

Pretrial Memorandum and Procedures for Criminal Cases
(including Motions in Limine) for Judge John Robert Blakey

The parties shall review the information below and submit (either jointly or separately), by 9:00 a.m. on the third business day preceding the pretrial conference, a Pretrial Memorandum containing the sections and information described below. The Pretrial Memorandum Order must be e-mailed to “Proposed_Order_Blakey@ilnd.uscourts.gov” in Word format, along with a courtesy copy delivered to chambers. The Pretrial Memorandum must also be filed on the docket by selecting “Other Filings” and then “Other Documents,” and choosing the Proposed Pretrial Order event in CM/ECF.

A. **Final Pretrial Conference:** Normally, a Final Pretrial Conference will be held approximately two weeks before trial. At the conference, the Judge will address all pending motions in limine and discuss trial procedures and scheduling. All pretrial procedures set forth below, of course, remain subject to other statutory and Constitutional requirements, including, *inter alia*, those provided in the Jencks Act, 18 U.S.C. § 3500, *Brady v. Maryland*, 373 U.S. 83 (1963), and Federal Rules of Criminal Procedure 16 and 26.2.

B. **Contents of Pretrial Memorandum:**

1. **Trial Attorneys.** List all of the attorneys trying the case, as well as their contact information (business address, telephone number, and e-mail address). Lead trial counsel shall provide to chambers by telephone his or her cell phone number for use in the event the Court needs to reach the parties during trial.
2. **Case Statement.** Provide a neutral and concise agreed statement of the case to be read by the Court to the jury during jury selection. The statement should include a description of the nature of the case and the charges, and may include (but is not required to include) any defenses. The parties shall refrain from using argumentative or indoctrinating language.
3. **Trial Length.** State the estimated number of trial days, including jury selection, opening statements, and closing arguments. Generally, to accommodate the venire, the Court will select a jury on day one of trial and start opening statements on day two.
4. **Agreed Exhibits and Factual Stipulations (if any).** The parties should submit a copy of all agreed exhibits (if any), and also list any factual and testimonial stipulations they intend to enter into evidence and publish to the jury. For instance, a “factual stipulation” might

provide that “the bank was insured by the FDIC,” or “the firearm moved in interstate commerce.” A “testimonial stipulation” might provide that “Witness Jones would testify that the records (Ex. A) were kept in the normal course of business,” or “Witness Smith would testify that the transcript (Ex. B) is a true and correct transcription of the prior sworn testimony.” The parties also remain free to propose additional factual stipulations during trial, but all stipulations must be in writing and approved by the Court prior to being published to the jury.

5. **Witness Lists.** List the witnesses, including expert witnesses, divided into: (a) witnesses who will be called; (b) witnesses whose testimony will be presented by prior testimony (indicating whether the presentation will be made by reading a transcript or playing a video); and (c) witnesses who might be called or whose testimony might be presented. The names of witnesses on the lists will be given to the jury during jury selection to ensure that potential jurors do not personally know any witnesses.
6. **Exhibit Lists and Binders.** The parties must each submit a proposed trial exhibit list that includes any summary exhibits and demonstrative exhibits. The list must state the following: (a) the exhibit number; (b) a concise description of the exhibit (with any pertinent dates of documents); and (c) a concise statement of the exhibit’s relevance.

Absent an approved request for delayed disclosure, the parties must submit to Chambers, by 9:00 a.m. on the first day of jury selection, two sets of binders containing their final trial exhibits.

7. **Motions in Limine.** In the Pretrial Memorandum, each party must provide a list summarizing its motions in limine. **Motions in limine must be filed separately from the Pretrial Memorandum by the due date set by the Court.** Ten business days prior to the Final Pretrial Conference, or on the date otherwise set by the Court, each party shall file its motions in limine **within a single pleading not to exceed 30 pages, with each issue separately numbered and argued within the pleading.** Five business days prior to the Final Pretrial Conference, or on the date otherwise set by the Court, each party shall file its response. The response shall consist of **a single pleading, not to exceed 30 pages, with each issue separately addressed and listed with the same numbering as the motions in limine.** Any challenges to expert testimony or evidence must be made within the motions in limine. No replies will be permitted

absent leave of the Court. Unless otherwise directed by the Court, the parties will argue all motions in limine at the Final Pretrial Conference.

Every motion in limine filed by a party must be accompanied by a statement that the party has conferred with the opposing party and the opposing party actually intends to offer the evidence that the movant seeks to exclude, or actually opposes admission of the evidence that the movant seeks to include. If the meet-and-confer process results in agreement over evidentiary issues, that agreement should be memorialized in the Pretrial Memorandum, and subject to approval by the Court, such agreements may be finalized at the Final Pretrial Conference.

8. **Jury Selection Questions (Proposed Voir Dire).** Judge Blakey will ask standard questions of the venire during jury selection. Prior to the Pretrial Conference, the parties must review the Court's "Jury Selection Protocol – Criminal Cases" and "Standard Jury Questions – Criminal Cases" on Judge Blakey's information page on the Court's official website: <http://www.ilnd.uscourts.gov/>. Any additional questions sought by the parties must be listed in the Pretrial Memorandum, divided into: (a) agreed-upon questions; and (b) proposed questions to which one party objects. A short basis for any objection should accompany the list.
9. **Proposed Jury Instructions and Verdict Forms.** The parties must meet and confer in order to attempt to agree upon jury instructions and the verdict forms. If the parties agree to use any [Seventh Circuit Pattern Instructions](#), those instructions may simply be listed by citation in the Pretrial Memorandum. The parties should concentrate their efforts on the substantive jury instructions related to the merits. In the Pretrial Memorandum, the parties should set forth the complete text of any non-Seventh Circuit Pattern instruction and identify: (a) the proponent of the instruction; (b) the legal authority for the instruction; and (c) whether there is an objection to the instruction. If an instruction is disputed, the proponent of the instruction should concisely explain the basis for the instruction, if more explanation is required beyond the identified legal authority. Moreover, if an instruction is disputed, the objecting party must concisely state the grounds for the objection, as well as any proposed modification or alternative. The same principles apply to proposed verdict forms.

- C. **Trial Briefs:** Judge Blakey does not require trial briefs in jury trials. Parties who wish to file a trial brief to address any unique issues of law or fact, however, may seek leave of Court to do so on or before the due date for filing motions in limine. No legal briefs or memoranda will be permitted during trial (including briefs or memoranda supporting or opposing motions for a judgment of acquittal) absent prior leave of Court.
- D. **Evidence Projection Systems:** The Court has a limited number of evidence projection systems, which may or may not be available for use on any given date. Parties who would like access to evidence projection systems are advised to make a request as early as possible (four weeks prior to trial is suggested) to Nathaniel Groshek, Courtroom Technology Administrator, at (312) 435-6045. Parties may be permitted to use their own evidence projection systems, upon reasonable terms, if a request is made in advance of trial, through the Courtroom Deputy.