

STANDING ORDERS FOR CRIMINAL CASES

The Honorable Sarah D. Morrison
United States District Court for the Southern District of Ohio
Eastern Division

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Counsel¹ must comply with the following Standing Orders. Failure to comply may result in sanctions.

I. GENERALLY

A. Civility

Civility reflects the good character of those who practice it. It also plays a key role in the efficient and fair administration of justice. Counsel must read the Statement of Civility in the Local Rules for the Southern District of Ohio and conduct themselves accordingly. The Court will not tolerate rudeness or bullying—verbal or written, in the Court’s presence or not. Counsel must not make *ad hominem* attacks.

B. Accessibility

The Court endeavors to ensure that all case participants have equitable access to the judicial process. To that end, all requests for reasonable accommodation will be considered. Any request should be sent to [Morrison Chambers@ohsd.uscourts.gov](mailto:Morrison_Chambers@ohsd.uscourts.gov). Accommodation requests should not be filed via ECF.

C. Motions, Generally

1. Page Limitations

Briefs are subject to a 25-page limit. Reply briefs are further limited to ten pages. Counsel must seek leave of Court before filing excess pages. Leave will be granted only on a showing of good cause. Any brief exceeding the page limit without leave of Court will be summarily stricken from the docket.

Motions for leave to exceed the page limitation must be filed sufficiently in advance of the deadline to allow the Court to rule on the motion. Motions for leave to exceed the page limitation instantane will be summarily stricken from the docket.

Page limits do not include signature blocks, certificates of service, or tables of contents and authorities.

2. Filing

Motions and supporting memoranda must be filed together in one document.

¹ All requirements of “counsel” also apply to litigants representing themselves (proceeding *pro se*).

3. Formatting and Footnotes

All filings must use 12-point font, one-inch margins, and double spacing. Citations to authority, the record, and the docket must be in-line with the cited text, not in footnotes. All other footnotes are generally disfavored. Any footnotes must be in 12-point font, single-spaced.

4. Proposed Orders

Proposed orders on unopposed motions are appreciated. Any proposed order must be filed via ECF and e-mailed to [Morrison Chambers@ohsd.uscourts.gov](mailto:Morrison_Chambers@ohsd.uscourts.gov).

D. Specific Motions

1. Motions to Continue / Speedy Trial Act

Any motion to continue proceedings or extend deadlines must be made in writing and must state the grounds for the motion. Before filing, moving counsel must confer with opposing counsel. The motion must state whether opposing counsel consents.

Any motion to continue must provide jointly-proposed dates/times for a continued proceeding. If the parties cannot agree on proposed dates/times, the motion must explain why no agreement could be reached.

If a motion to continue proceedings or extend deadlines is filed within three business days of the proceeding/deadline, moving counsel must notify Chambers by phone at (614) 719-3300.

In addition to the requirements above, any motion to continue Court proceedings beyond the 70-day period provided by the Speedy Trial Act must expressly state (i) why the continuance sought would be excludable under such Act, and (ii) that the defendant has been made aware of and does not object to the motion.

The Government is responsible for ensuring compliance with the Speedy Trial Act. The Court may order the Government to submit a Speedy Trial calculation.

2. Motions to Appear Remotely

Proceedings set to take place before the Court will be in-person unless the hearing notice specifically states otherwise. Counsel and case participants may not appear remotely except with leave of Court.

Any motion to appear remotely (by Zoom) must be made in writing at least four days before the scheduled appearance. Before filing, moving counsel must

confer with their opposing counsel. The motion must state whether opposing counsel consents to a remote appearance. The motion must also state the specific grounds for the request.

Counsel and case participants appearing remotely must do so from a quiet room with a stable internet connection. Headsets are encouraged. The Court is not responsible for the functionality of any technology utilized.

3. *Daubert* Motions

Unless a Trial Scheduling Order establishes otherwise, any pretrial motion addressing the admissibility of expert testimony under *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993) and Federal Rule of Evidence 702, shall be filed separately and at least 20 days prior to the final pretrial conference. Responses are due ten days after the motion is filed. Replies are not permitted unless ordered by the Court. The Court's page limitation applies to briefing on *Daubert* motions. Depending on the nature of the *Daubert* challenge, the Court may conduct a hearing prior to ruling on the motion.

4. Motions to Suppress

Any pretrial motion seeking to suppress evidence obtained during an unlawful search or seizure shall be filed separately and at least 20 days prior to the final pretrial conference. Responses are due ten days after the motion is filed. Replies are not permitted unless ordered by the Court. The Court's page limitation applies to briefing on suppression motions. Depending on the nature of the challenge, the Court may conduct a hearing prior to ruling on the motion.

5. Motions to Seal

Parties wishing to file documents under seal must first seek leave of Court by way of a motion filed on the docket. Counsel shall email a copy of the motion to seal, a proposed order granting the motion, and a copy of the document to be sealed for in-camera review to Morrison_Chambers@ohsd.uscourts.gov.

E. *Brady* Material

Counsel for the government must produce to a defendant, in a timely manner, any evidence in its possession that is favorable to defendant and material to defendant's guilt or punishment. *See Brady v. Maryland*, 373 U.S. 83 (1963). This obligation is a continuing one. If counsel identifies any information which is favorable to defendant but which it believes not to be material, counsel for the government must submit such information to the Court for in camera review.

II. TRIAL PROCEDURES

A. Counsel Tables

The Government will use the counsel table next to the jury box. Defendant will use the counsel table across from the Government.

