



Office of the Court Executive
Superior Court of the State of California
County of Kings

Michelle S. Martinez
Clerk of the Court
and
Jury Commissioner

NOTICE OF PROPOSED ADOPTION OR AMENDMENT OF LOCAL RULES

(Pursuant to Cal. R. Ct., rule 10.613)

To:

- The State Bar of California
- The Attorney General, State of California
- Local Bar Associations, Kings and adjoining Counties
- Office of the District Attorney, Kings and adjoining Counties
- Office of the County Counsel, Kings and adjoining Counties
- Contracted Defense Counsel of Kings County
- Office of the Public Defender in adjoining Counties
- Interested Others

Please be advised that on November 15, 2018, the Judges of the Kings County Superior Court will adopt additions and/or amendments to the official Local Rules of Court, to be effective on January 1, 2019.

On October 2, 2018, copies of all rules proposed for adoption and/or amendment will be posted on the Court's website (<http://www.kings.courts.ca.gov>) for review in conformity with Rule 10.613 of the California Rules of Court. In addition, paper copies of the Rules will be available for review in the Clerk's Office of each Division of the Kings County Superior Court.

The Court specifically invites any comments you may desire to make regarding the Court's proposed Rule changes. Requests for paper copies of the proposed changes to the Rules, and any comments on the proposed rules must be addressed as follows:

Michelle S. Martinez, Executive Officer and Clerk of the Court
Superior Court of California, Kings County
1640 Kings County Drive
Hanford, California 93230

Comments must be received before 9:00 a.m. on November 15, 2018.

Thank you for your continuing assistance to us in maintaining and improving the administration and effectiveness of our local trial court rules.

MICHELLE S. MARTINEZ
Superior Court Executive Officer and Clerk of the Court
Publisher of Trial Court Rules

SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS
Proposed Adoption or Amendment of Local Rules

The Kings County Superior Court proposes to amend its Local Rules as follows:

RULE 312 - RULES FOR CIVIL TRIAL

The following shall apply in all limited and unlimited jurisdiction civil trials conducted in the Kings County Superior Court. The Court will consider modifications to specific terms of this Rule on a case-by-case basis, which should be raised, if possible, before the scheduled Motion in Limine Hearing or Pretrial Conference. To comply with this rule, the parties must meet and confer prior to the Motion in Limine Hearing or Pretrial Conference. Any failure by counsel and/or parties to comply with this rule may result in the Court vacating and rescheduling the trial date. Where one or more of the parties is not represented by counsel, a good faith attempt must be made to comply with this rule.

1. Pretrial Conference or Motions in Limine Hearing

In all limited and unlimited civil cases not falling under California Code of Civil Procedure §§90-98 (Economic Litigation), California Rules of Court, rule 3.400, *et. seq.* (Complex Cases) and/or California Rules of Court, rule 3.2220, *et. seq.* (CEQA), the Court conducts a Pretrial Conference or Motions in Limine Hearing. The parties should be prepared to provide/address the following at the conference/hearing, as appropriate:

- A. The estimated length of trial (including jury selection);
- B. The joint list of witness names to be read to the jury;
- C. Any witness or attorney scheduling issues;
- D. Any witness issues (e.g., unavailability, need for interpreters, etc.);
- E. Any anticipated evidentiary or other legal issues;
- F. Any party stipulations;
- G. A joint statement of the case to be read to the jury;
- H. A joint list of exhibits expected to be introduced at trial, with any exhibit-related disputes clearly identified for the court. To the extent allowed by law, exhibits shall be exchanged prior to the Pretrial Conference or Motions in Limine Hearing. Exhibits shall be presented the Court in a binder or other organized fashion ready for the Clerk's processing during trial. The Clerk will use a numerical system of designation of all exhibits. Except as to rebuttal exhibits, the Clerk will generally not mark exhibits at the time designated for the start of trial. Exhibits that are not marked during the Pretrial Conference or Motion in Limine Hearing must be presented to the Clerk at least two court days prior to the start of trial for marking;
- I. A joint list of jury instructions and verdicts, with any disputes clearly identified for the court. The parties shall lodge copies of the requested jury

instructions and verdicts with the court consistent with California Rules of Court, rule 2.1050, *et. seq.* and California Rules of Court, rule 3.1580;

