

Superior Court of California  
County of Orange County

HONORABLE GLENN R. SALTER

CLERK: D. Velasquez

COURTROOM ATTENDANT: S. Mora

**TRIAL PROCEDURES - DEPARTMENT N06**

NORTH JUSTICE CENTER  
1275 N. BERKELEY AVENUE  
Fullerton, CA 92838  
(657) 622-5606  
www.occourts.org

**Recognizing the severity of the coronavirus (COVID-19) outbreak nationally and internationally, the Orange County Superior Court is taking active steps to control its spread within our local community. For additional information on actions taken by Orange County Superior Court, please visit [www.occourts.org](http://www.occourts.org).**

**Calendar:**

- Trials (Monday – Wednesday, Friday 9:00 a.m. – 4:30 p.m.)
- Ex Parte Applications (Monday – Friday at 11:45 a.m.)
- Law and Motion (Thursdays at 1:30 p.m.)
- Default Prove-Up Hearings/Case Management Conferences/Review Hearings (Thursdays at 8:30 a.m.)
- Small Claims Trials/Small Claims Appeals (Thursdays at 8:00 a.m.)
- MSCs (Friday 8:30 a.m.)

**Welcome to Department N06, where staff is here to assist you in any way we are able. Please don't hesitate to contact the department with any questions or concerns you may have – it is the goal of this department to make your court appearance a pleasant and productive one.**

In order to facilitate the progress of your trial, please be mindful of the following policies and procedures:

**TRIAL CALENDAR:**

- Trials are conducted on Mondays, Tuesdays, Wednesdays, and Fridays from 9:00am until 4:30pm.
- Trial dates are considered firm; therefore, continuances are disfavored. Continuances may be granted on written stipulation upon a showing of good cause. All other motions and applications for a continuance must comply with California Rules of Court, rule 3.1332.
- Please arrive on time for all matters; the Court starts promptly. Contact the Court Attendant as soon as practical if you anticipate you may be late.

**PRE-TRIAL PROCEDURES:**

- **LOCAL RULE 317** – the parties must fully comply with Local Rule 317, including the timely filing of a Statement of Compliance (L-0081).
- **DOCUMENTS** – A courtesy copy of all trial documents referenced in the Statement of Compliance shall be delivered to Department N06 no later than 11:00 a.m. on the Wednesday before trial. Exhibit Binders may be brought to court on the morning of trial.

The joint set of proposed jury instructions shall be in jury-ready format. If the parties cannot agree on a particular jury instruction, each side may present the Court with a separate copy of the jury instruction it proposes.

- **EXHIBITS** – The Joint Exhibit List must list each exhibit by number, seriatim, and include a detailed description of the item, photograph, or document. Photographs may not be grouped; each photograph, including computer-imaged or scanned photograph, must bear its own exhibit number and tag. One copy of the Joint Exhibit List shall be provided each to the Court, the Clerk, the Court Reporter, and counsel.

Exhibits shall be placed (to the extent practical) in 3-ring binders with tabbed dividers and clear markings on the spine indicating the exhibits contained therein. Each Exhibit Tag (example attached) must bear the correct exhibit number and must be attached to the upper right-hand corner of the first page of the exhibit, taking care not to staple in the date area of the tag.

Original exhibits shall be provided directly to the Clerk and shall be the only binder with the official GREEN exhibit tags. A sample of the exhibit tags is attached for reference.

One set of exhibits, similarly-tabbed but not tagged, shall be prepared each for the Court and counsel.

**Copies of all impeachment evidence must be delivered to the clerk prior to trial in a sealed envelope marked “Impeachment Documents”. The outside of the envelope shall contain the name of the submitting party.**

### **STANDARD TRIAL PROCEDURES:**

- **MOTIONS IN LIMINE** – Motions in limine must be in writing, comport with the purposes of such motions, and identify specifically the evidence to be excluded. (See *Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659)
- **VOIR DIRE** – The Court uses the eight-pack method of jury selection. The Court conducts the initial voir dire. If any party want the Court to inquire into a particular area, the proposed question(s) must be submitted to the Court in writing.

**Although the Court does not impose time limits on voir dire by counsel, it is expected that it will not exceed 30 minutes per side.**

The Court assigns each juror a number. At all times jurors are to be referred to by their court-assigned number only, and not by their name. Challenges may only be addressed to the group of 12 potential jurors in the box. The parties may not stipulate to excuse a prospective juror.

- **TRIAL DECORUM** – Counsel shall, at all times, show proper respect to the jurors, witnesses, court staff, parties, opposing counsel, and the Court. They shall also instill in their clients and witnesses the same duty of respect. All counsel and witnesses (except children) are to be referred to by their last name.

Counsel shall wait to inquire of a witness until advised by the Court that they may proceed. They shall also request permission to approach a witness or diagram and must retreat after the purpose has been accomplished.

No exhibit may be published to the jury unless it has first been introduced into evidence.

