



CASE MANAGEMENT PROCEDURES¹

Chief Judge Nancy J. Rosenstengel

TABLE OF CONTENTS

General Matters

- Case Management/Electronic Case Filing System
- Proposed Documents
- Courtroom Demeanor
- Communication with the Court
- Disclaimer and Notice

Civil Cases

- Conflicts of Interest
- Mandatory Mediation
- Rule 16 Conference
- Discovery Disputes
- Settlement Conferences
- Rule 26 Disclosures
- Motion Practice
- Final Pretrial Order
- Mandatory Exhibit List
- Witness List
- Deposition Testimony
- Jury Selection
- Trial Procedure for Non-Prisoner Civil Cases
- Jury Instructions
- Bill of Costs
- Pretrial Checklist

¹ Revised February 2024

Criminal Cases

- Motion Practice
- Final Pretrial Conference
- Jury Selection
- Trial Procedure
- Mandatory Exhibit List
- Witness List
- Jury Instructions
- Correspondence with the Court

Courtroom Technology

- Courtroom Technology Features and Usage Guidelines

GENERAL MATTERS

Case Management/Electronic Case Filing System

The Court's Case Management/Electronic Case Filing System ("CM/ECF") requires electronic filing of all pleadings, with a few narrow exceptions. Additionally, the Court's Orders are sent to the parties electronically rather than by regular mail. Participation in CM/ECF by attorneys is mandatory.

While Judge Rosenstengel and her law clerks run daily reports for their cases, they do not always receive immediate notification of newly filed motions. For this reason, if an attorney files an urgent or time-sensitive motion (such as a motion to continue a hearing set on the following day), they should call chambers at (618) 482-9172 and alert a member of Judge Rosenstengel's chambers staff that the motion has been filed.

Proposed Documents

The Court's proposed document inbox is NJRpd@ilsd.uscourts.gov. All proposed documents should be submitted in Microsoft Word format, double spaced, in 12-point Book Antiqua font.

Litigants are not required submit a proposed order in conjunction with a motion unless directed to do so by the Court or by the Local Rules.

Courtroom Demeanor

Attorneys may sit or stand anywhere they desire while addressing the Court, the jury, or any witness, providing the attorney may clearly be heard. Attorneys may be required to use a portable microphone or the microphone at the podium or counsel table. Attorneys need not seek permission to approach a witness.

Communication with the Court

Attorneys and litigants ordinarily should communicate only by motion or memorandum. Urgent matters or general inquiries can be sent by email message to NJRpd@ilsd.uscourts.gov (with a copy to all counsel of record) and the message will be forwarded to the appropriate person in chambers.

Ex parte oral communications with the Court on substantive matters in a pending case are prohibited. Please do not call chambers to inquire about the status of a pending motion that is not urgent or time sensitive.

Disclaimer and Notice

To the extent Judge Rosenstengel's preferences conflict with the Federal Rules of Criminal and Civil Procedure, the Rules govern.

Counsel also should note that the district's Local Rules went through extensive review and changes in 2023. The revised Local Rules became effective October 30, 2023. The Local Rules are available [here](#).

CIVIL CASES

Conflicts of Interest

In order for Judge Rosenstengel to quickly identify potential conflicts of interest, all counsel for non-governmental parties must disclose interested parties and affiliates in accordance with Federal Rule of Civil Procedure 7.1. Counsel shall update this information as necessary throughout the pendency of the action.

Additionally, for all cases other than class actions, counsel **shall list all parties in the caption of pleadings**, so Judge Rosenstengel can assess whether any possible basis for disqualification exists.

Mandatory Mediation

The Court has adopted a [Mandatory Mediation Plan](#) ("Plan"). See SDIL-LR 16.3(a); [Administrative Order No. 301](#). Under the Plan, non-exempt civil cases are referred to the Court's Mandatory Mediation Program when a presumptive trial date is assigned. Other cases may be referred into the program at the discretion of the presiding judge. Additional information and required forms are available [here](#).

Rule 16 Conference

The Court will schedule a Rule 16 Scheduling and Discovery Conference after the case is assigned a track. See SDIL-LR 16.1.

The parties are required to meet and confer, in accordance with Federal Rule of Civil Procedure 26(f), at least **21 days** prior to the Rule 16 Scheduling and Discovery Conference.

