



JUDGE MARY M. ROWLAND
219 South Dearborn Street
Chicago, IL 60604

Courtroom: 1225

Courtroom Deputy: Dawn Moreno (Rm. 1226)
dawn_moreno@ilnd.uscourts.gov
(312) 435-5857

FINAL PRETRIAL ORDER FOR CRIMINAL JURY TRIALS BEFORE JUDGE ROWLAND

The parties are required to submit certain materials in advance of the final pretrial conference and the trial. Parties should closely review and comply with this Standing Order.

I. SCHEDULE

In each case, the Court will set specific dates, and generally the final pretrial conference will be held 1.5 to 2 weeks prior to trial. The Court will set a schedule by order that sets deadlines for: (a) motions *in limine*; (b) responses to motions *in limine*; (c) joint pretrial statement; and (d) proposed *voir dire* and proposed jury instructions. Deadlines may be varied only by the Court.

II. JOINT PRETRIAL STATEMENT

The parties shall jointly prepare and file a pretrial statement containing the following:

- 1. Case Statement.** A concise joint statement of the case, which will be read by the Court to the jury during *voir dire*. After reading the case statement, Judge Rowland also ordinarily reads the third paragraph of Pattern Instruction 1.02:

“The indictment is simply the formal way of telling the defendant what crimes he is accused of committing. It is not evidence that the defendant is guilty. It does not even raise a suspicion of guilty.”

2. **Trial Attorneys.** A list of the attorneys trying the case, including business addresses and telephone numbers.
3. **Estimate of Trial Time.** A realistic estimate of the length of the trial, including jury selection.
4. **Stipulations.** In numbered paragraphs, set forth any stipulations and uncontested facts.
5. **Witness Lists.** Separate lists for the government and defendant providing the names of witnesses, including expert witnesses, divided into the following categories:
 - a. witnesses who will be called to testify at trial; and
 - b. witnesses who may be called to testify at trial.

For each witness, provide a very concise (2 or 3 sentences) description of the witness and the witness’ role in the case.

The Court will read the names of witnesses on the lists during *voir dire*.

6. **Exhibit Lists.** A list by each side of all exhibits the party will definitely use at trial (including demonstratives, summaries of other specially prepared exhibits), which includes the following:
 - a. the exhibit number for each document;
 - b. the date of the document;
 - c. a brief description of the document and a concise statement of the exhibit’s relevance;
 - d. whether there is an objection to admission of the document and, if so, a concise statement of the basis for the objection (e.g., Rule 402—relevance; Rule 403—undue prejudice or confusion); and
 - e. a concise statement of the asserted basis of admissibility, if there is an objection.

At least one week before the pretrial conference, the parties must submit one exhibit binder containing copies of the objected-to exhibits, as well as one USB or electronic storage device containing all proposed exhibits (whether objected to or not).

After the pretrial conference and rulings on exhibits, parties must submit to the Court: **two** USBs or two electronic storage devices containing the final, pre-marked exhibits along with exhibit lists.

Note: The Court understands that due to unforeseen circumstances during trial a party may wish to introduce an exhibit not previously listed, however, notice should be given as soon as possible to the opposing side and to the Court so that any objections can be discussed. Absent abuse of this process, an exhibit will not be deemed inadmissible simply because it was not included on the original exhibit list, provided the exhibit/document was earlier produced to the opposing side during discovery.

III. MOTIONS *IN LIMINE*

The parties shall meet and confer on all motions *in limine* before filing them. Motions *in limine* and supporting memoranda must be filed separately from the joint pretrial statement as separate docket entries. To the extent reasonable, parties should file multiple motions in one filing (or a few consolidated filings) to reduce the number of filings. Responses to motions in limine should also be submitted in one document.

All motions in limine and responses must be filed according to the schedule set by the Court. No replies will be filed unless ordered by the Court.

Unless set separately, the deadline on motions in limine includes *Santiago* motions by the government to allow co-conspirator statements. *Santiago* motions must be specific in identifying the offered statements, so that the parties may brief, and the Court may analyze, the propriety of each statement.

IV. PROPOSED *VOIR DIRE* AND JURY INSTRUCTIONS

Voir Dire:

To the extent possible, the Court prefers that most questions asked of potential jurors be included in a written questionnaire (of no more than two pages) as it encourages reflection and candor. To propose questions to be included in the written questionnaire distributed to the venire, the parties must file a joint proposed voir dire document that includes both:

- (a) each party's proposed voir dire questions; and
- (b) each party's objections, if any, to the voir dire questions proposed by the other parties.

Jury Instructions and Verdict Form:

The parties are instructed to meet and attempt to agree on jury instructions and a verdict form before filing the pretrial order. The Court uses the Seventh Circuit Pattern Jury Instructions where applicable. If the parties wish to modify a Seventh Circuit Pattern Jury Instruction, the party proposing the modification must submit a redline to the Court showing the modification to the pattern instruction. The parties should concentrate their efforts on the substantive jury instructions related to the merits.

The parties must submit all agreed and proposed jury instructions with the final pretrial order. Each proposed instruction must indicate the proponent of the instruction and whether the instruction is agreed or disputed. The bottom of each instruction must identify the legal authority supporting the instruction. If an instruction is disputed, the grounds for the objection (and any proposed modification or alternate instruction) must be concisely stated on the same page immediately following the disputed instruction. The party proposing the instruction may then state concisely the reasons supporting the instruction as proposed.

Joint documents of the joint pretrial statement, proposed voir dire, jury instructions and verdict forms must be both filed on the docket and also submitted in Word format to Judge Rowland's proposed order mailbox:

Proposed_Order_Rowland@ilnd.uscourts.gov.

V. FINAL PRETRIAL CONFERENCE

The purpose of the final pretrial conference will be to avoid surprises and to simplify the trial. At the conference, the Court will address any pending motions *in limine*, objections to witnesses and exhibits, contested jury instructions, trial procedures, and scheduling matters. Lead trial counsel fully prepared and with authority to discuss all aspects of the case must attend.

VI. EVIDENCE PRESENTATION AND EXHIBITS

At least three weeks prior to trial, the parties shall contact the Court's systems department (312-435-6045) to coordinate any specific evidence presentation needs.

Finally, parties should familiarize themselves with the Court's Jury Evidence Recording System (JERS) protocol. Attorney Instructions are available here:

[https://www.ilnd.uscourts.gov/assets/documents/forms/courtroomtech/JERS Attorney Instructions.pdf](https://www.ilnd.uscourts.gov/assets/documents/forms/courtroomtech/JERS_Attorney_Instructions.pdf).

In addition, parties are advised that at the close of evidence at trial they will be expected to file a final exhibit list on the docket.

ENTER:

A handwritten signature in black ink, reading "Mary M Rowland". The signature is written in a cursive style with a large, looping initial "M".

**MARY M. ROWLAND
United States District Judge**

Dated: 10/5/23