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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

[DEFENDANT’S NAME],
Defendant.

Case No.: CR-HDV

CRIMINAL STANDING ORDER

1 **PLEASE READ THIS ORDER CAREFULLY. IT GOVERNS THE CASE AND DIFFERS**
2 **IN SOME RESPECTS FROM THE LOCAL RULES.**

3 Both the Court and all counsel bear responsibility for the progress of litigation in this Court.
4 **“Counsel,” as used in this Order, includes defendants appearing pro se.**¹ To secure the just
5 determination of every action, “to secure simplicity in procedure and fairness in administration, and
6 to eliminate unjustifiable expense and delay,” as required by Rule 2 of the Federal Rules of
7 Criminal Procedure, all counsel, including pro se defendants, are ordered to be familiar with the
8 Federal Rules of Criminal Procedure (“FED. R. CRIM. P.”), the Local Criminal Rules of the Central
9 District of California (“Local Criminal Rules”), the applicable Local Civil Rules of the Central
10 District of California (“Local Civil Rules”),² and this Court’s standing orders and online procedures
11 and schedules.

12 **UNLESS OTHERWISE ORDERED, THE FOLLOWING RULES APPLY.**

13 **I. INVITATION TO SELF-IDENTIFY PRONOUNS AND HONORIFICS**

14 Counsel may indicate their pronouns and honorifics and those of the defendant by filing a
15 letter, adding the information in the name block or signature line of the pleadings, or verbally
16 informing the Court when making an appearance.

17 **II. COURTROOM DECORUM & CIVILITY**

18 The Court expects that everyone in the courtroom be treated with dignity and respect at all
19 times.³ This requires, at a minimum:

- 20 • Punctuality for all court appearances.
- 21 • Civility and professionalism in all oral and written communication, including:

23 ¹ This Court does not exempt defendants appearing without attorneys, also referred to as “pro se defendants”
24 from compliance with the Federal Rules of Criminal Procedure, the Local Criminal Rules of the Central
25 District of California (“Local Criminal Rules”), the applicable Local Civil Rules of the Central District of
26 California (“Local Civil Rules”), and this Court’s standing orders and online procedures and schedules.

26 ² “When applicable directly or by analogy, the Local [Civil] Rules of the Central District of California shall
27 govern the conduct of criminal proceedings before the District Court, unless otherwise specified.” Local
28 Criminal Rule 57-1. Unless otherwise specified, references to Local Civil Rules in this Order are
incorporated via Local Criminal Rule 57-1.

³ For more detailed guidance, counsel are advised to refer to the Central District of California’s Civility and
Professionalism Guidelines, which can be found at
<http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines>.

- Referring to and addressing witnesses, counsel, parties, and court personnel by their surnames, pronouns, and honorifics, unless leave to do otherwise is granted.
- Communicating respectfully with court marshals, court clerks, court reporters, assistants, law clerks, and other courthouse staff.
- Refraining from interrupting any other person in the courtroom when someone else is speaking.
- Refraining from making gestures, facial expressions, or audible comments as manifestations of approval or disapproval of testimony or argument.
- Thorough preparation for all court hearings and sensitivity to the time constraints and pressures on jurors and court staff.

Litigants and counsel may indicate their pronouns and honorifics by filing a letter, adding the information in the name block or signature line of the pleadings, or by verbally informing the Court when making an appearance.

III. DISCOVERY AND NOTICE OBLIGATIONS

A. Disclosure Requirements

Counsel shall comply promptly with all notice and discovery obligations set forth in Federal Rules of Criminal Procedure 12, 12.1, 12.2, 12.3, 12.4, 15, and 16. The Government shall promptly produce to counsel for the defendant any evidence falling within the scope of *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), *Roviaro v. United States*, 353 U.S. 53 (1957), and *United States v. Henthorn*, 931 F.2d 29 (9th Cir. 1991). Counsel for the government shall also disclose to counsel for defendant the existence or non-existence of: (1) evidence obtained by electronic surveillance; and (2) testimony by a government informant. The parties are encouraged to produce witness statements pursuant to 18 U.S.C. § 3500 and Federal Rule of Criminal Procedure 26.2 sufficiently in advance of trial or other proceeding to avoid delays. Defense counsel is reminded of its reciprocal discovery obligations pursuant to Federal Rule of Criminal Procedure 26 and should promptly produce such materials to avoid delay at trial. A violation of this order or the government’s obligations under *Brady*, *Giglio*, *Roviaro*, or *Henthorn*

