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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA,**  
Plaintiff,

v.

**[DEFENDANT'S NAME],**  
Defendant.

Case No.: CR-MEMF

**CRIMINAL STANDING ORDER**

1 **PLEASE READ THIS ORDER CAREFULLY. IT GOVERNS THE CASE AND DIFFERS IN**  
2 **SOME RESPECTS FROM THE LOCAL RULES.**

3 Both the Court and all counsel bear responsibility for the progress of litigation in this Court.  
4 **“Counsel,” as used in this Order, includes defendants appearing pro se.**<sup>1</sup> To secure the just  
5 determination of every action, “to secure simplicity in procedure and fairness in administration, and  
6 to eliminate unjustifiable expense and delay,” as required by Rule 2 of the Federal Rules of  
7 Criminal Procedure, all counsel, including pro se defendants, are ordered to be familiar with the  
8 Federal Rules of Criminal Procedure (“FED. R. CRIM. P.”), the Local Criminal Rules of the Central  
9 District of California (“Local Criminal Rules”), the applicable Local Civil Rules of the Central  
10 District of California (“Local Civil Rules”),<sup>2</sup> and this Court’s standing orders and online procedures  
11 and schedules.

12 **UNLESS THE COURT ORDERS OTHERWISE, THE FOLLOWING RULES APPLY.**

13 **I. Invitation to Self-Identify Pronouns and Honorifics**

14 Counsel may indicate their pronouns and honorifics and those of the defendant by filing a letter,  
15 adding the information in the name block or signature line of the pleadings, or verbally informing  
16 the Court when making an appearance.

17 **II. Courtroom Decorum**

18 The Court expects everyone in her courtroom to treat each other with dignity and respect.  
19 Therefore, at a minimum, she expects the following from all:<sup>3</sup>

- 20 • Being punctual and prepared for all court appearances.

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23 <sup>1</sup> This Court does not exempt defendants appearing without attorneys, also referred to as “pro se defendants”  
24 from compliance with the Federal Rules of Criminal Procedure, the Local Criminal Rules of the Central  
25 District of California (“Local Criminal Rules”), the applicable Local Civil Rules of the Central District of  
26 California (“Local Civil Rules”), and this court’s standing orders and online procedures and schedules. *See*  
27 Local Civil Rules 1-3 and 83-2.2.3.

28 <sup>2</sup> “When applicable directly or by analogy, the Local [Civil] Rules of the Central District of California shall  
govern the conduct of criminal proceedings before the District Court, unless otherwise specified.” Local  
Criminal Rule 57-1.

<sup>3</sup> For more detailed guidance, counsel are advised to refer to the Central District of California’s Civility and  
Professionalism Guidelines, which can be found at  
<http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines>.

- 1           • Speaking and writing civilly and respectfully in all communications involving the Court.

2           This includes:

- 3                 ○ Referring to and addressing witnesses, counsel, parties, and court personnel by  
4                     their surnames, pronouns, and honorifics, unless leave to do otherwise is  
5                     granted.
- 6                 ○ Refraining from interrupting any other person in the courtroom when someone  
7                     else is speaking. The same courtesy will be returned for every person.
- 8                 ○ Refraining from making gestures, facial expressions, or audible comments as  
9                     manifestations of approval or disapproval of testimony or argument.
- 10           • Being considerate of the time constraints and pressures on the Court and court staff  
11                 inherent in their efforts to administer justice.
- 12           • Acting and speaking civilly to court marshals, court clerks, court reporters, secretaries,  
13                 and law clerks with an awareness that they, too, are an integral part of the judicial  
14                 system.

15   **III.   Discovery and Notice Obligations**

16           Counsel shall comply with all notice and discovery obligations set forth in FED. R. CRIM. P.  
17   Rules 12, 12.1, 12.2, 12.3, 12.4, 15, and 16. The government shall promptly produce to counsel for  
18   the defendant any evidence falling within the scope of *Brady v. Maryland*, 373 U.S. 83 (1963),  
19   *Giglio v. United States*, 405 U.S. 150 (1972), *Roviaro v. United States*, 353 U.S. 53 (1957), and  
20   *United States v. Henthorn*, 931 F.2d 29 (9th Cir. 1991). The parties are encouraged to produce  
21   witness statements pursuant to 18 U.S.C. § 3500 and Fed. R. Crim. P. 26.2 sufficiently in advance  
22   of trial or other proceeding to avoid delays. Defense counsel is reminded of its reciprocal discovery  
23   obligations pursuant to FED. R. CRIM. P. Rule 26 and should promptly produce such materials to  
24   avoid delay at trial. Counsel for the government shall also disclose to counsel for defendant the  
25   existence or non-existence of: (1) evidence obtained by electronic surveillance; and (2) testimony  
26   by a government informant. A violation of this order or the government’s obligations under *Brady*,  
27   *Giglio*, *Roviaro*, or *Henthorn* may lead to a finding of contempt, imposition of sanctions, referral to  
28   a disciplinary authority, adverse jury instructions, exclusion of evidence, and dismissal of charges.

