



Case Management Procedures Judge Nancy J. Rosenstengel

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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 provide updated 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.

Disclosure of Interested Parties

Any nongovernmental corporate party must file (and, where applicable, supplement) a corporate disclosure in compliance with Federal Rule of Civil Procedure 7.1.

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) which must be made at least 30 days before trial. Thus, Rule 26(a)(3) disclosures should be made 30 days before the first day of the presumptive trial month. Objections are due 14 days after the disclosures are made. These disclosures (and the objections) shall be filed electronically with the Clerk of Court. Counsel**

should bring their Rule 26(a)(3) disclosures and any objections to the Final Pretrial Conference.

Motion Practice

Discovery-related and non-dispositive motions are handled by the Magistrate Judge assigned to the case. Judge Rosenstengel rules on dispositive motions and motions to continue trial settings.

- ***Pleadings***
All pleadings must be filed with the Clerk's Office via the electronic case filing (CM/ECF) system.

- ***Responses & Replies***
In accordance with Local Rule 7.1(c), Judge Rosenstengel allows 30 days for parties to file memoranda responding to dispositive motions, post-trial motions, and motions to remand. For motions other than these, Local Rule 7.1(g) governs response deadlines and supporting brief requirements.

Responsive memoranda can be no longer than 20 pages, unless written leave of court is obtained. Reply briefs are strongly discouraged. If filed, reply briefs may be no longer than 5 pages and must be filed within 14 days of service of the response. See Local Rule 7.1(c).

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

- ***Oral Argument***
Judge Rosenstengel will set dispositive motions for hearing but does not do so in every case. The Courtroom Deputy Clerk will notify all parties by entering a Notice in CM/ECF when a hearing is set. It is not necessary for counsel to request a motion hearing, but counsel may file a motion requesting a hearing if oral argument on a motion is desired.
- ***Teleconferences/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. In the rare case 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***

Unless the Court, by written Order or Notice in a particular case, has set a different deadline, all motions *in limine* must be filed no later than **twenty-one** calendar days before the Final Pretrial Conference. Responses to motions *in limine* must be filed no later than **fourteen** calendar days after service of the motion. When time allows, Judge Rosenstengel will hear argument on motions *in limine* at the Final Pretrial Conference, or she may schedule a separate hearing on motions *in limine*. 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, however, may be stricken 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(c).

- ***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 Final Pretrial Orders used by other Judges. It is also mandatory.

Local Rule 16.2(b)(1) provides that the parties shall submit a signed, joint Final Pretrial Order no later than 3 days prior to the Final Pretrial Conference. If requested, however, Judge Rosenstengel may permit counsel to submit the proposed Final Pretrial Order at the Final Pretrial Conference. Counsel may contact chambers to determine the proper deadline for a particular case. In either situation, counsel shall e-mail the Final Pretrial Order to Judge Rosenstengel's proposed document in-box at:

NJRpd@ilsd.uscourts.gov.

Mandatory Exhibit List

NOTE: 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, et seq. Defendant's exhibits should be pre-marked and numbered sequentially, following Plaintiff's exhibits, as Defendant's Exhibit 3, Defendant's Exhibit 4, et seq. 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 sets of 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.

Specific questions about preparing the exhibit list should be directed to the Courtroom Deputy Clerk, Deana Brinkley, by email message to Deana_Brinkley@ilsd.uscourts.gov or raised at the Final Pretrial Conference.

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 will be read to the jury during voir dire. Absent extraordinary circumstances, any person not included on the list *will not be permitted to testify at trial*, because his/her name will not have been disclosed to the potential jurors.

By 12:00 noon on the business day prior to trial, counsel shall each e-mail a final list of the witnesses they intend to call at trial to Courtroom Deputy Deana Brinkley at Deana_Brinkley@ilsd.uscourts.gov. Questions regarding the Witness Lists may be addressed to Deana Brinkley at (618) 482-9342.

Jury Selection

- *Jury Questionnaires*

Jury questionnaires [click here](#) 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 preliminary questioning, each party may participate in voir dire separately. Counsel may submit proposed voir dire questions in writing to Judge Rosenstengel up until the day before trial begins. Counsel also may request that Judge Rosenstengel question jurors on certain issues which a party would rather the Judge ask instead of counsel. In its discretion, the Court may conduct the voir dire without participation of 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 3 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 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 a \$40 attendance fee and reimbursed for travel to the courthouse. See the court's web-site at 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 failed to advise the Court of the settlement of a case prior to 3:00 p.m. on the last full business day before trial was 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 strongly 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.

By Notice issued a few months before the presumptive trial month, 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 9:00 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 by 4:30 p.m. In trials that proceed 9:00 a.m. to 4:30 p.m. daily, an hour lunch break is taken around noon. Typically, one 15-minute morning break and at least one 15-minute afternoon break will be taken. Motions, jury instruction conferences, and other matters may be handled with counsel prior to 9:00 a.m. or after 4:30 p.m., 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 see Judge Rosenstengel's Courtroom Security Officer for access.

