

**Courtroom 20: Hon. Matthew P. Guasco, Judge of the Superior Court**

***Trial Rules and Procedures***

**1. Trial Briefs & In Limine Motions:** All trial briefs and *in limine* motions shall be served on all parties and filed with the courtroom judicial assistant by no later than the dates ordered at the Final Trial Setting Conference, or otherwise at the direction of the Court. Service shall be either by personal service or by email service with pdf attachment. All trial documents shall be filed with the Judicial Assistant in Courtroom 20 via email with pdf attachment, with a simultaneous copy to all other parties, sent to Courtroom20@ventura.courts.ca.gov.

*In limine* motions shall be limited to those necessary to resolve evidentiary or other legal issues before the selection of the jury. (See *Kelly v. New West Federal Savings* (1996) 49 Cal.App.4<sup>th</sup> 659.) Each *in limine* motion shall not exceed five (5) pages. The Court expects that each side shall file no more than five (5) *in limine* motions, but no party may file more than ten (10) *in limine* motions without leave of the Court to do so.

Oppositions to *in limine* motions shall be served on all parties and filed with the courtroom judicial assistant by no later than the date ordered at the Final Trial Setting Conference or otherwise at the direction of the Court. Filing and service shall be either by personal service or by email service with pdf attachment.

**2. Jury Questionnaires:** The Court uses a standard questionnaire which is handed out to jurors during selection. The Court solicits the input of counsel and self-represented parties prior to distribution of the standard questionnaire to jurors. The standard questionnaire is answered orally by jurors during the Court's voir dire of the panel.

The Court discourages the use of questionnaires requiring jurors to respond in writing except in cases involving pre-trial publicity. If either party requests the use of such a jury questionnaire, the requesting party(ies) shall serve and file a joint proposed jury questionnaire (including all written instructions to jurors) not later than the morning of the first day of trial or otherwise at the direction of the Court. Service shall be by personal service or email service with pdf attachment. The parties must agree on which party will assume the responsibility of preparing and copying the questionnaires, otherwise the Court will appoint a party to do so. The Court will not prepare or copy questionnaires (except the Court's standard questionnaire discussed in the preceding paragraph). Any questionnaires to be answered in writing by jurors (including copies of same in an amount to be determined by the Court) shall be present in Court before jury selection starts. Additional copies of the questionnaire shall be provided as needed by the party appointed by agreement of the parties or order of the Court. The party appointed to copy questionnaires will also be the party providing copies of the completed questionnaires to all other parties, with the originals being provided to the Court. Failure to follow these procedures may result in the waiver of the use of such juror questionnaires.

**3. Jury Fees:** All jury fees must be posted as required by the Code of Civil Procedure, the California Rules of Court, and the Ventura Superior Court Local Rules.

**4. Jury or Court Trial:** The parties shall advise the Court whether the trial will be by the Court or by a jury at the time of the Final Trial Setting Conference. Any waiver of jury occurring after the Final Trial Setting Conference shall be confirmed by written stipulation and order or by oral stipulation entered on the record on the first day of trial.

**5. Time Estimate:** The reasonable time for competition of the trial, including jury selection and deliberations, shall be estimated at the Final Trial Setting Conference. If the parties agree the reasonable time estimate has changed after the Final Trial Setting Conference, they must so advise the Court as soon as possible before the first day of trial.

**6. Court Reporter:** Please confirm that arrangements have been made for a court reporter to be present on the first day of trial. It is the parties' sole responsibility to hire and pay for a court reporter. If the parties waive a court reporter, the parties are advised that any challenge to the sufficiency of the evidence to support the verdict or any ruling by the Court will be deemed waived on appeal. (*Aguilar v. Avis Rent A Car System, Inc.* (1999) 21 Cal.4th 121, 132.) Accordingly, the Court strongly encourages the parties to retain a court reporter for *in limine* hearings, jury selection, and all trial proceedings, including but not limited to the rendering of a verdict and any post-trial motions. The Court requests that the court reporter retained by the parties have Realtime® capability as of the beginning of opening statements. The court reporter may charge an additional fee for this service, but the Court finds it helpful in ruling on evidentiary objections during trial. **Indigent parties who have received a fee waiver are entitled to a court reporter without charge upon timely written request in conformity with the Ventura Superior Court's Administrative Order No. 18.06, which is available in the clerk's office and the court's website: <http://www.ventura.courts.ca.gov/>.**

**7. Emails:** Judge Guasco does not accept emails directly from any of the parties. Instead, if Judge Guasco invites or approves an email from the parties, any such email shall be sent to the following email address: Courtroom20@ventura.courts.ca.gov (attn.: Judicial Assistant Courtroom 20) or otherwise at the direction of the Court. Judge Guasco will not review or consider any improper *ex parte* communication sent to the Courtroom 20 email address.

**8. Exhibits:** All exhibits shall be exchanged and pre-marked before the start of jury selection. To the extent that the parties' exhibits duplicate each other, the parties shall agree on a master set of exhibits with plaintiff assigned a range of numbers beginning with the number "1," and additional plaintiffs with subsequent number ranges consecutively thereafter, proceeding to each of the defendants being assigned consecutive number ranges thereafter (E.g., plaintiff gets exhibits 1-99, defendant gets exhibits 100-199, etc.). Each distinct exhibit shall have only one number (i.e., no one exhibit shall have more than a single exhibit number designation). Exhibits shall not have letter designations, except letters may be used as a sub-designation of a numbered exhibit (e.g., "1A").

