

Getting Started

Appellant's Reply Brief

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use the *Appellant's Reply Brief* form. Your use of the form does not guarantee you will be successful in court.

To learn how to fill out the form and file it with the court, read the *HOW TO FILE AN APPELLANT'S REPLY BRIEF* instruction sheet and the instructions on the form.

Name of form:	<i>Appellant's Reply Brief</i>
Purpose of the form:	To tell the appellate court why you disagree with the arguments in the <i>Appellee's Brief</i> .
Types of cases the form CAN be used for:	All appeals to the Illinois Appellate Court.
Types of cases the form CANNOT be used for:	All appeals to any other court.
Cost to File the form:	None, if you file in person; if you file by U.S. mail or third-party commercial carrier (e.g., FedEx or UPS), you will need to pay postage or delivery fees.
Special information or papers needed to complete the form:	You will need to refer to the record on appeal, including the common law record (the documents filed in the trial court) and the report of proceedings (the transcript of the trial court hearings). You will also need to cite legal authority (cases, statutes (laws), etc.) to support your arguments.
Statutes and rules covering the form:	Illinois Supreme Court Rules 321 , 323 , and 341
Where to find the form and instruction sheet:	http://www.illinoiscourts.gov/Forms/approved/
For more information:	Read the <i>HOW TO FILE AN APPELLANT'S REPLY BRIEF</i> instruction sheet that comes with this form. You may also find more information and resources at: http://www.illinoiscourts.gov/CivilJustice/Resources/Guide for Appeals to the IL Appellate Court rev 0930 16.pdf

HOW TO FILE AN APPELLANT'S REPLY BRIEF

What is an *Appellant's Reply Brief*?

- An *Appellant's Reply Brief* tells the appellate court why you disagree with the arguments in the *Appellee's Brief*.

Who can use the *Appellant's Reply Brief* form?

- The *Appellant's Reply Brief* is filed by the appellant. If you filed the *Notice of Appeal*, you are the appellant. (Your opponent is called the appellee.)

When do I file the *Appellant's Reply Brief* form?

- In general, your *Appellant's Reply Brief* must be filed within 14 days after the due date for the *Appellee's Brief*. However, in cases involving the best interests of a child, for example, the appellate court may shorten that time. Be sure to ask the appellate court clerk's office for the schedule that applies to your case. If you need additional time, you may file a *Motion* with the appellate court to ask for an extension. However, the appellate court is not required to give you an extension and may decide the case without a *Reply Brief* if you do not file your brief on time. You are not required to file a *Reply Brief*, and your failure to file a *Reply Brief* does not mean that you will lose the appeal.
- For more information see the Guide for Appeals to the Illinois Appellate Court for Self Represented Litigants:
http://www.illinoiscourts.gov/CivilJustice/Resources/Guide_for_Appeals_to_the_IL_Appellate_Court_rev_093016.pdf

What costs will I need to pay to file my *Appellant's Reply Brief* form?

- None, if you file in person; if you file by U.S. mail or third-party commercial carrier (e.g., FedEx or UPS), you will need to pay postage or delivery fees.

Is there a page or word limit?

- Yes. The *Appellant's Reply Brief*—not including the cover and the certificate of compliance—must be no more than 20 pages or 7,000 words.
- If you need more than 20 pages or 7,000 words, you may file a *Motion* with the appellate court to ask for permission to file a *Brief* with more pages or words.

How do I fill out the *Appellant's Reply Brief* form?

- If you can't fill out the form online, and if you must fill it out by hand, you must print neatly.
- The *Appellant's Reply Brief* form contains several sections.
- The form contains instructions for each section. The sections are:

Cover

- Check the top box if the appeal involves the best interests of a child.
- Enter the appellate court case number (which you will receive from the appellate court clerk) and the appellate court district.
- Provide the name of the trial court case. If the case was given a name beginning with "In re" (e.g., "In re Marriage of Jones"), enter that name. Then, enter the names of the plaintiff/petitioner (the party who filed the trial court case) and the defendant/respondent (the party against whom the case was filed). Finally, show which party is the appellant and which party is the appellee.
- Enter the trial court county, case number, and judge's name.
- Enter your name, address, and phone number. You may also enter your email address, but, if you do, the court may use it to send you important documents. Therefore, you should enter your email address only if you check your email frequently.
- The cover must be printed on light yellow paper.

