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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 ,
15 Defendant(s).

Case No.

**STANDING ORDER
FOR CRIMINAL CASES**

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18 This criminal case has been assigned to the calendar of United States District Judge
19 Sherilyn Peace Garnett. This Criminal Case Standing Order, Federal Rules of Criminal
20 Procedure, the Local Criminal Rules of the Central District of California (“Local Criminal
21 Rules”), and the applicable Local Civil Rules of the Central District of California (“Local
22 Civil Rules”) will govern this case. The Court periodically updates this Order. Counsel
23 should obtain the latest version of the Order under Orders & Additional Documents at the
24 bottom of Judge Garnett’s webpage on the court’s website.
25 (<http://ww.cacd.uscourts.gov/honorable-sherilyn-peace-garnett>). The version date appears
26 in the electronic file name.

27 To ensure the just determination of this action, “to secure simplicity in procedure
28 and fairness in administration, and to eliminate unjustifiable expense and delay,” as called

1 for in Fed. R. Crim. P. 2, all parties or their counsel, including pro se¹ defendants, are
2 ordered to be familiar with this Order, the Federal Rules of Criminal Procedure, the Local
3 Criminal Rules, the Local Civil Rules, this Court’s online Procedures and Schedules, and
4 the law governing the issues in this case.²

5 Unless the court orders otherwise, the following rules shall apply.

6 **I. GENERAL REQUIREMENTS**

7 **A. Filing**

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

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

22 3. *Format of filings.* Pursuant to Local Civil Rule 11-3.1.1, either a
23 proportionally spaced or monospaced face may be used. Typeface shall comply with Local
24

25 ¹ Parties appearing pro se must comply with the Federal Rules of Civil Procedure and the
26 Local Rules. Local Civil Rules 1-3 and 83-2.2.3.

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

1 Civil Rule 11-3.1.1. Times New Roman font must be no less than fourteen (14) point, and
2 Courier font must be no less than twelve (12) point. Footnotes shall be in the same font
3 and the same size as the text in the body of the document.

4 4. *Attachments.* Each declaration, exhibit, or other attachment
5 accompanying a document must be filed as a separately docketed attachment to the main
6 docket entry with a clear description (e.g., Dkt. 29-1, Smith Decl.; Dkt. 29-2, Ex. 1: License
7 Agreement).

8 5. *Proposed orders.* Proposed orders must state the relief sought, the
9 defendant(s) affected, and, when relevant, the supporting rationale and authority—and
10 must be submitted in a form that would originate from the Court. Do not include: (a) any
11 attorney information on the caption page; (b) any information in the footer (except
12 pagination); or (c) any watermark or firm designation anywhere.

13 6. *Electronic filing.* Counsel must follow the Local Rules and General
14 Orders concerning electronic filing, unless superseded by this Order. Counsel shall adhere
15 to Local Civil Rule 5-4.3 with respect to the conversion of all documents to .pdf so that
16 when a document is e-filed, it is in the proper size and is .pdf searchable. Further, all
17 documents shall be filed in a format so that text can be selected, copied, and pasted directly
18 from the document. See Local Civil Rule 5-4.3.1.

19 7. *Mandatory Chambers Copies.* Mandatory paper Chambers copies of
20 all e-filed motions, sentencing position papers, and trial documents must be delivered to
21 Judge Garnett’s mailbox outside the Clerk’s Office on the Fourth Floor of the First Street
22 Courthouse, no later than 5:00 p.m. on the first court day after the filing date, or on the
23 same day if priority processing is requested. Exhibits, declarations, etc. to chambers copies
24 must be tabbed, where applicable. Mandatory Chambers Copies need NOT be blue-
25 backed.

26 **B. Calendar Conflicts**

27 If any counsel discovers a calendar conflict with a scheduled appearance in a court
28 of a more senior district judge, counsel must inform opposing counsel and the Courtroom

1 Deputy Clerk via the chambers' email address at: SPG_Chambers@cacd.uscourts.gov as
2 soon as possible and not later than three (3) business days before the scheduled appearance.
3 Counsel should attempt to agree on a new date to accommodate the calendar conflict.
4 Counsel must propose a new date by Stipulation and [Proposed] Order.

