

1
2 SUPERIOR COURT OF CALIFORNIA
3 COUNTY OF SOLANO
4 DEPARTMENT TWO

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6 IN RE THE MATTER OF ALL)
7) **GENERAL ORDERS FOR ALL**
8 JURY TRIALS IN DEPT 2,) **JURY TRIALS (CRIMINAL)**
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18 The following general orders are issued in all criminal trial matters in
19 Department 2 of the Solano County Superior Court:

20 **COURT SCHEDULE**

21 Unless otherwise noted (as a result of holidays or scheduling conflicts),
22 all jury trials shall be heard Monday through Wednesday. Usual court hours
23 for jury trials are 9:00 a.m. until 12:00 noon, and 1:30 p.m. until 4:00 p.m.,
24 with one 15-minute recess during each morning and afternoon session.

25 Due to the potential heavy volume of scheduled jury trials, multiple
matters may be set for trial. Counsel should expect that their matter will
proceed to trial on the date set, either in this department or in other
departments as they become available. Priority will first be given to cases set
on a “no-time-waiver” basis, then followed by older cases.

COURT CONDUCT / ETIQUETTE

1. Counsel are expected to be civil and polite towards opposing counsel, witnesses, and court staff.
2. Counsel, parties and witnesses are expected to appear on time and be prepared to commence proceedings as scheduled.
3. Counsel, parties and witnesses are expected to turn off all pagers and cellular phones or have them on vibration mode.
4. Counsel are to meet and confer on all disputed issues in an effort to resolve them before presenting issues to the Court for resolution.

TRIAL MANAGEMENT: Each case set for jury trial shall hold a trial management conference. Trial management conference statements shall be filed by all parties no later than **5** business days before the scheduled conference. The statement shall include:

1 **1. WITNESS LISTS.** All witnesses, including full name and title (officer, Dr.,
2 etc), along with known contact information (address, phone number) shall be
3 listed. Only witnesses that a party expects to actually call should be listed.
4 Counsel should include in their witness list the amount of time they expect to
5 spend on direct examination of each witness. The amount of time should be
6 stated in minutes (*not* days or hours). Failure to list a witness may result in an
7 order precluding that witness from testifying at trial, unless the Court finds
8 that the party failing to identify the witness had a good faith basis for failing to
9 do so.

10 **2. EXHIBIT LISTS.** The parties shall provide a list of all items of physical
11 evidence. Copies of all documents, photographs, recordings, or other items that
12 can be easily replicated shall be provided to all other parties on or before the
13 date of exchange of trial management statements.

14 **3. MOTIONS IN LIMINE.** Any party wishing to file a motion in limine is
15 encouraged to meet and confer with the other parties to see if they can reach
16 agreement without the necessity of a motion. If the meet and confer does not
17 resolve the matter, then any party wishing to file any motions in limine is to file
18 and serve those motions in limine along with their trial management
19 conference statement. Opposition to any motions shall be filed and served 2
20 court days before the conference. Both the motions and opposition should
21 consist only of a brief synopsis of the parties' positions.

22 **4. JURY INSTRUCTIONS.** Counsel must meet and confer before submitting
23 requested instructions to the Court regarding instructions. As to standard,
24 unmodified CALCRIM instructions, parties need only submit an index of
25 requested instructions, as opposed to copies of the instructions. Proposed
"special" instructions should be on a separate sheet per instruction,
accompanied by any legal authorities supporting the use of the instruction. The
request for jury instructions should include any requests for lesser-related or
lesser-included instructions that *may* be sought.

TRIAL ORDERS

The following general orders are issued in for all matters to be tried in
Department 2 of the Solano County Superior Court:

1. At each recess, the Court will announce the duration of the
recess. Counsel and all parties shall return to the Court and be prepared to
proceed before the end of the recess.

2. All adult witnesses shall be referred to by their last names absent
specific approval of the Court to refer to the witness by his or her first name.
All witnesses under the age of 18 may be referred to by their first name.

3. Questioning shall be from counsel table or the lectern unless it is
necessary to question a witness from some other location, including the
witness stand.

1 4. Should questioning be conducted at the witness stand, do not
2 block the view of any members of the jury.

3 5. Should any questioning be conducted at the witness stand,
4 ensure that the voices of both the questioner and the witness can be heard by
5 everyone in the courtroom.

6 6. Objections shall be directed to the Court in legal form without
7 argument. Any further argument shall occur at side bench, and counsel shall
8 refrain from “speaking objections”.

9 7. Either counsel may approach a witness without asking for
10 permission to do so from the Court as long as there is an appropriate reason
11 to approach the witness.

12 8. Side-bar conferences are strongly discouraged. It is expected that if
13 there are evidentiary or procedural questions, they are to be brought to the
14 court as in limine or at a recess.

