

**North Valley Dept. F46  
Courtroom Information and Trial Guidelines  
Judge Bernie C. LaForteza**

*The Court is pleased to assist counsel in all efforts to promote efficiency, productivity and progress in all cases pending in Dept. F46. The Court is dedicated to helping the attorneys do the best job they can for their clients as a means of ensuring fair and efficient trials for both sides. Please embrace the enhanced court management facilitated by California Rules of Court and the Los Angeles County Superior Court Rules as an opportunity for both sides to save time and money prosecuting and defending their cases.*

**Court information:** 9425 Penfield Ave., Dept. F46, Chatsworth, CA 91311.

**Telephone number:** (818) 407-2246.

**Courtroom hours:** 8:30 AM to 12:00 PM and 1:30 PM to 4:30 PM.

**Courtroom staff:** Judicial Assistant: Astrid Rios. Courtroom Assistant: Jennifer So.

**Check-in:** Check-in begins at 8:30 AM in the morning and 1:30 PM in the afternoon. All attorneys and self-represented litigants are required to comply with posted instructions and directions from courtroom staff regarding checking in and entering the courtroom.

**Professionalism, Civility, and Courtroom Decorum:** The Court's goal of fair, timely, and efficient resolution of cases can only be achieved with the assistance and cooperation of counsel and self-represented parties. Knowledgeable, well-prepared lawyers who cooperate with each other and the Court streamline the litigation process, thereby conserving client and judicial resources. Therefore, the Court expects and requires the highest degree of professionalism from counsel appearing in this Department, including knowledge of, and strict compliance with, the Code of Civ. Proc., the California Rules of Court, the Los Angeles County Superior Court Rules, and the California Attorney Guidelines of Civility and Professionalism. The Court intends to treat everyone with dignity and respect and expects all those involved to do the same. Uncivil or unprofessional behavior will not be tolerated.

**Telephonic/Video Appearances:** The Court has implemented LACourtConnect (LACC) to allow attorneys and self-represented litigants to make audio or video appearances in Los Angeles County courtrooms. Please review the Court website at [www.lacourt.ca.gov](http://www.lacourt.ca.gov) for detailed information and instructions on use of Microsoft Teams.. *No landline appearances are permitted.*

Self-represented litigants may appear in person if they cannot make arrangements to participate via telephonic or video appearance.

**Law & Motion:**

**Scheduling Law and Motion Hearings:** The parties should meet and confer before filing any motion and avoid filing any unnecessary motion for one which is designed to delay the proceedings or filed solely for tactical reasons. The Court Reservation System (CRS) is required for scheduling law and motion hearings in Dept. F46. CRS is available 24 hours a day, 7 days a week and reservations can be made from a computer or smartphone. Please note, you are prohibited from reserving more than one hearing date for the same motion. Please refer to the Court's rules for reserving dates online at: [Court Reservation System \(CRS\) | Journal Technologies Court Portal](#)

**Filings:** Compliance with electronic filing is required for attorneys. Please refer to the Court's website for electronic filing orders. Self-represented litigants who lack the means for filing electronically may file their documents in the clerk's office.

**Demurrers:** Well over 30,000 demurrers are filed each year in the Los Angeles County Superior Court. That number is far too high. Demurrers are rarely granted without leave to amend and typically accomplish little if anything that could not be obtained by stipulation, other than causing the other side to think more carefully about the case and be better prepared for trial. Counsel intending to file a demurrer should review the new requirements, including meet and confer requirements, set forth in Code of Civil Procedure section 430.41, and rethink whether a demurrer is necessary or even advisable. Demurrers filed without compliance with the meet and confer requirements will be taken off calendar.

**Discovery Motions:** The court strongly *discourages* discovery motions and *encourages* informal resolution of discovery disputes. The rules governing discovery are very clear, and virtually all disputes can be resolved through communication and good faith discussion. Before filing a discovery motion, trial counsel (meaning the lawyers who will try the case) should meet and confer in person to resolve or at least narrow the dispute.

**Courtesy Copies:** Courtesy copies are required for any papers filed less than 5 days before the scheduled hearing and for voluminous compilations of exhibits. Courtesy copies shall be submitted by depositing the copy in the "Courtesy Copy" box located in the hallway outside Dept. F46.

**Notice of Related Cases:** The Court requires timely compliance with Cal. Rules of Court 3.300 Re: Notice of Related Cases. The Notice must be filed in each related case.