The parties shall exchange exhibit and witness lists, as well as exhibits, by the deadline ordered at the Final Trial Setting Conference unless otherwise directed by the Court.

**9. Mini Opening Statements:** Any request for "mini opening" statements during jury selection shall be made to the Court by no later than the first day of trial. (Code of Civ. Proc., § 222.5, subd. (d).) The mini opening statements shall be neutral, non-argumentative descriptions of each party's claims and/or defenses, and they may include a general overview of the facts of the case. The mini opening statements shall not exceed two (2) minutes per party. The Court shall admonish the prospective jurors that: (a) the mini opening statements are not evidence; (b) they are provided only to permit the jurors to better understand the nature of the case and of the questions they may be asked in voir dire; (c) they are provided to permit the jurors to determine if they have any life experiences, opinions, or biases that may prevent them from objectively, fairly, and impartially hearing the evidence and rendering a verdict in the type of case described;

and (d) the jurors shall not form any prejudgments, biases, or assumptions about the case or the evidence from the mini opening statements. The parties may agree upon a joint statement of the case in lieu of a mini-opening statement.

**10. Jury Instructions:** Counsel shall meet and confer for the purpose of submitting a joint set of agreed-upon jury instructions and verdict forms to the Court by no later than the first day of trial or otherwise at the direction of the Court. To the extent possible, the instructions and verdict forms shall be those approved by the Judicial Council (CACI). A party or parties shall be appointed by mutual agreement of the parties or order of the Court to prepare an initial and final set of CACI pattern instructions and verdict forms. The Court does not encourage special jury instructions or verdict forms which vary from the CACI forms. To the extent that special instructions are essential to correctly instruct the jury, the party requesting a special instruction approved by the Court shall be responsible for preparing and submitting the initial and final versions of any such special instruction.

**11. Audio/Visual:** Parties are responsible for their own audio/visual needs in the course of their presentations. The Court will not provide technical support to any party. Any party showing a PowerPoint or similar projection presentation to the jury in opening statement or closing argument shall provide a hard copy of the slides to counsel and the clerk not later than 15 minutes before the presentation. The clerk shall mark the slide presentation as a Court's special exhibit for purposes of appellate review. All slide presentations shall adhere to the Court's *in limine* and other rulings, the evidence, and the law. Any objections to slides proposed to be shown to the jury shall be addressed to the Court outside the presence of the jury.

**12. Jury Selection:**

*Hardships:* With rare exceptions for longer cause cases, Judge Guasco hardships jurors in Courtroom 20.

*Voir Dire:* Judge Guasco uses a "six pack" in jury selection (18 prospective jurors interviewed at a time). The parties will be provided with both the random and the alphabetical list of jurors before jury selection begins.

Judge Guasco shall conduct *voir dire* of the prospective jurors first. Thereafter, the attorneys are permitted to liberal and probing *voir dire* of the jurors, within reasonable limits, to assist in the determination of cause challenges and to aid in the intelligent exercise of peremptory challenges. (Code of Civ. Proc., § 222.5.) Judge Guasco does not permit comments or questions of the prospective jurors the effect of which is pre-educate them on the law, pre-condition them as to the parties' theories of the case, or to invite them to pre-commit to a specific finding or verdict as to any issue. (See *People v. Williams* (1981) 29 Cal.3d 392.)

*Acceptance of Panel and Selection of Alternate Jurors:* When all parties "pass" on the exercise of peremptory challenges as to the 12 prospective jurors in the box, the parties will be deemed to have accepted the panel. The clerk will swear-in the 12 jurors at that time. The Court, then, will proceed to the selection of alternate jurors. Prospective alternate jurors will be seated according to the next prospective juror remaining in the panel of 18, the lowest number being first (starting with 13 and working up to 18). Each party will have a maximum of one (1) peremptory challenge for each prospective alternate juror (e.g., 1 alternate = each party has 1 peremptory challenge as to the alternate; 2 alternates = each party has 2 peremptory challenges as to the

alternates). When all parties “pass” on the exercise of peremptory challenges as to the prospective alternate juror(s), the parties will be deemed to have accepted the alternate jurors. The Clerk will swear in the alternate juror(s) when the jurors return from the recess as directed by the Court.

**13. Bench Conferences:** The Court discourages bench conferences except by invitation of the Court. The parties should attempt in good faith and with due diligence to address any and all anticipated evidentiary or legal issues affecting the presentation of the evidence *in limine*. Bench conferences are not reported. The Court will make a record of any bench conference at the next available opportunity (typically at breaks).

**14. Telephone Calls:** Any telephone calls to the Court concerning scheduling issues must be directed to Judge Guasco’s judicial secretary at (805) 289-8705. The Court will not receive or consider *ex parte* communications from any party or attorney.

**15. Trial Schedule:** Monday – Friday, 10:00 a.m. – 12:00 p.m., 1:30 p.m. – 4:00 p.m. Each day of trial, the attorneys and parties are ordered to appear at 9:30 a.m. Typically, there is one, 10-minute break in the morning, and one, 15-minute break in the afternoon. The Court expects the parties, their attorneys, their witnesses, and the Court Reporter to be on time. The Court Reporter must be personally present (not attend by Court Call or remote video conference).

**16. Entry of Judgment:** The Court will direct the prevailing party(ies) to serve and file a proposed judgment(s) consistent with the jury’s verdict(s) and in conformity with the Rules of Court and the Code of Civil Procedure. The Court invites the parties to stipulate to a longer period for entry of the judgment on the verdict.