

SANTA MONICA COURTHOUSE DEPARTMENT O
ONLINE COURTROOM INFORMATION
JUDGE BRADLEY S. PHILLIPS
(310) 255-1866

CIVILITY: The court places a high value on civility, courtesy, and professionalism in the practice of law and the judicial process. The court expects all attorneys and parties to treat each other, witnesses, jurors, court personnel, the Court, and others with the highest level of courtesy both inside and outside the courtroom.

The Los Angeles County Bar Association has adopted “Guidelines for Civility in Litigation” which the Los Angeles Superior Court has adopted as recommendations to members of the bar. (LASC Local Rules, Appendix 3A, see <https://www.lacourt.org/courtrules/ui/index.aspx?tab=5.>)

The Court expects all attorneys and parties to read and follow those guidelines.

CASE MANAGEMENT CONFERENCES: Case Management Conferences are held at 8:30 a.m. The parties must comply with California Rules of Court, rule 3.722 et sez., and Local Rule 3.25 in connection with such conferences.

Counsel attending a CMC should be sufficiently knowledgeable about the case to address and agree upon matters listed in the CMC statement, including a discussion about the factual details of the pleadings.

TRIAL SETTING CONFERENCES: Counsel and/or self-represented parties are ordered to meet and confer in person or by video at least 14 calendar days in advance of the TSC and, at least 7 calendar days in advance of the hearing, *jointly* file (1) a statement of the issues to be tried, (2) a witness list with time estimates, and (3) a report on the status of discovery.

FILINGS: The Los Angeles County Superior Court has implemented electronic filing of all documents filed in Limited and non-complex Unlimited Civil matters by litigants represented by attorneys pursuant to the operative General Order re Mandatory Filing for Civil. Pursuant to California Rules of Court, rule 2.253(b), represented litigants are required to electronically file documents with the Court through an approved Electronic Filing Service Provider. Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt from mandatory electronic filing requirements and may file papers at the filing window on the first floor, Room 102.

The Court does not need courtesy copies of filings other than those for motions for summary judgment or adjudication and special motions to strike (anti-SLAPP motions).

EX PARTE: Ex parte applications are heard at 8:30 a.m. Monday through Friday and must comply with CRC 3.1200 et seq. For represented litigants, all ex parte applications and documents in support thereof must be electronically filed no later than 10:00 a.m. the court day before the ex parte hearing. For self-represented litigants, ex parte application fees must be paid in Room 102 of the Clerk's Office no later than 8:30 a.m. on the date of the ex parte hearing, and the ex parte application and all supporting documents must be submitted to the Judicial Assistant in Department 26 no later than 8:45 a.m. on the date of the ex parte hearing.

DISCOVERY MOTIONS: The parties are ordered to comply with the Court's Informal Discovery Conference Order, which is attached hereto.

LESS EXPERIENCED ATTORNEYS: The Court strongly encourages law firms and governmental agencies to give less experienced attorneys the opportunity to argue motions and to have an important role at trial, including examining witnesses, conducting voir dire and giving opening statements and closing arguments.

INTERPRETERS: Court-certified language interpreters will be provided to limited English-speaking litigants free of charge. Please make the request at the court's website at <http://www.lacourt.org/irud/UI/ReqInput.aspx> or inform the Judicial Assistant as soon as possible. When presenting your case in court, a court-certified language interpreter must be used.

COURT REPORTERS: The Court does not provide a court reporter absent a fee waiver. A party who has received a fee waiver pursuant to CRC 3.55(7) may request an official court reporter by filing form FW-020 at least 10 calendar days prior to the hearing or trial. (See CRC 2.925©.) Given the limited availability of official court reporters, the Court may not know whether a reporter is available until the day of the hearing or trial. Proceedings in unlimited jurisdiction courts are not electronically recorded.

The Court strongly recommends the use of a court reporter for both bench trials and jury trials.