**Ex Parte Applications:** *Ex Parte* applications are heard every day either at 8:30 AM, if time permits, or otherwise at the end of the existing morning calendar. Before bringing an *ex parte* application, counsel should review California Rules of Court 3.1200-3.1207 and Los Angeles County Superior Court Rule 3.26. Please pay particular attention to the notice requirements and the requirement of an affirmative factual showing of good cause. Among the most common grounds for denial of *ex parte* applications are failure to provide proof of required notice and failure to prove why the application could not be brought as a noticed motion. An emergency caused by procrastination or other unexcused delay on the part of the applicant is not grounds for *ex parte* relief. Counsel and self-represented litigants may appear on *ex parte* applications via LACourtConnect or in person; however, the Court may rule on the papers without any oral argument if it deems a hearing to be unnecessary.

**Continuances:** Law and motion matters may be continued by the CRS system. For continuance of trials see Cal. Rules of Ct. 3.1332. Stipulations setting forth the facts showing good cause to continue any other hearings must be filed no later than 5 court days before the hearing. If there is no stipulation, any party may seek a continuance by noticed motion or *ex parte* application.

**Case Management Conferences:** The Court will undertake a comprehensive review of the case at the initial case management conference (CMC) as required under the rules. Counsel must comply with their obligation to submit case management statements pursuant to rule 3.725 of the California Rules of Court. Failure to comply with the Cal. Rules of Court., rules 3.722, 3.724, 3.727 and 3.728, Los Angeles County Superior Court Rules 3.24 and 3.25, and/or this court's scheduling orders may result in monetary sanctions and/or delay in trial setting.

It is never too early to discuss settlement. The Court has provided a copy of the Alternative Dispute Resolution (ADR) Information Package from the Court's website and encourages all parties to review it. Organizations have agreed to provide a limited number of reduced-cost or no-cost mediations with attorney mediators or retired judges for active civil cases. For more information please visit the website: [Alternative Dispute Resolution \(ADR\): LA Superior Court](#)

**Tentative Rulings:** The Court may post a tentative ruling on-line. If the Court posts tentative rulings on a particular case, the Court expects all counsel and self-represented parties to review the tentative ruling and confer about whether they intend to submit on the tentative or request oral argument. Please inform the clerk if the parties intend to submit on the tentative ruling. Upon receiving such notice, the tentative ruling will become the order of the Court and the prevailing party shall give notice of the ruling.

**Court Reporters:** Official court reporters are not normally provided in unlimited civil cases. The party who has received a fee waiver may request an official court reporter pursuant to California rule of Court 2.956(b)(3). The request must be made by using the local form (LASC LACIV 269). The Request for Court Reporting Services by a Party with a Fee Waiver should be filed at least ten calendar days before the hearing or trial for which the reporter is requested. If the request is timely submitted, the clerk will notify the requester as soon as possible if no official court reporter will be available. Given the limited availability of official court reporters, notice of the availability of a court reporter may not be given until the day of the trial or hearing.

**Electronic Recording:** Electronic recording is the method used to create the official record in all infraction and limited civil proceedings, including collections, unlawful detainer, and small claims matters (Gov.C 69957). The Court uses "For The Record" (FTR) as its vendor for official electronic recording. Please see the Court's website for further information.

**Language Assistance:** The Los Angeles Superior Court language access services division provides multilingual interpretation and general language services in court proceedings to ensure meaningful participation in the judicial court process for individuals with limited English proficiency. In doing so, the Court promotes equal access to Justice and guarantees court procedures are fair and understandable for Court users from diverse cultural backgrounds.

If you may need an interpreter for a courtroom proceeding visit: [Superior Court of Los Angeles County | Language Access Services](#)

**Final Status Conferences and Trials:** The parties must comply with the Court's Final Status Conference and trial order, as well as Los Angeles County Superior Court Rules and the California Rules of Court.

**Jury Fees:** Jury fees must be posted on or before the initial case management conference. Failure to post jury fees at that time may result in a jury waiver pursuant to CCP section 631(f).



