

PART 5.00 TRIALS

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5.01 COUNSEL TO BE PRESENT; CONTINUANCES

- A. **Counsel to be present.** All attorneys responsible for conducting the trial shall appear in court at the time the case is called for trial. If any such attorney is unable to appear, alternate counsel shall present an affidavit of the responsible counsel setting forth the reason the responsible counsel is unable to appear and what efforts, if any, have been made to contact all other responsible counsel about such failure to appear. Continuances in such circumstances shall only be allowed in extraordinary cases or cases of a genuine, unforeseeable emergency.
- B. **Continuances.** Continuances may be granted only by order of the court. All motions for continuance shall be in writing and otherwise fully comply with the Code of Civil Procedure or the Code of Criminal Procedure, whichever is applicable, with [Supreme Court Rule 231](#) and such other applicable Supreme Court Rules.

5.02 MOTIONS *IN LIMINE*

Unless the court orders that they be filed sooner, motions *in limine* shall be in writing and shall be presented to the court no later than immediately prior to *voir dire* examination in jury cases and opening statements in bench cases. The court, in its discretion, may consider motions *in limine* presented thereafter if it determines that the grounds, for the motion, became known subsequent to the deadline or for other good cause. All orders on motions *in limine* shall be reduced to writing by the movant's counsel and presented to the court for ruling prior to *voir dire* examination in jury cases and opening statements in bench cases.

5.03 JURY TRIALS – Statement of the Nature of the Case

- A. **Preparation and use.** In all jury cases, the State's Attorney in criminal cases and the plaintiff's attorney in civil cases shall prepare and submit to the court and opposing parties a Statement of the Nature of the Case to be read by the court to the venire prior to *voir dire* examination. The statement shall include the time, date, and place of the alleged occurrence or offense and a brief description thereof, the names of the parties involved, and their respective counsel, and a list of witnesses whom the parties expect to call, including any such witnesses' occupation, if relevant, and town of residence. Opposing counsel may suggest amendments to the statement prior to it being read to the venire.
- B. ***Voir Dire* examination of prospective jurors** Examination shall be pursuant to [Supreme Court Rule 234](#).

5.04 JURY INSTRUCTIONS

Any party submitting jury instructions shall provide the court with two (2) copies of each instruction, double-space typed on 8.5" x 11" plain paper. One set of instructions shall be unmarked. The second set of instructions shall be marked in advance in the following manner: the party's designation and instruction number, the I.P.I. number or citation to legal authority supporting use of the instruction, and the words "Given," "Objection" and "Refused," followed by an underlined area after each such word to be checked indicating the use of such instruction.

5.05 CASES TAKEN UNDER ADVISEMENT

- A. All judges are encouraged to render their decisions promptly when matters are ready for decision. Except as hereinafter provided, no judge of this circuit shall keep a matter under advisement or fail to render a decision in a matter submitted to that judge for a period of time greater than 60 days from the date such matter is taken under advisement. A judge taking a case under advisement shall set the case for a date certain within that time for the purpose of entry of the decision.
- B. For the purposes of this Rule, a matter is taken under advisement at such time as

the proofs have been closed, the court has heard oral arguments, and the court has received all briefs ordered by the court.

- C. The judge may, by order entered of record, extend the time for ruling to a date certain on the court's calendar not more than 120 days from the date the case was taken under advisement.
- D. Any case taken under advisement which has not been decided by the sitting judge within 120 days after being taken under advisement shall be reported to the Presiding Judge of the division in which the case is pending, together with an explanation of the reason such decision has not been rendered.
- E. Any person may report a violation of this rule to the Presiding Judge of the division or the Chief Judge.