



The Honorable Juan R. Sánchez  
United States District Court for the  
Eastern District of Pennsylvania  
James A. Byrne United States Courthouse  
Room 14613  
Philadelphia, Pennsylvania 19106-1797  
Telephone: 267-299-7780  
Facsimile: 267-299-5067

## I. GENERAL INFORMATION

Chief Judge Sánchez was born in Vega Baja, Puerto Rico, and graduated from DeWitt Clinton High School in the Bronx, New York. Judge Sánchez received his Bachelor of Arts degree, cum laude, from City College of the City University of New York, and his Juris Doctor from the University of Pennsylvania Law School, where he received the Benjamin R. Jones Award for commitment to humanity and the law. After a career with Chester County Legal Aid and the Public Defender's Office of Chester County, Judge Sánchez was elected to the Chester County Court of Common Pleas in 1997, where he served until President George W. Bush nominated him to a seat on the District Court for the Eastern District of Pennsylvania. Judge Sánchez was inducted on July 9, 2004. He became chief judge on August 1, 2018.

### A. Communications with Judge Sánchez's Chambers

Judge Sánchez permits communications with chambers by telephone, letter, or facsimile regarding scheduling and other non-substantive matters. All other issues, except discovery disputes, must be addressed by motion or other filing. Under no circumstances may any party or counsel communicate ex parte with any chambers personnel concerning substantive matters.

Telephone inquiries should be directed to Judge Sánchez's civil or criminal deputy, as appropriate, at the telephone numbers listed below. If the appropriate deputy is unavailable, attorneys may speak to Judge Sánchez's law clerks regarding scheduling matters; however, law clerks may not render advice to counsel.

- Civil Deputy: Stacy Wertz  
Telephone: 267-299-7780  
Contact for matters related to civil scheduling and case management, requesting telephone conferences, and general court procedures.
- Criminal Deputy: Nancy DeLisle  
Telephone: 267-299-7789  
Contact for matters related to criminal scheduling and case management.
- Chambers Facsimile: 267-299-5067

Email communication with chambers is not permitted in civil matters, except (1) when responding to an email from chambers staff regarding scheduling, or (2) when specifically requested to email a document to chambers. For guidance regarding email communication in criminal matters, see Section IV of these Policies and Procedures.

Written communications with chambers must be copied to all counsel and unrepresented parties.

### **B. Stipulations and Consent Decrees**

Any stipulations, consent decrees, or other documents requiring Court approval or signature must be submitted in a form containing original signatures. Stipulations should be submitted to chambers via letter or facsimile.

### **C. Telephone Conferences with the Court**

Judge Sánchez may hold telephone conferences regarding scheduling issues, discovery disputes, and other matters. Unless otherwise specified by the Court, counsel for the initiating or moving party shall be responsible for initiating the call to chambers at 267-299-7780 with all other parties on the line.

### **D. Protocol for Use of Electronic Evidence at Trial**

Counsel are expected to familiarize themselves with the Court's Protocol for Use of Electronic Evidence at Trial, a copy of which is included in these Policies and Procedures, prior to trial.

## **II. CIVIL PRETRIAL MATTERS**

### **A. Requests for Extensions of Time**

Where compelling circumstances so require, counsel may request an extension of a filing or other deadline. Requests for extensions of case management deadlines may be submitted via letter and must state whether the request is opposed or unopposed and whether the requested extension will affect other existing deadlines. Judge Sánchez will extend the deadline for filing dispositive motions or a trial pool date only in very limited circumstances and where genuinely necessary. Unopposed extension requests are not automatically granted.

### **B. Rule 16 Scheduling Conferences**

Judge Sánchez will schedule a Rule 16 conference once an answer is filed or, in some instances, while a motion to dismiss or other preliminary motion is pending. Unless Judge Sánchez approves a substitution in advance, lead trial counsel must attend the Rule 16 conference and must enter his or her appearance prior to the conference. If lead trial counsel is appearing pro hac vice, local counsel must also attend the Rule 16 conference. All applications to appear pro hac vice must be in writing and must be approved prior to the conference.