REMOTE APPEARANCE: LACourtConnect is available for remote appearances and may be used as provided for by CRC 3.670 (except for final status conferences, and trials). NOTE: Court reporters must be present in the courtroom for all matters being reported.

LAW & MOTION: All parties must obtain a motion date via the online Court Reservation System (CRS) on the Los Angeles Court website. Go to "LA Court Online, Court Reservation System," at www.lacourt.org to reserve a date prior to filing any motion papers.

Counsel are required to notify the court immediately by telephone or email if a party withdraws or takes off calendar a motion within 7 days of the scheduled hearing date.

TENTATIVE RULINGS: The court may or may not post written tentative rulings on the Court's website www.lacourt.org.

DEPARTMENT 0
FINAL STATUS CONFERENCE AND TRIAL PREPARATION ORDER¹

The Court's Trial Preparation Order, which is available online and in hard copy on the courtroom, is as follows:

MEET AND CONFER REQUIRED PRIOR TO FINAL STATUS CONFERENCE

The parties must meet and confer sufficiently in advance to discuss, prepare, exchange, and eFile the following documents **NO LATER THAN FIVE COURT DAYS BEFORE THE FINAL STATUS CONFERENCE**:

FOR JURY TRIALS:

- 1) **OPTIONAL TRIAL BRIEFS.** (optional for jury trials, *mandatory* for bench trials). Trial briefs are limited to ten pages unless permission to file an oversized brief is sought and granted in advance.
- 2) **JOINT STATEMENT OF THE CASE TO BE READ TO THE JURY.** A jointly prepared, short, non-argumentative written statement of the case to be read to the jury. Local Rule 3.25 (g)(4).
- 3) **JOINT WITNESS LIST.** All witnesses, other than those to be called exclusively for impeachment or rebuttal, must be identified on one list. Do not repeat the name of a witness who will be called by more than one party. The joint witness list must identify each witness by name, specify which witnesses are experts, and estimate the length of the direct, cross examination and re-direct examination (if any) of each witness. In an additional column, the parties must total the time estimated for each witness's testimony. At the bottom of the witness list, the parties must total the time for all witnesses on direct, cross, and redirect. Make realistic time estimates. Absent good cause, the total number of hours listed for testimony should not exceed the trial estimate given at the CMC, including an allocation of one day for jury selection and one day for instructions, closing arguments, and deliberations. Identify all potential witness scheduling issues and special requirements, including interpreters on the witness list.
- 4) **JOINT EXHIBIT LIST.** All exhibits, other than those to be used exclusively for impeachment or rebuttal, must be listed on the list, identified by a number and brief

¹ Any failure to timely comply with any item required by this order shall subject any non-complying party to the imposition of appropriate sanctions, including but not limited to monetary sanctions, exclusion of evidence, issue preclusion, denial of a claim of defense, dismissal, or contempt (pursuant to CCP sections 128.5; 177.5; 575.2; 583.410; GC section 68608, and Local Rule 3.25 (f)(1).)

description. The parties/counsel shall meet and confer in an effort to resolve objections to the admissibility of each exhibit. The exhibit list must have a column labeled "Objections". If any party has any objection to the admissibility of any exhibit, the objecting party must be identified, and the grounds for the objection must be set forth in the "Objections" column next to that exhibit. The exhibit list must have two columns on the far right labeled "DATE ID'd" and "DATE ADMITTED" in which the Court Clerk may note the dates of identification and admission of each exhibit. Three-ring binders containing all exhibits must be available on the final status conference date, and all parties must be prepared to tell the Court that they have had an opportunity to review all documents in the exhibit notebooks. Place a copy of the exhibit list in the front of each exhibit notebook and place tabs in the notebook to correspond with the exhibit number. If an exhibit contains more than one page, pages must be internally numbered, i.e., 3.1, 3.2, 3.3, etc. The parties must provide the court with three copies of the exhibit book: one for the Court, one for the Judicial Assistant, and one for the witness.

