

**GUIDE FOR JOURNALISTS
U.S.A. v. BONDS**



**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Updated March 2, 2009

TABLE OF CONTENTS

Purpose of this Guide	1
Court Contacts	1
General Information about Federal Court Proceedings	1
Information about U.S.A. v. Bonds.....	1
Court Website.....	2
Obtaining Information about the Case, including Copies of Documents.....	2
Obtaining Information about the Attorneys	4
Obtaining Credentials to Attend the Proceedings	4
Obtaining Transcripts of the Proceedings.....	5
Viewing Exhibits	6
Booking Photos or Mug Shots	6
Information about Jurors	6
Entry and Exit from the Courtroom.....	6
Telephonic Proceedings	6
Rules of the U.S. District Court of the Northern District of California	6
Additional Information regarding Photography, Broadcasting and Recording	8
Other Resources for Members of the Media	8
Parking for Broadcast Satellite Vehicles	9
Parking for Other Vehicles	9
Food & Drink	9
Attorney List	10
General Order No. 58	12

Purpose of this Guide

There is significant media interest in the case of ***U.S.A. v. Bonds***, pending before District Court Judge Susan Illston. This guide is intended to provide optimum information and access to members of the media, while allowing court staff to continue to provide excellent service to the public and others. It is our hope that journalists and other members of the media will read this information carefully and follow the instructions and guidance. Please only contact court personnel, as indicated below, when the information contained in this document fails to provide answers to your questions.

Court Contacts

The Clerk of the Court, Richard Wieking, acts as the media liaison and represents the court regarding questions concerning court operations and other court-related matters.

For purposes of the case of ***U.S.A. v. Bonds*** and other routine media issues, the clerk has designated Joan Anyon as the media coordinator. In the first instance, any questions that are not answered on our website or by this brochure regarding the Bonds case should be addressed to Ms. Anyon. She can be reached at 415.522.4051 or by e-mail at USAvBonds@cand.uscourts.gov.

DO NOT contact Judge Illston's chambers or members of her staff for any reason whatsoever.

General Information about Federal Court Proceedings

The U.S. District Court for the Northern District of California is one of 92 federal courts in the United States and is completely separate and distinct from courts in the state court system. If you need further information about the federal court system, consult either of the following documents:

- **The Journalists' Guide** prepared by the Administrative Office of the U.S. Courts, which can be downloaded at:
<http://www.uscourts.gov/journalistguide/July2007.pdf>
- **The Federal Courts and What They Do** prepared by the Federal Judicial Center, which can be downloaded at:
http://www.fjc.gov/library/fjc_catalog.nsf

Information about U.S.A. v. Bonds

- Judge assigned to hear the case: Hon. Susan Illston
- Case number: 3:07-CR-00732
- Courtroom: No. 10, 19th Floor
- Trial proceedings begin March 2, 2009.

PLEASE NOTE: *March 2 is reserved for matters related to jury administration and no in-court proceedings are scheduled. On March 3, jury selection/voir dire will begin. No observers will*

be permitted in Courtroom 10 for jury selection, but video feed will be provided in the overflow courtroom on the 19th Floor of the federal building.

- The trial is expected to continue for approximately three (3) weeks.
- Proceedings will be held on Monday through Thursday, starting at 8:30 a.m. and continuing until 3:30 p.m. with a 30 to 45 minute break for lunch at noon.
- Indictment filed: November 15, 2007
- Superseding indictment filed: December 4, 2008
- The charges include:
 - Counts 1-10: False Declarations Before Grand Jury, 18 U.S.C. § 1623(a)
Punishable by a fine not to exceed \$250,000 or imprisonment for not more than 5 years or both for each count.
 - Count 11: Obstruction of Justice 18 U.S.C. § 1503
Punishable by a fine not to exceed \$250,000 or imprisonment for not more than 10 years or both.
- Attorneys: See list at pages 9 and 10.

Court Website

The court's website address is www.cand.uscourts.gov. The website contains a wealth of information about the court, judges, personnel, practice and procedures. A specific page has been established for ***U.S.A. v. Bonds***, which contains information of particular relevance to this case. You may access this page by logging on to the court's website and clicking on ***U.S.A. v. Bonds*** under the cases category. The topics covered in separate pages include:

CASE INFORMATION

- Case Docket and Case Documents
- Calendar for Judge Illston
- Contact Information
- E-mail Announcement Lists
- Current Events (Dates for Upcoming Proceedings)
- Frequently Asked Questions (FAQ)

ACCESS TO PROCEEDINGS

- Obtaining access passes for the media and the public
- Rules for entering the federal building
- Location and Parking

The topics listed above also will be addressed in this brochure.

