

**HONORABLE JILL L. BURKHARDT
U.S. MAGISTRATE JUDGE
CRIMINAL CHAMBERS RULES**

Please Note: The Court provides this information for general guidance to counsel. However, the Court may vary these procedures as appropriate in any case.

I. Communications with Chambers

- A. Letters, faxes, or emails.** Letters, faxes, or emails to chambers are prohibited unless specifically requested by the Court. If letters, faxes, or emails are requested, copies of the same must be simultaneously delivered to all counsel.
- B. Telephone Calls.** Telephone calls concerning criminal matters should be directed to Judge Burkhardt's Courtroom Deputy (CRD), **Aishah Smith**. Her telephone number is **(619) 557-6425**.
- C. Lodging Documents.** When an order directs you to lodge a document with the Court, you should either send it via email to: efile_Burkhardt@casd.uscourts.gov or deliver the document directly to chambers (221 West Broadway, Suite 5140, San Diego, CA 92101-8949). If the document is more than 20 pages (including exhibits) in length, the document is to be delivered directly to chambers.

II. Criminal Calendar

Criminal calendars are heard on Tuesdays and Thursdays starting at 9:30 a.m., unless otherwise scheduled by the Court. Criminal matters on the Duty Log will be held during duty week at 2:00 p.m. or as scheduled by the Court. Counsel is expected to be punctual and check in with the CRD 15 minutes prior to the commencement of the calendar. Counsel should advise the CRD of any scheduling conflicts in advance of the hearing.

Court will generally be held in Courtroom 5D, on the fifth floor of the Edward J. Schwartz United States Courthouse.

III. Written Motions for Modifications to Conditions of Release

The Court will accept written motions for modification of conditions of release. All motions must include an acknowledgment by the sureties and an indication of the position of the AUSA and Pretrial Services. Stipulated motions must contain the signatures of all counsel. A copy of the Order of Conditions of Release must be attached to the written motion. A proposed order in Word Format must be emailed to: efile_Burkhardt@casd.uscourts.gov.

Motions to modify conditions of release to request non-emergency travel must be submitted no later than 72 hours before the proposed travel.

IV. Filing Documents Under Seal

Any party seeking to file documents under seal must comply with the procedures set forth in the Electronic Case Filing Administrative Policies and Procedures Manual (“ECF Manual”). The motion to file should not, itself, be filed under seal. Parties should not seek to file under seal entire pleadings, or entire attachments, unless the party can establish that the entire document satisfies the standard for sealing. Unless the entire document satisfies the standard for sealing, a redacted version of the document must be publicly filed on the docket with only those portions of the document appropriately subject to filing under seal redacted. An application to file under seal should specifically address the basis for sealing each proposed redaction. The party shall lodge the unredacted version of any filing by submitting it to efile_burkhardt@casd.uscourts.gov.

V. Oral Motions for Modifications to Conditions of Release

Absent extraordinary circumstances, oral motions for modifications of conditions of release will not be heard unless calendared in advance and with 24 hours’ notice to the opposing party, the Pretrial Services Office, and the sureties. Parties must provide all documents being relied upon to Judge Burkhardt's CRD, preferably 24 hours in advance of the hearing.

VI. Presentation of Bail Documents

Bail documents, in the format approved by the court, must be presented to Judge Burkhardt's CRD for review. The bail documents must include a copy of the Order of Conditions of Release applicable to the defendant or material witness in the case.

VII. Nebbia and Surety Examination Hearings

Nebbia and surety examination hearings will only be heard if calendared in advance with no less than 24 hours’ notice to all parties and the Pretrial Services Office. Defense counsel must provide the Court and the United States Attorney's Office a copy of the proposed bail package, including appraisals, title documents, and other relevant materials, no later than 24 hours in advance of the hearing.

VIII. Change of Plea

Changes of pleas will only be heard if calendared in advance. Counsel may not schedule a change of plea hearing until the plea agreement has been signed by the defendant and delivered to the government. A scanned copy of the plea agreement must be submitted to Judge Burkhardt’s CRD no later than noon the day before the change of plea hearing. Plea agreements should be carefully reviewed by the AUSA and the defense counsel for errors prior to submission. Failure to submit the plea agreement by the deadline, or submission of a plea agreement with substantive errors, will result in the change of plea hearing being taken off calendar.