



Case Management Procedures Judge Stephen P. McGlynn

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Civil Cases

Conflicts of Interest

In order for Judge McGlynn 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 McGlynn can assess whether any possible basis for disqualification exists.

Mandatory Mediation Program

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 (“Program”) when a presumptive trial date is assigned. Other cases may be referred into the Program in the discretion of the presiding judge or magistrate judge.

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 twenty-one (21) days prior to the Rule 16 Scheduling and Discovery Conference. **At least seven (7) 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 SPMpd@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 (www.ilsd.uscourts.gov/forms.aspx).

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 continues 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.

In-Court Hearings and Travel

Judge McGlynn presumes that all attorneys who seek admittance to practice in the Federal District Court for Southern Illinois or be allowed to appear *pro hac vice*, are fully prepared to present their case in this Court. “In this Court” means in the Courthouses in East St. Louis, Illinois, and Benton, Illinois.

Judge McGlynn sets discovery motions to be heard in Court with counsel present in person. The fact that a telephone conference or an internet link may be more convenient to an attorney or attorneys is not sufficient grounds alone to change Judge McGlynn’s policy with respect to motion practice.

Judge McGlynn will set other motions from time to time for oral argument. Oral argument is conducted in Judge McGlynn’s courtroom at the assigned time and date. Attorneys wishing to be heard shall appear in person to present oral argument. Oral argument will not be conducted telephonically, or via the internet, simply because that would be more convenient to counsel. Moreover, distance of travel for counsel will not, in and of itself, be grounds to avoid in person presentation of argument. That said, the Court will work with counsel to schedule a time for hearing that may better accommodate counsel’s travel schedule.

Discovery Disputes

The parties are encouraged to resolve discovery disputes informally without Court intervention. A party must make, or attempt to make, a good faith effort to meet and confer on the discovery dispute before that party files a motion. That party must certify in the motion that a good faith effort was made to resolve the dispute with the party failing to make disclosure or discover under Federal Rule of Civil Procedure 37 and provide detail of those contacts.

In most situations counsel should file a motion to compel discovery, stating the disputed issue precisely 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 simply be 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

Judge McGlynn may ask a Magistrate Judge to conduct a settlement conference or, if all parties consent, Judge McGlynn will conduct the settlement conference himself.

If a settlement conference is held by a judicial officer, the following rules apply:

- Lead counsel must appear in person.
- The parties must appear in person.

- A named individual defendant need not attend if covered by liability insurance. In that case, an insurance representative with full authority to negotiate and settle the case must attend in person. Frequently, an insurance representative appears with authority only to a certain dollar limit, which is typically insufficient to achieve a settlement. It then becomes necessary to track down by telephone the person with further authority so that negotiations can be completed. This is disruptive and inefficient. Parties must bring a person who can agree to any sum demanded/offered by the opposing party without resort to the telephone.
- In employment cases, the defendant(s) should not bring anyone who had any relevant input in the employment decision(s) that gave rise to the underlying lawsuit. In some cases, due to the size of the defendant company, this is unavoidable. When it can be avoided, however, it must be. A good rule of thumb is to leave behind anyone who might testify at trial concerning the reasons for the employment action taken. Additionally, corporate counsel are often consulted prior to an employment decision, inextricably linking them to the event that gave rise to the underlying lawsuit. Therefore, when possible, corporate counsel should not attend the settlement conference.
- Municipalities, counties, and other public entities represented by boards are often sued in federal court. On many occasions, a quorum of a governing board has appeared at a settlement conference. This is not problematic so long as Open Meetings Act laws are not violated. Counsel is urged to take appropriate precautions.

Defendants who appear with nothing but nuisance money may find themselves paying the cost of plaintiff(s) and plaintiff(s)' attorneys to attend.