At least seven days prior to the scheduling conference, the parties must submit a Joint Report of Parties and Proposed Scheduling and Discovery Order ("Joint Report") to the Court via e-mail at NJRpd@ilsd.uscourts.gov. The Joint Report should be submitted using one of the following forms:

- (1) [Joint Report for Cases Referred to Mandatory Mediation](#);
- (2) [Joint Report for Cases not Referred to Mandatory Mediation](#); or
- (3) [Joint Report for Class Actions](#).

These forms are also available on the "[Forms](#)" page of the District Court's website.

The Scheduling and Discovery Conference will be telephonic. Instructions for placing the call will be provided in the Order setting the scheduling conference. The attorney who is most familiar with the case should participate.

The purpose of the Scheduling and Discovery Conference is to identify and plan to deal with novel or difficult discovery issues and to discuss other matters relevant to resolving the litigation.

The Court is mandated to enter a scheduling order and, therefore, very rarely cancels Rule 16 Conferences. Rule 16 Conferences will be held in spite of pending dispositive motions, such as a motion to dismiss or a motion to remand.

Discovery Disputes

Judge Rosenstengel handles discovery disputes in her cases (they are not referred to a Magistrate Judge). The parties are encouraged to resolve discovery disputes informally without Court intervention. Only if a party can certify that it made, or attempted to make, a good faith effort to resolve the discovery dispute may that party contact the Court regarding the dispute.

In most situations counsel should file a motion to compel discovery, precisely stating the disputed issue and attaching any relevant documents. The Court will then order a response and, if necessary, set the matter for hearing.

Objections to questions during depositions should be concisely stated on the record to be resolved at a later date. Calls to chambers during a deposition are *strongly* discouraged.

In appropriate circumstances, and for good cause shown, the Court reserves the right to award costs associated with the discovery dispute against the non-prevailing party.

Settlement Conferences

At this time, the Court does not routinely set settlement conferences. The parties are strongly encouraged to pursue private mediation pursuant to the Court's [Mandatory Mediation Program](#). If requested by counsel, in some cases, such as when a party appears *pro se*, Judge Rosenstengel may ask the Court Attorney, a trained mediator, or a

Magistrate Judge to conduct a settlement conference or, if all parties consent, Judge Rosenstengel will conduct the settlement conference herself.

Rule 26 Disclosures

Federal Rule of Civil Procedure 26 will be strictly enforced. Counsel should keep in mind the following:

- Rule 26(a)(1) specifies initial disclosures, and these must be supplemented pursuant to Rule 26(e).
- Rule 26(a)(2)(A) refers to all expert disclosures and, again, these must be supplemented pursuant to Rule 26(e).
- Rule 26(a)(2)(B) addresses retained or specially employed experts. Again, Rule 26(e) requires supplementation.
- Rule 26(a)(3) deals with pretrial disclosures (not discovery). Judge Rosenstengel requires Rule 26(a)(3) disclosures to be made at least **30 days before the first day of the presumptive trial month.**
- Objections are due **14 days** after the disclosures are made. The disclosures and any objections shall be filed on the docket.
- Counsel should bring their Rule 26(a)(3) disclosures and any objections to the Final Pretrial Conference.

Motion Practice

Except in rare situations or emergencies, all motions will be handled by Judge Rosenstengel. The parties will be advised if a motion has been referred to a Magistrate Judge for disposition via CM/ECF.

- **Pleadings**
All pleadings must be filed with the Clerk's Office via the Case Management/Electronic Case Filing (CM/ECF) system.
- **Responses, and Replies**
In accordance with Local Rule 7.1(b)(1), Judge Rosenstengel allows 30 days for parties to respond to dispositive motions, post-trial motions, and motions to remand.

For any other motion, Local Rule 7.1(b)(2) governs response deadlines and supporting brief requirements.

Responsive memoranda can be no longer than 20 pages, unless written leave of court is obtained. If filed, reply briefs may be no longer than five pages and must be filed within 14 days of service of the response. See SDIL-LR 7.1(c).

These deadlines and page limits may be altered by Judge Rosenstengel, where appropriate or necessary in a particular case.

- **Courtesy Copies**

Courtesy copies for complex dispositive motions (*e.g.* cross motions for summary judgment or motions where the parties have been granted leave to exceed the page limit) are appreciated, but not required. The Court prefers courtesy copies to be printed after a pleading is filed with the CM/ECF header stamp on the document.