Judge Sánchez views the Rule 16 conference as an important step in the management of a case. He discourages requests to continue Rule 16 conferences and warns counsel a continuance may impact the time allowed for discovery before dispositive motions and trial. Judge Sánchez does not conduct Rule 16 conferences telephonically, absent unusual circumstances.

Judge Sánchez relies on counsel's good faith compliance in all respects with Rule 26(f).

The Rule 26(f) meeting shall take place as soon as possible, and should be viewed not as perfunctory but rather as a meaningful and substantive discussion among professionals to formulate the discovery plan required by the Rule. Outstanding motions will not excuse counsel from timely holding the meeting. Parties who do not comply will have no voice at the scheduling conference and may be subject to additional sanctions.

Before the Rule 16 conference, counsel will have discussed the nature and basis of the parties' claims and defenses, the possibility of a prompt settlement, and a discovery plan pursuant to Rule 26(f). Judge Sánchez reminds counsel the scope of discovery is limited to "any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b)(1). The parties must also complete the Joint Rule 16 Conference Information Report included in these Policies and Procedures, and must fax the completed Report to chambers no later than one day before the Rule 16 conference. Counsel should expect a final pretrial conference to be scheduled approximately a month after the submission of any dispositive motion and a trial pool date approximately a week after the final pretrial conference.

Motions to dismiss, transfer, or add parties and other threshold motions should be filed before the Rule 16 conference. **Counsel must be prepared to present argument at the conference on any pending motions.**

At the conference, counsel should be prepared to discuss the strengths and weaknesses of the case and should therefore be conversant in the essential facts and issues involved. Counsel must have full authority to negotiate a settlement of the case or be accompanied by a client or client representative who has such authority. Counsel should be prepared to discuss settlement with Judge Sánchez or his Magistrate Judge immediately following the Rule 16 conference. If necessary, Judge Sánchez will issue a Scheduling Order to govern further proceedings in the case after the conference.

### C. Discovery

1. *Discovery Management*: Parties are expected to manage discovery pursuant to Federal Rule of Civil Procedure 26 without involving Judge Sánchez, except in the rarest of cases.

2. *Discovery Disputes*: Counsel must exhaustively address all discovery disputes among themselves before requesting Judge Sánchez's assistance. In the event the parties are unable to resolve a discovery dispute on their own, counsel should request a telephone conference with Judge Sánchez by faxing a letter to chambers briefly outlining the nature of the dispute. The letter must certify that counsel have made a good faith effort to resolve the issue themselves. **Motions to compel or other discovery motions should not be filed until a telephone conference has been held.** If a telephone conference is scheduled, the requesting party or, in the event of a joint request, plaintiff's counsel shall initiate the call.

3. *Expert Reports*: Judge Sánchez directs the exchange of expert reports and supporting documentation/information in advance of trial pursuant to Rule 26(a)(2)(B). A violation of the disclosure requirements of the Rule may result in the barring of expert testimony

at trial. Any deposition of an expert under Rule 26(b)(4)(A) must be conducted before the deadline for submission of dispositive motions.

#### D. Settlement Conferences

Judge Sánchez addresses the possibility of settlement at all stages in the proceedings. In addition, consistent with Local Rule of Civil Procedure 53.3, Judge Sánchez directs all parties to consider the use of an alternative dispute resolution process at an appropriate stage in the litigation. Judge Sánchez also encourages early referral to a Magistrate Judge for settlement discussions.

Upon reaching a settlement, counsel must notify Judge Sánchez's chambers immediately and request dismissal of the action pursuant to Local Rule of Civil Procedure 41.1. All paperwork concerning settlement shall be completed before the trial date or the case will be called for trial.

#### E. Motions Practice

1. *Rule 11*: Judge Sánchez advises counsel to carefully consider Rule 11 and notifies counsel that he will impose sanctions when a filing has no factual basis.

2. *Curable Defects*: Before any motion based on a curable defect under Rule 12 is filed, counsel must certify that opposing counsel has been given an opportunity to cure the defect.

3. *Motions for Injunctive Relief*: When a temporary restraining order is requested, Judge Sánchez will immediately schedule a conference to hear the motion. Unless the urgency of the circumstances preclude notice to opposing counsel, Judge Sánchez requires that all counsel be present.

