

**“The Do’s and Don’ts in Federal Court:
An Insiders’ Guide From the Bench”**

**May 9, 2013 Brown-Bag CLE
12:30 pm - 2 pm
Jury Assembly Room, MLK Courthouse**

TOPICS OUTLINE

I. Welcome & Introductory Remarks (Appx. 5 Minutes)

- Judge Arleo and Sabrina Comizzoli

**II. General Overview & Discussion of Ethical Obligations Regarding Professionalism –
i.e. “Civility” in Federal Court (Appx. 15 Minutes (incl. Q&A))**

- Handout: American Bar Association Guidelines for Litigation Conduct

III. Civil Litigation: Best Pretrial Practices (Appx. 45 Minutes (incl. Q&A))

Suggested Topics:

- Best Practices for Resolving Discovery Disputes
 - ▶ Resolution without Court involvement via meet-and-confer
 - ▶ When and how to involve the Court, if necessary
 - ▶ Importance of complying with discovery orders, and consequences for failing to do so
 - ▶ Handout: MCA Order compelling discovery and sanctioning counsel
- Importance of Following Pretrial Scheduling Orders and Best Practices for Seeking Extensions of Deadlines Established Therein
- Best Practices Regarding Final Pretrial Orders (“FPTO”)
 - ▶ Importance of meet-and-confer in the FPTO context
 - ▶ Discussion of the standard elements an FPTO should contain, and how it should be constructed
 - ▶ Why the FPTO is critically important – i.e., what its terms will control at trial
 - ▶ Consequences of failing to properly identify evidence or witnesses in the FPTO
 - ▶ Discussion of each Judge’s individual preferences and viewpoints
 - ▶ Handout: Judge Cecchi’s *pro forma* civil FPTO

VI. Criminal Litigation: Best Pretrial Practices (Appx. 25 Minutes (incl. Q&A))

Suggested Topics:

- General Suggestions/Tips for Streamlining Criminal Litigation
 - ▶ Importance/benefit of meet-and-confer/communication between USAO and Defense Counsel prior to trial
- Production of Discovery
 - ▶ Timing of discovery: pre-indictment v. post-indictment
 - ▶ Timing of discovery: without indictment, where Defendant is only charged in a Complaint.
- Best Practices Regarding Continuance Orders
 - ▶ Importance
 - ▶ Proper timing of their submission
 - ▶ Proper protocol for “following-up” with the Court regarding a proposed Continuance Order