5 The court requires an attorney of record to appear at all hearings and will not permit
6 others to stand in on his or her behalf. If an attorney of record cannot appear at a scheduled
7 hearing due to unforeseen circumstances, the parties should follow the procedure outlined
8 above as soon as the conflict arises.

9 **II. PRETRIAL PROCEDURES**

10 **A. Bail Review.** Any request for bail review based on changed circumstances or
11 information not previously presented to the Magistrate Judge shall be addressed in the first
12 instance to the Magistrate Judge and shall be served on both opposing counsel and Pretrial
13 Services.

14 **B. Notice and Discovery.**

15 1. *Disclosure requirements.* Counsel shall comply with all notice and
16 discovery obligations set forth in Fed. R. Crim. P. 12, 12.1, 12.2, 12.3, 12.4, 15, and 16.
17 The government shall promptly produce to counsel for the defendant any evidence falling
18 within the scope of *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405
19 U.S. 150 (1972), *Roviaro v. United States*, 353 U.S. 53 (1957), and *United States v.*
20 *Henthorn*, 931 F.2d 29 (9th Cir. 1991). The parties are encouraged to produce witness
21 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
23 discovery obligations pursuant to Fed. R. Crim. P. 26 and should promptly produce such
24 materials to avoid delay at trial. Counsel for the government shall also disclose to counsel
25 for defendant the existence or non-existence of: (1) evidence obtained by electronic
26 surveillance; and (2) testimony by a government informant. A violation of this order or the
27 government's obligations under *Brady*, *Giglio*, *Roviaro*, or *Henthorn* may lead to a finding
28

1 of contempt, imposition of sanctions, referral to a disciplinary authority, adverse jury
2 instructions, exclusion of evidence, and dismissal of charges.

3 2. *Meet and confer requirement.* Counsel shall meet and confer to resolve
4 discovery disputes informally prior to filing a motion to compel discovery. All discovery
5 motions shall state whether the meet and confer requirement has been satisfied and state
6 with particularity what is requested, the basis for the request, whether the discovery at issue
7 has been requested, and opposing counsel's response to such request. Both parties are
8 required to meet and confer in good faith in an effort to reach a resolution without the need
9 for a motion. The Court may decline to hear discovery motions made without prior
10 consultation with opposing counsel.

11 **C. Continuances.**

12 Requests for continuances of pretrial and trial dates must be by motion, stipulation,
13 or application. All requests must be signed by both the defendant(s) and counsel. Each
14 request must include a detailed factual showing of good cause and due diligence
15 demonstrating the necessity for the continuance, stating whether any previous requests for
16 continuances have been made and whether these requests were granted or denied by the
17 Court. The Court will not grant requests to continue pretrial and trial dates absent the
18 detailed showing. General statements are insufficient to establish good cause. To the
19 extent the request to continue dates is joint, it should state clearly that the government and
20 defendant(s) agree. To the extent the action is complex, one or more parties require
21 additional time to prepare for trial, or other circumstances apply necessitating a
22 continuance, the request should so state and describe in detail. A list of counsel's upcoming
23 scheduled trials in other actions will not support a showing of good cause absent the
24 following information regarding each such action listed: (1) the case name, case number,
25 court where the action is pending, and the initials of the district judge or name of the state
26 court judge assigned to the action; (2) the age of the action; (3) the nature of the offense(s)
27 charged and complexity of the action; (4) the scheduled trial date; (5) the estimated length
28 of trial; (6) the number of continuances previously granted; (7) the parties' trial readiness;

1 (8) the estimated likelihood a future continuance will be requested; and (9) the likelihood
2 the trial will proceed on the scheduled date. Counsel shall avoid submitting requests for
3 continuance of trial less than one (1) week prior to the final pretrial conference. A request
4 to continue dates that have already expired constitutes a presumptive lack of due diligence.
5 Requests extending dates set by the Court are not effective unless approved by the Court.

