

COURTROOM INFORMATION DEPARTMENT S29

Judge Michele E. Flurer

Location: Governor George Deukmejian Courthouse

275 Magnolia Long Beach, CA 90802

Department: South 29

Courtroom Clerk: 562-256-2237

COURTROOM HOURS

The Court is open 8:30 a.m. - 12:00 p.m. and 1:30p.m. - 4:30 p.m. each day. During these hours, the phones will be answered and courtesy filings may be made. Ex partes are heard at 8:30 a.m. All other motions and status conferences are heard throughout the day.

COVID-19 : Please review [Update on Covid-19 Courthouse Protocols](#): [ORDER](#)

PROCEDURES FOR SETTING MATTERS

Post-Trial Motions:

The parties are asked to meet and confer prior to filing a post-trial motion. If the parties are unable to resolve their dispute, The Court may be available for a conference call with ALL counsel to help informally resolve a dispute before a motion is filed. If you would like to set-up a conference call, please contact the Courtroom clerk at: 562-256-2237.

Please reserve a motion date by calling the Courtroom clerk at 562-256-2237. Post-trial motions, please follow the General Order Re: Mandatory Electronic Filing for Civil. **The Court requests an additional courtesy copy via email sent to: LBCDeptS29@LACourt.org** [Note: ALL counsel or self-represented litigants must be copied on anything sent to the Department's email box]

Ex parte papers should be filed by 3:00 p.m. the day before the ex parte is to be heard. This enables the Court to read the papers prior to the arrival of counsel.

LACourtConnect

LACC is a Court service that allows attorneys to schedule remote appearances for eligible hearings. **IF YOU HAVEN'T ALREADY DONE SO, CREATE YOUR COURT IDENTITY ON THE NEW [ATTORNEY PORTAL](#).** To schedule an LACourtConnect hearing click link: [To Schedule](#)

Tentative Rulings

The Court generally posts tentative rulings on the Court's website or sends copies via email. If all parties are submitting to the tentative, notify the Court, no appearance is required. The Tentative will become the ruling of the Court upon submission by all parties.

If a matter is to be taken off calendar, counsel is urged to call the Clerk as soon as possible. Please call 562-256-2237.

THESE GUIDELINES ARE DESIGNED TO AVOID DELAYS IN TRIAL

The parties are ordered to comply with Chapter 3 of Los Angeles County Court Rules, particularly Rules 3.48 through 3.183 and all current civil standing orders: [STANDING ORDERS PI COURTS](#)

The following highlights a few of the procedures and rules with which you should be familiar. If you have any questions, please ask for clarification.

1. Voir dire: The joint statement of the case is usually read to potential jurors before voir dire commences. Counsel should adhere to the limits set forth in *Judicial Administration Standards 3.25(f) Improper Questions*. Do not discuss the history of jury trials, the origins of the voir dire or personal family experiences. Questions should seek areas of potential bias and cause. You may quickly thank the jurors for their time and then please get to the relevant voir dire questions. Advise the Court if you would like the Court to ask about any particularly sensitive issues. You may seek additional time for voir dire if during the course of questioning an issue arises necessitating the same and you have adhered to the foregoing.

2. Challenges for cause: Challenges for cause are as to all questioned jurors, but peremptory challenges should be only to jurors 1 to 12. Challenges for cause are done at side bar. (If you are asked to "pass for cause" and if you have a challenge for cause, ask for a side bar conference).

3. Alternate jurors: After a jury is selected, alternates will be selected. If the parties stipulate –the additional jurors can be selected along with the other 12 jurors – with the alternates – randomly selected at the end of trial.

4. Peremptory challenges: If there are two sides, then each side has six peremptory challenges. If this is not the usual case, you will be informed as to the number of peremptory challenges before jury selection commences. Alternates are selected after a jury has been sworn to try the case. Each side has one peremptory for each alternate. The number of alternate jurors to be used in your case will depend on the number of potential jurors who remain after the jury is selected.