- 5) **JOINT LIST OF PROPOSED JURY INSTRUCTIONS (JOINT AND CONTESTED).** The parties/counsel shall jointly prepare and file one list of proposed jury instructions, organized in CACI numerical order. The instruction list must have 5 columns labeled: "CACI #," "Title," "Proposed by," "Objections By," and "Given." If all parties agree on an instruction, indicate "joint" in the "Proposed By" column, and leave the "Objections By" column blank. Otherwise, indicate the party proposing the instruction in the "Proposed By" column and the party objection to the instruction in the "Objections By" column. Leave the "Given" column blank for the Court to decide whether the instruction was given.
- 6) **JURY INSTRUCTIONS (JOINT AND CONTESTED).** The parties/counsel shall jointly prepare a complete set of full text proposed jury instructions, editing all proposed CACI, inserting party name(s) and all other information, filling in all blanks, and eliminating all brackets and irrelevant bracketed language. The parties/counsel shall prepare special instructions in a format ready for submission to the jury with the instruction number, title, and text only (i.e., there should be no tear sheets and no boxes or other indication on the printed instruction itself as to the requesting party). The instructions should be divided into two packages separated by a colored sheet of paper: those agreed upon, and those that are disputed. Please submit an electronic version of the jury instructions in Word format in a thumb drive.
- 7) **JOINT VERDICT FORM.** The proposed special verdict form must be joint. Any proposed special verdict should be in form that is easily used by the jury, and which does not require the jury to answer unnecessary questions. Submit an electronic version of the verdict form in Word on a thumb drive. Failure of the parties to agree on a proper special verdict form may result in the Court's using a general verdict form.

- 8) **PAGE AND LINE DESIGNATION FOR DEPOSITION AND FORMER TESTIMONY.** If the parties/counsel intend to use deposition testimony or former trial testimony in lieu of any witness's live testimony, other than exclusively for impeachment or rebuttal, the parties/counsel shall meet and confer and jointly prepare and file a chart with columns for each of the following: 1) the line and page designations of the deposition or former testimony requested for use, 2) objections, 3) counter-designations, 4) any responses thereto, and 5) the Court's ruling.
- 9) **MOTIONS IN LIMINE.** Counsel shall meet and confer on all motions in limine. Boilerplate or form motions in limine are disfavored. All motions in limine must be in writing and shall be filed with sufficient statutory notice under CCP Section 1005 so that they may be heard no later than the date of the FSC pursuant to Local Rule 3.25(f)(2). Likewise, oppositions and replies for motions in limine must be served and filed with sufficient statutory notice in accordance with Local Rule 3.25(f)(2). Any failure by any party or counsel to exchange or discuss any motions in limine may result in the refusal of the Court to hear any such motion in limine, pursuant to applicable court rules. Each motion in limine for the purpose of precluding the mention or display of inadmissible and prejudicial matters in the presence of the jury shall be accompanied by a declaration in compliance with the requirements of Rule 3.57 of the Local Rules and must comply with *Kelly v. New West Federal Savings* (1996) 49 Cal. App.4th 659, 670-71. **The parties must assign different, sequential numbers or letters to their motions in limine.** For example, Plaintiff's motions in limine may be numbered 1-5; Defendant's motions in limine may be lettered A-E; additional parties may use double numbers or letters or some other agreed-upon designation to avoid duplication and confusion. If the Motions in Limine will be numerous and time-consuming, the parties must contact the courtroom assistant in Dept. 26 to schedule a separate hearing for the Motions in Limine.

No later than five (5) court days before the Final Status Conference, the parties must lodge directly in Dept. 26, an indexed and tabbed three-ring binder containing conformed copies of all moving, oppositions, and reply papers for all Motions in Limine.

If the parties file, collectively, more than five (5) motions in limine, they must file a joint document at least four (4) court days before the final status conference that (a) describes the motion, (b) has a one- paragraph argument in support and (c) has a one-paragraph argument in opposition.

