

PART 6. FINAL PRE-TRIAL CONFERENCE

6.1 REQUIREMENTS OF FINAL PRE-TRIAL CONFERENCE

Upon motion of any party or on its own motion, the Court may order that a final pre-trial conference be held in any civil action, pursuant to Supreme Court Rule.

(a) Duty To Prepare:

In actions in which a pre-trial conference is ordered, the attorneys for each of the parties and each litigant not represented by an attorney shall file and serve such pre-trial typewritten documents required by the trial judge in the form required by the Court at least four court days prior to the conference. Unless otherwise ordered, the pre-trial documents shall include the following:

- (1) witness lists; (2) exhibit lists;
- (3) voir dire questions;
- (4) jury instructions;
- (5) trial memoranda;
- (6) statements of the case;
- (7) motions in limine & responses to motions in limine;
- (8) evidence deposition transcripts, objections & index, per Rule 6.8;
- (9) Supreme Court Rule 213(f) disclosures, discovery depositions, and deposition index, per Rule 6.10.

(b) Settlement Prior to Trial:

In the event of settlement prior to a scheduled pre-trial conference, the attorneys for the parties and each individual litigant not represented by an attorney shall notify the pretrial judge promptly, but, in any event, prior to the scheduled conference.

(c) Attendance at Pre-Trial Conference:

Unless excused by the Court, the following representatives shall be present at the final pre-trial conference:

- (1) attorney for each party who will try the case; (2) all parties not represented by counsel;
- (3) the plaintiff (s);
- (4) a representative of the defendant (s) who has authority to settle the case

6.2 LIST OF WITNESSES

The parties shall provide the Court and opposing counsel with a typewritten list identifying all witnesses who a party intends to testify during the trial.

6.3 EXHIBITS

At the pre-trial conference with the Court, the parties shall produce all of the exhibits (unless too cumbersome or unavailable at the time of the pre-trial conference) they expect to offer in evidence. Each exhibit shall be pre-marked for identification by the attorneys or parties.

The parties shall then stipulate to the exhibits to which there is no objection, and such exhibits shall be admitted in evidence without the necessity of further foundation.

In addition, the attorneys for the parties or any party not represented by an attorney is required to submit at the pre-trial conference a typed "Exhibit List" which shall identify all exhibits intended to be offered by each party, itemizing such exhibits numerically by their identifying number.

The exhibit list shall provide columns on the right hand side for notation by the Court and parties during trial as to whether each exhibit is "Identified," "Admitted," "Refused," or "Reserved".

6.4 TRIAL MEMORANDUM

The parties shall submit a written trial memorandum. The pre-trial memoranda shall include factual and evidentiary issues which are anticipated to arise during the trial and provide both legal authority and argument to assist the Court in reaching required rulings on these issues. If the application or interpretation of a statute or rule of law is deemed of particular significance by counsel for any party or by a pro se litigant, such matter shall be called to the Court's attention in this trial memorandum.

6.5 PROPOSED VOIR DIRE

Parties shall submit a list of questions which they request the Court to ask prospective jurors during voir dire examination.

6.6 STATEMENT OF CASE

In jury trials, each party shall provide a typed statement of the case to be read by the Court to the jury.

6.7 PROPOSED JURY INSTRUCTIONS

Proposed jury instructions shall be presented by each side to the Court at this pre-trial conference and exchanged with opposing counsel. If any non I.P.I. instructions are tendered, case citations are to be attached regarding supporting authority. Each party shall also provide a document listing all instructions by number (such as, "Plaintiff's Tendered Instruction No. 1"), by the Court and parties during trial as to whether each instruction is "Withdrawn" "Given" or "Refused".

6.8 EVIDENCE DEPOSITIONS

Unless otherwise ordered, all evidence depositions shall be presented to the trial judge no later than 10 days prior to the pre-trial conference together with a typed index showing page and line of any unresolved objections. The Court will promptly rule on such unresolved objections notifying the attorneys of the Court's ruling so that the evidence depositions to be presented at trial can be appropriately marked (or edited in the case of videotaped depositions) prior to the commencement of trial.

6.9 MOTIONS IN LIMINE

All motions in limine and responses to motions in limine shall be filed with the Court four days prior to the pre-trial conference, with copies served upon opposing counsel or to any party not represented by an attorney not later than seven days prior to the final pre-trial conference.

6.10 SUPREME COURT RULE 213(f) DISCLOSURES

(a) For each Supreme Court Rule 213(f) (1), (2), and (3) witness that will be called live at trial to testify, the party calling that witness shall provide to the court at the final pretrial conference a copy of the Supreme Court Rule 213(f) disclosure and supplements provided in discovery for that witness.

(b) For each (f)(2) and (f)(3) witness called live at trial, the party calling the witness shall also provide to the court at the final pretrial conference:

- (1) A copy of the discovery deposition (if one was taken);
- (2) A discovery deposition index showing line and page number for the Supreme Court Rule 213(f) opinions contained in the deposition.
- (3) The index contemplated by this rule would be similar to this:
 1. Causation, looping p.15, line 10
 2. Causation, age p. 25, line 1
 3. Deviation from the standard of care, p. 30, line 5