Judge Sánchez will schedule preliminary and permanent injunction hearings as soon as possible and will generally permit expedited discovery for injunctive matters

4. *Dispositive Motions*: Counsel are advised to file any dispositive motions and oppositions thereto in accordance with the deadlines established in the Scheduling Order entered in the case.

5. *Page Limits & Formatting*: Any motion and its supporting memorandum of law **shall not total more than 15 pages**. Opposition briefs **shall not exceed 15 pages**. In those rare instances in which counsel believes additional pages are necessary, counsel should seek leave to exceed the page limit by motion. All papers submitted to the Court shall be formatted in Times New Roman size 12 font with one-inch margins. This formatting requirement also applies to footnotes. When referring to the record in the briefing on any motion, counsel must specify the relevant exhibit, page, and line numbers.

6. *Electronic Case Filing and Courtesy Copies*: Judge Sánchez expects attorneys to use electronic case filing and to comply with the Court's Electronic Case Filing (ECF) Procedures pursuant to Local Rule of Civil Procedure 5.1.2, unless excused from ECF registration. Pro se litigants are not required to file electronically. Courtesy copies are not required unless (1) the filing includes exhibits totaling more than 20 pages, or (2) the filing includes materials submitted under seal. In either of these instances, counsel shall mail or hand-deliver to chambers a courtesy copy of the filing or, in the case of a filing containing sealed material, the portion(s) of the filing

submitted under seal.

7. *Motions for Summary Judgment:* Any motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 shall be accompanied by a separate, short, and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried. Only those facts which are material to the issues in dispute shall be included in the enumerated statement of facts. Each factual assertion shall be accompanied by a citation to the specific portion(s) of the record that support the assertion, including the exhibit, page, and line number. The Court will not consider factual assertions not supported by a citation to the record.

A party opposing a motion for summary judgment shall file a separate, short, and concise statement responding to the numbered paragraphs set forth in the moving party's statement of undisputed facts and either conceding the facts as undisputed or stating a genuine dispute exists. If the opposing party asserts a genuine dispute exists as to any fact, the party shall cite to the specific portion(s) of the record that create the dispute, including the exhibit, page, and line number. The opposing party shall also set forth in enumerated paragraphs any additional facts which the party contends preclude summary judgment. All facts set forth in the moving party's statement of undisputed facts shall be deemed admitted unless controverted by the opposing party.

8. *Reply Briefs:* Reply briefs may be submitted without leave of Court in support of a motion for summary judgment or other dispositive motion, and with the Court's permission in support of non-dispositive motions. Replies shall not exceed 7 pages and should address **only** issues raised in the opposition to the motion, without repeating arguments made in the initial brief. Replies shall be submitted no later than seven days after the opposition is filed.

A sur-reply may only be filed with permission of the Court upon good cause shown and may not exceed five pages.

9. For all other motions, Judge Sánchez follows the requirements of Local Rule of Civil Procedure 7.1.

## F. Oral Argument

Judge Sánchez regularly schedules oral argument on dispositive motions or where requested by the parties. If oral argument is scheduled, counsel should be prompt, professionally attired, and well prepared. During oral argument, counsel should refrain from simply repeating what the briefs assert. Judge Sánchez encourages counsel to bring their clients to oral argument on dispositive motions.

## G. Continuances

Judge Sánchez strongly disfavors requests for continuances. In civil cases, counsel must have good cause for the request. If good cause exists, a continuance must be sought as soon as possible. Requests for continuances must be in writing and should be faxed to chambers with a copy to opposing counsel. A formal motion is not required.

The party requesting a continuance must present the position of opposing counsel. If opposing counsel opposes the request, the requesting party must set up a conference call

with Judge Sánchez to resolve the matter.

