

1 **A. JURY CASES**

2 1. **JURY INSTRUCTIONS**

3 In a jury trial, jury instructions and a verdict
4 form are to be submitted not later than 2 court days prior
5 to the pretrial conference of 1 week prior to trial if
6 pretrial conference is waived. Counsel need only submit
7 proposed substantive jury instructions, the Court propounds
8 its own general instructions and essentially follows the
9 format set out in the *Ninth Circuit Model Jury Instructions*.

10 a) **Form of Jury Instructions and Verdict**

11 **Forms:**

12 The parties **MUST** submit **JOINT** jury instructions and
13 a joint proposed verdict form. In order to produce these
14 joint instructions, the parties SHALL MEET AND CONFER
15 sufficiently in advance of the required submission date.
16 The instructions should be submitted in the order in which
17 the parties wish to have the instructions read. This order
18 should reflect a single organized sequence agreed to by all
19 of the parties. The Court INSISTS upon receiving lucid and
20 accurate instructions setting forth the elements of each
21 party's claim and defenses. The instructions should be
22 tailored to the facts of each case.

23 b) **Procedure for Instructions Upon Which**

24 **Agreement Cannot be Reached**

25 Instructions shall be submitted in three (3) sets (with
26 an extra copy for the Court's law clerks) in the following
27 form:

- 28 1. The agreed upon instructions.

1 2. Those instructions propounded by
2 plaintiff, opposed by defendant.

3 3. Those instructions propounded by
4 defendant, opposed by plaintiff.

5 Instructions upon which agreement cannot be reached
6 should reflect the basic disagreements among the parties as
7 to the law. While the Court recognizes that such
8 disagreements arise in almost every case, the Court also
9 recognizes that parties ultimately disagree over only a
10 limited number of issues. The disputed instructions should
11 be equally so limited.

12 The disputed instructions should be presented to the
13 Court within the framework of the overall set of
14 instructions. The parties should put forth differing
15 versions of disputed instructions, and the Court will select
16 one version (as outlined in 1(b) above).

17 The instructions and verdict form submitted to the
18 Court **MUST** be numbered, and the parties must also submit an
19 un-numbered index. Attribution and case citation for each
20 instruction shall be placed on pages following a proposed
21 instruction. For disputed instructions, a party should note
22 its objections to a proposed instruction and its reasons for
23 putting forth its alternative on pages placed after its own
24 alternative instruction.

25 **INSTRUCTIONS SHALL BE BRIEF, CLEAR, CONCISE, WRITTEN IN**
26 **PLAIN ENGLISH, FREE OF ARGUMENT AND SHALL BE ORGANIZED IN**
27 **LOGICAL FASHION SO AS TO AID JURY COMPREHENSION.** Standard
28 or form instructions, if used, must be revised to address
 the particular facts and issues of this case.

1 The following list contains some suggested sources for
2 jury instructions:

- 3 1. Ninth Circuit Model Jury Instructions
(updated yearly)
- 4 2. Federal Jury Practice and Instructions
5 (Devitt and Blackmar (4th Edition))
- 6 3. Modern Federal Jury Instructions
7 (Matthew Bender 1985)
- 8 4. California Forms of Jury Instructions
(Matthew Bender 1985)

9 **B. COURT TRIALS**

10 Counsel for plaintiff(s) and defendant(s) in non-jury
11 trials shall submit the direct testimony of their witnesses
12 in writing in the format of a declaration subject to the
13 penalties of perjury. These declarations shall be in
14 admissible form with appropriate foundations established for
15 the declarant's statements. Paragraphs in each declaration
16 shall be numbered consecutively so as to facilitate the
17 identification of paragraphs for evidentiary objections.

18 Counsel are to exchange and file these declarations
19 with the Court at least eight calendar days before trial,
20 unless otherwise ordered by this Court. Four calendar days
21 before trial, counsel may file a separate document stating
22 any evidentiary objections he or she may have with each
23 declaration.

