

Trial

i. Pretrial briefing; witness and exhibit lists: The court appreciates, but does not require submission of a trial brief in criminal cases. If a trial brief is submitted, it should, among other things, inform the court about the party's proposed resolution of anticipated evidence problems. The court requires that the government and the defense submit a witness list and an exhibit list in advance of trial. The court urges the government to disclose *Jencks* materials well in advance of the trial, and in the event that some of the information is not disclosed pursuant to the Act until the witness testifies, the court allows a reasonable amount of additional time during trial for the defense to prepare before proceeding.

ii. Jury selection: The court utilizes the "struck jury" system for jury selection and the exercise of peremptory challenges. The court provides an [explanation](#) of the process for counsel who are unfamiliar with the system. For multi-defendant criminal trials the court encourages attorneys to work out procedure for peremptory challenges among themselves. In such trials, if counsel cannot agree among themselves, the court will allocate peremptory challenges depending on the circumstances of the case. The court very rarely permits jury questionnaires to be submitted to the venire in advance of jury selection, for counsels' use in exercising challenges for cause.

iii. Jury Instructions: The court issues an order requiring counsel to confer and attempt to agree on instructions. All instructions are reviewed and disputes resolved in advance of trial to the greatest extent possible either by agreement or by hearing on the record. The court has its own standard [introductory and concluding instructions](#), and counsel are directed to concentrate on elements of the offense, the defense(s), etc. The jury is charged before final argument.

iv. Note-taking and juror-proposed question: The jury will be permitted to take notes, and will ordinarily be permitted to propose written follow-up questions of witnesses. The court [instructs and cautions](#) the jury carefully in such matters. Whenever a juror-proposed question is presented, counsel go over the question out of the jury's hearing, are able to state objections and are invited to ask additional pertinent questions after any such question is put to the witness.

v. Courtroom schedule and other matters: The court generally holds trial each day between the hours of 8:30 a.m. and 1:00 p.m., with a 30-minute break at 10:30. The court does not allow multiple counsel for one party to interrogate the same witness or share time in opening statements or in closing arguments. The court does not generally impose a strict time limitation for opening statements and closing arguments but expects that openings and closings in uncomplicated cases can be done in less than 30 minutes. There may be time limitations imposed on direct or cross-examination in some cases. The court generally requires counsel to request permission to approach a witness and the bench.