Argument

- Restate the title of each argument in your original *Appellant's Brief*.
- However, under each title, do not repeat your original argument.
- Instead, explain why the appellee's response to your original argument is wrong.
- To help you do this, use authorities (cases, statutes (laws), etc.) and references to the pages of the record. Refer to pages of the common law record as "C. [page]." Refer to pages of the report of proceedings as "R. [page]."

The form includes room for 3 arguments. If you made more than 3 arguments in your *Appellant's Brief*, fill out and add an *Additional Argument* form after your 3rd argument.

Certificate of Compliance

Certify that you have followed the rules for briefs, especially the page or word limit, by signing the Certificate of Compliance.

What do I do after I fill out the form?

Step 1: Send copies to all other parties.

- You must send 3 copies to each party, unless you are sending by e-mail, in which case you may send only 1 copy to each party. Do not send the original to a party.
- Fill out the 1st part, "Proof of Service to the Parties," of the *Proof of Service and Affidavit of Mailing* form to show how you will send the copies, according to the instructions for that form. Then send the copies, according to those same instructions.

Step 2: File your *Brief* with the appellate court.

- To file your *Brief*, deliver it to the appellate court clerk's office. Unless the appellate court's local rules say otherwise, deliver it in person, by U.S. mail, or by third-party commercial carrier. The address for the appellate court for your appeal may be on the court papers you received. You can also find the address at:

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

- If you will file your *Brief* by U.S. mail or by third-party commercial carrier, fill out the 2nd part, "Affidavit of Mailing to the Court," of the *Proof of Service and Affidavit of Mailing* form to show how you will file it, according to the instructions for that form. Then file your *Brief*, according to those same instructions.
- File your original *Brief* and 8 copies (a total of 9 briefs), along with your *Proof of Service and Affidavit of Mailing*. Each *Brief* must be safely and securely bound on the left side, in a way that does not block the language. Keep another copy for yourself.

NOTE: If you checked out the record on appeal to complete your *Brief*, return the record to the clerk of the appellate court by mail, third-party commercial carrier, or personal delivery when you file your brief. The court will then use the same record on appeal to decide the case. Therefore, while the record is in your possession, do not remove any document from the record or mark any page of the record in any way. Return the record to the appellate court clerk exactly as it was checked out to you.

Step 3: Wait for oral argument, if any.

- After all the briefs are filed, the appellate court may send you a notice to appear for oral argument, even if you did not ask for oral argument on the cover of your *Appellant's Brief*. (If you did ask for oral argument, the appellate court is not required to have oral argument.) If you get a notice, arrive on time for the court date. When your appeal is called, explain your argument to the judges. Be prepared to answer any questions. After you argue, the appellee will get a chance to respond, and you will get a chance to reply.

Step 4: Wait for the appellate court's decision.

- The appellate court will send you a written decision. This might take several months.
- If you think that the appellate court overlooked or misunderstood any of your points, you may file a *Petition for Rehearing*, which is due within 21 days after the date of the decision. You must point out errors in the decision; you are not allowed to reargue your case.

CERTIFICATE OF COMPLIANCE

[Refer to [Illinois Supreme Court Rule 341\(c\)](#)]

Rule 341(a) governs the form of briefs, and Rule 341(b) governs the length. Unless a motion to file a longer *Brief* is granted, the *Appellant's Reply Brief* (not counting the pages listed) must be no more than 20 pages OR no more than 7,000 words. If your *Brief* is within the page limit, add the number of pages in your *Brief* (not counting the pages listed). If your *Brief* is not within the page limit, but is within the word limit, add the number of words in your *Brief* (not counting the pages listed).

I certify that this *Brief* conforms to the requirements of Supreme Court Rules 341(a) and (b).
The length of this *Brief*, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(c) certificate of compliance, and the certificate of service, is _____ pages or words.

Sign and print your name.

Signature

Print Name