Settlement statements are to be submitted at least seven (7) days prior to the settlement conference. Click [here](#) for a copy of the Settlement Statement of Attorney. Settlement statements should NOT be filed in CM/ECF. They should be sent directly to the proposed document email of the judge holding the conference (a complete list is available on the Court's website). Statements in both Word format and PDF format are acceptable. Settlement statements are kept confidential.

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. 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

Except in rare situations or emergencies, all motions will be handled by Judge McGlynn. The parties will be advised if a motion has been referred to a Magistrate Judge for disposition via the Case Management/Electronic Case Filing (CM/ECF) system

- ***Pleadings***

All pleadings must be filed with the Clerk's Office via the Case Management/Electronic Case Filing (CM/ECF) system.

- ***Responses & Replies***

In accordance with Local Rule 7.1(c), Judge McGlynn 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).

- ***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***

Judge McGlynn may 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. 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 McGlynn orders otherwise.

- ***Motions in Limine***

It is not necessary to file motions *in limine* before the Final Pretrial Conference—Judge McGlynn 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, 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 McGlynn, 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 McGlynn 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

Local Rule 16.2(b)(1) provides that the parties shall submit a signed, joint Final Pretrial Order no later than 5 days prior to the Final Pretrial Conference. Judge McGlynn's Final Pretrial Order form may be downloaded [here](#). Counsel shall e-mail the Final Pretrial Order to Judge McGlynn's proposed document in-box at: SPMpd@ilsd.uscourts.gov. The parties shall put effort into drafting the nature of

the case provided in the Final Pretrial Order, as it is usually the description that is read to the jury during voir dire.

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 file their Rule 26(a)(3) disclosures and any objections 3 days prior to the Final Pretrial Conference. The parties shall also email the exhibits to which they object to Judge McGlynn's proposed document in-box at: SPMpd@ilsd.uscourts.gov. The exhibits shall be clearly organized and labelled.

The parties shall prepare an Exhibit List using [AO Form 187](#) and submit to Courtroom Deputy Clerk Jackie Muckensturm by email at Jackie.Muckensturm@ilsd.uscourts.gov 2 business days before the first day of trial. All exhibits should be pre-marked with arabic numerals for each exhibit. To make the process easier on the parties, plaintiff's exhibits shall begin numbering with 1 and continue through 199. Defendants shall then begin numbering at 200. Should plaintiff have more than 199 exhibits, please notify counsel so that defendants' exhibits can then begin with 300 (instead of 200). The reasoning for the numbering system is to avoid duplication of exhibit numbers.

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 Courtroom Deputy Clerk Jackie Muckensturm by email message at Jackie.Muckensturm@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 may 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.

If a different deadline is not set on CM/ECF, then 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 Jackie Muckensturm at Jackie.Muckensturm@ilsd.uscourts.gov. Questions regarding the Witness Lists may be addressed to Jackie Muckensturm at (618) 482-9374.

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 Jackie Muckensturm after the jury is selected. Questionnaires are confidential and may not be retained by any party.

- ***Voir Dire***

Judge McGlynn conducts preliminary voir dire which includes many of the basic questions such as residence, employment, and prior jury service. After Judge McGlynn concludes preliminary questioning, each party may participate in voir dire separately. Counsel may submit proposed voir dire questions in writing to Judge McGlynn up until the day before trial begins. Counsel also may request that Judge McGlynn 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. In light of privacy concerns, counsel should only refer to prospective jurors by their juror number.

- ***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 \$50 attendance fee and reimbursed for travel to the courthouse. See the court's website 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 McGlynn 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.

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 McGlynn 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 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 McGlynn 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 McGlynn.

- ***Attorney Conference Room***

A conference room is available near Judge McGlynn's courtroom for attorney-client or attorney-witness consultation. Please see Judge McGlynn's Courtroom Security Officer for access.

- ***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 McGlynn.

- ***Courtroom Audio System***

An audio/video system in Judge McGlynn's courtroom transmits live audio/video from the courtroom to Judge McGlynn'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 McGlynn's courtroom, see the "Miscellaneous" section below.