6 **D. Pre-trial Motions (except motions *in limine*).**

7 1. *Meet and confer requirement.* Counsel must meet and confer with
8 opposing counsel “to discuss thoroughly ... the substance of the contemplated pre-trial
9 motion and any potential resolution” thereof. Local Criminal Rule 57-1; Local Civil Rule
10 7-3. Counsel shall discuss the issues to a sufficient degree that if a motion is still necessary,
11 the briefing may be directed to those substantive issues requiring resolution by the Court.
12 Both parties are required to meet and confer in good faith in an effort to reach a resolution
13 without the need for a motion.

14 2. *Length of brief.* Memoranda of points and authorities in support of or
15 in opposition to motions (besides motions *in limine*) shall not exceed 7000 words. Replies
16 shall not exceed twelve (12) pages. Only in rare instances and for good cause shown will
17 the court grant an application to extend these word or page limitations. No supplemental
18 brief shall be filed without prior leave of court.

19 3. *Filing of motions.* Motions shall be filed in accordance with Fed. R.
20 Crim. P. 47 and Local Criminal Rule 49, et seq., unless superseded by this Order. The
21 Court hears motions in criminal actions on Wednesday, beginning at 9:30 a.m. Pretrial
22 motions, including motions to suppress evidence, motions to bifurcate or sever, and
23 motions concerning character evidence under Fed. R. Evid. 404(b), shall be noticed for a
24 Wednesday that is mutually agreed to by counsel and that is not closed on the Court’s
25 calendar. Before filing a motion, the moving party should check the Court’s webpage for
26 available hearing dates. The parties should not calendar a matter on a date that is closed
27 on the Court’s webpage. If this occurs, the court will re-calendar the matter for another
28 day.

1 4. *Briefing schedule.* For all motions, other than motions *in limine*, the
2 briefing schedule is as follows: motions shall be filed five (5) weeks prior to the hearing;
3 oppositions or notices of non-opposition shall be filed three (3) weeks prior to the hearing;
4 and replies, if any, shall be filed two (2) weeks prior to the hearing. All motions must be
5 properly noticed for hearing no later than the date of the Final Pretrial Conference. The
6 parties must adhere to the briefing schedule set forth herein to afford the Court adequate
7 time to prepare for the hearing; however, the parties may stipulate to an alternate briefing
8 schedule contingent upon approval by the Court. Failure to comply with these deadlines
9 may result in the court declining to consider the untimely memorandum or other document.
10 Local Criminal Rule 57-1; Local Civil Rule 7-12.

11 **E. *Ex Parte Applications***

12 1. *General requirements.* *Ex parte* applications are disfavored. Counsel
13 are reminded that *ex parte* applications are solely for extraordinary relief. Applications
14 that do not meet the requirements set forth in Local Rule 7-19 will not be considered.
15 Sanctions may be imposed for misuse of *ex parte* applications. *See Mission Power Eng’g*
16 *Co. v. Cont’l Cas. Co.*, 883 F. Supp. 488 (C.D. Cal. 1995). *Ex parte* applications that fail
17 to conform to Local Civil Rules 7-19 and 7-19.1, including a statement of opposing
18 counsel’s position, will not be considered except upon a specific showing of good cause.
19 The moving party shall serve the opposing party electronically, if possible. A party is
20 considered served once the *ex parte* application has been e-filed. All parties registered for
21 electronic service are sent a notification of ECF filing each time a document is e-filed with
22 a link to the document for one free view. Defendants exempt from electronic service must
23 be served the *ex parte* application by facsimile or personal service. See Local Criminal
24 Rules 49-1.2, 49-1.3.2(b); Local Civil Rule 5-3. The Court considers *ex parte* applications
25 on the papers and usually does not set these matters for hearing.

