

IN THE
APPELLATE COURT OF ILLINOIS
FIFTH JUDICIAL DISTRICT

ADMINISTRATIVE ORDER

FILED
APR 01 2010
JOHN J. FLOOD
CLERK APPELLATE COURT, 5TH DIST.

Pursuant to our authority under Supreme Court Rule 311(a)(6) to adopt mandatory procedures to ensure completion of Rule 311(a) appeals within 150 days after the filing of the notice of appeal, we hereby adopt the following local rules.

Mandatory Procedures for Custody Cases Expedited Under Supreme Court Rule 311(a)

Record on Appeal

Due Date.

In appeals from final orders in child custody cases and interlocutory appeals in child custody cases from which leave to appeal has been granted pursuant to Rule 306(a)(5), the record on appeal shall be filed within 35 days of the filing of the notice appeal pursuant to Supreme Court Rule 311(a)(4)

Requests for Extensions

Extensions for preparation of the record on appeal shall be allowed only for the most compelling circumstances. Pursuant to 311(a)(4), the trial court has the authority to allow one extension of time to file the record. In no event shall that extension total more than 10 days. Any order entered by the circuit court granting an extension must be immediately served on the Clerk of the Appellate Court by counsel for the moving party, or by the party who filed the motion if the party is not represented by counsel.

Filing the Record

In order to expedite appeals under 311(a), the circuit clerk is encouraged to file a certificate in lieu of record with this court in compliance with Supreme Court Rule 325 and to transmit the record directly to appellant's attorney. The attorneys are encouraged to transmit the record directly between themselves with a notice to the clerk of this court of the date and method of transmission.

Briefs

Schedule

- Appellant's opening brief shall be filed within 21 days of the filing of the record or certificate in lieu in the Appellate Court.
- Appellee's answer brief shall be filed within 21 days of the due date of appellant's brief.
- Appellant's reply brief, if any, shall be filed within 7 days of the due date of appellee's brief.
- In the case of a cross-appeal, the cross-reply brief shall be filed within 7 days of the due date of appellant's reply brief.

Requests for Extension

This court will look with extreme disfavor upon any requests for extensions in the briefing schedule and will grant such requests only for the most compelling circumstances.

Whenever possible, motions for extension of time to file a brief and responses thereto shall be filed by facsimile or in person with this court and shall be served on the opposing party by facsimile or in person. In addition, a hard copy shall be mailed to the court at the time of the facsimile transmission. The proof of service shall state that service by facsimile or in person has been made upon the opposing party and this court, and that a hard copy has been mailed to the court if the filing was by facsimile. The opposing party shall file its response, if any, within three days. As with all appeals, motions do not stay the filing schedule and the briefing schedule will continue to run while any motions are pending.

If a petition for leave to appeal pursuant to Supreme Court Rule 306(a)(5) is granted, the time for filing a notice of election to stand on the petition or answer or for filing a new brief shall begin to run from the date that the petition is granted. In order to allow a petition or answer to stand as a brief, the party must notify the other parties and the clerk of this court on or before the due date of the brief.

Entered: April 1, 2010