### **III. CIVIL TRIALS**

#### **A. General Procedures**

1. Civility is the foundation of Judge Sánchez's courtroom procedures. Rise when the judge and the jury enter and leave the courtroom.
2. Court normally begins at 9:00 a.m. The Court will make every effort to commence proceedings on time. Counsel, parties, and witnesses shall be on time.
3. Witnesses and parties should be instructed to wear proper attire to court. Shorts, tank tops, etc. are not permitted attire. Witnesses or parties not properly attired may be excluded from the courtroom.
4. Cell phones and other electronic devices must be turned off (not on silent or vibrate mode) before entering the courtroom. Recording or taking photographs in the courtroom is strictly prohibited. A violation of these rules may result in confiscation of the cell phone or device and prosecution. Attorneys are responsible for their own electronic devices and those of their witnesses and clients.
5. Food, drink, and chewing gum are prohibited in the courtroom and witnesses should be so instructed.
6. Requests concerning courtroom technology should be directed to Michael Hearn (267-299-7039) or Ed Morrissy (267-299-7044). Judge Sánchez has an Electronic Courtroom; however, counsel should address any issues regarding use of the Courtroom as far in advance of trial as possible.

#### **B. Decorum of Counsel**

1. Counsel shall dress in an appropriate professional manner. The trial shall at all times be conducted in a dignified and formal manner. Counsel shall not raise their voices any louder than is necessary to be clearly heard by the Court, witnesses, and the jury. All remarks should be addressed to the Court. Counsel should never act or speak disrespectfully to the Court or opposing counsel in any manner.
2. Counsel's demeanor should be one of courtesy and professionalism. Counsel shall not exhibit familiarity with the parties, jurors, or opposing counsel, and should avoid using first names. During opening statements or closing arguments, no juror should be addressed individually or by name. Neither counsel nor the parties by their body language or facial expression shall convey their reaction to the testimony of a witness.
3. Counsel must rise to address the Court. Address the Court as "Your Honor."

#### **C. Final Pretrial Conferences**

1. Judge Sánchez will utilize the pretrial conference to discuss specific trial

procedures. Judge Sánchez regularly lists a pretrial conference date in the Scheduling Order. Generally, the final pretrial conference will be held not less than 30 days after the close of discovery. Pretrial conferences are typically scheduled for the week preceding the trial date or trial pool to which a case is assigned. Judge Sánchez utilizes the pretrial conference to resolve any outstanding motions and to discuss voir dire and other trial procedures. If a motion for summary judgment is pending when the pretrial conference takes place, counsel must be prepared to argue the motion at the conference.

2. Judge Sánchez's Scheduling Order will usually assign a case to a two-week trial pool. All parties, witnesses, and counsel can expect their cases to be tried during the trial pool period and should arrange their schedules accordingly. Judge Sánchez will make every effort to give counsel reasonable notice of a trial date within the trial pool period and will attempt to notify counsel at least 72 hours—and in no event less than 24 hours—before the day trial is to commence. Counsel may telephone chambers during the week before the trial pool for guidance. At the request of counsel, Judge Sánchez may list nonjury trials or complex matters for a special listing/date-certain. In appropriate cases, Judge Sánchez may impose time limits on the parties' trial presentations. *See Duquesne Light Co. v. Westinghouse Elec. Corp.*, 66 F.3d 604, 609-10 (3d Cir. 1995).

3. Motions in limine with respect to legal matters that the parties reasonably expect to arise during trial must be presented in accordance with the deadline established in the Scheduling Order. Motions in limine filed after the deadline will be considered only upon a showing of good cause.

4. Judge Sánchez expects to decide disputes regarding deposition designations and preserved objections within depositions at the final pretrial conference. To facilitate the timely resolution of such disputes, the parties must exchange deposition designations at least one week prior to the pretrial conference, and counter-designations must be exchanged at least three days prior to the pretrial conference. The parties must submit any objections to designations and counter-designations to the Court in writing no later than one day before the pretrial conference. Objections should be raised by letter; a formal motion is not required.

#### **D. Requested Voir Dire, Points for Charge, and Verdict Slip**

1. Prior to the final pretrial conference, the parties shall submit a **joint** neutral statement of the facts for voir dire and **joint** questions for voir dire, highlighting only the disputed questions. Voir dire questions should not number more than 15.