26 2. *Service.* Following service of the *ex parte* application by electronic,
27 facsimile, or personal service, the moving party shall notify the opposing party that any
28 opposition must be filed no later than twenty-four (24) hours following service. Counsel

1 will be notified by ECF of the Court’s ruling. If a party does not intend to oppose an *ex*
2 *parte* application, counsel must promptly inform the Courtroom Deputy Clerk.

3 3. *Supervision-related relief.* When requesting supervision-related relief
4 (e.g., a travel or transfer request), the applicant must obtain from Probation & Pretrial
5 Services its position and any proposed conditions and set forth this information in the
6 application. *Ex parte* applications to allow defendants to travel should be made well in
7 advance of the proposed date of travel. Applications by defendants with appointed counsel
8 must indicate who will pay for the travel and related expenses. If these expenses are not
9 to be paid by the defendant’s employer, the court may require declarations under penalty
10 of perjury from the person paying the expenses.

11 **F. Motions *in Limine***

12 1. *Meet and confer requirement.* Before filing a motion *in limine*, the
13 parties must meet and confer. The moving party must identify the evidence to be excluded
14 or admitted, the specific terms of the order sought, and the rationale and supporting
15 authority. The nonmoving party shall state whether the party intends to introduce the
16 evidence sought by the moving party to be excluded or oppose the moving party’s motion
17 to admit the evidence and provide the rationale and supporting authority if the nonmoving
18 party opposes the motion. Both parties are required to meet and confer in good faith in an
19 effort to reach a resolution without the need for a motion.

20 2. *Hearing at the Pretrial Conference.* Motions *in limine* will generally
21 be heard and ruled upon at the Final Pretrial Conference. The Court may rule orally instead
22 of in writing.

23 3. *Limitation on number of in limine motions.* Each side is limited to five
24 (5) motions *in limine* unless the Court grants leave to file additional motions.

25 4. *Briefing.* All motions *in limine* must be filed at least twenty-eight
26 (28) days before the Final Pretrial Conference. Oppositions must be filed at least fourteen
27 (14) days before the Final Pretrial Conference. There shall be no replies, unless ordered
28 by the Court. Motions *in limine* and oppositions must not exceed ten (10) pages in length.

1 Motions *in limine* should address specific disputed issues (e.g., not “to exclude all
2 hearsay”). The Court may strike without further notice excessive, unvetted, or untimely
3 motions *in limine*.

4 **III. FINAL PRETRIAL CONFERENCE**

5 No later than one (1) week before the Final Pretrial Conference, the government
6 shall file and email the documents described below in Microsoft Word format to
7 SPG_Chambers@cacd.uscourts.gov:

- 8 • A trial memorandum;
- 9 • A witness list;
- 10 • An exhibit list;
- 11 • A joint case-specific glossary for the Courtroom Deputy Clerk;
- 12 • Joint jury instructions in the form described below;
- 13 • A joint proposed verdict form; and
- 14 • Proposed voir dire questions, if any.

15 The government must provide a Mandatory Chambers Copy of each document
16 delivered to Judge Garnett’s mailbox outside the Clerk’s Office on the Fourth Floor of the
17 First Street Courthouse no later than 5:00 p.m. on the first court day after the filing date.
18 The Mandatory Chambers Copies must be “binder ready” (three-hole punched on the left
19 side, without blue-backs or staples).

20 **A. Trial Memorandum**

21 The government’s trial memorandum shall set forth: (i) a factual summary of the
22 government’s case-in-chief; (ii) a statement of the charges and the elements of each charge;
23 (iii) a time estimate of the length of the government’s case-in-chief, including anticipated
24 cross-examination; and (iv) a discussion of relevant legal and evidentiary issues as applied
25 to the facts of the particular case. The government shall specify, after a meet and confer,
26 whether the parties agree or disagree on matters (i) through (iv).

