

Jurisdiction Should Be Addressed at the Threshold of Appeals

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Unlike other jurisdictions, Illinois does not currently require appellants to address appellate jurisdiction before filing their opening brief. Amending the Illinois Supreme Court Rules to require parties to state the basis of appellate jurisdiction up front will save lawyers, clients, and courts valuable time and resources.

"A reviewing court must be certain of its jurisdiction prior to proceeding in a cause of action." *People v. Smith*, 228 Ill. 2d 95, 106 (2008) (quoting *R.W. Duntelman co. v. C/G Enters., Inc.*, 191 Ill. 2d 153, 159 (1998)). But unlike in some jurisdictions, the Illinois Rules do not require litigants to address jurisdiction in advance of briefing. As a result, courts and litigants may waste time and resources briefing, and even arguing, appeals that end up dismissed for lack of jurisdiction. Other courts had adopted rules to help to avoid such circumstances. The authors propose a simple rules change that would require identifying and explaining the claimed basis of appellate jurisdiction much earlier in the process—which benefits the parties and reviewing court.

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