- **Oral Argument on Motions**

Local Rule 7.1(c) addresses oral argument on motions. Judge Rosenstengel may set dispositive motions for hearing but does not do so in every case. The parties will be notified by an electronic notice in CM/ECF when a hearing is set. As set forth in Rule 7.1(c), counsel may file a motion requesting a hearing if oral argument on any motion is desired.

Judge Rosenstengel encourages the active participation of relatively inexperienced attorneys in all courtroom proceedings, particularly with respect to oral argument on motions where that attorney drafted or contributed significantly to the briefing on the motion but recognizes, of course, that there may be many circumstances in which it is not practical for a newer attorney to argue a motion. Thus, the Court emphasizes that it draws no inference from a party's decision not to have a newer attorney argue any motion before the Court. The Court likewise will draw no inference about the importance of any motion, or the merits of a party's argument regarding the motion, from the party's decision to have (or not to have) a newer attorney argue the motion.

- **Teleconferences and Video Conferences**

If the Court orders a teleconference or video conference, instructions for participating will be included in the CM/ECF notice setting the matter. Pursuant to [First Amended Administrative Order No. 349](#), Judge Rosenstengel may authorize live remote public access to the non-testimonial portion of a civil non-trial proceeding.

In the rare instance where the Court orders the parties to arrange a teleconference, counsel are responsible for setting up the teleconference with a professional

teleconference provider, the cost of which shall be shared by the parties equally, unless Judge Rosenstengel orders otherwise.

- **Motions *in Limine***

It is not necessary to file motions *in limine* before the Final Pretrial Conference. Judge Rosenstengel will set a deadline for all motions *in limine* at the Final Pretrial Conference. Given the nature of motions *in limine*, failure to file motions by the deadline generally will not prejudice a party's ability to move *in limine* before the jury is impaneled. Later-filed motions may be stricken, however, if their consideration would delay the start of trial.

- **Daubert Motions**

All *Daubert* motions seeking to exclude expert testimony/evidence must be filed by the dispositive motion deadline, not the motion *in limine* deadline. **Counsel is advised that *Daubert* motions not filed in accord with this deadline will be denied as untimely filed.**

- **Motions to Dismiss**

In any dismissal motion filed before Judge Rosenstengel, the movant must clearly state: (1) the specific section under which dismissal is sought, *i.e.*, not just "Rule 12(b)" but "Rule 12(b)(1)" or "Rule 12(b)(6)," etc.; (2) whether dismissal is sought of the complaint, the entire case, or just certain parties or claims; and (3) whether dismissal is sought with prejudice or without prejudice.

See Local Rule 7.1(c) for briefing deadlines governing dismissal motions, subject to modification by Judge Rosenstengel via Order in a particular case.

- **Motions to Remand**

See Local Rule 7.1(b).

- **Trial Briefs**

Trial Briefs are not required. If filed, they are due **14 calendar days** before the first day of trial. Trial briefs should not be used to rehash issues previously rejected by the Court via ruling on a dispositive motion.

Final Pretrial Order

Counsel shall prepare a [Final Pretrial Order](#) using Judge Rosenstengel's approved form. This form is different from those used by other Judges.

Local Rule 16.2(b)(1) provides that the parties shall submit a signed, joint Final Pretrial Order no later than three days prior to the Final Pretrial Conference.

Counsel shall e-mail the Final Pretrial Order to Judge Rosenstengel's proposed document inbox at: NJRpd@ilsd.uscourts.gov. The parties shall put effort into drafting the summary of the case provided in the Final Pretrial Order, as it is usually the description that is read to the jury during voir dire and in the preliminary jury instructions (prepared by Judge Rosenstengel).

Mandatory Exhibit List

The parties shall identify the exhibits they intend to use at trial in the disclosures timely made pursuant to Federal Rule of Civil Procedure 26(a)(3). When possible, objections filed pursuant to Rule 26(a)(3) will be resolved at the Final Pretrial Conference. The parties shall bring their Rule 26(a)(3) disclosures and any objections to the Final Pretrial Conference.

