

**Superior Court of California
County of Orange
Civil Complex Center**

HONORABLE PETER J. WILSON

CLERK: V. Harting

COURTROOM ATTENDANT:

POLICIES AND PROCEDURES – DEPARTMENT CX102

CIVIL COMPLEX CENTER

751 W. SANTA ANA BLVD. SANTA ANA, CA 92701

(657) 622-5302

www.occourts.org

Welcome to Department CX102. To facilitate the progress of your case and assure its timely disposition, this Court has established the following procedures. Counsel should be familiar with and must comply with Division 3 of the Local Rules of the Orange County Superior Court.

The Orange County Superior Court has implemented administrative orders, policies, and procedures noted on the Court's website to address the limitations and restrictions presented during the COVID-19 pandemic at [Civil Covid-19](#). Due to the fluid nature of this crisis, you are encouraged to frequently check the Court's website at <https://www.occourts.org> for the most up to date information relating to Civil Operations.

Appearances, whether remote or in person, must be in compliance with Code of Civil Procedure §367.75, Rule 3.672 of the California Rules of Court, and Superior Court of California, County of Orange, Appearance Procedure and Information, Civil Unlimited and Complex, located at

[https://www.occourts.org/media-relations/covid/Civil Unlimited and Complex Appearance Procedure and Information.pdf](https://www.occourts.org/media-relations/covid/Civil%20Unlimited%20and%20Complex%20Appearance%20Procedure%20and%20Information.pdf)

Information, instructions and procedures to appear remotely are also available at

<https://www.occourts.org/media-relations/aci.html>

Unless the court orders otherwise, remote appearances will be conducted via Zoom through the court's online check-in process, available at <https://www.occourts.org/media-relations/aci.html>. Once online check-in is completed, counsel and self-represented parties will be prompted to join the courtroom's Zoom hearing session. Participants will initially be directed to a virtual waiting room while the clerk provides access to the video hearing.

The public may attend hearings by coming to court or via remote access as described above.

WEEKLY DEPARTMENT SCHEDULE

1. **Trials** – Monday through Wednesday, 9:00 a.m. to 4:30 p.m.
2. **Law and Motion** – Thursday, 2:00 p.m.
3. **Ex Parte Applications** – Monday through Friday, 1:30 p.m.
4. **Pre-Trial Conferences** – Friday, 9:00 a.m.
5. **Case Management Conference (to serve as the Initial Status Conference)** – Friday, 9:00 a.m.
The initial Case Management Statement should be filed at least 5 court days before the CMC. Counsel should use pleading paper rather than Judicial Council Form CM-110 but should include in the Statement a discussion of the applicable subjects set forth in CRC Rule 3.727. The parties are encouraged to meet and confer and file a joint statement.
6. **Status Conferences** – Friday, 9:00 a.m. Joint status conference reports are required 5 court days before the hearing, unless otherwise ordered.
7. **Review Hearings** – Friday, 9:00 a.m.
8. **Order to Show Cause Hearings** – Friday, 9:00 a.m.
9. **Default Prove-Up Hearings** – Friday, 9:00 a.m.

Cooperation, Civility and Courtesy: The Court expects all Counsel to cooperate with each other to the fullest extent and to treat everyone -- including one another and courtroom staff-- with genuine civility and courtesy. In addition to the State Bar of California Guidelines of Civility and Professionalism attached, attorneys are requested to review the Orange County Bar Association Civility Guidelines, also attached hereto.

TRIAL PROCEDURES

1. **Pre-Trial Conferences** – The Court normally will hold a Pre-Trial Conference about 30 days before the trial date. Counsel should expect the following subjects to be discussed at the Pre-Trial Conference:

The causes of action which will be tried; whether bifurcation or phasing is appropriate; the latest time estimate; any interpreter issues; any witness availability issues or other scheduling issues; any stipulations for admissibility of or foundation for exhibits; any intended equipment usage; using deposition testimony; whether all parties want to give mini-opening statements early in voir dire to give the jurors a brief overview of the case and each party's positions; the submission of jury instructions and verdict forms; allowing jurors to propose questions of witnesses; and waiving the court reporter for the reading of jury instructions and/or voir dire.

2. **Trial Documents – OCSC Local Rule 317** – The court requires that counsel comply fully with Local Rule 317. Further pre-trial orders may issue after consultation with the parties at the Pre-Trial Conference.

