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4 **Trial/Evidentiary Hearing Briefs:**

- 5 • They are to be exchanged by the parties according to Rule 5.394 of the California Rules of
6 Court unless specifically ordered otherwise by the court. The trial brief form (D-241) can
7 be located on the court’s website.
- 8 • Evidentiary hearing briefs, exhibits, exhibit lists and witness lists are due by close of
9 business no later than a minimum of five court days in advance of the scheduled
10 trial/evidentiary hearing date.

11 **Exhibits:**

- 12 • All exhibits should be **pre-marked and tabbed** as: Petitioner - numbers; Respondent
13 letters. If Respondent has more than 26 exhibits, Petitioner shall use 1-400 and Respondent
14 shall use 401-800. Minor’s Counsel may use the Court’s Exhibit tags (brown) and shall
15 begin with number 801. If an Exhibit contains multiple pages, please give each page an
16 identifying number (bate stamped) in the lower righthand corner.
- 17 • Documents such as bank records should be broken down to monthly periods. For example,
18 bank statements for the period 1/1/22 through 1/31/22 shall be labeled as exhibit 1; bank
19 statements for the period 2/1/22 through 2/28/22 shall be labeled as exhibit 2, and so on
20 and so forth. The multi-paged documents should be bate stamped as indicated above.
- 21 • When judicial notice is taken of a document/exhibit, it is **not** indicated “RECEIVED” on
22 the exhibit tag. If there are impeachment exhibits, they can be identified as “the next in
23 order” and the clerk will mark and adhere the exhibit tag.
- 24 • The exhibit tag should not cover any part of the exhibit, i.e. the writing/numbers and/or
25 photo. If there is not a place to adhere the tag on the front of the exhibit, place it on the
26 back. If there are multiple pages, place it on the last page of the exhibit. The exhibit
27 number is to be placed in the lower right-hand corner by way of an exhibit tag (Pink tag –
28 Petitioner; Yellow tag – Respondent.) and have the case number and exhibit number pre-
written as follows:

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PINK

YELLOW

Ptnr's Ex: 1, 2, 3	
FL 123456	
Rec'd	Dept
Clk	

Resp's Ex: A, B C or 401, 402, 403	
FL 123456	
Rec'd	Dept
Clk	

- **Exhibit lists** are to be provided to the court. Three (3) copies are to be provided – for the court, the court clerk, and the court reporter (if one is obtained by the parties).
- To assist the clerk and for the benefit of all to ensure the exhibits are correctly identified and received, **please be sure the exhibit list is formatted as follows:**

Pet #	Description	ID'd	Rec'd	Resp #	Description	ID'd	Rec'd
1				A or 401			
2				B or 402			
3				C or 403			

- **Exhibit binders:** If there are more than 50 pages of exhibits, they must be compiled in 3-ring binders. If you are submitting more than one binder, identify on the front and spine of the binder the exhibits contained therein.
- **No exhibit binders should be more than three (3) inches thick.** Binders that exceed this limit will most likely be returned to the party for reorganization.
- Each party must submit to the court two sets of any 3-ring binders containing your exhibits: an original and one copy for the court and the clerk. Each party must also provide one set of exhibit binders to the other party/counsel and must have binders available to any witnesses at court or at their locations (including those who will be appearing on MS Teams only – they must receive all exhibits in advance of the trial/hearing).
- Move exhibits into evidence as you present them at trial. Exhibits are deemed authenticated unless there is a *genuine* dispute. You need not ask a witness to authenticate a document unless the opposing party objects.

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- Any text messages or social media posts must be identified by date and time on the exhibit.
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- Please meet and confer in advance as to the admissibility of evidence.
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- Please be sure to include a means of return for all exhibits.
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6 **In *Limine* Motions:**

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- All in *limine* motions must be filed, served and responded to on the schedule set at the Trial Scheduling conference (TSC) or TRC, or if no such schedule was provided, then the motions must be filed and served no later than five court days before the start of the trial or the evidentiary hearing, unless the court orders otherwise. Opposition to in *limine* motions must be filed and served no later than two court days before the start of the trial.
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13 **Witness Testimony:**

- If your witness has been authorized to appear via videoconferencing, please ensure that each witness knows how to connect to Microsoft Teams and has a good connection *prior* to the hearing.
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16 **Experts:**

- Experts must meet and confer prior to the trial. They must prepare a side-by-side comparison that must be provided to the court showing the differences and the reasons for the differences and any agreements on the same issues for which they have submitted a report to the court for the trial (i.e. income available for support, business valuation).
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21 **Child testimony:**

- If you would like to call a child as a witness, please review California Rule of Court 5.250(d)(3).
 - Calling children to testify is not usually in their best interest, particularly when a child is there to testify against a parent or to express a preference in favor of one party over another.
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- 1 • Advise the court at the TRC whether a child wishes to address the court. The court may
2 set a separate hearing to address the issue of whether the child will testify, and if so, the
3 parameters of the child’s testimony.
- 4 • If a child is mature enough to have a meaningful preference, the court prefers that they be
5 interviewed by Family Court Services (FCS).

6 **The Court’s Trial Preparation:**

- 7 • The court will read the briefs and all past orders.
- 8 • Please be sure income and expense declarations are complete per statutory requirements
9 and follow directions on the form FL-150.

10 **Court Reporters:**

- 11 • Please review the court’s website for current information regarding the court’s policies
12 on the availability and unavailability of official court reporters in family law matters and
13 official reporters *pro tempore*.

14 **Court Interpreters:**

- 15 • If an interpreter is needed for a party or witness, please complete and file the Interpreter
16 Request/Cancellation Form (SDSC ADM-348) **as soon as possible**. Please keep in
17 mind, the Interpreter Request form should be filed at least 3-4 weeks in advance of the
18 hearing/trial or it’s possible an interpreter will not be available.

19 **Filing:**

- 20 • All pleadings, lodgments, trial briefs, witness lists, exhibit lists and any other written
21 material **must be directly filed** in Department 603. **Do not e-file trial documents**. If
22 filed in the Family Business Office, they will be sent to the assigned IC department and
23 not this department. **Before** making the delivery, please call 619-844-2063 to make an
24 appointment with the department clerk for delivery.
- 25 • **Department 603 will not accept any documents via email to the courtroom clerk.**
26 **Do not ask the courtroom clerk directly for permission to email any documents.**
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- Trial briefs should be separated from binders and/or boxes when delivered to Department 603 otherwise there is a high likelihood they will not be filed and/or reviewed by the Court prior to the start of the Trial/Evidentiary hearing.

IT IS SO ORDERED.

Dated: _____

Laura H. Miller
Judge of the Superior Court