The parties shall prepare an [Exhibit List](#) using Judge Rosenstengel's approved form (a revision of AO Form 187). All exhibits should be pre-marked with Arabic numerals for each exhibit. For instance, Plaintiff's exhibits should be numbered as Plaintiff's Exhibit 1, Plaintiff's Exhibit 2, etc. Defendant's exhibits should be pre-marked and numbered sequentially, following Plaintiff's exhibits, as Defendant's Exhibit 3, Defendant's Exhibit 4, etc. Duplicate exhibits are not permitted. In other words, if an exhibit is offered by Plaintiff, Defendant should not offer the same exhibit. The goal is to have one set of exhibits.

Other points to note when preparing the exhibit list:

- Letters should not be used to identify exhibits (*i.e.*, use only 1, 2, 3, 4; do not use 1, 1A, 1B, 2, 2A).
- Do not designate any exhibits as "group" exhibits.
- Designate multiple page exhibits with one exhibit number, using page numbers for further identification.
- Do not group multiple photographs. Give each photograph a separate exhibit number.
- Do not assume that the Court will allow any exhibits to be passed among jurors. Publication will be handled by evidence presentation technology or by use of juror notebooks.

The parties are encouraged to assemble an exhibit book for witnesses to view while being examined, as this expedites the examination process.

Judge Rosenstengel uses the Jury Evidence Recording System (JERS) to allow evidence admitted at trial to be viewed electronically by the jury during deliberations. JERS reduces the need to handle physical evidence while allowing the jury to view evidence

multiple times, play audio and video recordings, and zoom in on pictures and documents.

Unless otherwise ordered by the Court, counsel shall email their Exhibit List to Courtroom Deputy Deana Brinkley, Deana_Brinkley@ilsd.uscourts.gov, by **noon on the business day prior to trial**. Questions regarding the Exhibit List may be addressed to Ms. Brinkley at (618) 482-9342.

Witness List

The parties shall disclose the names of witnesses as directed by Federal Rule of Civil Procedure 26(a)(3) and include in the Final Pretrial Order the name of all persons who may possibly/potentially be called at trial. The list of witnesses in the Final Pretrial Order may be read to the jury during voir dire. Absent extraordinary circumstances, any witness not included on the list *will not be permitted to testify at trial*, because their name will not have been disclosed to the potential jurors.

Unless otherwise ordered by the Court, final witness lists shall be emailed to Courtroom Deputy Deana Brinkley, Deana_Brinkley@ilsd.uscourts.gov, by **noon on the business day prior to trial**. Questions regarding the Witness Lists may be addressed to Ms. Brinkley at (618) 482-9342.

Deposition Testimony

The parties shall exchange designations (by page and line numbers) of the portions of any depositions they wish to be read or played via video to the jury 14 days prior to the Final Pretrial Conference. They shall exchange objections and counter-designations seven days prior to the Final Pretrial Conference. The parties shall submit to the Court via email to NJRpd@ilsd.uscourts.gov the deposition transcripts, or portions thereof, complete with designations and objections three days prior to the Final Pretrial Conference.

Jury Selection

- **Jury Questionnaires**
[Jury Questionnaires](#) are completed by each venire person before being placed on a venire panel. The completed questionnaires are placed in binders according to venire number and provided to each party before jury selection begins. Questionnaires must be returned to Courtroom Deputy Deana Brinkley after the jury is selected. **Questionnaires are confidential and may not be retained by any party.**

- **Voir Dire**

Judge Rosenstengel conducts preliminary voir dire, which includes many of the basic questions such as residence, employment, and prior jury service. After Judge Rosenstengel concludes her preliminary questioning, each party may participate in voir dire separately. Counsel may request that Judge Rosenstengel question jurors on certain issues that a party would rather the Judge ask instead of counsel. **In light of privacy concerns, counsel should only refer to prospective jurors by their juror number.** Jurors will be offered the opportunity to speak privately with the Court and counsel.

- **Selection Methodology**

The jury is selected outside the presence of the venire, in open court. Challenges for cause are entertained first. Then the parties will be permitted to caucus privately before the process begins for exercising peremptory challenges.

Generally, each side is given three peremptory strikes. Plaintiff goes first on odd-numbered jurors, and Defendant goes first on even-numbered jurors. Back-striking is not allowed. If there are multiple plaintiffs or defendants, the parties may move for additional strikes. In its discretion, the Court may allow additional peremptory challenges if the size of the venire permits, after challenges for cause have been determined.

Typically, in civil cases, six jurors and two alternates will be chosen, and all remaining jurors at the end of closing arguments will participate in deliberations pursuant to Federal Rule of Civil Procedure 48.