1 Counsel shall meet and confer to resolve discovery disputes informally prior to filing a motion  
2 to compel discovery. All discovery motions shall state with particularity what is requested, the basis  
3 for the request, whether the discovery at issue has been requested, and opposing counsel's response  
4 to such request. The Court may decline to hear discovery motions made without prior consultation  
5 with opposing counsel.

6 **IV. Bail Review**

7 Any request for bail review based on changed circumstances or information not previously  
8 presented to the Magistrate Judge shall be addressed in the first instance to the Magistrate Judge  
9 and shall be served on both opposing counsel and Pretrial Services.

10 **V. General Requirements**

11 **A. Filings**

12 The captioned title of every filing shall contain: (a) the name of the first-listed defendant as  
13 well as the name(s) and number(s) (in the order listed in the Indictment) of the particular  
14 defendant(s) to whom the filing applies, unless the document applies to all defendants; (b) the  
15 individual defendant's registration number when applicable to the relief requested (*e.g.*, requests for  
16 transfer, medical requests); and (c) the milestone dates for Indictment, Final Pretrial Conference,  
17 Trial, and Last Day of the speedy trial period.

18 All parties shall docket items only as to the particular defendant(s) to whom the item  
19 pertains, rather than all defendants, unless the item pertains to all. Except for documents filed under  
20 seal or in camera, every document shall be filed electronically in such a way that it is clear from the  
21 docketing entry to which defendant(s) it applies. The outer envelope containing any document filed  
22 under seal or in camera should identify the case title by the first-listed defendant and case number  
23 only and should state that the document is being filed under seal or in camera.

24 **B. Pre-Filing Requirements for Motions**

25 Counsel must meet and confer with opposing counsel "to discuss thoroughly the substance  
26 of any contemplated motion and any potential resolution" thereof. Local Criminal Rule 57-1; Local  
27 Civil Rule 7-3. Counsel shall discuss the issues to a sufficient degree that if a motion is still  
28 necessary, the briefing may be directed to those substantive issues requiring resolution by the Court.

1           **C.     Time for Filing and Hearing Motions**

2           Motions shall be filed in accordance with FED. R. CRIM. P. Rule 47 and Local Criminal Rule  
3 49, et seq., unless superseded by this Order. The Court hears motions in criminal actions on  
4 **Thursdays, beginning at 2 p.m.**

5           All pretrial motions, including motions to suppress evidence, motions to bifurcate or sever,  
6 and motions concerning character evidence under FED. R. EVID. 404(b), shall be noticed for a  
7 Thursday that is mutually agreed to by counsel. It is not necessary to clear a hearing date with the  
8 Courtroom Deputy Clerk before filing a motion, but counsel must ensure that the date selected is a  
9 date that is open on the Court’s calendar by consulting Judge Frimpong’s webpage at  
10 <https://www.cacd.uscourts.gov/honorable-maame-ewusi-mensah-frimpong>. The parties should not  
11 calendar a matter on a Thursday that is a court holiday or a date that is closed on the Court’s  
12 calendar. If this occurs, the Court will re-calendar the matter for another Thursday.

13           For all motions other than motions in limine, the briefing schedule is as follows: motions  
14 shall be filed five (5) weeks prior to the hearing; oppositions or notices of non-opposition shall be  
15 filed three (3) weeks prior to the hearing; and replies, if any, shall be filed two (2) weeks prior to  
16 the hearing. All motions must be properly noticed for hearing no later than the date of the Final  
17 Pretrial Conference.

18           The parties must adhere to the briefing schedule set forth herein to afford the Court adequate  
19 time to prepare for the hearing; however, the parties may stipulate to an alternate briefing schedule  
20 contingent upon approval by the Court. Failure to comply with these deadlines may result in the  
21 Court declining to consider the untimely memorandum or other document. Local Criminal Rule 57-  
22 1; Local Civil Rule 7-12.

