

**JUDGE EVELYN PADIN'S  
GENERAL PRETRIAL AND TRIAL PROCEDURES**

**Revised: February 20, 2025**

## **I. PRELIMINARY GENERAL MATTERS<sup>1</sup>**

### **A. Professionalism and Civility**

Litigants should be polite, courteous, and otherwise civil to one another, as well as to all parties, witnesses, and Court personnel at all times. Litigants should be punctual for all conferences, hearings, oral arguments, and trials. Judge Padin expects litigants to confer with and keep their clients up to date (1) with respect to substantive submissions to the Court, (2) in advance of Court appearances, and (3) as to material developments in the client's case. All of the matters addressed in these Procedures apply to all litigants in any matter pending before Judge Padin, including all *pro se* litigants, unless stated otherwise.

In general, litigants should bring matters to the Judge's attention only after they have been discussed with opposing counsel and a reasonable effort has been made to resolve a dispute and the positions of all interested parties on the matter needing the Court's attention have been shared.

The examination of witnesses during hearings or trials should be conducted from the lectern or from counsel table. Speakers should always rise to address the Court unless specifically instructed otherwise. In addition, speakers will direct all comments to the Court or to the witness under examination and not to other litigants or to the jury. To the extent possible, the Court should be alerted to issues that will need to be ruled upon during the day at the start of the day's proceedings, or during recess out of the jury's presence.

### **B. Use of Generative Artificial Intelligence ("GAI")**

The use of any GAI (*e.g.*, OpenAI's ChatGPT or Google's Bard) in any court filings requires a mandatory disclosure/certification that: (1) identifies the GAI program; (2) identifies the portion of the filing drafted by GAI; and (3) certifies that the GAI work product was diligently reviewed by a human being for accuracy and applicability.

### **C. *Pro se* litigants**

*Pro se* (unrepresented) litigants are advised that *ex parte* (one-sided) and/or personal communications and submissions are not advised and will generally not be accepted. All substantive correspondence with the Court should be filed on the CM/ECF docket. Any writings sent to the Court will generally be posted on the public CM/ECF docket.

---

<sup>1</sup> To the extent that the rules for the Third Circuit or the District of New Jersey conflict with any of the preferences set forth in this document, the rules of the Third Circuit and the District of New Jersey control.

#### **D. Correspondence with the Court**

Before corresponding with the Court, litigants must consult the relevant rules for the Third Circuit, the District of New Jersey, this document, and the docket on the CM/ECF system. In general, communications with the Court should be made through the CM/ECF, *not* by fax, email, or phone call to chambers. Every communication requesting the Court's input must indicate the requesting party's efforts to first confer with the other party(ies) to resolve the matter. If a party emails Chambers, they **must** copy `chambers_of_judge_evelyn_padin@njd.uscourts.gov` on all correspondences.

To the extent you wish to contact the Court on a routine scheduling matter (*e.g.*, an extension for the submission of a brief), please do so via CM/ECF with as much advance notice as possible.

Direct correspondence to advise the Court that a case has been settled or dismissed is also appropriate, as is correspondence on any matter when specifically requested by the Court. Any written communication requesting action by the Court on any subject should include at a minimum: (1) a very brief description of the situation requiring the Court's attention; (2) the position of the opposing party(ies) (*i.e.*, consent or opposition); and (3) the specific relief sought.

All litigants should be sent a contemporaneous copy of all correspondence sent to the Court. All other communications with the Court should be made by the formal filing of pleadings, motions, applications, briefs, or legal memoranda.

In general, and unless otherwise directed by the Court, all discovery-related correspondence, as well as any correspondence related to non-dispositive motions, should be addressed to the Magistrate Judge assigned to the case. All correspondence related to dispositive motions, trials, and related oral arguments should be addressed to Judge Padin.