- **Jurors**

Jurors are permitted to take notes during trial and may refer to them during deliberations. Jurors are paid an attendance fee and reimbursed for travel to the courthouse. See the court's website at <https://www.ilsd.uscourts.gov> for information/specifics.

- **Assessment of Jury Costs**

Local Rule 54.1 allows the Court to assess juror costs (including per diem and mileage expenses) against one or more parties if they fail to advise the Court of the settlement of a case prior to 3 p.m. on the last full business day before trial is scheduled to commence. The Court strives to keep juror costs down, and assessment of costs will be considered if a jury is brought in unnecessarily. **Nonetheless, the parties are encouraged to pursue settlement up to and throughout the trial.**

Trial Procedure (Non-Prisoner Civil Cases)

- **Trial Dates**

Judge Rosenstengel assigns newly filed or removed non-prisoner civil cases a presumptive trial month. Continuances of the presumptive trial month will be given only in exceptional circumstances for good cause shown.

A Final Pretrial Conference will be scheduled to take place 30 to 60 days before the first day of the presumptive trial month. At the Final Pretrial Conference, Judge Rosenstengel will give the case a **firm trial date**. No motions for continuance will be considered after the firm trial date is assigned.

- **Trial Hours**

Trials generally begin at 9 a.m., although a different time may be specified by Order or Notice in a given case.

Especially as to jury trials, the Court makes every effort to conclude each day no later than 5 p.m. Because there are limited dining options near the East St. Louis courthouse for jurors, a 75-minute lunch break is normally taken around noon. Typically, one 15-minute morning break and at least one 15-minute afternoon break will be taken. When possible, Judge Rosenstengel will provide lunch to jurors which allows for a shorter, 30-minute lunch break.

Motions, jury instruction conferences, and other matters may be handled with counsel before the jury arrives or after the jury has been dismissed for the day, as directed by Judge Rosenstengel.

- **Attorney Conference Room**

A conference room is available near Judge Rosenstengel's courtroom for attorney-client or attorney-witness consultation. Please contact Courtroom Deputy Clerk Deana Brinkley at Deana_Brinkley@ilsd.uscourts.gov or (618) 482-9342 prior to trial to reserve a conference room.

- **Attorney Availability During Jury Deliberation**

Counsel must give the Courtroom Deputy Clerk a telephone number where they can be reached when the jury indicates it has reached a verdict or has a question. Counsel should be able to arrive in the courtroom within 10 minutes after being contacted.

- **Post-Verdict Juror Interviews**

Counsel may not question jurors after a verdict has been reached without prior approval of Judge Rosenstengel.

- **Courtroom Audio System**

An audio system in Judge Rosenstengel's courtroom transmits live audio from the courtroom to Judge Rosenstengel's chambers. Attorneys, witnesses, and anyone attending court proceedings should be aware that, unless the microphones near them are deactivated, their statements may be heard in chambers.

Note: For information regarding the **Courtroom Technology System** in Judge Rosenstengel's courtroom, see below.

Jury Instructions

Unless this deadline is altered by an Order entered by Judge Rosenstengel in a specific case, the parties must submit their entire set of proposed jury instructions in Microsoft Word format to the Court **no later than noon the Friday before trial is set to begin.**

Jury instructions *are not* filed with the Clerk of Court. **Rather, they are submitted to Judge Rosenstengel's chambers via email to NJRpd@ilsd.uscourts.gov.**

Each instruction should be marked to designate the party offering the instruction (*e.g.*, "Plaintiff's Instruction No. 1") and the source of the instruction (*e.g.*, "Seventh Circuit Pattern Instruction No. 1.01"). Plaintiff is primarily responsible for the burden of proof instructions, the damage instructions, the verdict instructions, and the verdict forms. Defendant is primarily responsible for the cautionary instructions. ***The parties should work together in an effort to produce one set of proposed instructions.*** If the parties are unable to agree on certain instructions, each party may submit a version of the contested instructions.

The Court will compile a packet of proposed final instructions and give the instructions to the parties during trial before a formal jury instruction conference is held. It is not necessary to submit both "marked" and "clean" instructions. Once the final set of instructions has been approved, the Court will remove the annotations from the instructions. Each juror will receive a copy of the final instructions.