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

3 **B. Meet and Confer Requirement**

4 Counsel shall meet and confer to resolve discovery disputes informally prior to filing a
5 motion for discovery. All discovery motions shall state *with particularity* what is requested, the
6 basis for the request, whether the discovery at issue has been requested, and opposing counsel's
7 response to such request. The Court may decline to hear discovery motions made without prior
8 consultation with opposing counsel.

9 **IV. BAIL REVIEW**

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

13 **V. GENERAL REQUIREMENTS**

14 **A. Filing Captions and Docketing**

15 The captioned title of every filing shall contain: (a) the name of the first-listed defendant as
16 well as the name(s) and number(s) (in the order listed in the Indictment) of the particular
17 defendant(s) to whom the filing applies, unless the document applies to all defendants; (b) the
18 individual defendant's registration number when applicable to the relief requested (e.g., requests for
19 transfer, medical requests); and (c) the milestone dates for Indictment, Final Pretrial Conference,
20 Trial, and Last Day of the speedy trial period.

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

1 **B. Pre-Filing Requirements for Motions**

2 Counsel must meet and confer with opposing counsel to discuss thoroughly the substance of
3 the contemplated motion and any potential resolution thereof. Local Civil Rule 7-3. Counsel shall
4 discuss the issues to a sufficient degree that if a motion is still necessary, the briefing may be
5 directed to those substantive issues requiring resolution by the Court.

6 **C. Time for Filing and Hearing Motions**

7 Motions shall be filed in accordance with Federal Rule of Criminal Procedure 47 and Local
8 Criminal Rule 49, et seq., unless superseded by this Order. The Court hears motions in criminal
9 actions on **Thursdays at 1:30 p.m.**

10 All pretrial motions, including motions to suppress evidence, motions to bifurcate or sever,
11 and motions concerning character evidence under Federal Rule of Evidence 404(b), shall be noticed
12 for a Thursday that is mutually agreed to by counsel. It is not necessary to clear a hearing date with
13 the Courtroom Deputy before filing a motion, but counsel must ensure that the date selected is a
14 date that is open on the Court’s calendar by consulting Judge Vera’s webpage at
15 <http://www.cacd.uscourts.gov/honorable-hernán-vera>. The parties should not calendar a matter on a
16 Thursday that is a court holiday or a date that is closed on the Court’s calendar. If this occurs, the
17 Court will re-calendar the matter for a different Thursday.

18 For all motions other than motions in limine, the briefing schedule is as follows: motions
19 shall be filed twenty-eight (28) days prior to the hearing; oppositions or notices of non-opposition
20 shall be filed fourteen (14) days prior to the hearing; and replies, if any, shall be filed seven (7) days
21 prior to the hearing. All motions must be properly noticed for hearing no later than the date of the
22 Final Pretrial Conference.

23 The parties must adhere to the briefing schedule set forth herein to afford the Court adequate
24 time to prepare for the hearing; however, the parties may stipulate to an alternate briefing schedule
25 contingent upon approval by the Court. Failure to comply with these deadlines may result in the
26 Court declining to consider the untimely memorandum or other document. Local Civil Rule 7-12.

1 **D. Length and Format of Motion Papers**

2 Memoranda of points and authorities in support of or in opposition to motions (besides
3 motions in limine) shall not exceed twenty-five (25) pages. Replies shall not exceed twelve (12)
4 pages. Only in rare instances and for good cause shown will the Court grant an application to
5 extend these page limitations. No supplemental brief shall be filed without prior leave of court.

6 All briefing must use Times New Roman or Courier font. The font size must be no less than
7 12. Footnotes shall be in typeface no less than one size smaller than text size and shall be used
8 sparingly.

9 Counsel shall take care to ensure full compliance with the redaction requirements of Federal
10 Rule of Criminal Procedure 49.1 and Local Criminal Rule 49.1-1.