Obtaining Information about the Case, including Copies of Documents

In addition to checking the ***U.S.A. v. Bonds*** page on the court's website (<https://ecf.cand.uscourts.gov/cand/USAvBonds>), there are several ways to make sure that you obtain information about the case. Additional information about each option is detailed below.

1. Registering for the E-Mail Announcement List
2. Registering for PACER
3. Viewing files in the clerk's office

Registering for the E-mail Announcement List

You are strongly recommended to join the e-mail announcement list for this case. By joining this e-mail announcement service, you will receive two types of notices:

1. **Logistical Information:** You will receive important announcements from the clerk's office related to information regarding this case when immediate contact is necessary. For example, a 15-minute advisement that the court will resume because the jury has submitted a question or is ready to deliver its verdict. Other notices may also be provided through this method.
2. **Case Activity:** This court uses an online electronic filing ("e-filing") system called "Case Management/Electronic Case Files" (CM/ECF). This system sends out e-mails called "Notices of Electronic Filings" (NEF), each time a filing occurs in a specific case. This is the method by which attorneys on the case get notice that the court or other counsel have submitted documents. The NEFs are sent immediately after a document has been submitted to the system. By joining this list, you will receive a copy of the NEFs on this specific case.

NEFs are simply an e-mail which will contain:

- Who filed the document
- Who was served the filing electronically (via e-mail)
- Date and time of filing
- The title of the document(s)
- The docket text associated with the document(s)
- On whose behalf the document was submitted
- A hyperlink to download an Adobe PDF copy of the document.

NOTE: Although you will be able to view the NEFs without a login, you must still use a valid PACER account (see below) to view/receive/download all documents, and all documents not subject to the E-Government Act of 2002 will be subject to a fee.

For detailed information about how to subscribe, go to <https://ecf.cand.uscourts.gov/cand/USAvBonds/>, then click on E-mail Announcement List.

Or <http://www.cand.uscourts.gov/> and click on the button labeled



Email
Announcements

Registering for PACER

PACER is the judiciary's electronic method of providing copies of court documents. You may register for Pacer at <http://pacer.psc.uscourts.gov>

In order to obtain a PACER login and password, complete the on-line PACER Registration Form. Once your registration has been processed by the PACER Service Center, a login and password can be retrieved on-line if a credit card is provided or sent by U.S. mail to the address provided on the registration form. **For security reasons, logins and passwords cannot be emailed, faxed, or given over the phone.** To expedite your registration, provide a credit card number. There is no registration fee.

The Judicial Conference of the United States has established a user fee to be collected for access to PACER by all registered agencies or individuals: \$.08 per page .

The fastest way to obtain documents is to register for the E-mail announcement list. You will receive notification via e-mail that a document is available to be viewed electronically. **Please note:** It is the policy of the clerk's office that documents of **special interest** will be posted on the U.S.A. v. Bonds sub-website and will be made available in paper form at the clerk's office at the same time as they are posted on the sub-website.

Viewing Files in the Clerk's Office

Any member of the media or the public may view files and make copies at a cost of \$.25 per page. In the San Francisco division, these services are available from 9 a.m. to 1 p.m. daily. The copy machine accepts coins and bills or a copy card can be purchased at the snack shop on the 10th floor of the federal building.

Obtaining Information about the Attorneys

A list is attached on pages 10 and 11 of this guide, but information regarding the attorneys may change at any time. The most current information, please check the court docket (see above). The docket will show the names, addresses, phone numbers and e-mail addresses for all attorneys who have appeared on the case to date.

Obtaining Credentials to Attend the Proceedings

Proceedings will be held in Courtroom 10 on the 19th floor of the Phillip Burton Federal Building, 450 Golden Gate Avenue, San Francisco 94102.

Seating for these hearings is limited, but a generous number of seats are reserved for members of the media in the main courtroom. In addition, there will be audio/video feed to ceremonial courtroom, also on the 19th floor of the Federal Building, which will serve as an overflow

courtroom for those who cannot be accommodated in the main courtroom. All observers for jury selection will be seated in the ceremonial courtroom for simultaneous video broadcasting of jury selection. No passes will be required for the overflow courtroom, except for jury selection.