- c. Witness list: must be prepared jointly by the parties. The list must include all witnesses' names, time estimates for direct and cross-examination, and whether the witnesses will be assisted by an interpreter. The joint witness list must be signed by all parties filed with the Court.
- d. Exhibit list: must be prepared jointly by the parties. It should be prepared in chart format with each exhibit identified by title and its assigned exhibit number. Additional columns should indicate whether the exhibit will be admitted by stipulation, authenticated by stipulation, or challenged with objections, which shall be set forth in a column for objections. A final column should be included on the right for the Court's notation of whether the exhibit was admitted at trial. The joint exhibit list must be signed by all parties and filed with the Court.
- e. Exhibit Binders: 1 for the Judicial Assistant that will be marked and 1 courtesy copy for the Judge.
  - i. Please do not:
    - 1. Fail to pre-number your exhibits
    - 2. Expect the clerk to keep track of your exhibits
    - 3. Produce exhibits at trial which opposing counsel has never seen, unless they are used for impeachment
    - 4. Fail to produce the requisite number of exhibit books
  - ii. Depositions: All original/certified copy of depositions must be lodge with the Court prior to the beginning of trial.
- f. List of proposed jury instructions: must be prepared jointly by the parties. It should be prepared in chart format to include all CACI and special jury instructions that are jointly proposed by the parties as well as those that are proposed by only some of the parties but opposed by another party. A column in the chart must indicate the proponent(s) and opponent(s) of each proposed instruction. A final column should be included on the right of the Court's notation of whether the instruction was given at trial. The joint list of jury instructions must be signed by all parties and filed with the Court.
- g. Proposed Instructions: shall be included in the trial binder. These should include a jointly submitted packet of all requested and properly edited CACI or special instructions that are agreed to or not. The instructions shall be submitted in the proper format for presentation to the jury.
- h. Verdict Form: must be jointly prepared by the parties. If the parties cannot agree on joint verdict forms, then the Court will provide a general verdict form to the jury.
- i. All operative pleadings: must be included in the trial binder. This includes the operative complaints and cross-complaints and the operative answers thereto.

- j. Motions in Limine: counsel and/or self-represented litigants shall meet and confer on all motions in limine before they are considered by the Court. Boilerplate motions are highly discouraged. All motions in limine must be in writing and must be filed and served at least 10 court days before the FSC. Any opposition to a motion in limine must be in writing and must be filed and served at least 5 court days before the FSC. Reply briefs must be in writing and properly filed and served. Unless specially set as noticed motions, they will be heard on the day of trial.
  - i. Thoughtful and well conceived motion in limine can be useful in narrowing and defining issues at trial, particularly evidentiary and witness matters anticipated by counsel.
  - ii. Trial attorneys should meet and confer before generating unnecessary motions in limine. LACSCR 3.57. Pre-trial stipulations on typical matters frequently settle differences before commencement of the trial. Stipulations can be reached on issues such as exclusion of witnesses, use of demonstrative evidence, document authenticity, insurance coverage, admission of agreed reports and records, bifurcation, mention of punitive damages, net worth, Atty.'s fees, and other matters which may be the subject of unnecessary motions in limine. Counsel should commit to memorization the lessons on the uses, and abuses, of motions in limine. *Kelley v. New West Federal Savings* (1996) 49 Cal.App. 4<sup>th</sup> 659, 669-671.

## **B. Trial:**

The Court encourages the parties to narrow the scope of triable issues by reaching stipulations as to certain undisputed facts. Such stipulations should be reduced to writing and filed with the Court. They should also be included in the trial binder, if reached before trial. Invitations to enter into such stipulations during trial are not to be made in the presence of the jury and should generally be addressed by the parties when Court is not in session.

### **1. Trial Schedule**

- a. The Court generally conducts trials between 9:30 a.m. to 4:00 p.m. on Monday through Friday, with a lunch break between 12:00 p.m. – 1:30 p.m. and a fifteen-minute break during the afternoon session. The Court will consider scheduling conflicts, if they are raised as soon as they are known.
- b. During jury deliberations, the parties and counsel must stay within fifteen minutes from the courthouse, unless granted leave to do otherwise, and must provide the Court clerk with a telephone number that allows for immediate contact.

### **2. Trial Conference**

- a. The Court conducts a pre-voir dire conference before ordering a jury panel pursuant to Cal. R. Ct. Standard 3.25(b). The parties should be prepared to provide the following information at the conference;

- i. The estimated length of trial (including jury selection);
- ii. A brief outline of the nature of the case;
- iii. Proposed questions and voir dire procedures;
- iv. The witness names to be read to the jury;
- v. Any witness or attorney scheduling issues; any witness issues (*e.g.*, availability, need for interpreters, *etc.*); Any anticipated evidentiary or other legal issues;
- vi. Any party stipulations; and any other trial issues that the parties reasonably can anticipate.

