

AUTHOR'S INTRODUCTION TO THE 2023-2024 EDITION

The *Trial Handbook for Illinois Lawyers—Civil, 8th* is a perfect resource for practicing attorneys to access when questions occur during any phase of a civil trial in Illinois. From motions before the trial through post-judgment procedures, this handbook is a handy resource. Whether an attorney is new to the practice or an experienced practitioner, each civil trial is unique and this reference is organized to be a resource to assist in answering those issues that suddenly arise during the course of a civil trial. This easy-to-read manual organizes Illinois case law and legislation, making it accessible for all.

This 2023-2024 Edition of *Trial Handbook for Illinois Lawyers—Civil, 8th* replaces the 2022-2023 Edition. Since last year's update to this treatise, the following new material has been added and/or existing material updated in the following subject areas:

- The Circuit Court's subject-matter jurisdiction; the doctrine of forum non conveniens; mootness and the public interest exception; form of pleadings; and exhibits with pleadings;
- The extent to which an administrative agency decision is reviewable; the rights of parties are not fully and finally adjudicated if a court remands for a new hearing; exhaustion of the administrative remedies; the standard of review of a decision by an administrative agency depends on the question presented;
- The nature of statutes of limitations – including when a plaintiff has made a mistake concerning the identity of the proper party; the nature of the defense of a statute of limitations – including the filing of a probate case in curtailing the limitations period for claims against the estate as well as in defamation cases regarding the Uniform Single Publication Act; tolling the statute of limitations – including fraudulent concealment; and barring claims against lawyers by statute of limitations and statute of repose - particularly the application of the discovery rule in claims against lawyers;
- The motion for substitution of judge and whether temporary orders are a substantial ruling;
- The replacement of Rules 61 through 68 by the Illinois Code of Judicial Conduct of 2023;

- Motion during trial including procedure when a motion does not comply with the statute governing combined motions to dismiss, commingling claims, or creates unnecessary complications and confusion; the defense for failure to exercise reasonable diligence in obtaining service of a defendant; a motion for judgment on the pleadings; and a motion for dismissal on the ground of affirmative matter barring the suit from going forward;
- Civil and criminal contempt; and defense to contempt orders;
- The use of peremptory challenges to excuse jurors – including *Batson* proceedings;
- Burden of proof in particular cases such as constructive trust cases, tortious interference with professional relationship between lawyer and client, breach of fiduciary duty, and fraudulent concealment;
- Witnesses testifying on videotape;
- Objection to evidence, generally; and the waiver of an objection;
- Privileged communications between an attorney and client – specifically the work product doctrine and situations where privilege is not recognized, such as an investigator’s report generated at the request of a hospital’s quality and safety committee;
- The nature of presumptions;
- General requirements relating to documentary evidence including translations of documents and the procedure in offering and admitting documents into evidence;
- Late disclosure of an expert witness;
- Admissions by a party’s attorney as an agent of the party and judicial admissions;
- Right of court to direct verdict; determining right to directed verdict in considering all evidence with all reasonable inferences;
- Damages in general as well as punitive damages and damages for breach of contract;
- Attorney’s fees in a dissolution case;
- Improper closing arguments;
- Posttrial motion to set aside a final order or judgment;
- The purpose of summary judgment.

Thank you for your use of this handbook. We have worked to make this 2023-2024 Edition a current and invaluable resource for Illinois civil trials.