1 **B. Witness Lists**

2 Witness lists must identify all potential witnesses using full names - including
3 middle names and dates of birth for common names - and must be in the format specified
4 in Local Civil Rule 16-5. If the defense objects to identifying a potential witness (not
5 already on the government’s list), the objection must be raised at the PTC. The lists must
6 include for each witness: (i) a brief description of the testimony; (ii) the reasons the
7 testimony is unique and not redundant; and (iii) a time estimate in hours for direct and
8 cross-examination. The parties should use the template posted to Judge Garnett’s webpage.
9 Any Amended Witness List must be filed by 12:00 p.m. (noon) on the Friday before trial
10 and emailed to SPG_Chambers@cacd.uscourts.gov in Microsoft Word format.

11 **C. Exhibit Lists**

12 Exhibit Lists must be in the format specified in Local Civil Rule 16-6 and shall
13 include an additional column stating any objections to authenticity and/or admissibility and
14 the reasons for the objections. The parties should use the template posted to Judge
15 Garnett’s webpage. Exhibits shall be numbered sequentially 1, 2, 3, etc., not 1.1, 1.2, 1.3,
16 etc. *See* Local Civil Rule 16-6. The list should include defense exhibits to the extent the
17 defense does not object to disclosure. Any Amended Exhibit List must be filed by 12:00
18 p.m. (noon) on the Friday before trial and emailed to SPG_Chambers@cacd.uscourts.gov
19 in Microsoft Word format.

20 **D. Case-Specific Glossary**

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

1 **E. Jury Instructions**

2 1. *Joint Instructions required.* The parties must meet and confer to
3 generate and provide joint instructions. For any disputed instruction, the opponent shall
4 state on a separate page following the disputed instruction: (A) the basis for the objection;
5 (B) authority supporting the objection; and (C) an alternative instruction (if applicable).
6 On the following page, the proponent shall briefly respond to the objection with supporting
7 authority.

8 2. *Source.* The parties must use the current edition of the Ninth Circuit’s
9 Manual of Model Criminal Jury Instructions for all available instructions and otherwise the
10 current edition of O’Malley, Grenig & Lee, Federal Jury Practice and Instructions. A party
11 may submit alternatives to instructions in these two sets only if counsel has a reasoned
12 argument that those instructions are incomplete or inaccurate. Each requested instruction
13 shall be numbered and set forth in full on a separate page, citing the authority or source of
14 the requested instruction. The Court seldom gives instructions derived solely from case
15 law.

16 3. *Disputed Instructions.* For any disputed instruction, the opponent shall
17 state on a separate page following the disputed instruction: (a) the basis for the objection;
18 (b) authority supporting the objection; and (c) an alternative instruction (if applicable). On
19 the following page, the proponent shall briefly respond to the objection with supporting
20 authority. Where appropriate, the disputed instructions shall be organized by subject, so
21 that instructions that address the same or similar issues are presented sequentially. If there
22 are excessive or frivolous disagreements over jury instructions, the Court will order the
23 parties to meet and confer immediately until they substantially narrow their disagreements.

24 4. *No Blanks or Bracketed Language.* Counsel should not leave blanks or
25 inapplicable bracketed text in any instruction. It is counsel’s duty to conform the
26 instructions to the case (e.g., inserting names of defendant(s) or witness(es) to whom the
27 instruction applies and selecting the appropriate bracketed text, but not changing the
28 standard language of the instruction). Where language appears in brackets in the model

1 instruction, counsel must select the appropriate text and eliminate the inapplicable
2 bracketed text.

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

- 5 • the number of the instruction;
- 6 • the title of the instruction;
- 7 • the source of the instruction and any relevant case citations; and
- 8 • the page number of the instruction.

9 ***Example:***

10 Instruction

11 <u>Number</u>	12 <u>Title</u>	13 <u>Source</u>	14 <u>Page Number</u>
15 #1	16 Conspiracy-Elements	17 9th Cir. 8.5.1	18 1

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

22 6. *“Clean” Electronic Copy.* Counsel shall submit to the Chambers email
23 SPG_Chambers@cacd.uscourts.gov a “clean” set of all instructions in Word format that
24 will be given to the jury, containing only the text of each instruction, set forth in full on
25 each page, with the caption “Instruction No. ___” (eliminating the title and source of the
26 instruction, supporting authority, etc.).

