

1 2. Counsel are ORDERED to list their e-mail address and facsimile
2 transmission numbers along with their address and telephone numbers on all papers
3 submitted to the Court in order to facilitate communication by the Court.
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5 **MOTION PRACTICE**
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7 4. Memoranda of Points and Authorities in support of or in opposition
8 to motions shall not exceed 25 pages. Replies shall not exceed 12 pages. Only in
9 rare instances and for good cause shown will the Court grant an application to
10 extend these page limitations. No supplemental brief shall be filed without prior
11 leave of court. Typeface shall comply with Local Rule 11-3.1.1. (Civil). NOTE:
12 If Times Roman font is used, the size must be no less than 14; if Courier is used,
13 the size must be no less than 12. Footnotes shall be in the same size as text and no
14 more than five lines. Filings which do not conform to the Local Rules and this
15 Order will not be considered. The parties are reminded that the Local Criminal
16 Rules incorporate the Local Civil Rules where there is no comparable provision in
17 the Local Criminal Rules. (See Local Criminal Rule 57-1.) This includes the
18 timing for filing of motions.
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20 5. Before filing any motion for discovery, a party shall consult with
21 opposing counsel to ascertain what discovery will be provided. Any discovery
22 motion shall state with particularity what is requested, the basis for such requested
23 production, whether such discovery has been formally requested, and whether such
24 discovery has been declined. Motions made without prior consultation with
25 opposing counsel or which fail to include the above information will not be heard.
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1 **DISCOVERY & NOTICE**

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3 6. Counsel for the government and counsel for defendant shall
4 comply promptly with discovery and notice pursuant to Fed. R. Crim. P. , Rules 12,
5 12.1, 12.2, 12.3, 15, and 16. Upon government counsel’s discovery of any
6 evidence within the scope of Brady v. Maryland, 373 U.S. 83 (1963), such evidence
7 shall be produced forthwith to counsel for the defendant. Counsel for the
8 government shall also disclose to counsel for defendant the existence or non-
9 existence of: (1) evidence obtained by electronic surveillance; (2) testimony by a
10 government informer.

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12 **PLEA AGREEMENTS**

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14 7. If the parties enter into a plea agreement, they shall promptly advise
15 the Court Room Deputy, and shall timely arrange for a change of plea hearing for
16 a date no later than 30 days from the full execution of the plea agreement

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18 **TRIAL**

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20 8. Counsel for the government shall file with the Court in camera
21 (under seal) all statements of all witnesses to be called by the government in its
22 case-in-chief. Such statements shall be filed at least five (5) calendar days before
23 trial.

24
25 9. Counsel shall arrive at the Courtroom promptly at 8:30 a.m. on the
26 first day of trial.

1 10. Counsel for the government shall present the Courtroom Deputy
2 with the following documents on the first day of trial:

- 3
- 4 a. THREE copies of the government's witness list.
 - 5 b. THREE copies of the government's exhibit list in the form
6 specified in Local Rule 9.9 (Civil).
 - 7 c. ALL of the government's exhibits, with official exhibit tags
8 attached and bearing the same number shown on the exhibit
9 list.

10 Defendant's counsel does not have to deliver his or her exhibits
11 to the Courtroom Deputy on the first day of trial; however,
12 Defendant's counsel is responsible for affixing completed
13 exhibit tags with the case name and case number to his or her
14 exhibits which are intended to be used in the defendant's case.
15 Exhibit tags can be obtained from the receptionist in the Clerk's
16 Office.

17 Exhibits shall be numbered 1, 2, 3, 4, etc., NOT 1.1, 1.50 etc.
18 If a blow up is an enlargement of an existing exhibit, it shall be
19 designated with the number of the original exhibit followed by
20 an "A".

21 Counsel for the government should be aware that the Court will
22 order that exhibits such as firearms, narcotics, etc., remain in
23 the custody of the agents during the pendency of the trial. The
24 agent will be required to sign the appropriate form in order to
25 take custody of such exhibits. It shall be the responsibility of
26 the agents to produce said items for court, secure them at night
27 and guard them at all times while in the courtroom.

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d. A bench book containing a copy of all exhibits that can be reproduced.

