

COURTROOM D

STANDING ORDER NO. 6

(Jury Trial Process & Conduct of Counsel at Trial)

In order to expedite each jury trial and to avoid or minimize the possibility of prejudice and the potential for mistrials, the Court requires that all counsel adhere to the following instructions and expectations throughout a case that comes before the Court for jury trial:

1. The Court expects to start each session of Court during a jury trial on time. Unless otherwise agreed upon or necessitated by the circumstances of a particular case, **the Court expects counsel to be present in Courtroom D at 8:30 a.m. each day of trial** to address any matters that may need to be addressed outside the presence of the jury venire or the empaneled jury. The Court expects to recess for a mid-morning break; a lunch break and a mid-afternoon break and to adjourn for the day at or near 5-5:30 p.m. each day of jury trial unless the jury is deliberating.

2. Counsel for the State and Defense Counsel shall file a written **Witness List** and may file a written proposed **Statement of the Case** prior to the date of the Final Jury Pretrial Conference. When the case comes before the Court for jury trial, counsel shall tender to the Court the Witness List and any Agreed or Proposed Statement(s) of the Case for use during *voir dire*. In the absence of proposed Statements of the Case, the Court will read all of the charges against the Defendant to the venire from the Bill of Indictment, excising the statutory references and sentencing language. Counsel for the State and Defense Counsel shall each provide to the Court an Exhibit List on the morning of the first day of trial to assist the Court and/or the courtroom Clerk in keeping a record of Exhibits offered, admitted, refused and/or withdrawn. Counsel are responsible for maintaining an accurate list of the Exhibits that have been offered, admitted and/or published to the jury.

3. When necessary during *voir dire* and during trial, sidebars shall take place at the bench and shall either be taken down by the Court Reporter utilizing the microphones located at the bench and connected to the reporter's earphones or recorded by the courtroom's Electronic Recording equipment. In general, only counsel may approach and participate in a sidebar unless other arrangements have been requested and ruled upon in advance by the Court.

4. *Voir dire* shall proceed as follows: (a) the Court will initially question the entire venire of prospective jurors sent to Courtroom D 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 from serving or may constitute cause; (b) following the Court's initial questioning of the entire venire, the Clerk shall call the names of prospective jurors from the panel of jurors sent to Courtroom D by the Jury Commission and prospective jurors will then be seated in or near the jury box, including the alternate and any additional juror chairs (panels of 14-20); (c) the Court will question the entire seated panel first, followed by the State and then by Defense Counsel; (d) counsel shall not repeat questions asked by the Court or ask similar questions on areas covered by the Court without obtaining leave; (e) at the conclusion of general questioning, counsel may approach the bench to advise whether either party seeks additional *voir dire* of specific jurors in chambers concerning problematic or sensitive issues; such additional *voir dire* (if any) will take place either in open court with the remainder of the *venire* excused from the courtroom or in

chambers with counsel, parties and a court reporter present (or with Electronic Recording active in chambers); (f) at the conclusion of *voir dire* with respect to a seated panel, the Court will hear challenges for cause, first from the State, and then from Defense Counsel; (g) after hearing all challenges for cause, the Court will tender the prospective juror in Seat #1 on the jury seating chart first to the State to accept or reject, and if the prospective juror is accepted, then to Defense counsel to accept or reject. As to the prospective juror in Seat #2, Defense Counsel will go first, followed by the State. The parties will continue to alternate going first throughout the remainder of the panel of prospective jurors; (h) 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.

The procedure set forth above will continue until twelve (12) jurors and two (2) alternates have been selected and seated, 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 twelve jurors do not carry over and may not be used in the selection of alternate jurors. Peremptory challenges not exercised on alternate juror #1 do not carry over and may not be utilized during the selection of alternate juror #2.¹

5. During *voir dire*, counsel shall question prospective jurors only on matters which could be the basis for challenge for cause and shall not examine as to matters of law or discuss the facts they expect to prove at trial during the *voir dire* process. Counsel **shall not call prospective jurors by their first names** and shall not ask questions related to specific issues in the case without prior Court approval. Counsel shall not examine prospective jurors about *Zehr* (Supreme Court Rule 431(b)) principles; shall not pose hypothetical questions; shall not make appeals to empathy; and shall not attempt to extract specific promises from prospective jurors. Prior to the commencement of jury selection, counsel shall provide to the Court in writing any questions they may wish to put to the entire panel concerning general or case-specific issues. The Court may, in its discretion, decline to permit questioning on case-specific issues and may, in its discretion, direct counsel during questioning to cease a line of inquiry in the event the Court deems it inappropriate, repetitive and/or oriented toward jury indoctrination. Specific questions tailored to the specific facts of the case which appear intended to serve as “preliminary final argument” are generally impermissible. Unless granted permission in advance for a longer period of questioning, **Counsel for the State and counsel for the Defendant shall each be limited to no more than fifteen (15) minutes of additional questioning per panel** of prospective jurors seated following the Court’s inquiry of the panel.

