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# 9S

## Evidentiary Motions at Trial

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- A. [9S.61] A Witness Is Not Allowed To Testify — Offers of Proof

## I. EVIDENTIARY MOTIONS AT TRIAL — GENERAL CONSIDERATIONS

### C. The Supreme Court Rules and Evidentiary Motions at Trial

#### 1. [9S.4] Supreme Court Rule 213

*The third sentence is revised:*

Pursuant to Rule 213(f), both sides will know what witnesses will be called to testify and what the witnesses will say.

## II. THE WHEN, WHERE, AND HOW OF MOTIONS AT TRIAL

### E. Written Motions

#### 1. [9S.14] Software and Written Motions

*The following websites in the list on p. 9-12 are revised:*

ABA Legal Technology Resource Center — [www.americanbar.org/groups/departments\\_offices/legal\\_technology\\_resources.html](http://www.americanbar.org/groups/departments_offices/legal_technology_resources.html)

Federal Court Rules — [www.uscourts.gov/rulesandpolicies.aspx](http://www.uscourts.gov/rulesandpolicies.aspx)

Federal Courts' Case Management/Electronic Case Files — [www.uscourts.gov/courtrecords.aspx](http://www.uscourts.gov/courtrecords.aspx)

United States Supreme Court Cases — [www.law.cornell.edu/supct](http://www.law.cornell.edu/supct) (which contains U.S. Supreme Court cases reported by Cornell University Law School)

University of Chicago D'Angelo Law Library — [www.lib.uchicago.edu/e/law/index.html](http://www.lib.uchicago.edu/e/law/index.html)

## III. HOUSEKEEPING MOTIONS BEFORE TRIAL

### D. [9S.20] Motions To Continue Based on Prior Engagement of Counsel

*The fourth sentence in the last paragraph is replaced:*

Pursuant to S.Ct. Rule 231(a), a continuance should be given only upon a showing of good cause accompanied by affidavits. Similarly, Eighth Judicial Circuit Rule 2.1(h) requires a showing of good cause and provides that the court may require supporting affidavits from parties and counsel.

**VI. KEEPING THE RECORD NEAT AND TIDY****E. [9S.38] Evidence Only Partially Admissible**

*The last sentence is deleted.*

**X. MOTIONS WHEN THINGS GO AWRY****A. [9S.61] A Witness Is Not Allowed To Testify — Offers of Proof**

*Add at the end of second full paragraph on p. 9-43:*

*See Kim v. Mercedes-Benz, U.S.A., Inc.*, 353 Ill.App.3d 444, 818 N.E.2d 713, 719, 288 Ill.Dec. 778 (1st Dist. 2004) (“An offer of proof that merely summarizes the witness’ testimony in a conclusory manner is inadequate.”), quoting *People v. Andrews*, 146 Ill.2d 413, 588 N.E.2d 1126, 1131, 167 Ill.Dec. 996 (1992).