### 3. **Jury Selection**

- a. The Court questions 18 prospective jurors on voir dire and then each side is given the opportunity to inquire (beginning with the plaintiff). This process is continued until the jury and the alternates are selected. The objective is to have the jury box and the additional six prospective jurors seated before the start of each round of peremptory challenges.
- b. In every case, the Court generally asks the questions set forth in the California Rules of Court, Standard 3.25, Examination of Prospective Jurors in Civil cases.
- c. Each side is given a reasonable amount of time for attorney voir dire of the first group of 18, and then a few minutes for follow up for the newly seated jurors following a peremptory challenge. The Court will advise counsel when there are a few minutes left. The Court is not rigid about the allotted time if the parties are using the time reasonably. Requests for additional time may be made during the voir dire process.
- d. Hardship and Comfort Questions Prohibited: Counsel are not to ask “comfort” questions of the jury like inquiring whether they would rather be doing something other than jury service or whether they are likely to be bored if the case is complicated. Another typical “comfort” question is the question, “is there anybody who doesn’t want to be here for any reason?” California Judicial Administration Standards section 3.25(h). Further, with respect to hardship issues, be they vacations, meetings, doctor’s appointments, or anything else, the Court will ask each juror to write out their hardships or conflicts. Counsel are not to inquire about hardships with the jurors unless it is an individual inquiry after reading and considering the note written by the juror and having received permission from the Court.

#### 4. **Witnesses**

- a. It is counsel's responsibility to have their witnesses available during their case to avoid unnecessary trial delays. If a party has no more witnesses to call, the Court may deem the party to have rested. The Court expects that counsel will exercise reasonable judgment in arranging for witnesses.
- b. If a witness has not completed his or her testimony at the time of recess or adjournment, counsel shall have the witness on the stand before the jury is seated.
- c. If a party requests that a witness be called during another party's case-in-chief, counsel for that party shall meet and confer with opposing counsel promptly upon learning of the need for witness accommodation.
- d. If a witness requires an interpreter or needs an accommodation based on disability or otherwise, counsel shall make any necessary arrangements with the Court Clerk sufficiently in advance to avoid trial delays.
- e. The Court, not counsel, will admonish a witness while on the stand about responding to questions. LACSCR 3.108.
- f. Unless a witness is excused, counsel is admonished to refrain from discussing testimonial issues with witnesses at any time when the Court is in recess or not in session. A witness is a ward of the Court and is not entitled to be cured, assisted or helped approaching his/her cross examination. See *Kadelback v. Amaral* (1973) 31 Cal.App.3d 814. Counsel may talk to unexcused witnesses for scheduling or other nontestimonial issues.
- g. Counsel need not request permission from the Court to approach a witness. LACSCR 3.110.

#### 5. **Exhibits**

- a. The parties shall exchange exhibits in advance of trial to the extent required by law.
- b. Before the first reference to any exhibit, the proponent must briefly identify it, but not describe its contents. LACSCR 3.149; 3.151. See paragraph 7. Any subsequent reference to the exhibit shall mention the exhibit designation so the appellate record is clear.

- c. A party shall not publish any exhibit to the jury without first requesting to do so. That includes publishing it on the Courtroom monitors using the document camera. Absent a prompt objection, the request generally will be granted as a matter of course.
- d. If either side is going to identify a new exhibit that was not previously disclosed to opposing counsel, *e.g.*, an exhibit used for impeachment and not disclosed in discovery, then the proponent is responsible for bringing 3 copies (one for the Judicial Assistant, one for the Court and one for the witness).
- e. Counsel is responsible for returning all exhibits to the Judicial Assistant prior to all recesses. **DO NOT LEAVE THE COURTROOM WITH AN EXHIBIT WITHOUT PERMISSION FROM THE COURT.**
- f. The parties shall comply with Cal. R. Ct. 2.1040, requiring the provision of a transcript of various recordings. The Court shall deem that the party receiving the transcript before announcing “ready” waives any objection to the accuracy of the transcript unless raised at the first trial appearance before this Court.
- g. The party offering an exhibit is responsible for supplying any equipment necessary to present that exhibit, such as a sound or video device for a CD or DVD.