2. The parties shall also submit **joint** requested points for charge and a **joint** verdict slip with only the disputed points highlighted. Judge Sánchez prefers the Third Circuit Model Jury Instructions, where applicable, but will hear argument on reasons for deviations. The joint requested points for charge and joint verdict slip shall be filed on the docket, **one instruction per page in sequence**, and shall be sent by email to [sanchezdocs@paed.uscourts.gov](mailto:sanchezdocs@paed.uscourts.gov) in Microsoft Word format. Unless requested by chambers, no other document should be emailed to Judge Sánchez. An email to chambers does not constitute filing.

3. Judge Sánchez will hear argument on disputed points for charge and the verdict slip at the final pretrial conference and, if necessary, for a total of 15 minutes at the close of testimony and before closing arguments.

4. Counsel will have an automatic exception for any point not given as submitted. All other exceptions must be made known to the Court before the jury is dismissed for deliberations.

**E. Voir Dire**

Judge Sánchez typically conducts voir dire in civil cases. Counsel shall submit joint proposed voir dire questions prior to the pretrial conference. No more than 15 questions will be asked.

**F. Court Seating**

1. Under local practice, plaintiff's table is closest to the jury box.
2. Any requests concerning seating (e.g., requests for more than one counsel table for all plaintiffs or all defendants or special requests for seating, visual aids, etc.) should be submitted to Judge Sánchez's Civil Deputy, Stacy Wertz, at least **one week** before trial.
3. Only counsel and parties, if desired, shall sit at counsel table. Witnesses shall sit in the spectator section only, unless otherwise authorized by the Court. If any party desires sequestration, an appropriate motion shall be made at the outset of the trial. If sequestration is ordered, all witnesses for all parties will be sequestered. Counsel will be responsible for informing their non-party witnesses that they should remain outside the courtroom until called, and that they should not discuss their testimony with other witnesses until the trial is concluded.

**G. Exhibits**

So as to avoid duplication of exhibits and confusion regarding exhibit numbers, Judge Sánchez requires the parties to work together to prepare a single set of sequentially numbered trial exhibits, without regard for who will propound the exhibit at trial. The parties need not agree on the admissibility of any exhibit in preparing the exhibit binder(s). The Court will rule on the admissibility of individual exhibits in the course of trial. Exhibits may be moved for admission at any time during counsel's case.

Counsel should assemble all exhibits to be offered at trial and number those exhibits sequentially from 1 to 79 (or 790, as the case demands). The plaintiff's first exhibit should be numbered "1," and the defendant's first exhibit should have the number immediately following the number of the plaintiff's last exhibit, so that if the plaintiff has 29 exhibits, the defendant's first exhibit would be numbered "30." Only one copy of a document should be included in the exhibits. Thus, if a document the defendant intends to introduce is included among the plaintiff's exhibits, the defendant should not include a second copy of the document in its exhibits. All proposed exhibits shall be placed in binders, accompanied by a table of contents. The table of contents should include the exhibit number, a brief description of the exhibit, and two columns with the headings "Admitted" and "Not Admitted" for the Court's use during trial. In cases involving multiple exhibit binders, counsel shall prepare a master table of contents that also specifies the volume in which each exhibit appears. One copy of the exhibit binder(s) shall be available for the Court's use, and another copy shall be available for use by witnesses. As exhibits are offered at trial, counsel shall refer to the exhibit by the same number (and volume number, in cases involving multiple exhibit binders), i.e.:

Direct: “Please look at the contract, Exhibit 32, and tell the jury . . .”;

Cross: “Turning now to Exhibit 32, the contract, isn’t it true that . . . .”

At the close of evidence, the parties shall edit the binder(s) so that only those exhibits admitted into evidence are returned to the Court. (A binder of admitted exhibits hypothetically could be numbered 1-10, 14, 27, 33-39, and 45.) The Court will hear argument on whether particular exhibits go out with the jury at the close of the charge to the jury.

### **H. Witnesses**

The rule of civility is absolute in addressing witnesses, whether on direct or cross-examination. Witnesses should be treated with fairness and consideration; they should not be shouted at, ridiculed, or abused in any manner. Counsel shall not approach a witness without leave of Court and shall not, by facial expression or other conduct, exhibit an opinion concerning any witness.

Counsel on direct must insure that a witness is speaking into the microphone for ease of recording and hearing.

