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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Plaintiff(s)

vs.

Defendant(s)

CASE NO. CR

ORDER RE:
CRIMINAL TRIAL PREPARATION

The above mentioned cause of action is set for trial before the Honorable Stephen V. Wilson. Counsel preparing for trial before this Court shall comply with this Order. Counsel failing to comply with this order shall be subject to sanctions.

1. Arrive at the Courtroom not later than 8:30 a.m. on the first day of trial.

2. Counsel for the Government shall present my Courtroom Deputy Clerk with the following documents:

a) THREE copies of the Government's witness list.

It will be assumed that each listed witness will testify live unless following his or her name you state "by deposition."

b) THREE copies of the Government's exhibit list in

1 the form specified in Local Rule 9.9 (Civil). If there is an
2 objection to a specific exhibit, add after the description of each
3 exhibit, the words "OBJECTED TO."

4 c) ALL of the Government's exhibits, with official
5 exhibit tags attached, bearing the same number shown on the
6 exhibit list, must be delivered to the Clerk not later than 8:45
7 a.m. on the first day of trial. (Defendants counsel do not have
8 to deliver their exhibits to the Clerk on the first day of trial;
9 however, Defendants counsel is responsible for affixing exhibit
10 tags to their exhibits which they intend to use in the Defendants
11 case.) Counsel for the government should be aware that the Court
12 will order that exhibits such as firearms, drugs, etc., remain in
13 the custody of the agents during the pendency of the trial.

14 Exhibit tags can be obtained from the receptionist in the main
15 clerks office, Room G-8.

16 d) If you need additional equipment, such as a
17 shadow box, overhead projector, etc., call my Courtroom Clerk no
18 later than 4:30 p.m. 2 days BEFORE trial, so that the necessary
19 arrangements may be made.

20 3. The Court finds it helpful to follow the testimony
21 closely and thus, counsel must have the following available:

22 a) A bench book containing a copy of all exhibits
23 that can, as a practical matter be reproduced. (Defendants
24 counsel shall provide, as practical, the Court with a copy of
25 their exhibits as introduced.

26 b) An extra copy of each deposition that will be
27 used in lieu of live testimony or for impeachment.

28 Depositions: If you are intending to use any

1 depositions for impeachment or any purpose, arrange to lodge it on
2 the first day of trial with my Courtroom Deputy Clerk, if it is in
3 your control, or request opposing counsel to do the same for
4 depositions in his or her control. Otherwise, be prepared to
5 lodge a copy in lieu of the original with a stipulation that the
6 copy may be used as if it were the original. In a jury case,
7 relevent portions of the depositions may be read to the jury. You
8 can arrange with opposing counsel or co-counsel to have someone in
9 the witness chair read the witness' answers. The questions will
10 be read by yourself where you were the questioner and by the
11 opposing counsel when he or she was the questioner.

12 5. Usual "trial days" are Tuesdays through Fridays,
13 9:00 a.m. to 5:00 p.m. Lunch recess is normally 12:00 noon to
14 1:30 p.m.

15 5. Before trial commences, I will give counsel an
16 opportunity to discuss, in advance, housekeeping matters and
17 anticipated problems of procedure or law. During the trial, if
18 there are any housekeeping matters you wish to discuss, please
19 inform my Courtroom Clerk of the types of matters for discussion.

20 7. JURY INSTRUCTIONS

21 In a jury trial, jury instructions are to be submitted
22 not later than one week prior to trial. Counsel need only submit
23 proposed substantive jury instructions, the Court propounds its
24 own general instructions and essentially follows the format set
25 out in a yellow soft bound pamphlet entitled "Ninth Circuit
26 Pattern Jury Instructions" by Judge William Schwarzer. A proposed
27 verdict form shall be submitted one week prior to trial only in
28 those cases where it is anticipated that a special verdict will be

1 requested.

2 a) Form of Jury Instructions

3 The parties must submit joint jury instructions and a
4 joint proposed verdict form (if a special verdict). In order to
5 produce these joint instructions, the parties shall meet and
6 confer sufficiently in advance of the required submission date.
7 The instructions should be submitted in the order in which the
8 parties wish to have the instructions read. This order should
9 reflect a single organized sequence agreed to by all of the
10 parties.

11 The joint jury instructions shall be submitted in three
12 sets as follows: 1) those instructions which are agreed to by
13 all parties; 2) those instructions which are propounded by the
14 Government to which the Defendant(s) object; and 3) those
15 instructions which are propounded by the Defendant(s) to which the
16 Government objects.