In non-diversity cases, the Court prefers the Seventh Circuit Pattern Jury Instructions. In cases where the Court sits in diversity, the Seventh Circuit Pattern Jury Instructions should be used for the preliminary and cautionary instructions, and the IPI or comparable state instructions will be used for the substantive law.

Bill of Costs

Federal Rule of Civil Procedure 54(d)(1) provides that costs (other than attorneys' fees) shall be allowed to the prevailing party unless the District Court otherwise directs. Rule 54(d)(1) further provides that such costs may be taxed by the Clerk of Court "on 14 days' notice." Pursuant to Local Rule 54.2, opposing counsel will be allowed 14 days (from the

date the Bill of Costs is filed in this Court) to file any objections. If no objections are filed within that 14-day period, the Clerk of Court will tax the appropriate costs. If objections are timely filed, the matter will be reviewed and resolved by Judge Rosenstengel.

Pretrial Checklist

A checklist of important pretrial deadlines for civil cases pending before Judge Rosenstengel is available [here](#) for convenience.

CRIMINAL CASES

Motion Practice

When filing motions, parties should follow the Federal Rules of Criminal Procedure and adhere to the strict deadlines set in the Order Regarding Pretrial Discovery and Motion Practice issued by the Magistrate Judge at arraignment.

- **Motions to Continue**

Any motion to continue trial should delineate a sufficient basis for the Court to determine whether the ends of justice served by the requested continuance clearly outweigh the interests of the public and the defendant in a speedy trial, so as to toll the “clock” under the Speedy Trial Act, 18 U.S.C. 3161(h). A motion to continue should address whether opposing counsel (including, in multi-defendant cases, counsel for any non-moving defendant) object(s) to the requested continuance. Motions to continue may be filed under seal, where appropriate.

- **Motions to Dismiss, Motions to Suppress, Motions *in Limine***

Generally, motions to dismiss indictments and motions to suppress evidence will be set for hearing. If Judge Rosenstengel determines that a hearing is needed on other motions, the Courtroom Deputy Clerk will notify counsel by entering an electronic notice of hearing.

Motions to dismiss indictments and motions to suppress evidence must be filed with a supporting memorandum. The supporting memorandum may be combined with the motion in a single pleading or filed separately.

Motions *in limine* may (but need not) be filed with supporting memorandum or highlighted caselaw. As mentioned above, motions to suppress must be filed by the deadline imposed in the Magistrate Judge’s Order for Pretrial Discovery. Counsel are cautioned that this is an early deadline.

In contrast to civil cases, motions *in limine* in Judge Rosenstengel’s criminal cases must be filed no later than **21 calendar days** before the Final Pretrial Conference.

Responses to motions *in limine* must be filed within 14 days after service of the motion. Cognizant of the Seventh Circuit's concerns regarding the issuance of rulings on motions *in limine* on the morning trial commences, *see e.g., United States v. Buckner*, 91 F.3d 34 (7th Cir. 1996), Judge Rosenstengel will attempt to rule on such motions in advance of trial. At times, however, it may be necessary to reserve ruling on motions *in limine*. The Court will set a hearing where helpful or necessary to resolve issues raised by the motions *in limine*.

Final Pretrial Conference

A Final Pretrial Conference will be set one to two weeks before the trial date. At the Final Pretrial Conference, the parties may address any issues relevant to the trial, including the anticipated length of trial, any anticipated evidentiary issues with respect to witnesses or exhibits, and/or issues relating to the jury instructions.

If the defendant elects to enter a plea of guilty, counsel should contact the Courtroom Deputy Clerk, Deana Brinkley, at Deana_Brinkley@ilsd.uscourts.gov or (618) 482-9342 to arrange for a change of plea hearing.

Jury Selection

- **Jury Questionnaires**

Jury questionnaires are completed by each venire person before being placed on a venire panel. The completed questionnaires are placed in binders according to venire number and provided to each party before jury selection begins. Questionnaires must be returned to Courtroom Deputy Clerk Deana Brinkley after the jury is selected. Questionnaires are confidential and may not be retained by any party.

- **Voir Dire**

Judge Rosenstengel conducts preliminary voir dire, which includes many of the basic questions such as residence, employment, and prior jury service. After Judge Rosenstengel concludes her preliminary questioning, each party may participate in voir dire separately. Counsel may request that Judge Rosenstengel question jurors on certain issues that a party would rather the Judge ask instead of counsel. **In light of privacy concerns, counsel should only refer to prospective jurors by their juror number.** Jurors will be offered the opportunity to speak privately with the Court and counsel.