FOR COURT TRIALS

The parties must submit trial briefs, a joint exhibit list, and a joint witness list, as described above. The parties must also comply with the provisions above concerning designation of deposition and former testimony and concerning motions in limine, if any.

FOR ALL TRIALS

Trials are usually set Mondays at 9:30 a.m. The total time estimate for trial is usually divided equally among the parties.

TRIAL READINESS BINDERS. A Trial Readiness Binder must be presented to the Court at the FSC. The binder must contain conformed copies of the trial briefs, joint statement of the case, joint witness list, joint exhibit list, joint list of jury instructions, joint full-text jury instructions, joint verdict form, joint page-line designation chart, motions in limine, and current operative pleadings (including the operative complaint, answer, cross-complaint, if any, and answer to any cross-complaint). The trial documents must be tabbed, and the notebook must contain a table of contents listing the trial documents by tab number.

IMPEACHMENT EXHIBITS

In preparation for cross-examination of witnesses, each party should pre-mark five copies of all impeachment exhibits with each page properly paginated to reflect the exhibit number and page number so that they are ready for distribution during cross-examination.

COURT REPORTERS/SETTLED STATEMENTS

The parties must meet and confer to discuss whether they plan to have a court reporter transcribe the trial proceedings. In order to ensure a proper record for appellate purposes, if the parties do not arrange for a court reporter, then Counsel for the parties will be required to prepare a daily settled statement summarizing witnesses' testimony who have testified each day at trial.

INTERPRETERS

If any party needs a foreign language interpreter to assist any trial witnesses, that party must reserve and make arrangements in advance for the interpreters that party will need.

CONDUCT OF COUNSEL AND PARTIES AT TRIAL:

Counsel are ordered to follow the guidelines of LASCR 3.26 and Appendix 3.A.

1. If counsel answers "**READY**," they are committing to being **available each day**, all day and during the estimated time of the trial.
2. Sidebars are disfavored and should be avoided unless absolutely necessary. (LASCR 3.123)

3. Counsel, the parties and family/friends/associates of the parties should not comment, gesture or make facial reactions to any testimony, argument or statement made by anybody during the trial. (LASCRC 3.120)
4. Counsel shall not address witnesses, parties or other counsel by first names. (LASCRC 3.96)
5. Counsel and the parties should not talk with prospective jurors or jurors and should not talk to co-counsel, opposing counsel or witnesses where the conversation may be overheard by jurors. Each counsel should admonish counsel's own clients and witnesses to avoid such conduct.

JURY SELECTION:

1. In most cases, a panel of 35 jurors will be ordered to begin the jury selection process. Any request for more than 35 jurors or for pre-screening of jurors as to time must be made to the Court at least 20 days in advance of the trial date.
2. Typically, a modified "six-pack" method of jury selection will be used, specifically, 14 jurors in the box, and 6 seated in front of the box. All challenges for cause will be taken at sidebar. (LASCRC 3.74). The Court will call and question 20 jurors. Counsel will have an opportunity to question the jurors. After all the jurors have been questioned by the Court and counsel, challenges for cause will be addressed at sidebar. Those jurors subject to a challenge for cause will be excused. Any jurors excused for cause among the first 12 jurors will be replaced by the juror next in order in seats 13 through 20. Thereafter, counsel will exercise their peremptory challenges to the first 12 jurors. As jurors are excused, each will be replaced with a juror seated in seats 13 through 20 until only 11 jurors remain. Additional jurors will be called and the above-described process repeated. Typically, the Court will seat 2 alternates.
3. The Court will question jurors using a standard questionnaire. The Court will examine the jury panel with additional questions consistent with the Standards of Judicial Administration, California Rules of Court Standard 3.25. Counsel may submit questions in writing for the Court to ask. Counsel will be given reasonable time to inquire, but should not repeat questions asked by the Court. Pre-instruction, pre-argument, and suggestive questions designed to pre-condition jurors will not be permitted.

