

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

STANDING ORDER FOR CRIMINAL CASES BEFORE JUDGE RITA F. LIN

SUMMARY TABLE OF DEADLINES

DEADLINE	DATE
Change of Plea – Copy of Plea Agreement	By 12 p.m. 2 Court Days Before Entry of Plea
Supplemental Jury Questionnaire Questions, Objections to Jury Questionnaire	21 Days Before Pretrial Conference
Discovery Cut-Off (Absent Contrary Order)	14 Days Before Pretrial Conference
Pretrial Statement, Motions in Limine	14 Days Before Pretrial Conference
Jury Instructions, Verdict Form, Proposed Description of the Case, Exhibit Lists, Witness Lists, Individuals Involved List	7 Days Before Pretrial Conference
Notification of Need for Interpreter for Trial	30 Days Before Trial
Arrangement of Daily Transcript or RealTime Reporting	14 Days Before Trial
Contact Courtroom Deputy Regarding Courtroom Layout and Technology	10 Days Before Trial
Deliver Original and Copy Trial Exhibit Sets, List of Names, Places, Uncommon Terms and Acronyms	5 Days Before Trial

The parties shall follow the Federal Rules of Criminal Procedure, the Criminal Local Rules, and the General Orders of the Northern District of California, except as superseded by this Court's standing order.

REQUESTS TO CONTINUE STATUS CONFERENCES

If the parties wish to request a continuance of a status conference by written stipulation, the parties shall file a stipulation to that effect before the scheduled date. The stipulation shall state whether defense counsel has communicated with the defendant, and if so, whether the defendant is in agreement with the continuance and any requested exclusion of time under the Speedy Trial Act. The stipulation shall also provide an update on the status of the case and discovery. If the parties are requesting an exclusion of time under the Speedy Trial Act, the stipulation must set forth specific facts justifying the exclusion. Conclusory statements that the exclusion is needed for effective preparation of counsel, for example, are insufficient.

CHANGE OF PLEA

If a plea is being entered pursuant to a plea agreement, counsel for the defendant shall email a copy of the plea agreement to rflcrd@cand.uscourts.gov no later than noon two court days before the plea is to be entered. Normally, that would be Tuesday at noon.

If the defendant is entering an open plea, the defendant and defense counsel shall complete the Application to Enter Guilty Plea & Order form on the Criminal Forms portion of the Court's website, and present the government with a copy of the completed application for review prior to providing the application to the Court at or before the change of plea hearing.

SEALED FILINGS

For any documents submitted under seal, the parties shall provide a courtesy paper copy, as required by Criminal Local Rule 56-1, and a courtesy electronic copy. The electronic copy may be provided via a portable flash drive, email, or compact disk.

Federal courts are paid for by the public, and the public has the right to inspect court records, subject to only narrow exceptions. The filing party must make a specific showing explaining why each document that it seeks to seal may justifiably be sealed and why the proposed redactions are as narrowly tailored as possible. The parties should highlight any proposed redactions on the unredacted version of the document. If you have a complicated sealing motion, or set of motions, consider filling out and filing the Motion to Seal Summary Table linked on the Standing Orders page of Judge Lin's website.

PRETRIAL FILINGS AND DEADLINES

Discovery Cut-Off

Absent a contrary order from the Court, the discovery cut-off date is 14 days before the pretrial conference. Any material disclosed after that date may be excluded unless the disclosing party: (i) can show good cause for why it was not sought, obtained, and disclosed sooner; and (ii) discloses it within 24 hours of receipt of the material.

Jury Questionnaire

In advance of the trial, the Jury Office will send prospective jurors an online questionnaire. The questionnaire includes standard questions that are asked in every case, as well as a maximum of ten supplemental questions specific to a given case. One of those questions will ask about scheduling conflicts, so the parties can propose as many as nine other questions. At least 21 days before the pretrial conference, the parties shall file the proposed questions on the docket and submit a Word version to rflpo@cand.uscourts.gov. The parties may agree on proposed questions or submit competing lists. However, no argument may be included in this submission. The Court will decide the final set of questions after giving the parties a chance to object. For a copy of the standard questionnaire, as well as other questions that Judge Lin tends to include in the supplemental questionnaire, see the Standing Orders section of Judge Lin's website.

The parties need not include a question that asks prospective jurors whether they know any of the people involved in the case. The prospective jurors will be given an "Involved Individuals" list when they are called in.

Also no later than 21 days before the pretrial conference, the parties should submit objections to any aspect of the standard questionnaire.

