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

To All Parties Set For Jury Trial  
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**TRIAL STANDING ORDER FOR  
ALL CASES ASSIGNED TO  
JUDGE JONATHAN FISH**

Dept. C13

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

This case has been assigned to Judge Fish for trial. Whenever a new or existing case is assigned to Judge Fish and is set for Trial, the Court issues this Trial Standing Order (“TSO”). This Order sets out the Judge’s rules that all parties<sup>1</sup> must follow. In addition to this TSO, all parties are required to follow the California Code of Civil Procedure, California Rules of Court (“CRC”), and the Local Rules of Orange County Superior Court (“OCLR”)<sup>2</sup>.

Accordingly, the Court hereby ORDERS as follows:

**I. CIVILITY AND PROFESSIONALISM**

The Court expects parties to be familiar with and follow the California Guidelines of Civility and Professionalism, *available at:* <http://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Ethics/Attorney-Civility-and-Professionalism>, as well as the Orange County Bar Association’s Civility Guidelines. Uncivil or unprofessional behavior *will not be tolerated* and may be met with sanctions.

<sup>1</sup> As used herein, the term “parties” includes litigants and their respective counsel, if any.  
<sup>2</sup> For your convenience, the most recent version of the CRC and the OCLR are available on the Court’s website at <http://www.occourts.org/directory/local-rules/>.

1        **II.     CONTINUANCES**

2        This Court has a *strong interest* in adhering to scheduled dates. Changes in dates are generally  
3 disfavored absent a showing of good cause. The Court strictly adheres to all Trial Court Delay  
4 Reduction Act limitations. *See* CRC 3.713.

5        Therefore, any request, whether by noticed motion or stipulation, to continue the date of any trial  
6 related matter before this Court must be supported by a *detailed* explanation of the grounds for the  
7 requested continuance. *See* CRC 3.1332(c). If the parties are not prepared to go forward, then the  
8 Court reserves the option to vacate all pending dates and set an Order to Show Cause re Sanctions.

9        **Note: Stipulations continuing trial dates do not become effective unless and until this Court**  
10 **so orders. DO NOT ASSUME OTHERWISE.**

11        **III.     EXHIBITS**

12        At the Issue Conference, counsel must jointly agree to a marking system and prepare a joint  
13 exhibit list. Only numbers will be used. Each exhibit will be listed by exhibit number together with a  
14 brief description, including the date of the document or a notation that the document is undated. All  
15 documents that make up an exhibit need to be marked by using a corresponding number or letter  
16 system, *e.g.*, Ex. 1-1, 1-2, and 1-3 for reference to Exhibit No. 1, pages 1, 2, and 3, respectively.  
17 Parties must be prepared to provide copies for the Court, the Clerk, the Reporter, and each counsel.

18        If parties plan to use a video exhibit, videorecorded deposition testimony, or the document  
19 projector, the Court must be advised at the earliest opportunity. Counsel should schedule a time  
20 prior to trial to familiarize themselves with the Court's equipment, which will be made available for  
21 such purpose. Videorecorded depositions must be transcribed and marked as an exhibit. The video  
22 must be edited prior to being shown to the jury by removing any objections and argument by  
23 counsel.

24        Exhibits must be moved into evidence once proper foundation has been laid with the witness.  
25 *Do not wait* until the end of your case to move for admission of exhibits into evidence. Relatedly,  
26 parties are not to publish any exhibit to the jury until after it has been admitted into evidence.

27        If you anticipate any problems with exhibits, consult with the Clerk before trial. Exhibit tags are  
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1 annexed hereto for your use. Note that each exhibit must have a Court exhibit tag attached to the  
2 exhibit.

3 **IV. OBJECTIONS AT HEARINGS/TRIALS**

4 Speaking objections *shall be avoided*. Proper objections should be made as follows:

- 5 1. State the word "Objection";
- 6 2. State the legally recognized basis for the objection; and
- 7 3. Remain silent and await the Court's ruling on the objection.

8 The Court's ruling on an objection is not an invitation to a conversation. If the Court requires  
9 additional input on an objection, then the Court will request additional input. Following an objection,  
10 parties may request to be heard and the Court may grant or deny that request.

11 **V. ISSUE CONFERENCE**

12 Orange County Local Rule 317 sets forth all pre-trial requirements. Compliance is *not* optional.  
13 The Court expects full and complete compliance as fully set forth in the aforementioned rule.