#### **E. Telephone Correspondence with the Court**

Calls to the Court should be reserved for emergencies. Callers should let the Court know (1) their name(s); (2) the case name and civil action number on which they are calling; (3) the party(ies) they represent; and (4) their question. Further information is not required unless requested by the Court. Please review the docket before contacting the Court, as litigants' questions can often be answered by reviewing the docket.

#### **F. Communication with Law Clerks**

Judge Padin permits limited communications with her law clerks solely regarding administrative matters and questions. Unless directed otherwise by the Court, litigants should never contact law clerks for advice on substantive or procedural matters other than of a very rudimentary nature (such as to confirm the Court's administrative policies and procedures or to alert the Court of some actual emergency that cannot be timely handled by conventional correspondence or formal filings). Communications with the Court about scheduling matters should be directed to Judge Padin's Courtroom Deputy. Communications from litigants purporting

to justify litigants' conduct because "Your Honor's law clerk [or Deputy] said . . ." are highly disfavored and are never appropriate as an explanation of litigants' strategic or tactical choices.

### **G. Telephone Conferences**

Telephone conferences with all litigants may be used at the Court's discretion to resolve scheduling matters, time extensions, or other disputes. Litigants will be notified of the date and time for the telephone conference.

Absent prior permission from the Court, parties are each limited to two attorneys each appearing at telephone conferences. Only one attorney per side will be permitted to address the Court during the call. Counsel should file a notice of appearance prior to appearing at a telephone conference or they will not be permitted to speak.

Failure to observe basic telephone courtesy will result in the Court's refusal to use telephone conferences in matters involving the offending participants.

### **H. Oral Arguments and Evidentiary Hearings**

Judge Padin does not set aside specific days or times for oral argument, motions, or evidentiary hearings. Hearings and arguments are scheduled on an *ad hoc* basis. The Court endeavors to provide litigants with appropriate advance notice of scheduled hearings, arguments, and conferences—and expects litigants to refrain from last minute (*i.e.*, less than 48 hours) requests to cancel, postpone, or reschedule such matters in the absence of actual emergencies.

### **I. Pro Hac Vice Admissions**

Please refer to Local Civil Rule 101.1(c). These requests will generally be handled by the assigned Magistrate Judge.

## **II. CIVIL CASES**

### **A. Pretrial Procedures and Final Pretrial Conference with Magistrate Judge**

Generally, the Magistrate Judge assigned to the case schedules an initial pretrial conference pursuant to Local Civil Rule 16. These conferences are held after the filing of the defendant's answer or a dispositive motion. The Magistrate Judge assigned to the case determines associated procedures. At the close of discovery, the Magistrate Judge will hold a final pretrial conference. Prior to that conference, the Magistrate Judge will provide the litigants with a proposed form of final pretrial order.

### **B. Following Final Pretrial Conference with Magistrate Judge**

Judge Padin may hold a telephone conference to set a date for a settlement conference. Where settlement is not possible, Judge Padin will set dates for pre-trial submissions. Generally, dates for trial briefs and *in limine* motions are set for forty-five (45) days before the trial date.

### **C. Settlement Conference**

Absent leave of Court, trial counsel and clients with full settlement authority must attend all settlement conferences.

### **D. Chambers Courtesy Copies of Motions**

Litigants should submit two courtesy copies of all papers to the Court, unless the materials comprise more than one large binder, in which case they should be submitted on a USB drive. Litigants may coordinate with the Courtroom Deputy to submit USB exhibits. All USB files should be clearly organized and labeled as the files are named in the briefs.

### **E. Motions**

#### **i. Pre-Motion Conference in Civil Cases**

In an effort to resolve cases expeditiously, before bringing a motion to dismiss, motion for a more definite statement, motion to remand, motion for change of venue, or motion for judgment on the pleadings in civil matters, a party must submit a letter, not to exceed three (3) single-spaced pages, including counsel's signature, requesting a pre-motion conference. The letter must set forth the basis for the anticipated motion and include citations to relevant authority. Within seven (7) days after receipt of this letter, all adversaries must submit a written response, not to exceed three (3) single-spaced pages. No party may submit a reply letter unless directed by the Court. Affidavits and exhibits are not permitted unless directed by the Court. A proffer by the attorney, however, of the contents of any such affidavit(s) and/or exhibit(s) shall suffice.