24 At trial the Court will rule on the evidentiary
25 objections and, depending upon the rulings, the declarations
26 will be received in evidence either in whole or in-part or
27 rejected. Counsel will then conduct the cross-examination
28 and re-direct examination at trial. This Order does not

1 apply to rebuttal witnesses.

2 Failure to comply with the literal terms of this Order
3 will result in sanctions or the refusal of the Court to
4 allow the testimony of that witness.

5 **C. WAIVER OF PRETRIAL CONFERENCE**

6 In those cases where the Court waives a pretrial
7 conference, counsel shall file memos of contentions of fact
8 and conclusions of law, trial briefs, exhibit lists, witness
9 lists, etc., at least one week prior to trial.

10 **D. PROCEDURES PRIOR TO TRIAL**

11 1. Discovery disputes of a significant nature should
12 be brought promptly before the Magistrate Judge, as provided
13 in this Court's Standing Order. The Court does not look
14 favorably upon delay resulting from unnecessarily unresolved
15 discovery disputes. Any discovery disputes that are not
16 resolved three (3) weeks prior to the scheduled trial date
17 should be brought promptly and directly to the attention of
18 this Court.

19 2. If you are intending to use any depositions for
20 impeachment or any purpose, arrange to have them lodged with
21 the Courtroom Deputy Clerk on the first day of trial if they
22 are in your control, or request opposing counsel to do the
23 same for depositions in his or her control. Otherwise, be
24 prepared to lodge a copy in lieu of the original with a
25 stipulation that the copy may be used as if it were the
26 original.

27 3. Come to the courtroom NOT LATER THAN 8:30 a.m. on
28 the first day of trial and present the Courtroom Deputy

1 Clerk with the following documents:

2 a) THREE COPIES of your previously filed exhibit
3 list in the form specified in Local Rule 16-5. When the
4 exhibit is objected to, add after the description of each
5 exhibit, the words "OBJECTED TO." (Photographs, charts, etc.
6 and each document shall be listed on the exhibit list.)
7 Blow-ups of previously marked exhibits shall receive an "A"
8 designation following the exhibit number.

9 b) THREE COPIES of your previously filed witness
10 list. It will be assumed that each listed witness will
11 testify live unless following his or her name you state "by
12 deposition." (See marking of depositions, item #7.)

13 c) In Court trials, ONE COPY of each of your
14 previously filed witness' declarations.

15 d) ALL of your exhibits, with official exhibit
16 tags attached, bearing the same number shown on your exhibit
17 list, must be delivered to the Courtroom Deputy Clerk not
18 later than 8:30 a.m. on the first day of trial. Official
19 exhibit tags are available from the Civil Intake Window in
20 the Clerk's Office, Room G-19. Exhibits shall be marked in
21 accordance with Local Rule 11-5.3 and 16-5.1. A separate
22 number is NOT given to each page of a single document.

23 e) In civil cases, equipment such as a video tape
24 player, tape recorder, projector, shadow box, large drawing
25 paper, etc., are no longer provided by the Court. You must
26 arrange to bring your own equipment. You may bring the
27 equipment into the courthouse but courthouse regulations
28 require a "Letter of Authority" from the Court Liaison to

1 remove the equipment from the building. A "Letter of
2 Authority" may be obtained by notifying the Court Liaison at
3 (213) 894-0222.

4 4. The Court finds it helpful to follow the testimony
5 closely and thus, counsel MUST have the following available:

6 a) A bench book containing a copy of all exhibits
7 that can, as a practical matter be reproduced. Each exhibit
8 shall be marked with a tab identifying the exhibit's number
9 for easy reference.

10 b) An extra copy of each deposition that will be
11 used in lieu of live testimony or for impeachment.

12 5. Counsel are advised to be on time as the Court
13 starts promptly. Usual "trial days" are Tuesdays through
14 Fridays, 9:00 a.m. to 5:00 p.m. Lunch recess is normally
15 12:00 noon to 1:30 p.m. Morning and afternoon breaks are 5
16 to 10 minutes in length.

