

## CHAPTER 8 LONG CAUSE TRIALS

### Rule 5.8.1

#### Long Cause Trials

**A. Time Limit.** Any trial with a time estimate exceeding one court day is a long cause trial.

**B. Trial Setting.** The court will set a trial date based on the time estimate at the final CMC, or following the MSC. Inaccurate time estimates may result in a mistrial and sanctions.

**C. Trial Preparation.** Rule 5.8.2 sets forth the required pre-trial preparation for a long cause trial. Each SRL or attorney must prepare, file and serve a mandatory trial statement, which shall be in the format set forth in Form SDSC D-241 entitled "Settlement Conference Brief/Mandatory Trial Statement" and shall include all attachments. The form can be found at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) under family law forms. The mandatory trial statement with all required attachments and all motions in limine shall be filed with the clerk of the trial department and served personally no later than seven calendar days prior to trial.

#### D. Assignment to a Different Court for Trials Estimated Over Two Days

1. When a trial is estimated to last two or more days, the court in which the case is currently assigned may assign the case to either another family law department or to the general civil calendar.

2. Prior to trial call, the court will conduct a pretrial conference to verify that the parties have complied with Rule 5.8.2.

3. Prior to the trial date, continuances of the trial date may be granted only in the family law department to which the case is assigned and only upon a showing of good cause.

4. If the case is to be assigned to the general civil calendar, trial call will be on a Friday in the Presiding Department of the Central Courthouse. The case may be trailed until a trial department becomes available. The trial judge may confer with counsel on that Friday, but no witnesses will be examined.

5. All in limine motions will be heard by the judge assigned for trial.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 11/1/2011)

### Rule 5.8.2

#### Long Cause Trial Rules

For any trial set on the long cause trial calendar (these rules do not apply to long cause OSCs) counsel or a SRL must:

#### A. NO LESS THAN SEVEN COURT DAYS BEFORE TRIAL

Personally meet and confer to exchange all of the following documents:

1. Mandatory Trial Statement with the following required six attachments:

a. Final Declaration of Disclosure (FL-140)

b. Current Income and Expense Declaration (FL-150) including all required attachments

c. Proposed Division of Community Assets and Debts

d. Kelley Blue Book valuation(s) for vehicle(s)

e. List of Witnesses\*

f. List of Proposed Exhibits\*

2. Trial briefs (if applicable)

3. Copies of all exhibits on "List of Proposed Exhibits".

Note: In custody trials, the expert's test data, notes, etc., related to an evaluation previously performed need not be exchanged if the data and report were previously provided to each party or counsel.

#### B. FOUR COURT DAYS BEFORE TRIAL

1. Telephonically meet and confer to discuss stipulations on admissibility of exhibits, specifying objections to each exhibit to which admissibility is not stipulated, and discuss all aspects of any intended in limine motions. Any agreements reached should be communicated to the court as soon as possible but no later than two calendar days before the trial.

2. File with the clerk of the trial department and personally serve on opposing counsel any trial brief and any opposition to in limine motions.

3. Arrange with the clerk of the trial department a date and time to file and pre-mark original exhibits.

#### C. DAY OF TRIAL

1. All motions in limine will be heard on the record and a ruling will be issued before the presentation of opening statement.

2. Each party must pay the mandated statutory court reporter fee for each half day of trial and any hearing over one hour. It is the duty of counsel or SRL to know the amount of this fee before the day of trial and to deliver this amount to the clerk in the trial department before the start of each half day of trial. The amount must be paid by cash, check or credit card. Checks can only be from a party or the attorney's client trust account. Checks must be made payable to the Clerk of the Superior Court. Credit card payments can only be made in the business office between the hours of 8:30 a.m. and 3:30 p.m.

3. Each day, the morning session of trial will usually begin at 9 a.m. and end at noon with a 15 minute break at approximately 10:30 a.m. The afternoon session will usually begin at 1:30 p.m. and end at 4:30 p.m. with a 15 minute break at approximately 3:15 p.m. At the end of each day of a multi-day trial, counsel and/or SRLs and the Court will review the next day's witnesses, examination time and any other calendaring issues.

\*Any witnesses not disclosed pursuant to these rules will not be permitted to testify at trial. Any exhibits not exchanged pursuant to these rules will not be introduced at trial. The only exceptions are true impeachment or rebuttal witnesses or exhibits.

(Adopted 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2011)