The Court may attempt to resolve the dispute(s) at a pre-motion conference (in person or via telephone/videoconference), to the extent possible. Only issues raised in the letters will be discussed at the pre-motion conference. If the dispute cannot be resolved at the pre-motion conference (or if the Court determines that a conference would not be helpful), the moving party may proceed with filing its motion. To be clear, this procedure does not preclude a party from filing any of the above motions pursuant to Local Civil Rule 12.1. Rather, the Court hopes to use this procedure to advance the case efficiently and minimize the costs of litigation to the parties. In addition, compliance with this procedure shall not be deemed a waiver of any parties' defenses as to lack of personal jurisdiction, improper venue, insufficient process, or insufficient service of process.

A party's submission of a pre-motion letter will toll that party's time to file its motion (or answer) through (i) the date of the pre-motion conference or (ii) the Court's decision not to conduct such a conference. If the Court determines that a pre-motion conference would not be helpful and instructs a party to proceed with filing its proposed motion without a conference, that party shall have an additional seven (7) days to file after its Fed. R. Civ. P. 12(a) deadline, unless additional time is stipulated or the Court so orders.

The procedures set forth *supra* Section I(G) apply to pre-motion telephone conferences. The pre-motion letter requirement does not apply in cases in which either side is *pro se* or in bankruptcy or social security appeals.

**ii. Motions to Seal**

The assigned Magistrate Judge handles motions to seal.

**iii. Continuances and Extensions**

Litigants should expect the Court to maintain the dates contained in the Scheduling Order, unless there is good cause to justify a change. Generally, Judge Padin will grant a short (*i.e.*, two weeks or fewer) continuance or extension that will not affect discovery dates, motion-decision dates, hearing dates, or trial dates, if requested with the agreement of all litigants.

Any other request for a continuance or extension should set forth in detail the basis for the request and whether the request is agreed to or opposed by the other litigant(s). A request for an extension or continuance of longer than two (2) weeks regarding the trial date, a discovery cutoff date, or the deadline for filing dispositive motions must be made sufficiently prior to the due date to allow time for the Court to consider it and should set forth compelling reason(s) for the relief sought. An unopposed request may be made by letter to the Court and should include the reasons for the request. All such letters—as with *all* correspondence with the Court—should be filed electronically via CM/ECF.

**iv. General Motion Practice**

Except as set forth here, motion practice will be conducted in accordance with Local Civil Rule 7.1. Failure to follow motion practice rules, including these Procedures or motion scheduling orders, may result in denial without prejudice or the administrative termination of the motion. Judge Padin requires strict compliance with the length limitations and format requirements for briefs set forth in Local Rule 7.2. Requests for overlength briefs are highly disfavored. Judge Padin also requires compliance with Local Rule 1(h) that all PDF filings be text searchable and at a minimum 400 dpi. Failure to abide by these requirements may result in rejection of the papers.

**v. Oral Argument on Motions**

If the Court determines that oral argument will be helpful in deciding a matter, Judge Padin will schedule it and the parties will be specifically advised of a date and time for oral argument via CM/ECF.

Judge Padin strongly encourages parties to allow junior attorneys (*i.e.*, attorneys in their first six (6) years of practice) to present arguments whenever possible. If a party provides advance notice to the Court that a junior attorney will present argument, Judge Padin may be more inclined to permit oral argument, and may permit more experienced counsel to assist in the argument should the need arise.

## **vi. Reply and Sur-Reply Briefs**

Replies are generally permitted pursuant to Local Civil Rule 7.1(d). However, according to Local Civil Rule 7.1(d)(3), no reply papers shall be filed to cross-motions under Local Civil Rule 7.1(h); Reconsideration under Local Civil Rule 7.1(i); Case Management under Local Civil Rule 16.1(g)(2); and Discovery under Local Civil Rule 37.1(b)(3), unless the Court permits otherwise.

