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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
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 v.)
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 Defendant.)

CR - DSF

**CRIMINAL STANDING
ORDER**

This matter has been assigned to the Honorable Dale S. Fischer, United States District Judge, Courtroom 7D, First Street Courthouse, 350 W. First Street , Los Angeles, California, 90012.

A. GENERAL REQUIREMENTS

1. The captioned title of every pleading shall contain the name of the first-listed defendant as well as the name(s) and number(s) (in the order listed in the indictment) of the particular defendant(s) to whom the pleading applies, unless the document applies to all

1 defendants. The individual defendant's registration number (if known) should be provided on
2 any document pertaining to defendant's custody status (e.g., requests for transfer, medical
3 requests). All parties shall docket items only as to the particular defendant(s) the item pertains
4 to, not as to all defendants, unless the item pertains to all. With the exception of documents filed
5 under seal, every pleading shall be electronically filed in such a way that it is clear from the
6 docketing entry to which defendants it applies. The outer envelope containing any pleading filed
7 under seal should identify only the case title with first-listed defendant and case number, and
8 should state that the document is filed under seal.
9

10 2. Mandatory paper chambers copies of e-filed documents must be delivered to
11 Judge Fischer's box outside of the Clerk's office on the fourth floor of the First Street
12 Courthouse - by noon on the day after filing. Documents will not be considered until paper
13 chambers copies are submitted. Attach the NEF to the BACK of the chambers copy. Chambers
14 copies delivered by Federal Express should not require the signature of the recipient. **Paper**
15 **chambers copies are required ONLY for plea agreements, sentencing position papers,**
16 **motion papers (motions, oppositions, replies, and related documents), stipulations, ex**
17 **parte applications and orders in excess of three pages, and all trial-related documents.**
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19 B. EX PARTE APPLICATIONS AND MOTIONS
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21 1. Ex parte applications are disfavored. The Court is unlikely to grant an ex parte
22 application that recites that the moving party has been unable to obtain the position of the
23 opposing party. Counsel should make serious efforts to obtain the agreement (or at least the
24 position) of opposing counsel before filing an application. Where applicable, counsel should
25 also obtain the position of the probation/pretrial services officer assigned to the defendant.
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27 2. Ex parte applications to allow defendant to travel should be made well in advance
28 of the date of travel. Counsel should indicate whether the probation/pretrial services officer has

1 approved the travel. Applications by defendants with appointed counsel, or who are subject to
2 restitution or other payments, must indicate who will pay for the travel and related expenses. If
3 these expenses are not to be paid by the defendant's employer, the Court may require
4 declarations under penalty of perjury from the persons paying the expenses.

5 3. Motions to modify bond will be heard by Judge Fischer unless she directs
6 otherwise. All sureties must agree in writing to any changed conditions of release.

7 4. Pretrial motions, including motions to suppress evidence, motions to bifurcate or
8 sever, motions challenging Federal Rule of Evidence 404(b) evidence, and motions in limine,
9 must be filed and served in compliance with the requirements of Local Civil Rule 6-1, i.e., at
10 least 28 days before the date set for the hearing. Opposition (or notice of non-opposition) and
11 reply (optional) papers must be filed and served in compliance with the requirements of Local
12 Rule 7-9, i.e., no later than 21 days and 14 days before the hearing date, respectively. All
13 motions in limine and other trial-related motions must be properly noticed for hearing no later
14 than the date of the pretrial conference. Counsel must meet and confer with opposing counsel
15 and attempt to resolve the issue(s) before filing a motion. Motions expected to take more than
16 one-half hour of court time (collectively) must include a time estimate beneath the hearing date
17 on the face page of the motion.

