

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STANDING ORDER FOR CRIMINAL CASES BEFORE JUDGE VINCE CHHABRIA

Summary Table of Deadlines.....	2
Conformity With Rules.....	2
Change of Plea	2
Motions	3
Sealed Filings.....	3
Evidentiary Hearings	3
Pretrial Filings AND DEADLINES.....	4
Pretrial Statement.....	5
Motions in Limine.....	5
Jury Instructions.....	5
Proposed Description of the Case	6
Verdict Forms	7
Exhibit Lists	7
Witness Lists.....	7
Involved Individual Lists	7
Pretrial Conference	7
Trial Exhibits	8
Treatment of Exhibits During Trial	10
Pretrial Arrangements	10
Jury Selection and Trial	11

SUMMARY TABLE OF DEADLINES

DEADLINE	DATE
Change of Plea – Copy of Plea Agreement	Friday Before Plea Entered at 12 p.m.
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 Real-Time Reporting	14 Days Before Trial
Contact Bhavna Sharma 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

CONFORMITY WITH RULES

1. 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Criminal Procedure, the Criminal Local Rules, and the General Orders of the Northern District of California, except as superseded by this Court’s standing order.

CHANGE OF PLEA

2. If a plea is being entered pursuant to a plea agreement, counsel for the defendant shall email a copy of the plea agreement to Bhavna Sharma at vcprd@cand.uscourts.gov no later than noon the business day before the plea is to be entered.

MOTIONS

3. Motions should be filed and noticed in accordance with Criminal Local Rule 47-2 unless otherwise ordered.

4. Motions and other filings need not be on pleading paper with line numbers. The Court prefers blank paper (although pleading paper will be accepted).

5. Paper courtesy copies are not accepted.

SEALED FILINGS

6. 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.

7. 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.

8. The parties should highlight any proposed redactions on the unredacted version of the document.

9. 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 Chhabria's website.

EVIDENTIARY HEARINGS

10. When using exhibits during evidentiary hearings, the parties must abide by the Court's instructions regarding preparation of exhibits for trial.

PRETRIAL FILINGS AND DEADLINES

Discovery Cut-Off

11. 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 will 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

12. 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 vcpo@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 Chhabria tends to include in the supplemental questionnaire, see the Standing Orders section of Judge Chhabria's website.

13. 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.

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

Pretrial Statement

15. 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

16. 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

17. The parties should file joint proposed jury instructions, and send a copy in Word format to vcpo@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. That said, the Court at times deviates from the Ninth Circuit Model Jury Instructions to make the instructions more readable.

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

19. 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.

20. 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.

21. The parties do not need to submit instructions from Chapters 1-3 of the Ninth Circuit Manual, but they must indicate which of these instructions should be included and which should be omitted.

22. 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

23. 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

24. No later than 7 days before the pretrial conference, the parties should jointly file, and send in Word format to vcpo@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

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

Exhibit Lists

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

Witness Lists

27. No later than 7 days before the pretrial conference, the parties must file, and send in Word format to vcpo@cand.uscourts.gov, lists of potential witnesses to be called at trial, other than solely for impeachment or rebuttal.

Involved Individual Lists

28. No later than 7 days before the pretrial conference, the parties must jointly file, and send in Word format to vcpo@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

29. 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

30. Each side must prepare a set of its own trial exhibits to be used with the witnesses at trial and, if applicable, on appeal.

31. 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 Bhavna Sharma at vcprd@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 Chhabria and the Courtroom Deputy how they will handle showing exhibits to witnesses, including whether witness binders are necessary.

32. 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.).

33. 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.

34. To avoid any party claiming “ownership” of an exhibit, all exhibits shall be marked and referred to as “Trial Exhibit No. _____,” not as “Government’s Exhibit” or “Defendant’s Exhibit.”

35. Each exhibit shall be tagged as follows:

<p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA</p> <p>TRIAL EXHIBIT 100</p> <p>Case No. _____</p> <p>Date Entered _____</p> <p>By _____ Deputy Clerk</p>
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36. Judge Chhabria prefers but does not require that the exhibit tags be in a color that will stand out (yet still allow for photocopying).

37. Counsel should fill in the exhibit and case numbers, but leave the other spaces (“Date Entered” and “By”) blank.

38. Exhibit tags shall be placed on or near the lower right-hand corner of the first page of each exhibit. If the exhibit is a photograph, or the exhibit does not have enough room to accommodate the tag on the front page, the tag shall be placed on the back of the last page of the document in the lower left-hand corner.

Treatment of Exhibits During Trial

39. Counsel must consult with each other and with Bhavna Sharma 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 Chhabria's attention.

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

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

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

43. Publication may be by poster blow-up, use of the courtroom electronic evidence presentation system, or such other method as is allowed in the circumstances. It is permissible to highlight, circle, or underscore in the enlargements as long as it is clear that the alterations are not on the original.

44. Each party shall retain a full set of exhibits after trial through the appellate process. It is each party's responsibility to make arrangements with the Clerk of the Court to file the record on appeal.

PRETRIAL ARRANGEMENTS

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

46. 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.

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

48. The parties should contact Bhavna Sharma no later than 10 days before trial to discuss any questions or issues about the layout of the courtroom.

49. 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 Bhavna Sharma no later than 10 days before trial. For electronic equipment, the parties should arrange with Bhavna Sharma 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

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

51. 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.


52. Once the prospective jurors are in the courtroom, Judge Chhabria will discuss hardships with them. Judge Chhabria may then ask a few raise-your-hand questions before turning voir dire over to the lawyers. During voir dire, the Court will circulate the list of involved individuals.

53. Each evening, counsel must notify the other side of the witnesses who will be called the following two trial days.

54. 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 Chhabria's website.

IT IS SO ORDERED.

Dated: April 25, 2023


Vince Chhabria
United States District Judge