No sur-replies are permitted without prior permission. They are strongly discouraged unless it is apparent on the face of the submission that such additional briefing is necessary to rebut an issue not discussed in the initial briefs. Permitted Sur-reply briefs may be filed and served within seven (7) days of service of the brief to which the sur-reply responds unless the Court sets a different schedule. Sur-reply submissions should not contain a repeat recitation of the facts of the case and, without leave of Court for good cause shown, must not exceed ten (10) pages in total. No other briefs may be filed without leave of Court for good cause shown.

## **F. Summary Judgment Motions**

Local Civil Rule 56.1 requires:

On motions for summary judgment, the movant shall furnish a statement which sets forth material facts as to which there does not exist a genuine issue, in separately numbered paragraphs citing to the affidavits and other documents submitted in support of the motion. A motion for summary judgment unaccompanied by a statement of material facts not in dispute *shall* be dismissed.

L. Civ. R. 56.1 (a) (emphasis added). Additionally, the Court will not consider any assertion of a fact that is not supported by a pinpoint citation to the record.

A litigant opposing summary judgment must submit a responsive statement of facts, repeating the facts alleged to not be in dispute, and indicating agreement or disagreement and, if not agreed, stating each material fact in dispute and citing to record evidence in support. Failure to address the moving party's factual contentions in this manner will lead to the Court's consideration of the moving party's factual assertion(s) as undisputed.

Local Civil Rule 56.1 statements may not include legal argument or conclusions of law (including evidentiary objections). All points of law and surrounding argument must be made in the briefs.

## **G. Motions Seeking Emergent Relief**

When seeking emergent relief, the parties **must**, absent a true emergency, detail their prior efforts to address the issue with the other litigant(s) and serve the papers upon them.

Submission of proposed findings of fact and conclusions of law for temporary restraining order (“TRO”) and injunction hearings will be required. The time for submission of these items will be set at the pre-hearing conference.

## **H. Pretrial Combined Submissions (In Hard Copy and Microsoft Word Format)**

### **i. Exhibit Lists and Bench Books**

The parties must submit, at least one week prior to trial—in hard copy and in Word Format—a consolidated/combined joint exhibit list to minimize the duplication of the exhibits. The list should be a chart separated into three columns: (1) the exhibit; (2) the opponent’s objection (a very short statement containing the relevant rule and/or concept); and (3) the proponent’s rationale for admissibility (*e.g.*, the relevance rationale or on-point hearsay exception).

Litigants shall also submit three (3) copies of the bench book of trial exhibits, unless otherwise advised by Chambers. The Courtroom Deputy will use the originals. However, during the course of trial, if litigants change exhibit tabs or add new exhibits, litigants must update two copies that will be left in the Courtroom at 4:30 pm. These copies are for the Judge and the Law Clerk assigned to the trial.

### **ii. Combined Neutral Statement of Facts**

The litigants should submit a short proposed statement of the case that the Court will read during jury selection as part of the Court’s initial statements. Any disagreements by the litigants should be submitted in column form. The column on the left will contain Plaintiff’s (or the Prosecution’s) proposals. The column on the right will contain the Defendant’s proposals.

### **iii. Proposed Preliminary Jury Instructions, Final Jury Instructions, and Verdict Sheet**

Instead of separate submissions from the litigants, Judge Padin requires one combined submission, identifying any areas of disagreement. Where the litigants are unable to agree, the submission should be split into two columns as discussed above.

Each proposed instruction should be double-spaced and include citations to specific authority using footnotes. Proposed instructions without citations to specific legal authority will not be considered. Cases and model jury instructions that are cited should be accurately quoted and a pinpoint page reference should be provided.

