

**Policies and Procedures for
West Justice Center Department W10
Judge Nathan Vu (657) 622-5910**

Effective June 3, 2021, all matters set before Judge Nathan Vu have been transferred to Department W10, but shall remain assigned to Judge Vu.

“[I]n family law proceedings an attorney should seek to reduce emotional tension and trauma and encourage the parties and attorneys to interact in a cooperative atmosphere, and keep the best interests of the children in mind.” – Section 19 of the California Attorney Guidelines of Civility & Professionalism.

“To be persuasive, we must be believable; to be believable, we must be credible; to be credible, we must be truthful.” – Edward R. Murrow.

All parties and counsel are expected to read and understand these Policies and Procedures. Counsel are expected to give a copy of these Policies and Procedures to their clients.

BEFORE YOUR HEARING

1. TRY TO COME TO AN AGREEMENT. Unless a domestic violence restraining order is being requested or a restraining order is already in place, Rule of Court 5.98 requires that parties attempt to settle the matter before coming to Court. In addition, Family Code section 3170 requires parties to attend mediation with Family Court Services prior to any Request for Order regarding custody and/or visitation.

Parties are almost always happier with an agreement. The Court does not know the details of your lives and your children’s lives as well as you do. When the Court makes a decision, one side will be unhappy, and usually, both sides will be unhappy. If you come to an agreement, please let the clerk know and your matter will be moved to the front of the line.

2. DETERMINE WHAT ISSUES ARE IN DISPUTE. Even if you cannot agree on all of the issues, the parties can still agree on some issues or facts. At the hearing, the Court expects both parties to be able to state what matters they can and cannot agree upon.

3. EXCHANGE DOCUMENTS AND WITNESSES. If you plan to present documents or evidence in court, you must submit the documents or evidence to the Court and to the other party at least 3 days before the court hearing. You may meet this requirement by sending an e-mail with all of your documents or evidence attached to the Court at W10@occourts.org and to the other party. If you plan to present information contained on a cell phone, computer, or other technology, you must print it out and submit it. You must also inform the other party of the witnesses that will testify on your behalf. The Court may disallow documents, evidence, or witnesses if a party fails to follow this rule.
4. PRODUCE FINANCIAL DOCUMENTS. If your matter involves financial issues such as child support, spousal support, or property division, you must follow Local Rule 702. At least one week before the hearing, you must serve the other party and file with the Court an Income and Expense Declaration, pay stubs for the two most recent months (if employed), profit & loss statement from the last 12 months (if self-employed), last year's tax returns, most recent W-2, 1099, or K-1 forms, and other financial documents required by Rules of Court Rule 5.260 and Local Rule 702.
5. PREPARE SUPPORT CALCULATION PRINTOUT. In any matter involving child support or temporary (prejudgment) spousal support, counsel must present to the Court a printout from DissoMaster™ or Xspouse™ showing the calculations supporting their client's position on support. The Court may not rule on a Request for Order involving child support or temporary spousal support if counsel for the moving party fails to present this printout. A party who does not have counsel does not need to bring a printout, but must be ready to discuss the information contained on the first two pages of the Income and Expense Declaration for themselves and the other party.
6. FILE THE PROPER PROOF OF SERVICE. If you are required to serve the other party (in other words, give them a copy of your Court papers so that they know what you are requesting and when the matter will be heard), then you are also required to file a proof of service with the Court. This is a document that confirms that you have properly served the other party. The Court will not move forward with any matter without a proper proof of service.
7. CONTINUANCES. Requests for Order, Motions, and Conferences may be continued telephonically two times by agreement of the parties. Otherwise, the requesting party must make a showing of good cause by written request for a

continuance. Continuances after the second continuance and continuances made at the hearing are disfavored.

Continuances of trials and specially-set hearings are heavily disfavored. Parties must request a continuance of a trial or specially-set hearing as soon as they are aware of the need. As such, the earlier a continuance is requested, the more likely the Court is to grant it. A continuance that is requested less than a week before trial or at trial is heavily disfavored and will not be granted absent a showing of an unavoidable and unexpected emergency.

AT YOUR HEARING

8. CHECK IN BEFORE THE HEARING. You should arrive in court 10 minutes before the hearing time and check-in with the court clerk.
9. LET THE COURT KNOW IF YOU WILL BE LATE. If you will be late, you must call the court clerk at (657) 622-5910 as soon as you know. If you request second call, you must be present by 10:00 a.m.
10. BE COURTEOUS DURING THE HEARING. You are in a court of law. All parties and counsel must act in a dignified and civil manner at all times.
11. DO NOT INTERRUPT. When someone is speaking, do not interrupt. If someone is asking a question or answering a question, allow them to finish before speaking. Do not speak over the judge or any other party or counsel.
12. DO NOT ARGUE WITH THE OTHER PARTY OR COUNSEL. All requests or arguments should be addressed to the judge. Do not make demands or engage in an argument with the other party or counsel directly.
13. BRING 3 COPIES OF DOCUMENTS. If you wish to present documents in court, you must bring 3 copies of each document – one for yourself, one for the other party, and one for the Court. The Court may disallow documents if insufficient copies are provided.
14. WHEN YOUR CASE IS CALLED, come to the counsel table in front of the judge. You may bring your paperwork and your cellular phone. Do not move from counsel table without asking the permission of the judge. Do not bring anything else to the counsel table without permission from the judge. If you need to give

documents to the judge or a witness on the witness stand, give them to the bailiff. Always FOLLOW THE INSTRUCTIONS OF THE BAILIFF.