14 **VI. IN LIMINE MOTIONS**

15 Attorneys are to avoid overbroad, general motions, such as those asking the Court to preclude  
16 mention of insurance or settlement offers or to preclude inadmissible evidence. *In limine* motions  
17 must be exchanged at the Issue Conference pursuant to OCLR 317. The Court expects counsel to  
18 meet and confer and resolve as many of these motions as feasible before trial, and before discussing  
19 them with the Court. Cases having more than five *in limine* motions and other pretrial motions must  
20 include a joint index setting forth the title of the motion, the identity of the moving party, the number  
21 of the motion, and those who are joining in the motion. The motions *in limine* must be numbered on  
22 the face page of the motion. Untimely motion or oppositions will not be considered.

23 **VII. JURY INSTRUCTIONS AND SPECIAL VERDICT FORMS**

24 Prior to the first day of trial, the parties shall meet and confer in person or telephonically on the  
25 issue of jury instructions and verdict forms. On the first day of trial, the parties shall submit to the  
26 Court a joint set of agreed upon jury instructions, and a joint special verdict form, if requested.

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

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

4 Notably, the parties are advised that the CACI instructions prepared by the Judicial Council of  
5 California are very often appropriate, and the Court discourages special instructions. Moreover,  
6 verdict forms must not contain the identity or address of any attorney, nor shall Doe defendants be  
7 listed thereon.

## 8 **VIII. JURY SELECTION METHOD**

### 9 **a. Empaneling of Venire**

10 The Court utilizes the following venire selection method, sometimes referred to as the “Federal”  
11 method. The Clerk will seat all of the jurors in the venire as set forth in the random order list. The  
12 Court will initially examine the entire venire—in the box, front of the box, and the gallery—in  
13 accordance with the Standards of Judicial Administration, 3.25(c). The Court will then allow  
14 attorneys to conduct questioning as to the entire venire subject to the limitations set forth in this  
15 TSO.

16 Outside the presence of the jurors, the Court will consider any challenges for cause with respect  
17 to all the prospective jurors. Once for cause challenges are ruled upon, the parties may exercise  
18 peremptory challenges to the first twelve (12) jurors that have not been excused as determined by the  
19 random order list. If a peremptory challenge is exercised by a party, the next juror remaining on the  
20 random order list will be included in the group of twelve (12) jurors who have not been excused. At  
21 that time, the next party may exercise a peremptory challenge to any of the first twelve (12) jurors  
22 that have not been excused as determined by the random order list. The process repeats until  
23 peremptories are exhausted or the parties accept the panel as then constituted.

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

3 Once the parties have exhausted their peremptory challenges or once they have accepted the  
4 alternates as presently constituted, the Clerk will swear in the twelve-person jury and the alternate  
5 jurors.

6 **b. Limitations on Attorney Voir Dire**

7 Voir Dire is not a platform from which counsel may:

- 8 • Attempt to precondition the prospective jurors to a particular result, indoctrinate them, or  
9 question them about the pleadings or the applicable law. *See* Code Civ. Proc. § 222.5.
- 10 • Compel prospective jurors to commit themselves to a particular disposition of the case.  
11 *People v. Visciotti*, 2 Cal. 4th 1, 47-48 (1992).
- 12 • Prejudice prospective jurors for or against a party. *Visciotti, supra*.
- 13 • Argue their case. *People v. Morales*, 203 Cal. App. 3d 970, 974 (1988).
- 14 • Instruct the prospective jurors on matters of law. *Visciotti, supra*.
- 15 • Attempt to obtain the jurors' advisory opinion based on a preview of the evidence.  
16 *People v. Mason*, 52 Cal. 3d 909, 939-40.
- 17 • Ask prospective jurors about the meaning of particular words or phrases, or to comment  
18 on the personal lives and families of the parties or their attorneys. Stds. Of Jud. Admin.  
19 3.25(f).

20  
21 Attorneys have the right to examine prospective jurors in order to enable counsel to intelligently  
22 exercise both peremptory challenges and challenges for cause. The Court permits liberal and  
23 probing examinations calculated to discover bias or prejudice with regard to the circumstances of the  
24 particular case before the Court. *See* Code Civ. Proc. § 222.5(b)(1).

