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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE - CENTRAL JUSTICE CENTER

TO ALL PARTIES SET FOR
TRIAL

STANDING TRIAL PROCEDURES
(JURY AND NON-JURY)

HON. RICHARD Y. LEE

TO EACH PARTY AND TO THE ATTORNEY(S) OF RECORD FOR EACH PARTY:

All parties are ordered to familiarize themselves with all aspects of this Standing Trial Order and Trial Procedures For Trial.

DO NOT deliver to the courtroom any items, including binders, documents, pleadings, exhibits, etc., prior to the date of trial unless a further Court order directs otherwise.

The parties are still required to electronically file all pleadings, motions, etc. per the time frames set forth in the Code and the Local Rules (e.g., Local Rule 317).

1 I. JOINT TRIAL BINDER

2 The parties shall meet and confer on all pre-trial matters at
3 least 10 calendar days before the trial. On the date of trial, the
4 parties shall bring with them a three-ring Joint Trial Binder that
5 contains the following, if applicable:

- 6 1. Table of Contents
- 7 2. Printed copies of the current operative pleadings
8 (including the operative complaint; answer; cross-
9 complaint, if any; and answer to cross-complaint);
- 10 3. Joint Statement of the Case to be read to
11 prospective jurors.
- 12 4. Joint Witness List listing the name, brief
13 description, and time estimate for each witness.
14 Two (2) courtesy copies of the Joint Witness List
15 shall be provided to the Clerk.
- 16 5. Joint List of Controverted Issues as to any matters
17 to be determined by the Court.
- 18 6. Stipulations.
- 19 7. Joint Exhibit List. Two (2) courtesy copies of the
20 Joint Exhibit List shall be provided to the Clerk.
- 21 8. Trial Briefs.
- 22 9. Motions *In Limine* and oppositions, in order (motion
23 followed by opposition, and reply brief, if any)
24 Courtesy copies of the Motions *In Limine* may be
25 submitted in a separate binder.

1 II. JOINT EXHIBIT BINDER

2 The parties shall meet and confer and bring to Court on the
3 first day of trial, two complete copies of the Joint Exhibit
4 Binder. One set, the original, shall be for the witness, pre-
5 marked with Court Exhibit tags, and one copy shall be for the
6 Court.

7 Each exhibit shall be marked with a discrete number, and shall
8 be correctly identified. The appropriate exhibit tag may be
9 downloaded from the court's website at
10 <https://www.occourts.org/forms/local/1529.pdf>.

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12 III. DEPOSITION TRANSCRIPTS

13 The parties shall meet and confer and bring to Court on the
14 first day of trial certified copies of any deposition transcripts
15 that will be used during the trial.

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17 IV. WITNESSES AND SCHEDULING

18 Parties are expected to have their witnesses available to
19 testify. If a party runs out of witnesses, the party rests. If
20 there are unique circumstances that warrant calling witnesses out
21 of order or accommodations for scheduling, the parties should
22 promptly bring those issues to the Court.

23 If a witness or a party needs an interpreter, the parties
24 should raise those issues with the Court before the commencement of
25 the trial.

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1 V. COURT REPORTERS

2 Absent a Court order, the Court does not provide a Court
3 Reporter for trial. If a party or the parties desire to have an
4 official Court Reporter, the party or parties must arrange for a
5 Court Reporter to be available.

6 The parties should be prepared to discuss whether they are
7 willing to waive a Court Reporter for voir dire, for sidebar
8 conferences, and for reading of jury instructions. It is the
9 practice of the Court to memorialize all sidebar conferences as
10 soon as practical on the record.

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12 VI. JURY INSTRUCTIONS AND SPECIAL VERDICT FORMS

13 Prior to the first day of trial, if the matter is to be tried
14 before a jury, the parties shall meet and confer on the issue of
15 jury instructions and verdict forms. On the first day of trial,
16 the parties shall submit to the Court a joint set of agreed upon
17 jury instructions, and a joint special verdict form, if requested.

18 If counsel are unable to agree on particular jury instructions
19 or language contained in special verdict forms, the parties should
20 provide to the Court the following three categories of documents:

21 (1) instructions that are jointly agreed to; (2) instructions/
22 special verdict form requested by plaintiff(s) and objected to by
23 defendant(s); and (3) instructions/special verdict form requested
24 by defendant(s) and objected to by plaintiff(s).

25 In the Court's experience, the CACI instructions prepared by
26 the Judicial Council of California are often sufficient, if not
27 excellent and appropriate.

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1 VII. COURT'S JURY SELECTION METHOD

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3 A. VENIRE JURY SELECTION METHOD

4 The Court utilizes the Venire selection method (sometimes
5 referred to as the Federal method) in conducting voir dire. The
6 clerk will seat all of the jurors in the venire as set forth in the
7 random order list. The Court will initially examine the entire
8 venire. The Court will allow attorneys to conduct questioning as
9 to the entire venire subject to the limitations set forth in this
10 order.

