

## Civil Trial Procedures for Judge Edmond E. Chang

1. *Jury Selection.* In the Jury Department, jurors are provided with a letter stating the general background questions each juror will answer during *voir dire*. (You can find a link to Judge Chang's letter, entitled Voir Dire Standard Letter, on the Civil Trials & Voir Dire section of Judge Chang's website.) Jurors will be placed in the jury box and in the gallery according to the random-order list. The Court will ask the background questions of *all* jurors. After each juror answers, the Court will ask the additional questions approved, during the pre-trial conference, for *voir dire*. After that questioning, counsel will have a chance to propose follow-up questions at a side-bar (though the Court will ask the questions). After that last round of questioning, counsel will exercise for-cause challenges. That will leave the qualified pool on which peremptory strikes will be made (double-strikes count against both sides). The first 8 (or however many jurors are being seated for the trial) non-struck jurors on the random-order jury list will comprise the jury.

2. *Exhibit-Naming Convention & Exhibit Copies.* Refer to the Proposed Pretrial Orders & JERS link on Judge Chang's website (JERS is the Jury Evidence Recording System) for instructions on how to name and supply exhibits for trial. In sum, each party shall supply (a) the exhibits in digital format on a USB drive, DVD, or CD; and (b) the exhibits in paper copy (just 1 set), double-sided in three-ring binders. The exhibit binders should separate the exhibits with tabs that correspond to the exhibit number. Show demonstrative and summary exhibits to opposing counsel in advance of the trial day, even if not offered into evidence. If you need instruction on the courtroom display technology equipment, please call the Systems Department (312.435.6045) within the Clerk's Office.

3. *Displaying Exhibits on the Video Monitors.* The courtroom's evidence-display technology has separate controls for the counsel-table video monitors, the witness's monitor, and the jury's monitors. The judge will leave the counsel-table monitors set to display during the entire trial. Generally, the judge also will leave the witness's monitor set to display during the entire trial, because usually the other side does not have an objection to the witness being shown the proposed exhibit. But in order to give the other side time to object to even that step, the offering party should state something to the effect of, "Your Honor, I'd like to show Plaintiff's Exhibit 1 to the witness." If the opposing party objects to even showing the witness the exhibit, that is the time to object. Otherwise, the offering party may display the exhibit to the witness via the offering party's laptop or the document camera.

To publish the exhibit to the jury, preface your request with something to the effect of, "Your Honor, may we publish Plaintiff's Exhibit 1 to the jury?" The Court will ask whether there is an objection, and then if publication is allowed, the Court will turn on the jury's video monitors. When done with that exhibit, say something

to the effect of, “Your Honor, we’re done with that exhibit,” and the Court will turn off the jury’s video monitors (and that also will be a signal to your co-counsel or assistant if you have someone putting on and off an exhibit via a laptop).

As we get deeper into the trial, we might be able to avoid turning off the jury monitors at certain points. For example, if you’re asking a witness about an exhibit or set of exhibits already allowed into evidence and already published, you may signal that you’re going to move onto an exhibit that’s already been published (*e.g.*, “Your Honor, we’re done with that exhibit, and I’d now like to show Plaintiff’s Exhibit 2, which has already been published.” The Court will ask whether there’s any objection, and if not, the jury monitors will remain on.

4. *Witness Examinations / Jury Addresses.* All witness examinations must be conducted from the **podium** unless otherwise allowed by the Court. The only alternative site is the end of the jury box, but you must speak loudly enough for the witness, judge, jury, and court reporter to easily hear you, and speak into the microphone at the end of the jury box. In order to respect the jury’s time, *always* have enough witnesses available so that we make use of the full trial day. Jury addresses must take place at the **podium** as well: even if you speak loudly for us to hear you, the audio-recording system relies on the **microphones** to record what you say, and the recording is necessary for transcript preparation or to resolve a dispute over what a transcript says.

5. *Objections.* When you object, you must stand so that the Court and the witness are on alert that an objection will be made. Before trial, counsel should instruct their witnesses not to answer a question when they see the opposing lawyer stand and while an objection is pending. You must state a short, non-argumentative basis for the objection (*e.g.*, relevance, hearsay), and responses must be similarly short and non-argumentative. Ideally, there will be little or no need for a side-bar if objections and responses are succinct.