

I. Commencement of Action and General Procedures

- A. Initial court review upon filing? (removal review; jurisdictional review; U.S. as litigant).

Yes, for above reasons as well as potential conflicts

- B. Scheduling conference procedures (when, what format, what forms used for scheduling first conferences and pretrial conferences).

Notice sent within 90 to 120 days of filing

- ✓ C. Telephone conference calls?  
Initial scheduling conference conducted telephonically except in pro se cases

- D. Courtroom protocol (where to stand; tardiness; schedule conflicts; side-bar conferences; request to approach witness, etc.).

Counsel are expected to stand when addressing the court. Sidebar conferences are permitted; not necessary to request permission to approach a witness; dress code applies; tardiness, conflicts and other similar matters addressed on an individual basis

- E. Procedures for resolving scheduling conflicts (trial dates, motion dates; how, when brought to court's attention; what grounds valid for rescheduling).

✓ At the time of the telephonic scheduling conference counsel are invited to agree on dates and schedules, as well as <sup>THREE</sup> ~~four~~ trial dates in order to avoid conflicts at a later date

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F. Practice re references to magistrates and practice for hearing appeals from decisions by magistrates.

In <sup>THOSE</sup> ~~most~~ matters the magistrate makes recommendations which are reviewed and either accepted, rejected or modified by the court.

G. ADR procedures.

Case-by-case basis upon stipulation of the parties

II. Civil Law and Motion Procedure  
(Local Rule 6.01-.06)

A. Days, times for calendar (what does the judge require in terms of advance notice to the court of motions to be presented?).

Advance notice varies with the nature and urgency of the subject matter.

B. Procedures re scheduling (call clerk first to set? resetting on court's own motion? short matters called first? will any orders on motions be entered without court appearance? what types of motions? how do lawyers determine whether an appearance is required?).

Deadlines for dispositive motions are set forth in the scheduling order, otherwise the local rules apply. The court makes these determinations

on an individual basis.

- C. Procedures re obtaining orders shortening time (court or magistrate; need for personal appearance by attorney; ex parte vs. stipulated; notice to opposing counsel).

Expedited procedure must be requested in writing pursuant to local rules.

- D. Calendaring TROs, preliminary injunction hearings, contempt hearings (what arrangements required; practice re allowing evidentiary hearings).

Requests must be in writing accompanied by proof of service upon opposing party or parties. Hearings set at the earliest convenience of the court.

Evidentiary hearings are determined on the basis of the written submissions.

- E. Continuances (practice re granting; preferred procedures).

Requests are decided on a case-by-case basis; reasons must be set forth with specificity.

- F. Briefing schedules (any special preferences or rules).

According to local rules, except in those cases where expedited briefing is deemed appropriate

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- G. Oral argument (when desired, when unnecessary? will oral argument on motions be heard if a party requests it? under what circumstances? any provision for identifying particular questions for argument? any tentative ruling procedure? any time limits? preferred procedure for presenting new authorities not included in briefs?).

Oral argument is permitted with leave of the court. Focus and time limits are decided on a case-by-case basis.  
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- H. Motion papers and briefs (extra copies desired? particular format preferred? special length provisions? contacts with law clerks encouraged, discouraged?).

Local rules require the submissions to be in duplicate.  
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- I. Should motion papers and briefs be filed in chambers, in the clerk's office, or both?  
See local rules  
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- J. Preparation of orders (when submitted, by whom, preferred procedures re obtaining opposing counsel's approval as to form).

Proposed orders are encouraged on routine matters or as directed by the court.  
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- K. Other comments?

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III. General Duty Judge -- Special Proceedings

- A. Preferred procedures for scheduling matters in General Duty department (call clerk? regular calendar? orders shortening time and emergency matters -- practice; ex parte vs. stipulation; notice to opposing counsel).

No established procedure  
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B. Evidentiary hearings (how to schedule,  
preferred practice).