3. Trial Conduct

- a. Appropriate titles (e.g., Mr., Ms. or Dr.) rather than first names are to be used when addressing witnesses (unless they are children), jurors or one another.
- b. Do not make speaking objections. Simply state the legal grounds for the objection. Any argument about a ruling will be done either at the bench, at sidebar, or on the record outside the presence of the jury.
- c. Counsel should speak from behind the counsel table or lectern unless the court has given permission to approach a witness.
- d. It is all counsels' responsibility to arrange the appearance of witnesses to avoid delay, to confer during trial as to when witnesses will be needed, to advise the Court at the earliest opportunity of any anticipated problems with the presence of witnesses, including any need to call a witness out of order, and to advise witnesses of the appropriate manner of testifying, including proper behavior and attire in the courtroom and any rulings that may apply to their testimony. Counsel should keep all other counsel informed as to who their next few witnesses will be to facilitate their preparation.

LAW AND MOTION PROCEDURES

1. Law and Motion matters are heard every Thursday at 2:00 p.m. Motion reservation dates are not required in this department.
2. Tentative rulings usually will be available on the day before the hearing. They will be posted on the court's website at: <http://www.occourts.org/directory/civil/tentative-rulings/>
3. If counsel intends to submit on the tentative ruling, they should telephone the court clerk and notify opposing counsel. If all parties do not submit on the tentative ruling, oral argument will be held. If no one appears for argument, the Court will determine whether the motion goes off calendar or whether the tentative ruling becomes the final ruling.
4. All parties must strictly comply with Orange County Local Rule 314A "Register of Actions References for Related Documents."

EX PARTE PROCEDURES

1. Ex Parte applications are heard every court day at 1:30 p.m. The requirements contained in California Rules of Court, Rules 3.1200-3.1207, will apply. Applicants must be sure they comply with the requirements of (a) notice to all other parties by 10:00 a.m. the court day before the hearing, (b) a showing of the irreparable harm that will occur if the relief requested is not granted, and (c) a proposed Order.
2. The applicant's papers must be filed by 3:00 p.m. on the court day before the hearing. The clerk in Department CX102 must be notified of the filing of the Ex Parte application by 12:00 noon on the court day before the hearing. If any party intends to oppose the Ex Parte

application, they should telephone the clerk in Department CX102 at (657) 622-5302 and file any opposition papers as soon as is feasible. Courtesy copies of any opposition papers should be either submitted before or brought to the hearing.

3. The Court usually will hear oral argument on Ex Parte matters but may in appropriate cases rule without a hearing.

California Attorney Guidelines of Civility and Professionalism

(Abbreviated, adopted July 20, 2007)

INTRODUCTION. As officers of the court with responsibilities to the administration of justice, attorneys have an obligation to be professional with clients, other parties and counsel, the courts and the public. This obligation includes civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, and cooperation, all of which are essential to the fair administration of justice and conflict resolution.

These are guidelines for civility. The Guidelines are offered because civility in the practice of law promotes both the effectiveness and the enjoyment of the practice and economical client representation. The legal profession must strive for the highest standards of attorney behavior to elevate and enhance our service to justice. Uncivil or unprofessional conduct not only disservices the individual involved, it demeans the profession as a whole and our system of justice.

These voluntary Guidelines foster a level of civility and professionalism that exceed the minimum requirements of the mandated Rules of Professional Conduct as the best practices of civility in the practice of law in California. The Guidelines are not intended to supplant these or any other rules or laws that govern attorney conduct. Since the Guidelines are not mandatory rules of professional conduct, nor rules of practice, nor standards of care, they are not to be used as an independent basis for disciplinary charges by the State Bar or claims of professional negligence.

The Guidelines are intended to complement codes of professionalism adopted by bar associations in California. Individual attorneys are encouraged to make these guidelines their personal standards by taking the pledge that appears at the end. The Guidelines can be applicable to all lawyers regardless of practice area. Attorneys are encouraged to comply with both the spirit and letter of these guidelines, recognizing that complying with these guidelines does not in any way denigrate the attorney's duty of zealous representation.

SECTION 1. The dignity, decorum and courtesy that have traditionally characterized the courts and legal profession of civilized nations are not empty formalities. They are essential to an atmosphere that promotes justice and to an attorney's responsibility for the fair and impartial administration of justice.