Pretrial Statement

No later than 14 days before the pretrial conference, the parties must file a joint pretrial statement that addresses the items listed in Criminal Local Rule 17.1-1(b).

Motions in Limine

Any motions in limine must be filed no later than 14 days before the pretrial conference. Oppositions must be filed at least 7 days before the pretrial conference. No reply papers will be considered.

Jury Instructions

The parties should file joint proposed jury instructions, and send a copy in Word format to rflpo@cand.uscourts.gov, no later than 7 days before the pretrial conference. The parties should always indicate the relevant authority for a proposed instruction. The parties should often use the Ninth Circuit Model Jury Instructions; when they do, they should clearly identify any changes to the model instructions via highlighting or redline.

Instructions on which the parties agree must be identified as “Stipulated Jury Instruction No. __ Re _____,” with the blanks filled in as appropriate.

If the parties disagree on an instruction, each party’s proposed version of the disputed instruction shall be provided and identified as “Disputed Instruction No. _____ Re _____ Offered by _____,” with the blanks filled in as appropriate. All proposed versions of the same instruction shall bear the same number. Following each set of proposed versions of a disputed instruction, each party shall explain, in no more than one page, why the Court should give that party’s proposed instruction.

If the parties dispute whether a particular instruction should be given at all, the proponent of the instruction shall provide proposed language, identified as “Disputed Instruction No. _____ Re _____ Offered by _____,” with the blanks filled in as appropriate. Following the disputed instruction, each party shall explain, in no more than one page, why the instruction should or should not be given.

The proposed jury instructions should not mention the indictment or the United States Code unless there’s a compelling reason to do so. The instructions can simply refer to the defendant as having been charged in “Count One” with X, in “Count Two” with Y, and so forth.

Statement of Objection to Unconscious Bias Video

Prospective jurors will be shown a video on unconscious bias in the jury office. The video can be accessed here (www.cand.uscourts.gov/attorneys/jury-video). If a party objects to prospective jurors’ viewing this video, the party must file a short statement (not to exceed one page double-spaced) explaining its objection. The party should then alert the Court to its objection at the pretrial conference.

Proposed Description of the Case

No later than 7 days before the pretrial conference, the parties should jointly file, and send in Word format to rflpo@cand.uscourts.gov, a proposed description of the case. The description will be inserted into the instruction sheet for the written jury questionnaire and will be repeated orally to prospective jurors when they come to the courtroom. If the parties can’t agree on a description, they may file one document with competing descriptions (but without any argument). Again, the description of the case should not refer to the indictment or to the United States Code unless there’s a compelling reason to do so.

Verdict Forms

No later than 7 days before the pretrial conference, the parties must jointly file, and send in Word format to rflpo@cand.uscourts.gov, either an agreed-upon proposed verdict form or competing proposed verdict forms.

Exhibit Lists

No later than 7 days before the pretrial conference, each party must file, and send in Word format to rflpo@cand.uscourts.gov, a list of exhibits. They need not submit the exhibits themselves at this time, unless instructed otherwise by Judge Lin.

Witness Lists

No later than 7 days before the pretrial conference, the parties must file, and send in Word format to rflpo@cand.uscourts.gov, lists of potential witnesses reasonably anticipated to be called at trial.

Involved Individual Lists

No later than 7 days before the pretrial conference, the parties must jointly file, and send in Word format to rflpo@cand.uscourts.gov, a list of people involved in the case. The list should include counsel, the defendant or defendants, potential witnesses, and any other people significantly involved in the case.

PRETRIAL CONFERENCE

At the pretrial conference, the parties should be prepared to address motions in limine, jury instructions, the written questionnaire, proposed voir dire, the verdict form, and any issues relating to exhibits or evidence. If either party believes that a dispute about jury instructions must be resolved before opening statements, it must be raised when the proposed jury instructions are filed and at the pretrial conference. Otherwise, the Court will typically discuss jury instructions with the parties during trial.

TRIAL EXHIBITS

No later than 5 days before trial, each side shall deposit one binder or set of binders (judge's copy) and one thumb drive (official copy) with the Courtroom Deputy. Arrangement for delivery of these exhibits shall be made prior to the date of delivery with the Courtroom Deputy at rflcrd@cand.uscourts.gov. The judge's copy of the exhibits shall be provided in three-ring binders, with each exhibit tagged, three-hole-punched, and separated with a label divider identifying the exhibit number. A spine label on each binder should indicate the numbers of the exhibits contained therein. The official copy shall be submitted on a thumb drive and should contain each exhibit as a separate file, with each file named so that the exhibits appear sequentially when sorted by file name. The parties should discuss with Judge Lin and the

Courtroom Deputy how they will handle showing exhibits to witnesses, including whether witness binders are necessary.