- **Selection Methodology**

The jury is selected outside the presence of the venire, in open court. Challenges for cause are entertained first. Then the parties will be permitted to caucus privately before the striking process begins.

Generally, in a noncapital felony case, the government will be given six peremptory challenges, and the defendant or defendants jointly shall have 10 peremptory challenges. *See* Federal Rule of Criminal Procedure 24(b). Additional peremptory challenges will be permitted if/and depending on the number of alternate jurors are seated. In its discretion, the Court may allow additional peremptory challenges if the size of the venire permits, after challenges for cause have been determined.

Typically, 12 jurors will be chosen, and one or two alternate jurors will also be selected, depending on the length of the trial.

- **Jurors**

Jurors are permitted to take notes during trial and may refer to them during deliberations. Jurors are paid an attendance fee and reimbursed for travel to the courthouse. See the court's website at www.ilsd.uscourts.gov for information.

Trial Procedure

- **Firm Trial Dates**

The Court sets and enforces firm trial dates in criminal cases. If a criminal case is not reached for trial on the date originally set, a new firm trial date will be set in compliance with the Speedy Trial Act. **The Court places upon the Government the obligation to determine includable and excludable days in making Speedy Trial Act calculations and to notify the Court of any potential Speedy Trial problems.**

- **Trial Hours**

Trials generally begin at 9 a.m., although a different time may be specified by Order or Notice in a given case.

Especially as to jury trials, the Court makes every effort to conclude each day no later than 5 p.m. Because there are limited dining options near the East St. Louis courthouse for jurors, a 75-minute lunch break is normally taken around noon. Typically, one 15-minute morning break and at least one 15-minute afternoon break will be taken. When possible, Judge Rosenstengel will provide lunch to jurors which allows for a shorter, 30-minute lunch break.

Motions, jury instruction conferences, and other matters may be handled with counsel before the jury arrives or after the jury has been dismissed for the day, as directed by Judge Rosenstengel.

- **Attorney Conference Room**
A conference room is available near Judge Rosenstengel’s courtroom for attorney-client or attorney-witness consultation. Please contact Courtroom Deputy Clerk Deana Brinkley at Deana_Brinkley@ilsd.uscourts.gov or (618) 482-9342 prior to trial to reserve a conference room.
- **Attorney Availability During Jury Deliberation**
Counsel must give the Courtroom Deputy Clerk a telephone number where they can be reached when the jury indicates it has reached a verdict or has a question. Counsel should be able to arrive in the courtroom within 10 minutes after being contacted.
- **Post-Verdict Juror Interviews**
Counsel may not question jurors after a verdict has been reached without prior approval of Judge Rosenstengel.
- **Courtroom Audio System**
Judge Rosenstengel’s courtroom transmits live audio from the courtroom to Judge Rosenstengel’s chambers. Attorneys, witnesses, and anyone attending court proceedings should be aware that, unless the microphones near them are deactivated, their statements may be heard in chambers.

Note: For information regarding **Courtroom Technology System** in Judge Rosenstengel’s courtroom, see below.

Mandatory Exhibit List

The parties shall prepare an [Exhibit List](#) using Judge Rosenstengel’s approved form (a revision of AO Form 187). Using the form, each party shall state the number and give a brief description of each exhibit they expect to present at trial. The Government’s exhibits should be pre-marked and numbered as USA’s Exhibit 1, USA’s Exhibit 2, etc. Defendant’s Exhibits should be pre-marked and numbered as Defendant’s Exhibit 1, Defendant’s Exhibit 2, etc.. Letters should not be used to identify exhibits, unless the letter designates a sub-part of a numbered exhibit (e.g., Defendant’s Exhibit 17A & 17B).

Other points to note when preparing the exhibit list:

- Letters should not be used to identify exhibits (*i.e.*, use only 1, 2, 3, 4; do not use 1, 1A, 1B, 2, 2A).
- Do not designate any exhibits as “group” exhibits.
- Designate multiple page exhibits with one exhibit number, using page numbers for further identification.
- Do not group multiple photographs. Give each photograph a separate

exhibit number.

- Do not assume that the Court will allow any exhibits to be passed among jurors. Publication will be handled by evidence presentation technology or by use of juror notebooks.