If a witness was on the stand at a recess or adjournment, the witness should be on the stand ready to proceed when court is resumed. Counsel are reminded that they may not discuss a witness’s testimony with him or her once that witness has begun testifying until the witness is excused.

Judge Sánchez expects trial to proceed smoothly without delay, and counsel are advised to avoid running out of witnesses during a trial day. If there will be a problem with the scheduling of any witness, counsel should inform the Court at the preliminary conference and at the beginning of that day’s proceedings.

Counsel shall provide opposing counsel and the Court with a list of witnesses for the next day.

### **I. Opening Statements**

The purpose of the opening statement is to state briefly what counsel expects the evidence to show. Brief reference to the law will be permitted to the extent such references will aid the jury in understanding what counsel expects to prove. It is not proper to use the opening statement to argue the case. Upon violation of any of these rules, the Court may sua sponte interrupt the opening statement and admonish counsel. The Court may also impose time limits on opening and closing statements. Counsel must seek the permission of the Court to present an opening or closing statement in excess of 30 minutes.

### **J. Objections to Questions**

When objecting, counsel should only state “objection” and cite to the evidentiary rule upon which the objection is based in a word or two. Counsel shall not offer argument or explanation unless requested to do so by the Court. Counsel will not be permitted to state additional reasons for an objection after the Court has ruled. Additionally, counsel shall not use objections for the

purpose of making a speech, recapitulating testimony, or attempting to guide the witness.

For purposes of protecting the record, counsel may, outside of the hearing of the jury, request a more complete argument on an objection. Argument will be heard during a scheduled break or before or after trial for the day.

In a case involving multiple parties, an objection by one shall be considered an objection by all **unless** a party specifically opts out of the objection.

If a witness is testifying by way of videotape, counsel must resolve all issues regarding objections and redaction prior to or during the final pretrial conference. In no case will trial be delayed to argue about or edit a videotape. *See also* Section III. M. ¶ 2.

### **K. Examination of Witnesses**

1. Counsel should conduct examination of witnesses from the lectern unless counsel has obtained the Court's permission to conduct witness examinations from another appropriate location in the courtroom.

2. When utilizing an exhibit during the examination of a witness, counsel should be prepared through tabbing or other means to display only the relevant document to the witness.

3. Counsel should ask witnesses to state and spell their names for the benefit of the ESR operator.

4. If a witness is to be examined on the basis of prior written statements made by the witness, and these statements have not yet been received into evidence, the witness shall first be shown the statement and asked whether he or she acknowledges having made it.

5. Counsel shall avoid the use of argumentative questions when questioning an opposing party. Instead, questions shall be kept clear and to the point.

### **L. Cross-Examination**

1. If counsel wishes to cross-examine a witness on the basis of a deposition, counsel must give a copy of the deposition to the witness, who will be permitted to read the deposition and to adopt or deny the testimony before counsel may proceed with cross-examination.

2. Judge Sánchez permits direct, cross, and redirect examination of a witness. Judge Sánchez generally permits recross-examination only “[w]here new evidence is opened up on redirect examination.” *United States v. Riggi*, 951 F.2d 1368, 1375 (3d Cir. 1991) (explaining “the privilege of recross-examination as to matters not covered on redirect examination lies within the trial court’s discretion” (citation omitted)).

### **M. Other Courtroom Tools**

1. Admissions, pleadings, requests for admissions, admissions of parties contained in depositions, and interrogatories are not part of the evidence at trial unless counsel moves for their admission and they are admitted.

2. Any objection to any part of videotaped or written deposition testimony must be reviewed with the judge during the pretrial conference and presented with a transcript and with reference to page numbers and grounds for objection. *See also* Section III. J. regarding objections.

#### **N. Sidebar Conferences**

1. Judge Sánchez discourages sidebar conferences; issues should be resolved at the final pretrial conference.

2. Any matter arising during trial must be brought to the judge's attention between 8 a.m. and 9 a.m., during breaks, at lunch time, or after the jury is dismissed for the day.