Jury Instructions

Unless this deadline is altered by an Order entered by Judge McGlynn 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 5 business days after entry of the final pretrial order**. Jury instructions *are not* filed with the Clerk of Court. **Rather, they are submitted to Judge McGlynn's chambers via email message to SPMPd@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 McGlynn.

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 McGlynn 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.

By contrast to civil cases, motions *in limine* in Judge McGlynn’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 McGlynn 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***

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 Courtroom Deputy Clerk Jackie Muckensturm at [Jackie Muckensturm@ilsd.uscourts.gov](mailto:Jackie.Muckensturm@ilsd.uscourts.gov) or (618) 482-9374 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 Jackie Muckensturm after the jury is selected. Questionnaires are confidential and may not be retained by any party.

- ***Voir Dire***

Judge McGlynn conducts preliminary voir dire which includes many of the basic questions such as residence, employment, and prior jury service. After Judge McGlynn concludes his preliminary questioning, each party may participate in voir dire separately. Counsel may submit proposed voir dire questions in writing to Judge McGlynn 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 McGlynn question jurors on certain issues which 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.

- ***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 \$50 attendance fee and reimbursed for travel to the courthouse. See the court's website 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 trial is not reached 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 McGlynn 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 McGlynn.

- ***Courtroom Audio System***

Judge McGlynn's courtroom transmits live audio/video from the courtroom to Judge McGlynn'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 McGlynn's courtroom, see "Miscellaneous" section below.

- ***Attorney Conference Rooms***

A conference room is available near Judge McGlynn 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 Clerk 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 [**AO Form 187**](#). All exhibits should be pre-marked with arabic numerals for each exhibit. To make the process easier on the parties, the Government's exhibits shall begin numbering with 1 and continue through 199. Defendants shall then begin numbering at 200. Should the Government have more than 199 exhibits, please notify counsel so that defendants' exhibits can then begin with 300 (instead of 200). The reasoning for the numbering system is to avoid duplication of exhibit numbers. Please feel to contact me for any clarification on this subject.

Counsel shall e-mail the Exhibit List (in **Word** format) to Courtroom Deputy Clerk Jackie Muckensturm 2 business days before the first day of trial. Questions regarding the Exhibit List may be addressed to Jackie Muckensturm at (618) 482-9374.

Witness Lists

Counsel shall each e-mail a final list of the witnesses to Courtroom Deputy Jackie Muckensturm at [**Jackie.Muckensturm@ilsd.uscourts.gov**](mailto:Jackie.Muckensturm@ilsd.uscourts.gov) 2 business days before the first day of trial. Questions regarding the Witness Lists may be addressed to Jackie Muckensturm at (618) 482-9374.

Jury Instructions

The parties must submit a complete set of proposed jury instructions to the Court **no later than five business days 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 McGlynn's chambers via email message to [**SPMpd@ilsd.uscourts.gov**](mailto:SPMpd@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 McGlynn. All out-of-court communication with Judge McGlynn should be made through counsel via motion. Any correspondence received will be filed in CM/ECF as a sealed document.

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 Jackie Muckensturm at (618) 482-9374 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.

- ***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 is 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.

Disclaimer and Notice

To the extent Judge McGlynn's preferences conflict with the Federal Rules of Criminal and Civil Procedure, the Rules govern. Attorneys must examine these instructions on a regular basis, because changes are made to this page without notice.

Case Management/Electronic Case Filing System

The Court's CM/ECF system 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 is mandatory.

When a CM/ECF user files a motion electronically, the system automatically assigns a deadline for filing the response. 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.

While Judge McGlynn and his 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 e-files an urgent or time-sensitive motion (such as a motion to continue a setting set on the following day), s/he should phone the law clerk assigned to the case and alert him/her that the motion has been filed.

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 SPMpd@ilsd.uscourts.gov (with a copy to all counsel of record); 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.