

JUDGE SARA L. ELLIS

FINAL PRETRIAL ORDERS – CRIMINAL JURY TRIALS

In all criminal jury trials scheduled before Judge Ellis, the parties shall jointly prepare and submit a final pretrial order. In each case, the Court will set the date in advance of trial on which the parties must file the final pretrial order. The final pretrial order (including the Court's two courtesy copies) must include the following items:

1. **Trial Attorneys:**

A list of the attorneys trying the case, including business addresses and telephone numbers.

2. **Case Statement:**

A concise agreed statement of the case, which the Court will read to the jury during *voir dire*.

3. **Witness Lists:**

Separate lists for the government and defendant providing the names of witnesses, including expert witnesses, divided into the following three 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*.

4. **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 provide the court with two sets of exhibit binders containing copies of the objected-to representative exhibits. If the representative exhibits require more than a single binder, the parties must contact the Court's courtroom deputy to explain why additional binders are required. After the pretrial conference and rulings on exhibits, two binders of the final exhibits will be required.

Note: There is no need to list every conceivable exhibit that can possibly be used. The parties should submit a list of trial exhibits they definitely intend to introduce. Exhibits not likely to be used need not be listed. If, due to unforeseen circumstances during trial a party wishes to introduce an exhibit not previously listed, 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.

5. **Motions in Limine:**

Unless otherwise ordered, all motions *in limine* must be filed three weeks before the filing of the pretrial order. Responses are due one week before the filing of the pretrial order. No replies will be filed unless ordered by the Court. The parties are directed to meet and confer on all motions *in limine* before filing them.

Parties filing motions *in limine* should submit their initial motions and the supporting exhibits in one document for the Court. Responses to motions *in limine* should also be submitted in one document.

6. **Voir Dire Questions:**

The parties must file a joint 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.

7. **Jury Instructions:**

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 7th Circuit Pattern Jury Instructions where applicable. If the parties wish to modify a 7th 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.

8. **Evidence Projection Systems:**

The courtroom is equipped with a digital evidence projection system. The Court expects parties to be familiar with and use this system. As early as possible prior to trial (four weeks prior to trial is suggested), counsel should contact Alexander Zeier, the Courtroom Technology Administrator, to schedule a training session. He may be reached at (312) 435-6045.

9. **Final Pretrial Conference:**

A Final Pretrial Conference will be held approximately one to three weeks before trial. The purpose of this 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.

Dated: August 28, 2019

ENTER:

SARA L. ELLIS
United States District Judge