

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
JUDGE GREGORY W. POLLACK – DEPARTMENT 71**

ADVANCE TRIAL REVIEW ORDER

Case Name: _____

Case Number: _____

Date: _____

Trial counsel shall meet in person at least three (3) court days before the scheduled trial call to discuss and ensure full compliance with each of the following orders:

Trial Exhibits

1. All exhibits shall be pre-marked as court exhibits, *e.g.*, "Court's Exhibit 1," not "Plaintiff's Exhibit 1" or "Defendant's Exhibit A." The exhibit tag (brown sticker) should be placed in the right, lower corner of the exhibit.
2. If an exhibit consists of more than one page, it shall be marked as one exhibit and each page is to be Bates stamped.
3. All exhibits shall be tabbed and placed in binder(s), each with a table of contents in the format of Attachment A as a joint exhibit list. In addition to one set of exhibit binder(s) for each party, there shall be an exhibit binder set for the court and an exhibit binder set for the witness stand.
4. Each party seeking economic damages shall prepare a summary of the supporting documentary evidence (medical bills, accounts, wage statements, etc.) as an exhibit in lieu of the underlying documentary evidence in accordance with Evidence Code §1521, and such document shall be marked as an exhibit. The parties are to meet and confer regarding the preparation of this exhibit, not necessarily with an eye towards stipulating to the recoverability of each of the items, but to ensure that the proffered summary is arithmetically correct vis-à-vis what could be a mountain of supporting documentation.
5. Three copies of the joint exhibit list, prepared in the format set forth in Attachment A, shall be provided to the court on the first day of trial.

6. Other than true impeachment exhibits, exhibits not contained within the binder will likely be excluded at trial, as will exhibits not previously listed on the Joint Trial Readiness Report.

7. **Unless otherwise agreed to by the parties, it shall be the responsibility of defense counsel to prepare the exhibit binders, which shall be delivered to the court on the first day of trial.**

Deposition Transcripts

8. Deposition transcripts shall be lodged with the court prior to trial for any testifying witness whose deposition has been taken.

9. If deposition testimony is intended to be used in lieu of live testimony, counsel are to submit the proposed excerpts to the other side and request evidentiary rulings from the court, but only after counsel have first fully met and conferred on the objections, prior to the deposition being read to the jury.

Audio Evidence

10. Any proposed audio (with or without accompanying video) intended to be used at trial must be accompanied by a written transcript. Counsel are to meet and confer regarding any disputes pertaining to the accuracy of the transcript. *See* CRC 2.1040.

Stipulations

11. All stipulations shall be reduced to writing and signed by counsel.

Case Description and Witness List

12. Counsel are to jointly prepare a brief, non-argumentative summary of the case, along with a joint witness list, to be read to the jury. Other than true impeachment witnesses, persons not identified on this list will likely be precluded from testifying, as will witnesses not previously listed on the Joint Trial Readiness Report.

13. Three copies of the joint witness list shall be provided to the court on the first day of trial.

Motions in Limine

14. Motions in limine and oppositions thereto shall be appropriately identified, *e.g.*, Plaintiff's Motion in Limine re Mental Health History, number 1 of 6, and Defendant's Opposition to Plaintiff's motion in Limine re Mental Health History, number 1 of 6.

15. Motions in limine should be filed and served five (5) court days before the scheduled Friday trial call, and opposition papers, if any, shall be filed and served at least two (2) court days before the scheduled Friday trial call. Service by electronic or facsimile transmission is authorized and deemed same-day personal service. *See* San Diego Local Rule 2.1.18.

Trial Readiness Phone Call

16. Each counsel is to telephone the courtroom clerk, Terry Ray, at 619-450-7071, prior to 12 noon the day before the initial trial call date to report (a) readiness for trial, (b) estimated trial length, and (c) whether a jury will be required.

Trial Court Guidelines

17. Counsel are to read and follow the court's *Trial Guidelines* ("the Green Sheet"), a copy of which is attached hereto as Attachment B.

