

**Policies and Procedures for
Lamoreaux Justice Center, Dept. L53
Judge Sheila O. Recio
(657) 622-5553**

Commencing October 12, 2021, 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 client(s).

BEFORE YOUR HEARING

1. **MUST TRY TO COME TO AN AGREEMENT.** Unless a domestic violence restraining order is being requested or a restraining order is already in place, Rule 5.98 of the California Rules of Court (hereinafter, "CRC") requires that parties attempt to settle their matter before coming to Court. In addition, Section 3170 of the Family Code (hereinafter, "FC") 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 their lives and their child(ren)'s lives as well as they do. When the Court makes a decision, one side will be unhappy, and often, both sides will be unhappy. If the parties come to an agreement, please inform the clerk and the matter will be moved to the front of the line.

2. **DETERMINE WHAT ISSUES ARE IN DISPUTE.** Even if the parties cannot agree on all of the issues, the parties should still be able to agree on some/most issues or facts. At the hearing, the Court expects both sides to be able to state what matters they can and cannot agree upon.
3. **EXCHANGE DOCUMENTS AND WITNESS LISTS.** If a party plans to present documents or evidence in court (even if virtually via Zoom), that party must submit the documents or evidence to the Court and to the other party at least 3 court days before the court hearing. You may meet this requirement by sending an e-mail to the other party's email and submitting ***two sets of the documents directly to courtroom L53***, while complying with the procedures set forth in Policies and Procedures #23. If a party plans to present information contained on a cell phone, computer, or other technology, the party must print it out and submit it in the same manner described above. Each party must also inform the other party of the witnesses that will testify on their behalf. ***The Court may disallow documents, evidence, or witnesses if a party fails to follow these rules.***
4. **PRODUCE FINANCIAL DOCUMENTS.** If the matter involves financial issues such as child support, spousal support, or property division, each party must follow Rule 702 of the Orange County Superior Court Local Rules (hereinafter "Local Rules"). ***At least one week before the scheduled hearing, each party 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; the most recent W-2, 1099, or K-1 forms; and other financial documents required by CRC 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™ (preferred) or Xspouse™ showing the calculations supporting their client's position on support. The Court may decide not to 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 (Mandatory Judicial Council Form FL-150) 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, which must usually be **filed no later than 5 court days before the hearing**. (See, e.g., CRC 3.1300(b) [re motions], CRC 5.94(b) [re RFOs].) This is a document that confirms that you have properly served the other party. The Court may decide not to 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 THE HEARING

8. **CHECK IN BEFORE THE HEARING.** Parties and counsel should arrive and check-in with the court clerk at least 5 minutes before the hearing time.
9. **LET THE COURT KNOW IF YOU WILL BE LATE.** If a party or attorney will be late, they must call the court clerk at (657) 622-5553 as soon as possible.
10. **BE COURTEOUS DURING THE HEARING.** This is a court of law. All parties and counsel must act in a dignified and civil manner at all times. This Superior Court expects all attorneys who appear before it to abide by the Civility Guidelines adopted by the Orange County Bar Association. (See https://www.occourts.org/directory/local-rules/2021/Civility_Guidelines.pdf.)
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. **FOR IN-PERSON HEARINGS:** When your case is called, go 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. If you need to give a document to the judge, request to give it to the bailiff. Always FOLLOW THE INSTRUCTIONS OF THE BAILIFF. If you need to give a document to a witness currently testifying, you must request permission from the judge before approaching the witness.
14. **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

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

MANDATORY SETTLEMENT CONFERENCE (MSC)

16. **LET THE OTHER PARTY KNOW YOUR POSITION AND PROPOSALS FOR SETTLEMENT.** At least 5 days prior to the MSC, 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.
17. **BE PRESENT AT YOUR MANDATORY SETTLEMENT CONFERENCE.** All parties must be personally present (in-person or through Zoom) at the MSC, unless they obtain a Court order to the contrary. All parties must make a good-faith effort to resolve the case at the MSC 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.
18. **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 MSC to have an Orange County Human Relations mediator or a Temporary Judge mediate your case.

TRIAL READINESS CONFERENCE

19. **PREPARE FOR THE TRIAL READINESS CONFERENCE.** At least 21 days before the trial readiness conference, the parties must meet and do the following:

- Exchange **current Income and Expense Declarations** (Form FL-150)
- Exchange **witness lists** (See FC § 217; Form FL-321)
- Exchange **exhibit lists**
- Exchange **exhibits**, including audio/video recordings **and transcripts** of the recordings
- Exchange **expert witness reports**, including 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

20. **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**, including 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)

21. **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

22. **MOTIONS IN LIMINE AND REQUESTS FOR JUDICIAL NOTICE.** Any Motion in Limine or Request for Judicial Notice must 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.
23. **SUBMIT ALL EXHIBITS AND LODGE ALL DOCUMENTS.** All exhibits and lodged documents for trials and specially-set hearings must be submitted directly to courtroom L53. If more than 10 exhibits are to be presented, they must be placed in a binder, with each exhibit appropriately separated and tabbed sequentially. Petitioner must use numerical tabs (e.g., "1", "2", "3") and Respondent must use alphabetical tabs (e.g., "A", "B", "C"). If Respondent is proffering more than 26 exhibits, then Respondent must continue tabbing as follows: "AA", "BB", "CC", etc. ***Two sets of the exhibits (e.g., 2 binders) are required for the court – one for the clerk and one working copy for the judge,*** in addition to copies for the parties and a witness. To the extent a proffered exhibit comprises multiple pages, each page of the exhibit must be marked sequentially. For example, in reference to Petitioner's Exhibit 1, it must be paginated as 1-1 on the first page, 1-2 on the second page, and so on. During trial/hearing, exhibits may be marked and received out of order.

Documents for Witnesses: For Zoom hearings, counsel or the party must be prepared to show a document to a witness through the "Share Screen" feature.

24. **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.
25. **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.

26. **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

27. **FILE PRE-HEARING DOCUMENTS.** Specially-set hearings are all hearings that are not trials but may have a time estimate longer than 2 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 #19 and #20 apply to specially-set hearings, except that the 21-day/10-day deadline is calculated using the status conference date (or using the specially-set hearing if no status conference is set).
28. **TREAT SPECIAL-SET HEARINGS AS TRIALS.** Policies and Procedures #22 through #26, inclusive, apply to all specially-set hearings.

EX PARTE (EMERGENCY) REQUESTS

29. **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).