



JUDGE SUNIL R. HARJANI
219 South Dearborn Street
Courtroom 1925
Chambers 1956
Chicago, IL 60604
(312) 435-3000

PREPARATION OF FINAL PRETRIAL ORDER FOR CRIMINAL CASES

The parties shall jointly prepare and submit a Final Pretrial Order on the date set containing the following components, unless otherwise ordered by the Court. **An original and two (2) copies of the Final Proposed Pretrial Order shall be delivered to chambers.**

Contents of the Pretrial Order

The subjects discussed below should be addressed in separate, tabbed and numbered sections of the Pretrial Order. The Pretrial Order either should be placed in a three-hole binder or spiral-bound on the left side of the document, with tabs on the right side.

1. **Trial Attorneys.** A list of the attorneys trying the case that includes their business and cell phone numbers and email addresses.
2. **Case Statement.** A concise joint statement of the case that includes the nature of the case and the charges, followed by a statement that the defendant has pled not guilty. In a jury case, this statement will be read to the jury during *voir dire*.
3. **Witnesses.** A list of names and addresses of all witnesses, including experts: (a) who will be called; (b) who may be called; and (c) whose testimony will be presented by deposition or other prior testimony (indicating whether the presentation will be by transcript or video). A very brief description of the witness's role in the case shall also be included. In a jury trial, the list of witness names will be read to the jury during *voir dire*.

- a. **Objections.** A statement of any objections to the calling of any witness, including expert witnesses. Objections not made in the Pretrial Order will be deemed waived absent a showing of good cause. If the objection is the subject of a motion *in limine*, the Pretrial Order may simply refer to the motion and need not repeat the grounds stated in the motion.
 - b. **Depositions and Other Prior Testimony.** For witnesses who will be presented by deposition or other prior testimony, the Pretrial Order must include for each such witness a chart containing the following information: (a) the testimony that each side seeks to present, by page and line number; (b) a concise statement of objections to any testimony and the basis for the objections with appropriate citations to evidentiary rules or case law; and (c) a concise statement of the asserted basis of admissibility with appropriate citations to evidentiary rules or case law. Objections not made in the Pretrial Order will be deemed waived absent a showing of good cause. *If the Court will be called upon to rule upon objections, a copy of the deposition is to be provided with the Pretrial Order.*
4. **Exhibits.** A list of all exhibits a party may introduce at trial, as well as any demonstrative exhibits or evidence, identified by trial exhibit number, and a section that provides a brief description of each exhibit. Joint exhibits should be denominated “JX,” government exhibit, “GX,” and defendant’s exhibits, “DX.” Two bench books of each party’s exhibits are to be delivered to the Court at or before the start of the trial. Any substantial objection to an exhibit shall be filed as a motion in limine.
5. **Type and Length of Trial.** A statement of whether the trial will be a bench trial or jury trial, and a realistic estimate of the length of the trial. The Court holds “long trial days” that run from 8:30 a.m. to 5:00 p.m. and the attorneys will have a minimum of six hours on-the-record trial days.
6. **Proposed Voir Dire Questions.** For a jury trial, the parties should propose any unique *voir dire* questions for the questionnaire. Judge Harjani often uses a written questionnaire as the initial basis for *voir dire*, which has the standard questions that most district judges use. Counsel will be given copies of the final completed questionnaires before jury selection begins. Judge Harjani will also pose additional *voir dire* questions in open court that are not suitable for the questionnaire. The parties should assume that the “general” questions typically asked by judges during jury selection will be asked and should not duplicate them in the Final Pretrial Order. Rather, the parties should focus their attention on areas of questioning that are specific to the case. The parties should include any particular *voir dire* questions they want asked in the Pretrial

Order. If any question proposed by an opposing party is objected to, the objection should be noted in the Pretrial Order.

7. **Proposed Jury Instructions / Verdict Form.** For a jury trial, proposed jury instructions are to be in Word and included both in the written Pretrial Order and emailed to the Proposed Order Box. When there is a Seventh Circuit pattern jury instruction on point, that instruction should be used absent a good reason for not doing so.
 - a. **Agreed Instructions.** The parties are directed to confer and agree upon jury instructions to the extent possible prior to the submission of the jury instructions to the Court. Agreed proposed instructions should be marked as such and shall be numbered consecutively.
 - b. **Disputed Instructions.** Proposed instructions that are not agreed shall be numbered, shall identify the proponent of the instruction, and shall include supporting authority. Objections to any proposed instructions must be set forth in writing and shall include supporting authority.
8. **Stipulations.** A listing of any stipulations agreed to by the parties, including stipulations regarding the presentation or admissibility of evidence.

Motions *In Limine*

The Court will set a schedule for the filing of motions *in limine* when it sets dates for the filing of the Pretrial Order. These motions and responses *should not* be bound with the Pretrial Order. They should be filed separately on the CM/ECF system. Two (2) courtesy copies of any motions *in limine* shall be delivered to chambers in accordance with the Local Rules.