15. AFTER THE COURT HAS DECIDED, you may ask the judge questions if you do not fully understand the decision. However, the Court will not answer legal questions or hear further testimony or argument.

AT-ISSUE MEMORANDUM AND TRIAL-SETTING CONFERENCE

16. Once an At-Issue Memorandum for Trial Setting (Orange County Local Form L-0031) is filed, the Court will set a Trial-Setting Conference. At the Trial-Setting Conference, the Court will schedule a Mandatory Settlement Conference and a Trial Readiness Conference.

MANDATORY SETTLEMENT CONFERENCE

17. LET THE OTHER PARTY KNOW YOUR POSITION AND PROPOSALS FOR SETTLEMENT. At least 5 days prior to the Mandatory Settlement Conference, each party must file with the Court and serve on the other party a Settlement Conference Brief. The parties may use Orange County Local Form L-0966 to prepare the Settlement Conference Brief. Any Settlement Conference Brief must include the information in sections I, II, and III of Local Form L-0966.
18. BE PRESENT AT YOUR MANDATORY SETTLEMENT CONFERENCE. All parties must be personally present at the mandatory settlement conference, unless they obtain a Court order to the contrary. All parties must make a good-faith effort to resolve the case at the mandatory settlement conference and comply with Local Rule 707. The Court will entertain requests for sanctions pursuant to Family Code section 271 against any party who fails to follow Policies #17 and #18.
19. REQUEST THE ASSISTANCE OF A MEDIATOR. Particularly for self-represented litigants, the Court encourages the parties to request the assistance of an Orange County Human Relations mediator or a Temporary Judge mediator during the mandatory settlement conference. Please ask the clerk when you schedule the mandatory settlement conference to have an Orange County Human Relations mediator or a Temporary Judge mediate your case.

TRIAL READINESS CONFERENCE

20. PREPARE FOR THE TRIAL READINESS CONFERENCE. At least 21 days before the trial readiness conference, the parties shall meet and do the following:
- Exchange current Income and Expense Declarations (Form FL-150)
 - Exchange witness lists (See Family Code, § 217; Form FL-321)
 - Exchange exhibit lists and exhibits
 - Exchange exhibits, including audio/video recordings and transcripts of the recordings
 - Exchange expert witness reports or reports prepared pursuant to Evidence Code sections 730 or 733
 - Discuss which exhibits or evidence the parties will stipulate are admissible
 - Discuss which material facts the parties will stipulate to and which are in dispute
 - Discuss what issues are to be decided at trial
 - Confirm that final declarations of disclosure and Local Rule 702 disclosures have been made in trials involving financial issues
 - Exchange information and prepare the joint statements listed below
21. FILE PRE-TRIAL DOCUMENTS. At least 10 days before the trial readiness conference, the parties are required to file with the Court and serve on the other party:
- Witness lists with a brief description of the subject-matter of the testimony and time estimates for direct examination (See FC § 217; Form FL-321)
 - Exhibit lists with notations of which exhibits have been stipulated to as admissible
 - Joint Statement of Issues (See Local Rule 709; Local Form L-0966)
 - Joint Statement/Stipulation of material facts or issues over which there is no dispute
 - Joint Statement of critical disputed facts or issues, not to exceed 20 facts or issues; if the parties cannot agree then each party shall list 10 critical facts or issues
 - If Permanent (Post-Judgment) Spousal Support is at issue, Joint Statement of Family Code section 4320 factors and summary of the parties' contentions as to each factor
 - If Property Division, Characterization and Division of Assets, Characterization and Division of Debts, or Retirement/Pensions are at

issue, a Joint Statement/Joint Marital Balance Sheet listing all property, assets, and debts at issue and each party's position as to the characterization and/or division of each property, asset or debt

- Dissomaster™ or XSpouse™ printout (See Policy #5 above)
- Current Income and Expense Declarations (Form FL-150)
- Declaration Regarding Service of Final Declaration of Disclosure and Income and Expense Declaration (Form FL-141) or Stipulation and Waiver of Final Declaration of Disclosure (Form FL-144)
- Trial Brief of no more than 15 pages on pleading paper that conforms to Rules of Court Rule 5.394
- Any expert witness reports or any report prepared pursuant to Evidence Code section 730 or 733, including any child custody evaluation report and responsive report, any forensic accountant report and responsive report, and any vocational evaluator's report and responsive report (these need not be filed; courtesy copies shall be submitted to the Court and opposing party)

22. TRIAL WILL NOT BE SET UNTIL ALL TRIAL READINESS REQUIREMENTS ARE COMPLETED. The Court will set trial dates once all the requirements of Policies #20 and #21 above have been met in full. The Court will not allow presentation at trial of any issue, witness, document, or evidence that is not reasonably disclosed or exchanged during the trial readiness process, unless a party shows good cause (for example, if a party did not have knowledge of and could not have, with reasonable diligence, obtained knowledge of the issue, witness, document, or evidence, or the witness, document, or evidence is used for impeachment purposes only).