If you wish seating for a hearing/trial in the main courtroom, please send an e-mail to usavbonds@cand.uscourts.gov indicating the following:

- The date or time of the hearing you wish to attend OR that your request is for trial proceedings beginning on March 2, 2009;
- The name of the media organization you represent;
- The number of seats requested;
- The e-mail address for future communication.

For most hearings, with the exception of the trial proceedings, seating in the main courtroom will be available to the media and the public on a first come first-serve basis. If there is great demand, passes may be required. You will be advised by e-mail if a pass will be necessary. **If you are not contacted, you may attend the hearing without a pass.**

For TRIAL PROCEEDINGS, passes WILL BE required for observation of proceedings in the main courtroom; a single pass will authorize attendance for the duration of the trial. **Passes will be numbered but no name is attached; the pass is transferrable between reporters within a news organization.** There will also be video feed to an overflow courtroom; passes will not be required for the overflow courtroom.

All requests for a pass for the main courtroom should be submitted by the close of business on Friday, February 20, 2009. No later February 23, 2009, a confirmation e-mail will be sent to you with instructions as to how to obtain the pass(es). Note: It is unlikely that more than one pass will be authorized for each organization, although this will depend on the number of requests.

A limited number of seats will be designated for sketch artists. Sketch artists must apply in the same manner indicated above.

If you need further information please e-mail usavbonds@cand.uscourts.gov or call 415.522.4051.

Obtaining Transcripts of the Proceedings

To obtain a transcript of any proceeding, arrangements must be made with the court reporter assigned to the hearing or trial. For contact information for a specific reporter, call Debra Campbell at 415.522.2079 or via e-mail at Debra_Campbell@cand.uscourts.gov.

Viewing Exhibits

Documentary exhibits introduced into evidence will be posted on the court's website at the conclusion of the proceedings each day. If requested, a pool photographer will be permitted to photograph physical evidence.

Booking Photos or Mug Shots

The U.S. Marshal does not provide access to booking photos or mug shots.

Information about Jurors

Jury selection will begin on the first day of trial. Jurors will be questioned primarily by the court, although the judge may permit the attorneys to ask limited questions. Twelve jurors and two alternates will be selected. The government will have six peremptory challenges, the defendant will have ten peremptory challenges and each side will have one additional peremptory challenge for the alternates.

At the close of the case, jurors will retire to deliberate. If the jurors have questions, they will submit such questions in writing. If possible, the media coordinator will send an e-mail notification to subscribers to the e-mail subscription list in this case regarding the receipt of a question from the jurors or that a verdict has been received.

Entry and Exit from the Courtroom

Observers may exit the courtroom at any time. Entry and re-entry will be permitted by the U.S. Marshal. If you have been provided with a pass for access to the proceedings and you must leave the courtroom for any reason, no matter how brief, you must leave some type of item or note to indicate your intent to return to your seat. Otherwise, the seat will be made available to another observer at the next break in proceedings.

Telephonic Proceedings

If telephonic hearings or conferences are scheduled, the court will advise attendees accordingly. As with all other proceedings in the federal district court, tape recording is prohibited.

Rules of the U.S. District Court of the Northern District of California

The following are rules and regulations applicable to the U.S. District Court of the Northern District of California.

All parties entering the Federal Building must show a government issued picture ID and must pass through a security screening device. Acceptable forms of identification include official identification issued by any U.S. state or by the U.S. government. **The only acceptable international identification is a government issued passport with a current U.S. visa.**

Court security personnel will screen all electronic devices and cameras before permitting them to the courthouse and may bar any item that appears to pose a threat to security or safety. Subject to this screening, electronic devices may be brought into the courthouse and may be used in a non-disruptive manner. With the exception of laptops, PDAs or their equivalent used by counsel during and in connection with judicial proceedings, no electronic device may be used in any courtroom without advance express permission, from the presiding judge. As a general rule, media use of laptops or PDA's for notetaking and to transmit wirelessly to editors will be allowed only with advance, express permission from the trial judge. See below for exceptions in this case.

