

## ORDER FOR TRIALS IN DEPARTMENT 92

### *[Local Rule 3.37 through 3.193]*

1. **The Court expects the parties to comply with Los Angeles County Court Rules for Civil Trial Procedure, Rules 3.37 through 3.193 and the applicable Standing Order for Limited Jurisdiction Unlawful Detainer Cases.** This Order highlights some of those Rules and Standing Order provisions for the aid of the litigants.

Counsel shall fully comply with the Standing Order (Fifth Amended Standing Order (effective as of June 1, 2021)) as it relates to trials, paragraphs 14, 15, 16 and 17. All documents required by Paragraph 15 of the Standing Order shall be prepared in advance of the first trial date.

2. **Exhibits.** All Exhibits must be pre-numbered (1, 2, 3, etc.) and exchanged except for those anticipated in good faith to be used for impeachment. (Rule 3.52.) The Parties shall place exhibits in three ring binders, with tabs to separate each exhibit. **There shall be a binder for each party, the Court Clerk, the Judge and the witness stand.** In a typical two party case this shall require 5 separate, fully numbered and tabbed exhibit binders.

**Plaintiffs shall number exhibits beginning with Exhibit 1 and Defendants shall number exhibits beginning with Exhibit 101.** Letters shall not be used. Letters shall not be used to designate subparts. Each separate exhibit shall bear only a numeric designation. (Rule 3.53.) Multiple page exhibits shall have page numbers on each page so as to facilitate reference to the document during interrogation of the witnesses. Separate documents shall not be grouped together as one exhibit or as subparts to one exhibit. Each shall be separately numbered.

Counsel shall meet and confer regarding appropriate stipulations as to the admissibility of exhibits. The Court encourages appropriate stipulations regarding the admission of exhibits. Exhibits that are admitted into evidence, either by stipulation or by the Court may be shown to the jury without further leave of court. Documents not yet admitted may not be shown to the jury.

3. **Jury Instructions and Verdict Form:** Counsel shall prepare and submit proposed jury instructions. (See C.C.P. § 607a.) Counsel shall meet and confer in an attempt to reach agreement on the proposed jury instructions. Counsel must identify those jury instructions that they agree shall be given and shall identify those proposed instructions as to which there is disagreement. As to disputed proposed instructions the parties are encouraged to submit legal briefs setting forth the legal basis for the request and objection.

4. **Jury Size.** Counsel shall meet and confer to discuss a possible stipulation reducing the size of the jury and the ability of the jury to continue deliberations so long as the total number of jurors remaining is no less than the total number of jurors necessary to reach a verdict. (By way of example, the parties might agree to a jury of 6 with a verdict requiring unanimity. Or the parties might stipulate that a jury of 12 may continue to deliberate so long as there are 9 or more juror remaining.) The Court has prepared a form of “Stipulation Regarding Jury Trial” which it will provide to counsel for consideration.

5. ***In Limine* Motions.** All Motions *in limine* must be in writing and be accompanied by a declaration in compliance with Local Rule 3.57.

6. **Witnesses and Objections.** Counsel shall inform all witnesses in advance of their testimony to be responsive to the questions, and to wait until a question is completed before answering. Witnesses shall be informed that if an objection is made, the witness shall wait for a ruling before answering. Witnesses shall be advised that they are not to answer questions where an objection is sustained, and that they shall answer where an objection is overruled. (Rule 3.108.)

7. **Admission of Exhibits.** Exhibits should be offered into evidence at such time as counsel believes that there is a proper basis for admitting an exhibit. The Court frowns upon the practice of accumulating exhibits and requesting their admission at a time remote from when the relevant testimony was presented. (Rule 3.152)

8. **Trial Briefs.** Trial briefs are encouraged but not required. In cases where an issue is not typical or may be technical in nature, the parties should prepare trial briefs that address important issues in the case.

9. **Presentation by Counsel.** Counsel shall not approach the jury or witness without permission from the Court. Counsel shall question witnesses and make argument from either the podium or counsel table. (Rule 3.109.) Wandering around the Courtroom is not acceptable, other than to approach a witness.

10. **Civility.** The Court expects counsel and the parties to conduct themselves in a civil manner, showing respect to the other parties, all witnesses, the jury, the Court, and everyone in the courtroom at all times.

10/20/21