



## Supreme Court of Illinois

July 17, 2020

### ILLINOIS SUPREME COURT ADOPTS NEW RULE FOR EVICTION CASES

Chief Justice Anne M. Burke and the Illinois Supreme Court announced today the approval of new Rule 139 regarding practice and procedure in eviction proceedings. The new rule requires an eviction complaint to include a copy of the written eviction notice or demand and, where applicable, the relevant portions of the lease. The new rule is effective immediately.

The Illinois Supreme Court Rules can be found here:

<http://www.illinoiscourts.gov/SupremeCourt/Rules/default.asp>

“This new rule will help self-represented parties on both sides of eviction cases and also the judges hearing these cases by requiring key information at the outset,” Chief Justice Anne M. Burke said. “I would like to thank the Supreme Court Commission on Access to Justice for the development of this important new rule and the Supreme Court Rules Committee for its review.”

New Rule 139, first proposed by the Circuit Court of Cook County *Pro Se* Advisory Committee to the Supreme Court Commission on Access to Justice (ATJ Commission), allows for the attachment of an affidavit by the plaintiff using a standardized form approved for use by the Illinois Supreme Court in place of an eviction notice or demand, as well as the use of an affidavit if the plaintiff does not have the lease or if there is no written lease. The ATJ Commission has developed standardized statewide forms that are available [here](#).

The new rule is intended to crystallize the law, practices, and procedures in eviction courts by definitively requiring the attachment of demands, termination notices, proof of service of the demands and notices, and relevant portions of leases at the time of filing an eviction complaint. It was proposed and adopted to benefit all relevant parties and stakeholders involved in eviction cases.

Self-represented landlords benefit by being required to attach the demand, notice, and lease, when applicable, to the complaints, as those documents are necessary to establish a landlord's right to an eviction.

Self-represented tenants, who would have access to the relevant information at the outset, rather than having to wait for discovery or trial to understand the nature of the allegations against them, can better understand the basis for the eviction action and be better prepared to assert timely defenses.

Attorneys can more fully assess eviction cases to advise landlords and tenants on how to proceed on their own, or to determine whether to accept a matter for representation. And judges sitting in eviction courts would benefit from having the demand, notice, or lease available and in the record from the initiation of an eviction action.

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