

**STANDING ORDER:  
JUDGE JOSEPH McGRAW'S TRIAL PROCEDURES**

The following is for the purpose of advising counsel what to expect in a jury trial. If you feel a modification needs to be made, advise me before the trial and I will consider your request. Otherwise, the outline procedures will be followed:

1. One week before the Final Pre-Trial Conference, counsel shall file Motions in *Limine* regarding significant evidentiary questions that may arise during the course of the trial. Courtesy copies and supporting documentation and/or authority shall be provided directly to the Judge's secretary at the same time of filing, with case law highlighted.
2. In civil trials, counsel must provide their own court reporters. In criminal misdemeanor trials, trial counsel must request a court reporter at the final jury status call if they want the Court to consider supplying a reporter. Failure to make such a request shall not be a basis for a continuance.
3. Counsel shall not be in chambers area at any time during the trial of the case except by permission of the Court.
4. Counsel and their clients shall stand when the jury enters and leaves the courtroom.
5. Counsel shall stand at all times when addressing the Court.
6. *Voir dire* shall proceed with the clerk calling names of prospective jurors. The prospective jurors shall be seated in the jury box, including the alternate jurors' chairs. The Court shall question the entire panel, followed by the State/Plaintiff's Counsel and then Defense Counsel. Attorneys for the parties shall not repeat any questions asked by the Court or areas covered by the Court in *voir dire* without the prior consent of the Court. 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 concerning problematic or sensitive issues. Those jurors must be individually interviewed in chambers with counsel, parties and court reporter in the presence of the Court. Once that has been concluded, challenges to jurors shall take place outside the presence of the *venire*. As to the first juror, the State will first indicate whether they accept the juror or challenged the juror for cause or are using a peremptory challenge. The Defense will then go through the same process with regard to the first juror. As to

the second juror, the Defense will go first, followed by the State. The parties will continue to alternate going first throughout the remainder of the prospective jurors. The State/Plaintiff will go first on all odd-numbered jurors and the Defense will go first on all even-numbered jurors. No back-striking is allowed. Once a juror has been passed or approved by both parties, that juror may not be excused by the exercise of a peremptory challenge. 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 when and where to next return. The same procedure will be followed until 12 jurors and 2 alternates have been selected, unless otherwise agreed by the parties and the Court. The number of peremptory challenges is governed by Supreme Court Rule 434, not statute. One peremptory challenge per alternate is allowed. Peremptory challenges left over from the selection of the initial 12 do not carry over and may not be utilized during the selection of the alternates. Peremptory challenges not utilized on alternate number one do not carry over and may not be utilized during the selection of alternate number two.

7. During *voir dire*, counsel shall not repeat questions asked by the Court, shall not instruct the jury as to the law, shall not call jurors by their first name and shall not discuss issues in the case without prior court approval. Counsel are to provide to the Court questions they wish put to the entire panel concerning general issues or case-specific issues. These shall be in writing and provided prior to any jury selection. Counsel shall not examine jurors about Zehr principles, hypothetical questions, appeals to empathy, or extraction of promises. Jurors shall not be asked where they work or live or their family members' place of work or school.
8. Two alternate jurors will be picked unless otherwise agreed.
9. An updated list of witnesses and a statement of the case shall be provided by all counsel to the Court prior to *voir dire*.
10. The Court expects to start on time. Unless otherwise agreed upon, court shall start at **9:00 a.m. and may end at 5:00 p.m.** with mid-morning and mid-afternoon breaks. The Court may extend or shorten court hours as needed.
11. Do not use any document or physical evidence during opening statements without prior consent of opposing counsel and leave of Court.
12. Counsel shall not address each other directly in the presence of the jury. All remarks shall be made directly to the Court.

13. Counsel shall not approach a witness without leave of Court nor remain in proximity to the witness once the purpose for approaching the witness has been accomplished.
14. 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, direct your request or objections to the Court.
15. Counsel shall have all of their exhibits marked prior to trial and will provide an exhibit list to the Court prior to opening statements.
16. Counsel shall not instruct the court reporter during the trial. If counsel wishes to have a question read back, ask the Court for permission to do so.
17. Counsel shall stand to make objections. Counsel shall state the basis of their objection in concise legal terms (*e.g.* "Objection, hearsay"). "Speaking objections" or commenting in front of the jury is not permitted. If counsel feels it is necessary to question a ruling counsel shall request a sidebar. Once the Court has ruled, no further argument or comment on the ruling that is within the hearing of the jury will be permitted.
18. Sidebars shall take place at the bench and will be taken down by the court reporter utilizing a microphone located at the bench and connected to the court reporter's earphones. The parties will remain at counsel table and only attorneys will participate in sidebar conferences at the bench unless other arrangements have been specifically requested and ruled upon in advance by the Court.
19. Jury instructions shall be provided to the Court before commencement of jury selection.
20. Counsel shall not direct a witness to step down from the witness stand or to perform an in-court demonstration without obtaining prior leave from the Court.
21. Exhibits shall not be published to the jury without obtaining prior leave of the Court.

Revised: 3/17/14