If a model jury instruction is submitted, for instance, from the Third Circuit Model Instructions at <http://www.ca3.usCourts.gov/modeljuryinstructions.htm>, Devitt & Blackmar,



Federal Jury Practice and Instructions, or Sand, Modern Federal Jury Instructions, the submitting litigant shall state whether the proposed jury instruction is unchanged or modified. If a litigant modifies a model jury instruction, additions should be **bolded and underlined** and deletions should be noted with strikethrough font.

Judge Padin strongly prefers jury instructions that track the relevant model. She disfavors jury instructions containing case-specific facts or contentions except where absolutely necessary. Because Judge Padin usually charges the jury *before* closing arguments, and because she disfavors the inclusion of facts or contentions in the jury charge, litigants are encouraged to include facts and contentions in their summations. Judge Padin may, after consultation with counsel, provide a written copy of the final jury instructions to the jurors.

#### **iv. Voir Dire Questions**

Ordinarily, Judge Padin will conduct *voir dire*. Instead of separate submissions from the litigants, Judge Padin requires one combined submission, identifying any questions in dispute. The Court will, upon request, provide an example of *voir dire* questions that were used during a recent trial. Litigants should utilize a similar format in crafting the proposed *voir dire* question for their case.

#### **v. Prepared Script for Counsel's Review**

Judge Padin will provide a prepared script she will read at *voir dire*. The script will be available for counsel to review prior to *voir dire* selection.

### **I. Pretrial Meeting**

Before jury selection, Judge Padin will hold an in-person housekeeping meeting with litigants. The meeting will include (but will not be limited to) marking exhibits and previewing objections, discussing the *voir dire*, and discussing jury instructions.

### **J. Trial Procedure**

#### **i. General**

Counsel will provide their cell and office phone numbers to the Court.

#### **ii. Approaching the Witness**

If a litigant wishes to approach the witness, the litigant should ask for permission to do so. If a litigant needs to approach one witness many times, a single request for permission will suffice.

### **iii. Objections and Sidebars**

If a litigant wishes to make an objection, he or she should stand, state the objection, and simply state the basis for the objection, such as “hearsay” or “relevance.” The Court disfavors speaking objections. If a litigant believes a more extensive conference is required, then the litigant should request a sidebar conference. The Court usually will grant the request so long as such circumstances are not abused. Litigants are encouraged to bring any evidentiary questions to the Court’s attention outside the presence of the jury, preferably before or after the day’s proceedings.

### **iv. Witness and Jury**

Litigants have the responsibility to advise witnesses that no witness may talk to the jury at any time during the pendency of the case. For example, if the witness has stepped down from the witness stand to testify as to an exhibit, the witness should not have any private conversation whatsoever with any juror. The witness may, of course, direct his or her answers to the jury’s direction, so long as the witness is still answering a litigant’s questions.

### **v. Documents and Exhibits**

Any and all documents to be provided to the Court or viewed by the jury should first be handed to the Courtroom Deputy.

### **vi. Scheduling**

The trial day typically will be from 9:30 a.m. until 4:30 p.m., so that the early morning and late afternoon periods can be used for addressing matters outside the presence of the jury.

### **vii. Cases Involving Out-of-Town Parties or Witnesses**

Other than in rare and exceptional circumstances, Judge Padin schedules the trial of cases involving out-of-town litigants, parties, or witnesses the same as all other cases, leaving the scheduling of witnesses to litigants.

### **viii. Conflicts of Litigants**

Litigants should notify the Court and opposing counsel immediately upon learning of any unavoidable and compelling professional or personal conflicts affecting the trial schedule. Once a trial date has been set, the Court expects that obligation to take precedence over other matters (except serious, unanticipated personal or professional emergencies).

### **ix. Note Taking by Jurors**

Judge Padin does not permit jurors to take notes. Note taking is not necessary and will distract jurors from paying attention to what a witness is saying and his or her manner on the witness stand. The jurors will be able to rely on their collective memory about the testimony and

other evidence when the jury is deliberating. Indeed, that is one of the reasons for having a number of persons on the jury.

