BEST PRACTICES AND PRE-TRIAL ORDERS FOR DEPARTMENT 2

THE HONORABLE GINA DASHMAN

FAMILY LAW DIVISION

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Department phone: 925-608-1102

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Remote and in-person appearances:

Parties may appear in person or remotely for short cause matters. Parties do not need to submit written requests to appear remotely. If remote access is attempted, the court may require in person appearances should technical difficulties emerge or for other reasons.

Observers on Zoom should state "Observer" as screen name. No witnesses to pending matters or minors whose parents are in court may observe.

In person appearance is required for Long Cause, Domestic Violence hearings, Trials, Settlement Conferences and Contempt hearings.*

Filings:

Be precise, clear and concise in the relief requested. All requests must be contained in your Request for Order (FL –300); do not include requests in the declarations. The court will not consider supplemental filings (the trio of documents the court considers are the RFO, the RESPONSE and the REPLY only).

The court will not consider late filed pleadings, declarations or exhibits. Local rule page limits (10 pages for declarations and 10 pages for exhibits for a total of 20 pages) are STRICTLY enforced except where an order permitting additional pages is granted. If AI is used to prepare any filings, disclosure is required.

Emails:

If your matter is resolved prior to your court appearance, you may email the department with a joint written request to vacate your court appearance. Appearances are required unless you receive an email reply that your request was received and approved by the court.

No other requests, briefs, documents, reports may be emailed unless the court explicitly grants permission, in which case, the words, "by court permission" should be included in the subject line. Do not email **courtesy copies**; instead, drop them in the D2 box inside the courthouse.

DOMESTIC VIOLENCE [DV] TRIALS AND STIPULATIONS

Trials:

Before trial, the parties are ordered to comply with the following requirements in addition to the Local Rules of Court. The Court will not accept late documents without good cause. Failure to comply may result in sanctions being imposed or a delay in the trial.

Discovery: Pre-trial discovery requests must comply with Family Code Section 6309.

Trial Submittal Deadlines:

7 days before the date set for trial you must serve and file witness and exhibit lists:

Witness lists: Parties shall serve and file with court a list of all non-expert witnesses. Parties will be responsible for serving trial subpoenas on witnesses. Only witnesses identified on the witness list will be permitted to testify. Witness lists should include a brief statement / offer of proof summarizing the testimony anticipated to be given by each witness.

Trial Exhibits and Exhibit List: Serve trial exhibits and exhibit lists on the other party and lodge with the department. The exhibits are to be pre-marked and shall be numbered. Use numbers, beginning with 001 for Petitioner and 501 for Respondent. Exhibits should be "Bates" stamped or numbered through a sequential numbering program. (PDF generated page numbers are acceptable). Exhibits may be lodged electronically (thumb drive) or paper (binders). If the original exhibit is in color, any duplicate must be in color.

Prepare a table of exhibits with two columns, labeled "Identified" and "Admitted" for the Courtroom Clerk on the day of trial.

Provide electronic or hard copies of the exhibits for the witnesses who appear remotely.

The Court orders the parties to meet and confer for the purposes of stipulating to the authenticity and admissibility of documents, where possible. If there are identical exhibits that both parties intend to admit, please mark them as joint exhibits, i.e. Joint Exhibit 1, or JE-1, JE-2, etc.

The Court will destroy all exhibits not admitted into evidence at the close of the trial after Notice is provided or return them to the parties, by arrangement with the courtroom clerk.

See Trial Protocol for additional requirements, below.

Stipulations:

Dept. 2 will accept SIGNED written stipulations and orders, for consideration. This must be a stand-alone document. NON-CLETS stipulated restraining orders are prohibited.

Parties must submit, with the Stipulation, an Amended DV -110 (TRO), Amended DV -140 (if applicable regarding custody and visitation), or an Amended DV -130 (ROAH). The three forms MUST state the terms of the Stipulation (in other words, the STIP cannot be merely referenced,

or attached). Stipulations are subject to court review and order and, if applicable, findings pursuant to FC Section 3044.

If a continuance is sought (DV-116), the following words must be included in the form in box 9: "The court is signing an Amended DV-110 and Amended DV -140."

The submission of the above must be dropped off in the D2 box at the courthouse, NOT FILED or EMAILED. You will be notified when the orders are ready and available to be picked up.

NON-DV LONG CAUSE / TRIALS

Before the long-cause trial or hearing of any issue, the parties are ordered to comply with the following requirements in addition to the Local Rules of Court. The Court will not accept late documents without good cause. Failure to comply may result in sanctions being imposed or a delay in the trial.

A Mandatory Settlement Conference must be completed before the court sets your case for trial. At least 30 days before the Settlement Conference, the parties are ordered to submit to each other their final settlement demands. At least 15 days before the Settlement Conference, the parties are ordered to respond to the other party's settlement demand. Both parties are ordered to file a settlement conference statement 10 days prior the MSC. The Court orders the parties to meet and confer to try to resolve all outstanding issues. You may request a spot on the MSC waitlist, by jointly emailing the department at least 30 days prior to your requested date.

A Readiness Conference will be set prior to the trial date, anywhere between 60-90 days prior to trial. A RC statement will be due 10 days prior to the RC. Your statement should identify disputed and undisputed issues, witness and other readiness, and an accurate estimate the number of trial days necessary for your case. If you are not ready, the court may vacate your trial date and instead, may set a further MSC or CMC.

