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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. CASE NUMBER
)
Plaintiff,) **CRIMINAL MOTION AND TRIAL**
) **ORDER**
)
v.)
)
DEFENDANT,)
)
Defendant(s).)
-----)

The above matter is set for trial before the Honorable Valerie Baker Fairbank, Courtroom 9, United States Courthouse, 312 N. Spring Street, Los Angeles, California 90012.

1. Mandatory Chambers Paper Copies of All Documents Filed

Required:

Counsel shall deliver one mandatory chambers paper copy of all documents filed in this action to the bin outside the chambers of Judge Fairbank immediately after filing and no later than 10:00 a.m. the morning after filing.

2. Motions:

a. Motions in criminal matters are heard on Monday at 10:00 a.m., unless specially set by the Courtroom

1 Deputy Clerk ("CRD") at the Court or counsel's request.

2 b. Motions shall be filed and served at least two weeks
3 prior to the noticed hearing date. Opposition papers shall
4 be filed and served at least one week prior to the hearing
5 date. Less notice will be allowed only on a proper showing
6 of urgency or necessity, i.e. five days' notice per Fed. R.
7 Crim. Pro. 47(c).

8 c. Except on a showing of good cause, all motions,
9 including motions in limine, shall be heard on or before the
10 pre-trial conference, which is generally set by the Court at
11 least two weeks before trial. This is a motion deadline.
12 See Fed. R. Crim. Pro. 12(c) and (e). Counsel are encouraged
13 to notice motions for hearing much sooner, particularly
14 motions pursuant to Fed. R. Crim. Pro. 12(b)(3).

15 **3. Discovery and Notice:**

16 Counsel for the Government and counsel for the Defendant
17 shall comply promptly with discovery and notice matters
18 pursuant to Fed. R. Crim. Pro. 12, 12.1, 12.2, 12.3, 15 and
19 16. At the status conference regarding trial, the Court will
20 inquire about the status of discovery and notice,
21 particularly the status of the Government's disclosures under
22 Fed. R. Crim. Pro. 16(a)(1)(A)-(G).

23 **4. Pre-Trial Conference and Trial:**

24 a. The Pre-Trial Conference is set for _____ at
25 _____. This is the deadline for hearing motions, including
26 motions in limine, absent a showing of good cause.

27 b. The trial is set for _____ at _____. The first
28 day of trial will last from 8:30 a.m. to 4:30 p.m.

1 Subsequent days of trial will commence at 8:30 a.m. and
2 adjourn at 2:00 p.m. Counsel shall be present in court by
3 8:00 a.m. each day of trial. The Court reserves the time
4 from 8:00 to 8:30 a.m. and 2:00- 2:30 p.m. to handle legal
5 and administrative matters outside the presence of the jury.

6 **5. Trial Preparation:**

7 a. By 8:30 a.m. on the first day of trial, counsel for
8 the Government shall present the CRD with the following:

- 9 i. Three copies of the Government's witness list;
10 ii. Three copies of the Government's exhibit list;
11 iii. All of the Government's exhibits. The exhibits

12 must have official exhibit tags. Exhibits shall be
13 sequentially numbered; however, if an exhibit is an
14 enlargement of an existing exhibit, counsel shall designate
15 the enlargement with the number of the original exhibit
16 followed by an "A;" and

17 iv. A benchbook containing a copy of all exhibits,
18 i.e. a tabbed exhibit notebook. Government's counsel shall
19 also provide a copy of the tabbed exhibit notebook to counsel
20 for each Defendant.

21 b. Defendant's counsel need not deliver his/her
22 exhibits to the CRD on the first day of trial; however,
23 Defendant's counsel is responsible for affixing completed
24 exhibit tags with the case name and number to their exhibits.
25 Defendant's counsel shall provide the Court with a copy of
26 the Defendant's exhibits as introduced.

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1 **6. Jury Instructions and Verdict Forms:**

2 a. Jury instructions and verdict forms shall be
3 submitted no later than the Wednesday of the week prior to
4 trial.

5 b. The parties must submit joint jury instructions and
6 verdict forms. The parties shall meet and confer with the
7 goal of agreeing upon instructions and verdict forms. The
8 jury instructions shall be submitted as follows: (1) joint
9 jury instructions, (2) disputed jury instructions, and (3) a
10 "clean" set of instructions. The party objecting to the
11 disputed instructions shall file written objections, stating
12 the reasons for the objection and providing a proposed
13 alternative instruction with supporting authority. Each
14 requested jury instruction shall be numbered and set forth on
15 a separate page, citing the authority or source of the
16 requested instruction except on the "clean" copy.

17 c. The Court prefers counsel to use the instructions
18 from the Manual of Model Criminal Jury Instructions for the
19 Ninth Circuit.

20 d. An index page shall accompany all jury instructions
21 that are submitted to the Court. The index page shall
22 indicate: The number of the instruction; a brief title of the
23 instruction; the source of the instruction; and the page
24 number of the instruction. _____

25 **7. Instructions Governing Procedure During Trial:**

26 a. Counsel shall not refer to their clients or
27 witnesses by their first names during trial.

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1 b. Counsel shall not discuss the law or argue the case
2 in opening statements.

3 c. When objecting, counsel shall state only "objection"
4 and the legal ground for the objection (e.g., hearsay,
5 irrelevant, etc.). Court permission is needed to argue an
6 objection and the argument must be outside of the hearing of
7 the jury.

8 d. Counsel shall rise when the jury enters or leaves
9 the courtroom.

10 e. Counsel shall address all remarks to the Court.
11 Counsel shall not directly address the CRD, the Court
12 Reporter, or opposing counsel.

13 f. Counsel shall not make an offer of stipulation in
14 front of the jury.

15 g. When a party has more than one lawyer, only one of
16 the lawyers may conduct the examination of a given witness
17 and/or objections during the testimony of that witness.

18 h. If a witness was on the stand before a recess or
19 adjournment, counsel shall have the witness back on the stand
20 and ready to proceed when the Court resumes.

21 i. If you run out of witnesses and there is more than a
22 brief delay, the Court may deem that you have rested, absent
23 a showing of good cause.

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DATED:

VALERIE BAKER FAIRBANK
UNITED STATES DISTRICT JUDGE