

1 Local Civil R. 7-9, i.e., no later than 21 and 14 days before the hearing date, respectively.
2 All motions in limine and other trial-related motions must be properly noticed for hearing no
3 later than the date of the Pretrial Conference. Each side is limited to three (3) motions in
4 limine and each motion shall not be compound; i.e., each motion shall address only one
5 item of evidence or witness or, if common grounds for exclusion or admission apply to
6 multiple items of evidence or witnesses, only one category of evidence or witnesses. A
7 party seeking to make more than three motions in limine must request leave of court to do
8 so. **A chambers copy of every document filed must be delivered to the chambers**
9 **drop box outside of Room 181 - Roybal Clerk's Office no later than 5:00 p.m. the day**
10 **after filing. The chambers copy must comply with all local rules, including Local R.**
11 **11-5.3 regarding formatting.**

12 2. The Pretrial Conference will be conducted at 9:00 a.m. on the Monday eight
13 days before the trial date, _____. (If that Monday is a court holiday, the
14 Pretrial Conference will be conducted at 9:00 a.m. on _____, the Monday
15 fifteen days before the trial date.) All pretrial motions, including any motions in limine,
16 must be timely filed and noticed for hearing no later than the date of the Pretrial
17 Conference.

18 3. Trial is set for _____ at 8:30 a.m.
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20 **Discovery and Notice:**

21 5. Counsel for the Government and counsel for the Defendant(s) shall comply
22 promptly with discovery and notice matters pursuant to Fed. R. Crim. P. 12, 12.1, 12.2,
23 12.3, 15, and 16.
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25 **Pretrial Deadlines:**

26 6. Counsel for the Government shall file with the Court *in camera* (under seal)
27 all statements of all witnesses to be called by the Government in its case-in-chief. **The**
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1 **statements shall be filed at least ten (10) calendar days before trial and shall comply**
2 **with local rules regarding text size and tabbing.**

3 7. The parties must submit joint jury instructions. In order to produce the
4 instructions, the parties shall meet and confer sufficiently in advance of the required
5 submission date with the goal of agreeing upon instructions and verdict forms. The jury
6 instructions shall be submitted as follows: (1) joint jury instructions, i.e., those instructions
7 to which all parties agree; and (2) disputed jury instructions, i.e., those instructions
8 propounded by a party to which another party objects. The party objecting to the disputed
9 instructions must state the reasons for the objection and, if appropriate, provide a
10 proposed alternative instruction with supporting authority, or explain why no instruction on
11 that point is needed. Each requested jury instruction shall be numbered and set forth in
12 full on a separate page, citing the authority or source of the requested instruction except
13 on the "jury copy" described below.

14 8. An index page shall accompany all jury instructions that are submitted to the
15 Court. The index page shall indicate the following:

- 16 a. The number of the instruction;
- 17 b. A brief title of the instruction;
- 18 c. The source of the instruction; and
- 19 d. The page number of the instruction.

20 EXAMPLE:

21 <u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page Number</u>
22 1	Duty of the Jury	9th Cir. 1.01	1

23
24 9. **Jury instructions in the form described in paragraph 7 shall be lodged**
25 **no later than the Wednesday of the week prior to the Pretrial Conference.** Counsel
26 need only submit proposed substantive instructions. The Court will formulate general
27 instructions based primarily on the format set out in Committee on Model Jury Instructions
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1 for the Ninth Circuit, *Manual of Model Criminal Jury Instructions for the Ninth Circuit* (2010
2 edition).

3 10. If either side seeks a special verdict, counsel shall follow the procedure set
4 forth in paragraph 7 in order to formulate a joint proposed verdict form. Counsel shall
5 submit the proposed verdict form with the proposed jury instructions.

6 11. Counsel shall submit electronic versions of the proposed jury instructions and
7 the proposed special verdict (either Word or WordPerfect format) to the Court at the
8 following electronic mail address: VAP_Chambers@cacd.uscourts.gov, along with a
9 chambers copy.

10 12. The Court will send a copy of the jury instructions into the jury room for use
11 by the jury during deliberations (the "jury copy"). Accordingly, in addition to the file copies,
12 an extra set of the proposed instructions shall be submitted to the Court with only the text
13 of an instruction on each page (i.e., no titles, supporting authority, indication of party
14 proposing, etc).

15 13. The Court strongly prefers counsel use the instructions from Committee on
16 Model Jury Instructions for the Ninth Circuit, *Manual of Model Criminal Jury Instructions for*
17 *the Ninth Circuit* (2003 edition).

18
19 **The Pretrial Conference:**

20 14. Counsel shall be prepared to discuss the following matters with the Court at
21 the Pretrial Conference:

- 22 ● the witnesses the Government expects to call in its case in chief, and the
23 amount of time necessary for direct and cross examination of each witness;
- 24 ● any anticipated problems in scheduling the witnesses;
- 25 ● any evidentiary issues, including problems related to Fed. R. Evid. 404(b)
26 evidence, anticipated objections under Rule 403, and objections to exhibits;
- 27 ● jury selections procedures;
- 28 ● all pretrial motions not previously heard and decided;

- any disputed jury instructions, and the form of the instructions which will be given to the jury at the outset of the case, i.e., before opening statements and presentation of evidence;
- whether any counsel intends to use any evidence or demonstrative aid in opening statement; and
- motions to exclude witnesses from the courtroom during trial testimony.