## 6. Foundation

- a. Objections: Lack of foundation/insufficient foundation objections require a statement of what is missing from the foundation. *Parlier v. Fireman’s Fund* (1960) 151 Cal.App.2d 6, 15.
- b. Authenticity: Counsel must make:
  - i. A *prima facie* showing that the proffered writing is what the proponent claims it to be; and
  - ii. An accounting of any material post-execution alteration of the writing. EC §§ 1400, 1401, 1402.
- c. Photographs: Content of a photograph must fairly depict material facts in dispute or facts substantially similar to those facts. *PG&E v. Hacienda Mobile Home Park* (1975) 45 Cal.App.3d 519, 530. Evidence Code § 1553 establishes a rebuttable presumption that “[a] printed representation of images stored on a video or digital medium is presumed to be an accurate representation of the images it purports to represent.” *See People v. Chism* (2014) 58 Cal.4<sup>th</sup> 1266.
- d. Social Media Printouts (Facebook, Twitter, Instagram, etc.): EC 1552(a): A printed representation of computer information or a computer program is presumed

to be an accurate representation of the computer information or computer program that it purports to represent. See *People v. Beckley* (2010) 185 Cal.App.4<sup>th</sup> 509, 517, cited with approval in *Kinda v. Carpenter* (2016) 247 Cal.App.4<sup>th</sup> 1268.

## 7. **Marking Exhibits:** LACSCR 3.151

Example:

*Counsel: Your Honor, I have an exhibit. It is a \_\_\_\_\_ (brief description) consisting of \_\_\_\_\_ pages. I've shown it Counsel (Counsel has been previously provided with a copy).*

*May it be marked for identification as Exhibit \_\_\_\_\_?*

*Court: Yes*

*Counsel: Sir/Ma'am, please turn to Tab \_\_\_\_\_, this is an exhibit which now has been marked for Identification as Exhibit \_\_\_\_\_.*

## 8. **Trial Conduct**

- a. The Court is – and expects the parties to be – solicitous of the jury's time. To this end, the parties and their counsel must be in court on time, and counsel shall schedule time for issues to be heard when the jury is not waiting. The Court generally will not entertain lengthy hearings or sidebars while in trial on issues that could have been anticipated and raised earlier.
- b. The Court generally disfavors sidebar conferences, as they interrupt the flow of the trial and inconveniences and annoys the jury. Counsel should therefore make sidebar requests only when necessary. The Court may deny sidebar requests when made routinely or otherwise without good cause.
- c. Counsel shall not make any "speaking" objections and instead shall state only the legal basis for the objection (e.g. "Objection, hearsay"). Speaking objections characteristically consist of impermissible editorials or comments, strategically made to influence the jury. They are distinguishable from legitimate objections which simply state legal grounds that arguably preclude the introduction of the evidence at issue. The Court allows counsel to argue briefly. Counsel may respond in front of a jury with a brief response. For example, for hearsay objections counsel may respond as to whether it is not offered for the truth or state an exception (EC §§1220 – 1370); for credibility, EC §780; for relevance, EC §352. The preferable response is to refer to an Evidence Code section. To argue an objection any further, counsel must ask permission to do so. The Court expects counsel to make such requests sparingly –i.e., when an adverse ruling may cause significant prejudice.
- d. Counsel shall minimize the amount (and volume) of communication with each other while the jury trial is in session. The reporter has been instructed ***not*** to record counsel's communication with each other. The reporter will record counsel's discussion with the Court only.

- e. There shall be no food or drink at counsel tables other than a cup or bottle of water, soft drink, coffee or tea.

9. **Attorney Conduct**

- a. Counsel shall always maintain respect for the Court and shall observe the dignity of the Courtroom.
- Counsel shall **not interrupt** the Court or opposing counsel.
  - Once the Court has heard argument and ruled on any matter, there shall be **no further argument**. Counsel shall respectfully **yield** to the Court's ruling.
  - Counsel shall respond to legal arguments **briefly and succinctly**. Counsel shall refrain from long-winded, redundant, bombastic argument. If the Court informs counsel that it has heard sufficient argument, counsel shall stop argument.
  - Counsel must request permission from the Court to speak on any issue, such as "May I be heard?" "May I bring an issue to the Court's attention?" "May I speak to that?"
- b. Counsel shall always conduct themselves in a **courteous, professional** manner.
- Counsel shall refrain from expressing personal **feelings of anger, outrage, and indignity** in the Courtroom.
  - Counsel shall properly **modulate his or her voice** and shall not yell.
  - There shall be **no bickering** between counsel.
  - **Disrespectful non-verbal** behavior is not permitted, such as eye-rolling, smirking, muttering, and related misconduct.
  - No sarcastic or disparaging remarks of any sort. Ever.
- c. Counsel shall always abstain from all offensive personality, scrupulously **avoiding unfair or derogatory personal references** to opposing counsel, litigants, witnesses, jurors, and the Court. Counsel shall always **refrain from personal attacks on opposing counsel**.

10. **Sanctions**: A violation of this Order may subject counsel to monetary sanctions pursuant to CCP §177.5.

Dated:

\_\_\_\_\_  
Bernie LaForteza  
Judge of the Superior Court