

# Law Division Standing Order

## Courtrooms 2008, 2010, 2014, 2016 and 2020

The purpose of the standing order is to provide guidance to the attorneys and litigants who appear in any DuPage County Law Division courtroom to promote efficient and consistent treatment for every case.

### Electronic orders are mandatory in the Law Division

The link below will take you to a helpful tutorial:

[https://eaccess.18thjudicial.org/CRIS/helpDocs/Attorney\\_Flow/Attorney\\_Flow.html](https://eaccess.18thjudicial.org/CRIS/helpDocs/Attorney_Flow/Attorney_Flow.html)

**All civil cases, as well as pleadings in civil matters, must be filed electronically. E-file in DuPage County is online at [efile.illinoiscourts.gov](http://efile.illinoiscourts.gov).** Pursuant to local Court Rule 5.09(b), each electronically filed document must also include the typed name, **e-mail address**, address, and telephone number of the attorney or pro se party filing such document. Attorneys must include their DuPage County Attorney number on all documents.

### **STATUS CALL - 9:00 a.m. Monday through Thursday**

The Clerk of the Court automatically sets the first status date within 90 days of the filing of a complaint. Failure to appear may result in a dismissal for want of prosecution. The purpose of the initial status date is to verify service of summons on the defendants and any appearances. If all the defendants have appeared and answered the complaint, a discovery schedule may be entered by the Court. Any status dates thereafter are set by the Court.

### **MOTIONS FOR PRESENTMENT - 9:00 a.m. Monday through Thursday**

In order to be heard on a Notice of Motion, the attorney or *pro se* litigant must first schedule the date and time with the Judge's assistant by telephone. Filing the Notice of Motion with the Clerk's office alone will not place the motion on the call. If the opposing side wishes to respond to the motion in writing, a briefing schedule will be entered, and a hearing date will be set by the Court. Courtesy copies of all motions scheduled for presentment shall be delivered to Judge's chambers at least three days prior to presentment. You may fax or email your Notice and Motion, however, there is a twenty-five-page limit to do so. (630-407-8850 or the Judge's public email address).

### **CASE MANAGEMENT CONFERENCE - S.Ct.Rule 218 - 9:00 a.m. Monday through Thursday**

Supreme Court Rule requires that the court hold a case management conference within 35 days after the parties are at issue (all defendants have appeared and answered the complaint) and in no event more than 182 days after the filing of the Complaint. The Circuit Court Clerk sets the first Case Management Conference date (CMC) when the case is filed. Failure to appear shall result in a dismissal for want of prosecution. Thereafter, the Court sets any CMC dates. Pursuant to S.Ct.Rule 218, counsel and any *pro se* litigant who appear shall be familiar with the case and prepared to discuss the nature, issues and complexity of the case, potential amendments to the pleadings, potential stipulations concerning facts and documents, the number and duration of depositions, retention of expert witnesses, deadlines for written discovery, disclosure of witnesses, depositions, scheduling of a settlement conference and/or mediation, the date the case should be ready for trial, and future case management dates. The Court expects orders setting discovery schedules to be followed. If the parties cannot comply with the set schedule, a motion to extend the time to perform the discovery, with good cause shown, should be presented on or before the next status date. **If no such motion is presented, a failure to follow the discovery schedule can result in an order barring any further extension of time to perform that discovery.**

### **CONTESTED MOTIONS –AS SET BY COURT**

Contested Motions are scheduled for hearing by the Court and not the Judge's secretary. Once a contested hearing date has been set, it will not be continued without good cause shown. If the request for continuance occurs within 48 hours of the hearing, the Court may, in its discretion, deny the continuance and decide the motion without oral argument of any party not present for the hearing. Pursuant to local Court rule 6.05(c), **printed** courtesy copies of the motion, response, and reply must be provided to the court seven days in advance by the movant unless otherwise ordered. If the motion is pursuant to 735 ILCS 5/2-615 or 2-619, a courtesy copy of the complaint at issue must also be provided. No motion, response or reply shall exceed 10 pages without prior leave of court. All motions shall be in strict compliance with the limitations contained in Local Rule 6.05(d).

### **PRE-TRIAL/SETTLEMENT CONFERENCE – AS SET BY COURT**

The Court encourages settlement conferences as early as possible in the litigation process. A printed pre-trial memorandum from **each** party shall be sent to the Judge seven days before the settlement conference with copies to opposing counsel unless a confidential memorandum is or ordered by the Court. The plaintiff must submit a demand for settlement in the pre-trial memorandum. At the settlement conference, the parties with settlement authority must be present or available by telephone. "Settlement authority" means the ability to meaningfully negotiate toward a settlement agreement on behalf of a party and, if successful, to bind that party to an enforceable settlement agreement. Settlement conferences before the judge presiding over the case are undertaken pursuant to the provisions of Supreme Court Rule 63A(5)c. You may fax or email your pre-trial memorandum, however, there is a twenty-five-page limit to do so. (630-407-8850 or the Judge's public email address).