Exhibits shall be sequentially numbered (not lettered). Blocks of numbers should be assigned to fit the needs of the case (e.g., the government has 1 to 100, Defendant A has 101 to 200, Defendant B has 201 to 300, etc.).

A single exhibit should be marked only once. If the government has marked an exhibit, the defendant should not re-mark the same document with another number.

Different versions of the same document (e.g., versions of a document with and without additional handwriting), however, must be treated as different exhibits and marked with different numbers. Do not have witnesses write or draw on an exhibit that has already been admitted in evidence. Mark the exhibit with a new number, have the witness write on the new exhibit, and then move to admit the new exhibit into evidence once all the markings have been made.

Counsel must consult with each other and with the Courtroom Deputy at the end of each trial day about which exhibits are in evidence and any limitations thereon. If there are any disagreements, counsel should promptly bring them to Judge Lin's attention.

Counsel must clearly announce the number of any exhibit used during the proceedings, even if it has already been admitted.

At the close of evidence, before closing arguments, counsel must confer with the Courtroom Deputy to make sure the exhibits in evidence are in good order.

Exhibit notebooks for the jury will not be permitted without prior permission from Judge Lin.

Upon the conclusion of the trial, and unless otherwise ordered by the Court, exhibits offered during trial shall be filed on the docket within ten days of a trial verdict pursuant to Civil L.R. 5-1(g). *See* Crim. L.R. 55-1. Each party shall retain a full set of exhibits after trial through the appellate process.

PRETRIAL ARRANGEMENTS

Should a daily transcript and/or real-time reporting be desired, the parties shall make arrangements with the Court Reporter Supervisor, at (415) 522-2079, at least 14 days before the trial date.

No later than 5 days prior to the start of trial, the parties must provide the Court Reporter a jointly created list of names, places, and any uncommon terms or acronyms that are likely to come up during the trial.

If any witness will require an interpreter at trial, counsel shall notify the Courtroom Deputy at least 30 days before the commencement of trial.

The parties should contact the Courtroom Deputy no later than 10 days before trial to discuss any questions or issues about the layout of the courtroom. The Court may be able to provide access to an easel and the courtroom electronic evidence presentation system. The parties should consult www.cand.uscourts.gov/courtroomtech for information on the available courtroom technology. During trial, counsel may wish to use computer graphics, poster blow-ups, or models. The parties must provide such equipment. Counsel should share equipment to the maximum extent possible. The United States Marshal requires a court order to allow equipment into the courthouse. To request such an order, the parties should contact the Courtroom Deputy no later than 10 days before trial. For electronic equipment, the parties should arrange with the Courtroom Deputy no later than 10 days before trial a date to set up and test the equipment in advance of trial and be prepared to maintain the equipment during trial. The parties shall tape extension cords to the carpet for safety.

JURY SELECTION AND TRIAL

The Court does not restrict the parties, their counsel, or any agent, consultant, investigator, or anyone working for them from conducting research regarding a prospective juror, so long as the research is done only from generally available sources (i.e., those that are publicly available or derive their information from publicly available sources, free or paid) and that there is no actual contact or any reasonable possibility of contact with a prospective juror. Contact includes actions taken by a party, attorney, investigator, etc., that trigger a notification to a prospective juror that their social media profile has been viewed by someone, even if that notification does not specify who viewed the profile, is inadvertent, or is provided automatically by the social media site (e.g., a LinkedIn notification that prospective juror's profile was viewed by an "anonymous person," or certain social media sites that automatically provide a list of accounts that have viewed the prospective juror's posts or content). No "follow requests," "friend requests," or the like may be sent to any prospective juror on any social media site, regardless of whether a profile is public or private. No in-person surveillance, no matter how brief, of any home, neighborhood, or place of work of any prospective juror or any family member of a prospective juror is allowed.

The parties do not need to submit proposed voir dire questions in advance of trial.


A day or so before jury selection, the Court will hold an "excusal hearing" for the purpose of determining which prospective jurors should be excused for hardship or cause based exclusively on their questionnaire responses. One to two days before the excusal hearing, the Court will send counsel a copy of the responses. The remaining jurors will be called in for jury selection.

At the close of each trial day, counsel must notify the other side of the witnesses who will be called the following two trial days.

The parties should review the guide for using prior statements of witnesses and refreshing recollection at trial, which is posted in the Standing Orders section of Judge Lin's website.

IT IS SO ORDERED.

Dated: April 1, 2024



Rita F. Lin
United States District Judge