17 Instructions upon which agreement cannot be reached
18 should reflect the basic disagreements among the parties as to the
19 law.

20 Attribution and case citation for each instruction
21 should be placed on pages following a proposed instruction. For
22 disputed instructions, a party should note its objections to a
23 proposed instruction and its reasons for putting forth its
24 alternative on pages placed after its own alternative instruction.

25 INSTRUCTIONS SHALL BE BRIEF, CLEAR, CONCISE, WRITTEN IN
26 PLAIN ENGLISH, FREE OF ARGUMENT, AND SHALL BE ORGANIZED IN LOGICAL
27 FASHION AS TO AID JURY COMPREHENSION. Standard or form
28 instructions, if used, must be revised to address the particular

1 facts and issues of this case.

2 The following list contains some suggested source for jury
3 instructions:

- 4 1) Federal Jury Practice and Instructions
(Devitt and Blackmar (3rd Edition))
- 5 2) Modern Federal Jury Instructions
6 (Mathew Bender 1985)
- 7 3) California Forms of Jury Instructions
8 (Mathew Bender 1985)

9 8. During trial counsel shall not refer to their
clients by their first names.

10 9. INSTRUCTIONS TO COUNSEL GOVERNING TRIALS IN THIS
11 COURT

12 a) ~~Opening statements, examination of witnesses, and~~
13 closing arguments should be made from the lectern only.

14 b) The Court views opening statements in a jury case
15 as one of the most important parts of the case, and counsel will
16 be afforded ample time to make them. These statements should be
17 well organized. Avoid discussing the law or arguing the case in
18 opening statements.

19 c) Do not use objections for the purpose of making a
20 speech, recapitulating testimony, or attempting to guide the
21 witness. When objecting, state only that you are objecting and
22 the legal ground of the objection, e.g., hearsay, irrelevant, etc.
23 If you wish to argue an objection further, ask for permission to
24 do so.

25 d) Speak up when making an objection, the acoustics
26 in most courtrooms make it difficult for all to hear an objection
27 when it is being made.
28

1 e) Do not approach the clerk or the witness box
2 without specific permission. Please go back to the lectern when
3 the purpose of the approach is finished.

4 f) Please rise when addressing the Court. In jury
5 case, please rise when the jury enters or leaves the Courtroom.

6 g) Address all remarks to the Court. Do not address
7 the clerk, the reporter, or opposing counsel. If you want to say
8 something to opposing counsel, ask permission to talk to him or
9 her off the record. All requests for the re-reading of questions
10 or answers, or to have an exhibit placed in front of a witness,
11 shall be addressed to the Court.

12 h) Court shall be addressed as "Your Honor" at all
13 times, not "Judge" as in state court practice.

14 i) In a jury case, do not make an offer of
15 stipulation unless you have conferred with opposing counsel and
16 have reason to believe the stipulation will be accepted. In
17 criminal cases, any stipulation of fact will require the
18 defendant's personal concurrence. A proposed stipulation should
19 be explained to him or her in advance.

20 j) While Court is in session, do not leave the
21 counsel table to confer with investigators, secretaries, or
22 witnesses in the back of the Courtroom unless permission is
23 granted in advance.

24 k) Counsel should not by facial expression, nodding,
25 or other conduct exhibit any opinions, adverse or favorable,
26 concerning any testimony which is being given by a witness.
27 Counsel should admonish their own clients and witnesses similarly
28 to avoid such conduct.

1 1) When a party has more than one lawyer, only one
2 may conduct the direct or cross-examination of a given witness.

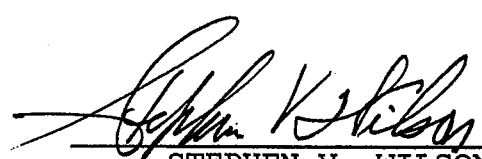
3 m) If a witness was on the stand at a recess or
4 adjournment, have the witness back on the stand, ready to proceed
5 when Court resumes.

6 n) Do not run out of witnesses. If you are out of
7 witnesses and there is more than a brief delay, the Court may deem
8 that you have rested.

9 o) The Court attempts to cooperate with doctors and
10 other professional witnesses and will, except in extraordinary
11 circumstances, accommodate them by permitting them to be put on
12 out of sequence. Anticipate any such possibility and discuss it
13 with opposing counsel. If there is objection, confer with the
14 Court in advance.

15 p) Counsel are advised to be on time as the Court
16 starts promptly. Morning and afternoon breaks are 5 to 10 minutes
17 in length.

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19 DATED: _____

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23 STEPHEN V. WILSON
24 United States District Judge
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