23           **D.     Length and Format of Motion Papers**

24           Memoranda of points and authorities in support of or in opposition to motions (besides  
25 motions in limine) shall not exceed twenty-five (25) pages. Replies shall not exceed twelve (12)  
26 pages. Only in rare instances and for good cause shown will the Court grant an application to  
27 extend these page limitations. No supplemental brief shall be filed without prior leave of court. All  
28

1 briefing must use Times New Roman or Courier font. Text must be no less than twelve (12) point  
2 font; footnotes shall be no less than eleven (11) point font.

3 Counsel shall adhere to Local Rule 5-4.3 with respect to the conversion of all documents  
4 to .pdf format so that when a document is electronically filed, it is in proper size and is .pdf  
5 searchable. Further, all documents shall be filed in a format so that text can be selected, copied, and  
6 pasted directly from the document. See Local Rule 5-4.3.1.

7 **E. Chambers Courtesy Copies and Emailed Submissions**

8 The Court does not require chambers copies of any motion papers or exhibits and  
9 discourages the parties from sending chambers courtesy copies, unless otherwise specified. All  
10 emailed submissions to Chambers referred to in this Order must be in Word format and emailed to  
11 MEMF\_Chambers@cacd.uscourts.gov.

12 **F. Calendar Conflicts**

13 If any counsel discovers a calendar conflict with a scheduled appearance in a court of a  
14 more senior district judge, counsel must inform opposing counsel and the Courtroom Deputy Clerk  
15 via chambers email address at: MEMF\_Chambers@cacd.uscourts.gov as soon as possible and no  
16 later than three (3) business days before the scheduled appearance. Counsel should attempt to agree  
17 on a new date to accommodate the calendar conflict. Counsel must propose a new date by filing a  
18 Stipulation and [Proposed] Order and emailing to Chambers the Proposed Order.

19 **G. Continuances**

20 Any request for continuance of pretrial and/or trial dates must be by motion, stipulation, or  
21 application, and must be supported by a declaration setting forth the reasons for the requested relief.  
22 The declaration must contain a highly detailed factual showing of good cause and due diligence  
23 demonstrating the necessity for the continuance and a description of the parties' efforts, dating back  
24 to the filing of the complaint, of the steps they have taken to advance the litigation. This detailed  
25 showing must demonstrate that the work still to be performed reasonably could not have been  
26 accomplished within the applicable deadlines. General statements are insufficient to establish good  
27 cause. The declaration should also include whether any previous requests for continuances have  
28 been made and whether these requests were granted or denied by the Court.

1 A list of counsel’s upcoming scheduled trials in other actions will not support a showing of  
2 good cause absent the following information regarding each such action listed: (1) the case name,  
3 case number, court where the action is pending, and the initials of the district judge or name of the  
4 state court judge assigned to the action; (2) the age of the action; (3) the nature of the offense(s)  
5 charged and complexity of the action; (4) the scheduled trial date; (5) the estimated length of trial;  
6 (6) the number of continuances previously granted; (7) the parties’ trial readiness; (8) the estimated  
7 likelihood a future continuance will be requested; and (9) the likelihood the trial will proceed on the  
8 scheduled date.

9 Counsel shall avoid submitting requests for continuance of trial less than one (1) week prior  
10 to the Final Pretrial Conference.

11 Stipulations extending dates set by the Court are not effective unless approved by the Court,  
12 and without compelling factual support and a showing of due diligence, stipulations continuing  
13 dates set by the Court will be denied.

#### 14 **H. Ex Parte Applications**

15 Counsel are reminded that ex parte applications are solely for extraordinary relief. Applications  
16 that do not meet the requirements set forth in Local Rule 7-19 will not be considered. Sanctions may  
17 be imposed for misuse of ex parte applications. The Court considers ex parte applications on the  
18 papers and usually does not set these matters for hearing.

### 19 **VI. Trial Preparation**

#### 20 **A. Motions in Limine**

21 Motions in limine will generally be heard and ruled upon at the Final Pretrial Conference. The  
22 court may rule orally instead of in writing. All motions in limine must be filed at least twenty-eight  
23 (28) days before the Final Pretrial Conference. Oppositions must be filed at least fourteen (14) days  
24 before the Final Pretrial Conference. There shall be no replies. Motions in limine and oppositions  
25 must not exceed ten (10) pages in length.