B. Appearances

Upon arrival, counsel will enter their appearance with the Court Reporter and the Courtroom Deputy before the start of the opening session of the trial or any other proceeding before the Court.

C. Court Sessions

Trial will be held Monday through Friday of each week. Morning session begins at 9:00 a.m. and will recess at approximately 10:30 a.m. for 15 minutes. Lunch recess will be at approximately 12:00 p.m. Afternoon session begins at 1:00 p.m. and will recess at approximately 3:30 p.m. for 15 minutes. Court will adjourn at approximately 5:00 p.m.

The parties and all counsel will be present at counsel tables at all sessions before the jury is brought into the courtroom and will remain at counsel tables until after the jury leaves the courtroom at the end of all sessions. The parties and counsel will stand upon the entrance and exit of the jury.

D. Addresses by Counsel

Counsel will address the Court and the jury in the following manner:

- Voir dire examination, opening statements, and closing arguments will be conducted from the lectern facing the jury.
- All addresses to the Court will be made from the lectern facing the Court.
- Counsel shall stand when addressing the Court for any reason.

E. Examination of Witnesses

Counsel shall conduct their examination from the lectern.

In advance of trial, counsel will instruct his or her witnesses to answer questions with courtesy. Evasive answers, answering a question with a question or disrespect to opposing counsel will not be permitted.

Counsel are expected to extend equal courtesy to all witnesses. Counsel will wait until the witness has finished an answer before asking the next question. Multiple and repetitious questions will not be permitted. Counsel may not by any

action, inflection or expression indicate disbelief of any witness's answer. Counsel shall admonish their clients and witnesses to desist from such conduct.

Witnesses shall be treated with fairness and consideration. They shall not be shouted at, ridiculed or otherwise abused. The untruthful or hostile witness can be examined firmly and extensively without abuse.

When a party has more than one attorney, only one may conduct the direct or cross examination of a given witness.

Counsel shall not approach a witness without asking the permission of the Court. When permission is granted for the purpose of working with an exhibit, counsel should resume the examination from the lectern when finished with the exhibit.

Counsel are responsible for witnesses speaking so that their testimony will be easily heard by all members of the jury.

Upon completing their examination of the witness, counsel shall advise the Court, after which the Court will advise opposing counsel to proceed.

During examination of a witness, counsel will first obtain permission from the Court if they wish to confer with co-counsel.

Generally, the Court will not allow re-cross.

F. Objections

Counsel will stand when making an objection and will make the objection directly and only to the Court.

When objecting, state only that you are objecting and the legal grounds. Objections shall not be used for the purpose of making speeches, repeating testimony, or to attempt to guide a witness or influence the jury.

Argument will not be heard on objections, except at the Court's request. Either counsel may request a bench conference.

G. Decorum

Colloquy, or argument between counsel, will not be permitted. All remarks shall be addressed to the Court.

Counsel shall maintain a professional and dignified atmosphere throughout the trial.

Appearance, mannerisms, or habits that are designed to arouse the sympathy or prejudice of the jury are an impediment to an impartial trial and will not be permitted.

During a trial, counsel shall not exhibit familiarity with witnesses, jurors, or opposing counsel and shall avoid the use of first names. No juror shall be addressed individually or by name.

During opening statements and final arguments, all persons at counsel table shall remain seated and be respectful so as not to divert the attention of the Court or the jury.

Do not ask the Court Reporter to mark testimony. All requests for re-reading of questions or answers shall be addressed to the Court.

H. Voir Dire Examination

The whole panel of prospective jurors (*i.e.*, those in the jury box and those seated in the rear of the courtroom) will be examined and accepted or challenged for cause and peremptorily challenged in one continuous examination.

Each prospective juror is assigned a number by the Clerk's Office. Counsel will be provided with a list of the jurors' names and numbers prior to the commencement of trial. When challenging a juror, counsel should refer to the juror by number.

The Court will conduct a preliminary voir dire examination tailored to the issues in the case being tried. Counsel may supplement the Court's examination, but they may not repeat in the same or in some other form any question already put to the panel by the Court. Counsel must address their questions to the whole panel in general and may not question an individual juror unless it develops from a question put to the whole panel that the answer of a specific juror justifies further inquiry.

Counsel will not be permitted to question jurors individually regarding background information. This information is contained in juror questionnaire forms which are on file in the Clerk's Office. Counsel should examine these questionnaires prior to the commencement of trial. Counsel must not disseminate or duplicate these questionnaires, or cause them to be disseminated or duplicated. Counsel may inquire regarding any omission in a juror's answer to the juror questionnaire or, after obtaining the Court's permission, regarding any inquiry justifiably elicited by information contained in the juror questionnaire.

I. For Cause Challenges

The entire panel shall be challenged for cause, jurors seated in the jury box and those seated in the rear of the Courtroom. Any jurors seated in the jury box who have been excused for cause will be replaced by the next available juror from the rear of the courtroom.

J. Peremptory Challenges

Each party will be entitled to the number of peremptory challenges set forth in Rule 24. Peremptory challenges will be directed only to the prospective jurors seated in the jury box. The parties will exercise their peremptory challenges alternately, with the government exercising the first challenge and, in a felony case, Defendant offering two challenges per turn. If either party “passes,” that challenge will be considered as used. After the twelve regular jurors have been fully qualified, and counsel for both parties state that they are satisfied, peremptory challenges as to any alternate jurors will be exercised in the same manner.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON, CHIEF JUDGE
UNITED STATES DISTRICT COURT