

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. Counsel are reminded that failure to promptly comply
20 with discovery obligations can result in a continuance of the
21 trial, exclusion of evidence or other orders that are just
22 under the circumstances. See Fed. R. Crim. Pro. 16(d)(2). At
23 the status conference regarding trial, the Court will inquire
24 about the status of discovery and notice, particularly the
25 status of the Government's disclosures under Fed. R. Crim.
26 Pro. 16(a)(1)(A)-(G).

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

28

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

4 b. The trial is set for _____ at _____. The first
5 day of trial will last from 8:30 a.m. to 4:30 p.m.
6 Subsequent days of trial will commence at 8:30 a.m. and
7 adjourn at 2:00 p.m. Counsel shall be present in court by
8 8:00 a.m. each day of trial. The Court reserves the time
9 from 8:00 to 8:30 a.m. and 2:00- 2:30 p.m. to handle legal
10 and administrative matters outside the presence of the jury.

11 **5. Trial Preparation:**

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

- 14 i. Three copies of the Government's witness list;
- 15 ii. Three copies of the Government's exhibit list;
- 16 iii. All of the Government's exhibits. The exhibits
17 must have official exhibit tags. Exhibits shall be
18 sequentially numbered; however, if an exhibit is an
19 enlargement of an existing exhibit, counsel shall designate
20 the enlargement with the number of the original exhibit
21 followed by an "A;" and
- 22 iv. A benchbook containing a copy of all exhibits,
23 i.e. a tabbed exhibit notebook. Government's counsel shall
24 also provide a copy of the tabbed exhibit notebook to counsel
25 for each Defendant.

26 b. Defendant's counsel need not deliver his/her
27 exhibits to the CRD on the first day of trial; however,
28 Defendant's counsel is responsible for affixing completed

1 exhibit tags with the case name and number to their exhibits.
2 Defendant's counsel shall provide the Court with a copy of
3 the Defendant's exhibits as introduced.

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

5 a. Jury instructions and verdict forms shall be
6 submitted no later than the Wednesday of the week prior to
7 trial.

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

20 c. The Court prefers counsel to use the instructions
21 from the Manual of Model Criminal Jury Instructions for the
22 Ninth Circuit.

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

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

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

3 b. Counsel shall not discuss the law or argue the case
4 in opening statements.

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

10 d. Counsel shall rise when the jury enters or leaves
11 the courtroom.

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

15 f. Counsel shall not make an offer of stipulation in
16 front of the jury.

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

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

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

26 DATED:

VALERIE BAKER FAIRBANK
UNITED STATES DISTRICT JUDGE

28