27 **F. Joint Verdict Form**

28 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.

1 **G. Proposed Voir Dire Questions**

2 The Court will conduct the voir dire. The Court will ask prospective jurors basic
3 biographical questions (jurors’ place of residence, employment, whether familiar with the
4 parties or counsel, etc.), as well as questions regarding their ability to be fair, impartial,
5 and carry out the duties required. The Court may ask additional case-specific questions.
6 The parties may file and email to Chambers any proposed case-specific voir dire questions
7 for the Court’s consideration. All challenges for cause and all Batson challenges shall be
8 made at side bar or otherwise outside the prospective jurors’ presence. The Court will not
9 necessarily accept a stipulation to a challenge for cause.

10 **IV. TRIAL**

11 **A. Trial Schedule.**

12 The schedule for the first day of trial is typically 8:30 a.m. to 4:30 p.m. with two 15-
13 minute breaks and a one-hour lunch break. The parties must appear at 8:30 a.m. to discuss
14 preliminary matters with the Court. The Court will call a jury panel only when it is satisfied
15 the case is ready for trial. Depending on the nature of the case, jury selection may take
16 only a few hours or a few days. The parties should be prepared to proceed with opening
17 statements and witness examination immediately after jury selection. Wednesdays are
18 usually reserved for the Court’s calendar. As a result, trial may not be held on Wednesdays
19 or the schedule may be shortened, unless the jury is deliberating, or the court’s calendar
20 allows trial to proceed on a regular schedule. Therefore, during the first week, trial days
21 will generally be on Tuesday, Thursday, and Friday, with a shortened or dark Wednesday
22 schedule. After the first week, trial days are generally Monday, Tuesday, Thursday and
23 Friday, again with the possibility of a shortened or dark Wednesday schedule.

24 **B. Government Materials to be Presented on the First Day of Trial**

25 1. *Documents and Binders.* The government must present the following
26 materials to the Courtroom Deputy Clerk on the first day of trial:

- 27 • Three (3) copies of the indictment/information;
28 • Three (3) copies of the government’s witness list;

- 1 • Three (3) copies of the government’s exhibit list; and
- 2 • The *three binders* described below, with one (1) original set of trial exhibits for the
- 3 jury, and two (2) copies of trial exhibits for the Court.

4 2. *Contraband.* Exhibits such as firearms, narcotics, etc., must remain in
5 the custody of a law enforcement agent during the pendency of the trial. It shall be the
6 responsibility of the agent to produce any such items for the Court, secure them at night,
7 and guard them at all times while in the courtroom. The United States Marshals Service
8 shall be advised well in advance if a weapon or contraband is to be brought into the
9 courthouse. A placeholder page listing the nature of the exhibit (i.e., firearm,
10 methamphetamine, etc.) and exhibit number shall be placed in the exhibit binder.

11 **C. Defense Materials to be Presented at Trial.**

12 The Court prefers that defense counsel deliver defense exhibits to the Courtroom
13 Deputy Clerk on the first day of trial, but counsel are not required to do so unless these
14 exhibits have previously been provided to the government. Defense counsel are responsible
15 for affixing completed exhibit tags with the case name and case number to all exhibits to
16 be used in defendant’s case. In trials where the defense expects to admit more than ten
17 (10) exhibits, defense counsel shall provide three exhibit binders, as described below. The
18 exhibits are to be tabbed, if possible, with numbers to correspond to the exhibits counsel
19 expects to introduce. Defense counsel shall provide the Court with a copy of defense
20 exhibits as they are introduced during trial if they have not previously been provided.
21 Defense counsel shall provide the government, the Courtroom Deputy Clerk and the Court
22 Reporter with the defense witness list and the defense exhibit list at the start of the defense
23 case, at the latest.

