

HOW TO FILE AN APPEARANCE

What is an *Appearance*?

- An *Appearance* is a form you file with the Circuit Clerk to tell the court and the other parties that you are participating in the court case.
- The *Appearance* also tells the court whether you want your case decided by a judge or a judge and jury. You do not have a right to a jury trial in every case.
- It also gives the court and other parties your name and address so they may contact you about the case.

Who can use the *Appearance* form?

- You can only file an *Appearance* for yourself, not for anyone else.
- In most cases, companies must have attorneys and should not use this *Appearance* form.

When do I need to use the *Appearance* form?

The *Appearance* form is required in most civil court cases. For example, you must file an *Appearance* when:

- Someone sues you and you want to participate in the court case. If you do not file an *Appearance* and go to court as needed, the court case might go ahead without you and the court might rule against you.
- You had a lawyer but your lawyer stops representing you, and you are now going to represent yourself.

You do NOT need to file an *Appearance* when you start a new court case by yourself without a lawyer.

Why does the *Appearance* form ask for my email address?

- Providing an email address is optional. If you provide an email address, you agree to accept court documents by email.
- **Important:** You should only agree to get court documents by email if you have an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates.

Is there a deadline for filing an *Appearance*?

- The deadline for filing an *Appearance* is different depending on the type of case.
- You might have received other court papers, like a *Summons*, that give you a deadline for filing your *Appearance*.
- You might give up your right to participate in the court case if you do not file your *Appearance* on time.

Where can I find the forms I need?

You can find the forms at:

<http://www.illinoiscourts.gov/Forms/approved/>.

What costs will I need to pay to file an *Appearance*?

- There is a fee for filing an *Appearance* with the Circuit Clerk. The fee will be higher if you ask for a jury.
- If you cannot afford to pay the filing fee, you can ask the court to file for free. You will have to apply for a fee waiver by filling out the *Application for Waiver of Court Fees*. This is a separate set of forms you can find at: <http://www.illinoiscourts.gov/Forms/approved/>.

What do I do after I fill out the *Appearance* form?

Step 1: File the *Appearance* with the Circuit Clerk in the county where your court case is filed.

- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, or (2) you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer, (2) you have a disability that keeps you from e-filing, or (3) you have trouble reading or speaking in English.
 - Fill out a *Certification for Exemption from E-Filing* found here: www.illinoiscourts.gov/Forms/approved/default.asp.
 - File the original and 1 copy of your *Appearance*, and the *Certification*, with the Circuit Clerk's office in person or by mail.
- To e-file, create an account with an e-filing service provider.
 - Visit <http://efile.illinoiscourts.gov/service-providers.htm> to select a service provider. Some service providers are free while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp
- If you do not have access to a computer or if you need help e-filing, take your form to the Circuit Clerk's office where you can use a public computer terminal to e-file your form.
 - You can bring your form on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your form.

Step 2: Send a copy of your *Appearance* to the other parties in the case.

- You must send your *Appearance* to the other parties in the case. If a party has a lawyer, send the forms to the lawyer.
- You may send your *Appearance* to the other parties by personal hand delivery, by mail, third-party

commercial carrier (for example, FedEx or UPS), or through the court's electronic filing manager or an approved e-filing service provider. You may e-mail your *Appearance* to a party if they have listed their e-mail address on a court document. Complete the proof of delivery with information to show how you sent the forms to each party. It has room for 3 parties. If you are sending forms to more than 3 parties, fill out and file one or more *Additional Proof of Delivery* forms with your *Appearance*.