

PRE-TRIAL CHECKLIST – DEPARTMENT 70

1. Time Estimate
2. Motions in Limine
3. Any Evidence Code § 402 hearing issues
4. Any witness problems
5. Are the following ready:
 - a. Joint Witness list and witness time estimates
 - b. Joint Exhibit list
 - c. Jury Instructions – Court will have initial jury instruction conference prior to the commencement of trial
 - d. Verdict Form(s)
6. Voir Dire Process:
 - a. 24 Pack
 - b. Counsel will have approximately 20 minutes of voir dire the group of 24 (subject to expansion as necessary). When you pass for cause you pass as to the group of 24.
 - c. Counsel should submit in writing, questions they want the Court to ask. No asking jurors how they would decide based on assumed facts; no asking for promises from jurors; no sharing personal information about the lawyer with the jury.
 - d. Peremptory challenges are to the 12 in the box. New jurors will be selected in order.
7. Courtroom Rules:
 - a. After the initial request, counsel do not need to ask permission to approach a witness.
 - b. Counsel should not cross-examine the witness leaning over the witness's shoulder, rather counsel should examine from behind counsel table or at the podium, unless it is necessary to go over an exhibit.
 - c. Counsel may request sidebar only if absolutely necessary. Offers of proof may be made at the next break in the proceeding, if requested.
8. Jury is not to be kept waiting:
 - a. Counsel are ordered to appear promptly at 9:00 a.m. and following each recess.
 - b. Counsel are ordered to have all witnesses on standby so they can be called without delay
 - c. Witnesses who are at any risk for not appearing should be placed under subpoena.
 - d. Counsel should be aware that they may be forced to rest if witnesses are not available without good cause.
9. Exhibits:
 - a. Absent prior Court approval to do otherwise, all exhibits should be pre-marked in the bottom right hand corner of the document, with the brown Court's Exhibit tags, unless there is some valid reason not to.
 - b. Plaintiff's exhibits should start with number 1.
 - c. Defendant's exhibits should start with the next hundred number, at least 100 numbers past the last number used by plaintiff. Example; plaintiff ends with number 88, then defendant would start with number 200.
 - d. Absent good cause, counsel should avoid marking same exhibit with two numbers.
10. Counsel are ordered to meet and confer on jury instructions prior to trial call to avoid jury delay.