For plaintiffs, any and all lien amounts should be ascertained before appearing at the settlement conference, including Medicare. For defendants, do not suggest or schedule a settlement conference unless you have obtained reasonable settlement authority from your client or carrier. Failure of a party or their counsel to comply with this rule may result in court-imposed sanction, including but not limited to an award of attorney fees to the other party or parties.

### **TRIAL DATES – AS SET BY COURT**

The Bench/Jury Trial Setting form order should be used when scheduling a jury trial date. *Trial dates are firm and requests for continuance are not encouraged and should be presented by motion at the earliest date. A Motion to Continue a trial date will be granted only upon good cause shown.* If another case is set the same day, it is within the Court's discretion as to which case will proceed, whether to hold the other case for trial, reschedule the trial, or transfer the case to the Presiding Judge for immediate reassignment for trial.

### **FINAL TRIAL CONFERENCE -AS SET BY COURT**

When a jury case is set for trial, a Final Trial Conference date will be set prior to trial. The purpose of the Final Trial Conference is to review the Nature of the Case which will be read to the venire, rule on motions *in limine*, objections in evidence depositions, review and rule on proposed instructions, discuss jury selection, witnesses, and scheduling. The Court can conduct a settlement conference at that time if the parties are willing to do so, but that is not the purpose of the Final Trial Conference. **Trial counsel must be present for the Final Trial Conference.**

### **TRIAL CONFERENCE MATERIALS**

Each party is responsible to provide to the Court and opposing counsel **printed** copies of the trial materials fourteen days before the Pre-Trial Conference date. In a Jury trial the materials should include the following:

- 1) Jointly prepared/approved Nature of the Case with a list of witnesses and estimated number of trial days.
- 2) Stipulations of the Parties.
- 3) List of Exhibits with courtesy copies of documents for the Court.
- 4) Copies of any Evidence depositions with list of page/line number of all objections on which the Parties are requesting a ruling. Any objection not listed is waived. Only form or foundation objections are waived if not made during the deposition. All other objections are preserved.
- 5) Copies of any Answers to S.Ct.Rule 216 Request to Admit which any Party wishes to introduce into evidence.
- 6) Copies of the Motions *in limine* and any Responses thereto. Proposed Order granting, denying or reserving each motion.
- 7) Any Motions requesting a Ruling on any disputes regarding Requests to Produce pursuant to S.Ct.Rule 237. Any request in a S.Ct.Rule 237 request must have been previously requested pursuant to S.Ct.Rule 214 during discovery.
- 8) Copies of the Answers to 213 (f) (1), (2), and (3) by each Party.
- 9) Copies of the transcripts of each Party's S.Ct.Rule 213(f)(3) witnesses for the purpose of ruling on S.Ct.Rule 213 objections. Each Party shall be prepared to cite to the 213 Answers to Interrogatories or page and line number of the deposition of their S.Ct.Rule 213(f)(3) witness to respond to a S.Ct.Rule 213 objection.
- 10) Proposed instructions, **including special interrogatories** - one original and one marked with the IPI number or non-IPI with case authority and identified with Plaintiff/Defendant Inst. #. It is good practice to have the marked copy with the following:  
Given \_\_\_\_\_  
Given as modified \_\_\_\_\_  
Objection \_\_\_\_\_  
Refused \_\_\_\_\_  
Reserved \_\_\_\_\_
- 11) The Court asks limited background questions of the venire. Each party has the right to ask questions of the venire. The Court does not generally limit the time for questioning but may do so in its discretion. If any Party desires the Court to ask particular questions, a list of those questions should be submitted at the Trial Conference.
- 12) In a **Bench Trial**, submitted material shall include all the above items except #10 and #11. Additionally, the Parties are to submit a memorandum of law, not to exceed 5 pages, summarizing their respective legal theories with cited authority.

### **JURY SELECTION**

The court will conduct initial questioning, followed by plaintiff, then defendant. Back striking is allowed. Excuse a juror up front if you know you are going to excuse. Consider stipulating to a unanimous verdict of less than 12 or agree on the number of alternates. We select in panels of four. Five (5) peremptory challenges per side; up to eight (8) if multiple parties. 735 ILCS 5/2-1106. Exercise peremptory challenges in open court; ask for a side bar on challenges for cause. Try not to repeat questions already asked.

***TRIAL CONDUCT***

Exhibit lists are to be exchanged between parties seven days prior to the Final Trial Conference with a copy to the judge. Exhibits are to be pre-marked, such as "Plaintiff's Ex.#" or "P'sEx.#1." Do not move for admission into evidence in front of jury unless agreed.

Speaking objections are not allowed. If needed, ask for a side bar. Do not instruct a witness or juror. If necessary, request the court to instruct. Do not address each other in front of jury; address the court. You may bring a court reporter if you wish, but CourtSmart is the official record. Daily copy is available through CourtSmart.

Rule 213 objections concerning the scope of a witness' testimony during trial shall be taken in chambers. Proponent of testimony must point to disclosure of deposition testimony supporting testimony. As a general rule, I do not allow written juror questions to witnesses under Supreme Court Rule 243. Motions for a directed finding or for a mistrial are to be made outside the presence of the jury.