11 At sidebar or outside the presence of the jurors, the Court
12 will then consider any challenges for cause with respect to all the
13 prospective jurors.

14 Once the challenges for cause are ruled upon, at sidebar or
15 outside the presence of the jurors, the parties may exercise
16 peremptory challenges to the first 12 jurors that have not been
17 excused as determined by the random order list. If a peremptory
18 challenge is exercised by a party, the next juror remaining on the
19 random order list will be included in the group of 12 jurors who
20 have not been excused. At that point, the next party may exercise
21 a peremptory challenge to any of the first 12 jurors that have not
22 been excused as determined by the random order list. The process
23 repeats.

24 Once the parties have exhausted their peremptory challenges or
25 once they have accepted the panel as presently constituted, the
26 Court will entertain peremptory challenges as to the alternate
27 jurors. If there are two alternate jurors in the trial, a party
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1 may exercise a peremptory challenge only as to the first two
2 prospective jurors remaining on the random order list after the 12
3 jurors who have been selected for the jury. The exercising and
4 passing of peremptory challenges will be conducted in the same
5 manner as described above.

6 Once the parties have exhausted their peremptory challenges or
7 once they have accepted the alternates as presently constituted,
8 the Clerk will swear the 12-person jury and the alternate jurors.

9

10 B. LIMITATIONS ON ATTORNEY VOIR DIRE

11 Counsel conducting voir dire are reminded that attorney voir
12 dire is **NOT** a platform from which counsel may:

- 13 • Attempt to precondition the prospective jurors to a particular
14 result, indoctrinate them, or question them about the
15 pleadings or the applicable law. Code Civ. Proc §222.5.
- 16 • Compel prospective jurors to commit themselves to a particular
17 disposition of the case. People v. Visciotti (1992) 2 Cal.4th
18 1, 47-48.
- 19 • Prejudice prospective jurors for or against a party.
20 Visciotti, supra, 2 Cal.4th at 47-48.
- 21 • Argue the case. People v. Morales (1988) 203 Cal.App.3d 970,
22 974.
- 23 • Instruct the prospective jurors on matters of law. Visciotti,
24 supra, 2 Cal.4th at 47-48; Rousseau v. West Coast House Movers
25 (1967) 256 Cal.App.2d 878, 882.

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- 1 • Attempt to obtain the jurors' advisory opinion based on a
2 preview of the evidence. People v. Mason (1991) 52 Cal.3d
3 909, 939-40.
- 4 • Ask prospective jurors about the comfort of the jurors or the
5 meaning of particular words or phrases, or to comment on the
6 personal lives and families of the parties or their attorneys.
7 Stds. Of Jud. Admin. 3.25(f).

8
9 Attorneys have the right to examine prospective jurors in
10 order to enable counsel to intelligently exercise both peremptory
11 challenges and challenges for cause. The Court permits liberal and
12 probing examinations calculated to discover bias or prejudice with
13 regard to the circumstances of the particular case before the
14 Court. Code Civ. Proc. 222.5(b)(1).

15 Attorneys have the right to conduct an examination of
16 prospective jurors that is reasonable in length, method, purpose,
17 and content. The Court typically sets reasonable and non-arbitrary
18 time limits on attorney voir dire. As the Court observes the
19 attorneys' use of the allotted minutes, if circumstances warrant,
20 the Court will grant additional time. In making this
21 determination, the Court will monitor how much repetition there is
22 and how much actual information is elicited from the jurors. For
23 example, in considering the concept of the "flow of sound," if most
24 of the sound comes from counsel and not the jurors, additional time
25 will not be permitted. If most of the sound comes from the jurors
26 responding to questions, additional time will be permitted, if it
27 appears appropriate.

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1 VIII. JURY FEES

2 Jury fees are to be paid and posted every day that the Court
3 is in trial.

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5 IX. MULTIPLE COUNSEL

6 In the absence of permission by the court, only one attorney
7 for a party may perform any one of the following functions --
8 selecting a jury, delivering an opening statement, delivering a
9 final argument, examining any particular witness, cross-examining
10 any particular witness, or arguing an issue.

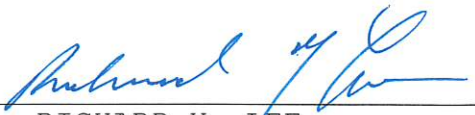
11 Upon the request of a party, the court may, in its discretion,
12 allow more than one attorney per party to perform one or more of
13 those trial functions. In making the request, counsel may present
14 the issue of providing an opportunity for a less experienced
15 attorney to perform any of those functions.

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17 X. COVID-19 PROTOCOLS

18 Parties should check with the court's website for the latest
19 guidance and requirements about appearing in-person. Persons not
20 feeling well, or exhibiting flu-like symptoms should not enter the
21 courthouse.

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23 IT IS SO ORDERED.

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25 Dated: 9/7/2023

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27 RICHARD Y. LEE
28 JUDGE OF THE SUPERIOR COURT