18 Adherence to these timing requirements is essential to chambers' preparation of
19 motion matters.

20 5. Memoranda of points and authorities in support of or in opposition to motions
21 shall not exceed 25 pages. Replies shall not exceed 12 pages. Only in rare instances and for
22 good cause shown will the Court grant an application to extend these page limitations. No
23 supplemental brief shall be filed without prior leave of court. **Typeface shall comply with**
24 **Local Rule 11-3.1.1. (Civil). NOTE: If Times Roman font is used, the size must be no less**
25 **than 14; if Courier is used, the size must be no less than 12.** Footnotes shall be in typeface no
26 less than one size smaller than text size and shall be used sparingly.
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1 6. Filings that do not conform to the Local Rules and this Order may not be
2 considered.

3 7. Before filing any motion for discovery, a party shall consult with opposing
4 counsel to ascertain whether the requested discovery will be provided. All discovery motions
5 shall state with particularity what is requested, the basis for the request, whether the discovery
6 has been requested from opposing counsel, and whether the discovery has been declined, in
7 whole or in part. Motions made without prior consultation with opposing counsel or that fail to
8 include the above information may not be heard.
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11 C. DISCOVERY & NOTICE

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13 Counsel shall comply promptly with discovery and notice pursuant to Rules 12, 12.1,
14 12.2, 12.3, 12.4, 15, and 16 of the Federal Rules of Criminal Procedure. On government
15 counsel's discovery of any evidence within the scope of Brady v. Maryland, 373 U.S. 83 (1963),
16 and related cases, such evidence shall be produced forthwith to defense counsel. Government
17 counsel shall also disclose to defense counsel the existence or non-existence of: (1) evidence
18 obtained by electronic surveillance; and (2) testimony by a government informant.
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20 D. TRIAL REQUIREMENTS

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22 1. **No later than one week before trial**, counsel for the government shall file with
23 the Court a trial memorandum setting forth a factual summary of the government's case, a
24 statement of the charges and the elements of each charge, an estimate of the length of the
25 government's case in chief, including anticipated cross-examination, the names of witnesses the
26 government intends to call, and a discussion of relevant legal and evidentiary issues as applied to
27 the facts of the particular case. Government shall attempt to obtain defense counsel's agreement
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1 to the factual summary, statement of the charges, time estimate for cross-examination of the
2 government's witnesses, and legal and evidentiary issues.

3 2. Counsel shall arrive at the Courtroom no later than 8:30 a.m. on the first day of
4 trial.

5 3. Counsel for the government shall provide to the courtroom deputy clerk (CRD)
6 the following (electronically and in paper form):

7 a. The government's witness list, which shall be sent in Word format to the
8 Chambers email box no later than noon on the Thursday before trial;

9 b. The government's exhibit list in the form specified in Local Rule 16-5 (Civil),
10 which shall be sent in Word format to the Chambers email box no later than noon on the
11 Thursday before trial;

12 c. All of the government's exhibits, with official exhibit tags attached and
13 bearing the same number shown on the exhibit list. Exhibit tags may be obtained from the
14 receptionist in the Public Intake Section, located on the 1st Floor of the Edward R. Roybal
15 Federal Building at 255 East Temple Street, Room 180. Exhibits shall be numbered 1, 2, 3, etc.,
16 NOT 1.1, 1.2, etc. These items (and the items listed in d and e below) shall be provided on the
17 first day of trial;

18 d. A three-ring binder containing a copy of the indictment/information, a copy of
19 all exhibits that can be reproduced, and a copy of the witness list. Each exhibit shall be tabbed
20 with the exhibit number for easy reference;

21 e. A three-ring binder containing a copy of all exhibits for use by witnesses.

