

## TRIAL PREPARATION AND PROCEDURES

### Calculating the estimated length of a trial:

In order that the court's calendar may be more efficiently managed, please consider the following when calculating the projected length of trials, whether civil or criminal:

The typical trial day will run from 9:00 a.m. to 5:00 p.m., Monday through Thursday. Each party should estimate the total number of **hours** - not days - they will need to present their entire case (opening, direct, cross, redirect, closing), *excluding* jury selection. A typical jury "week" will consist of approximately 24 hours of in-court jury time (six-hour trial days). As to each particular trial, the parties and jury members will be advised of the schedule on a daily basis. Bench trials may be tried on a more flexible schedule than jury trials.

### The trial day

The trial day will run as close to the following schedule as practicable:

#### **8:15 a.m.**

To maximize efficiency and to avoid undue delay to the jurors, preliminary matters will be addressed before the commencement of the 8:30 motion call. Counsel should contact the judge's courtroom deputy as soon as possible the night before, or by 8:00 a.m. in the morning if they anticipate raising any issues before the start of the morning motion call. If counsel need to address the court outside the presence of the jury before the afternoon session, they should bring this to the courtroom deputy's attention before the trial adjourns for the lunch break.

#### **9:00 - 12:30 p.m.**

Morning session. The trial will commence promptly at 9:00, *or as soon as the judge completes her morning motion call*. **Counsel are expected to be on time and ready to proceed.** The judge will take a break before her morning call and the beginning of the trial which will afford the parties an opportunity to set up in the courtroom – this may not be done during an ongoing motion call.

#### **1:45 - 5:00 p.m.**

Afternoon session.

### Morning/Afternoon Breaks; Lunch

There will typically be two 15-minute breaks each day – one as close to 10:30 a.m. as practicable, and another at approximately 3:00 p.m. The lunch break will run from 12:30-1:45, and may be adjusted on a daily basis. Counsel should pay attention to the timing and be present in the courtroom and ready to proceed when the break is

over.

## **Courtroom Protocol**

Bar admission. Counsel participating in the trial of a case shall ensure that an appearance has been filed *before the commencement of the trial* and shall comply with the trial bar requirements of Local Rule 83.11. Any lawyer who does not have an appearance on file will not be allowed to participate in the presentation of the case.

Audio/visual equipment. Judge Lefkow's courtroom is not equipped with sound or video equipment. If counsel requires the use of screens, projection units, etc., arrangements can be made in advance of the trial date with the District Court Systems Department at 312-435-6045. Any equipment should be set up in the courtroom in advance of the trial, and arrangements to do so should be made with the courtroom deputy. *It is important that counsel familiarize themselves with any audio/visual equipment in advance of its use in the courtroom.*

Witness examination and objections. Examination of witnesses will include direct, cross, and redirect. Any further examination must be by leave of court for good cause shown.

Counsel should stand when questioning witnesses or making an objection so the judge, the jury, and the court reporter can clearly understand what is being said. When an objection is made in the presence of the jury, counsel is required to identify the basis for the objection (hearsay, irrelevance, etc.). If a party wishes to argue the objection, counsel are to request a side bar and may not argue the objection in the presence of the jury.

Exhibit books and trial exhibits. Each party shall prepare an exhibit book (three-ring binder) containing all exhibits that have been admitted pretrial or will be offered during the trial. Each exhibit shall be pre-marked and the exhibit book correspondingly tabbed. Three copies of the exhibit book will be provided to the court at commencement of trial.

In order to run a more "green courtroom," the use of projection equipment is strongly recommended so as to obviate the need to provide paper copies of exhibits for each juror. Where the parties intend to distribute paper exhibits to the jury during the trial, they must prepare an exhibit book for each juror. It is not, however, necessary to place all exhibits in the exhibit book. Rather, only those that are of particular significance to the presentation during examination of a witness need be placed in the exhibit book. At the end of the trial, the parties may work together to agree on what exhibits are needed during deliberations.

All trial exhibits, binders, easels, etc., are to be removed from the courtroom and/or jury room as soon as practicable after the end of the trial. The cloak room on the side of the courtroom is not a storage room! Any materials remaining in the cloak

room after one week will be discarded.

Jury instruction conference. At a convenient time before closing arguments commence, a jury instruction conference will be held. In advance of the conference, the parties are to attempt to resolve any disagreements in instructions. They should bear in mind that the court will likely resolve disputes consistently with the Seventh Circuit's pattern instructions, or, where applicable, the IPI pattern instructions. Once the issues are resolved (which may be off the record), the parties will be given the opportunity to place their objections on the record.

Deliberations. All counsel are directed to supply the courtroom deputy with a telephone number where they can be contacted directly, and from which they can return to the courthouse within 15 minutes of being called.

Questions posed by the jurors during deliberations will be handled, if at all possible, by an on-record conference call with the parties. That said, however, counsel should still be able to promptly return to the courtroom if such a situation arises.

Transcripts. If a party or parties anticipate requesting a daily or hourly transcript of a trial that may reasonably be expected to last more than one day, they should contact Judge Lefkow's court reporter, Pamela Warren (312/294-8907 or [pswcsr@aol.com](mailto:pswcsr@aol.com)), at least five business days prior to the first day of trial.