

Procedures for Summary Jury Trials before U.S. Magistrate Judge Karen McNaught

Central District of Illinois Local Rule 16.4 concerning Alternative Dispute Resolutions provides that the parties may request a Summary Jury Trial. The Rule defines a Summary Jury Trial as a non-binding pretrial procedure in which the parties try their cases by narration with a Judge presiding. The Rule indicates that the verdict or verdicts will serve as an aid in the settlement process. The Rule further provides that any case triable by jury may be assigned for Summary Jury Trial when all parties consent to the proceeding. The proceeding will be conducted by a Judge other than the assigned Judge. The Rule provides that the procedures to be followed should be set in advance by the Judge who is to preside in light of the circumstances in the case.

The following are the general guidelines for Summary Jury Trials (SJT) before U.S. Magistrate Judge Karen McNaught. These guidelines may be modified based upon the nature of the case.

- 1) The SJT process will be completed in one day or less;
- 2) Counsel are to submit confidential trial briefs on issues of law and a set of proposed jury instructions to the Court no later than five (5) working days before the SJT. The briefs should not be given to opposing counsel and should be submitted to the Court by email or fax and should not be filed with the Clerk. Counsel are also to submit to the Court an agreed statement of the case to be read to the jury prior to voir dire. Full jury instructions are not required. Counsel should submit jury instructions concerning burden of proof, elements, damages, and separate consideration of each claim and each party. The parties may tender additional instructions if they are needed for the

particular case. Preference should be given to the use of Seventh Circuit Pattern Jury Instructions applicable to the case if available.

- 3) Clients are expected to attend the SJT.
- 4) SJT proceedings are not open to the public and proceedings are not recorded.
- 5) Fourteen potential jurors will be obtained for voir dire from the District's jury pool. Potential jurors will be given a brief description of the case by the Court prior to jury selection. Juror profile questionnaires will be distributed by the Court to provide basic information for each potential juror. A copy of the completed questionnaires will be given to the attorneys and the Judge.
- 6) The SJT will start at 9:00 a.m. Counsel and clients should appear at 8:30 a.m. in order to review the background questionnaires for the jurors.
- 7) A brief voir dire examination will be conducted by the Court. As counsel will have access to the background information for the jurors from the questionnaires, the Court will not voir dire the jurors as to their basic background information concerning occupation and family. Counsel are permitted two peremptory challenges. The case will be heard by a six-person jury with no alternates.
- 8) Counsel will present their evidence in a narrative fashion. There will be no opening statements, as the evidence will be presented in counsel's narrative evidence presentation. Representations of facts by counsel must be supportable by reference to discovery materials, including depositions, stipulations, documents, and formal admissions, or by a representation that counsel has spoken with the witness and is

repeating that which the witness stated. Counsel must provide opposing counsel with their representations of facts at the same time issues of law and jury instructions are provided to the Court pursuant to paragraph two above.

9) Counsel are free to present exhibits to the jury. These exhibits will not be marked, and at the end of the SJT they will be returned to the party tendering them.

10) If the parties disagree on the admissibility of representations of testimony or on exhibits, the Court shall decide any such admissibility issues prior to the commencement of the SJT.

11) Formal objections during the SJT are not encouraged. In the event that counsel oversteps the bounds of propriety on a relevant aspect of the case, an objection will be entertained, and if well taken, the jury will be admonished.

12) Presentation of Evidence Narrative: Evidence narratives shall be a maximum of one hour per side (one hour for Plaintiff and one hour for Defendant). If there are multiple Plaintiffs or Defendants, counsel shall determine and agree to the portion of the time to be used by each party.

13) Following the presentation of evidence, the jury will be instructed as to the law and the parties will give closing arguments. Closing argument is not to exceed twenty (20) minutes.

14) Following closing arguments, the jury will retire to deliberate. The jury is encouraged to reach a unanimous verdict and will be notified that deliberations are limited to a specific amount of time. If, after the specific period of time has elapsed, the jury is unable to reach a unanimous verdict, the jurors will give

separate individual verdicts. The verdicts will address both liability and damages.

15) After the jurors return their verdict, they will be informed as to the nature of the SJT proceeding and the fact that the SJT is not binding upon the parties. The attorneys for the parties will be afforded the opportunity to briefly discuss the case with any jurors who agree to speak with the attorneys immediately after the SJT. Any inquiry made by the attorneys should be non-argumentative and of an informational nature. If the jurors do not want to talk with the attorneys, the Court will not order them to discuss the case. Pursuant to Local Rule 47.2, no attorney, party, or representative of either, may interrogate a juror after the verdict has been returned without prior approval of the presiding Judge.

16) The parties should schedule the SJT after facts and evidence are sufficiently developed to permit a meaningful SJT. Only one SJT may be conducted in a particular case. For instance, if the parties conduct an SJT and do not have expert testimony developed for the SJT, the parties will not be permitted to conduct another SJT after expert testimony is developed.