5. Initial jury instructions: Immediately after jurors (including alternates) are impaneled and sworn, they will be pre-instructed with the applicable CACI 100 series, as well as CACI 200 and 202. Counsel will then make their opening statements.

6. Time limits re: opening statements, closing arguments: Each side is given a reasonable amount of time based upon the issues and evidence to be presented to the jury. If you are unaware of the limits set for the case, please ask the Court.

7. Opening statements – use of visual aids: In opening statements, counsel may NOT use any graphic device or exhibit unless counsel has previously shown the graphic device or exhibit to opposing counsel and there is no objection to the use of the item in an opening statement. If there is an objection to use of the item in opening statement, then advise the Court in advance.

8. Overhead projector/Blue Ray: Department S29 has an ELMO projector available. You also be able to hook-up a laptop to the overhead projector via HDMI and VGA connections. An adapter may be needed for Apple products. There is no charge to use the Court's equipment. There is no guarantee of the availability of any Court equipment.

9. NO SPEAKING OBJECTIONS PERMITTED. If you have an objection, state the legal objection, e.g. hearsay, no foundation, etc. The Court will then rule. If you wish to argue or to make a record, you

will be permitted to do so at side bar or at the next break. If you believe the objection is of great importance to your case, you may request a side bar.

10. Questions from jurors are permitted. However, before any question from a juror is given to a witness, the juror writes down the question, the Court then reviews the question with counsel who have the opportunity to either: (a) ask the question, (b) ask the court to ask the question, or (c) object to the question.

11. Exhibits / medical records: If a party wishes to display a portion of a party's medical record to the jury and there is no objection by opposing counsel, then the record may be displayed to the jury even if the record will not be received into evidence. Also note: a medical record, physician's bill or a hospital bill that has been admitted into evidence may go into the jury room during deliberations. X-rays, MRIs or Cat Scans -- generally, will not go into the jury room.

12. Exhibits. It is the preference of this Court to have Exhibits come into evidence in consecutive order. This will require that once an exhibit is located by Tab in the Exhibit Binder-- that you ask the Court that the Exhibit be marked **next in order**. This allows the Clerk to be sure that the record correctly reflects all exhibits referenced during the trial. [If the case is document intensive, the Court will entertain other methods on request.]

13. Multiple Pages. Pages for each exhibit should be identified as sequentially numbered. By way of example, if a hospital record is marked as Exhibit 1, and the document is five pages, ask that the document be marked Ex 1, pages 1-5.

Example: When presenting an exhibit for admission, once the witness has identified the document, ask the Court to allow the document (describe) which can be found at Tab XX to be marked for identification as Exhibit X (or just say "next in order") pages 1-5.

14. Exhibits with Personal Information: No exhibit that contains sensitive personal information is to be displayed to the jury or shown to a witness unless the Court rules that the information shall remain on the exhibit. Examples of sensitive personal information include but are not limited to: social security number, home address, phone number(s) and email address. Before redacting personal identifying information on a document, a party who wishes to use the document shall show the document to opposing counsel and the portion to be redacted. If there is any objection to redacting any information on the document, counsel is to take up the issue with the court.

15. Prior to Display: Show exhibits to opposing counsel **BEFORE** showing an exhibit to a witness.

16. Only one exhibit number for the same exhibit: Once an exhibit number is used in front of the jury that is the exhibit number to be used by both sides for the exhibit throughout the remainder of the trial. Thus, one document will not have two different exhibit numbers.

17. Medical bills: Are there any issues that relate to the medical bills of plaintiff(s)? If so, read Howell v. Hamilton Meats & Provisions (2011) 52 Cal.4th 541 and its progeny including Corenbaum v. Lampkin (2013) 215 Cal.App. 4th 1308.

If plaintiff seeks compensation for medical bills, then before the court calls for a jury panel, the parties are ordered to informally meet face-to-face with all medical documentation and billings and make a good faith effort to resolve how to present this information to the jury.

If counsel is not able to resolve this issue, then before jury selection begins, counsel is to advise the Court of their inability to resolve this issue.

