

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JUDGE LAURA TAYLOR SWAIN

The following procedures apply to all criminal matters pending before Judge Swain on and after May 27, 2014.

ADDITIONAL TRIAL PROCEDURES FOR CRIMINAL CASES

1. All motions in limine must be briefed so as to be fully submitted no later than one week before the Final Pretrial Conference. Two courtesy copies of each submission should be delivered for chambers on the date the paper is served and filed.
2. No later than one week before the Final Pre-Trial Conference
 - i. Each party must serve on each other party and file with the Court its proposed voir dire and verdict form. Prior to service and filing of the proposed voir dire and verdict form, counsel must provide copies to opposing counsel for inspection and noting of objection; and
 - ii. The parties must file a single document captioned JOINT REQUEST TO CHARGE, which must include the full text of all of their proposed jury instructions, with source citations. If the parties are not in agreement on a particular charge, the disputed language must be highlighted and any counterproposal(s) presented together with the disputed section. Disputed language must be accompanied by a brief explanation of the objection(s), with citations to the relevant legal authority.

Two courtesy copies of each submission must also be delivered for chambers. The proposed voir dire, requests to charge, and verdict forms must also be submitted to Chambers on a CD-Rom in WordPerfect or Microsoft Word format (counsel may request permission to email the electronic versions.)

3. Any Trial Memorandum must be served and filed no later than one week before the Final Pretrial Conference. Two courtesy copies should be delivered to Chambers that same day.
4. Trials will generally be conducted Monday through Thursday from 9:00 a.m. to 4:15 p.m. The Court will be available to meet with counsel from 9:00 a.m. to 9:15 a.m. Testimony will begin at 9:15 a.m. A luncheon recess will run from 1:00 p.m. to 2:00 p.m. Jurors may deliberate on Fridays.
5. Jurors will be selected by the struck panel method as described in Judge Swain's Instructions to Counsel Concerning Jury Selection.

6. Exhibits must be pre-marked and sufficient copies provided by counsel for witnesses, opposing counsel, jurors, the court reporter, any interpreters and the Courtroom Deputy.
7. If counsel intend to publish documentary exhibits by distributing copies to the jury, make a separate copy for each juror, so as to avoid unnecessary delay. If counsel intend to use electronic equipment to publish exhibits, counsel must notify the Courtroom Deputy so that any necessary arrangements can be made in a timely fashion.
8. At the start of the trial the Government must provide the Court with three copies of the exhibit list, and one set of pre-marked documentary exhibits and Section 3500 material assembled sequentially in a looseleaf binder, or in separate manila folders labeled with the exhibit numbers and placed in a suitable container for ready reference.
9. Sidebars during presentation of the evidence are discouraged. Counsel are expected to anticipate any problems that might require argument and to raise those issues with opposing counsel and the Court in advance of the time that the jury will be hearing the evidence. See also Judge Swain's General Rules for Trial Counsel.
10. Counsel should make certain that they have custody of all original exhibits. The Court does not retain them and the Clerk is not responsible for them.