22 4. Exhibits such as firearms, narcotics, etc., must remain in the custody of a law
23 enforcement agent during the pendency of the trial. It shall be the responsibility of the agent to
24 produce any such items for court, secure them at night and guard them at all times while in the
25 courtroom. The United States Marshals Service shall be advised well in advance if weapons or
26 contraband is to be brought into the courthouse.
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1 5. The Court prefers that defense counsel email witness and exhibit lists to the
2 Chambers email box by noon on the Monday before trial and provide defense exhibits to the
3 CRD on the first day of trial, but counsel are not required to do so unless these witness names
4 and exhibits have previously been provided to the government. Defense counsel are responsible
5 for attaching completed exhibit tags with the case name and case number to all exhibits to be
6 used in defendant's case. Defense counsel should be sure that defense exhibit numbers do not
7 duplicate government exhibit numbers.
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9 6. In trials where the defense expects to admit more than 20 exhibits, defense
10 counsel shall provide two three-ring binders (one for the Court and one for witnesses), tabbed if
11 possible with numbers to correspond to the exhibits counsel expects to introduce. Defense
12 counsel shall provide the Court with a copy of defense exhibits as they are introduced during
13 trial, if they have not previously been provided.

14 7. Defense counsel shall email to the Chambers email box and provide the CRD and
15 the court reporter with the defense witness list and defense exhibit list at the start of the defense
16 case, if they have not previously done so.

17 8. At least one week before trial, the parties must provide a case-specific glossary
18 for the court reporter that includes applicable medical, scientific, or technical terms, gang terms,
19 slang, the names and spellings of case names likely to be cited, street/city/country names, all
20 parties/agents/departments/entities involved in the case, names of people interviewed/deposed,
21 names of family members, friends, or others who might be mentioned, and other case-specific
22 terminology.

23 9. All **admitted exhibits** other than contraband will be given to the jury during
24 deliberations. Government and defense counsel shall review and approve the exhibit list and
25 exhibits with the CRD before the exhibits are given to the jury.
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27 10. The Court has an Elmo and other equipment available for use during trial.
28 Information concerning training on the use of electronic equipment is available. Details are

1 posted on the Court’s website. To make reservations for training, call 213-894-3061. The Court
2 does not permit exhibits to be “published” by passing them up and down the jury box. Exhibits
3 may be displayed briefly using the screens in the courtroom, unless the process becomes too
4 time-consuming.

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6 11. Counsel shall not attempt to display or use any exhibits, charts, or enlargements
7 of exhibits unless all counsel have agreed to their use or objections have been heard and a ruling
8 has been made.

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10 12. On the day of jury selection, trial will begin at 9:00 a.m. Counsel will appear at
11 8:30 a.m. Thereafter, trial days are Tuesday through Friday, 8:00 a.m. to 2:00 p.m., with three
12 fifteen-minute breaks during the session, unless the Court indicates otherwise. When necessary,
13 trials may continue beyond the normal schedule. If counsel contemplate that this schedule will
14 be problematic due to the unavailability of witnesses, counsel should provide details to the Court
15 at the Status Conference.

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17 13. On the day of jury selection, the Court reserves the time from 8:30 a.m. to 9:00
18 a.m. to handle legal and administrative matters. Jury selection will begin promptly at 9:00 a.m.
19 or as soon as jurors are available. Thereafter, legal and administrative matters will be addressed
20 between 7:45 a.m. and 8:00 a.m. All counsel are urged to anticipate matters that may need to be
21 addressed outside of the presence of the jury and to raise them during this period, during breaks,
22 or at the end of the day. The Court does not make jurors wait while counsel discuss matters that
23 should or could have been addressed at other times. Counsel are urged to consider any unusual
24 substantive or evidentiary issues that may arise, and to advise the Court of such issues. Short
25 briefs addressing such disputed issues are welcome.

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27 14. Before trial begins, and as soon as the information becomes available to counsel,
28 counsel should advise the court of any concerns or accommodations that are requested for parties
or witnesses. During trial, if there are any matters to be discussed outside the presence of the
jury, counsel shall advise the CRD of the request. The Court discourages sidebars during trial,

1 unless the issue cannot be resolved at an upcoming break.

