

Superior Court of California
County of Orange County Superior Court
Lamoreaux Justice Center, Dept. L63

Hon. Thomas S. McConville
Beronica Sadorra, Courtroom Clerk
Maria Hernandez, Courtroom Assistant
Janet Tenning, Court Reporter
Phone: 657-622-5560

MANDATORY TRIAL/EVIDENTIARY HEARING

STANDING ORDERS

Effective 05/25/2022

No later than 10 calendar days before the Trial or a specially set Evidentiary Hearing ALL ATTORNEYS AND SELF-REPRESENTED PARTIES are required to:

1. Participate in at least one meaningful MEET AND CONFER CONFERENCE (CRC 5.98) to discuss all undisputed issues and facts and disputed issues and facts, including each party's proposed findings and each disputed issue.
2. Mediation – If child custody or visitation is at issue and the parties have not attended mediation with Family Court Services within the past 120 days, the parties are ordered to attend mediation prior to their hearing date. Pursuant to OCLR 703(c)(1), the Court may impose a \$100 sanction on the parties for failure to appear at mediation or for failure to cancel their appointment upon reaching an agreement.
3. For all undisputed issues and facts, the parties are to submit a stipulation or offer a stipulation to the Court at the start of the hearing or trial.
4. For all disputed issues and facts, pursuant to Orange County Superior Court Local Rule 709 C, the parties are to prepare and file a Joint Statement of Disputed Issues. Exemplar templates may be found on the court website.

NOTE: The templates on the court's website are not meant to be applicable to all cases and all issues. Self-represented parties or counsel are expected to modify each applicable template to the facts and circumstances of their case keeping in mind the purpose of the Joint Statement is to make an offer of proof on each disputed issue.

If agreed, the Joint Statements can be received in evidence for judicial economy subject to cross-examination and/or argument.

The Joint Statement must be signed by all counsel or self-represented parties.

5. For all financial issues, pursuant to Orange County Superior Court Local Rule 702, the parties shall update and serve on each other the following:
 - (a) Current Income and Expense Declarations (FL-150) including all required attachments;
 - (b) The last two most recent tax returns, including personal and corporate, if applicable;
 - (c) An attorney fee declaration and all billing invoices, if applicable.
6. Unless otherwise ordered by the Court, Pursuant to FC §217 and CRC 5.113(e), the parties are ordered to file a **List of Witnesses**, including a short statement of anticipated testimony and time estimates for direct and cross-examination. California Judicial Council Form FL-321 may be used for this purpose.
7. Unless otherwise ordered by the Court, the parties are ordered to file a **List of Exhibits**. The parties are further ordered to pre-mark all exhibits using the Court's designated exhibit tags and exchange all exhibits no later than 10 days prior to the hearing/trial.

Petitioner's exhibits shall be pre-marked with numbers (1,2,3, etc). Each page of the exhibit must also be pre-marked sequentially (1-1, 1-2, 1-3, etc.)

Respondent's exhibits shall be pre-marked with letters (A, B, C, ...AA, BB, CC, etc). Each page of the exhibit must also be pre-marked sequentially (A-1, A-2, A-3, etc.)

If there are more than ten exhibits, in addition to being pre-tagged, they must be placed in a 3-ring binder with tabbed dividers. Each tab should bear the corresponding exhibit number/letter. Prior to the commencement of any hearing/trial, the parties will make four copies of their exhibits available: one for the clerk, one working copy for the judge, one for the opposing party, and one for the witness.

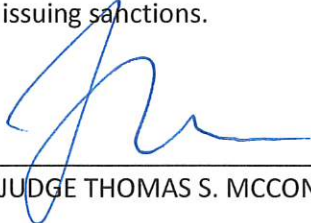
8. Parties are ordered to submit trial or hearing briefs with a memorandum of points and authorities on unique or novel legal issues.
9. All Remote Hearings shall be scheduled on a case by case basis.

To log in to the remote hearing go to ***occourts.org*** website.

 - Click on: Remote Appearance Information
 - Family Law
 - Click on tab to appear for Family Law Remote Hearings
 - Click on Department L63
 - a. All parties, counsel, and witnesses must be able to be seen and heard by all other parties. Witnesses will be admitted to the meeting when it is time for them to testify. They should leave the meeting after testimony, unless the attorneys/parties make a request to have them remain after their testimony is complete, and the judicial officer has granted the request.
 - b. During the hearing, parties that are not testifying should have their microphones muted unless they are speaking.

- c. Witnesses should be in a room alone during testimony, without access to any documents or papers, other than copies of exhibits already provided to the Court and opposing parties.
 - d. Attorneys and parties may communicate privately via text or email during the hearing, provided however, parties may not communicate with counsel while they are testifying.
 - e. No one may communicate with witnesses privately during the hearing without Court permission.
 - f. All participants must be in an office or room with proper lighting. There should not be any distractions (noise or other things) occurring in the background.
 - g. All participants must have their camera on AT ALL TIMES.
 - h. Participants will be allowed to speak only when prompted by the Court.
 - i. Participants should ask to sign off before signing off to make sure they do not have any other issues to resolve.
 - j. The attorney is responsible for a client's behavior while participating. An attorney's client will not be allowed to speak unless prompted by the Court.
 - k. It is vital that all participants in the hearing can be seen or heard. Poor internet connections can make this difficult. If a participant's internet connection is poor and the Court is unable to view, hear or understand the participants, the Court reserves the right to continue the matter or to take the matter off calendar.
 - l. Disturbances will not be tolerated.
10. Neither attorneys, parties, witnesses, nor any third parties are permitted to record the proceeding, whether remote or in person. Recording of any kind is a violation which shall subject an individual to potential civil and criminal penalties pursuant to Cal. Pen. Code Sec. 632, or any other section. The Court will forward the matter to the Orange County District Attorney's Office for prosecution.
11. Hearings will include a Court Reporter, and it is important people not speak out of turn or over top of one another, as the Court Reporter will be unable to catch everything.
12. Any violation of and/or failure to comply with these rules may result in the Court continuing the matter or vacating the trial/hearing date and/or issuing sanctions.

Dated: May 25, 2022



JUDGE THOMAS S. MCCONVILLE