26 Before filing a motion in limine, the parties must meet and confer to determine whether the  
27 opposing party intends to introduce the disputed evidence and attempt to reach an agreement that  
28 would obviate the need for the motion. Motions in limine should address specific issues (e.g., not “to

1 exclude all hearsay”). The court may strike without further notice excessive, unvetted, or untimely  
2 motions in limine.

### 3 **B. Expert Witness Testimony**

4 The Court expects that all expert witness testimony will conform to the applicable guidance set  
5 forth in the U.S. Department of Justice Uniform Language for Testimony and Reports found at:  
6 <https://www.justice.gov/olp/uniform-language-testimony-and-reports>. To the extent that the parties  
7 anticipate that any expert witness testimony will not conform to this guidance or that there is no  
8 applicable guidance, the parties are to raise this with the Court via a motion in limine for decision at  
9 the Final Pretrial Conference.

### 10 **C. Schedule for Filing Pretrial Documents**

11 The government shall file and email to Chambers the following pretrial documents no later than  
12 one (1) week before the Final Pretrial Conference:

- 13 ○ Trial memorandum;
- 14 ○ Witness list;
- 15 ○ Exhibit list;
- 16 ○ Case-specific glossary for the Courtroom Deputy Clerk;
- 17 ○ Joint jury instructions in the form described below;
- 18 ○ Joint proposed verdict form; and
- 19 ○ Proposed voir dire questions, if any.

### 20 **D. Requirements for Pretrial Documents**

#### 21 **1. Trial Memorandum**

22 The government’s trial memorandum shall set forth the following:

- 23 ○ Factual summary of the government’s case-in-chief;
- 24 ○ Statement of the charges and the elements of each charge;
- 25 ○ Time estimate of the length of the government’s case-in-chief, including  
26 anticipated cross-examination; and
- 27 ○ Discussion of relevant legal and evidentiary issues as applied to the facts of the  
28 particular case.



1 The government shall specify, after a meet and confer, whether the parties agree or disagree the  
2 aforementioned matters.

### 3 **2. Witness List**

4 Witness lists must be in the format specified in Local Rule 16-5 and must include for each  
5 witness (1) a brief description of the testimony; (2) the reasons the testimony is unique and not  
6 redundant; and (3) a time estimate in hours for direct and cross-examination. The parties must use  
7 the template posted to Judge Frimpong's webpage. The list should include defense witnesses to the  
8 extent the defense does not object to disclosure.

9 Any Amended Witness List must be filed and emailed to Chambers by 12:00 p.m. (noon) on the  
10 Friday before trial.

### 11 **3. Exhibit List**

12 Exhibit lists must be in the format specified in Local Rule 16-6 and shall include an additional  
13 column stating any objections to authenticity and/or admissibility and the reasons for the objections.  
14 The parties must use the template posted to Judge Frimpong's webpage. The list should include  
15 defense exhibits to the extent the defense does not object to disclosure.

16 Any Amended Joint Exhibit List shall be filed and emailed to Chambers by 12:00 p.m. (noon)  
17 on the Friday before trial.

### 18 **4. Case-Specific Glossary**

19 The parties must provide a case-specific glossary for the Court Reporter that includes applicable  
20 medical, scientific, or technical terms, gang terms, slang, the names and spellings of case names  
21 likely to be cited, street/city/country names, all parties/agents/departments/entities involved in the  
22 case, names of people interviewed/deposed, names of family members, friends, or others who might  
23 be mentioned, and other case-specific terminology.

### 24 **5. Jury Instructions**

25 The parties must make every effort to agree upon jury instructions before submitting proposals  
26 to the Court. The Court expects the parties to agree on the substantial majority of instructions,  
27 particularly when pattern or model jury instructions exist and provide a statement of applicable law.  
28 The parties shall meet and confer regarding jury instructions in a timely manner.

1 The parties shall file and email to Chambers clean and redline sets of: (1) their Joint Agreed  
2 Upon Proposed Jury Instructions; and (2) their Disputed Jury Instructions. The redline sets shall  
3 include all modifications made by the parties to pattern or model jury instructions, any disputed  
4 language, and the factual or legal basis for each party's position as to each disputed instruction.  
5 Where appropriate, the disputed instructions shall be organized by subject, so that instructions that  
6 address the same or similar issues are presented sequentially. If there are excessive or frivolous  
7 disagreements over jury instructions, the Court will order the parties to meet and confer  
8 immediately until they substantially narrow their disagreements.

