

## INDIVIDUAL TRIAL PRACTICES OF JUDGE PAUL G. GARDEPHE

### Chambers

United States District Court  
Southern District of New York  
500 Pearl Street, Room 920  
New York, New York 10007  
(212) 805-0224

### Courtroom

500 Pearl Street, Courtroom 14C  
Michael Ruocco  
Courtroom Deputy Clerk – (212) 805-0102

### 1. Pretrial Practices.

- A. In criminal cases, any *voir dire* requests, requests to charge, or trial memoranda should be filed three business days prior to trial. Two courtesy copies and, in the case of *voir dire* requests or requests to charge, an electronic copy in Microsoft Word 2003 format on CD-ROM, should be delivered to chambers that same day.
- B. In civil cases, please refer to Judge Gardephe's Individual Rule of Practice 9.

### 2. Trial Dates and Times.

- A. Trial days will generally run from 9:00 a.m. to 5:00 p.m. The Court will be available to meet with counsel from 9:00 a.m. to 9:30 a.m. Testimony will begin at 9:30 a.m. A luncheon recess will run from 12:45 p.m. to 2:00 p.m.
- B. At any time after a civil case has been placed on the 48-hour Ready Trial calendar, counsel shall notify the Court and their adversaries in writing of any potential scheduling conflict, including, but not limited to, trials and vacations, that would prevent a trial at a particular time.
- C. Counsel shall notify the Court and all other counsel in writing, at the earliest possible time, of any scheduling problems involving out-of-town witnesses or other exigencies.

### 3. Witnesses. The Court expects witnesses to be available when needed. **Do not run out of witnesses.** Witnesses will be taken out of order if the next witness is unavailable, and medical doctor's testimony will be taken, whenever possible, at a time convenient to the doctor, even if it means interrupting the testimony of another witness. Failure to have witnesses available during trial may result in preclusion of their testimony.

### 4. Exhibits.

- A. All exhibits should be pre-marked, and no trial time will be taken for this purpose. Plaintiff/Government shall mark exhibits as numbers and defendants shall use letters.

- B.** Counsel are responsible for marking their own exhibits. Counsel must give **two copies** of each exhibit to the Court (one for the Judge; the other for the Law Clerk) before using it at trial. The Court/Law Clerk copies of pre-marked exhibits should be 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. For criminal trials, the binder or folders should also include the Section 3500 material.
  - C.** Counsel must exchange copies of their trial exhibits before the trial begins.
  - D.** If a party wishes to publish an exhibit to the jury prior to deliberations, it must provide a copy of each such exhibit for every juror.
  - E.** Counsel are responsible for maintaining custody of all original exhibits. The Court does not retain them, and the Courtroom Deputy Clerk is not responsible for them.
- 5. Depositions.** Counsel shall provide **two copies** to the Court of any depositions which are intended to be offered, in whole or in part, into evidence. Depositions are generally not to be offered in their entirety. Copy the relevant pages only, staple the extracts from each deposition, and offer each as an exhibit.
- 6. Court Reporter.**
- A.** When referring to an exhibit, cite it by number or letter so that the record is clear as to what is being discussed. Counsel are directed to provide to the court reporter the spelling of proper names or places that are likely to be discussed in testimony.
  - B.** When depositions or documents are read, the reader should proceed slowly enough for the court reporter to record what is being said and cite the applicable page and line number. Depositions are to be read stating the word “Question” and then reading the question, then stating the word “Answer” and stating the answer.
- 7. Sidebars.** Sidebars during jury trials are discouraged and generally not permitted. Counsel are expected to anticipate any problems that may require argument and raise those issues with the Court in advance of the time that the jury will be hearing evidence.
- 8. Jury Selection.** The jury will be selected by the struck panel method.
- 9. Objections.** There should be no speaking objections. If the Court does not understand the basis for an objection, the Court will inquire, and counsel should respond with an explanatory word or phrase, such as “hearsay,” “leading,” or “asked and answered.”