

**CIVIL CASE MANAGEMENT POLICIES AND PROCEDURES  
DEPARTMENT C-14**

**(As Posted on Court Website)**

Revised July 28, 2014

**JUDGE:** Franz E. Miller

**CLERK:** Stacie Turner

**COURT ATTENDANT:** Jodi Roa

**COURT REPORTER:**

**Courtroom Telephone Number:** (657) 622-5214

Welcome to Department C-14. The court assumes the lawyers in each case have read divisions 4 and 5 of the Court Rules of the Superior Court, County of Orange. Court Rules are available on the courts public website.

Our staff in Department C-14 is always ready to help with questions, but please read the following policies and procedures *and the court rules listed below* before asking our staff procedural questions.

Limiting telephone calls to the courtroom helps us process your case and paperwork faster. If you need to call the court, please have the case number and case name available before you call.

**To Confirm Hearing Dates, Call:** The courtroom number above.

**Court Philosophy on Case Management**

Nothing manages a case better than a firm trial date. The court assumes the lawyers are competent and will be ready, without the court's assistance, to try the case on the date set unless the lawyers inform the court to the contrary.

If issues arise that require the court's assistance to keep the case on its trial track, the court expects the lawyers will contact the court *at the earliest practical time*. The lawyers may seek the court's assistance two ways: (1) by formal motion, application, etc.; and (2) by an informal conference.

There are a number of advantages to the second approach – it is quick, simple, and inexpensive. The parties need only agree on what the issue is. The parties may call the court at the courtroom number above to set up the conference; there are no electronic menus to fight through. The court can virtually always set the conference within thirty days, and sooner if necessary.

There are no filing fees, and no paperwork is necessary, except occasionally some sort of diagram or summary may be requested. *And*, if the matter is not resolved to any

party's satisfaction, the right to formal motion/application remains. Just remember, you are always working against your trial date.

### **Procedure at the Case Management Conference**

- Be prepared to answer the following questions:
  - Are there any related cases?
  - Are all of the parties in and served? (The court will go through the parties listed on its case sheet)
  - What is the nature of the case?
  - Are the parties ready for a trial date, and if not, why not?
  - What is the time estimate?
- Set a trial date
- Plaintiff to give notice unless otherwise ordered

### **Trial Readiness Conferences**

The court does not set trial readiness conferences. The court considers its availability for informal conferences to be, in essence, a floating trial readiness conference that will address issues if and when they arise.

### **Statements of Compliance**

The court will not start a trial until a statement of compliance and attendant documents have been filed. Depending on the circumstances, the court will either continue the trial or trail it while the attorneys prepare the statement and documents.

### **Settlement Options**

The court does not typically set mandatory settlement conferences. The parties may mutually agree, however, to a voluntary settlement conference to be set on a day and at a time, usually a Wednesday at 9:00 a.m., mutually agreeable to the court and the lawyers. VSCs may be set by calling the court at the courtroom number above. Settlement conferences should usually not be set before discovery is essentially complete.

If the parties mutually agree, this court will usually agree to preside over the settlement conference. If not, the court will arrange for another bench officer to do so.

With rare exception, the court will not continue a trial for the parties to attempt a settlement. Parties may opt to settle the day of trial or during trial. The court may not delay the start of trial, however, for the parties to engage in settlement discussions.

The court commends the parties to the court's mediation and early neutral evaluations programs. The latter is especially helpful if the trial lawyer is handling a type of case he or she does not usually handle. Information regarding these programs are available from the court attendant.

## **Continuances:**

Lawyers should read and adhere to CCP sections 594a *et sequitur* and CRC rule 3.1332. Law and motion matters and case management hearings may be continued once for not more than 60 days by written stipulation of the parties and submission of the \$20.00 continuance fee, subject to approval by the court.

Except as set forth in CCP section 595.2, trials and other matters not set forth above may be continued only by *ex parte* application or a motion to continue. Motions to continue will be set on the department's regular law and motion calendar.

The moving party shall state the proposed new trial date and whether all other parties agree to it. The court may, however, disapprove any agreed date and require the moving party to ascertain another mutually agreeable date.

When submitting a motion to continue, even if it is unopposed, the moving party shall submit a declaration stating – *in detail* – facts constituting good cause for the continuance (e.g., not just “I’ve been sick,” but a discussion of the nature and duration of the illness, the debilitating effect of the illness, and any doctor’s recommendation/order not to work).

The motion should discuss the factors contained in CRC 1.1332. Two major points should be kept in mind: (1) the earlier a continuance is sought the higher the chance of getting one; and (2) a first continuance is much easier to get than any subsequent ones.

Hearing dates will *not* be continued by telephone.

## **Free Trial Adjustment Window**

The court expects that no continuance will be sought because a party or attorney has previously scheduled a conflicting event (e.g., another trial or a vacation) for the time of trial or did so after the trial date was set. The court considers the setting of a trial date at the case management conference to be a representation the parties and attorneys responsible to try the case will be available on the date set.

That said, the court understands that sometimes a trial date is unwittingly set at the CMC that conflicts with another event. The court provides a *14-day* trial adjustment window to cure such problems.

Lawyers who appear at the CMC, upon returning to the office, should immediately check to determine that the client and trial counsel have no conflicts on the date set. If either does, upon notice to opposing counsel, the lawyer may contact the court at the courtroom number above and adjust the trial date to avoid the conflict.

No filing fee is required since no paperwork is necessary. *But* the offer expires 14 days after the CMC. If the 14<sup>th</sup> day falls on a holiday, the period does not extend to the next court day.

### **Settled Cases**

If a case settles before trial or other hearing, the parties must file one of the following documents to avoid an OSC re dismissal on the court's own motion: (1) a request for dismissal; (2) stipulation for entry of judgment; (3) stipulated judgment; or (4) a notice of settlement.

If none of the documents listed above has been fully executed and filed with the court before the next hearing date, the parties must appear at the hearing.

### **Court Expectations**

To resolve cases expeditiously and facilitate proper decorum between lawyers, the Court expects the following:

1. Lawyers for the parties should maintain regular communication regarding hearing dates, progress of the case and settlement possibilities.
2. Lawyers should cooperate in discovery and communicate with each other to reduce the need for discovery motions.
3. Based on the concept of liberality regarding the amendment of the pleadings, lawyers should usually stipulate to amendment of the pleadings with a minimum response time of ten days.
4. Lawyers should heed in particular the following Court Rules of the Superior Court, County of Orange:
  - Rule 315 - Meet and Confer Statement
  - Rule 369 - Case Management Statement and Conference
  - Rule 317 - Issue Conference/Case Management Conference

### **Calendar dates and times:**

- Monday at 8:30 a.m.: Status conferences, trial setting conferences, orders to show cause, review hearings, and trials (*if, however, Monday is a holiday, the calendar will be called on Tuesday at 8:30 a.m.*)
- Wednesday at 1:30 p.m.: law and motion
- Tuesday, Wednesday, Thursday and Friday at 8:30 a.m.: ex parte applications

- Monday, Tuesday, Thursday and Friday, 9:30 a.m. through 4:30 p.m.: trials

### **Other Policies and Procedures**

Other policies and procedures are available in our courtroom and online. Except to the extent it would be practicing law for you, we will attempt to answer any additional questions you may have.

We look forward to being of service to parties and their lawyers.

Sincerely,

Franz E. Miller  
Judge, Department C-14