

Superior Court of the State of California  
County of Orange

**TRIAL POLICIES**

JUDGE SHEILA FELL  
DEPT C-25

1. Court will meet with counsel on the Friday before trial for a Pre-Trial Conference to assure compliance with Local Rule 3.17 and to iron out any unforeseen problems which may have arisen. [**Jury Trials: Conformed** copies of ALL trial documents are due in the department at the time of the Pre-Trial Conference hearing. **Court Trials: Conformed** copies of ALL trial documents are due in the department at the time of trial.] *Please remember all documents must now be E-filed.*
2. Compliance with Local Rule 3.17 is mandatory. *[Skipping this will destroy the Court's calendar and yours too.]*
3. The Court discourages trial continuances, and counsel should be ready to proceed to trial on the scheduled date. Absent a life or death emergency, a continuance will not be granted on trial day.
4. Proper courtroom demeanor (especially courtesy and civility toward counsel, parties, witnesses, and courtroom staff) is expected. *[And we promise to treat you with the same courtesy.]*
5. Parties and witnesses shall be addressed by last names. *[Preceded of course, by Mr., Mrs., etc.]*
6. Counsel may approach witness only to introduce an exhibit, after approval by the Court. Questions of the witness should be asked from the podium or in the vicinity of counsel table.
7. When examining witnesses or jurors, counsel may stand or sit. *[Please stand when addressing the Court.]*
8. Objections are to be stated along with legal basis only - no speaking objections are permitted unless invited by the Court.
9. Counsel should instruct parties and witnesses to avoid any and all out of court discussions when members of the jury are present.
10. The Court makes every effort to begin and end sessions on time. Failure of counsel to be present and ready for court trial or hearing at the designated time may subject counsel to a fine in the amount of \$5.00 per minute. *[This is serious.]*

11. Counsel must arrange the scheduling of witnesses so as not to waste jurors' time. The Court will recess for delays caused by the unavailability of subpoenaed witnesses only. If for any other reason a side runs out of witnesses, sanctions *[of an as yet undetermined nature]* may result.
12. Counsel are free to discuss the case with jurors after the trial (with juror's permission), however, counsel must not criticize a juror for the verdict or reveal evidence which was not admitted at trial.

### **EXHIBITS**

1. Exhibits should be pre-tagged (marked) and numbered consecutively on green exhibit tags copied from attached sample. Impeachment exhibits do not have to be pre-numbered. When the exhibit is first used, counsel shall identify it by number and briefly describe the exhibit for the record. *[The Court is checking against its list.]* The Court prefers that Exhibits be moved into evidence at or about the time each is used during the trial rather than en masse at the end of the trial.
2. Counsel shall not show an enlarged exhibit (blow-up) to the jury until that exhibit has been admitted into evidence by the court. *[Don't even think about it!]*
3. An Exhibit List should be provided jointly (one list) identifying all exhibits (except impeachment exhibits).
4. Copies of exhibits shall be provided to opposing counsel and the court, ie: one original set plus two copies of all exhibits. More than ten exhibits per trial require that they be placed into binders for convenience of reference and use. *[Color of binder is your choice]*
5. All depositions which will be used during trial must be lodged prior to the commencement of trial. Counsel must advise the court if any depositions are unsigned.

### **JURY SELECTION**

1. The Court will conduct voir dire pursuant to CRC Appendix, Section 8. Counsel will be given an opportunity to pursue follow-up voir dire within the time limits previously approved by the Court.
2. Counsel should not repeat voir dire questions asked by the Court. *[Jurors get bored and so does the Court.]* Pre-instruction, pre-argument, and suggestive questions are not permitted.

3. Counsel should advise the Court in writing of requests for additional voir dire to be conducted by the Court. *[Sensitive areas and such.]*
4. The Court will use 13 or 14 jurors with non-designated alternate juror(s) if counsel so stipulate. Fewer than 12 jurors may be used by agreement of parties.
5. If stipulated, both 'Cause' and 'Peremptory' challenges may be heard at side bar and jurors excused by the Court.

### **WITNESSES**

1. A joint witness list is required (with exception of impeachment witnesses) plus brief notation of expected testimony and time expected for testimony. *[The Court hates surprises.]*
2. Counsel must ensure that witnesses are available to testify when needed. If a witness is unavailable, counsel shall attempt to minimize any delay by cooperating in calling another witness out of order. The Court should be advised at the earliest opportunity when a potential problem is perceived.
3. If any witness intends to use an aid or document which has not been previously marked for identification, counsel must arrange for the examination of that aid or document by all other counsel (prior to its introduction) during a time when court is not in session.

### **JURY INSTRUCTIONS**

1. All proposed jury instructions, proposed pre-instructions, special findings, and verdict forms are to be submitted through E-filing, and a conformed copy to be given to the clerk on the Friday before trial at the Pre Trial Conference. *[This is a must.]*
2. Objections to Instructions will be heard before the jury arrives or after the jury has been excused for the day. Instruction proponent will arrange to have a clean copy of the modified instruction available for the jury prior to closing arguments.

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