### **LOCAL RULES – SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE**

#### **Rule 317. Pre-Trial Requirements**

##### **A. Issue Conference**

An Issue Conference is required in all cases at least 14 days before the date set for trial, at which time the parties must meet and confer and exchange and/or sign as applicable the documents listed below. Plaintiff/Petitioner must arrange the Issue Conference at a mutually agreeable time and location.

At the Issue Conference the parties must:

1. Exchange exhibits and inspect photos and diagrams (to be submitted on the date of trial), excluding those that will be used only for impeachment or rebuttal.
2. Stipulate to all facts amenable to stipulation, and to the admission of and/or foundation for as many of the trial exhibits as possible.
3. Prepare a Joint Statement of the Case to be read to prospective jurors (Jury Trials only).
4. Prepare a Joint Witness List, excluding impeachment and rebuttal witnesses, with a brief description of who each witness is, and time estimates for the direct and cross- examination of each witness.
5. Prepare a Joint List of Controverted Issues for all issues that are to be determined by the Court rather than by a jury. If all the parties fail to agree that an issue is uncontroverted, then the issue should be listed as controverted.
6. Exchange all motions in limine.
7. Discuss any proposed voir dire questions for the Court to include in its voir dire (Jury Trials only).
8. Execute a Statement of Compliance.

The above items, including the Statement of Compliance signed by all counsel and self-represented parties, must be filed no later than noon of the Wednesday before trial.

At the discretion of the assigned judicial officer, a Pre-Trial Conference may be scheduled in lieu of or in addition to the Issue Conference.

## **B. Joint Trial Notebook**

By 11:00 a.m. on the Wednesday before trial, the parties must deliver to the clerk in the trial department, for the Court, a tabbed three-ring Joint Trial Notebook that contains all of the following items, if applicable. Separate notebooks must be used if any notebook will be more than 3” thick.

The Trial Notebook is a courtesy copy for the Court’s use and does not relieve the parties of their obligation to electronically file all trial-related documents.

1. Table of Contents.
2. Copies of the operative pleadings (including the operative complaint, answers, cross-complaints, if any, and answers to cross-complaints).

3. Joint Statement of the Case (Jury Trials only).
4. Joint Witness List, with the information set forth in Rule 317A(4), above. Two separate courtesy copies of the Joint Witness List must also be provided to the Clerk.
5. Stipulations of fact, exhibit admissibility and/or foundation, or of anything else relevant to the trial.
6. Joint List of Controverted Issues, as set forth in Rule 317A(5), above.
7. Joint Exhibit List, with columns for indicating whether the exhibits have been marked and entered. Two separate courtesy copies also must be provided to the Clerk.
8. Proposed Jury Instructions, including all stipulated instructions, non-stipulated instructions proposed by each party, and all proposed special instructions. A separate courtesy copy must also be provided separately to the Court. (Jury Trials only.)
9. Proposed Verdict Forms (Jury Trials only).
10. Any Trial Briefs.
11. Any Proposed Voir Dire Questions for the Court to include in its voir dire (Jury Trials only).
12. Any motions in limine exchanged at the issue conference, along with all then-filed oppositions and replies thereto.

### **C. Exhibit Notebooks; Motion in Limine Notebooks**

**On the date set for trial**, the parties also must bring with them:

1. Two complete sets of Joint Exhibit Notebooks, not to exceed 3” each. The original set will be pre-marked with Court Exhibit tags, and the other set will be for the Court (tabbed, but not tagged). Each exhibit must be marked with a discrete number and must be accurately identified on the Joint Exhibit List.
2. For all opposed motions in limine, a separate notebook containing those Motions in Limine, grouping together all documents relevant to each motion in order (motion followed by opposition and any reply).

Failure to conduct the Issue Conference, submit a Joint Trial Notebook, or comply with any other provisions of this rule as required may result in sanctions pursuant to Rule 381.

*Rule 317 revised effective July 1, 2020, January 1, 2020, revised as Rule 450 effective July 1, 1992, July 1, 1995, July 1, 1996. July 1, 2013; Rule 317 revised and renumbered effective July 1, 2009;*

<b>EXHIBIT NO.</b>		
<input type="checkbox"/> ID only (Date)		
<input type="checkbox"/> <b>IN EVIDENCE</b> (Date)		
<input type="checkbox"/> Plaintiff/People	<input type="checkbox"/> Defendant	<input checked="" type="checkbox"/> Joint
<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Court
<input type="checkbox"/> (Other)		
Signature of Atty/Party Introducing Sensitive Exhibit		
<b>Case No.</b>		
Vs.		
David Yamasaki, Clerk of the Court		
By <u>      D. Velasquez      </u> , Deputy		
<b>NOTE: THIS ITEM IS A PERMANENT COURT RECORD. DO NOT REMOVE FROM THE COURTROOM</b>		
If found please contact: Superior Court of California, County of Orange (657) 622-5606		

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