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3 E. JURY INSTRUCTIONS, VERDICT FORMS & QUESTIONNAIRES

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6 1. **No later than the Tuesday two weeks before trial**, counsel shall submit both
7 general and substantive jury instructions in the form described below. The standard introductory
8 instructions need not be included. Only instructions to be given after opening statements should
9 be provided. If possible, all instructions should be taken from the latest edition of the Manual of
10 Model Criminal Jury Instructions for the Ninth Circuit. Where there is no applicable Ninth
11 Circuit model instruction, counsel may consult the instructions manuals from other circuits.
12 When submitting instructions, whether from the Ninth Circuit model instructions or otherwise,
13 counsel should verify that the law on which the instruction is based is the same as current Ninth
14 Circuit law on the subject. Counsel may submit alternatives to the Ninth Circuit model jury
15 instructions and other circuit manuals if counsel has a reasoned argument that those instructions
16 do not properly state the law or are incomplete.

17 2. The parties shall meet and confer sufficiently in advance of the required
18 submission date for the purpose of agreeing on instructions whenever possible. A single set of
19 instructions shall be filed and submitted (electronically to the Chambers email box and in paper
20 form). The set shall contain all instructions requested by any party on all subjects provided in
21 the order in which they are intended to be read. Each requested jury instruction shall be
22 numbered and set forth in full on a separate page, citing the authority or source of the requested
23 instruction. If the parties disagree on the proper form of instruction on a subject, each party
24 should submit its own proposed version and on a separate page following each alternative
25 instruction, the party shall briefly describe the objection to the opposing party's version and
26 provide any authority in support of the party's own proposed version.

27 3. Jury instructions should be modified as necessary to fit the facts of the case (e.g.,
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1 inserting names of defendant(s) or witness(es) to whom instruction applies). Where language
2 appears in brackets in the model instruction, counsel shall include the appropriate text and
3 eliminate the inapplicable bracketed text. The instructions should not refer to the specific code
4 section allegedly violated. The instruction to be given if a defendant testifies and the instruction
5 to be given if the defendant does not testify should be on the same page.

6
7 4. An index page shall accompany the jury instructions and shall indicate
8 the following:

- 9 a. The number of the instruction;
10 b. A brief title of the instruction;
11 c. The source of the instruction; and
12 d. The page number of the instruction.

13 **EXAMPLE:**

14 Number	Title	Source	Page Number
15 1	Duty of the Jury	9th Cir. 1.01	1

16
17 5. Counsel must submit to the Chambers email box a “clean” set of all instructions
18 in Word format, containing only the text of each instruction, set forth in full on each page, with
19 the caption “Instruction No. ____” (eliminating titles, supporting authority, indication of party
20 proposing, etc.). The “clean set” should not have a table of contents. A paper chambers copy
21 must also be submitted.

22 6. One or more copies of the instructions will be given to the jury during
23 deliberations.

24 7. Counsel shall submit a proposed verdict form with the jury instructions. The
25 proposed verdict form should not refer to specific counts or to specific code sections.

26 8. If counsel wish to submit proposed questions to be asked of prospective jurors,
27 they must do so no later than the **Monday one week** before the jury trial. A Word version of the
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1 proposed voir dire must be submitted. Counsel will usually be allowed five minutes of voir dire
2 in addition to the Court's voir dire.

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4 F. INSTRUCTIONS GOVERNING PROCEDURE DURING TRIAL

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6 1. Counsel shall not refer to any witness -- including a client -- more than 14 years
7 of age by his/her first name during trial.

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

10 3. Counsel shall not use objections for the purpose of making a speech, repeating
11 testimony, or attempting to guide the witness. When objecting, counsel shall stand, state only
12 the legal ground of the objection, e.g., hearsay, irrelevant, etc. Counsel shall not argue an
13 objection before the jury. Requests to approach sidebar to further argue an objection should be
14 made sparingly, and may not be granted.

15 4. Counsel shall not make facial expressions, nod, or shake their heads, comment, or
16 otherwise exhibit in any way any agreement, disagreement, or other opinion or belief concerning
17 the testimony of a witness. Counsel shall admonish their clients, clients family and friends,
18 witnesses, and observers not to engage in such conduct.

