

Superior Court of California

County of Contra Costa

GUIDELINES FOR CIVIL JURY TRIALS IN JUDGE DASHMAN'S DEPARTMENT, 2

I. Trial Schedule.

Unless otherwise ordered, trial will be held on every business day from 10 a.m. to 4:30 p.m. with two 15-minute breaks and lunch. Counsel must arrive by 8:45 a.m. or earlier, as needed, for any matters to be heard out of the presence of the jury. Please be prepared to start with the jury at 10 a.m. The telephone number for Department 2 is (925) 608-1118.

II. Conduct of Counsel.

Counsel should endeavor to be civil and punctual throughout the entire trial.

III. Motions in Limine.

Any motions in limine should be filed at the first appearance in the trial department. Please limit motions in limine to circumstances that really need a ruling in advance. Usually, eight or fewer motions per side is sufficient. Each motion should address a single topic. The Court advises counsel that it is not inclined to grant blanket motions in limine directed toward general categories or types of evidence where specific objections can more appropriately be made at the time.

The court will consider any stipulations during pre-trial conferences. This does not preclude counsel from entering into stipulations, outside the presence of the jury, during trial.

IV. Voir Dire.

- A. The Court will use the "six-pack" method. The clerk will call and seat 18 prospective jurors (12 in the jury box). All 18 prospective jurors will be examined initially by the Court and then by counsel for cause. Counsel will have the opportunity to conduct their examination within reasonable time limits to discover bias or prejudice with regard to the circumstances of the particular case or the parties.
- B. Counsel should be familiar with Code of Civil Procedure section 223. The Court will not impose arbitrary time limits, and it will permit supplemental time for questioning based upon individual responses or conduct of jurors. Counsel should avoid attempts to precondition the prospective jurors to a particular result or indoctrinate the jury.

- C. Challenges for cause will be done at side bar; peremptory challenges (for the 12 in the jury box) will be done in the open court. Six peremptory challenges per side is permitted.

V. Jurors' Use of Notes.

Jurors may take notes. Steno notebooks will be distributed at the beginning of each trial. Jurors will be instructed on the use of notes both in the preliminary and final jury instructions.

VI. Opening Statements.

- A. Counsel must cooperate and meet and confer to exchange any visuals, graphics or exhibits to be used in the opening statements, allowing for time to work out objections and any reasonable revisions. Opening statements should be limited to an objective summary of what counsel expect the evidence to show.
- B. Be prepared for opening statements as soon as the jury is sworn.

VII. Exhibits.

Counsel shall pre-mark all exhibits *with* the courtroom clerk prior to trial.

VIII. Witnesses.

- A. Counsel must always have their next witness ready and in the courthouse. Failure to have the next witness ready or to be prepared to proceed with the evidence will usually constitute resting. Testifying expert witness schedules are no exception to this rule.
- B. Throughout the trial, all counsel are entitled to know a firm order of witnesses for the next full court day.
- C. Counsel should instruct all witnesses, parties, and anyone affiliated with them – who are attending the trial – not to converse in any manner within the hearing distance of the jurors.

IX. Objections.

Counsel shall succinctly state the legal basis only. Speak up promptly. Side bar conferences are discouraged. To maximize jury time, counsel must alert the Court in advance of any problems that will require discussion outside the presence of the jury, so that the conference can be held before court begins or after the jury leaves for the day. The procedure described above should eliminate the need for most side bars.

X. Audio-Visual Presentation.

Counsel shall be familiar prior to the first day of trial with the courtroom's audio video equipment. Counsel are encouraged to meet with the bailiff to schedule access to the courtroom to test any audio-visual presentations prior to trial.

XI. Checking admitted evidence.

At the end of each trial day and again immediately before the case goes to the jury, counsel are required to consult with each other and with the court clerk and as to which exhibits are in evidence and any limitations thereon.

XII. Jury Instructions.

- A. Counsel should identify proposed jury instructions at the earliest opportunity, providing the list to the Court, clerk, and opposing counsel. In their discretion, counsel should provide any legal authority supporting the appropriateness of a requested jury instruction where a question will likely arise about its applicability to the case. Counsel are to submit a fully printed set of agreed upon instructions prior to jury selection.
- B. The Court will instruct the jury with regard to the applicable law after the parties have rested and before closing arguments. As a result, counsel may refer to the instructions during argument. If counsel intends to publish or excerpt a jury instruction, they must label the jury instruction and cite it verbatim. Counsel shall not display paraphrased or misquoted jury instructions.

IT IS SO ORDERED.

Dated: July 18, 2024

Honorable Gina Dashman
Judge of the Superior Court of California
Contra Costa County

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