24 **D. Trial Exhibits Binders Requirements**

25 1. *Three Binders.* Trial exhibits that consist of documents and
26 photographs must be submitted to the Court in three-ring binders. The parties must submit
27 to the court three binders: (1) one binder containing the original set of trial exhibits; and
28 (2) two binders containing copies of the trial exhibits. The original set of exhibits will be

1 for use by the jury during its deliberations, and the copies are for the Court. The parties
2 must prepare additional copies of exhibits for their own use and for use by witnesses. The
3 parties must review the exhibit list and exhibit binders with the Courtroom Deputy Clerk
4 before the admitted exhibits will be given to the jury.

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

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

19 4. *Enlargements and Charts.* An enlargement of an existing exhibit shall
20 use the original exhibit number followed by an "A." Counsel shall not attempt to display
21 or use any charts or enlargements of exhibits unless all counsel have agreed to their use or
22 objections have been heard and a ruling has been made by the Court.

23 **E. Audio, Video files, and Digital evidence.** Such evidence must be contained
24 on a flash drive, unless otherwise directed by the Court. The party introducing the evidence
25 is responsible for ensuring that the flash drive contains only admitted evidence. The parties
26 should meet and confer in an effort to reach an agreement as to the admissibility of such
27 evidence in its original form, as well as any excerpts thereof. Exhibits consisting of audio
28 recordings should be accompanied by appropriate transcripts to assist the trial participants

1 in following along. The party seeking to admit an audio recording should provide
2 transcripts to the opposing party well in advance of trial and, during trial, to the Court,
3 court reporter, each juror, and opposing counsel *before* the audio recording is played. The
4 transcripts shall use the original exhibit number of the audio recording followed by an “A”
5 for identification purposes. The transcripts will not be admitted into evidence and should
6 be collected after the audio recording has been played.

7 **F. Audio/Visual Equipment and Other Electronic Equipment**

8 The Court provides audio/visual equipment for use during trial. The parties are
9 encouraged to familiarize themselves with this equipment. More information is available
10 at: <http://www.cacd.uscourts.gov/clerk-services/courtroom-technology>. The Court does
11 not permit exhibits to be “published” to the jurors before they are admitted into evidence.
12 Once admitted, exhibits may be displayed electronically using the equipment and screens
13 in the courtroom. If electronic equipment must be brought into the courtroom for trial,
14 counsel shall make prior arrangements with the Court Security, and counsel must provide
15 notice no later than four (4) days before trial to the Courtroom Deputy Clerk at
16 SPG_Chambers@cacd.uscourts.gov.

17 **G. Special Court Reporter Services.** Any party requesting special court
18 reporter services for any hearing, such as “Real Time” transmission or daily transcripts,
19 shall notify Court Reporting Services at least fourteen (14) days before the hearing date.

20 **V. CONDUCT OF ATTORNEYS AND PARTIES**

21 **A. Meeting and Confering Throughout Trial**

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

24 **B. Opening Statements, Witness Examinations, and Summation**

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

1 **C. Objections to Questions**

2 Counsel must not make so-called “speaking objections” before the jury or otherwise
3 make speeches, restate testimony, or attempt to guide a witness. Instead, when objecting,
4 counsel must rise and state only the legal grounds for the objection (e.g., “Objection,
5 hearsay”). If the Court invites either clarification of the legal grounds for the objection or
6 a response, counsel must not abuse the invitation by providing factual argument before the
7 jury. If counsel wishes to argue an objection, counsel must seek permission from the Court
8 to do so. Sidebar conferences are generally not permitted at the request of counsel for
9 evidentiary objections, especially for issues that could have been anticipated. Counsel
10 should anticipate significant issues and schedule a hearing when the jury is not waiting—
11 e.g., before the jurors arrive or after they leave for the day.

12 **D. Special Accommodations**

13 Counsel must notify the CRD in advance if a witness requires an interpreter or an
14 accommodation under the Americans with Disabilities Act (or for any other reason).

15 **E. General Decorum While in Session**

16 1. Counsel shall remain at the lectern when questioning a witness or
17 giving an opening statement or closing argument. Counsel shall not approach the witness
18 or enter the well without the Court’s permission and shall return to the lectern when the
19 permitted purpose has been accomplished. Counsel shall not leave counsel table to confer
20 with investigators, witnesses, or others while court is in session without the Court’s
21 permission.

