested by the Appellate Court.

When the Appellate Court has granted a certificate of importance, the clerk of that court shall transmit to the clerk of the Supreme Court the record on appeal that was filed in the Appellate Court, with the certified Appellate Court record and opinions appended thereto, and the certificate of importance of the Appellate Court. The Appellate Court may require bond as a condition of granting a certificate of importance. The record shall be transmitted to the office of the clerk of the Supreme Court not later than 14 days from the date the certificate of importance is granted. Briefs shall be filed as provided in Rules 341 through 343. The appellant's brief shall contain the Appellate Court opinion.

Amended July 30, 1979, effective October 15, 1979; amended December 17, 1993, effective February 1, 1994; amended December 6, 2006, effective immediately; amended June 22, 2017, eff. July 1, 2017; amended Sept. 30, 2020, eff. Oct. 1, 2020.

Committee Comments (Revised 1979)

This rule providing for appeal by certificate of importance from the Appellate Court is former Rule 32(2) without change in substance except that the time for filing is slightly changed. It is measured in multiples of 7 days and the periods run from the date the judgment is entered. The revision makes it clear that application for a certificate of importance may be included in a petition for rehearing or may be filed separately within the time specified. It is important to notice, however, that the application does not extend the time for petitioning the Supreme Court to grant leave to appeal as a matter of discretion. It may therefore be more convenient and prudent, if a petition for rehearing is to be filed, to join the application for certificate of importance with the petition for rehearing.

In 1979, Rule 342 was amended to provide that, with the exception of stated documents (see Rule 342(a)), no portions of the record shall be reproduced, and that, absent an order of the reviewing court, no abstract shall be prepared and filed. The last sentence of Rule 316 was amended to reflect this change in the practice. See the committee comments to Rule 342.

Commentary

(December 17, 1993)

It is well established that typewritten documents are accepted for filing in the reviewing courts and that professionally printed documents are not necessary.

The rule is amended to be consistent with the time frame of Rule 315(b).