

STANDING ORDER

Courtroom 103

The Domestic Violence Court was created to improve the Court's efficiency in handling allegations of domestic violence by requiring the disposition of cases as expeditiously as is consistent with fairness and due process. These procedures and time standards are intended to provide Domestic Violence Court with recognized goals for timely disposition of cases and a standard by which to measure the movement of cases. Each case is unique and judges must, consistent with rules of Court and statutes, exercise sound judgment to provide the parties as fair an opportunity to be heard as is necessary to achieve reasonable disposition timelines. These time standards and general provisions enable judges to address each case on an individual basis according to the distinct needs of that case.

The purpose of the Standing Order is to provide guidelines to the attorneys and litigants who appear in courtroom 103 to promote consistent, efficient treatment in every case. This Order applies to all actions involving domestic violence assigned to courtroom 103.

General Provisions

This Standing Order applies to all actions filed in Domestic Violence Courtroom 103.

The timing for the completion of each case, whether by trial, negotiated plea or dismissal shall be calculated from the date of service of the petition or from the date of arrest of the defendant.

It is expected that all matters shall be disposed of within 180 days.

Plea Date

The initial court appearance shall be returnable to Courtroom 103 no later than 14-21 days from the date of filing of a Criminal Petition for Order of Protection or warrant for arrest of the defendant on charges of Domestic Battery, Violation of Order of Protection or Violation of Stalking No Contact Order. All plea dates shall be Monday through Thursday.

At the initial plea date the defendant must appear as a condition of bond and with an attorney either of his/her choice, *pro se* or with an appointed attorney. If the defendant requests a continuance for purposes of securing counsel, the Court may so grant a brief continuance (14-21*days).

A discovery schedule may be entered by the Court at this plea date. It is expected that in all cases discovery shall be completed not more than 60 days after the filing of the complaint. The Court expects orders setting discovery schedules to be followed. If the parties cannot comply with the set schedule, a motion to extend the time to perform the discovery, with good cause shown, should be presented before the next status date. If no such motion is presented, a failure to follow the discovery schedule can result in an order barring any further extensions and the barring of evidence or other sanctions.

The Court may continue the plea/status date an additional 30 days from the initial plea date upon motion of the parties upon good cause shown.

Case Management Conference

A case management conference will be held within 60 days and in no event more than 90 days after the initial plea date. The Circuit Clerk shall set the first case management conference date, which is provided at the initial appearance date and set by order of the Court. Thereafter, the Court sets all case management dates. The Assistant State's Attorney, attorney(s) of record or *pro se* litigant must appear and shall be familiar with the case and be prepared to discuss the nature, issues and complexity of the case, potential amendments to pleadings, stipulations, concerning facts or documents, the retention of expert witnesses, deadlines for written discovery, pre-trial motion deadlines, the disclosure of witnesses, the date the case should be ready for trial, and future case management dates.

Contested Motions

All contested motions shall be filed 30 days prior to trial. Upon filing of the motion, a briefing scheduled and hearing date will be set. The contested hearing date shall not be continued unless good cause is shown.

Trial Dates

Based on the number of bench trials set in matters of domestic violence and the limited number of days available to hear both jury and bench trial matters, trials will be scheduled as follows:

1. Jury trials will be set the 1st and 3rd week of the month;
2. Bench trials will be set the 2nd and 4th week of the month.

Trial dates are firm, and requests for a continuance will not be granted without good cause shown.

If another case is set the same day, it is the Court's discretion to determine which case will proceed, whether to hold the other case for trial, reschedule the trial or transfer the case to Court Administration for immediate reassignment for trial.

Trial Conference

When a jury case is set for trial, a trial conference date will also be set the week before trial. The purpose of the trial conference is to draft a summary of the nature of the case which will be read to the venire; rule on motions *in limine*, objections to evidence, and proposed jury instructions; and discuss jury selection, witnesses and scheduling. The attorney actually conducting the trial must be present for the trial conference. The attorneys shall provide the Court and opposing counsel with the following at the conference:

1. Trial Memorandum containing the a) nature of the case, b) list of witnesses and c) estimated number of trial days.
2. Stipulations of the parties.
3. List of exhibits with courtesy copies of documents for the Court.
4. Copies of motions *in limine* and any responses thereto.
5. Proposed jury instructions with one original and one marked with the IPI number, or if a non IPI instruction, with case authority. Each marked instruction shall include the following:

State/Defendant Inst. # _____

Given _____

Given as modified _____

Objection _____

Refused _____

Reserved _____

Any jury instruction not proposed at the trial conference will not be considered without good cause shown unless offered before the Defendant begins the presentation of his/her case.

During jury selection the Court will ask limited background questions of the venire. Each party has the right to ask questions of the venire. The Court does not generally limit the time for questions, but may do so at its discretion.

Negotiated Plea/Sentencing

Prior to the entry of a negotiated plea/disposition or sentencing, the defendant shall have an Illinois Department of Human Services (DHS) approved Partner Abuse Intervention Program (PAIP) evaluation. The PAIP evaluation shall be filed either prior to or at the time of sentencing with the Circuit Clerk. No negotiated plea/disposition or sentencing will occur without the PAIP evaluation.

The Court may require additional evaluations including, but not limited to, an alcohol or drug evaluation prepared by an Illinois Department of Human Services (DHS) licensed service provider.

It is so ordered: _____
Circuit Judge

Date _____