Each exhibit shall be tabbed with the exhibit number for easy referral. Defendant's counsel shall provide the Court with a copy of their exhibits as they are introduced during trial.

e. If not previously e-mailed to the Courtroom Deputy prior to trial, a 3 1/2-inch diskette in WordPerfect 9 or higher containing the exhibit list.

A copy of the exhibit list with all admitted exhibits will be given to the jury during deliberations. Government and defense counsel shall review and approve the exhibit list with the Courtroom Deputy prior to it being given to the jury.

11. If counsel need to arrange for the installation of their own additional equipment, such as video monitors, overhead projectors, etc., notify the Courtroom Deputy no later than 4:30 p.m. two court days before trial so that the necessary arrangements can be made.

12. At least five court days prior to trial, each counsel shall file with the Clerk and serve on opposing counsel any special questions requested to be put to prospective jurors on voir dire.

13. Trials commence on Tuesday at 8:30 a.m., with jury selection beginning at 9:00 a.m., or as soon thereafter as possible. Trials are conducted Tuesday through Friday from 9:00 a.m. to 4:30 p.m., with two fifteen (15) minute breaks, and a lunch recess from 12:00 p.m. to 1:30 p.m.

1 14. Before trial commences, the Court will give counsel an
2 opportunity to discuss administrative matters and anticipated procedural or legal
3 issues. During the trial, if there are any matters you wish to discuss, please inform
4 the Courtroom Deputy.

5
6 15. The Court reserves the time from 8:30 a.m. to 9:00 a.m. to handle
7 legal and administrative matters outside of the presence of the jury. The trial before
8 the jury will commence promptly at 9:00 a.m. Counsel are urged to anticipate
9 matters which may need discussion or hearing outside of the presence of the jury
10 and to raise them during this period, during breaks or at the end of the day. The
11 Court places a high priority on making efficient use of jurors' time during the trial
12 day.

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14 **JURY INSTRUCTIONS & VERDICT FORMS**

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16 16. No later than one week before trial, jury instructions in the form
17 described below are to be submitted. Where possible, counsel are to use the
18 instructions from the Manual of Model Criminal Jury Instructions for the Ninth
19 Circuit, West Publishing, latest edition, modified, as necessary, to fit the facts of
20 the case (e.g., inserting names of defendant(s) to whom instruction applies). Where
21 language appears in brackets in the model instruction, counsel shall select the
22 appropriate text and eliminate the inapplicable bracketed text. Where no applicable
23 Ninth Circuit model instruction is available, counsel are directed to use the
24 instructions from O'Malley, Grenig & Lee (formerly Devitt, et al.), Federal Jury
25 Practice and Instructions, West Publishing Co., current edition. Counsel shall
26 include both general and substantive instructions. If not previously e-mailed to
27 the Courtroom Deputy, Counsel shall submit a flash drive, compatible with Word
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1 Perfect 9.0 or higher containing the proposed instructions and a “clean” set of such
2 instructions, as set forth below.

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4 17. Thirty days prior to trial, counsel shall meet and confer for the
5 purpose of submitting a single packet of proposed jury instructions and objections,
6 organized in the order the instruction are intended to be read. The packet shall
7 contain all instructions desired by any party on all subjects.

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9 • If an instruction is agreed and joint, it shall be so labeled.

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11 • If the parties submit alternatives instructions on a topic, they shall be
12 labeled A, B, C *etc.* (e.g, Party A’s Proposed Instruction No. 2A).
13 Immediately behind the instruction, the party shall provide a statement
14 of law in support of its version and any legal objection to the other
15 party’s proposal.

16
17 • If only one party submits an instruction on a topic, the party shall
18 provide immediately behind the instruction a statement of law in
19 support of its instruction. If there is any opposition, it shall appear
20 immediately behind the proponent’s statement.

21
22 The single packet shall be filed no later than seven days prior to the trial. At the
23 same time, the parties shall also submit a WordPefect version to the
24 JVS_Chambers@cacd.uscourts.gov e-mail box. The Court will entertain such
25 additional instructions as may be warranted by the evidence offered at trial.

