

Judge ROBIN SCHMIDT
STANDING ORDER ON FINAL PRETRIAL CONFERENCES, TRIAL, EXHIBITS,
VOIR DIRE AND JURY INSTRUCTIONS

This standing order shall apply in all civil and criminal cases.

FINAL PRETRIAL CONFERENCE

Unless the Court orders otherwise, the parties shall submit the following documents and motions not less than fourteen (14) days before the final pretrial conference.

1. An agreed statement of the case;
2. Witness lists;
3. Exhibit lists prepared in Word format, in the layout demonstrated below, noting whether the exhibit will be admitted without objection or whether there is an objection to the exhibit;

Exhibit No.	Description	Identified	Admitted	Published	Denied	Withdrawn
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* The Exhibit List shall be emailed to the Court in Word format.

4. A list of all demonstrative aids intended for use at trial;
5. Stipulations;
6. One copy of proposed jury instructions containing the instructions on which the parties agree;
7. Any additional jury instructions on which the parties have not agreed; and
8. Any objections remaining in depositions that will be used at trial in lieu of live testimony shall be addressed at the final pretrial conference. **Prior to the final pretrial** counsel shall confer and attempt to resolve objections and formatting issues in the depositions. **Any remaining objections shall be addressed at the final pretrial.**
9. If there are numerous objections in depositions and counsel anticipates additional time will be needed to address objections, counsel shall contact the Court in advance of the final pretrial conference to obtain a hearing date prior to trial to address the objections.
10. All Motions in Limine and pretrial motions.
11. Responses to motions are due seven (7) days prior to the final pretrial conference,

If counsel amends the witness or exhibit list after the final pretrial conference, counsel must provide an amended list (in Word format) to the Court no later than the one day before the trial.

*** Courtesy copies must be provided to the Court in accordance with the Court's standing order on courtesy copies ***

GENERAL RULES FOR THE CONDUCT OF COUNSEL IN THE COURTROOM AND DURING TRIAL

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1. As a general rule, Court will convene at 9:00 a.m., take a mid-morning recess, break for lunch from noon to 1:30 p.m., take a mid-afternoon recess, and adjourn for the evening at 4:30 p.m.
2. An official court reporter will be provided by the Court, subject to availability.
3. If counsel desires a daily copy during trial, counsel will have to hire a private court reporter for such task. The Court's official court reporter will be the official record.
4. Counsel must stand when addressing either the Court or the jury. Counsel and the parties must stand when the jury enters and exits the courtroom.
5. Opening statements and closing arguments may not exceed 45 minutes without prior motion and permission from the Court.

VOIR DIRE

1. The Court will conduct the initial voir dire examination. Counsel may then follow up with additional questioning.
2. *Challenges for cause.* Each party may challenge jurors for cause. 735 ILCS 5/2-1105.1
3. *Peremptory challenges.* Each side shall be entitled to five (5) peremptory challenges in civil matters 735 ILCS 5/2-1106(a) and seven (7) in criminal matters (SCR 434).
4. In civil matters, if there is more than one party on either side, the Court may allow each additional side additional peremptory challenges, not to exceed three (3) on account of each additional party on the side having the greatest number of parties. Each side shall be allowed an equal number of peremptory challenges.
5. In civil matters, if the parties on a side are unable to agree upon the allocation of peremptory challenges among themselves, the allocation shall be decided by the Court.
6. The Court may direct one or two jurors in addition to the regular panel to be impaneled to serve as alternate jurors.
7. In criminal matters, each party shall have one additional peremptory challenge for each alternate juror (SCR 434(e)).
8. In civil matters, each side shall be allowed on additional peremptory challenge, regardless of the number of alternate jurors called. 735 ILCS 5/2-1106(b).
9. *Impaneling Juries.* The parties shall pass upon and accept the jury in panels of four, commencing with the Plaintiff/State, unless the Court, in its discretion, directs otherwise, and alternate jurors shall be passed upon separately. Once a panel has been accepted and tendered to the other side, there shall not be any back striking.