9 **Sources:** When the *Manual of Model Jury Instructions for the Ninth Circuit*<sup>4</sup>  
10 provides an applicable jury instruction, the parties should submit the most recent version, modified  
11 and supplemented to fit the circumstances of the case. Where no Ninth Circuit instruction applies,  
12 the parties should consult the current edition of O'Malley, et al., *Federal Jury Practice and*  
13 *Instructions*. The parties may submit alternatives to these instructions only if there is a reasoned  
14 argument that they do not properly state the law or are incomplete. The Court seldom gives  
15 instructions derived solely from case law.

16 **Format:** Each requested instruction shall: (1) cite the authority or source of the  
17 instruction; (2) be set forth in full; (3) be on a separate page; (4) be numbered; (5) cover only one  
18 subject or principle of law; and (6) not repeat principles of law contained in any other requested  
19 instruction. If a standard instruction has blanks or offers options (*e.g.*, for gender<sup>5</sup>), the parties must  
20 fill in the blanks or make the appropriate selections in their proposed instructions.

21 **Index:** All proposed jury instructions must have an index that includes the following  
22 for each instruction, as illustrated in the example below:

- 23 • the number of the instruction;
- 24 • the title of the instruction;

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26 <sup>4</sup> The Manual of Model Jury Instructions for the Ninth Circuit may be found on the Ninth Circuit's website at  
27 <https://www.ce9.uscourts.gov/jury-instructions/model-civil>.

28 <sup>5</sup> Per the Court's Standing Order, litigants and counsel may indicate their honorifics by filing a letter, adding  
the information in the name block or signature line of the pleadings, or verbally informing the Court when  
making an appearance.

- the source of the instruction and any relevant case citations; and
- the page number of the instruction.

**Example:**

**Instruction**

<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page Number</u>
1	Conspiracy-Elements	9th Cir. 8.5.1	1

Counsel also shall list the instructions in the order they will be given and indicate whether the instruction shall be read before opening statements, during trial, or before closing arguments.

During the trial and before closing argument, the Court will meet with the parties to settle the instructions. At that time, the parties will have an opportunity to make an oral record concerning their objections. Each member of the jury will be given their own copy of the instructions during deliberations.

**6. Joint Verdict Forms**

The parties shall make every effort to agree on a verdict form before submitting proposals to the Court. If the parties are unable to agree on a verdict form, the parties shall file and email to Chambers one document titled “Competing Verdict Forms” which shall include: (1) the parties’ respective proposed verdict form; (2) a redline of any disputed language; and (3) the factual or legal basis for each party’s respective position.

**7. Proposed Voir Dire Questions**

The Court will conduct the voir dire. In most cases, the Court will question all prospective jurors in the jury panel. The Court asks prospective jurors basic biographical questions (jurors’ place of residence, employment, whether familiar with the parties or counsel, etc.), as well as questions going to their ability to be fair and impartial and carry out the duties required. The Court may ask additional case-specific questions. The parties may file and email to Chambers any proposed case-specific voir dire questions for the Court’s consideration. If it considers the questions proper, the Court will pose the questions to the prospective jurors.

1 All challenges for cause and all *Batson* challenges shall be made at side bar or otherwise outside  
2 the prospective jurors' presence. The Court will not necessarily accept a stipulation to a challenge  
3 for cause.

## 4 **VII. Trial Exhibits**

### 5 **A. General Requirements**

6 Trial exhibits that consist of documents and photographs must be submitted to the Court in  
7 three-ring binders. The parties shall submit to the Court three (3) sets of binders: one (1) original set  
8 of trial exhibits, and two (2) copies of trial exhibits. The original set of exhibits shall be for use by  
9 the jury during its deliberations, and the copies are for the Court. *The parties must prepare*  
10 *additional copies of exhibits for their own use and for use by witnesses.* The parties must review the  
11 exhibit list and exhibit binders with the Courtroom Deputy Clerk before the admitted exhibits will  
12 be given to the jury.