11 Counsel shall adhere to Local Civil Rule 5-4.3 with respect to the conversion of all
12 documents to PDF format so that when a document is electronically filed, it is in proper size and is
13 text searchable. Local Criminal Rule 49-1.3.1. Further, all documents shall be filed in a format so
14 that text can be selected, copied, and pasted directly from the document. Local Criminal Rule 49-
15 1.3.1.

16 **E. Proposed Orders**

17 Each party filing or opposing a motion or seeking the determination of any matter shall serve
18 and electronically lodge a proposed order setting forth the relief or action sought and a brief
19 statement of the rationale for the decision with appropriate citations. In addition, a copy of the
20 proposed order in Word format shall be emailed directly to the Court’s chambers email address at
21 HDV_Chambers@cacd.uscourts.gov on the day the document is electronically filed.

22 **F. Chambers Courtesy Copies and Emailed Submissions**

23 Mandatory chambers copies of all e-filed documents should be delivered to Judge Vera’s
24 chambers copy box located outside of the Clerk’s Office on the fourth floor of the First Street
25 Courthouse (350 W. 1st Street, Los Angeles, California 90012). Mandatory chambers copies must
26 be delivered by no later than noon on the following business day after filing, and shall be “binder
27 ready” (i.e., three-hole punched on the left side, without blue-backs or staples, and with any exhibits
28

1 tabbed). Chambers copies of moving papers, but NOT oppositions or reply briefs, shall be
2 delivered in an appropriate binder.

3 **G. Calendar Conflicts**

4 If any counsel discovers a calendar conflict with a scheduled appearance in a court of a
5 more senior district judge, counsel must inform opposing counsel and the Courtroom Deputy via
6 chambers email address at: HDV_Chambers@cacd.uscourts.gov as soon as possible and no later
7 than three (3) business days before the scheduled appearance. Counsel should attempt to agree on a
8 new date to accommodate the calendar conflict. Counsel must propose a new date by filing a
9 stipulation and proposed order and emailing to Chambers the proposed order.

10 **H. Continuances**

11 Any request for continuance of pretrial and/or trial dates must be by motion, stipulation, or
12 application, and must be supported by a declaration setting forth the reasons for the requested relief.
13 The declaration must contain a highly detailed factual showing of good cause and due diligence
14 demonstrating the necessity for the continuance and a description of the parties' efforts to advance
15 the litigation dating back to the filing of the complaint. This detailed showing must demonstrate
16 that the work still to be performed reasonably could not have been accomplished within the
17 applicable deadlines. General statements are insufficient to establish good cause. The declaration
18 should also include whether any previous requests for continuance have been made and whether
19 these requests were granted or denied by the Court.

20 If a continuance is granted based in whole or in part on counsel's unavailability, the Court
21 expects counsel to be available on the continued date. If another continuance is later requested
22 based in whole or in part on the same counsel's unavailability, counsel shall provide a declaration
23 explaining in detail why counsel is not available, why counsel believed he or she would be
24 available when submitting the prior continuance request, and what unforeseen and unavoidable
25 events occurred in the interim. The failure to provide this information may result in summary
26 denial of the request.

27 Counsel shall avoid submitting requests for continuance of trial less than one (1) week prior
28 to the Final Pretrial Conference. Counsel shall also clear any proposed trial dates with the

1 Courtroom Deputy by contacting the Court's chambers email address at
2 HDV_Chambers@cacd.uscourts.gov.

3 Stipulations extending dates will only be granted if clearly supported by good cause and
4 should not be considered effective unless approved by the Court.

5 **I. Ex Parte Applications**

6 Counsel are reminded that ex parte applications are solely for extraordinary relief and are
7 rarely granted. All ex parte applications must be sent in PDF version to
8 HDV_Chambers@cacd.uscourts.gov along with a Word version of the proposed order. Both the e-
9 mail to the Court and the application should advise whether opposing counsel will be filing an
10 opposition. Ex parte applications that fail to conform to Local Civil Rule 7-19, including a statement
11 of opposing counsel's position, will not be considered, except on a specific showing of good cause.

12 Counsel for the applicant must provide advance notice of the application by telephone and
13 email to all other parties. In addition to the information required by Local Civil Rule 7-19.1, the
14 notice must advise the other parties of the anticipated deadline to oppose the application. The
15 applicant must serve the application by facsimile, email, or personal service, even if electronic
16 service is effected under Local Criminal Rule 49-1, et seq.

