

GENERAL TRIAL PROCEDURES – DEPARTMENT 97A

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1. The Trial Calendar is heard Monday through Thursday. The Law and Motion calendar is heard Tuesday through Thursday, and a third calendar is heard on Friday. Morning trial sessions will generally commence at 9:00 a.m. A lunch break will be taken at 12:00 noon. The afternoon session will commence at 1:30 p.m. Evening recess will generally be taken at 4:15 p.m. on Mondays and at 3:15 p.m. on Tuesday - Thursday, depending on the Court's 3:30 p.m., law and motion calendar. This schedule may be modified if the progress of the trial or issues in other calendars compels such modification. Counsel is expected to be punctual and ready to proceed on time.
2. Exhibits should be exchanged between or among counsel before commencement of trial and should be pre-marked in the anticipated order of presentation. All exhibits, regardless of who marks them, will be marked in numerical order (plaintiff normally taking the lower numbers i.e., 1-200; defendant 201-400). Counsel should meet and confer before trial to agree upon foundational issues, to the extent possible.
3. Counsel may not show an exhibit to a witness for any purpose unless it has been pre-marked for identification. Absent a stipulation, counsel may not display any exhibit to the jury unless it has first been received into evidence.
4. Counsel should provide the judicial assistant and the reporter with a list of prospective witnesses and then post the witness names on the board for jury selection.
5. Motions in Limine must be in writing. An original and one copy should be submitted to this Department. The Court should be informed in advance, if possible, of any unusual legal issues or evidentiary matters that are anticipated during the trial in order to avoid any unnecessary delays for the jury. "Unusual evidentiary matters" include, but are not limited to, any question about prior criminal activity, which must be raised outside the presence of the jury before being asked in the jury's presence.
6. Counsel should meet and confer as to all possible factual stipulations on uncontroverted matters.
7. Undue hardship issues will be handled before the 18 prospective jurors are seated for voir dire. Voir dire has specific and limited purposes. These do not include instructing the jury on the law or ingratiating counsel or counsel's side with the jurors. Code of Civil Procedure section 222.5 will be strictly enforced with or without objection from opposing counsel. Challenges for cause will be expressed in the hallway behind the courtroom after all counsel has completed questioning.

8. Counsel may walk through the well and approach witnesses without further court permission.
9. Speaking objections and argument regarding objections are not permitted unless invited by the court. State the legal objection only. Likewise, counsel should never suggest to any witness, with a speech appended to the objection, what the witness should say or has forgotten to say.
10. An original and one copy of proposed jury instructions and verdict forms must be submitted before the first witness is called. Counsel must meet and confer and submit a packet of all requested instructions to which there is no objection and a separate packet of instructions as to which there are objections. If objections are made to any jury instructions on other than relevancy grounds, the objecting party must also submit an instruction that is believed to be non-objectionable. Each instruction must indicate the party requesting it, all blanks must be filled in and any irrelevant portions redacted.
11. Unless the court is informed otherwise, it will be assumed that counsel agree to the following:
 - a. Unless otherwise noted on the record, whenever the court is in session, all jurors, alternates, and counsel are present.
 - b. Waiving the statutory language of the admonition to the jury at separation (CCP 611) so that after the Court gives the required admonition at the outset of the trial, it need not at each subsequent recess or adjournment repeat or remind the jury of this admonition.
12. Counsel should lodge with the clerk all depositions to be used in the trial. No reading from depositions (other than for purposes of impeachment) is permitted without reasonable notice of each page and line reference to the court and other counsel.
13. To avoid delay, if deposition transcripts are to be read to the jury, counsel are to meet and confer in advance regarding any objections to that testimony. If objections to the testimony are raised, they must be addressed outside of the jury's presence and without inconveniencing the jury.
14. A short, non-argumentative statement of the case for reading to the jury during jury selection must be jointly filed.
15. Court reporter fees are to be posted on Thursday of each trial week. If a transcript is requested by any party, this fee is separate from court reporter fees and is payable directly to the reporter. Jury fees and mileage are to be paid not later than the last day of trial before reading of verdict.

16. To eliminate trial delays, counsel are required to expeditiously present evidence and witnesses. The Court suggests that counsel continuously confer regarding witness scheduling. Witnesses must be available when needed and should thus be “standing by” at all times. Counsel are expected to inform the court immediately of any witness scheduling issue. Counsel are required to inform the court, and each other at the end of the trial day, who their witnesses will be for the following day. If counsel do not comply with this procedure, and there are no witnesses available to testify, it is equivalent to resting of their respective case.
17. Witnesses who are excused by the court following their testimony are not subject to recall unless requested by counsel or for good cause shown pursuant to Evidence Code Section 778.
18. The following questions are generally not permitted: “Didn’t you testify yesterday that...?” “Didn’t you just testify that...?” “Were you in court when John Doe testified that...?” The jury has already heard what the witness testified to and, thus, these questions are cumulative and unnecessarily consumptive of time. The court may intervene without objection if such questions are asked.
19. Bench conferences are generally not permitted and hallway conferences are strongly discouraged. No record is made of such conferences unless counsel requests it at the following recess.
20. The Court is always willing to assist with settlement.