13 All exhibits placed in three-ring binders must be indexed by exhibit number with tabs or  
14 dividers on the right side. Exhibits shall be numbered sequentially 1, 2, 3, etc., *not* 1.1, 1.2, etc. *See*  
15 Local Rule 16-6. Every page of a multi-page exhibit must be numbered. Defendant's exhibit  
16 numbers shall not duplicate Plaintiff's numbers. The spine of each binder shall indicate the volume  
17 number and the range of exhibit numbers included in the volume.

- 18 • The *original exhibits* shall bear the official exhibit tags (yellow tags for Plaintiff's  
19 exhibits and blue tags for Defendant's exhibits) affixed to the front upper right-hand  
20 corner of the exhibit, with the case number, case name, and exhibit number stated on  
21 each tag. Tags may be obtained from the Clerk's Office, or the parties may print their  
22 own exhibit tags using Forms G-14A and G-14B on the "Court Forms" section of the  
23 Central District of California's website.
- 24 • The *copies of exhibits* must bear copies of the official exhibit tags that were placed on  
25 the original exhibits and be indexed with tabs or dividers on the right side.

26 In addition to the three (3) sets of binders above, the parties must also submit to the Court a  
27 USB flash drive containing .pdf versions of all exhibits. The USB flash drive must be delivered to  
28 the judge's courtesy box located outside the Clerk's Office on the 4th floor of the courthouse by

1 12:00 p.m. on Friday, three (3) days before the start of trial. Plaintiff's exhibits must be placed in a  
2 separate folder from Defendant's exhibits, and the document file names *must* include the exhibit  
3 number and a brief description of the document (*e.g.*, "Ex. 1 – Smith Declaration.pdf" or "Ex. 105 –  
4 Letter Dated 1-5-20.pdf").

5 Exhibits such as firearms, narcotics, etc., must remain in the custody of a law enforcement agent  
6 during the pendency of the trial. It shall be the responsibility of the agent to produce any such items  
7 for court, secure them at night, and guard them at all times while in the courtroom. The United  
8 States Marshals Service shall be advised well in advance if weapons or contraband is to be brought  
9 into the courthouse.

10 A copy of the exhibit list with all admitted exhibits will be given to the jury during  
11 deliberations. Government and defense counsel shall review and approve the exhibit list with the  
12 Courtroom Deputy Clerk before the list is given to the jury.

13 Counsel shall not attempt to display or use any charts or enlargements of exhibits unless all  
14 counsel have agreed to their use or objections have been heard and a ruling has been made by the  
15 Court.

#### 16 **B. Defense Submissions**

17 The Court prefers that defense counsel deliver defense exhibits to the Courtroom Deputy Clerk  
18 on the first day of trial, but counsel are not required to do so unless these exhibits have previously  
19 been provided to the government. Defense counsel are responsible for affixing completed exhibit  
20 tags with the case name and case number to all exhibits to be used in defendant's case.

21 In trials where the defense expects to admit more than 20 exhibits, defense counsel shall provide  
22 two three-ring binders (one for the Court and one for witnesses) tabbed, if possible, with numbers to  
23 correspond to the exhibits counsel expects to introduce. Defense counsel shall provide the Court  
24 with a copy of defense exhibits as they are introduced during trial if they have not previously been  
25 provided.

26 Defense counsel shall provide the government, the Courtroom Deputy Clerk and the Court  
27 Reporter with the defense witness list and the defense exhibit list at the start of the defense case, at  
28 the latest.

1           **C. Audio/Visual Equipment and Other Electronic Equipment**

2           The Court provides audio/visual equipment for use during trial. The parties are encouraged to  
3 use it. More information is available at: <http://www.cacd.uscourts.gov/clerk-services/courtroom->  
4 technology. The Court does not permit exhibits to be “published” to the jurors before they are  
5 admitted into evidence. Once admitted, exhibits may be displayed electronically using the  
6 equipment and screens in the courtroom.

7           If electronic equipment must be brought into the courtroom for trial, counsel shall make prior  
8 arrangements with the Court Security. Notice must be given to the Courtroom Deputy Clerk at  
9 [MEMF\\_Chambers@cacd.uscourts.gov](mailto:MEMF_Chambers@cacd.uscourts.gov) no later than four (4) days before trial.

10 **VIII. Materials to Present on First Day of Trial**

11           The government must present the following materials to the Courtroom Deputy Clerk on the  
12 first day of trial:

- 13                     1. Three (3) copies of the indictment/information;
- 14                     2. Three (3) copies of the government’s witness list;
- 15                     3. Three (3) copies of the government’s exhibit list; and
- 16                     4. The *three sets of binders* described above, with one (1) original set of trial  
17                       exhibits for the jury, and two (2) copies of trial exhibits for the Court.