Judge Harjani discourages the filing of “boilerplate” motions *in limine* or motions that address matters not in dispute. Any motion *in limine* filed by a party must be accompanied by a statement that the party has conferred with the opposing party and has determined that the matter upon which a ruling is sought is actually in dispute. If the meet-and-confer process results in agreement that certain matters are inadmissible or admissible, that agreement should be memorialized in a stipulation to be provided to Judge Harjani in the Pretrial Order or at the final pretrial conference. The motions *in limine* must also be briefed as thoroughly as possible, which means they allow the Court to rule without the need for argument.

Daily/Expedited Transcript and Real-Time Reporting

Any requests for daily or other expedited transcripts and real-time reporting must be made at least seven (7) days prior to trial.

Instructions for Compiling Final Pretrial Order

The government has the responsibility to prepare the initial draft of the Pretrial Order and must provide a draft to defendant's counsel no later than twenty-one (21) days before the date the Pretrial Order is due. Defendant's counsel must respond in writing to the government's draft by no later than fourteen (14) days before the Pretrial Order is due, including any objections, changes, and additions to the draft, as well as defendant's portions of the draft Pretrial Order (*e.g.*, defendant's witness list, exhibit list, and objections to exhibits and deposition or other prior testimony). The parties must meet and confer by no later than seven (7) days before the Pretrial Order is due to discuss their respective drafts and to reach agreement to the extent possible. ***These dates may be varied only by written agreement of the parties or by order of the Court.***

Following the meet-and-confer process, it is the responsibility of government counsel, with full cooperation from defendant's counsel, to assemble the Pretrial Order for submission. The Pretrial Order should be filed on the CM/ECF system with a cover page with the case caption and the title FINAL PRETRIAL ORDER. The cover document must: (a) recite that each of the foregoing categories of materials is included, (b) state that "This Order will control the course of trial and may not be amended except by consent of the parties, or by order of the Court to prevent manifest injustice," and (c) provide spaces for the signature of counsel for each of the parties and the Court.

Pretrial Conferences

The Court will set a date for the final pretrial conference before trial. The purpose of this conference is to avoid surprises and to simplify the trial. At the conference, Judge Harjani will rule on pending motions *in limine*, objections to witnesses and exhibits, and discuss contested jury instructions, and will also cover his trial procedures and scheduling. Lead trial counsel fully prepared and with authority to discuss all aspects of the case must attend. The defendant must also be present.

Jury Selection

The entire venire will enter the courtroom and be sworn in. Jurors will be seated in the jury box and in the gallery according to the random-order list. The Court, not the parties, will ask certain background questions of all jurors. Then the Court will ask follow-up questions based on their completed juror questionnaires. After the Court's questioning, the parties will have an opportunity to question jurors about their completed questionnaires. The Court will then go to sidebar to hear challenges for cause and rule on those challenges. The parties will next submit preemptory challenges in writing simultaneously (overlapping preemptory challenges count against both sides). The government has 6 preemptory challenges and the defendant has 10 preemptory challenges pursuant to Federal Rule of Criminal Procedure 24, unless otherwise requested and approved by the Court. The first 12 non-struck jurors

on the random-order jury list will comprise the jury. Then the parties will exercise their peremptory (or peremptories, if more than one) challenge for the alternate (or alternates, if more than one).

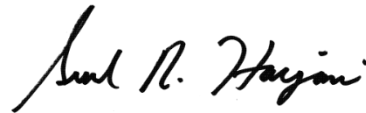
Instructions for Trial Counsel

Your compliance with the following requests will be appreciated:

- (i) Please be on time for each court session. Trial engagements take precedence over any other business. If you have matters in other courtrooms, arrange in advance to have them continued or have a colleague handle them for you.
- (ii) Contact the Systems Department within the Clerk's Office at least two weeks before trial if you need assistance with understanding how to operate the courtroom display technology equipment.
- (iii) Court time may not be used for marking exhibits. This must be done in advance of the court session.
- (iv) Please stand whenever you address the court. This includes the making of objections. (Counsel with physical disabilities will be excused from this requirement.)
- (v) Please speak into the microphone whenever speaking on the record in court. You may move away during opening and closing arguments but you must speak loudly or use a portable microphone.
- (vi) Please stand when you question witnesses. (Counsel with physical disabilities will be excused from this requirement.)
- (vii) On direct examination, if you intend to question a witness about a group of documents, avoid delays by having all the documents given to the witness when you start the examination.
- (viii) When you object in the presence of the jury, make your objection short and to the point. Do not argue the objection in the presence of the jury, and do not argue with the ruling of the court in the presence of the jury. If the matter is important and anticipated, raise the issue in the morning prior to the start of the trial.
- (ix) Do not ask the court in the presence of the jury to declare that a witness is qualified as an expert or qualified to express an expert opinion.
- (x) You must request leave of court to approach a witness to show the witness an exhibit.

- (xi) Do not ask for a recess before cross-examination. If the direct examination should end at about the time the court would recess anyway, *e.g.*, lunch time, a recess will be taken. Otherwise, be prepared to commence cross-examination immediately upon conclusion of the direct.
- (xii) Counsel are not permitted to contact jurors after trial without permission of the Court.

SO ORDERED.

A handwritten signature in black ink, reading "Sunil R. Harjani". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Sunil R. Harjani
United States District Judge

Dated: February 9, 2026