1 If a proposed instruction is a modification of a pattern instruction, , the
2 proponent shall also include in the packet a version showing all deletions and
3 additions to the pattern instruction, using bolding, italic, strike outs or similar
4 means.

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6 The parties need not submit preliminary instruction to be given at the
7 outset of trial, but they may submit additional instructions or revisions of the
8 Court’s standard initial instructions. See the Court’s website for set of Exemplar
9 Initial Jury Instructions in pdf. at the bottom of the page:
10 [http://156.131.20.221/CACD/JudgeReq.nsf/2fb080863c88ab47882567c9007fa0](http://156.131.20.221/CACD/JudgeReq.nsf/2fb080863c88ab47882567c9007fa070/fd063442150e12a3882579f5006b081e?OpenDocument)
11 70/fd063442150e12a3882579f5006b081e?OpenDocument

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13 The parties shall submit a joint proposed form of special verdict seven
14 days prior to trial. If there are objections or competing special verdicts, they shall
15 all be submitted in a single packet.

16
17 18. An index page shall accompany all jury instructions that are
18 submitted to the Court. The index page shall indicate the following:

- 19
20 a. The number of the instruction;
21 b. A brief title of the instruction;
22 c. The source of the instruction; and
23 d. The page number of the instruction.

24
25 **EXAMPLE:**

26 Number	26 Title	26 Source	26 Page Number
27 #1	27 Duty of the Jury	27 9th Cir. 1.01	27 1

1 **INSTRUCTIONS GOVERNING PROCEDURE DURING TRIAL**

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3 19. Counsel shall not refer to their clients or any witness over 14 years
4 of age by the person's first name during trial.

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6 20. Do not discuss the law or argue the case in opening statements.

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8 21. When objecting, state only that you are objecting and the legal
9 ground of the objection, e.g., hearsay, irrelevant, etc. Do not argue an objection
10 before the jury.

11
12 22. Do not approach the Courtroom Deputy or the witness box
13 without the Court's permission. Please return to the lectern when your purpose has
14 been accomplished. Do not enter the well of the Court without the Court's
15 permission.

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17 23. Please rise when addressing the Court. In jury cases, please rise
18 when the jury enters or leaves the courtroom.

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20 24. Address all remarks to the Court. Do not directly address the
21 Courtroom Deputy, the reporter or opposing counsel. If you wish to speak with
22 opposing counsel, ask permission to talk to counsel off the record. All requests for
23 the re-reading of questions or answers, or to have an exhibit placed in front of a
24 witness, shall be addressed to the Court.

25
26 25. Do not make an offer of stipulation unless you have conferred
27 with opposing counsel and reached an agreement. Any stipulation of fact will
28 require the defendant's personal concurrence and shall be submitted to the Court in

1 writing for approval. A proposed stipulation should be explained to him or her in
2 advance.

3
4 26. While court is in session, do not leave the counsel table to confer
5 with investigators, secretaries, or witnesses unless permission is granted in
6 advance.

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8 27. When a party has more than one lawyer, only one may conduct the
9 examination of a given witness and only that same lawyer may handle objections
10 during the testimony of that witness.

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12 28. If a witness was on the stand at a recess or adjournment, have the
13 witness back on the stand and ready to proceed when court resumes.

14
15 29. Do not run out of witnesses. If you are out of witnesses and there
16 is more than a brief delay, the Court may deem that you have rested.

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18 30. The Court attempts to cooperate with doctors and other
19 professional witnesses and will, except in extraordinary circumstances,
20 accommodate them by permitting them to be put on out of sequence. Anticipate
21 any such possibility and discuss it with opposing counsel. If there is an objection,
22 confer with the Court in advance.

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24 31. Counsel are advised to be on time; the Court starts promptly.

25 **SENTENCINGS**

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32. All filings shall be made in accordance with Federal Rule of Criminal Procedure 32(f)(1) unless otherwise directed by the Court at the time the plea is taken or, in the case of trial, at the time the verdict is returned.

33. The Court generally makes available a draft Sentencing Memorandum fifteen minutes prior to the sentencing hearing.

SPECIAL APPEARANCES.

34. The Court does not entertain special appearances.

* * * * *

35. The Court thanks counsel in advance for their cooperation.

DATED:

James V. Selna
United States District Judge