

TRIAL RULES REVIEW

The following instructions are provided to assist you in presenting your trial in an organized, efficient manner. Our department takes great pride in offering trials to our employers, the public, which begin and end punctually, are as organized as possible, and designed to stay focused on the issues to be decided by the jury. Although a limited amount of time will be available prior to the jury's appearance on the first day of trial to discuss matters contained within this Trial Rules Review, its purpose is to shorten that discussion period and provide you with both a list of tasks to be accomplished prior to our first meeting and to acquaint you with what we expect from you and what you may expect from us.

1. Trial hours are 9:00 a.m. to 12:00 and 1:30 to 4:30 with 15-minute breaks at approximately 10:30 and 3:00. Be on time.
2. Ensure that all exhibits have been pre-marked and exchanged between parties unless they are truly impeachment documents. Surprise exhibits that are not impeachment documents will not be admitted into evidence.
3. Ensure that in limine motions are filed and exchanged. Often, this Court defers ruling on many in limine motions, unless absolutely necessary to the parties, prior to opening statements. Hidden summary judgments in the form of in limine motions are inappropriate.
4. Please reduce all oral stipulations to writing. The format is irrelevant.
5. You will be expected to return to the courtroom after a jury verdict to take and maintain your exhibits during the appeals period. A stipulation to that effect will be provided to you for your signature prior to the start of trial.
6. Please inform each other prior to meeting with the Court of any evidentiary problems you anticipate such as the unavailability of expert witnesses or proposed stipulations concerning foundational requirements. The Court expects counsel to work together and cooperate in putting on a continual flow of witnesses, regardless of whose case they support.
7. Prepare a single set of instructions and provide them to the Court prior to the start of trial. Please tab those instructions not agreed to. Do not expend undue energy on preparing special instructions unless the issues are not specifically dealt with in CACI. The Court will not be reading dicta to the jury in the form of special instructions.
8. Prepare a verdict form(s) prior to the start of trial. Meet and confer in order to try to agree upon a verdict form(s). If you cannot agree, prepare a verdict form reflecting your client's proposed verdict.

9. Ensure that an up-to-date witness list and joint statement of the case is agreed upon and provided to the Court by 9:00 a.m. on the date of trial. If a joint statement of the case cannot be agreed upon, the Court will utilize the Joint Trial Readiness Conference Statement.

10. At the first meeting, the Court will elicit the names of the witnesses expected to testify, the length of their testimony, and the estimated length of opening statements.

11. Please do not expect to spend considerable periods of time with the Court outside the presence of the jury at the recesses. The Court is available to counsel at 8:30 a.m. each trial day. Please notify opposing counsel of your need to meet with the Court, indicate the problem, make an effort to work it out, and if not able to do so, agree to a time between 8:30 and 9:00 during which to meet with the Court. Do not expect our department to allow a jury to wait outside after 9:00 a.m.

12. The well is open during jury selection, opening statements and closing arguments. Otherwise, please ask permission to move into the well. Opposing attorneys may move about to position themselves to observe exhibits published to the jury. Do not publish exhibits to the jury without first showing them to counsel.

13. Exchange all diagrams, charts and other evidence, demonstrative or otherwise, you intend to publish to the jury in opening statements.

14. Please be aware of the requirements of Code of Civil Procedure section 2025.340 concerning the procedures for presenting audio or videotaped depositions, including but not limited to the requirement that the party intending to offer audio or video depositions shall notify the parties in writing of the parts of the deposition to be offered "within sufficient time for objections to be made and ruled on by the judge" (CCP § 2025.340(m)).

15. The Court expects counsel to work together as officers of the court.

16. Please refrain from personal references when addressing the jury. Who you are, your accomplishments and personal experiences are irrelevant to the issues presented to the jury. Please refrain from interjecting your person, family, or experiences into the trial.

17. When preparing a final argument, please keep in mind that most juries begin to lose attention after 45 minutes. Rebuttal also should be limited to only new issues raised by opposing parties' arguments and last no more than 10 to 15 minutes. This, of course, is only a general rule offered to assist counsel in the presentation of his or her case. Each case is different and unique.

18. The Court operates as a trial department four days a week, Monday through Thursday. The Court hears other matters on Fridays.

You will be held responsible for compliance with the rules set forth above.

Our department looks forward to the trial of your matter.

KEVIN A. ENRIGHT
Judge of the Superior Court