SECTION 2. An attorney should be mindful that, as individual circumstances permit, the goals of the profession include improving the administration of justice and contributing time to persons and organizations that cannot afford legal assistance.

An attorney should encourage new members of the bar to adopt these guidelines of civility and professionalism and mentor them in applying the guidelines.

SECTION 3. An attorney should treat clients with courtesy and respect, and represent them in a civil and professional manner. An attorney should advise current and potential clients that it is not acceptable for an attorney to engage in abusive behavior or other conduct unbecoming a member of the bar and an officer of the court.

As an officer of the court, an attorney should not allow clients to prevail upon the attorney to engage in uncivil behavior.

An attorney should not compromise the guidelines of civility and professionalism to achieve an advantage.

SECTION 4. An attorney's communications about the legal system should at all times reflect civility, professional integrity, personal dignity, and respect for the legal system. An attorney should not engage in conduct that is unbecoming a member of the Bar and an officer of the court.

Nothing above shall be construed as discouraging the reporting of conduct that fails to comply with the Rules of Professional Conduct.

SECTION 5. An attorney should be punctual in appearing at trials, hearings, meetings, depositions and other scheduled appearances.

SECTION 6. An attorney should advise clients that civility and courtesy in scheduling meetings, hearings and discovery are expected as professional conduct.

In considering requests for an extension of time, an attorney should consider the client's interests and need to promptly resolve matters, the schedules and willingness of others to grant reciprocal extensions, the time needed for a task, and other relevant factors.

Consistent with existing law and court orders, an attorney should agree to reasonable requests for extensions of time that are not adverse to a client's interests.

SECTION 7. The timing and manner of service of papers should not be used to the disadvantage of the party receiving the papers.

SECTION 8. Written materials directed to counsel, third parties or a court should be factual and concise and focused on the issue to be decided.

SECTION 9. Attorneys are encouraged to meet and confer early in order to explore voluntary disclosure, which includes identification of issues, identification of persons with knowledge of such issues, and exchange of documents.

Attorneys are encouraged to propound and respond to formal discovery in a manner designed to fully implement the purposes of the California Discovery Act.

An attorney should not use discovery to harass an opposing counsel, parties or witnesses. An attorney should not use discovery to delay the resolution of a dispute.

SECTION 10. An attorney should consider whether, before filing or pursuing a motion, to contact opposing counsel to attempt to informally resolve or limit the dispute.

SECTION 11. It is important to promote high regard for the profession and the legal system among those who are neither attorneys nor litigants. An attorney's conduct in dealings with nonparty witnesses should exhibit the highest standards of civility.

SECTION 12. In a social setting or otherwise, an attorney should not communicate ex parte with a judicial officer on the substance of a case pending before the court, unless permitted by law.

SECTION 13. An attorney should raise and explore with the client and, if the client consents, with opposing counsel, the possibility of settlement and alternative dispute resolution in every case as soon possible and, when appropriate, during the course of litigation.

SECTION 14. To promote a positive image of the profession, an attorney should always act respectfully and with dignity in court and assist the court in proper handling of a case.

SECTION 15. An attorney should not take the default of an opposing party known to be represented by counsel without giving the party advance warning.

SECTION 16. An attorney should avoid even the appearance of bias by notifying opposing counsel or an unrepresented opposing party of any close, personal relationships between the attorney and a judicial officer, arbitrator, mediator or court-appointed expert and allowing a reasonable opportunity to object.

SECTION 17. An attorney should respect the privacy rights of parties and non-parties.

SECTION 18. An attorney should negotiate and conclude written agreements in a cooperative manner and with informed authority of the client.

In addition to other applicable Sections of these Guidelines, attorneys engaged in a transactional practice have unique responsibilities because much of the practice is conducted without judicial supervision.

SECTION 19. In addition to other applicable Sections of these Guidelines, in 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 20. In addition to other applicable Sections of these Guidelines, criminal law practitioners have unique responsibilities. Prosecutors are charged with seeking justice, while defenders must zealously represent their clients even in the face of seemingly overwhelming evidence of guilt. In practicing criminal law, an attorney should appreciate these roles.

SECTION 21. Judges are encouraged to become familiar with these Guidelines and to support and promote them where appropriate in court proceedings.

ATTORNEY'S PLEDGE. I commit to these Guidelines of Civility and Professionalism and will be guided by a sense of integrity, cooperation and fair play.