18 **IX. Court Reporter**

19           Any party requesting special court reporter services for any hearing, such as “Real Time”  
20 transmission or daily transcripts, shall notify Court Reporting Services at least fourteen (14) days  
21 before the hearing date.<sup>6</sup>

22 **X. Daily Schedule for Jury Trials**

23           On the first day of trial, Court will commence at 8:30 a.m. and conclude at approximately 5:00  
24 p.m., with a one-hour lunch break and two fifteen-minute breaks. The parties must appear at 8:30  
25 a.m. to discuss preliminary matters with the Court. The Court will call a jury panel only when it is  
26 satisfied the case is ready for trial. Jury selection usually takes only a few hours. The parties should  
27 \_\_\_\_\_

28 <sup>6</sup> Additional information regarding Court Reporting Services may be found on the Central District of California website at <http://www.cacd.uscourts.gov/court-reporting-services>.

1 be prepared to proceed with opening statements and witness examination immediately after jury  
2 selection.

3 Thursdays are usually reserved for the Court's calendar. As a result, trial will not be held on  
4 Thursdays unless the jury is deliberating or the Court's calendar allows trial to proceed. Therefore,  
5 trial days are generally Monday through Wednesday, and on Friday. Trial days are from 8:30 a.m.  
6 to approximately 5:00 p.m., with two 15-minute breaks and a one-hour lunch break.

7 All counsel must anticipate matters that may need to be addressed outside of the presence of the  
8 jury and raise them at 8:30 a.m., during breaks, or at the end of the day. The Court is not in the  
9 practice of requiring jurors to sit idly by while counsel discuss matters that should have been  
10 addressed previously. Counsel are urged to consider any unusual substantive or evidentiary issues  
11 that may arise and to advise the Court of such issues. Short briefs (no more than five pages)  
12 addressing such disputed issues are welcome. The Court strongly discourages sidebars during trial.

## 13 **XI. Conduct of Attorneys and Parties**

### 14 **A. Meeting and Confering Throughout Trial**

15 The parties *must* continue to meet and confer on all issues that arise during trial. The Court will  
16 not rule on any such issue unless the parties have attempted to resolve it first.

### 17 **B. Opening Statements, Witness Examinations, and Summation**

18 Counsel must use the lectern. Counsel should not consume jury time by writing out words and  
19 drawing charts or diagrams. All such aids must be prepared in advance. When appropriate, the Court  
20 will establish and enforce time limits for all phases of trial, including opening statements, closing  
21 arguments, and the examination of witnesses.

### 22 **C. Objections to Questions**

23 Counsel must not make speaking objections before the jury or otherwise make speeches, restate  
24 testimony, or attempt to guide a witness.

25 When objecting, counsel must rise to state the objection and state only that counsel objects and  
26 the legal grounds for the objection. If counsel wishes to argue an objection further, counsel must  
27 seek permission from the Court to do so.

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1       **D. General Decorum While in Session**

- 2           1. Counsel must not approach the Courtroom Deputy Clerk, the jury box, or the witness  
3           stand without court authorization and must return to the lectern when the purpose for the  
4           approach has been accomplished.
- 5           2. Counsel must rise when addressing the Court, and when the Court or the jury enters or  
6           leaves the courtroom, unless directed otherwise.<sup>7</sup>
- 7           3. Counsel must address all remarks to the Court. Counsel must not address the Courtroom  
8           Deputy Clerk, the court reporter, persons in the audience, or opposing counsel. Any  
9           request to re-read questions or answers shall be addressed to the Court. Counsel must  
10          ask the Court’s permission to speak with opposing counsel.
- 11          4. Counsel must not address or refer to witnesses or parties by first names alone, except for  
12          witnesses who are below age fourteen (14).
- 13          5. Counsel must not offer a stipulation unless counsel have conferred with opposing  
14          counsel and have verified that the stipulation will be acceptable. *Any stipulation of fact*  
15          *will require the defendant’s personal concurrence, must be explained to the defendant in*  
16          *advance, and shall be submitted to the Court in writing for approval.*
- 17          6. Counsel must not leave counsel table to confer with any person in the back of the  
18          courtroom without the Court’s permission.
- 19          7. Counsel must not make facial expressions, nod, shake their heads, comment, or  
20          otherwise exhibit in any way any agreement, disagreement, or other opinion or belief  
21          concerning the testimony of a witness or argument by opposing counsel. Counsel shall  
22          instruct their clients and witnesses not to engage in such conduct.
- 23          8. Counsel must never speak to jurors under any circumstance, and must not speak to co-  
24          counsel, opposing counsel, witnesses, or clients if the conversation can be overheard by  
25          jurors. Counsel must instruct their clients and witnesses to avoid such conduct.
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<sup>7</sup> In the event that a disability prevents a party from doing so, the party is advised to inform the Court in advance.