#### **O. Closing and Charge**

1. Judge Sánchez allows only 30 minutes for closing argument, including rebuttal, unless leave is granted for additional time. Plaintiff's counsel should be sure to reserve time from his or her closing to use for rebuttal. Failure to do so will constitute a waiver of rebuttal.

2. Any objection to any point for charge will be resolved or noted before closing arguments begin. No further changes will be made to the points for charge after closing arguments begin.

3. During closing, counsel shall refrain from expressing any personal opinion about the credibility of any witness, the culpability of the plaintiff or the defendant, personal knowledge of a fact in issue, or any fact not in evidence.

4. Judge Sánchez will not permit any personal attack or any closing argument which invokes gender, sexual orientation, ethnicity, race, religion, or politics.

5. Any objection during closing should be carefully considered, brief, and based on a rule in a word or two only.

#### **P. Miscellaneous**

1. For all nonjury trials, the Court requires the parties to submit proposed findings of fact and conclusions of law. Proposed findings and conclusions shall be submitted within 21 days of receipt of the trial transcript, which shall be ordered promptly.

2. During jury deliberations, counsel and their clients shall be available to return to the courtroom on ten minutes' notice.

3. From the time the jury is selected until it is discharged, counsel, the parties, and their witnesses shall avoid all forms of contact with individual jurors. If the jury or any individual juror is entering an elevator, counsel and his or her client(s) are advised to take another elevator.

*For any civil litigation issues not addressed above, please consult the Local Rules of Civil Procedure for the Eastern District of Pennsylvania, available at <http://www.paed.uscourts.gov>*

## IV. CRIMINAL MATTERS

Judge Sánchez's requirements for courtroom decorum and civility apply particularly in criminal matters. Counsel are advised to treat the jurors' time and every witness with respect.

At no time during trial will Judge Sánchez permit counsel to comment adversely on the silence of a defendant, make statements of personal belief, attack counsel, appeal to the self-interest or passions of the jury, or make comments based on gender, sexual orientation, race, ethnicity, religion, or politics. A violation of any of these rules will result in severe sanctions.

### A. Communications with Chambers

The information in Section I. A. of these Policies and Procedures is generally applicable to criminal matters, except with respect to email communications. In criminal cases, counsel may communicate with Judge Sánchez's Criminal Deputy, Nancy DeLisle, by email regarding scheduling matters at [Nancy\\_DeLisle@paed.uscourts.gov](mailto:Nancy_DeLisle@paed.uscourts.gov); however, requests for a continuance of any court proceeding or an extension of any case management deadline must be directed to Judge Sánchez, either by letter or by motion. Requests for a continuance of trial must be made by motion, as set forth in Section IV. C. below. Correspondence directed to Judge Sánchez may be transmitted to chambers in hard copy, by facsimile, or by email to [Chambers of Chief Judge Sanchez@paed.uscourts.gov](mailto:Chambers_of_Chief_Judge_Sanchez@paed.uscourts.gov), and must be copied to [Nancy\\_DeLisle@paed.uscourts.gov](mailto:Nancy_DeLisle@paed.uscourts.gov). Communications with chambers should be copied to all counsel.

### B. Motions Practice

All pretrial motions—including motions in limine and any motions challenging the indictment, seeking suppression of evidence, or raising any dispositive matters—must be filed in accordance with the deadlines set forth in the Scheduling Order entered in the case. Upon the filing of any motion, the parties shall advise the Court whether they intend to present testimony in support of or in opposition to the motion and the expected duration of any such testimony, so that the Court can schedule a motion hearing, if necessary.

### C. Trial Continuances

Any request for a continuance must be filed no later than 14 days in advance of the scheduled trial date. A request for a continuance must be filed as a motion stating the reasons for the request. Any such motion must be accompanied by a proposed form of Order which, if approved by the Court, would grant the relief sought by the motion. The proposed form of Order **must** be consistent with the requirements of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), and must include a proposed finding that explains in reasonable detail why the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial.

Judge Sánchez requires a telephone conference before granting the first continuance of a trial. Subsequent continuance requests are strongly discouraged.

#### D. Pretrial Conferences

Judge Sánchez schedules a pretrial conference in all cases. Motions in limine, proposed voir dire questions, proposed jury instructions, and a proposed verdict slip must be submitted prior to the pretrial conference, in accordance with the deadlines set forth in the Scheduling Order, and any issues related to these matters must be raised prior to or at the pretrial conference.

