

CHAPTER 13 - DUTY TO MEET AND CONFER AND EXCHANGE RE CIVIL TRIALS: MOTIONS, JURY INSTRUCTIONS, EXHIBITS, WITNESS LISTS AND STATEMENT OF THE CASE

(Added effective 1/1/11)

13.00 Motions in Limine.

(A) At least seven days prior to trial the parties shall meet and confer and exchange motions in limine and identify the motions that are contested.

(B) The parties shall file their motions, oppositions, if any, and a list of disputed motions in the assigned department on the first day of trial.

(Added effective 1/1/11)

13.01 General Motions.

The following motions shall be deemed filed, served and granted unless good cause is otherwise shown by counsel's declaration and request for hearing: 1) motions to exclude all non-party witnesses until called to testify; 2) motions to exclude all reference to settlement negotiations, mediation, and materials related thereto that are privileged under the California Evidence Code; (3) motions to exclude all reference to insurance, or the fact that an attorney is employed by, or has been compensated by, an insurance company; 4) motions to exclude all evidence of, or reference to, other claims or actions against any party to the litigation; and, 5) Motions to exclude all reference to the financial position or wealth, or lack thereof, of any party to the litigation.

(Added effective 1/1/11)

13.02 Jury Instructions.

(A) The parties shall meet and confer to identify jury instructions the parties can agree upon and jury instructions the parties cannot agree upon.

(B) On the first day of trial, the parties shall submit to the assigned trial judge in electronic (word) form: 1) a fully completed set of agreed upon jury instructions; and 2) all jury instructions that the parties cannot agree upon. If pinpoint or special jury instructions are offered, counsel shall provide case or statutory authority for the offered instruction following the text of the instruction.

(Added effective 1/1/11)

13.03 Exhibits.

(A) The parties shall meet and confer to identify those exhibits that may be admitted without objection and those exhibits as to which admissibility is contested.

(B) Prior to the first day of trial, the parties shall prepare binders containing copies of the agreed exhibits for use by the trial judge, clerk, and counsel during trial.

(Added effective 1/1/11)

13.04 Witness List.

(A) The parties shall meet and confer and prepare a joint witness list.

(B) On the first day of trial, the parties shall submit to the court an alphabetized, joint witness list.

(Added effective 1/1/11)

13.05 Trial Brief.

On the first day of trial, each party shall submit a trial brief.
(Added effective 1/1/11)

13.06 Statement of the Case.

(A) The parties shall meet and confer to agree on a joint statement of the case.

(B) The parties shall submit the joint statement to the assigned judge on the first day of trial. If the parties cannot agree on a joint statement, each party shall submit its proposed statement to the trial judge.
(Added effective 1/1/11)

13.07 Judicial Modification.

The above rules shall not prevent any trial judge to who a case is assigned from adopting such supplemental, additional, or different pretrial orders as may appear necessary or appropriate.
(Added effective 1/1/11)