17 Oppositions to ex parte applications must be filed within 24 hours of the filing of the
18 application. If an opposing party does not intend to oppose the ex parte application, counsel must
19 inform the Courtroom Deputy by email as soon as possible.

20 **VI. TRIAL PREPARATION**

21 **A. Motions in Limine**

22 Motions in limine will generally be heard and ruled upon at the Final Pretrial Conference.
23 The Court may rule orally instead of in writing. All motions in limine must be filed at least twenty-
24 eight (28) days before the Final Pretrial Conference. Oppositions must be filed at least fourteen (14)
25 days before the Final Pretrial Conference. There shall be no replies, unless ordered by the Court.

26 Before filing a motion in limine, the parties must meet and confer to determine whether the
27 opposing party intends to introduce the disputed evidence and attempt to reach an agreement that
28 would obviate the need for the motion. Motions in limine and oppositions must not exceed ten (10)

1 pages in length and should address specific issues (e.g., not “to exclude all hearsay”). The court may
2 strike without further notice excessive, unvetted, or untimely motions in limine.

3 **B. Schedule for Filing Pretrial Documents**

4 The government shall file and email to Chambers the following pretrial documents no later
5 than one (1) week before the Final Pretrial Conference:

- 6 ○ Trial memorandum;
- 7 ○ Witness list;
- 8 ○ Exhibit list;
- 9 ○ Case-specific glossary for the Court Reporter;
- 10 ○ Joint jury instructions in the form described below;
- 11 ○ Joint proposed verdict form; and
- 12 ○ Proposed voir dire questions, if any.

13 **C. Requirements for Pretrial Documents**

14 **1. Trial Memorandum**

15 The government’s trial memorandum shall set forth the following:

- 16 ○ Factual summary of the government’s case-in-chief;
- 17 ○ Statement of the charges and the elements of each charge;
- 18 ○ Time estimate of the length of the government’s case-in-chief, including
19 anticipated cross-examination; and
- 20 ○ Discussion of relevant legal and evidentiary issues as applied to the facts of the
21 particular case.

22 The government shall specify, after a meet and confer, whether the parties agree or disagree
23 on the topics discussed in the trial memorandum.

24 **2. Witness List**

25 The parties shall identify all potential witnesses, using full names—including middle names
26 and dates of birth for common names—listed in alphabetical order by surname. Witness lists must
27 also include for each witness: (1) a brief description of the testimony; (2) the reasons the testimony
28 is unique and not redundant; and (3) a time estimate in hours for direct and cross-examination. The

1 witness list should include all potential witnesses. An asterisk shall be placed next to the names of
2 those witnesses whom the party may call only if the need arises. The list should include defense
3 witnesses to the extent the defense does not object to disclosure.

4 Any Amended Witness List must be filed and emailed to Chambers by 12:00 p.m. (noon) on
5 the Friday before trial.

6 **3. Exhibit List**

7 Exhibit lists must be in the format specified in Local Civil Rule 16-6 and shall include an
8 additional column stating any objections to authenticity and/or admissibility and the reasons for the
9 objections. The list should include defense exhibits to the extent the defense does not object to
10 disclosure.

11 Any Amended Joint Exhibit List shall be filed and emailed to Chambers by 12:00 p.m.
12 (noon) on the Friday before trial.

13 **4. Case-Specific Glossary**

14 The parties must provide a case-specific glossary for the Court Reporter that includes
15 applicable medical, scientific, or technical terms, gang terms, slang, the names and spellings of case
16 names likely to be cited, street/city/country names, all parties/agents/departments/entities involved
17 in the case, names of people interviewed/deposed, names of family members, friends, or others who
18 might be mentioned, and other case-specific terminology.

19 **5. Jury Instructions**

20 The parties must make every effort to agree upon jury instructions before submitting
21 proposals to the Court. The Court expects the parties to agree on the substantial majority of
22 instructions, particularly when pattern or model jury instructions exist and provide a statement of
23 applicable law. The parties shall meet and confer regarding jury instructions in a timely manner.