- Although generally prohibited, use of laptops is permitted in courtroom 10 and the adjoining overflow courtroom, unless otherwise ordered by Judge Illston;
- Although generally prohibited, use of Blackberry or other similar personal device for transmission of e-mail, including filing of reporter's stories, is permitted in courtroom 10 and the adjoining overflow courtroom, unless otherwise ordered by Judge Illston.
- Wireless internet access is not available in the federal court, but silent use of a wireless card to transmit from the courtroom is permitted.
- Unless a specific area is officially designated by U.S. Marshal's for photography inside the building (such as the Federal Bar Association Media Center on the first floor), cameras may not be used in the San Francisco federal building. Photography and interviews are permitted outside the building. No cabling is permitted in the federal building.
- Cell phones, pagers and other devices may NOT be used *except for text functions*, and must be turned off or set to vibrate mode in the courtroom. "Tweeting" is a permitted form of texting. Cell phones may be used in the hallways outside the courtrooms and other public areas. Public phones are available on the second and sixteenth floors of the building. A public phone is available on the second floor of the San Francisco federal building
- Broadcasting of proceedings is prohibited by policy of the Judicial Conference of the United States. This includes tape recording devices of any kind. As an exception, the court has specifically permitted short circuit broadcasting to an adjoining courtroom to accommodate additional observers.
- Proper decorum is expected of all visitors to the Federal Building and U.S. Courthouse.

Violation of these rules may result in the immediate loss of press credentials and be subject to contempt of court or other action as the court deems appropriate. See Federal Rules of Criminal Procedure 53; General Order No. 58, U.S. District Court for the Northern District of California (below).

Additional Information regarding Photography, Broadcasting and Recording in the Court

As noted above, photography, broadcasting, and recording of proceedings is prohibited.

General Order No. 58 regulates possession and use of electronic devices in the courthouse for the U.S. District Court for the Northern District of California. The General Order in its entirety can be found on the courts website, www.cand.uscourts.gov; click on General Orders on the left side of the webpage. General Order 58 is also attached at the end of this brochure.

Federal Rule of Criminal Procedure 53 provides:

Except as otherwise provided by a statute or these rules, the court must not permit the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom.

Other Resources for Members of the Media

In the San Francisco courthouse, the court has set aside office space on the 18th Floor as a pressroom, where members of the print media who permanently cover the court maintain office space and equipment. This pressroom has work space to accommodate visiting reporters.

The Federal Bar Association Media Center has recently been established on the main floor of the federal building in San Francisco. This space is primarily for use by broadcast media, although press conferences may also be held here. ***Expedited entry will be facilitated for personnel with cameras only at the Turk Street entrance to the federal building.***

NOTE: The court will provide audio feed to this room, but strict adherence to the rules regarding broadcasting from the courthouse is required:

VIDEO RECORDING, AUDIO RECORDING OR THE TAKING OF PHOTOGRAPHS OF PROCEEDINGS STRICTLY PROHIBITED

Any broadcast feed to this Media Center of court proceedings from any courtroom of the United States District Court is subject to the same prohibitions as if the proceedings were occurring in the courtroom itself.

A violation of this Rule may result in the immediate loss of press credentials and be subject to contempt of court or other action as the court deems appropriate. See Federal Rules of

Criminal Procedure 53; General Order No. 58, U.S. District Court for the Northern District of California

Although the media rooms are available to all reporters, the permanent occupants bear the costs of equipment and supplies.

If you have questions regarding the use of these rooms or if you have concerns or questions during the course of the trial that will affect all media representatives, the following are contacts:

Print Media: For the 18th Floor pressroom, call the pressroom house phone, 415.436.7964, and request to speak with Paul Elias (Associated Press) or cell phone: 415-602-6329

Broadcast media: For the Federal Bar Association Media Center on the 1st Floor, Darryl Compton, NorCal RTNDA Executive Director at darryl@norcalRtnda.com or 650-341-9979 or 415-518-2421 (cell).

Parking for Broadcast Satellite Vehicles

Parking for broadcast satellite vehicles on the streets adjacent to the federal building is extremely limited. For further information regarding allocation of these spaces, contact Darryl Compton Darryl Compton, NorCal RTNDA Executive Director at darryl@norcalRtnda.com or 650-341-9979 or 415-518-2421 (cell). Other parking arrangements may be made on an individual basis with public parking lots in the area. See below.