I will abstain from rude, disruptive, disrespectful, and abusive behavior, and will act with dignity, decency, courtesy, and candor with opposing counsel, the courts and the public.

As part of my responsibility for the fair administration of justice, I will inform my clients of this commitment and, in an effort to help promote the responsible practice of law, I will encourage other attorneys to observe these Guidelines.



ORANGE COUNTY BAR ASSOCIATION CIVILITY GUIDELINES

PREAMBLE

The practice of law is a noble, time-honored profession requiring and inspiring trust and confidence. Lawyers rightly take pride in seeking mutual cooperation and maintaining personal dignity. Lawyers practicing in Orange County share a commitment to civility and recognize their obligation to be professional with clients, other parties and counsel, the courts, and the public.

Courts expect lawyers to show others respect. Lawyers are officers of the court. Each lawyer's conduct should reflect well on the judicial system, the profession, and the fair administration of justice. Judicial resources are limited and wisely conserved when lawyers avoid frivolous disputes.

Lawyers should inspire public regard for the profession and for the judicial system. Rudeness, distrust, or abusive tactics by lawyers do not reflect well on the legal profession or inspire the public's confidence.

Civility allows for zealous representation, reduces clients' costs, better advances clients' interests, reduces stress, increases professional satisfaction, and promotes effective conflict resolution. These guidelines foster the civility and professionalism that are hallmarks of the best traditions of the legal profession.

All OCBA members are encouraged to adopt these guidelines as their personal standards. The guidelines exceed the Rules of Professional Conduct; do not replace any statute or rule; and are not intended as an independent basis for sanctions, discipline, or more litigation. Rather, the guidelines remind us that law is best practiced with civility and that clients, courts, the public, and the fair administration of justice are best served thereby.

GUIDELINES

1. Counsel shall show civility to other counsel and self-represented litigants.

- a. Communicate in a professional, businesslike manner. Respond to communications within a reasonable time, using reasonable means. Provide accurate redlines and note significant changes when exchanging drafts. Avoid personal attacks, demeaning comments, and misleading characterizations of the other side's positions, both in private communications and in court. Act civilly toward opposing counsel's staff members.
 - b. Extend professional courtesies. Agree to reasonable requests, including those regarding service of papers or extensions of time, whenever possible without prejudicing the client's interests or violating a court's scheduling order. Honor commitments.
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- c. Advise clients about the need for civility. Assure clients you will zealously represent them while still treating others with civility. Resist client requests to engage in abusive or disrespectful behavior.

2. Counsel shall show civility during discovery.

- a. Work together to make discovery self-executing. Meet and confer in good faith to try to limit and expedite discovery – and to resolve disputes without motions. Cooperate to make discovery reasonably convenient: e.g., provide written discovery requests in electronic format, discuss search terms for electronic discovery in advance, produce written responses and responsive documents in a user-friendly manner. Avoid pursuing discovery only to harass adversaries or increase litigation costs. Respond forthrightly and timely to non-objectionable requests.
- b. Schedule depositions reasonably. Respond to inquiries for dates within a reasonable time and on reasonable terms. Make good-faith efforts to accommodate the schedules of other parties, counsel, and witnesses. Delay or cancel depositions only with good cause and as much notice as practicable.
- c. Behave professionally at depositions. Avoid abusive or rude behavior, mischaracterizations of anyone's conduct, baseless instructions not to answer, and questions asked only to embarrass the witness. Make reasonable use of the allotted time, without needlessly running out the clock or requiring an additional day.

3. Counsel shall show civility to the courts.

- a. Respect the court's time. Make good-faith efforts to avoid or narrow issues before raising them with the court. Plan to make witnesses available while minimizing their wait time – consider on-call agreements. Notify the court as soon as possible if a matter resolves.
- b. Communicate respectfully with the court. Treat the court and its personnel with dignity. Avoid personal attacks, disrespectful familiarity, the appearance of impropriety, and improper ex parte communications.
- c. Conduct yourself professionally in court. Be punctual and prepared for every appearance. Wait for your matter respectfully. Let others speak, without interrupting. Accept responsibility for your handling of the case without blaming subordinates.
- d. Show this civility to all bench officers (judges, commissioners, temporary judges, referees), arbitrators, mediators, other dispute resolution providers, and their staffs.