

PART 5.00 TRIALS

5.01 Counsel to be Present; Continuances

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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 reasons 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 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 not 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 therefore became known subsequent to the deadline or for other good cause. All orders on motions in *limine* shall be reduced to writing by movant's counsel and presented to the Court for signature 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) **Void 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, typed double-spaced on 8 1/2" 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**", "**Objected**" and "**Refused**", followed by an underlined area after each such word to be checked indicating the use of such instruction.