Parking for Other Vehicles

Parking in the vicinity of the Federal Building is extremely limited. There are two small parking lots across the street from the court entrance on Turk Street as well as parking at the Civic Center garage.

Food & Drink

The following are available to the public:

- A cafeteria on the second floor of the Federal Building serves breakfast and lunch
- A snack shop is located on the tenth floor of the Federal Building
- A coffee cart is located on the second floor, serving coffee, tea and specialty drinks.

Attorney List

Attorneys for the Prosecution

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GENERAL ORDER No 58
REGULATING POSSESSION AND USE OF
ELECTRONIC DEVICES IN THE COURTHOUSE

The purposes of this General Order are to promote security for all persons who enter federal courthouses (or the portions of federal buildings occupied by the District Court), to protect the integrity of judicial proceedings, to facilitate legitimate use of electronic devices for communication or for the storage, retrieval, or presentation of information, and to comply with the mandates of the Federal Rules of Criminal Procedure and the policies of the Judicial Conference of the United States.

I. Definition: “Electronic Device”

As used in this General Order, the phrase “electronic device” embraces all equipment (regardless of how it is powered or operated) that can be used for

A. wireless communication; or

B. receiving, creating, capturing, storing, retrieving, sending, or broadcasting any signals or any text, sound, or images; or

C. accessing the internet or any other network or off-site system or equipment for communicating or for storing or retrieving information.

II. Federal Rule of Criminal Procedure 53 prohibits “the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom.”

III. Policy of the Judicial Conference of the United States prohibits, in both civil and criminal cases in all district courts, broadcasting, televising, recording, or photographing courtroom proceedings for the purpose of public dissemination.

IV. Additional Rules in this District.

Except as may be otherwise ordered by a judge of this court, possession and use of electronic devices and cameras in federal courthouses in this district, and in the portions of buildings in which judicial proceedings are held, shall be governed by the following rules and policies:

A. Court security personnel will screen all electronic devices and cameras before permitting them to be brought into the courthouse or into any facility or portion of any facility in which a judicial proceeding is held. The purpose of this screening is to make sure that the items do not contain weapons, dangerous devices or materials, or contraband.

1. Court security personnel may bar from the courthouse, or from portions of a building in which judicial proceedings are held, any item that appears to pose a threat to security or safety.

2. In response to a violation of any provision of this General Order, or of any court order addressing matters covered by this General Order, court security personnel may order immediate compliance, direct the offender to leave the courtroom or the building, temporarily confiscate the device(s) used in violation of these rules, and/or report the violation to the presiding judge, the Chief Judge, and/or the United States Attorney.

B. Subject to the screening described in the preceding paragraph and to other provisions of this General Order, electronic devices may be brought into the courthouse and may be used in a non-disruptive manner in the common areas of the building.

C. Photographs may not be taken and images may not be captured by any means in the courthouse or in the courthouse portions of the building (this prohibition does not apply to sketch artists).

D. Except as may be permitted pursuant to paragraph E, below, or as authorized for the taking of the official record of judicial proceedings or grand jury deliberations by a court reporter or court recording operator, or as necessary to facilitate necessary language translations, no part of any judicial proceedings or of any deliberations by a petit jury or a grand jury may be recorded, or transmitted.

E. With the exception of court personnel and court reporters, and with the further exception of laptops, PDAs or their equivalent used by counsel during and in connection with judicial proceedings, no electronic device may be used in any courtroom without express permission, in advance, from the presiding judge.

1. Counsel who wish to use electronic devices other than laptops, PDAs or their equivalent during and in connection with judicial proceedings must secure permission, in advance, from the judge presiding over those proceedings.

2. Cell phones, pagers, and other electronic communication devices may be activated only in the 'vibration' mode inside courtrooms or jury rooms. Such devices may not be activated in courtrooms or jury rooms in any mode that uses any sound to alert the user to incoming communication.

F. Jurors may not use any electronic device in a courtroom during judicial proceedings or in a jury room during or in connection with deliberations. Grand jurors may not use any electronic device during or in connection with any proceedings before or deliberations by the grand jury. Cell phones, pagers, and their equivalent may be activated in courtrooms or jury rooms only in the 'vibration' mode.

ADOPTED:

Oct. 20, 2005

FOR THE COURT:

Vaughn R. Walker
United States District Chief Judge