Although the Court reporter will be transcribing the testimony, litigants should not assume that transcripts will be available for review by jurors during jury deliberations.

**x. Juror Questions to Witnesses**

Judge Padin does not permit jurors to submit questions to the Court to be posed to a witness.

**xi. Trial Briefs**

Generally, Judge Padin requires the submission of trial briefs no later than forty- five (45) days before trial.

**xii. In Limine Motions**

Submission dates for *in limine* motions are set during the initial telephone conference with Judge Padin following the Magistrate Judge's final pretrial conference. Typically, *in limine* motions are due forty-five (45) days before trial.

**xiii. Peremptory Challenges**

Judge Padin prefers that counsel stand and announce their peremptory challenges, and Judge Padin will typically permit only one pass by a party without forfeiture.

**xiv. Examination of Witnesses or Argument by More Than One Attorney**

Judge Padin will permit more than one attorney for a party to examine different witnesses or to argue different points of law before the Court, but only one attorney per party may examine the same witness. Although Judge Padin permits different attorneys to give the opening and summation, the opening attorney must provide the full opening and the closing attorney must provide the full summation.

The attorney conducting direct or cross examination shall be the only litigant speaking at sidebar conference.

**xv. Trial Equipment**

Equipment and the smooth presentation of exhibits in video or other electronic form is the responsibility of litigants and should be attended to with care. Back-up plans in the event of equipment failure should be available. Litigants are required to ensure that they are fully familiar with the equipment *before* appearing in Court so that the proceedings run smoothly, without being hampered by avoidable technology problems. Should litigants wish to use equipment provided by the Court or to set up the Courtroom before their appearance to test the technology, please contact Judge Padin's Courtroom Deputy at least one week prior to the start of trial.

**xvi. Offering Exhibits into Evidence**

Generally, unless the litigants have an agreement as to the admissibility of a proposed exhibit, a witness may not testify as to its content until it has been admitted into evidence.

**xvii. “Directed Verdict” Motions**

Motions for judgment as a matter of law in jury trials and motions for an involuntary dismissal in non-jury trials should be in writing where possible.

**xviii. Proposed Findings of Fact and Conclusions of Law**

The Court will set a timeframe for submitting proposed findings of fact and conclusions of law in non-jury cases depending on the complexity of the matter. The Court will generally require litigants to submit a joint submission of proposed findings of fact in column format as follows: (1) in each column, litigants must provide consecutively numbered paragraphs with headings and subheadings to indicate issues and sub-issues; (2) litigants must indicate which facts are agreed upon; and (3) litigants must include specific reference to testimonial or documentary evidence in support of the proposals.

**xix. Unavailability of Witnesses**

Because a witness may be unavailable at the time of trial, as defined in Federal Rule of Civil Procedure 32(a)(3), the Court expects oral or videotaped depositions to be used at trial for any witness whose testimony a litigant believes essential to the presentation of that litigant’s case, whether the witness is a party, a non-party, or an expert. The unavailability of such witness will not be a ground to delay the commencement or progress of trial absent good cause shown.

**xx. Lay Witness Opinion**

Any litigant expecting to offer opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701 with respect to issues of liability or damages shall, at the time required for submission of expert reports, serve the opposing litigants with the same information and/or documents required with respect to such expert witnesses.

**K. Trial Procedure**

**i. Timing of Jury Charge**

In most cases, Judge Padin will charge the jury *before* closing arguments, providing the jurors with an opportunity to learn the law before hearing summations that match the facts and contentions to the law.

**ii. Written Jury Instructions**

Judge Padin may provide jurors with copies of the instructions after conferring with counsel.

**iii. Exhibits in the Jury Room**

Unless good cause is shown, Judge Padin will permit all exhibits containing substantive or real evidence to be available to the jury for deliberation. Litigants should confer with each other as to which exhibits should go into the jury room. Before deliberation, litigants will confer with the Courtroom Deputy to confirm which exhibits including demonstratives (and which versions of exhibits) will go into the jury room.

