

U.S. DISTRICT JUDGE ANDREW G. SCHOPLER
Criminal Chambers Rules

Contact Information

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GENERAL RULES

1. Continuances

- a. Timing:** Oral continuance motions will generally be denied. Any continuance request must be filed or emailed to the courtroom deputy by close of business, two court days before the hearing. For any late-breaking, unforeseen emergencies, the continuance request must be made as soon as possible and explain the exigency.
- b. Speedy Trial Act/“Ends of Justice”:** Any party seeking to exclude time under the Speedy Trial Act based on the “ends of justice” must file a motion setting forth the specific facts justifying that exclusion based on the required factors. *See* 18 U.S.C. § 3161(h)(7)(B).

- 2. Redactions:** A party relying on a transcript or an audio/visual exhibit for court must provide the transcript or exhibit to the other side sufficiently before the relevant court appearance to allow the parties to meet and confer on any possible redactions or portions to be shown or heard. After that meet-and-confer process, if any disputes remain, a party seeking a court ruling on any transcript disputes must mark the proposed redactions using these or similar methods:

5 Q: How does Judge Schopler like to see redactions?

6 A: He requires the proposed redactions to be highlighted, or

7 to have a ~~hand-drawn box around them~~, or to be “marked for

8 redaction” in Adobe or a similar program. In other words,

9 Judge Schopler should be able to read and identify the

10 proposed redacted material in context.

- 3. Motions to Seal:** Before filing a sealing motion, the parties must meet and confer to agree on the narrowest possible sealing order, in accordance with Criminal Chambers Rule 6 (Meet-and-Confer Requirement). If a motion to seal seeks to redact portions of materials from the

public record, the provisionally sealed version of those materials must be marked for redaction in accordance with Criminal Chambers Rule 2 (Redactions). The parties must explain in a table format the grounds on which they seek to seal *each* redaction. Motions that merely recite a general privilege category, or that do not provide a particularized explanation for every piece of information sought to be sealed, will be summarily denied.

4. **Electronic, Audio, and Video Equipment**: At least seven days before the relevant court appearance, a party who wishes to use any electronic or audio/visual equipment in court must lodge a proposed order seeking leave to do so. The proposed order must itemize all equipment along with the proposed dates for use in court. When approved equipment is brought into the courthouse, the signed order must be presented to security personnel.

PRETRIAL RULES

5. **Filing and Disclosure Deadlines**: Unless otherwise ordered, the following deadlines apply for all trials.

Deadline	Document(s)	Chambers Rule Guidance
35 days before MIL hearing	Notices*	See note (*) below
	Evidence disclosures*	
21 days before MIL hearing	Motions in limine	CrimCR 6 & 7
7 days before MIL hearing	Responses to motions in limine	
4 days before MIL hearing	Trial brief	CrimCR 6, 8 & 9
	Verdict forms (proposed)	
	Jury instructions (proposed)	
	Voir dire questions (proposed)	

* Notices and evidence disclosures include notice under Federal Rules of Evidence 404(b) and 609(b), expert reports, Federal Rule of Criminal Procedure 12.1 alibi-defense demands, and the like.

6. **Meet-and-Confer Requirement**

- a. **Conference of Counsel**: Counsel must meet and confer to resolve any disputed issues before filing any of the following: pretrial motions in limine, trial briefs, proposed verdict forms, proposed jury instructions, or proposed voir dire questions. That meeting must be conducted face to face—that is, in person or by videoconference. This requirement cannot be satisfied by telephone, email, or written correspondence, unless the Court grants leave.

- b. **Certificate of Compliance**: The filing party must include a certification or declaration documenting that this rule has been satisfied. That certification must include the date of

the meet-and-confer conference as well as the type of meeting (in person, videoconference, or other court-approved type).

7. **Motions in Limine**

- a. **Redactions and Excerpts:** If a party wishes for a transcript or exhibit to be redacted or excerpted for trial, that issue must be discussed during the meet-and-confer process. After meeting and conferring, if the parties cannot agree on a proposed redaction to a transcript or exhibit—or on the portions to be shown or heard—all sides must seek court resolution of that issue through a motion in limine.
- b. **Exhibits in Opening Statement:** After meeting and conferring, if the parties cannot agree on the use of an exhibit in opening statement, all sides must seek court resolution of that issue through a motion in limine.

8. **Verdict Forms, Jury Instructions, Voir Dire Questions:** All parties must submit proposed jury instructions, verdict forms, and voir dire questions, and the government must specify which, if any, instructions, forms, and questions are jointly proposed. If the defense requests nothing beyond the joint submissions, the defense need not file anything. In addition to filing these documents, the parties must email chambers (efile_schopler@casd.uscourts.gov) a Microsoft Word or similar digital version of them.

TRIAL RULES

9. **Jury Selection**

- a. **Voir Dire:** On the first trial day, prospective jurors will complete a worksheet, answering questions predetermined by the Court and parties. Before jury selection, these worksheets will be provided to the parties. Unless otherwise ordered, Judge Schopler alone will conduct any further juror examinations. *See* CrimLR 1.1(e) (incorporating CivLR 47.1).

b. **Challenges to Jurors**

- (1) *For-Cause Challenges:* After voir dire of the entire panel, counsel may challenge for cause at sidebar. If such a challenge is sustained, the challenged juror will remain seated and be dismissed after the peremptory challenges are completed.
- (2) *Peremptory Challenges:* The parties must submit their peremptory strikes simultaneously in writing, in double-blind fashion.

10. **Arguments and Witness Examinations:** During opening statements and closing arguments, attorneys may enter and use the well of the courtroom. All witnesses will be questioned from the podium. Attorneys may approach a witness to provide exhibits or documents, but visits to the witness stand must be brief and must only be for the purpose of quickly orienting the witness to an exhibit or document.

11. **Objections:** Speaking objections are prohibited. Unless the Court invites further explanation, counsel will limit all objections to their legal basis, such as, “Objection, hearsay.”
12. **Sidebars:** Sidebar conferences are strongly discouraged. Counsel should proactively address evidentiary issues in motions in limine. For unforeseen issues arising during trial, counsel should raise the matter with the Court in the morning before the jury arrives, during breaks, or after the jury is released for the day.

SENTENCING

13. **Sentencing Letters:** The parties are welcome to submit letters in support of their sentencing recommendations, but each party is limited to no more than **five** such letters. Additional letters may be submitted to the Probation Office, so that they may be summarized in the presentence report. Or the parties may summarize such additional letters in their sentencing memoranda.

TRIAL SCHEDULE

Trials typically run from 9:00 a.m. to 4:30 p.m. daily, from Tuesday to Friday.