

1.16 Bench Conferences and Recesses

During the trial, I may need to take up legal matters with the attorneys privately, either by having a conference at the bench when the jury is present in the courtroom, or by calling a recess. Please understand that while you are waiting, we are working. The purpose of these conferences is not to keep relevant information from you, but to decide how certain evidence is to be treated under the rules of evidence and to avoid confusion and error.

Of course, we will do what we can to keep the number and length of these conferences to a minimum. I may not always grant an attorney's request for a conference. Do not consider my granting or denying a request for a conference as any indication of my opinion of the case or what your verdict should be.

Comment

Conducting bench conferences is within the discretion of the court. Regarding the defendant's right to be present at bench conferences, *see* Jury Instructions Committee of the Ninth Circuit, *A Manual on Jury Trial Procedures* § 1.6 (2013).

Revised Sept. 2019