- 1 9. Where a party has more than one lawyer, only one attorney may conduct the direct or  
2 cross-examination of a particular witness or make objections as to that witness.
- 3 10. Bottled water is permitted in the courtroom. Food and other beverages are not permitted.  
4 Cell phones must be silenced or may be confiscated.

#### 5 **E. Punctuality**

- 6 1. The Court expects the parties, counsel, and witnesses to be punctual. Once the parties  
7 and their counsel are engaged in trial, the trial must be their priority. The Court will not  
8 delay progress of the trial or inconvenience jurors.
- 9 2. If a witness was on the stand at the time of a recess or adjournment, the party that called  
10 the witness shall ensure the witness is back on the stand and ready to proceed as soon as  
11 trial resumes.
- 12 3. The parties must notify the Courtroom Deputy Clerk in advance if any party, counsel, or  
13 witness requires a reasonable accommodation based on a disability or other reason.
- 14 4. No presenting party may be without witnesses. If a party's remaining witnesses are not  
15 immediately available, thereby causing an unreasonable delay, the Court may deem that  
16 party to have rested.
- 17 5. The Court generally will accommodate witnesses by permitting them to be called out of  
18 sequence. Counsel should meet and confer in advance and make every effort to resolve  
19 the matter.

#### 20 **F. Exhibits**

- 21 1. Counsel must keep track of their exhibits and exhibit list, and record when each exhibit  
22 has been admitted into evidence.
- 23 2. Counsel are responsible for any exhibits they secure from the Courtroom Deputy Clerk  
24 and must return them before leaving the courtroom.
- 25 3. Any exhibit not previously marked must be accompanied by a request that it be marked  
26 for identification at the time of its first mention. Counsel must show a new exhibit to  
27 opposing counsel before the court session in which it is mentioned.
- 28 4. Counsel must inform the Courtroom Deputy Clerk of any agreements reached regarding

1 any proposed exhibits, as well as those exhibits that may be received into evidence  
2 without a motion to admit.

3 5. When referring to an exhibit, counsel must refer to its exhibit number. Counsel should  
4 instruct their witnesses to do the same.

5 6. Counsel should not ask witnesses to draw charts or diagrams or ask the Court's  
6 permission for a witness to do so. All demonstrative aids must be prepared fully in  
7 advance of the day's trial session.

8 7. Counsel are required to seek to admit any items of evidence whose admissibility has not  
9 yet been stipulated to while the witness authenticating the exhibit is on the stand, so that  
10 any issues or concerns that arise may be addressed immediately.

11 **XII. Sentencing**

12 **A. Original Sentencing Proceedings**

13 Once set, the sentencing hearing shall not be continued absent a detailed, substantial showing of  
14 good cause. No later than fourteen (14) days before the hearing, each party shall submit either a  
15 sentencing memorandum or a written notice of intent not to file one. Before considering any  
16 sentencing video, the Court requires counsel to justify its submission, limit the video to less than ten  
17 (10) minutes, create a transcript, and provide the video and transcript to opposing counsel at least  
18 twenty-one (21) days before the hearing.

19 The Court does not permit sentencing documents to be filed under seal except as strictly  
20 necessary and justified. When necessary, a sentencing document may be filed under seal along with  
21 a redacted version that deletes the confidential information and that justifies each deletion (*e.g.*,  
22 "medical information").

23 **B. Supervision Violation Proceedings**

24 Any material submitted for a hearing on an alleged or adjudicated violation of supervision shall  
25 be filed, when possible, seven (7) days before the hearing, and otherwise no later than two (2) court  
26 days, absent a showing of good cause set forth in a supporting declaration and court approval.

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1 IT IS SO ORDERED.

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3 Dated: May 9, 2022

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MAAME EWUSI-MENSAH FRIMPONG

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United States District Judge

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