19 5. Counsel should not talk to jurors at all, and should not talk to co-counsel,
20 opposing counsel, witnesses, clients or their family or friends where the conversation can be
21 overheard by jurors. Each counsel should admonish counsel's own clients and their family
22 members, investigators, paralegals, witnesses, etc. to avoid such conduct.

23 6. Counsel shall question witnesses from the lectern. Counsel shall not approach the
24 witness box or enter the well without the Court's permission, and shall return to the lectern when
25 counsel's purpose has been accomplished. Counsel should speak clearly when questioning
26 witnesses, making objections, etc.

27 7. No document shall be placed before a witness or shown to the jury unless a copy
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1 has been provided to the Court and opposing counsel.

2 8. Counsel shall rise when addressing the Court. In jury trials, counsel and the
3 defendant shall rise when the jury enters or leaves the courtroom. Special procedures or
4 exceptions may apply when the defendant is restrained or the defendant or counsel are unable to
5 rise.

6 9. In trial, all remarks shall be addressed to the Court. Counsel shall not directly
7 address the CRD, the court reporter, or opposing counsel. All requests for re-reading of
8 questions or answers, or to have an exhibit placed in front of a witness, shall be addressed to the
9 Court
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11 10. Counsel should not offer a stipulation without having conferred with opposing
12 counsel and having reached an agreement. Any stipulation of fact will require defendant's
13 personal concurrence and shall be submitted to the Court in writing for approval. A proposed
14 stipulation should be explained to defendant in advance.

15 11. While court is in session, counsel shall not leave counsel table to confer with
16 investigators, paralegals, secretaries, witnesses, etc. unless permission is granted in advance.

17 12. When a party has more than one lawyer, only one lawyer may conduct the
18 examination of a given witness, and only that same lawyer may handle objections during the
19 testimony of that witness.

20 13. If a witness was on the stand at a recess or adjournment, counsel who called the
21 witness shall ensure the witness is back on the stand and ready to proceed when trial resumes.

22 14. Counsel are directed to have witnesses available throughout the court day. If no
23 witnesses are available and there is more than a brief delay, the Court may deem counsel to have
24 rested.

25 15. The Court attempts to cooperate with witnesses where appropriate by permitting
26 them to be called "out of order." Counsel are urged to anticipate any such possibility and to
27 discuss it with opposing counsel. If there is an objection, counsel shall confer with the Court in
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1 advance.

2 16. Counsel must notify the CRD in advance if any witness should be accommodated
3 based on the Americans with Disabilities Act or for other reasons.
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5 17. Counsel are not to suggest that the jury may ask to have all or a portion of the
6 testimony read back to the jury.
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8 18. Counsel are ordered to be on time, as the Court makes every effort to start
9 promptly.
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11 G. SENTENCING
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13 1. Sentencing positions should be filed in accordance with the Court's order.
14 Requests for continuance are discouraged, as the order provides for sufficient time for counsel to
15 prepare their position papers. That the parties have stipulated to a continuance will not ensure
16 that it will be granted.

17 2. The Court discourages the use of sentencing videos. If counsel believes a video is
18 necessary, it should not be longer than 10 minutes. Videos will not be considered unless a
19 transcript is provided.

20 3. Sentencing is a matter of significant public interest and concern. Generally, the
21 public has a right to know the basis on which the Court makes sentencing determinations.
22 Therefore, the Court discourages under seal filings of entire sentencing documents. Sentencing
23 documents may be filed under seal along with a redacted version that deletes *only* information
24 that is properly filed under seal, and an explanation of the basis for each document or portion
25 deleted, *e.g.*, medical information, private information relating to family members (which
26 explanation may be filed under seal). If all or nearly all of the sentencing position contains such
27 information, counsel may seek leave to file the entire document under seal.
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IT IS SO ORDERED.

Dated:

/S/

Dale S. Fischer
United States District Judge