24 The parties shall file and email to Chambers clean and redline sets of: (1) their Joint Agreed
25 Upon Proposed Jury Instructions; and (2) their Disputed Jury Instructions. The redline sets shall
26 include all modifications made by the parties to pattern or model jury instructions, any disputed
27 language, and the factual or legal basis for each party's position as to each disputed instruction.
28 Where appropriate, the disputed instructions shall be organized by subject, so that instructions that

1 address the same or similar issues are presented sequentially. If there are excessive or frivolous
2 disagreements over jury instructions, the Court will order the parties to meet and confer
3 immediately until they substantially narrow their disagreements.

4 **Sources:** When the *Manual of Model Jury Instructions for the Ninth Circuit*⁴
5 provides an applicable jury instruction, the parties should submit the most recent version, modified
6 and supplemented to fit the circumstances of the case. Where no Ninth Circuit instruction applies,
7 the parties should consult the current edition of O’Malley, et al., *Federal Jury Practice and*
8 *Instructions*. The parties may submit alternatives to these instructions only if there is a reasoned
9 argument that they do not properly state the law or are incomplete. The Court seldom gives
10 instructions derived solely from case law.

11 **Format:** Each requested instruction shall: (1) cite the authority or source of the
12 instruction; (2) be set forth in full; (3) be on a separate page; (4) be numbered; (5) cover only one
13 subject or principle of law; and (6) not repeat principles of law contained in any other requested
14 instruction. If a standard instruction has blanks or offers options (e.g., for gender or pronouns), the
15 parties must fill in the blanks or make the appropriate selections in their proposed instructions.

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

- 18 • the number of the instruction;
- 19 • the title of the instruction;
- 20 • the source of the instruction and any relevant case citations; and
- 21 • the page number of the instruction.

22 **Example:**

23 Number	Title	Source	Page #
24 #1	Conspiracy-Elements	9 th Cir. 8.5.1	1

25
26
27
28 ⁴ The Manual of Model Jury Instructions for the Ninth Circuit may be found on the Ninth Circuit’s website at <https://www.ce9.uscourts.gov/jury-instructions/model-civil>.

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

3 During the trial and before closing argument, the Court will meet with the parties to settle
4 the instructions. At that time, the parties will have an opportunity to make an oral record
5 concerning their objections. Each member of the jury will be given their own copy of the
6 instructions during deliberations.

7 **6. Joint Verdict Forms**

8 The parties shall make every effort to agree on a verdict form before submitting proposals to
9 the Court. If the parties are unable to agree on a verdict form, the parties shall file and email to
10 Chambers one document titled “Competing Verdict Forms”, which shall include: (1) the parties’
11 respective proposed verdict form; (2) a redline of any disputed language; and (3) the factual or legal
12 basis for each party’s respective position.

13 **7. Proposed Voir Dire Questions**

14 The Court will conduct the voir dire. In most cases, the Court will ask prospective jurors
15 basic biographical questions (jurors’ place of residence, employment, whether familiar with the
16 parties or counsel, etc.), as well as questions going to their ability to be fair and impartial and carry
17 out the duties required. The Court may ask additional case-specific questions. The parties may file
18 and email to Chambers any proposed case-specific voir dire questions for the Court’s consideration.
19 If it considers the questions proper, the Court will pose the questions to the prospective jurors.

20 All challenges for cause and all *Batson* challenges shall be made at side bar or otherwise
21 outside the prospective jurors’ presence. The Court will not necessarily accept a stipulation to a
22 challenge for cause.

23 **VII. TRIAL EXHIBITS**

24 **A. General Requirements**

25 Trial exhibits that consist of documents and photographs must be submitted to the Court in
26 three-ring binders. The parties shall submit to the Court three (3) sets of binders: one (1) original
27 set of trial exhibits, and two (2) copies of trial exhibits. The original set of exhibits shall be for use
28 by the jury during its deliberations, and the copies are for the Court.

1 The parties must prepare additional copies of exhibits for their own use and for use by
2 witnesses. For each witness, counsel should provide a three-ring binder containing a copy of each
3 exhibit to be used with that witness. Each exhibit in the witness binder shall be tabbed with the
4 exhibit number for easy reference. The parties must review the exhibit list and exhibit binders with
5 the Courtroom Deputy before the admitted exhibits will be given to the jury.