- J. A trial brief;
- K. A joint list of voir dire questions, agreed upon juror questionnaire (if appropriate), and brief outline of the case per California Rules of Court, Standard 3.25(b);
- L. Those documents required by Kings County Superior Court Local Rule 311, in the form required by that Rule;
- M. Any need for an increased panel of potential jurors;
- N. Whether the jury will be allowed to take notes during trial;
- O. Whether the jury will automatically be provided with copies of all exhibits during deliberations, or only specific exhibits upon request;
- P. Any audio, video, or computer needs/accommodations required for trial;
- Q. Number of alternate jurors to be chosen;
- Q. The preferred method for addressing challenges for cause during voir dire (outside the presence of jury panel, in chambers, *etc.*); and,
- S. Any other trial issues that the parties reasonably can anticipate.

2. Jury Selection

A. Unless otherwise agreed upon by the Court and parties, the Court will utilize a “16-pack” method of jury selection (*i.e.*, the prospective jurors in seats 1-16). The Court questions the 16 prospective jurors on voir dire, and then each side is given the opportunity to inquire. This process is continued until the jury and the alternates are selected. The objective is to have the jury box and the six-pack seated before the start of each round of peremptory strikes.

B. The Court and parties will comply with California Code of Civil Procedure § 222.5 and California Rules of Court, Standard 3.25.

3. Witnesses

A. It is counsel’s responsibility to have their witnesses available during their case to avoid unnecessary trial delays. If a party has no more witnesses to call, the Court may deem that party to have rested. While the Court will not make this finding lightly, it does expect that counsel will exercise reasonable judgment in arranging for witnesses.

B. If a witness has not completed his or her testimony at the time of a recess or adjournment, counsel shall have the witness on the stand before the jury is seated.

C. If a party requests that a witness be called during another party's case-in-chief, counsel for that party shall meet and confer with opposing counsel promptly upon learning of the need for witness accommodation.

D. If a witness requires an interpreter or needs an accommodation based on disability or otherwise, counsel shall make any necessary arrangements with the Court Clerk sufficiently in advance to avoid trial delays.

4. Exhibits

A. There shall be made available for use at trial, at least four true and correct copies of all exhibits to be referenced during trial. Each party shall have a copy of the exhibits at counsel table. A copy of the exhibits shall be located at the witness stand, and the court shall be provided with a copy of all exhibits for its own reference during testimony.

B. Each party shall request that an exhibit be marked for identification before referencing it. Any subsequent reference to the exhibit shall mention the exhibit designation so the appellate record is clear.

C. A party shall not publish any exhibit to the jury without first requesting to do so. After the request, any objection must be immediately made. Absent a prompt objection, the request generally will be granted as a matter of course.

D. The parties shall comply with California Rules of Court, rule 2.1040, requiring the provision of a transcript of various recordings. The court shall deem that the party receiving the transcript before announcing "ready" waives any objection to the accuracy of the transcript unless raised at the first trial appearance before this court.

E. The party offering an exhibit is responsible for supplying/arranging for any equipment necessary to present that exhibit, such as a sound or video device for a CD or DVD.

5. Motions

A. Before bringing any trial motion, the parties shall meet to discuss whether they can reach an informal resolution.

B. The parties shall bring any trial motions before the commencement of jury selection, unless the motion reasonably could not have been anticipated previously – in which case the moving party shall seek to have the motion(s) heard before the jury returns the next day at 8:30 a.m., if possible. The Court generally will not hear motions while the jury is waiting unless it is necessary to avoid prejudice to one of the parties.

RULE 313 – Tentative Rulings

Renumbered to 313 from 312.

(RULES 314 -399 Remain Reserved)

RULE 510 – Extra Copies of Law and Motion Documents

At the time any law and motion matter is filed with the Court, counsel filing the motion shall deliver a courtesy copy of the motion to the Courtroom Clerk for the Department to which the matter will be assigned during an open session of that Department.

Miscellaneous Changes to Local Forms & Local Forms Index

- CIV 6 (In Probate Section of Local Forms) will to have its number changed to GS 6. The Local Rules Form Index will also need to be changed accordingly
- Amend Declaration in Support of Entry of Satisfaction of Judgment and Ex-Parte Hearing Instructions “Civil Local Forms”. Form numbers will be assigned and will be added to the Local Rules Form Index.
- Add numbers and Rule-compliant footnotes to Prop. 64 forms listed on the Criminal Tab of the Court’s website. These forms will also be added to the Local Forms section of the Court’s website and added to the Local Rules Form Index