No established procedure  
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IV. Criminal Law Procedures

A. Days, times for calendar.

N/A  
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B. Procedures for scheduling (scheduling orders;  
how firm are dates initially set? preferred  
method of changing dates, continuances;  
conflict between criminal trial date and  
civil trial already set).

All pretrial matters are handled by a magistrate  
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C. Bail procedures.

1. When, by whom are initial bail determinations made; preferred method, content of presentation; court vs. magistrate.

Handled by magistrate

2. Procedure for appeal of magistrate's ruling on bail issues.

Following the Federal Rules of Criminal Procedure

3. Procedure for obtaining exemption from bail conditions (trip out of town) or alteration in bail provisions.

Initially handled by magistrate until case is referred to trial court for trial

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- D. Speedy Trial Act questions (will court accept stipulation between Government and counsel re Speedy Trial Act time exclusion, or complex case designation? if not, how, when determined).

NO. SPEEDY TRIAL ACT MATTERS ARE ADDRESSED AT FINAL PRE TRIAL

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E. Criminal evidentiary hearings (procedures to calendar evidentiary hearing; declarations or affidavits vs. live testimony).

Handled on an individual case-by-case basis

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F. Oral argument (ever considered unnecessary? any provision for identifying particular issues for argument? any tentative ruling system? time limits? preferred practice for submitting newly discovered authorities).

Handled on an individual case-by-case basis

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G. Motion papers and briefs (extra copies desired? particular format preferred? contacts with law clerks encouraged, discouraged?)

Follow local rules

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H. Trial briefs, jury instructions, forms of verdict (when required from defense, preferred format and sequence, etc.).

Required to be submitted <sup>four</sup> ~~five~~ working days  
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in advance of the start of trial  
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I. Pretrial conferences (when, how scheduled; preferred procedures).

Pretrial conference is set at the time of the  
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arraignment.  
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J. Discovery (deadlines; motions necessary? reciprocity? timing re Jenks Act disclosure practice).

Set by magistrate  
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K. Entering pleas.

1. Procedure preferred re presentation of factual basis, terms of any plea bargain; when is written plea required/preferred?

Written plea agreements are required.  
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Agreements are to be filed at least 24  
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hours in advance of the scheduled plea  
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hearing.

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2. Whether, when nolo contendere pleas will be accepted.

Not accepted  
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3. Policy re plea arrangements entered into between Government and defendant; how frequently are sentencing recommendations followed per Rule 11; may defendant ever withdraw plea after sentencing?

No statistics are available  
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*AT PLEA HEARING DEFENDANT IS ADVISED  
THAT COURT IS NOT BOUND BY TERMS OF  
PLEA AGREEMENT CONTAINING RECOMMENDATION  
OF COUNSEL*  
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4. Policy re Alford plea (plead guilty but deny factual basis) -- ever accepted? under what circumstances?

Only under the most unusual circumstances  
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L. Sentencing (special practices; will court consider divulging sentencing recommendations in presentencing report? any special procedures for transition to new determinant sentencing rules? does the judge confer with the probation officer without notice to and/or presence of counsel?).

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M. Other comments?

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V. Pretrial and Trial

A. Pretrial statements - civil (joint vs. separate; amount of detail; any areas of particular interest to court? does the judge have his own form of pretrial order, does he use a standard form prescribed for use in the court as a whole, or does each case have a customized order?).

The court has a standard Final Pretrial Order  
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which addresses the questions raised in this  
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question.

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B. Identification of trial witnesses (how much detail required in statements; any flexibility in application; expert witnesses? can witness identified as "live" be presented through deposition?).

See court's standing Pretrial Order  
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C. Motion cut-off date and discovery cut-off date (what are normal limits; under what circumstances are these dates altered?).

Not applicable; scheduling order covers  
these circumstances  
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D. Trial continuances (what grounds acceptable necessary; cut-off time for motion; effect of stipulation among counsel).