Counsel will be billed daily jury fees. Proof of payment must be provided to the clerk no later than the next day before trial can resume.

USE OF LECTERN AND APPROACHING WITNESS:

Counsel should speak from behind the lectern or counsel table. (LASCRC 3.109) Counsel may approach the witness without the Court's permission, but only to give or show the witness an exhibit. (LASCRC 3.110) Counsel shall return to the lectern or counsel table afterwards. Before approaching a witness for any other purpose, counsel must request permission from the Court.

OBJECTIONS:

No speaking objections. Counsel should stand to make an objection, stating only the legal basis. All objections, statements and arguments shall be made to the Court, not to opposing counsel. (LASCRC 3.122.) Arguments on points of law or evidentiary matters shall be made outside the presence of the jury. (LASCRC 3.123.) Counsel may not use objections for the purpose of making a speech, recapitulating testimony, or attempting to guide the witness.

STIPULATIONS:

Stipulations are to be filed prior to trial. Counsel should not make an offer of stipulation in front of the jury without the knowledge and agreement of opposing counsel. (LASCR 3.125)

WITNESSES:

1. Counsel shall be prepared with a sufficient number of witnesses to use the entire court day until the party rests. Absent unusual circumstances, breaks or early recesses will not be permitted due to witness unavailability. When the testimony of a witness is finished, the witness will be excused unless a party desiring to place a witness “on call” shows good cause. (LASCR 3.113)
2. If a party has more than one lawyer, only one lawyer may conduct the direct or cross-examination of a particular witness, or make objections to that witness.
3. If witnesses are not under subpoena and do not timely appear, trial will proceed without them. Continuances will not be granted due to witnesses who do not appear in a timely manner. If possible, the Court will make an effort to accommodate the scheduling needs of expert witnesses, professionals, out-of-state witnesses or others if the circumstances warrant.
4. Counsel, their clients and any witnesses are expected to be prompt. Failure to report to court on time without satisfactory explanation may result in sanctions.
5. At the conclusion of each court day, counsel must advise opposing counsel of the witnesses to be called the next day and the order in which they will testify. (LASCR 3.81) Each morning counsel must provide the Court Attendant with a written list of witnesses to be called that day including their full names with correct spellings and the order in which they will be called.

READING FROM DISCOVERY RESPONSES/DEPOSITION TRANSCRIPTS:

Before trial, copies of deposition transcripts or other discovery responses shall be lodged with the Court. (LASCR 3.56) Before reading into evidence any portion of a deposition, interrogatory or request for admission, counsel shall advise the Court and opposing counsel of the page and the line of the deposition or the numbers of the interrogatories or requests for admission to be read or shown to the witness. (LASCR 3.158)

REFERENCE TO EVIDENCE:

No exhibit or demonstrative evidence shall be referred to at trial without opposing counsel having had the opportunity to review and assert any objections. (LASCR 3.150)

VISUAL AIDS AT OPENING STATEMENT:

No visual aids shall be used in opening statement without opposing counsel first having been given the opportunity to review the visual aids prior to trial. (LASCR 3.97) If counsel intends to use PowerPoint, the Court shall be informed at the FSC and a copy of the slides must be shared with opposing counsel prior to the presentation. If there are any objections to any slide, the objecting party must submit the objections to the court as soon as possible and before the jury is empaneled. A copy of the slides must be lodged with the court. Counsel shall set-up and test the equipment (such as a projector) prior to the time it will be used to avoid any delays. See the Court Assistant about setting up the equipment.

