

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**

JUDGE DEBORAH C. SERVINO

DEPARTMENT C21 - POLICIES AND PROCEDURES

Welcome to Department C21. In order to facilitate the progress of your case and assure its timely disposition, the Court has set the following procedures and schedule. Counsel will avoid many pitfalls and embarrassments by reading and becoming familiar with them.

I. GENERAL CALENDAR

- A. Jury Trials – Mondays from 9:15 am to 4:15 pm; Tuesdays & Wednesdays from 8:45 am to 4:15 pm. Jury deliberation may occur on Thursdays and Fridays.
- B. Law and Motion – Fridays at 10 am.
- C. Case Management Conferences, Order to Show Cause Hearings, Review Hearings, Default Prove-Up Hearings - Fridays at 9 am.
- D. Voluntary Settlement Conferences – Thursdays at 8:30 am.
- E. Ex Parte Matters – Every day at 1:30 pm.

II. GENERAL PROCEDURES

- A. To help us process your case and paperwork faster, please limit telephone calls to the court. Most questions can be answered by referring to the relevant California Codes, California Rules of Court, Orange County Superior Court Local Rules, and the Court's website (www.occourts.org). If you do have to call the court, however, please have your case name and number available.
- B. Ex Parte Matters – Fee and filing information are available on the court's website. Moving party shall notice Department C21 at (657) 622-5221 by noon the day before the application. Notice to opposing parties is to be given pursuant to California Rules of Court 3.1200 to

3.1207. Please be prepared to give the case name, case number, nature of the application, identity of the moving party, and telephone number.

Ex parte applications shall be filed by 3 pm on the day prior to the hearing. Moving papers must include a declaration of notice of ex parte hearing, a declaration based on personal knowledge, points and authorities, and a proposed order. The application shall set forth the irreparable harm that will occur if the relief requested is not granted. Counsel should read *Mission Power Engineering Company v. Continental Casualty Company* (C.D. Cal. 1995) 883 F.Supp. 488, which although is a federal case, expresses the court's view on ex parte matters.

The moving party shall submit on the application unless the Court invites oral argument. Any hearing of ex parte matters shall not interfere with or delay any trial in progress. Counsel may have to wait.

- C. Law and Motion – Tentative rulings and information regarding Law and Motion are available on the court's website at:
<http://occourts.org/tentativerulings/dservinorulings.htm>
- D. Continuances – Hearing dates will not be continued by telephone. Even if a continuance is unopposed, counsel must submit a declaration stating facts that constitute good cause for a continuance. Law and motion matters, review hearings, and case management hearings may be continued once for not more than 60 days by written stipulation of the parties and submission of the continuance fee, subject to approval by the court. Any additional continuances or continuances for more than 60 days may be requested by ex parte application or a motion to continue.

One 30-day trial continuance will be permitted by written stipulation, as set forth in Code of Civil Procedure section 595.2. Thereafter, trials may be continued only by ex parte application or a motion to continue. Motions to continue trial will be set on the department's regular law and motion calendar.

III. TRIAL PROCEDURES

- A. Counsel shall jointly conduct an Issues Conference at least 10 days before trial, in compliance with Orange County Superior Court Local Rule 317. The statement of compliance with Local Rule 317 must be filed by noon on the Friday before the Monday trial date. If the statement is not timely filed, the court may continue the trial or trail the trial while the parties comply with Local Rule 317 and complete a statement.
- B. Court Reporting Services – The Orange County Superior Court will no longer provide the services of an official court reporter in this Department. If the services of a certified shorthand reporter are desired, the parties can follow the steps outlined in the Court’s Availability and Unavailability of Official Court Reporters Policy on the court’s website at:
http://www.occourts.org/media/pdf/Availability_and_Unavailability_of_Official_Court_Reporters0501.pdf
- B. Jury Instructions – A jury instruction list and all proposed jury instructions, CACI or otherwise, shall be delivered to the clerk prior to jury selection.
- C. Verdict forms – All proposed special findings and verdict forms shall be submitted to the clerk prior to jury selection.
- D. Exhibits
1. Before the first day of trial, counsel should jointly prepare an exhibit list. Counsel shall avoid duplicates. Each exhibit should be listed by exhibit number. The exhibit list should set forth each number along with a very brief description which includes the date of the document or a notation that the document is undated. Copies of the exhibit list should be made for the court, the clerk, the court reporter, and each counsel.
 2. Only numbers should be used. It is not appropriate to designate plaintiff’s or defendant’s exhibits.
 3. Page numbers shall be placed on all pages of multiple-page documents.