25 Attorneys have the right to conduct examination of prospective jurors that is reasonable in  
26 length, method, purpose, and content. The Court typically sets reasonable and non-arbitrary time  
27 limits on attorney voir dire. As the Court observes the attorneys' use of the allotted minutes, if  
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1 circumstances warrant, the Court will grant additional time. In making this determination, the Court  
2 will monitor how much repetition there is and how much actual information is elicited from the  
3 prospective jurors.

4 **IX. WITNESSES AND SCHEDULING**

5 Attorneys are reminded that they must submit a joint witness list to the Court pursuant to OCLR  
6 317(A)(4), including a realistic schedule for when witnesses will be called and the estimated total  
7 time for direct and cross examination.

8 Parties are expected to have their witnesses available to testify and *no delays* will be entertained  
9 for unavailable witnesses. If a party runs out of witnesses, the party rests. If there are unique  
10 circumstances that warrant calling witnesses out of order or accommodations for scheduling, the  
11 parties must promptly bring those issues to the Court.

12 If a witness or party needs an interpreter, the parties must raise that issue with the Court before  
13 the commencement of trial.

14 If a witness will use documents other than exhibits previously marked for identification on the  
15 stand, counsel must avoid delay by arranging prior review by all counsel of such documents and  
16 marking as an exhibit, if necessary, during the time Court is not in session.

17 Attorneys are to advise their witnesses of proper behavior and attire in the courtroom and of  
18 rulings that will apply to their testimony.

19 **X. OTHER ISSUES**

20 **a. Jury Fees and Court Reporters**

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

22 Absent a Court order, the Court does not provide a Court Reporter for trial. If a party or the  
23 parties desire to have an official Court Reporter, the party or parties must arrange for a Court  
24 Reporter with Realtime functionality to be available.

25 The parties should be prepared to discuss whether they are willing to waive a Court Reporter for  
26 voir dire and for reading of jury instructions. It is the practice of the Court to memorialize any  
27 sidebar conferences as soon as practical on the record, though sidebars are discouraged.

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**b. Multiple Counsel**

In the absence of permission by the Court, only one attorney for a party may perform any one of the following functions—select a jury, deliver an opening statement, deliver a final argument, examine a particular witness, cross examine any particular witness, or argue an issue.

Upon the request of a party, the Court may, in its discretion, allow more than one attorney per party to perform one or more of those trial functions. In making the request, counsel may present the issue of providing an opportunity for an attorney practicing less than 5 years to perform those functions.

**c. Communication with the Court**

All appropriate inquiries should be directed to Judge Fish’s Courtroom Clerk at (657) 622-5213. Counsel *should not* attempt to contact chambers directly. Counsel should list their email addresses and phone numbers on their papers to facilitate communication by the Courtroom Clerk. For assistance with determining the status of a proposed Stipulation and Order, proposed Order and/or proposed Judgment that has been submitted to the Court for signature, you may contact the courtroom by phone between the hours of 3:00 p.m. and 4:00 p.m.

**d. Notice of this Order**

Plaintiff’s counsel or Plaintiff, if appearing on his or her own behalf, shall immediately serve this Order on all parties, including any new parties to the action.

**Failure to comply with this Order may subject the party in non-compliance to sanctions of up to \$1,500 pursuant to Code of Civil Procedure § 177.5.**

**IT IS SO ORDERED:**

DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge Jonathan Fish  
Superior Court of California, Orange County

*See Attachments hereto:*  
Statement of Compliance (form L-0081)  
Procedural Stipulations

- 1 Joint Witness Trial List
- 1 Joint Exhibit List
- 2 Exhibit Tags (copy as necessary)
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ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name &amp; Address</i> ):  Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR ( <i>Name</i> ): _____ Bar No: _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> <input type="checkbox"/> Central Justice Center, 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Civil Complex Center, 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512	
PLAINTIFF/PETITIONER:  DEFENDANT/RESPONDENT:	CASE NUMBER:
<b>STATEMENT OF COMPLIANCE</b> Unlimited Civil	Case assigned to: Judge: Department: Date complaint filed: Hearing/trial date:

This Statement of Compliance shall be executed by all counsel and filed with the court clerk in the department of the judge to whom the case has been assigned for trial.