**iv. Handling Jury Requests to Read Back Testimony or Replay Tapes**

At the jury's request, if the transcript is available, Judge Padin will permit a copy of the sanitized transcript to go into the jury room, but only with the consent of the litigants.

**v. Availability of Litigants During Jury Deliberation**

Unless excused by the Court, litigants should remain in the Courthouse during jury deliberations, and, in any event, be no more than 10 minutes away from the Courthouse.

**vi. Polling the Jury**

Judge Padin will poll the jury upon request.

**vii. Meeting with the Jury**

Judge Padin may meet with jurors after a verdict but counsel and parties are prohibited from doing so.

**III. CRIMINAL CASES**

Policies and procedures for criminal cases are generally the same as those set forth above for civil cases.

**A. Communication with the Court**

Motions, letters, and other communications with the Court must be filed on the CM/ECF docket. If a party believes it is necessary to email Chambers instead of filing on the CM/ECF docket, they must copy Judge Padin's chambers (chambers\_of\_judge\_evelyn\_padin@njdcourts.gov) on their email.

## **B. Oral Argument and Motions**

Judge Padin may permit oral argument on a substantive motion in a criminal case. Judge Padin disfavors the submission of letter-motions. Parties should submit attorney certifications alongside letter-motions to the extent they feel letter-motions are warranted in lieu of a formal notice of motion.

## **C. Indictments and Informations**

Generally, Judge Padin does permit the jury to have a copy of the redacted indictment. During deliberation, any question regarding what to redact should be made to the Courtroom Deputy.

## **D. Pleas**

All plea-related documents shall be submitted to Chambers at least two weeks prior to the plea date.

## **E. Sentencing Memoranda**

### **i. Timing**

Unless otherwise ordered by the Court, a party moving for a variance, downward departure, or submission in mitigation of a sentence (a “Moving Submission”) is instructed to directly serve the Court, in accordance with the procedures set forth in subsection ii below, no fewer than two weeks prior to the sentencing date. The responsive party’s submission (a “Responsive Submission”) to any related motions shall be submitted and served, in accordance with the procedures set forth in subsection ii below, no fewer than one week prior to the sentencing date.

### **ii. Submissions**

All sentencing memoranda, supporting exhibits, and correspondence (collectively, the “Sentencing Materials”), shall be submitted directly to the Court. The submitting party is also expected to furnish copies to all Counsel of Record and the United States Probation Department. Although the submitting party is not required to file its memorandum on the Court’s CM/ECF system, the submitting party is required to file a notice via CM/ECF (a “Submission Notice”) on the form prescribed by the Clerk of the Court.

Any interested member of the public or press who wishes to obtain a copy of the Sentencing Materials (a “Requestor”) must make a Request for Disclosure on a form prescribed by the Clerk of the Court within 48 hours of receiving the Submission Notice. A Request for Disclosure made after 48 hours of receiving the Submission Notice may or may not be considered by the Court prior to the sentencing hearing. A Requestor or the Requestor’s attorney is encouraged to contact Judge Padin’s chambers to confirm that their Request for Disclosure has been received by the Court.

Upon a Request for Disclosure, Counsel of Record is required to meet and confer to determine what non-public information should be redacted from the Sentencing Materials in accordance with subsection iii below. All proposed redactions to the Sentencing Materials shall be made prior to disclosure regardless of whether the parties to the underlying criminal matter agree on all the redactions. Redacted Sentencing Materials shall be electronically filed via CM/ECF within 48 hours after the Request for Disclosure is filed on the docket.

