

Table of Contents

PART I. THE PROPER FORUM FOR TRIAL

CHAPTER 1. THE PROPER JURISDICTION AND VENUE OF THE TRIAL COURT

- § 1:1 Subject-matter jurisdiction
- § 1:2 Personal jurisdiction
- § 1:3 Challenging service of process
- § 1:4 Venue
- § 1:5 Change of venue and substitution of judges
- § 1:6 Illinois electronic filing requirements *[New]*

CHAPTER 2. THE COOK COUNTY CHANCERY DIVISION

- § 2:1 History of Illinois Courts of Chancery
- § 2:2 Subject matter jurisdiction
- § 2:5 Actions within the chancery division

CHAPTER 3. ILLINOIS SMALL CLAIMS COURT

- § 3:1 Introduction

CHAPTER 5. MANDATORY ARBITRATION

- § 5:3 The arbitrators
- § 5:7 The arbitration award and entry of judgment
- § 5:8 Tactical considerations in mandatory arbitration
- § 5:9 Mediation

PART II. MARSHALLING THE EVIDENCE FOR TRIAL

CHAPTER 6. DISCOVERY AND ITS USES AT TRIAL

- § 6:1 Generally
- § 6:2 The use of interrogatory responses and documents
- § 6:3 Interrogatories and pretrial witness disclosure requirements
- § 6:4 The use of discovery depositions at trial
- § 6:5 The use of evidence depositions at trial

- § 6:6 Fairness and completeness objections to the use of depositions at trial
- § 6:9 The use of physical and mental examinations at trial
- § 6:10 Requests to admit
- § 6:11 Evidentiary sanctions for discovery abuses
- § 6:14 Limited and simplified discovery in certain cases—Cases which are affected by Rule 222 and those which are exempt
- § 6:23 Asserting and waiving claims of privilege *[New]*

CHAPTER 7. MARSHALLING THE EVIDENCE BEYOND DISCOVERY

- § 7:1 Uncontroverted facts and judicial notice
- § 7:2 Subpoenas
- § 7:3 Admissions

PART III. FINAL TRIAL PREPARATION

CHAPTER 8. THE TRIAL CALENDAR

- § 8:1 Local rules
- § 8:2 Setting the case for trial

CHAPTER 9. FINAL PRETRIAL MOTIONS

- § 9:1 Motion practice
- § 9:2 Notice of motion
- § 9:5 Motions for reconsideration of interlocutory orders
- § 9:7 Motion for voluntary dismissal before trial
- § 9:8 Dismissals for want of prosecution
- § 9:11 Motions in limine
- § 9:12 Amendments to the pleadings

CHAPTER 10. THE FINAL PRETRIAL CONFERENCE

- § 10:2 Pretrial disclosures of witnesses

CHAPTER 11. SETTLEMENT

- § 11:1 Settlement generally
- § 11:4 The formalities of the settlement agreement
- § 11:5 Settling multiparty suits

PART IV. THE JURY

CHAPTER 12. THE RIGHT TO TRIAL BY JURY

- § 12:1 The constitutional right
- § 12:2 Demand and waiver
- § 12:3 Jury fees

TABLE OF CONTENTS

CHAPTER 14. VOIR DIRE

§ 14:2 Voir dire technique and strategy

CHAPTER 15. JUROR CHALLENGES

§ 15:1 Challenges for cause

**PART V. THE TRIAL SEQUENCE:
BURDENS OF PROOF AND
PRESUMPTIONS**

CHAPTER 17. THE ORDER OF TRIAL

§ 17:4 Opening statements

§ 17:6 Direct examination

§ 17:10 Rebuttal

§ 17:10.50 Juror questioning of witnesses *[New]*

CHAPTER 18. BURDENS OF PROOF

§ 18:2 The burden of production

CHAPTER 19. PRESUMPTIONS

§ 19:1 Presumptions defined

§ 19:4 Negligence presumptions

§ 19:5 Marital presumptions

§ 19:6 Presumptions regarding death and inheritance

§ 19:7 Presumptions regarding commercial relations

§ 19:8 Presumptions regarding the production of evidence

§ 19:9 Presumptions regarding public proceedings

PART VI. EVIDENCE

CHAPTER 20. OVERVIEW OF EVIDENCE

§ 20:1 Introduction

CHAPTER 21. RELEVANCE

§ 21:2 Relevance and similar conduct

§ 21:3 The relevance of character, habit, and careful habits evidence

**CHAPTER 22. POLICY LIMITATIONS ON
THE ADMISSIBILITY OF RELEVANT
EVIDENCE—PRIVILEGES**

§ 22:2 Policy limitations on the admissibility of relevant evidence—
Privileges

§ 22:3 The privilege against self-incrimination

§ 22:4 The physician-patient privilege

§ 22:6 The spousal privilege

§ 22:7 Public accountants

- § 22:11 Recorded conversations
- § 22:14 The attorney-client privilege
- § 22:16 Self-critical analysis privilege *[New]*
- § 22:17 Confidential advisor privilege *[New]*
- § 22:18 Restorative justice practice *[New]*