1. Counsel has inspected all exhibits and diagrams and the exhibits are ready for premarking by the clerk. All stipulations as to admission into evidence or waiver of foundation are submitted with the exhibits(s).
2. Pretrial motions have been exchanged by all parties.
3. If trial is by jury, proposed jury instructions, proposed special findings and/or general verdict and/or special verdicts will be exchanged before the commencement of trial.
4. Joint Statement of the case and joint witness list has been prepared for submission to the court as required.\*\*
5. Counsel has prepared a joint list of controverted issues.\*\*
6. All counsel have prepared a list of stipulated facts and made a good faith effort to stipulate to as many documents, waiver of foundational requirements, etc., as reasonably possible.\*\*
7. Each party agrees that once the trial commences, witnesses shall be available to utilize to the fullest extent possible every trial day.
8. Parties have agreed on a division of jury fees (if applicable) and reporter fees, which are due each day before trial commences.

_____, Attorney for Plf/Def/X-Compl/X-Def (SIGNATURE OF ATTORNEY)	_____ (NAME OF PARTY)	_____ (DATE)
_____, Attorney for Plf/Def/X-Compl/X-Def (SIGNATURE OF ATTORNEY)	_____ (NAME OF PARTY)	_____ (DATE)
_____, Attorney for Plf/Def/X-Compl/X-Def (SIGNATURE OF ATTORNEY)	_____ (NAME OF PARTY)	_____ (DATE)
_____, Attorney for Plf/Def/X-Compl/X-Def (SIGNATURE OF ATTORNEY)	_____ (NAME OF PARTY)	_____ (DATE)

\*\*Please attach to this Statement of Compliance: Joint Statement of Case, Joint Witness List, Stipulated Facts, Requested Voir Dire Questions and List of Controverted Issues.

**STATEMENT OF COMPLIANCE**

## PROCEDURAL STIPULATIONS

Case # \_\_\_\_\_

Case Name \_\_\_\_\_

It is hereby stipulated by and between counsel for the respective parties in the above-entitled action:

	Counsel for Plaintiff	Counsel for Defendant
The Jury Instructions and the Exhibits may go into the jury room during deliberations.		
Counsel and the parties need not be present when, during jury deliberations, the jurors are excused for lunch, return from lunch, and/or are discharged in the evening and resume in the morning.		
During jury deliberations, the jury may recess without further admonition and without assembling in the jury box, and they may resume their deliberations upon the courtroom attendant's determination that all jurors are present.		
In the absence of the trial judge, the verdict may be received by any judge of this court.		
Unless called to the Court's attention, all jurors shall be deemed to be in the jury box and in their proper places upon court reconvening after each recess or adjournment.		
After giving the admonition required by CCP 611, the Court need not repeat or remind the jury of the admonition at each subsequent recess or adjournment.		
Upon order of the Court, all exhibits will be returned to counsel after the trial is completed, for safekeeping until the time for appeal has expired.		
All juror questionnaires, if any, may be destroyed at the conclusion of trial.		
The court reporter will not report the conduct of voir dire or the reading of jury instructions.		

\_\_\_\_\_  
Counsel for Plaintiff

\_\_\_\_\_  
Counsel for Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Case Name \_\_\_\_\_

Case Number \_\_\_\_\_

JOINT LIST OF ANTICIPATED WITNESS TRIAL TESTIMONY

	Witness	Direct Examination Time Estimate	Cross Examination Time Estimate	Total Time	Stip to Admissibility
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	<b>TOTAL</b>				

SINGLE PARTY EXHIBIT LIST

Case Number:	
Case Name:	
Court Clerk:	
Department:	
Type of Hrg:	
Exhibit List of:	

<i>For Court Use Only</i>
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ID	##	Rec'd	DESCRIPTION

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**EXHIBIT NO.**

ID only (Date)

**IN EVIDENCE** (Date)

Plaintiff/People     Defendant     Joint  
 Petitioner         Respondent     Court  
 (Other)

Signature of Atty/Party Introducing Sensitive Exhibit

**Case No.**

Vs.

David H. Yamasaki, Executive Officer and Clerk

By \_\_\_\_\_, Deputy

**NOTE: THIS ITEM IS A PERMANENT COURT RECORD.  
DO NOT REMOVE FROM THE COURTROOM**

If found please contact: Superior Court of California, County of Orange (657) 622-7809

**EXHIBIT NO.**

ID only (Date)

**IN EVIDENCE** (Date)

Plaintiff/People     Defendant     Joint  
 Petitioner         Respondent     Court  
 (Other)

Signature of Atty/Party Introducing Sensitive Exhibit

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