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

- 11 • The *original exhibits* shall bear the official exhibit tags (yellow tags for the
12 government's exhibits and blue tags for the defendant's exhibits) affixed to the front
13 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.
- 17 • The *copies of exhibits* must bear copies of the official exhibit tags that were placed on
18 the original exhibits and be indexed with tabs or dividers on the right side.

19 In addition to the three (3) sets of binders above, the parties must also submit to the Court a
20 USB flash drive containing OCR-scanned PDF versions of all exhibits. The USB flash drive must
21 be delivered to the judge's courtesy box located outside the Clerk's Office on the 4th floor of the
22 courthouse by 12:00 p.m. on the Friday before the start of trial. The government's exhibits must be
23 placed in a separate folder from the defendant's exhibits, and the document file names must include
24 the exhibit number and a brief description of the document (e.g., "Ex. 1 – Smith Declaration.pdf" or
25 "Ex. 105 – Letter Dated 1-5-20.pdf").

26 A copy of the exhibit list with all admitted exhibits will be given to the jury during
27 deliberations. Government and defense counsel shall review and approve the exhibit list with the
28 Courtroom Deputy before the list is given to the jury.

1 Counsel shall not attempt to display or use any charts or enlargements of exhibits unless all
2 counsel have agreed to their use or objections have been heard and a ruling has been made by the
3 Court.

4 Exhibits such as firearms, narcotics, etc., must remain in the custody of a law enforcement
5 agent during the pendency of the trial. It shall be the responsibility of the agent to produce any such
6 items for trial, secure them at night, and guard them at all times while in the courtroom. The United
7 States Marshals Service shall be advised well in advance if weapons or contraband is to be brought
8 into the courthouse.

9 **B. Defense Submissions**

10 The Court prefers that defense counsel deliver defense exhibits to the Courtroom Deputy on
11 the first day of trial, but counsel are not required to do so unless these exhibits have previously been
12 provided to the government. Defense counsel are responsible for affixing completed exhibit tags
13 with the case name and case number to all exhibits to be used in defendant's case.

14 In trials where the defense expects to admit more than 10 exhibits, defense counsel shall
15 provide three (3) three-ring binders (one for the Court and two for witnesses) tabbed, if possible,
16 with numbers to correspond to the exhibits counsel expects to introduce. Defense counsel shall
17 provide the Court with a copy of defense exhibits as they are introduced during trial if they have not
18 previously been provided.

19 Defense counsel shall provide the government, the Courtroom Deputy, and the Court
20 Reporter with the defense witness list and the defense exhibit list at the start of the defense case, at
21 the latest.

22 **C. Audio/Visual Equipment and Other Electronic Equipment**

23 The Court provides audio/visual equipment for use during trial. The parties are encouraged
24 to use it. More information is available at: [http://www.cacd.uscourts.gov/clerk-services/courtroom-
25 technology.](http://www.cacd.uscourts.gov/clerk-services/courtroom-technology)

26 The Court does not permit exhibits to be "published" to the jurors before they are admitted
27 into evidence. Once admitted, exhibits may be displayed electronically using the equipment and
28 screens in the courtroom.

1 Exhibits consisting of audio recordings should be accompanied by appropriate transcripts to
2 assist the Court, trial participants, court reporter, and jurors in understanding the audio. The
3 transcripts shall use the original exhibit number of the audio recording followed by an “A” for
4 identification purposes. The transcripts will not be admitted into evidence and should be collected
5 after the audio recording has been played.

6 If electronic equipment must be brought into the courtroom for trial, counsel shall make
7 prior arrangements with the Court Security. Notice must be given to the Courtroom Deputy at
8 HDV_Chambers@cacd.uscourts.gov no later than four (4) business days before trial.

9 **VIII. MATERIALS TO PRESENT ON FIRST DAY OF TRIAL**

10 The government must present the following materials to the Courtroom Deputy on the first
11 day of trial:

- 12 1. Three (3) copies of the indictment/information;
- 13 2. Three (3) copies of the government’s witness list;
- 14 3. Three (3) copies of the government’s exhibit list; and
- 15 4. The *three sets of binders* described above, with one (1) original set of trial
16 exhibits for the jury, and two (2) copies of trial exhibits for the Court.