- ***Attorney Availability During Jury Deliberation***

Counsel must give the Courtroom Deputy 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/video system in Judge Rosenstengel's courtroom transmits live audio/video 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 the "Miscellaneous" section 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 the first morning of trial**. Jury instructions *are not* filed with the Clerk of the 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., "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 "as of course" 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 for Pretrial Discovery and Inspection issued by the Magistrate Judge at arraignment.

- *Motion to Dismiss, Motion to Suppress, Motion 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 (usually, such motions must be filed within 21 days of arraignment).

By contrast, 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*.

- ***Motion to Continue (Criminal Cases)***

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). Whenever possible, 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.

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, the plea will be taken at the Final Pretrial Conference, or the parties may 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 at another time.

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 submit proposed voir dire questions in writing to Judge Rosenstengel prior to the trial, either at the final pretrial conference or by close of business the day before the start of trial. Counsel also may request that Judge Rosenstengel question jurors on certain issues which a party would rather the Judge ask instead of 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 6 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, twelve 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 a \$40 attendance fee and reimbursed for travel to the courthouse. See the court's web-site at www.ilsd.uscourts.gov for information/specifics.

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 9:00 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 by 4:30 p.m., so the jurors may travel back to their homes. In trials that proceed 9:00 a.m. to 4:30 p.m. daily, an hour lunch break is taken around noon. Typically, a 15-minute morning break and at least one 15-minute afternoon break will be taken. Motions, jury instruction conferences, and other matters may be handled with counsel prior to 9:00 a.m. or after 4:30 p.m., as directed by Judge Rosenstengel.

- ***Courtroom Audio System***

Judge Rosenstengel's courtroom transmits live audio/video 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 "Miscellaneous" section below.

- ***Attorney Conference Rooms***

A conference room is available near Judge Rosenstengel courtroom for attorney-client and attorney-witness consultation. Please see the Courtroom Security Officer for access.

- ***Attorney Availability During Jury Deliberation***

Counsel should give the courtroom deputy a telephone number where they can be reached when the jury indicates it has a verdict or 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 the Court.

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, et seq. Defendant's Exhibits should be pre-marked and numbered as Defendant's Exhibit 1, Defendant's Exhibit 2, et seq. 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).

By 12:00 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

By 12:00 noon on the business day prior to trial, counsel shall each e-mail a final list of the witnesses they intend to call at trial to Courtroom Deputy Deana Brinkley at Deana_Brinkley@ilsd.uscourts.gov. 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 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 the 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. ____"). 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 are not to 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.

Miscellaneous

Courtroom Technology Features and Usage 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 (prosecution table, defense table, and 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.
- ELECTRONIC MEDIA
 - The courtroom is equipped with a VHS/DVD combination unit that can be used to broadcast VHS tape or DVD video and audio 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 entire courtroom.

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 who are soft-spoken will be required to use a portable microphone or the microphone at the podium or counsel table. Attorneys must only request permission to approach a witness once and need not seek permission thereafter. **Side-bar conferences are permitted only in extraordinary circumstances**, since adequate time is available at the end of the day to discuss witness problems and other issues

Disclaimer and Notice

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

Attorneys must examine these instructions on a regular basis, since changes are made to this page without notice.

Electronic Case Filing System

On January 20, 2004, this district court transitioned to a system of electronic filings referred to as "CM/ECF." That system requires electronic, rather than paper, filing of all pleadings - with a few narrow exceptions (e.g., pleadings filed by prisoners; sealed documents in criminal cases). Additionally, the Court's own Orders are sent to the parties electronically rather than by regular mail. Participation in CM/ECF is mandatory.

Attorneys with questions about CM/ECF should consult the Court's web-site at www.ilsd.uscourts.gov, which includes the Electronic Filing Rules and the Electronic Case Filing User's Manual. Additionally, the web-site explains how attorneys can register as "users" of the CM/ECF system. Depending upon the volume of requests at any given time, it may take up to three business days to obtain a password.

NOTE 1: When a CM/ECF user files a motion electronically, the system automatically assigns a deadline for filing the response to that motion. That deadline appears in the docketing entry with the filing of the motion. **Be aware that the system's automatic motion response deadline may not be accurate** if the Court, by separate Order, set a specific deadline. In other words, any Court-imposed deadline trumps the system-generated deadline.

NOTE 2: Judge Rosenstengel and her law clerks, on a daily basis, print activity reports for their cases. They also receive daily NEFs (notices of electronic filing) for certain cases. This system does not always result in immediate notification as to newly-filed motions. For this reason, if an attorney e-files an urgent or time-sensitive motion, s/he should phone the law clerk assigned to the case and alert him/her that the motion has been filed.

NOTE 3: Sealed, *ex parte* motions do not show-up on case-management reports, so you must immediately notify chambers if you have filed such a motion.