EXHIBITS:

1. Non-documentary exhibits shall be represented in a binder with a simple written description.
2. Bulk exhibits, e.g., voluminous medical records will not be permitted. Counsel must separately mark and identify the specific items within a bulk exhibit. Blow-ups of portions of exhibits should be identified and marked as sub-part A. Typically, a blow-up will not be admitted into evidence. Each page of a multi-page exhibit must be consecutively paginated.
3. At the end of the trial, counsel will be required to prepare and lodge with the court a revised exhibit list that reflects only those exhibits that have been admitted. The revised exhibit list will be provided to the jury during their deliberations.
4. No exhibits may be published to the jury prior to being admitted into evidence or pursuant to a prior stipulation between the parties. (LASCR 3.155)
5. Any items that have not been admitted into evidence and are left in the courtroom overnight *without prior Court approval* will be discarded. Due to limited space available in the courtroom, please do not bring numerous boxes of documents until the jury has been selected.

HIGHLY PREJUDICIAL EVIDENCE:

Before inquiring into evidence that may reasonably be anticipated to be inflammatory or highly prejudicial, and potentially excludable pursuant to Evidence Code section 352, counsel should bring the intended area of inquiry to the attention of opposing counsel and the Court outside the presence of the jury. (LASCR 3.107)

JURY INSTRUCTIONS:

As a general rule, all jury instructions, except concluding instructions, will be read before the closing arguments. The Court will also read the CACI Preliminary Instructions Series 100 prior to opening statements.

STANDING ORDER RE: MOTIONS TO COMPEL FURTHER DISCOVERY

DEPARTMENT O

Prior to instituting an Informal Discovery Conference (“IDC”) order, Motions to Compel Further Responses were being set nearly one year after being filed due to court congestion and the number of such motions being filed.

To minimize court intervention in the discovery process, parties engaging in discovery are required by the Civil Discovery Act to attempt informal resolution of disputes before requesting court assistance in resolving them. Indeed, almost every provision authorizing attorneys to make a motion under the Act contains a “meet and confer” requirement in the hope that parties may be able to informally resolve disputes before they are presented to the court for resolution. (See, e.g., Code Civ. Proc., §§ 2017.020(a), 2025.420(a), and 2025.450(b)(2).)

The Court has the power to “amend and control its process and orders so as to make them conform to law and justice” pursuant to CCP § 128(a)(8), and therefore, **the Court issues the following standing order requiring all parties to participate in an IDC to resolve any Motion to Compel Further Responses.**

First, prior to any Motion to Compel Further Responses being set for hearing by the Court, the moving party shall confer with opposing counsel and obtain three available dates on Friday for an IDC at 10:00 a.m. and then contact the Court to schedule the IDC. Moving party shall also give notice.

Second, prior to the IDC, counsel must meet and confer, ***via telephone or video conference***, in an effort to resolve all pending discovery disputes. Counsel are advised to keep track of when and for how long counsel met and conferred. This meet and confer is in addition to the standard meet and confer requirements set forth in the Code.

Third, a *joint* brief – no more than five-pages in length that summarizes the discovery dispute(s) at issue – shall be filed and provided to the Court at least three court days prior to the IDC. The purpose of this short summary is to provide the Court with an understanding of each sides’ position and to identify the remaining discovery issues.

Fourth, lead counsel (or other designated counsel for the parties *with full authority*) are ordered to appear for any scheduled IDC as directed by the Court. IDC sessions are informal and shall not be transcribed without prior Court approval.

Fifth, this order does not extend the time within which a Motion to Compel Further Responses must be brought. The parties, however, are encouraged to reach a written stipulation relating thereto, although such an agreement is not mandated by this order. The filed Motions to Compel Further Responses will not receive a hearing date until the IDC process is completed.

If the parties resolve their discovery disputes before the IDC date, Moving Party shall notify the Court and take both the IDC and any underlying Motion to Compel Further Responses off calendar as soon as possible. At the conclusion of the IDC process, the Court will schedule hearing dates for any remaining motions to compel further.

Moving Party is ordered to provide notice of this Standing Order.

DATE: March 20, 2026

Hon. Bradley S. Phillips
Judge, Los Angeles Superior Court