4. If there are more than a dozen exhibits, and to the extent that exhibits are standard size and not too bulky, they should be placed in three-ring binders with tabbed dividers. Each tab should bear the corresponding exhibit number. All original exhibits must have the court exhibit tags filled out and attached to the exhibit. Exhibit tags are available on the court's website.
 5. All original exhibits plus a copy of the exhibits will be given to the clerk prior to jury selection.
 6. Enlargements of exhibits and transparencies for use with an overhead projector shall not be used as original exhibits. Instead, a normal-size paper version of the exhibit should be marked and treated as the official exhibit. Blowups and transparencies are informally marked with the same exhibit number and referred to by the same exhibit number during trial.
 7. If you plan to use a video exhibit or videotaped depositions, the court should be advised at the earliest opportunity since the court's permission is required before videos, tape recordings, overhead projectors and other equipment may be used in trial. It is counsel's responsibility to supply the necessary equipment and to have it set up before trial or during a recess.
 8. If counsel intends to use documents for bona fide impeachment, copies of such documents shall be delivered to the clerk in a sealed envelope marked "impeachment documents" with the name of the submitting party prior to the commencement of the trial.
- E. Voir Dire - This Court uses the six-pack method of jury selection. Twenty-one potential jurors will be called randomly by the clerk and seated, fourteen in the jury box and seven in front of the jury box. The court will conduct the initial questioning.

When the court has completed its questioning, each counsel will be permitted to do a mini-opening statement of five minutes early in voir dire in order to give the jurors a short "road map" of the evidence and give them a frame of reference for answering your questions. Counsel will question all 21 potential jurors for cause,

subject to the following limitations: (1) the attorneys must not engage in questioning that violates Standards of Judicial Administration 3.25(f) or Code of Civil Procedure section 222.5; (2) no repetitive questioning; (3) no pre-conditioning of the jury; (4) no hypothetical verdicts; (5) no questions regarding pleadings, law, or juror comfort without prior permission of the court; and (6) questioning will be completed within a reasonable time limit set by the court after discussing the issue with the lawyers.

Following for cause voir dire, counsel will exercise peremptory challenges against prospective jurors seated in the first twelve seats. When a prospective juror is excused, one of the prospective jurors seated outside the first twelve seats will be selected to fill the empty seat. The peremptory challenges will continue in that manner until both sides accept the jury. If the prospective jurors are reduced to eleven, ten prospective jurors from the audience will be selected at random to fill the seats in front of the jury box. The process will continue with examination for cause of those jurors.

- F. Witnesses – It is counsel’s responsibility to arrange the appearance of witnesses in such a manner as to avoid delay of the trial. Counsel are to confer with each other regarding the witnesses’ order of appearance and advise the court of any anticipated witness problems before trial commences.
- G. Courtroom decorum
 - 1. Counsel shall instruct their clients and witnesses as to proper behavior around jurors and warn against discussing the case in the presence of jurors and against engaging in conversation with a juror until after the case has been concluded.
 - 2. All witnesses, except children, are to be addressed only by their last name. Counsel must request permission to approach a witness or diagram near the witness, but must retreat after the purpose has been accomplished.
 - 3. No speaking objections in front of a jury. Opposing counsel should not speak before the court rules unless the court requests input or unless counsel requests to respond and is granted

permission. Any substantial discussion regarding objections will be had outside the presence of the jury.

4. Objections, statements, and arguments are to be addressed to the court rather than opposing counsel or witnesses.