A member of the public or the press who wishes to have access to portions of the redacted sections of the Sentencing Materials shall advise the Court, via a written submission on the docket (or if unrepresented by counsel, via e-mail to the Courtroom Deputy and all Counsel of Record) that it seeks access to redactions contained within the Sentencing Materials. Such written submission shall identify the name of the requesting party, the name of counsel for the requesting party, if any, the specific portions of the sentencing memoranda sought to be disclosed, and any legal arguments supporting disclosure (not to exceed 5 pages). Within two days of such written submission, the parties shall electronically file a response (not to exceed 5 pages). Thereafter, Judge Padin will either conduct a conference, enter an appropriate briefing schedule, or rule summarily.

### **iii. Presumptively Non-Public Information**

When letters are attached to a sentencing memorandum, those letters should be grouped together as attachments to a single document. Any letters sent directly to the Court and not attached as an exhibit to a sentencing memorandum will be presumptively deemed confidential unless and until ruled otherwise by Judge Padin.

Counsel of Record during the meet and confer process should take great care to redact Presumptively Non-Public Information prior to e-filing on CM/ECF. Presumptively Non-Public Information includes the following: references to the Presentence Report (“PSR”); names of victims, witnesses, and other individuals whose identity and roles were not previously disclosed; information regarding cooperation by the defendant and others that was not previously disclosed; sensitive personal information concerning the defendant and others, including but not limited to medical or psychological reports and data; personal identifying information such as addresses, social security numbers, account numbers, and dates of birth; and information obtained during the course of a Grand Jury or law enforcement investigation that was not previously disclosed. All redactions should be sufficient to ensure that the content of the redacted information is not apparent from the context of the surrounding text.

### **F. Probation Reports**

Judge Padin will not ordinarily permit the defendant or counsel for either party to review the Probation Department’s recommendations regarding sentencing.

### **G. Continuances**

Defense counsel will be expected to consult with their client and set forth in papers submitted to the Court their client’s position with respect to any request for a continuance. The

defendant's written agreement with the request must be submitted to the Court at the time of the defense motion to arrive no later than ten (10) business days before sentencing.

## **H. Miscellaneous**

Prior to seeking relief to home confinement or bracelet monitoring conditions, counsel is obligated to first seek the consent of the Government and pretrial services. Any motion for relief must be filed on the CM/ECF docket no later than 7 days prior to date of the requested modification (*e.g.*, release to family for special occasions, medical appointments, etc.). Failure to comply with this deadline, absent extenuating circumstances, will result in a denial of the request.

## **I. Attendance**

Minors are prohibited from attending criminal proceedings.

# **IV. OTHER GENERAL MATTERS**

## **A. Miscellaneous Courtroom Conduct Issues**

### **i. Cell Phones**

Please note that all cell phones, cameras, and other electronic devices are strictly prohibited in this Courtroom. If a cellphone or other electronic device goes off during a Courtroom proceeding, the Courtroom Deputy may confiscate the device.

### **ii. Transcripts**

It is a litigant's obligation to make all necessary arrangements with Judge Padin's Court Reporter, Fran DiBella ([francesca\\_dibella@njd.uscourts.gov](mailto:francesca_dibella@njd.uscourts.gov)) for securing a transcript of the proceedings.

## **B. Final Considerations**

### **i. Conflicts with These Procedures**

Parties are advised that this document governs proceedings in this Court, unless otherwise directed by Judge Padin. However, if other conflicts arise or if a deviation is appropriate, the Court is willing to entertain a prompt and reasonable request to depart from these Procedures.

As stated above, if conflicts arise between these Procedures and the rules for the Third Circuit or the District of New Jersey, please follow the rules of the Third Circuit or District of New Jersey.



**ii. Civility**

This Court puts a high premium on civility. To repeat comments set forth above, Judge Padin expects punctuality and courtesy from litigants to the Court and to each other, both in the presence of the Court and otherwise.

**iii. Additional Remarks and Questions for the Court**

It is this Court's priority to provide prompt and efficient adjudication of justice. The Court looks forward to working with litigants to achieve this important goal, and hopes these Procedures aid litigants in that process. If litigants have a specific question on a matter not addressed above, litigants are encouraged to contact Judge Padin's staff.