

Standing Orders: Courtroom A – Hon. Judge John T Gibbons

Courtroom Etiquette and Protocol Expectations:

- A. Be on time for court. If you are unavoidably detained, please notify the Courtroom A Bailiff or Administrative Assistant and let them know where you can be reached and when you will be available to handle your case.
- B. Bring your calendar to court. If someone is covering for you, be sure that person has your calendar and instructions on what actions to take in your absence.
- C. It is imperative that you bring your file with to court or have access to your file in court so that you are capable of answering questions posed by the court.
- D. If you believe that a motion, hearing, or trial previously set will not proceed for some reason, please notify the court in advance for scheduling purposes and/or request to status the matter before the court early to address any scheduling issue or motion to continue. This will assist the court in managing its schedule in a more efficient manner.
- E. Always make sure to carbon copy (cc) opposing counsel in any scheduling emails or any other authorized correspondence between counsel and the court.
- F. File pre-trial motions at the earliest available date so that they can be promptly set for hearing. Submit courtesy copies together with any authority upon which the motion is based to the Court and private counsel. The courtesy copies should be distributed BEFORE you come to court and NOT after you arrive.
- G. Whenever a motion is submitted, it should incorporate and cite the applicable statute or other authority with which the request for relief is based.
- H. If you must request a continuance, make every effort to accomplish the goal for which the continuance was obtained before the next court dates.
- I. Appearances in Courtroom A should always be meaningful. This means that between court appearances you have made progress with preparation and communicated with your client (defense), made any required victim contact (State), and have discussed the matter with opposing counsel if necessary. You should walk into each court appearance ready to have your case called and report the status.
- J. Do not wait until the day of a motion hearing to make an offer or counter-offer.

- K. Do not approach the bench without asking leave to do so.
- L. Do not give directions to the clerk, bailiff court reporter or witness. If you need assistance simply ask the Court or bailiff for any accommodation needed from any of the court personnel.
- M. Do not engage the bailiff or clerk about matters that are not before the court while court is in session unless you are discussing coordination of arrival time in other courtrooms, checking your case in, or obtaining information about your case from the clerk.
- N. Do not enter the well of the court while court is in session unless you are approaching to appear on your case. (In courtroom A, the “well of the courtroom” is the area in front of the jury box and in front of counsel table and the bench)
- O. Do not cause a distraction during discussions with opposing counsel, your client, the clerk, bailiff and court staff.
- P. Do not enter the chambers hallway without permission of the court or bailiff.
- Q. It is important at all time to maintain a professional appearance and decorum in the courtroom.
- R. Keep non-essential conversation to a minimum.
- S. Stand, if able, when addressing the court.
- T. Keep your voice up when speaking on the record.
- U. Silence your electronic devices at all times and keep them out of sight unless utilizing them for work purposes.
- V. Keep beverages out of sight of the gallery and judge and off of visible surfaces. beverages are permitted on the tables during hearings and trials. Please do not bring beverages such as soda or energy drinks in cans or bottles to the courtroom. If bringing beverages into the courtroom, please have them in a closed cup, thermos, or other container. (Please note that beverages may not be allowed in other courtrooms).
- W. Note: Court is “in session” when the Judge is on the bench.

Expectations and Protocol Concerning Jury Trials:

A. Setting a case for jury trial:

When a case is set for jury trial, four (4) dates may be given:

1. A deadline for filing of any Motions in Limine.
2. Final Pretrial Conference / Motion in Limine Hearing (approximately 3-5 weeks before jury trial)
3. Jury Status (the Thursday morning prior to the jury trial)
4. Jury Trial

B. Final Pre-Trial Conference:

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

1. Ensuring discovery completion.
2. Returns on any remaining Subpoena Duces Tecum.
3. Hearing date for any substantive motions in limine that have been filed.
4. 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 and ensuring 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 A 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 next day (generally Friday) if there are any final issues to be addressed.
- 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 immediately to the attention of the Court and opposing counsel.
 - e. Any remaining minor motions in limine will be heard at jury status.
 - f. The Court will review a final (“pre-flight”) checklist with the attorneys and the defendant regarding the trial both at the jury status and just prior to commencement of trial.

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 A

1. All “substantive” motions in limine are to be filed no later than the deadline given. 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 A (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 trial date and can expect that the court may order the same.

- 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. NOTE: It is encouraged that the parties submit these prior to the trial date and can expect that the court may order the same.
 - c. A witness list. NOTE: It is encouraged that the parties submit these prior to the trial date and can expect that the court may order the same.
 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 review a final (“pre-flight”) checklist with the attorneys and the defendant regarding the trial both at the jury status and just prior to commencement of 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, if able, 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 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, they shall seek the Judge's permission to do so.
10. Counsel shall never address members of the Jury during the trial other than when in voir dire, opening statements, reading of stipulations and closing 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. Counsel shall request a sidebar or chambers conference if they believe that it is necessary to question or clarify a ruling or give a prolonged objection.
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 A 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 seeks to address a case specific fact or area of law in voir dire, they first submit those questions in writing as a motion in limine to the Court for approval. (See paragraph (E)(2)(b) above).
10. Counsel 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:
 - a. 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.
 - b. The defense will then go through the same process with regard to the first juror.
 - c. As to the second juror, the defense will go first, followed by the state.
 - d. The parties will continue to alternate going through the remainder of the prospective jurors in the panel.
 - e. No back striking is allowed.

- f. Once a juror has been approved by both parties, that juror may not be excused by exercise of a peremptory challenge.
- g. Jurors who remain following the exercise of peremptory challenges and challenges for cause will be sworn in at once, escorted from the courtroom, and given instructions as to when and where to next return.
- h. 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.
- i. The fact that a juror is an alternate juror will not be divulged by the Court until the conclusion of closing arguments.
- j. Each side will be given 5 peremptory challenges on any Misdemeanor case and 7 peremptory challenges on any Felony 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.
- k. 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 5-10 minutes unless necessary or based on the complexity of the case.
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.

Formally published and entered this 23rd day of October, 2023,



Hon. John T. Gibbons
Associate Judge (Courtroom A)
17th Judicial Circuit