Joint Trial Notebook

18. At the time of the Friday trial call, a Joint Trial Notebook shall be provided to the court containing the following:

- a. Table of Contents.
- b. Trial Briefs.
- c. Motions in Limine and Oppositions thereto, arranged so that each motion in limine is tabbed and immediately followed by the tabbed opposition.
- d. Jury Instructions, with post-its reflecting instructions that have not been agreed to and the identity of the objecting party. These jury instructions should be CACI instructions whenever feasible. They should be (i) fully redacted with all blanks filled in, (ii) placed in the order in which they are to be read to the jury, and (iii) printed in font size 16 or greater.

e. Special Verdict Form --- either an agreed upon form or each side's proposed version.

19. Unless otherwise agreed to by the parties, it shall be the responsibility of the plaintiff's counsel to prepare the Joint Trial Notebook, which shall be delivered to this court at the time of the Friday trial call.

* * *

We, the undersigned, have read, understood and agreed to fully comply with the above Advance Trial Review Orders:

Counsel:

Party:

Printed Name & Signature

Printed Name & Signature

Printed Name & Signature

Printed Name & Signature

Printed Name & Signature

IT IS SO ORDERED.

HON. GREGORY W. POLLACK
JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE NAME: _____ vs. _____

CASE NUMBER: _____

JOINT TRIAL EXHIBIT LIST

Ct's Exhibit Number	Submitted By	Description	Legal Grounds for Objection	Date Identified	Date Admitted

Attachment A

TRIAL GUIDELINES
The Hon. Gregory W. Pollack

1. Be on time. Call the Court Clerk, Terry Ray at (619) 450-7071, if there is any reason why you may be late.
2. Stipulations should be in writing, signed by counsel.
3. No speaking objections. State only the legal ground(s) for your objection.
4. No swearing or foul language unless the attorney or witness is quoting what was, in fact, said.
5. You are not required to obtain permission from the Court to approach the witness or otherwise move within the well. You may place the podium wherever you like. You are not required to stand while addressing the Court.
6. The use of laser pointers is prohibited
7. While arguing legal issues, address remarks to the Court rather than to opposing counsel.
8. Do not show a witness any document that has not already been marked, even if you do not intend to offer it into evidence.
9. Do not publish an exhibit, *i.e.*, show it to the jury, unless the exhibit has already been admitted into evidence.
10. Show all demonstrative evidence you intend to use in opening statement to opposing counsel. If there is an objection, the matter is to be brought to the Court's attention for a ruling prior to the commencement of opening statements.
11. Advise opposing counsel of your anticipated witness schedule (dates and times) as soon as practicable, and, unless the witness is a true impeachment witness, no later than the day before the witness is to testify. The Court will allow a witness to testify out of order if there is a legitimate scheduling conflict. "Down time" is unacceptable; there should be no gaps in time between witnesses.
12. Jury Selection:
 - (a.) In most cases, the clerk will call and seat 40 prospective jurors. Initial questions will be directed toward these 40 jurors. Peremptory challenges are to be exercised only as to jurors 1 through 12. Jurors 13 through 40 will be substituted in for excused jurors in accordance with their numbers. At least two alternates will be selected.
 - (b.) As a general rule, the Court will allow up to 25 minutes to each side to ask questions of the initial panel of jurors (40). Depending upon the complexity of the case or issues involved, more time may be provided upon request. In the event additional jurors beyond the original 40 are called, each attorney will be allotted additional time for voir dire. However, questions may be directed only to the newly called jurors.
 - (c.) At the conclusion of questioning, the Court will call counsel to sidebar to make any challenges for cause.
 - (d.) The purpose of voir dire is to elicit information from prospective jurors, not impart information to them. During voir dire, please do not argue your case or ask the jurors to promise you anything other than to follow the law as instructed by the court. Do not construct hypotheticals involving evidence you intend to produce at trial. Do not attempt to precondition jurors.
 - (e.) During voir dire [and trial], do not provide any personal information about yourself, e.g., "When I was stationed in Vietnam . . .," "I said to my wife last night . . .," "My 12-year-old daughter said to me . . .," etc. Your case is not about the lawyers. A lawyer's attempt to ingratiate himself with a jury based on his/her personal, professional or other life circumstances and/or accomplishments is inappropriate.
13. Acceptable client advocacy never includes making misrepresentations of law or fact to the Court.
14. Follow the Golden Rule: Treat people, including opposing counsel, the way you, yourself, want to be treated.