Letter from your undertaker, war or flood;  
pestilence not acceptable  
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E. Trial exhibits:

1. Pre-marking (when required; civil vs. criminal).

Pre-marking required  
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2. Pretrial exchange of trial exhibits (how required; must copies be provided to other side?).

Covered by standing Pretrial Order  
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3. Pretrial resolution of objections to admissibility.

Addressed at pretrial  
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4. Marking -- numbering, lettering, conventions.

Covered by standing Pretrial Order and  
reviewed at pretrial hearing  
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5. Copies of exhibits for judge (required? if so, what format - loose, binders, etc.).

Covered by standing Pretrial Order. Copies for judge with binder appreciated but not required

6. Use in opening statement -- necessity to obtain prior court approval.

Those exhibits to which no objections have been raised or to which the objections have been denied are available for use in the opening statement. Prior approval of the court is required.

7. Copies of exhibits for jurors? (required/allowed? if so, what format - loose, binders, all vs. fewer than all?).

Counsel are permitted to publish exhibits subject to the prior approval of the court.

8. Exhibits into jury room? (how decided; general rule?).

Generally all exhibits are permitted into the jury room with certain exceptions. The court and counsel address any issues at the conclusion of the trial.

9. Preferences re scheduling and briefing in limine motions?

All in limine motions must be filed with the court at least four working days in advance of the start of the trial absent some showing of surprise or other justification.

F. Experts at trial

1. Exchange of identities (when, how requested; civil vs. criminal).

Covered by scheduling order and standing

Pretrial Order

2. Exchange of reports or summaries of testimony.

Covered by scheduling order and standing

Pretrial Order

3. Voir dire re qualifications (preferred procedures).

Vitae of expert to be submitted in advance consisting of not more than one double-spaced, letter-size page to be read to the jury and not to be repeated by counsel. Opposing counsel may voir dire upon request.

4. Any special rules re presentation to jury (summaries in lieu of direct testimony, etc.).

Summaries are permitted under certain cir-  
cumstances in connection with the use of expert  
testimony.

5. Other comments?

H. Jury selection process.

1. Voir dire questions.

Proposed questions may be submitted four working  
days in advance of the start of trial

2. Examination of jurors (court vs. counsel upon request of counsel).

Examination of jurors conducted by the court

3. Exercise of challenges.

Done on an alternating basis without open  
disclosure

4. General practice (how many called up at a time; general questions to whole panel, etc.).

All jurors, including those necessary to exercise  
the peremptory challenges are called at the  
outset and examined by the court.

I. Juror notetaking during trial (allowed? prohibited? cautionary instructions? are notes picked up when jurors leave the courtroom? available during deliberations? are jurors allowed to ask questions of witnesses? if so, what are the procedures?).

Notetaking is permitted with cautionary instruction.

Notepads are distributed following the opening state-  
ments, are picked up each evening and returned to the  
jurors each morning upon their return. Jurors are  
permitted to have their notes at the time of delibera-

tion. Jurors are permitted to ask questions. All  
questions are in writing, submitted to the bailiff at  
a recess. The court and counsel then determine what  
if any response should be given.

J. Visual aids during trial (charts, models, blow-ups).

1. Use in opening statements (need for judicial approval? limitations? conditions on use?).

Yes, with court approval.

2. Stipulations/pretrial exchange required?

Counsel are expected to present and disclose visual aids at time of pretrial conference with pretrial exchange required.

3. Court permission required during trial? (when, how, any limit on types of visual aids?)

Court permission required during trial.

Addressed on a case-by-case basis.

K. Deposition testimony at trial (preferred practice; who reads what parts, etc.).

Use of depositions is to be disclosed at pretrial; presentation at trial may be at the option of the movant, subject to the approval of the court.

Depositions are limited to 20 minutes per deponent absent prior permission of the court.