15 9. No evidence of uncharged misconduct of the Defendant or any
16 witness will be presented without first discussing the admissibility of such
17 evidence outside the presence of the jury. Any party seeking to use such
18 evidence shall disclose such evidence upon receipt, or as part of the trial
19 management conference packet.

20 10. Evidence of, or reference to, plea or settlement negotiations shall
21 not be allowed in the presence of the jury.

22 11. There will be no offers of stipulation in the presence of the jury
23 without a good faith belief that the parties have already reached a stipulation.

24 12. Opening statement is not argument. State only the expected
25 evidence; do not state your opinions as to its force or an expected verdict.

 13. On any contested issue, counsel should direct comments directly
to the Court and not to each other.

 14. During the examination of witnesses, counsel should not argue,
testify, or add their own commentary during the presentation of evidence.

 15. Do not admonish a witness while the witness is testifying; if
needed, the Court should be requested to do so, without further argument or
comment.

 16. Counsel are directed to admonish all of their prospective
witnesses to refrain from discussing with any other witness their testimony or
that of any other witness until the conclusion of trial.

 17. Should the Court grant any motion to exclude or limit evidence,
counsel are directed to advise each of their prospective witnesses of each such
ruling and admonish them to refrain from referring to such precluded
evidence.

 18. The defendant shall be personally present during the jury trial.
The court may direct that the defendant be personally present at any other
proceeding or portion thereof.

VOIR DIRE

Counsel shall be familiar with Code of Civil Procedure §223.

1 The “six-pack” method of jury selection will be used. 18 prospective
2 jurors will be seated in and directly in front of the jury box, using the
3 previously-randomized jury list. A copy of that list will be provided to counsel
4 at the time that jurors are initially seated.

5 Generally, a one page written questionnaire will be completed by each
6 juror, copies of which will be provided to counsel as jurors are seated. The
7 court will consider allowance of a larger jury questionnaire in certain cases,
8 provided that the party making such request is prepared to assume
9 responsibility for the copying and costs of these questionnaires in a manner
10 that does not unreasonably delay the proceedings.

11 The Court will conduct initial voir dire. Defense counsel, then the
12 District Attorney, shall then be allowed to conduct oral voir dire. Unless prior
13 consent from the Court is obtained prior to commencement of voir dire, it is
14 expected that each counsel shall complete the initial round of questioning in
15 30 minutes or less. The Court may, in its discretion, terminate voir dire if
16 counsel unreasonably exceeds these time limits.

17 Challenges for cause should be initially made by counsel by simply
18 indicating a juror number, without further argument. If opposing counsel
19 stipulates to that challenge, the Court may excuse that juror without further
20 discussion. If further discussion is required, counsel shall approach and
21 make any argument at side bench.

22 Peremptory challenges to the 12 jurors in the jury box shall commence
23 with the District Attorney and shall be done in open court with counsel
24 asking to “thank and excuse” a juror, without further comment. As jurors are
25 excused, the six jurors seated in front of the jury box shall be asked to
assume each vacant seat.

EXHIBITS

At the time the parties exchange trial management conference packets
they should also provide to opposing counsel copies of all exhibits which may
be offered into evidence. Prior to commencement of trial counsel for parties
should confer with the court clerk and, if requested, pre-mark all exhibits
which may be offered in evidence. It is assumed that any exhibit referred to by
either side during trial will have already been produced for inspection to the
opposite side.

If any weapon is brought into the courtroom, it must be shown,
examined and secured by the bailiff before it can be marked.

WITNESSES

Counsel should instruct all witnesses, parties, and their friends who are
or will be attending the trial not to communicate in any manner with the
jurors. Further, these persons are to be instructed that they are not to
converse in any manner within the hearing distance of the jurors. Counsel are
to assure that all witnesses are aware of the time and location of trial and are
familiar with all rules and orders of the court, especially any rulings on
motions in limine regarding testimony and evidence.

1
2 **ARGUMENT**

3 Unless prior authorization for longer argument is obtained from the
4 Court, it is presumed that each side's / parties' opening statement will last no
longer than 30 minutes, and each closing argument (including rebuttal) will
last no longer than 45 minutes.

5 **JURY INSTRUCTIONS / VERDICT**

6 Based upon the requests considered during trial management, the
7 Court will prepare the final jury instructions and proposed verdict form. The
8 Court will meet with parties prior to closing arguments and instruction to
9 discuss final approval of the instructions.

10 The Court will pre-instruct the jury prior to opening statements with a
11 modified version of CALCRIM 100, and CALCRIM 101, 102 and 103 and a
12 special instruction regarding housekeeping matters. Prior to closing argument
13 the Court will instruct the jury regarding the applicable law and will offer
14 concluding instructions (CALCRIM 3550) at the conclusion of closing
15 arguments.

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Dated: _____, 2013

HON. DANIEL J. HEALY
Judge of the Superior Court