Trial Submittal Timeline, except DV Trials:

50 Days before the date set for trial:
Expert Witness Disclosures: Unless demanded earlier pursuant to CCP §2034.230, or pursuant to stipulation, disclose in writing any expert witnesses at least 50 days before the date of trial pursuant to CCP Section 2034.230(b). The written disclosure shall include a time estimate for testimony, a summary of the testimony, a summary of the expert's qualifications and a copy of the expert's report, if one has been prepared. See, also Local Rule 5.9(e) regarding Evidence Code § 730 experts.

45 Days before the date set for trial:
Declarations of Disclosure: Unless the requirements are mutually waived, or not required by Family Code § 2106, serve declaration of final disclosure on each other.

30 days before the date set for trial:
Discovery: All mandatory disclosures and formal discovery must be completed 30 days before trial, except that any expert witness may be deposed at late as 10 days before trial. Parties are ordered to "meet and confer" to informally resolve all outstanding discovery disputes prior to trial.

15 days before the date set for trial:
Discovery Hearings: All discovery motions must be **heard** 15 days before the trial date. (CCP Section 2024.020) Continuances for failure to timely schedule discovery motions will not be granted, absent good cause.

7 days before the date set for trial:
Witness lists. Parties shall serve and file with court a list of all non-expert witnesses. Parties will be responsible for serving trial subpoenas on witnesses. Only witnesses identified on the witness list will be permitted to testify. Witness lists should include a brief statement / offer of proof summarizing the testimony anticipated to be given by each witness.
Trial Exhibits and Exhibit List: Serve trial exhibits and exhibit lists on the other party and lodge with the department. The exhibits are to be pre-marked and shall be numbered. Use numbers, beginning with 001 for Petitioner and 501 for Respondent. Exhibits should be "Bates" stamped or numbered through a sequential numbering program. (PDF generated page numbers are acceptable). Exhibits may be lodged electronically (thumb drive) or paper (binders). If the original exhibit is in color, any duplicate must be in color.

Prepare a table of exhibits with two columns, labeled "Identified" and "Admitted" for the Courtroom Clerk on the day of trial.

Provide electronic or hard copies of the exhibits for the witnesses who appear remotely.

The Court orders the parties to meet and confer for the purposes of stipulating to the authenticity and admissibility of documents, where possible. If there are identical exhibits that both parties intend to admit, please mark them as joint exhibits, i.e. Joint Exhibit 1, or JE-1, JE-2, etc.

The Court will destroy all exhibits not admitted into evidence at the close of the trial after Notice is provided or return them to the parties, by arrangement with the courtroom clerk.

Trial briefs: Serve briefs to each other and file with the Court. Trial briefs must summarize the outstanding issues of facts to be tried. Novel or unique issues of the law should also be briefed. Trial briefs must not exceed twenty (20) pages without leave of court. Trial briefs should contain the contested issues of fact and a statement of the relief requested.

Motions in Limine: Parties shall file **and** provide courtesy copies of motions in limine. All MILs shall be submitted as a separate pleading. If there are multiple MILs, please provide them in a single binder with the motion/opposition/reply joined together. By each requested motion, please insert a "decision line" as follows: "Granted _____ Denied _____ Modified _____ Reserved _____" The Parties are ordered to meet and confer in good faith to resolve motions in limine prior to the trial date.

Section 4320 Analysis (if applicable): Submit updated Family Code § 4320 analysis and serve on other party. An FL-157 form is acceptable in lieu of a brief.

Incomes & Expense Declaration: Each side must serve updated IEDs and file with the Court if financial relief (i.e., spousal support, child support, attorneys' fees) is sought at trial.

Trial Protocol:

Meet and Confer/Stipulations: Before trial, the parties shall meet and confer to stipulate to facts, and admissibility and authenticity of documentary evidence, and attempt to resolve disputes about evidence, motions in limine, order of witnesses and sequencing of the case.

Manner of Service: Any document served on another party 7 days or fewer before trial must be served by hand delivery, or, only if the receiving party has agreed, by electronic mail.

Be on Time: If you anticipate being late, please employ professional courtesy by contacting Department 02 at (925) 608-1102 and opposing counsel.

Court Hours: For parties and counsel: Court hours are 8:30 a.m. to 4:30 p.m. Generally, trials begin at 9 a.m. (morning trials) or 1:30 p.m (afternoon trials). Each day, mid-morning and mid-afternoon breaks of 15 minutes are taken as well as a noon recess from 12 noon to 1:30 p.m.

Technology: Please set-up all of your technology (computers) ahead of time.

Have Witnesses Ready: Have your witnesses sitting in the court room, or out in the hallway. For witnesses permitted to appear via Zoom, they will remain in the waiting room until called to testify.

Scheduling Issues: Notify the Court as soon as possible of any scheduling problems. Any need for an Evid. Code §402 or other pre-trial hearing should be discussed at the RC conference.

During Trial: Counsel and witness should seek permission to enter the well or approach a witness. But, once permission is given, there is no need to ask again.

Closing Argument: Any admitted or demonstrable evidence you intend to show must be shown to opposing counsel in advance of closing arguments.

Closing Trial Briefs: In lieu of, or in addition to closing arguments, the Court may request counsel to submit a closing trial brief summarizing the issues presented at trial and referencing the evidence supporting the relief requested. Closing trial briefs shall not exceed 15 pages without leave of the court. The Court will not deem the matter submitted until both Parties file and serve the Closing Trial Brief.

So ORDERED.

Gina Dashman
Hon. Gina Dashman
Judge of the Superior Court, Contra Costa County

*The Court will accept remote appearance requests as required by CCP 367.75, CRC 3.672, and LR 2.180(d), but parties should be prepared to appear in person due to the nature of the proceedings.