

COURTROOM 315
STANDING ORDER NO. 1

Standing Orders and Expectations Concerning Jury Trials for Courtroom 315 -
Judge Walker

This Standing Order will be applied in all matters pending before the Court. The Court will be flexible when necessary due to extenuating or emergent circumstances.

A. Prior to setting a case before trial

Prior to a case being scheduled for jury trial, all discovery must be complete.

B. Setting a case for jury trial

When a case is set for jury trial, several dates will be given depending on the circumstances of the case:

- A specified date for the filing of pretrial motions
- Final Pretrial Conference (approximately 3-5 weeks before jury trial- if necessary)
- Jury Status (the Wednesday morning prior to the jury trial)
- Jury Trial

C. Final Pre-Trial Conference

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

- Returns on any remaining Subpoena Duces Tecum
- Scheduling a date for any pretrial motions requiring a hearing
- Discussion of any language access matters for the trial. (See local rule 2.16)

D. Jury Status

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

- a. Answering whether the case is ready for trial
- b. Determining the priority order of cases if more than one case answers ready for trial by both parties
- c. Confirming availability of witnesses for the trial date

Each trial attorney is responsible for directly contacting their witnesses to ensure availability.

2. Readiness for trial.

- a. Courtroom 315 operates in accordance with Local Rule 23.01 regarding trial readiness. Please review Local Rule 23.01.
- 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. 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. 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.
- b. All motions to continue shall be in writing and supported by affidavit pursuant to 725 ILCS 5/114-4. The moving party shall contemporaneously provide a copy of the motion to continue to opposing counsel and a courtesy copy to the Court.
- c. 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.
- d. 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 by trial counsel and office staff 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 state or defendant will stipulate that the testimony of the witness would be as alleged.

E. Motions in limine in Courtroom 315

1. All motions in limine shall be filed by the date given by the Court. Noncompliance with this may result in a continuance. If the Court does not provide a specified date, the motions shall be filed no later than the final pretrial conference. Responses to any motions in limine are due within 14 days of the movant's filing unless scheduled otherwise by the Court.
2. Motions in limine requiring a hearing are expected 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. If necessary, the motion in limine may include a proffer of facts if needed to provide context for the motion.
5. "Substantive motions in limine" and responses to substantive motions in limine shall be in writing and shall cite any relevant case law or statutory authority supporting the movant's position.
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 hot button issues including 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.

F. 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 (marked and unmarked) tailored to the anticipated facts of the case being tried. The state shall submit verdict forms. NOTE: It is strongly encouraged that the parties submit these on the Friday prior to the Tuesday trial date.
 - b. A witness list
 - c. An exhibit list and marked exhibits
3. If the defendant is in custody, defense counsel should arrangements 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. If any technology including but not limited to laptops, thumb drives, compact disk videos need to be utilized, the parties should test the exhibit with said technology prior to the commencement of the trial. In addition, should any video, photographic or any other evidence requiring the use of technology need to be sent to the jury, the parties should secure a "clean" machine for the submission of said evidence to the jury. A "clean" machine is one that does not have any other apps, programs, documents or other items continued thereon other than that needed for the display of the admitted evidence.
5. Any other procedural and or other trial housekeeping matters will be addressed.
6. The Court will review a final ("pre-flight") checklist with the attorneys and the defendant regarding the trial.

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

1. The parties shall stand when the 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.
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 state the basis of the objection in concise legal terms (example: "Objection, hearsay.")
13. Speaking objections or commenting in front of the jury is prohibited.
14. If counsel feels necessary to question a ruling or give a prolonged objection, a sidebar or chambers conference shall be requested.
15. 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.
16. Exhibits shall not be published to the jury prior to admission into evidence.
17. Exhibits shall not be published to the jury without prior leave of the Court.

H. Voir Dire

1. Voir dire will begin with the prospective jurors being sworn in to answer questions put to them by counsel and the Court.
2. The Court will question the entire venire of prospective jurors as a group before any prospective jurors are called to the jury box. The Court's initial questioning will be limited to answers that would exclude a person for serving or may constitute cause.
3. Voir Dire shall proceed with the Clerk calling the names of 14 prospective jurors.
4. The 14 prospective jurors shall be seated in the jury box, including the alternate juror's chairs.

5. The Court shall question the entire panel followed by the State and then the Defense.
6. Attorneys for the parties shall not repeat any questions asked by the Court.
7. Counsel shall not instruct the jury as to the law.
8. Counsel shall not address jurors by their first names.
9. Counsel shall not discuss issues in the case or hypothetical fact patterns without prior court approval.
10. 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. Counsels shall not examine prospective jurors regarding the Zehr principles, 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 or electronic recording present or in open court with the following procedures:
 - i. As to the first jury panel, the State will first indicate whether they accept each individual juror or challenge the juror for cause or are exercising a peremptory challenge.
 - ii. As to each individual juror, after the State indicates whether they accept the juror, the defense will go through the same process and indicate whether they accept the juror.
 - iii. As to the second jury panel, the defense will first indicate whether they accept each individual juror or challenge the juror for cause or are exercising a peremptory challenge. The state will follow and will advise as to whether they accept each individual juror.
 - iv. The parties will continue to alternate going through each panel of prospective jurors until a panel of fourteen (14) jurors are chosen.
 - 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.

I. 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 as to the facts of the case. As such, they should not exceed 15 minutes unless approved by the Court.
- 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.

J. Closing Arguments

- 1. Closing arguments should not exceed 30 minutes without Court approval.
- 2. Closing arguments shall not include expressions of personal opinion including but not limited to “I believe...”, “I think...”

Formally published and entered on this 16th day of June, 2023



Tamika R. Walker
Associate Judge (Courtroom 315)
17th Judicial Circuit