22 2. Counsel must rise when addressing the Court, and when the Court or
23 the jury enters or leaves the courtroom, unless directed otherwise.

24 3. Counsel must address all remarks to the Court. Counsel must not
25 address the Courtroom Deputy Clerk, the court reporter, persons in the audience, or
26 opposing counsel. Any request to re-read questions or answers shall be addressed to the
27 Court. Counsel must ask the Court’s permission to speak with opposing counsel.

1 4. Counsel must not address or refer to witnesses or parties by first names
2 alone, except for witnesses who are below age fourteen (14).

3 5. Counsel must not offer a stipulation unless counsel has conferred with
4 opposing counsel and have verified that the stipulation will be acceptable. Any stipulation
5 of fact will require the defendant's personal concurrence, must be explained to the
6 defendant in advance, must be accompanied by the defendant's signature, and must be
7 submitted to the Court for approval.

8 6. Counsel must not make facial expressions, nod, shake their heads,
9 comment, or otherwise exhibit in any way any agreement, disagreement, or other opinion
10 or belief concerning the testimony of a witness or argument by opposing counsel. Counsel
11 shall instruct their clients and witnesses not to engage in such conduct.

12 7. When the trial is not in session, counsel must never speak to jurors
13 under any circumstance, and must not speak to co-counsel, opposing counsel, witnesses,
14 or clients if the conversation can be overheard by jurors. Counsel must instruct their clients
15 and witnesses to avoid such conduct.

16 8. Where a party has more than one lawyer, only one attorney may
17 conduct the direct or cross-examination of a witness or make objections as to that witness.

18 9. Bottled water is permitted in the courtroom. Food and other beverages
19 are not permitted. Cell phones must be silenced or may be confiscated.

20 **F. Punctuality**

21 1. The Court expects the parties, counsel, and witnesses to be punctual.
22 Once the parties and their counsel are engaged in trial, the trial must be their priority. The
23 Court will not delay progress of the trial or inconvenience jurors.

24 2. If a witness was on the stand at the time of a recess or adjournment, the
25 party that called the witness shall ensure the witness is back on the stand and ready to
26 proceed as soon as trial resumes.

1 3. The parties must notify the Courtroom Deputy Clerk in advance if any
2 party, counsel, or witness requires a reasonable accommodation based on a disability or
3 other reason.

4 4. No presenting party may be without witnesses. If a party’s remaining
5 witnesses are not immediately available, thereby causing an unreasonable delay, the Court
6 may deem that party to have rested.

7 5. The Court generally will accommodate witnesses by permitting them
8 to be called out of sequence. Counsel should meet and confer in advance and make every
9 effort to resolve the matter.

10 **G. Exhibits**

11 1. No exhibit shall be placed before a witness unless a copy has been
12 provided to the Court and opposing counsel. Counsel must keep track of their exhibits and
13 exhibit list, and record when each exhibit has been admitted into evidence.

14 2. Counsel are responsible for any exhibits they secure from the
15 Courtroom Deputy Clerk and must return them before leaving the courtroom.

16 3. Any exhibit not previously marked must be accompanied by a request
17 that it be marked for identification at the time of its first mention. Counsel must show a
18 new exhibit to opposing counsel before the court session in which it is mentioned.

19 4. Counsel must inform the Courtroom Deputy Clerk of any agreements
20 reached regarding any proposed exhibits, as well as those exhibits that may be received
21 into evidence without a motion to admit. When referring to an exhibit, counsel must refer
22 to its exhibit number. Counsel should instruct their witnesses to do the same. Counsel
23 should make every effort to correctly identify for the record the exhibit being referred to
24 and should use specific descriptions when directing witnesses to identify items within the
25 exhibit (i.e., “turning your attention to the bottom right-hand corner of exhibit 1 . . .,” versus
26 “take a look at this right here”).