17 **IX. COURT REPORTER**

18 Any party requesting special court reporter services for any hearing, such as “Real Time”
19 transmission or daily transcripts, shall notify Court Reporting Services at least fourteen (14) days
20 before the hearing date.⁵

21 **X. DAILY SCHEDULE FOR JURY TRIALS**

22 The first day of trial will commence promptly at 8:30 a.m. and conclude at approximately
23 5:00 p.m., with a one-hour lunch break and two fifteen-minute breaks. The parties must appear at
24 8:30 a.m. to discuss preliminary matters with the Court. The Court will call a jury panel only when
25 it is satisfied the trial is ready to commence. Jury selection usually takes only a few hours. The
26

27 _____
28 ⁵ Additional information regarding Court Reporting Services may be found on the Central District of
California website at <http://www.cacd.uscourts.gov/court-reporting-services>.

1 parties should be prepared to proceed with opening statements and witness examination
2 immediately after jury selection.

3 Thursdays are usually reserved for the Court’s calendar. As a result, trial will not be held on
4 Thursdays unless the jury is deliberating or the Court’s calendar allows trial to proceed. Therefore,
5 trial days are generally Monday through Wednesday, and on Friday. Trial days are from 8:30 a.m.
6 to approximately 5:00 p.m., with two 15-minute breaks and a one-hour lunch break.

7 All counsel must anticipate matters that may need to be addressed outside of the presence of
8 the jury and raise them at 8:30 a.m., during breaks, or at the end of the day. Unless absolutely
9 necessary, the Court will not entertain lengthy sidebars or attorney conferences during the trial that
10 require the jury to wait. Counsel are urged to consider any unusual substantive or evidentiary issues
11 that may arise and to advise the Court of such issues in advance. The Court strongly discourages
12 sidebars during trial.

13 **XI. CONDUCT OF ATTORNEYS AND PARTIES**

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

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

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

18 Counsel must use the lectern. All visual aids must be prepared in advance. When
19 appropriate, the Court will establish and enforce time limits for all phases of trial, including opening
20 statements, closing arguments, and the examination of witnesses.

21 **C. Objections to Questions**

22 Counsel must not make speaking objections before the jury or otherwise make speeches,
23 restate testimony, or attempt to guide a witness.

24 When objecting, counsel must rise to state the objection and state only that counsel objects
25 and the legal grounds for the objection (e.g., “Objection, hearsay”). If the Court invites either
26 clarification of the legal grounds for the objection or a response, counsel must not abuse the
27 invitation by providing factual argument before the jury. If counsel wishes to argue an objection,
28 counsel must seek permission from the Court to do so.

1 **D. General Decorum While in Session**

- 2 1. Counsel must not approach the Courtroom Deputy, the jury box, or the witness stand
3 without permission and must return to the lectern when the purpose for the approach has
4 been accomplished.
- 5 2. Counsel must rise when addressing the Court, and when the Court or the jury enters or
6 leaves the courtroom, unless directed otherwise.⁶
- 7 3. Counsel must address all remarks to the Court. Counsel must not address the Courtroom
8 Deputy, the court reporter, persons in the audience, or opposing counsel. Any request to
9 re-read questions or answers shall be addressed to the Court. Counsel must ask the
10 Court’s permission to speak with opposing counsel.
- 11 4. Counsel must not address or refer to witnesses or parties by first names alone, except for
12 witnesses who are below age fourteen (14).
- 13 5. Counsel must not offer a stipulation unless counsel have conferred with opposing
14 counsel and have verified that the stipulation will be acceptable. *Any stipulation of fact*
15 *will require the defendant’s personal concurrence, must be explained to the defendant in*
16 *advance, and shall be submitted to the Court in writing for approval.*
- 17 6. Counsel must not leave counsel table to confer with any person in the back of the
18 courtroom without the Court’s permission.
- 19 7. Counsel must not make facial expressions, nod, shake their heads, comment, or
20 otherwise exhibit in any way any agreement, disagreement, or other opinion or belief
21 concerning the testimony of a witness or argument by opposing counsel. Counsel shall
22 instruct their clients and witnesses not to engage in such conduct.
- 23 8. Counsel must never speak to jurors under any circumstance, and must not speak to co-
24 counsel, opposing counsel, witnesses, or clients if the conversation can be overheard by
25 jurors. Counsel must instruct their clients and witnesses to avoid such conduct.
- 26
- 27

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⁶ In the event that a disability prevents a party from doing so, the party is advised to inform the Court in advance.