L. Jury instructions.

1. Format, preferred sources.

See standing Pretrial Order. Preferred sources  
are Modern Federal Jury Instructions, Seventh  
Circuit Pattern Instructions and Devitt &  
Blackmar  
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2. Does judge have own preferred instructions? (if so, are they required when are they provided to counsel?)

Judge has standard preliminary and introductory  
instructions  
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3. Hearing re objections.

Informal charging conferences held at which time  
the court determines which instructions are to be  
given following which counsel have an opportunity  
to state objections on the record out of the  
presence of the jury.  
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4. When is jury instructed? (any pre-instruction at commencement of case? before or after argument, or both?)

Preliminary instructions are given at the start  
of the trial; closing instructions are given  
either before or after closing argument upon  
stipulation of the parties.  
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5. How is jury instructed? (orally only? are transparencies of the instructions used as the judge reads? are copies of instructions given to jurors during deliberation?)

Orally with copies of written instructions  
accompanying the jury to the jury room during  
their deliberations

M. Closing argument -- ground rules (where to stand; what can be used, e.g., exhibits, blow-ups of instructions, blow-ups of trial testimony; preferred method of handling objections during argument; any special rules re what can be said about instructions; time limits).

No ground rules established; objections are  
addressed on a case-by-case basis; time limits  
used where determined by the court to be necessary.

N. What are trial day procedures: times to start, recess, lunch recess, resume in the afternoon, adjournment for the day? 5-day trial week? 4-day?

Five day trial week, generally at 9:30 A.M. to  
5:00 P.M. Court advises counsel of the schedule  
for the next succeeding day.

VI. Discipline and Sanctions

A. Regarding sanctions: when imposed, what sort of hearing, order, notice given? (A history of sanctions imposed by this judge, assembled independently by the interviewers from available orders and opinions, might be included.)

No established procedure. Rule 11 is followed

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B. Civil matters -- Rules 11, 16, 26, etc.

Same as "A"

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C. General sanctions under 28 U.S.C. 1927 (when imposed, what sort of hearing held, what types of notice given?).

Procedures comport with due process

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D. Criminal matters.

Statutory procedure followed  
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VII. Settlement and Sentencing

A. Civil settlement conferences.

1. When, how set? (routinely? only as requested? at what stage of the proceedings? how many times?)

Scheduling order provides for a settlement report to be joined in by all counsel to the court following the conclusion of the nonexpert discovery setting forth what offers have been made and the status of the settlement negotiations. The court then determines if and when a settlement conference is to be held. Settlement is also addressed at the final pretrial which is conducted approximately 30 days in advance of the first trial date.  
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2. Before whom? (trial judge? magistrate? another district judge?)

Settlement discussions are conducted before the trial judge, except in those matters which are to be tried to the court, whereupon counsel may indicate whether they prefer to have a magistrate conduct the settlement conference or the trial judge.  
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3. Settlement conference statements, procedures (written statements required/desired? are they filed? must clients be present? what format for conference? use of video presentation at conference?).

Format is informal; clients are expected to be present or available by phone.

4. Any special procedures? (Early Neutral Evaluation? special arbitration procedures? mediation? rent-a-judge? mini-trial?)

See above

B. Criminal matters.

1. Sentencing memoranda (preferences).

Sentencing memoranda supplementing the presentence report are accepted provided they are exchanged with counsel and submitted sufficiently far in advance for the court to give it the attention it deserves.

2. Resolution of factual disputes on sentencing.

Objections to presentence report are first  
to be addressed to the Probation Department  
and if not resolved then to be submitted to the  
court at least <sup>3</sup> ~~7~~ working days in advance of the  
ORDER.

~~sentencing hearing, accompanied by a memo setting forth what evidentiary offerings are anticipated in connection with the factual dispute.~~

VIII. Ex Parte Communications

A. Communications between court and party (any circumstances when permitted; clerk/law clerk involvement).

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B. Communications between court and state court on related cases.

Limited only to scheduling  
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C. Differences between civil and criminal?

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IX. Any other comments?

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