

Standing Orders and Expectations Concerning Jury Trials for Courtroom 315 – Judge Gibbons

A. Setting a case for jury trial

When a case is set for jury trial, three dates will be given:

- Final Pretrial Conference (approximately 3-5 weeks before jury trial)
- Jury Status (the Friday morning prior to the jury trial)
- Jury Trial

B. Final Pre-Trial Conference

The purpose of this setting includes but is not limited to:

- Ensuring discovery completion.
- Returns on any remaining Subpoena Duces Tecum.
- Final date for filing of any substantive motions in limine.
- Hearing date for any substantive motions in limine if any have been previously filed.
- Setting a hearing date for any newly filed substantive motions in limine.
- Discussion of any language access matters for the trial. (See local rule 2.16).

C. Jury Status

1. The purpose of this setting includes but is not limited to:
 - a. Answering whether the case is ready or not for trial.
 - b. Determining the priority order of cases if more than one case answers ready for trial by both parties.
2. Readiness for trial.
 - a. Courtroom 315 operates in accordance with Local Rule 23.01 regarding trial readiness.
 - b. At jury status, the attorneys should be expected to answer questions from the court regarding their readiness in accordance with the rules set forth in Local Rule 23.01. (These questions by the court are commonly referred to as the “preflight checklist”)
3. Jury Status: Other considerations
 - a. Cases wherein both parties are answering ready for trial may be set over for an additional final jury status to the forthcoming Monday if there are issues regarding determination of courtroom availability to hear the jury trial.
 - b. If more than one case answers ready for trial by both sides, the order of priority to determine the case that will proceed is to be determined by the following considerations:
 1. Speedy trial status
 2. Custodial status

3. Setting number
 4. Date of arrest
- c. If more than one case answers ready for trial, a second trial may be authorized depending on the availability of a backup judge and/or courtroom availability.
 - d. If at any time after answering ready for trial but before the jury trial begins a party is no longer “ready for trial” any motions related to the change in readiness should be brought to the court and opposing counsels attention immediately.
 - e. Any remaining minor motions in limine will be heard at jury status.

4. Motions to Continue Trial

- a. All motions to continue shall be in writing and supported by affidavit pursuant to 725 ILCS 5/114-4
- b. If a party is seeking to file a motion to continue a jury trial, it should be filed, without delay, upon learning of circumstances effecting the readiness to proceed to trial.
- c. Any motion to continue a jury trial will be governed by 725 ILCS 5/114-4.
- d. All motions for continuance are addressed to the discretion of the trial court and shall be considered in the light of the diligence shown on the part of the movant.
- e. The moving party of a motion to continue a jury trial based on the unavailability of a witness should expect the court to inquire as to matters regarding diligence including but not limited to:
 - i. The number and extent of attempts to contact a witness.
 - ii. The method, number of attempts, and result of subpoena service.
 - iii. In person, telephonic, or other electronic live methods of communication to secure the presence and prepare for testimony for a witness.
 - iv. Issuance date of subpoenas.
 - v. Whether the defendant will stipulate that the testimony of the witness would be as alleged.

D. Motions in limine in Courtroom 315

1. All “substantive” motions in limine are to be filed no later than the final pretrial conference. Responses to any “substantive motion in limine” are due within 14 days of the movant’s filing unless scheduled otherwise by the Court.
2. All “substantive motions in limine” and any other substantive motions are required to be heard in advance of the jury status date.
3. The purpose of limine motions include but are not limited to resolving issues as to evidence or other trial related matters in order to avoid lengthy delays regarding presentation and procedure during the jury trial and to ensure orderly proceedings.
4. “Substantive motions in limine” shall be in writing and shall cite any relevant case law or statutory authority supporting the movant’s position.
5. If necessary, the motion in limine may include a proffer of facts if needed to provide context for the motion.
6. “Substantive motions in limine” may include but are not limited to:
 - a. Other conduct evidence
 - b. Hearsay exceptions
 - c. Montgomery motions involving prolonged evaluation or argument
 - d. Motions to admit contested or controversial evidence
 - e. Motion for preliminary ruling regarding a jury instruction
 - f. Motions to bar or exclude evidence
 - g. Any motion where the moving party anticipates in good faith an adverse response from the opposing party based on the nature of the motion and case.
 - h. Any motion where the moving party anticipates that the hearing and decision regarding the motion will take more than 5-10 minutes based on the nature and depth of the motion.
7. Opposing counsel may file a response to the movant’s “substantive motion in limine” within 14 days of the movant’s filing unless otherwise scheduled by the Court and shall cite any relevant case law or statutory authority supporting their response.

E. Initial Commencement of Trial

1. Parties shall appear in Courtroom 315 (or the Courtroom designated for the trial) at or before 8:30am on the date the jury trial is scheduled to begin.
2. Parties shall present to the court the following items:
 - a. Sets of jury instructions and verdict forms (marked and unmarked) tailored to the anticipated facts of the case being tried. NOTE: It is encouraged that the parties submit these prior to the Tuesday trial date.
 - b. A list of voir dire questions (if any) that the attorney expects to ask prospective jurors which the attorney believes an objection may be lodged or that may be rejected by the Court. (The court will issue a preliminary ruling regarding the question)
 - c. A witness list.