- 1 9. Where a party has more than one lawyer, only one attorney may conduct the direct or
2 cross-examination of a particular witness or make objections as to that witness.
3 10. Bottled water is permitted in the courtroom. Food and other beverages are not
4 permitted. Cell phones must be silenced or may be confiscated.

5 **E. Punctuality**

- 6 1. The Court expects the parties, counsel, and witnesses to be punctual. Once the parties
7 and their counsel are engaged in trial, the trial must be their priority. The Court will not
8 delay progress of the trial or inconvenience jurors.
9 2. If a witness was on the stand at the time of a recess or adjournment, the party that called
10 the witness shall ensure the witness is back on the stand and ready to proceed as soon as
11 trial resumes.
12 3. The parties must notify the Courtroom Deputy in advance if any party, counsel, or
13 witness requires a reasonable accommodation based on a disability or other reason.
14 4. No presenting party may be without witnesses. If a party's remaining witnesses are not
15 immediately available, thereby causing an unreasonable delay, the Court may deem that
16 party to have rested.
17 5. The Court generally will accommodate witnesses by permitting them to be called out of
18 sequence. Counsel should meet and confer in advance and make every effort to resolve
19 the matter.

20 **F. Exhibits**

- 21 1. No exhibit shall be placed before a witness unless a copy has been provided to the Court
22 and opposing counsel. Counsel must keep track of their exhibits and exhibit list, and
23 record when each exhibit has been admitted into evidence.
24 2. Counsel are responsible for any exhibits they secure from the Courtroom Deputy and
25 must return them before leaving the courtroom.
26 3. Any exhibit not previously marked must be accompanied by a request that it be marked
27 for identification at the time of its first mention. Counsel must show a new exhibit to
28 opposing counsel before the court session in which it is mentioned.

- 1 4. Counsel must inform the Courtroom Deputy of any agreements reached regarding any
2 proposed exhibits, as well as those exhibits that may be received into evidence without a
3 motion to admit.
- 4 5. When referring to an exhibit, counsel must refer to its exhibit number. Counsel should
5 instruct their witnesses to do the same.
- 6 6. Counsel should not ask witnesses to draw charts or diagrams or ask the Court's
7 permission for a witness to do so. All demonstrative aids must be prepared fully in
8 advance of the day's trial session.
- 9 7. Counsel are required to seek to admit any items of evidence whose admissibility has not
10 yet been stipulated to while the witness authenticating the exhibit is on the stand, so that
11 any issues or concerns that arise may be addressed immediately.

12 **XII. SENTENCING**

13 **A. Original Sentencing Proceedings**

14 Once set, the sentencing hearing shall not be continued absent a detailed, substantial showing of
15 good cause. No later than fourteen (14) days before the hearing, each party shall submit either a
16 sentencing memorandum or a written notice of intent not to file one. Before considering any
17 sentencing video, the Court requires counsel to justify its submission, limit the video to less than ten
18 (10) minutes, create a transcript, and provide the video and transcript to opposing counsel at least
19 twenty-one (21) days before the hearing.

20 The Court does not permit sentencing documents to be filed under seal except when strictly
21 necessary and ordered by the Court. If approved by the Court, a sentencing document filed under
22 seal must be accompanied by a redacted version that deletes the confidential information and that
23 justifies each deletion (e.g., "medical information").

1 **B. Supervision Violation Proceedings**

2 Any material submitted for a hearing on an alleged or adjudicated violation of supervision shall
3 be filed, whenever possible, seven (7) days before the hearing, and otherwise no later than two (2)
4 business days, absent a showing of good cause set forth in a supporting declaration and court
5 approval.

6
7 **IT IS SO ORDERED.**

8
9 Dated: July 5, 2023

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12 _____
13 Hernán D. Vera
14 United States District Judge