CHAPTER 23. POLICY LIMITS ON THE ADMISSIBILITY OF RELEVANT EVIDENCE—INSURANCE COVERAGE, PRIOR SETTLEMENTS, AND COLLATERAL PAYMENTS

- § 23:1 Introduction

CHAPTER 24. POLICY LIMITS— SUBSEQUENT REMEDIAL MEASURES

- § 24:1 Introduction

CHAPTER 25. DISCRETIONARY LIMITS ON RELEVANT EVIDENCE

- § 25:1 Introduction

CHAPTER 26. FOUNDATION

- § 26:3 Extrinsic authentication of tangible evidence
- § 26:4 The Best Evidence Rule
- § 26:6 Incompetent witnesses—Officers of the court
- § 26:7 Incompetent witnesses—Testimony regarding dead or legally disabled persons
- § 26:8 Establishing the foundation for lay opinion testimony
- § 26:9 The credibility of lay witnesses
- § 26:10 The foundation for expert testimony
- § 26:11 Challenging the admissibility and weight of expert witnesses

CHAPTER 27. HEARSAY

- § 27:2 Hearsay defined
- § 27:3 The hearsay exceptions
- § 27:5 Out-of-court statements admitted for their truth based on inherent reliability

CHAPTER 28. OBJECTIONS

- § 28:2 Preparation and organization
- § 28:3 Common objections

PART VII. SUBMITTING THE CASE TO THE JURY

CHAPTER 29. CLOSING ARGUMENTS

- § 29:2 The scope of closing argument

TABLE OF CONTENTS

§ 29:4 Remedies for improper closing arguments

CHAPTER 30. JURY INSTRUCTIONS

§ 30:2 The rights of the parties and the duties of the court

§ 30:3 The substantive basis for instructions

PART VIII. THE CIVIL JUSTICE REFORM ACT AMENDMENTS OF 1995

CHAPTER 31. THE TRIAL OF A MEDICAL MALPRACTICE ACTION

§ 31:2 Medical malpractice pretrial procedure

§ 31:3 Damages in a medical malpractice action

PART IX. THE VERDICT

CHAPTER 32. VERDICTS

§ 32:2 Special interrogatories

§ 32:3 Inconsistent verdicts

§ 32:4 Remedies for inconsistent verdicts

§ 32:6 Amendments to the verdict

PART X. MOTIONS CHALLENGING THE VERDICT OR JUDGMENT

CHAPTER 33. DIRECTED VERDICT

§ 33:5 Nonjury cases standard

CHAPTER 34. JUDGMENT

NOTWITHSTANDING THE VERDICT

§ 34:3 Standard

§ 34:5 Appeal of JNOV

CHAPTER 35. NEW TRIAL MOTIONS

§ 35:1 Introduction

§ 35:2 Weight of the evidence

§ 35:3 Prejudicial error

§ 35:5 Damages

§ 35:6 New evidence

CHAPTER 36. POST-TRIAL MOTIONS AND WAIVER

§ 36:1 Introduction

CHAPTER 37. MOTIONS FOR RELIEF FROM JUDGMENTS

§ 37:1 Relief from default judgments

§ 37:2 Petition for relief from judgment

§ 37:3 Confessions of judgment

PART XI. ENFORCING THE JUDGMENT

CHAPTER 38. JUDGMENTS IN GENERAL

§ 38:1 Introduction

CHAPTER 40. FEDERAL AND FOREIGN JUDGMENTS

§ 40:1 Introduction

CHAPTER 41. GARNISHMENT

§ 41:1 Introduction

CHAPTER 42. WAGE DEDUCTIONS

§ 42:1 Introduction

CHAPTER 43. HOMESTEAD EXEMPTIONS

§ 43:1 Introduction

CHAPTER 44. PERSONAL PROPERTY EXEMPTIONS

§ 44:1 Introduction

Table of Laws and Rules

Table of Cases

Index