

July 8, 2024

INDIVIDUAL RULES & PRACTICES IN CRIMINAL CASES
RONNIE ABRAMS, UNITED STATES DISTRICT JUDGE

Chambers

United States District Court
Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007

Courtroom

United States District Court
Southern District of New York
40 Foley Square, Courtroom 1506
Allison Cavale, Courtroom Deputy

- 1. Initial Matters.** Upon assignment of a criminal case to Judge Abrams, the parties shall contact Courtroom Deputy Allison Cavale to arrange a prompt initial conference. The Assistant United States Attorney (“AUSA”) shall provide to Chambers, as soon as practicable, a courtesy copy of the Indictment and the Complaint, if one exists.
- 2. Electronic Case Filing (ECF).** Counsel are required to register for ECF promptly after being retained or assigned. Counsel can obtain instructions on how to register at <https://nysd.uscourts.gov/electronic-case-filing>.
- 3. Communications with Chambers.** For docketing, scheduling, and calendar matters, counsel shall contact the Courtroom Deputy. Otherwise, except for matters requiring immediate attention, all communications with Chambers must be in writing and contain the docket number for the case and the Court’s initials (RA). Written communications should be filed on ECF. Parties should not submit courtesy copies of letters filed on ECF.

Letters to be filed under seal or containing sensitive or confidential information may be emailed as a .pdf attachment to Abrams_NYSDChambers@nysd.uscourts.gov with a copy simultaneously delivered to all counsel. Parties shall not include substantive communications in the body of the email; such communications shall be included only in the body of the letter.
- 4. Benefactor Payments.** Whenever defense counsel has received, or is receiving, benefactor payments that subject counsel to a conflict of interest, said counsel must inform the Court and request a *Curcio* hearing in advance of the first conference.
- 5. Substitution of Counsel.** When there is a substitution of defense counsel, counsel of record must contact the Courtroom Deputy to schedule a conference. At the conference, the Court will address the application by defense counsel to be relieved. The defendant, replacement counsel, and the AUSA must also attend the conference.
- 6. Discovery Motions.** In making discovery motions, counsel shall comply with Local Criminal Rule 16.1. Any discovery motion must contain the Rule 16.1 affidavit.
- 7. Bail Modification.** Any written request for a bail modification by a defendant shall indicate whether or not the Government and the Pretrial Services Officer consent to the request.

- 8. Guilty Pleas.** Guilty pleas will ordinarily be taken by Judge Abrams. Permission for guilty pleas to be taken before a Magistrate Judge will be given in certain circumstances. The AUSA shall provide a courtesy copy of the plea agreement, cooperation agreement, or *Pimentel* letter to Chambers as soon as practicable, ordinarily at least two business days before the scheduled plea. These documents should be emailed to Abrams_NYSDChambers@nysd.uscourts.gov.

9. Trial Procedures

- A. Pretrial Submissions.** Unless otherwise ordered, *in limine* motions shall be filed no later than three (3) weeks prior to the scheduled commencement of trial, and responses shall be filed no later than two (2) weeks prior to the scheduled commencement of trial. Proposed *voir dire* questions, jury instructions, and verdict forms shall be filed no later than two (2) weeks prior to the scheduled commencement of trial. At the time of filing, each party shall submit two courtesy copies of these materials to the Court. In addition, each party shall email those documents as a Microsoft Word document to Abrams_NYSDChambers@nysd.uscourts.gov.
- B. Schedule.** Trials will generally be conducted Monday through Thursday from 10:00 a.m. to 5:00 p.m. The Court will be available to meet with counsel from 9:30 a.m. to 10:00 a.m. Testimony will begin at 10:00 a.m. Jurors may deliberate on Fridays.
- C. Jury Selection.** Jurors will be selected by the struck panel method as described in Judge Abrams' Rules for Jury Selection, available at <https://nysd.uscourts.gov/hon-ronnie-abrams>.

D. Exhibits and 3500 Material

- i. Exhibits shall be pre-marked.
- ii. At the start of trial, the Government shall provide the Court with three copies of the witness list and exhibit list and one set of pre-marked documentary exhibits and Section 3500 material 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. In addition, each party shall email the documents to Abrams_NYSDChambers@nysd.uscourts.gov.
- iii. In advance of each trial session, counsel for the party going forward at that session must show opposing counsel the exhibits he or she intends to introduce at the session. The opponent shall indicate those exhibits to which he or she has no objection, and the Court will admit them when offered at the session. Those exhibits to which there is an objection shall be presented to the Court for ruling before the opening of the session.
- iv. Sidebars during jury trials are discouraged. Counsel are expected to anticipate any problems that might require argument and to raise those issues with the Court in advance of the time that the jury will be hearing the evidence.
- v. If counsel intend to distribute copies of documentary exhibits to the jury, they are to make a separate copy for each juror.

- vi. Counsel shall make certain that they have custody of all original exhibits. The Court does not retain them and the Clerk is not responsible for them.

10. Sentencing

A. Sentencing Submissions

- i. **Timing.** The defendant's sentencing submission shall be filed on ECF no later than two (2) weeks in advance of the sentencing. The Government's sentencing submission shall be filed on ECF no later than one (1) week in advance of the sentencing. In cases involving a cooperating witness, however, the Government's § 5K1.1 shall be filed no later than two weeks in advance of the sentencing, and the defendant's submission shall be filed no later than one week in advance of the sentencing. The parties shall provide the Court with one courtesy copy of each submission when it is filed.
- ii. **Letters.** The defendant is responsible for filing all letters submitted on behalf of the defendant, including those from friends, relatives, etc. The Government is responsible for filing all letters from victims. A party shall group and file the letters together as attachments to a single document marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated. All redactions to these letters shall be made in accordance with Paragraph 11.

B. Adjournments. Any request for an adjournment of a sentencing proceeding shall be made as early as possible, and **no later than three business days** before the proceeding. Such requests should indicate whether opposing counsel consents.

C. Public Record. Unless permission to the contrary has been obtained, every document in a sentencing submission, including letters, shall be filed on the public record.

11. Redactions

A. Privacy Policy. The parties are directed to the E-Government Act of 2002 and the Southern District's ECF Privacy Policy ("Privacy Policy") and reminded not to include, unless necessary, the five categories of "sensitive information" in their submissions (i.e., Social Security numbers [use the last four digits only], names of minor children [use the initials only], dates of birth [use the year only], financial account numbers [use the last four digits only], and home addresses [use only the City and State]).

B. Redactions Not Requiring Court Approval. Parties may redact the five categories of "sensitive information" (see Paragraph 11(A)) and the six categories of information requiring caution (i.e., any personal identifying number, medical records [including information regarding treatment and diagnosis], employment history, individual financial information, proprietary or trade secret information, and information regarding an individual's cooperation with the government), as described in the Privacy Policy, without Court approval.

- C. Redactions Requiring Court Approval.** If a party redacts information beyond the eleven categories of information identified in the Privacy Policy (see Paragraphs 11(A) and (B)), an application to do so must be filed at the time the submission is served. The application must clearly identify the requested redaction and explain the reasons for the redaction, including why the request for redaction is consistent with the test set forth in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). If the application for redaction pertains to a sentencing submission, the application will be addressed at the sentencing proceeding.
- D. Sealing.** If any material is redacted from a publicly filed document, only those pages containing the redacted material will be filed under seal. If the sealed document pertains to a sentencing submission, counsel shall bring a copy of those pages to the sentencing proceeding, marked to indicate what information has been redacted from the publicly filed materials, to give to the Court for filing under seal.