TRIAL

23. FILE MOTIONS IN LIMINE AND REQUESTS FOR JUDICIAL NOTICE. Motions in Limine and Requests for Judicial Notice shall be filed no later than 10 days before trial. Oppositions to Motions in Limine and Requests for Judicial Notice shall be filed at least 5 days before trial. No replies shall be filed.
24. SUBMIT ALL EXHIBITS AND LODGE ALL DOCUMENTS ELECTRONICALLY. Effective July 12, 2021, all exhibits and lodged documents for trials and specially-set hearings must be submitted using the Court's Electronic Evidence Portal at <https://www.occourts.org/online-services/EvidencePortal.html>. If you are a new portal user, you must create a portal account prior to attempting to upload

evidence. To create an account, access the Electronic Evidence Portal and click on “Sign Up”.

All exhibits and lodged documents must be submitted to the Electronic Evidence Portal at least 10 days before trial or hearing. The first party to upload their exhibits will receive numbers 001 – 100. The second party to upload exhibits will receive numbers 101 - 200. To the extent the proffered exhibit comprises multiple pages, each page of the exhibit must be marked sequentially (i.e., Bates stamped). For example, in reference to Petitioner’s Exhibit 100, it must be paginated as 100-1 on the first page, 100-2 on the second page, and so on.

No exhibit tag will need to be provided as the system will automatically create a tag. During trial/hearing, exhibits may be marked and received out of order. There is no reason to lodge or submit any hard copies of any exhibits for the Court’s convenience. The Court will exclusively rely on electronic submissions of exhibits and lodged documents.

Submitting exhibits to the Court via the Electronic Evidence Portal will not send them to the other party or opposing counsel. Parties and counsel are still responsible for exchanging exhibits pursuant to Policy #21. This Policy #24 does not apply to Requests for Orders, Motions, Conferences, and other matters that are not trials or specially-set hearings.

25. TRIAL BRIEFS IN LIEU OF OPENING STATEMENTS. A party’s trial brief shall serve as their opening statement. A party that fails to file a trial brief may be deemed to have waived their opening statement.
26. NO SPEAKING OBJECTIONS. When objecting, counsel or the party should state the legal basis for the objection only. The Court will inquire if more explanation is necessary. Counsel who are objecting to the witness’ answer (and not to the question itself) should wait for the witness to finish the sentence before objecting.
27. BE EFFICIENT AND FOCUSED. The Court has both the authority and the duty to conduct the trial in an efficient manner, focused on the critical facts and issues. If either party fails to conduct a trial or hearing in such a manner, the Court may allot each party a reasonable amount of time to complete their presentations. The Court may allot additional time to a party that has properly used their allotted time and makes an offer of proof that there is additional, relevant evidence to be presented.

SPECIALLY-SET HEARINGS

28. FILE PRE-HEARING DOCUMENTS. Specially-set hearings are all hearings that are not trials but have a time estimate longer than 3 hours and are set for times when no other matters will be scheduled, normally 1:30 p.m. When a request for a specially-set hearing is granted, the Court may set a status conference. The requirements of Policies and Procedures #20 and #21 shall apply to specially-set hearings, except that the deadlines shall be 21 days and 10 days before the status conference (or 21 days and 10 days before the specially-set hearing if no status conference is set).
29. TREAT SPECIAL-SET HEARINGS AS TRIALS. Policies and Procedures #23 - #27 shall apply to all specially-set hearings.

EX PARTE (EMERGENCY) REQUESTS

30. *EX PARTE* REQUESTS REQUIRE AN EMERGENCY. The Court strictly enforces the requirement that a party seeking an *ex parte* (emergency) order must make a factual showing based on personal knowledge of irreparable harm, immediate danger, or other statutory basis for granting relief *ex parte*. *Ex Parte* requests are disfavored and will rarely be granted if they relate to financial matters (support, property, and attorney's fees matters) or to situations that involve harm that is not immediate and can be repaired (visitation matters).

IMPORTANT RESOURCES

Department of Child Support Services – 1055 N. Main Street, Santa Ana, CA 92701 (866) 901-3212 or www.css.ocgov.com (to open a child support case), or request a referral at the DCSS desk on the 5th Floor of the Courthouse by the elevators (to open a child support case).

Self-Help Center – 1st Floor of the Courthouse, Room 101 (for assistance with procedural matters in your case).

Family Court Services – 5th Floor of the Courthouse, Room 507 (for mediations and child custody investigations).

Family Law Clerk's Office – 7th Floor of the Courthouse, Room 706 (to file documents with the Court).