17 6. Before trial commences, the Court will give counsel
18 an opportunity to discuss, in advance, housekeeping matters
19 and anticipated problems of procedure or law. During the
20 trial, if there are any housekeeping matters you wish to
21 discuss, please inform the Courtroom Deputy Clerk of the
22 types of matters for discussion.

23 7. Where witnesses testify by deposition, please do
24 the following:

25 a) Mark with colored pen or pencil on the original
26 of the deposition the parts you will be offering. Plaintiff
27 will use blue and defendant will use red.

28 b) In a jury case, the marked portions of the

1 deposition may be read to the jury. You can arrange with
2 opposing counsel or co-counsel to have someone in the
3 witness chair read the witness' answers.

4 E. INSTRUCTIONS TO COUNSEL GOVERNING TRIALS IN THIS
5 COURT

6 1. During trial counsel shall not refer to their
7 clients by their first names.

8 2. Opening statements, examination of witnesses
9 and closing arguments should be made from the lectern only.
10 Ask permission before leaving the lectern.

11 3. The Court views opening statements in a jury
12 case as one of the most important parts of the case. These
13 statements should be well organized. Avoid discussing the
14 law or arguing the case in opening statements. Tell the
15 jury what facts the evidence will establish.

16 4. Do not use objections for the purpose of making
17 a speech, recapitulating testimony or, attempting to guide
18 the witness. When objecting, state only that you are
19 objecting and the legal ground of the objection, e.g.,
20 hearsay, irrelevant, etc. If you wish to argue an objection
21 further, ask for permission to do so.

22 5. Speak up when making an objection. The
23 acoustics in most courtrooms make it difficult for all to
24 hear an objection when it is being made. Counsel must speak
25 audibly and clearly when questioning witnesses or arguing to
26 the Court or jury. Counsel should instruct their witnesses
27 to speak audibly and clearly.

28 6. Do not approach the Clerk or the witness box

1 without specific permission. Go back to the lectern when
2 the purpose of the approach is finished.

3 7. Rise when addressing the Court. In a jury
4 case, please rise when the jury enters or leaves the
5 Courtroom.

6 8. Address all remarks to the Court. Do not
7 address the clerk, the reporter, or opposing counsel. If
8 you want to say something to opposing counsel, ask
9 permission to talk to him or her off the record. All
10 requests for the re-reading of questions or answers, or to
11 have an exhibit placed in front of a witness, shall be
12 addressed to the Court.

13 9. The Court shall be addressed as "Your Honor" at
14 all times, not "Judge" as in state court practice.

15 10. In a jury case, do not make an offer of a
16 stipulation unless you have conferred with opposing counsel
17 and have reason to believe the stipulation will be accepted.

18 11. While Court is in session, do not leave the
19 counsel table to confer with investigators, secretaries,
20 paralegals, or witnesses in the back of the courtroom unless
21 permission is granted in advance.

22 12. Counsel should not by facial expression,
23 nodding, or other conduct which exhibit any opinions,
24 adverse or favorable, concerning any testimony which is
25 being given by a witness or any ruling by the Court.
26 Counsel shall admonish their own clients and witnesses
27 similarly to avoid such conduct.

28 13. When a party has more than one lawyer, only one

1 may conduct the direct or cross-examination of a given
2 witness.

3 14. If a witness was on the stand at a recess or
4 adjournment, have the witness back on the stand, ready to
5 proceed when Court resumes.

6 15. Do not run out of witnesses. If you are out of
7 witnesses and there is more than a brief delay, the Court
8 may deem that you have rested.

9 16. The Court attempts to cooperate with doctors
10 and other professional witnesses and will, except in
11 extraordinary circumstances, accommodate them by permitting
12 them to be put on out of sequence. Anticipate any such
13 possibility and discuss it with opposing counsel. If there
14 is objection, confer with the Court in advance.

15 IT IS SO ORDERED.

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17 DATED: April 22, 2010



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19 STEPHEN V. WILSON
20 UNITED STATES DISTRICT JUDGE
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