15. If counsel for any party need to arrange for the installation of its own equipment, such as video monitors, tape or compact disk players, notebooks or overhead projectors, counsel shall notify the Courtroom Deputy Clerk no later than 4:00 p.m. two days before trial so that the necessary arrangements can be made.

Requirements for Trial

16. On the first day of trial, counsel for the Government shall deliver to the Courtroom Deputy Clerk the following documents:

- a. Three copies of the Government’s witness list;
- b. Three copies of the Government’s exhibit list in the form specified by Local Civil R. 9.9;
- c. All of the Government’s exhibits, with official exhibit tags affixed, bearing the same number as that shown on the exhibit list. Defense counsel need not deliver his/her exhibits to the Courtroom Deputy Clerk on the first day of trial; however, defense counsel is responsible for affixing exhibit tags, complete with the case name and case number, to each exhibit to be used in the defense case. Exhibits shall be numbered 1, 2, 3, 4, etc. If an enlargement of an existing exhibit is to be used, counsel shall designate it with the number of the original exhibit followed by an "A." Counsel for the Government is notified that the Court will order exhibits such as firearms, narcotics, etc., to remain in the custody of the agent during the pendency of the trial. The agent will be required to sign the appropriate form to take custody of the exhibits. It shall be the responsibility of the agent to produce the items for court, secure them at night, and guard

1 them while in the courtroom. Exhibit tags are available at the filing window in the Clerk's
2 Office, Room 134; and

3 d. A bench book containing a copy of all exhibits that can be reproduced.
4 Counsel for the Government shall mark each exhibit with tabs indicating the exhibit
5 number. Defense counsel shall provide the Court and Government counsel with a copy of
6 the defense exhibits as introduced.

7 **Courtroom Procedures**

8 17. Counsel shall arrive at the Courtroom not later than 8:30 a.m. each day of
9 trial. The Court reserves the time from 8:30 to 9:00 a.m. to handle legal and administrative
10 matters outside the presence of the jury. The trial will commence promptly at 9:00 a.m.
11 Counsel shall anticipate matters which may need discussion or hearing outside the
12 presence of the jury and to raise them during this period.

13 18. The Court is in session with the jury on Tuesdays through Fridays, 9:00 a.m.
14 to 4:30 p.m., with a morning and an afternoon break and a lunch recess from
15 approximately 12:00 to 1:15 p.m.

16 19. All counsel are asked to observe the following practices:

- 17 ● All counsel, defendants, and designated case agents shall rise when the jury
18 enters and leaves the courtroom.
- 19 ● Counsel shall stand when addressing the Court, including when objecting to
20 opposing counsel's questions.
- 21 ● When objecting, counsel should state only "objection," and the legal ground
22 for the objection (e.g., hearsay, irrelevant, etc.). Counsel should refrain from
23 arguing the legal basis for the objection unless permission is granted to do
24 so.
- 25 ● Counsel must seek leave to approach the Courtroom Deputy Clerk or the
26 witness, and should question witnesses while standing at the lectern.

- 1 ● Counsel must address and refer to all witnesses, including their clients, by
2 the witness's surname. Young witnesses, i.e., children younger than age 15,
3 may be addressed by first names, however.
- 4 ● Counsel shall not discuss the law or argue the case in opening statements.
- 5 ● Counsel shall address all remarks to the Court, and should not directly
6 address the Courtroom Deputy Clerk, the Court Reporter, or opposing
7 counsel. Counsel must ask the Court for permission to talk off the record in
8 order to speak with opposing counsel.
- 9 ● Counsel shall not make an offer of stipulation unless he or she has conferred
10 with opposing counsel and believes that the stipulation will be accepted. Any
11 stipulation of fact will require the defendant's personal concurrence and shall
12 be submitted to the Court in writing for approval. A proposed stipulation
13 should be explained to the defendant(s) in advance.
- 14 ● While Court is in session, counsel may not leave the counsel table to confer
15 with investigators, assistants, or witnesses in the back of the courtroom
16 unless the Court grants permission to do so in advance.
- 17 ● When a party has more than one lawyer, only one of the lawyers may
18 conduct the examination of a given witness and only that same lawyer may
19 handle objections during the testimony of that witness.
- 20 ● If a witness was on the stand before a recess or adjournment, counsel shall
21 have the witness back on the stand and ready to proceed when Court
22 resumes.
- 23 ● If there is more than a brief delay between witnesses, the Court may deem
24 that the party has rested.

25 20. The Court attempts to cooperate with witnesses and will, except in
26 extraordinary circumstances, accommodate them by permitting them to be examined out
27 of sequence. Counsel should discuss any scheduling issues with opposing counsel. If
28 there is an objection, confer with the Court in advance.

1 **IT IS SO ORDERED.**

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3 Dated:

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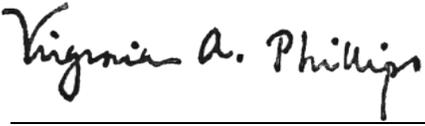
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VIRGINIA A. PHILLIPS
UNITED STATES DISTRICT JUDGE