The Court resolves all issues related to the plaintiff's medical billings before the commencement of jury selection (without prejudice, or course, as to the issue of whether treatment was reasonably necessary).

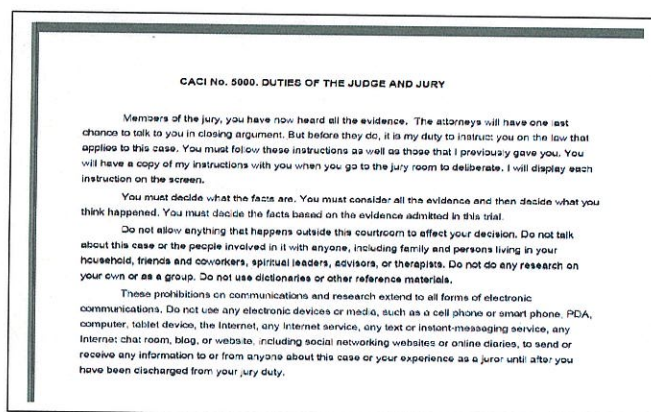
18. Use of Depositions: Lodge deposition transcripts with the clerk before the witness takes the stand. Each party intending to present any evidence by way of deposition testimony (except impeachment) shall do the following unless the parties have no objection to the admission of testimony:

1. Highlight the testimony the party intends to offer in one color.
2. The opposing party shall countermark (different color) any testimony it plans to offer.
3. Highlight in a separate color or draw a box around the objected testimony.
4. File a numbered index of the portions of the deposition offered, stating the pages and lines offered, the objections of the party and summary of the basis for the objections. Please include two boxes or columns for the Court's ruling: Sustained Overruled and room to indicate further comments.

[Please provide a word document for the Court to mark its rulings and send a copy to all counsel and the Court via the department's email address]

19. Jury instructions: As required by General Order 3.F and by Los Angeles County Court Rules 3.170 - 3.172, it is the responsibility of counsel to provide the Court with a complete set (hard copy) of jury instructions. Counsel must remove all brackets, fill in all blanks in advance. Examples are names of the parties, appropriate gender and number (singular or plural). Each instruction shall conform to the requirements of Rule 2.1055, California Rules of Court.

20. Jury Instruction --Display Copy: The Court requests one electronic copy of the instructions to the Department's email box (LBCDeptS29@lacourt.org) for display to the jury in the following format: title and text in Word, landscape format, Arial font, 14pt font, no headers or footers – except title/CACI Numbers. Sample: See Below:



Hard copies must be filed with the clerk. If you have any question about the correct format, advise the Court.

Any case-specific special instructions not covered by CACI instructions shall be separately numbered and be a clear accurate statement of the law with complete citations to authorities in support. Other than insertions for pronouns, names, and CACI parentheticals, any other modifications of a CACI instruction must be submitted as a Special Instruction or highlighting showing the modification.

Submit jury instructions as a single joint packet. Insert any special instructions immediately after the CACI instruction upon which the modified or “special” instruction is based. If your modified or “special” instruction is not being requested in lieu of a CACI Instruction, then insert the instruction in the submitted packet after the CACI instruction -- where you believe it would logically be positioned when read to the jury.

21. Verdict Form: Submit a proposed joint verdict form before trial commences sending a courtesy copy to the Court’s email box . Follow the language and pattern of CACI instructions as much as possible. If the parties cannot agree on a joint form, each party must file their version and email Department S29 the draft in Word.

22. Trial times: Trials take place as follows: Monday through Friday — from 9:00 a.m. until or 4:30 p.m. If there is any deviation from these days and times, counsel and the jury will be informed the preceding day. During trials, counsel should arrive at 8:30 a.m. unless otherwise discussed with the court. This is so that counsel can discuss (and resolve) daily issues such as scheduling and evidence and make sure that any necessary equipment is properly functioning.

23. Breaks: There is usually a morning break at 10:30 a.m. and an afternoon break at 3:15 p.m. Noon recess is from noon to 1:30 p.m. each day. There will be no morning break if the trial begins at 10 a.m. or later (unless needed).