Counsel must not waste jurors' time. Consequently, counsel should:

1. Arrive in the courtroom on time (8:30 a.m.) for all scheduled court appearances; raise anticipated legal arguments regarding evidence, witnesses, etc.;
2. Raise anticipated legal arguments regarding evidence, witnesses, etc., at the beginning of the day prior to the scheduled arrival of the jury, after the jury has been relieved for a break, or after jury has been relieved for the day;
3. Request side-bars only when absolutely necessary; and

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CONDUCT TOWARD THE JURY

1. Counsel may not, under any circumstances, communicate with a juror during the pendency of a trial and may do so after the conclusion of the trial only with prior permission from the Court. RPC Rule 3.5
2. Counsel and the parties shall not extend common courtesies to any juror, including greetings, holding a door or elevator, etc.

OBJECTIONS

1. Counsel should attempt to limit their courtroom objections by motions in limine which should be in writing and filed at least 14 days before the final pretrial conference. The
2. Counsel should very briefly state the grounds for an objection at the time the objection is made (*i.e.*, “Objection. Argumentative.”).
3. If counsel wishes to argue an objection or make a record, they should not do so in front of the jury, but instead must request a side-bar. All side bars should be kept to a minimum as the Court frowns on requests to have the jury and/or counsel frequently taken from the courtroom.
4. The Court encourages counsel to anticipate evidentiary problems and handle as many objections as possible prior to trial or at the beginning of the morning or afternoon before the jury enters the courtroom.
5. Once an objection is made, before proceeding to another question, the questioner should either wait for a ruling or ask to withdraw the pending question. The questioner should not respond to the objection unless asked by the Court to do so.

EXHIBITS

1. Always pre-mark your exhibits and exchange them with opposing counsel.
 - a. Exhibits shall be brought to the final pretrial conference.
2. Each item in a group exhibit must be marked.
3. Always show exhibits to opposing counsel before showing them to a witness.
4. If counsel wishes to publish an exhibit to the jury, s/he should ask for the Court’s permission. Exhibits may not be published before they are admitted into evidence. No questioning of a witness will occur until the exhibit is published.
5. If the parties disagree on the admissibility of representations of testimony or on exhibits, the Court shall decide any such admissibility issues prior to the commencement of the trial.
6. Disputes over the admissibility of exhibits not addressed prior to trial should be raised outside the presence of the jury, preferably in a motion in limine.

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7. After an exhibit has been admitted and counsel has concluded examining the witness, counsel must return the marked exhibit to the clerk of the court. The clerk of the court will maintain the admitted exhibits throughout the trial. Counsel may request the exhibits when necessary. If exhibits are used during closing argument, counsel must return them to the clerk of the court.

8. Depositions shall not go back to the jury deliberation room. 735 ILCS 5/2-1107(d).

JURY INSTRUCTIONS (735 ILCS 5/2-1107)

1. Jury instructions should be double-spaced and in Times New Roman typeface, size 14 font. Multi-page instructions must be paper-clipped together with page numbers.
 - a. A copy may be emailed to the Court, but a hard copy must be provided as well as the Court and/or clerk of the court will not print out the instructions.
2. Pattern jury instructions must be used in criminal cases and civil cases. Non-pattern instructions are discouraged unless necessity compels their use.
3. At the final pretrial conference, counsel must furnish the Court with one clean (no citations or page numbers) and one annotated copy of each instruction. Paper clip each annotated copy on top of the corresponding clean copy.

CONDUCT DURING JURY DELIBERATION

1. Counsel should furnish the Clerk of the Court with a telephone or cellular phone number where they can be reached when the jury indicates that it has reached a verdict or when the jurors have a question that needs a response from the Court.
2. Counsel should be able to arrive in the courtroom upon receiving a call within no more than fifteen minutes after being contacted by the Court.