#### E. Voir Dire

Judge Sánchez conducts extensive voir dire in criminal jury matters. Counsel may submit follow-up questions for Judge Sánchez to ask.

#### F. Testimonial Issues

Judge Sánchez strongly encourages the disclosure of Jencks Act and Rule 26.2 statements prior to trial so that any dispute may be resolved at the pretrial conference without delaying the trial. If disclosure is withheld until after direct examination, the statements will be presumed to be relevant, and the opposing party will be afforded a recess to prepare for cross-examination.

If the Government expects to introduce Rule 404(b) evidence relating to other crimes, wrongs, or acts, it must file a notice of its intention to do so prior to the pretrial conference. The notice shall include a brief summary of the proposed evidence, identifying the purpose for which the evidence will be offered and explaining how the evidence fits into a chain of logical inferences connecting it to a proper purpose, no link of which is an improper propensity inference. *See United States v. Davis*, 726 F.3d 434, 442 (3d Cir. 2013). The notice shall also include a proposed jury instruction to precede the introduction of such evidence.

If tapes are used in a case, counsel shall jointly resolve any dispute regarding the accuracy of transcripts prior to the pretrial conference. Any unresolved dispute must be raised at the pretrial conference.

#### G. Guilty Pleas

1. Before a defendant offers a guilty plea, the guilty plea memorandum, guilty plea agreement (if applicable), and acknowledgment of rights must be completed and reviewed with the defendant, and must be provided to the Court two days prior to the change of plea hearing, if possible. Plea papers may be transmitted to chambers in hard copy, by facsimile, or by email to [Chambers\\_of\\_Chief\\_Judge\\_Sanchez@paed.uscourts.gov](mailto:Chambers_of_Chief_Judge_Sanchez@paed.uscourts.gov), with a copy to [Nancy\\_DeLisle@paed.uscourts.gov](mailto:Nancy_DeLisle@paed.uscourts.gov).

2. The guilty plea agreement and memorandum must state whether the plea is a general plea of guilty, a conditional plea, or a plea of nolo contendere. The guilty plea agreement also must disclose to the defendant and the Court whether the plea is entered pursuant to Federal Rule of Criminal Procedure 11(c)(1)(A), (B) or (C), relating to the obligation of the Government regarding other charges under subsection (A), a non-binding sentencing recommendation under subsection (B), or a binding sentencing recommendation under subsection (C). In addition, the plea agreement **must** inform the defendant and remind the Court, pursuant to Rule 11(c)(3)(B), that the defendant has no right to withdraw the plea if the Court does not follow the recommendation or request if the plea is entered under 11(c)(1)(B).

3. Form AO245B (Criminal Justice Work Sheet) must be completed for each defendant.

### H. Sentencing

Judge Sánchez will schedule sentencing on the day the Court accepts a defendant's guilty plea or after a defendant is convicted at trial. Judge Sánchez discourages continuances of sentencing, and sentencing will be continued for good cause only. Judge Sánchez will not consider any request for a continuance exceeding 90 days.

If, after receiving a first continuance, both counsel for the Government and defense counsel believe that good cause exists for an additional continuance beyond the 90-day period, counsel may jointly submit a written request for an additional continuance, explaining why good cause exists.

To avoid delay in sentencing, all objections to the Presentence Investigation Report (PSR) must be sent to the probation officer in advance of sentencing. In no event shall counsel raise objections for the first time in a sentencing memorandum.

Sentencing motions and supporting memoranda must be filed at least 14 days prior to the scheduled sentencing date, and any response thereto must be filed at least seven days prior to the scheduled sentencing date.

Sentencing memoranda (exclusive of motions), by both the Government and the defense must be filed simultaneously no later than one week before the scheduled sentencing date, and any response thereto must be filed at least three days prior to the scheduled sentencing date.

***For any criminal litigation issues not addressed above, please consult the Local Rules of Criminal Procedure for the Eastern District of Pennsylvania, available at <http://www.paed.uscourts.gov>***