24. Witness scheduling: By the end of each court day, the side that is presenting its case shall advise opposing counsel and the Court of the names of the witnesses to be called on the following day. For more complex litigation cases (for example, asbestos litigation or multiple cause of action cases), counsel are to confer with each other so that the names of witnesses to be called on are provided to each other at least 48 hours prior to their testimony or as otherwise agreed upon by counsel.

25. Alternates present during jury deliberations: During deliberations (only with the consent and stipulation of counsel), the alternates maybe permitted into the jury room to listen and may not vote. Then, if an alternate is substituted into the case during deliberations, the “new” jury need not begin to deliberate as though they had not previously deliberated.

26. No contact with jurors: Until the trial has concluded and the Court has advised the jurors that they may speak to counsel (if they choose to do so), please do NOT speak to any of the jurors, alternates or potential jurors in this case. Small talk (hello, etc.) is not permitted. Instruct clients and witnesses this rule applies to them as well. During the Court’s voir dire, all prospective jurors will be advised that this order is imposed on the attorneys, the parties and the witnesses.

27. A party with more than one attorney: Multiple attorneys for a party may examine witnesses at the trial, BUT only one attorney for that party may examine a particular witness. And, only the attorney who examines a witness may make evidentiary objections as to the witness he/she examined and argue issues pertaining to the witness’ testimony.

28. Preparing the judgment: Counsel shall prepare a judgment on the jury’s verdict within 10 days of the date of the verdict unless otherwise directed. If there is a verdict that includes any money damages for any party, then that party shall prepare the judgment and lodge it with the court (with a copy to opposing counsel). If the jury awards no damages to any plaintiff, then defendant is to prepare the judgment and lodge it with the court (with a copy to opposing counsel). Objections to be filed within 10 days unless otherwise ordered by the Court.

29. Issues that arise during trial: Parties are to meet and confer. While this Court prefers written motions instead oral motions, do not file a written motion during trial unless you have first discussed it with opposing counsel. If Counsel is unable to resolve it, then advise court staff that you need a conference with the Court

30. Decorum: Courtesy goes a long way -- to court staff, to opposing counsel, to all parties and to the witnesses. Refrain from pointing at parties, witnesses or others. No excessive gesturing; no pounding on the lectern for emphasis. Refer to witnesses and parties by their last names, except for child witnesses, with appropriate prefixes, e.g. "Mr.," "Doctor," etc., Rule 3.95 and 3.96, Los Angeles Superior Court Rules. Counsel may keep a water bottle or other appropriate beverages at counsel table. The jury is allowed to do the same.

31. Duplicative motions, objections and jury instructions: Multiple parties should not make the same motions and objections. Coordinate with each other. For example, if two parties will be making the same motion in limine, motion for a directed verdict, or written objection to evidence, submit one document only as a joint document.

32. UNLAWFUL DETAINER JURY TRIALS:

- a. Notify the court clerk as soon as possible if an interpreter is needed.
 - b. Attorneys may not identify the name of any law firm or any entity with which the attorney is associated (e.g. "Small Business Law Firm," "Fair Housing Law Offices," etc.).
 - c. In a simple issue case, submit a general verdict form. If a special verdict form is requested, submit a single proposed special verdict form which includes any special questions of fact on which a party is requesting a finding. The special questions, of course, must be submitted in logical position in relation to other questions on the verdict form. This will require a conference between counsel which may take substantial time. PLEASE HAVE A PROPOSED DRAFT COMPLETED BEFORE YOU APPEAR IN DEPARTMENT S29.
 - d. Voir dire: The Court will ask several voir dire questions and provide counsel with the form questions. Counsel will then be allowed to voir dire the jurors.
 - e. Cell phone evidence: You must lodge copies or photographs of anything you want to submit as electronic evidence.
 - f. Parties must be in compliance with all pending standing orders applicable to unlawful detainer trials: [UD Standing Orders](#).
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