Finally, the Court encourages the parties to assemble an exhibit book for witnesses to view while being examined, as this expedites the examination process.

By **noon on the business day prior to trial**, counsel shall e-mail the Exhibit List (in **Word** format) to Courtroom Deputy Deana Brinkley. Questions regarding the Exhibit List may be addressed to Deana Brinkley at (618) 482-9342.

Witness Lists

Unless otherwise ordered by the Court, final witness lists shall be emailed to Courtroom Deputy Deana Brinkley, Deana_Brinkley@ilsd.uscourts.gov, **by noon on the business day prior to trial**. Questions regarding the Witness Lists may be addressed to Deana Brinkley at (618) 482-9342.

Jury Instructions

The parties must submit a complete set of proposed jury instructions to the Court **no later than noon on the Friday before the first day of trial, unless directed otherwise by the Court in a particular case**. Questions regarding the deadline for submitting proposed instructions may be addressed to the law clerk assigned to that case.

Jury instructions *are not* filed with the Clerk of Court. **Rather, they are submitted to Judge Rosenstengel's chambers via email message to NJRpd@ilsd.uscourts.gov.**

Each instruction should be marked to designate the party offering the instruction (e.g., "Government's Instruction No. 1") and the source of the instruction (e.g., "Seventh Circuit Pattern Instruction No. 1.01"). Counsel should designate the instruction as modified (e.g., "Seventh Circuit Pattern No. MODIFIED"), if the instruction has been modified in any way whatsoever. *The parties should work together in an effort to produce one set of proposed instructions*. If the parties are unable to agree on certain instructions, each party may submit a version of the contested instructions.

The Court will compile a packet of proposed final instructions and give the instructions to the parties during trial before a formal jury instruction conference is held. It is not necessary to submit both "marked" and "clean" instructions. Once the final set of instructions has been approved, the Court will remove the annotations from the instructions. Each juror will receive a copy of the final instructions.

Correspondence with the Court

Absent exigent or special circumstances, defendants in criminal cases shall not attempt to contact, correspond with, or send letters directly to Judge Rosenstengel. All out-of-court communication with Judge Rosenstengel should be made through counsel via motion. Any correspondence received will be filed in CM/ECF as a sealed document.

COURTROOM TECHNOLOGY

Courtroom Technology Features and User Guidelines

The courtroom technology system can broadcast video and audio content from a variety of sources/devices to all areas of the courtroom. The flexibility to support a myriad of devices and content types comes at the expense of a “plug and play” approach. In other words, connecting your unique device and displaying your unique content may require some slight configuration changes to your device. Therefore, it is strongly recommended that you communicate with the court’s IT department regarding your evidence presentation intent PRIOR to your court appearance. (Counsel can call Courtroom Deputy Deana Brinkley at (618) 482-9342 and coordinate contact with the IT department.)

- **Document Camera (aka “ELMO” camera)**
The courtroom is equipped with an electronic camera (“ELMO”) that can be used to display physical documents or objects to electronic viewing monitors disbursed throughout all areas of the courtroom.
- **Computing Devices (*i.e.*, laptops and mobile devices)**
The courtroom is equipped with “connector inputs” at three locations (each counsel table and the presentation cart) to facilitate the connection of any electronic computing device having a VGA or HDMI output connector on that computing device. Once connected, the entire screen and the audio output of the device can be broadcast to the electronic viewing monitors and speakers disbursed throughout all areas of the courtroom.
- **Video Conferencing**
The courtroom is equipped with a video conferencing system that can be used to connect to outside parties and simultaneously broadcast that outside parties’ image and audio throughout the entire courtroom.

NOTE: The outside party must have access to very specific video conferencing equipment OR have a laptop with a webcam attached along with a special software package installed that is downloaded from the court. Participants wishing to video conference must make arrangements in advance and conduct a test with the court’s IT department.

- **Annotation**

The courtroom has a touch screen monitor with annotation features located at the presentation cart and at the witness box. This device can be used to annotate “on top of” any video image being displayed from any device connected to the system. The annotations display to the electronic viewing monitors disbursed throughout all areas of the courtroom.

- **Audio Conferencing**

The courtroom is equipped with an audio-conferencing system that can be used to allow multiple outside parties to communicate with the courtroom via telephone. The outside party audio can be broadcast to the courtroom.