3. If the defendant is in custody, arrangements should have been made prior to commencement of the trial for the defendant to be clothed in non-jail attire. Do not wait for the trial to commence to address this issue.
4. Any other procedural and or other trial housekeeping matters will be addressed.
5. The Court will go over a final (“pre-flight”) checklist with the attorneys and the defendant regarding the trial.

F. General rules of jury trial etiquette and jury trial court rules.

1. The parties shall stand when the sworn jury enters and leaves the courtroom.
2. The parties shall stand when addressing the Court.
3. Counsel and their clients shall not be in the chambers area at any time during the trial of the case except by permission of the court.
4. The parties shall not discuss the testimony of the case with anyone outside of their respective offices during the pendency of the case.
5. Counsel shall not address each other directly in the presence of the jury. All remarks should be made directly to the court.
6. Counsel should not approach a witness without leave of the Court nor remain in proximity to the witness once the purpose for approaching the witness has been accomplished.
7. Counsel shall not instruct a witness during the course of testimony. If an attorney believes the witness needs instruction such as speaking louder or answering in a responsive way, counsel should direct the request or objection to the Court.
8. Counsel shall have all of their exhibits marked prior to trial with small exhibit stickers that include the case name, case number, and exhibit number and will provide an exhibit list to the court prior to opening statements.
9. Counsel shall not instruct the Court reporter during the trial. If counsel wishes to have a question read back, ask the court permission to do so.
10. Counsel shall never address members of the Jury during the trial other than in voir dire and arguments.
11. Counsel shall refrain from any communication or gestures with jurors during the pendency of the trial.
12. Counsel shall stand to make objections.
13. Counsel shall state the basis of the objection in concise legal terms (example: “Objection, hearsay.”)
14. Speaking objections or commenting in front of the jury is prohibited.
15. If counsel feels necessary to question a ruling or give a prolonged objection, a sidebar or chambers conference shall be requested.
16. Counsel shall not direct a witness to step down from the witness stand or to perform an in court demonstration without prior leave of the Court.
17. Exhibits shall not be published to the jury without prior leave of the Court.

G. Voir Dire


1. Voir dire will begin with the Court initially questioning the entire venire of prospective jurors sent to Courtroom 315 from the Jury Commission as a group before any prospective jurors are called to the jury box, with the Court's initial questioning limited to answers that would exclude a person for serving or may constitute cause.
2. Voir Dire shall proceed with the Clerk calling the names of 14 prospective jurors.
3. The prospective jurors shall be seated in the jury box, including the alternate juror's chairs.
4. The Court shall question the entire panel followed by the State and then the Defense.
5. Attorneys for the parties shall not repeat any questions asked by the Court or areas covered by the court without the prior consent of the Court.
6. Counsel shall not instruct the jury as to the law.
7. Counsel shall not address jurors by their first names.
8. Counsel shall not discuss issues in the case without prior court approval. (See paragraph (E)(2)(b) above)
9. It is strongly recommended that if counsel wishes to address a case specific fact or area of law in voir dire that they first submit those questions in writing as a motion in limine to the Court for approval. (See paragraph (E)(2)(b) above)
10. Counsels shall not examine prospective jurors regarding the Zehr principals, hypothetical questions, appeals to empathy, or extraction of promises.
11. Jurors shall not be asked specific questions as to where they work or live or their family members' place of work or school.
12. At the conclusion of general questioning, the attorneys may approach the bench and advise whether or not they request additional voir dire of specific jurors in chambers regarding problematic or sensitive issues. If this request is granted, those jurors must be individually interviewed in chambers with counsel, parties, and court reporter in the presence of the Court.
13. Challenges to Jurors shall take place in chambers with all parties and the court reporter present or in open court with the following procedures:
 - i. As to the first juror, the State will first indicate whether they accept the juror or challenge the juror for cause or are exercising a peremptory challenge.
 - ii. The defense will then go through the same process with regard to the first juror.
 - iii. As to the second juror, the defense will go first, followed by the state.
 - iv. The parties will continue to alternate going through the remainder of the prospective jurors in the panel.
 - v. No back striking is allowed.
 - vi. Once a juror has been approved by both parties, that juror may not be excused by exercise of a peremptory challenge.

- vii. Jurors who remain following the exercise of peremptory challenges and challenges for cause will be sworn in at once and escorted from the courtroom and given instructions as to when and where to next return.
- viii. The same procedure will be followed until 12 jurors and 2 alternates have been selected unless otherwise agreed to by the parties and the Court.
- ix. The fact that a juror is an alternate juror will not be divulged by the Court until the conclusion of closing arguments.
- x. Each side will be given 5 peremptory challenges on any Misdemeanor case. (See Supreme Court Rule 434). Peremptory Challenges do not carry over to alternate juror selection. Each side shall have one peremptory challenge per alternate juror.
- xi. The same process will be used for each panel of 14 jurors questioned with the defense and state alternating the initial selection remark as to juror number 1 in each panel.

H. Opening Statements

- 1. Length and purpose: The purpose of opening statements is to outline to the jury what each side contends the evidence will establish and give a general idea of what the case is about. As such, they should not exceed 5 minutes unless necessary.
- 2. Use of exhibits: Use of documents and/or physical evidence during opening statements is prohibited without proper consent of counsel and approval of the Court and should only occur in extraordinary circumstances.

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