6. Once a jury has been empaneled and sworn, counsel and their clients shall stand whenever the jury enters or leaves the courtroom throughout the course of a jury trial.

¹ This **Standing Order No. 6** constitutes notice to the parties and to their counsel of the system to be used for jury selection in Courtroom D and is intended to afford “both parties a fair opportunity to detect bias or hostility and to excuse any objectionable venire member.” *See, e.g. People v. McCormick*, 328 Ill.App.3d 378, 381-82 (2d Dist. 2002).

7. Counsel shall avoid addressing each other directly during the trial of the case while in the presence of the jury venire or the empaneled jury. All objections, questions, comments and remarks should be directed to the Court. Counsel shall stand when making objections or otherwise addressing the Court.

8. When two or more attorneys are on the same side trying a case, the attorney conducting the examination of a particular witness shall continue until the witness is excused from the stand and all objections made or exceptions taken during the examination of such witness shall be made or announced by the attorney who is conducting the examination or cross-examination. Counsel shall conduct their examinations of witnesses at a reasonable distance away from the witness chair so that all jurors and other counsel may hear the questions and answers. Counsel shall not approach a witness without leave of Court and shall not remain in close proximity to a witness once the purpose for approaching the witness has been accomplished. Counsel shall not direct a witness to step down from the witness stand or to perform an in-court demonstration of any kind without first obtaining leave of Court.

9. Counsel will state all objections to the Court and not to opposing counsel. The basis for any objection (*e.g.* the relevant Illinois Rule of Evidence) shall be stated briefly (*e.g.* “Objection, hearsay” or “Objection, foundation”); speaking objections and evidentiary arguments are not permitted in the presence of the jury. When an objection is made, the Court will rule on the objection or invite a sidebar as the Court deems appropriate. If an objection is overruled, no further argument or comment on the ruling in the presence of the jury is permitted. Whether to grant a sidebar or hear further argument is at the discretion of the Court, and may be permitted upon request of counsel at any time before a witness is excused.

10. To the extent reasonably possible, counsel for the State and counsel for the Defendant shall have all Exhibits anticipated to be offered as substantive or demonstrative evidence or that may be used as rebuttal evidence **marked in advance** for identification purposes with exhibit letters or exhibit numbers and shall provide courtesy copies of all paper exhibits to opposing counsel.

11. Counsel shall not interrupt one another, except to make an objection, while opposing counsel is addressing the Court or the jury. If objections are made by way of interruption, the objection shall be concise and not stated by way of argument.

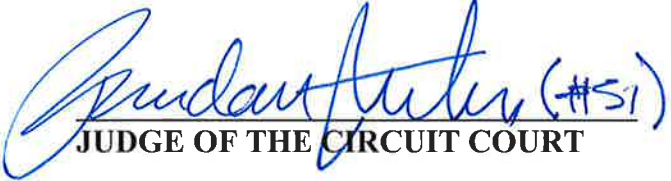
12. Counsel shall refrain from making derogatory remarks, inferences, or insinuations about each other or their handling of the case. The trial is between the parties, not their counsel.

13. Unless granted permission in advance and upon specific request, **the State and the defense shall each be limited to a total of forty-five (45) minutes of time for their respective closing arguments.** The State may divide its time between its initial and rebuttal closing arguments in any manner it chooses. Unless the time for closing argument has been extended in advance, **the Court will remind counsel during closing arguments if or when counsel has exceeded these time limits.**

14. All counsel are expected to abide at all times by the Illinois Rules of Professional Conduct including but not limited to the obligations of Rule 3.8 (restricting but not prohibiting parties' right to public comment regarding trial proceedings).

SO ORDERED.

Entered: 09/15/20


JUDGE OF THE CIRCUIT COURT

Last Amended: 09/15/20