

**Civil Jury Trial Order**  
**Mandatory Expedited Jury Trials**

Courtroom 21  
Ventura County Superior Court  
Judge Jeffrey G. Bennett

The following procedures are to be followed in conducting mandatory expedited jury trials in Courtroom 21. (See Code of Civ. Proc., § 630.20 et seq.; Calif. Rules of Court, rule 3.1549 et seq.) The parties are to adhere to these procedures during trial, unless the court expressly authorizes some other procedure. These procedures apply to the parties, including self-represented parties, and to counsel representing a party. As used below, the term “counsel” includes self-represented parties.

**Court Hours**

Jury trials are conducted from 10:00 a.m. to 4:00 p.m., Tuesday through Thursday. The court recesses from noon to 1:30 p.m. Counsel are expected to arrive in the courtroom no less than 15 minutes prior to the designated start time each morning and afternoon. The court takes a short break in the afternoon.

Counsel wishing to speak with the court or to place something on the record outside the presence of the jury should notify the bailiff and opposing counsel at least ten minutes before the time designated for the jury to return.

**Demeanor**

Lawyers shall, at all times, conduct themselves in a manner promoting a positive image of their profession and displaying proper decorum and respect for the judicial process. (See Ventura County Bar Association Guidelines on Professional Conduct and Civility, [www.vcba.org/wp-content/uploads/2016/05/Civility-Code-2016.pdf](http://www.vcba.org/wp-content/uploads/2016/05/Civility-Code-2016.pdf).)

All persons shall refrain from engaging in any conduct in the courtroom that exhibits racial, ethnic or gender bias toward any person and/or group of persons.

During proceedings in court, all persons are to be addressed by surnames.

Counsel will advise their clients, family members, friends and witnesses that head nodding, grimaces, eye rolling, and other unnecessary gestures in response to testimony, argument, or a court ruling will not be tolerated, and may result in the court giving a curative admonition before the jury.

## **Service and Lodging Trial Documents**

Within four hours after the matter (1) is given a time and date certain to commence trial, or (2) is placed on the trailing list, or such other time as the court may designate, counsel are to serve all opposing parties by electronic delivery the following:

- (1) All pre-trial motions, including (not to exceed two) motions in limine, with proposed orders;
- (2) A list of all witnesses intended to be called by that party (failure to list a witness may result in the exclusion of that witness's testimony);
- (3) A list of that party's exhibits (failure to list an exhibit may result in the exclusion of that exhibit);
- (4) A neutral and non-argumentative proposed statement of the case, not to exceed one page;
- (5) A trial brief, if desired (briefs shall be *brief*, not to exceed four pages);
- (6) A proposed special verdict form; and
- (7) All jury instructions proposed by that party, with all bracketed language in CACI instructions completed.

Each of these documents shall be delivered to the judicial assistant in the courtroom for filing/lodging at the outset of the trial, along with copies of all exhibits to be used during the trial. Proposed jury instructions shall comply with Ventura County Superior Court Rules, Rule 8.12(N).

## **Stipulations**

The parties are encouraged to resolve undisputed legal and factual matters by stipulation. Stipulations should be in writing so that they may be read accurately into the record. Legible handwriting is acceptable.

The parties may agree to modify the rules and procedures applicable to mandatory expedited jury trials, subject to the court's approval. (Code of Civ. Proc. §630.23, subd. (d) California Rules of Court, rule 3.1546, subd. (d).

See California Judicial Council approved forms EJT-018 and EJT-022A.

## **Motions in Limine**

Motions in limine must be served and filed as specified above. **No side shall submit more than two motions in limine.** Motions in limine and oppositions thereto shall comply with Ventura County Superior Court Rules, Rule 8.12(N), including the page limits.<sup>1</sup> Motions may be denied that (1) fail to identify with specificity the evidence to be excluded; (2) fail to provide an adequate factual foundation; (3) merely seek a declaration of existing law; (4) go to matters of day-to-day trial logistics and common professional courtesy; and (5) seek exclusion of evidence for potential, future or contingent rule violations. (See *Kelly v. New West Fed. Sav.* (1996) 49 Cal.App.4th 659, 670-671.)

## **Time Limits for Trial**

Each side shall have up to five hours in which to complete jury selection and to present its case, including opening statements and closing arguments. (Code Civ. Proc., § 630.23, subd. (a); Calif. Rules of Court, rule 3.1550.) The amount of time allotted for each side includes the time that the side spends on cross-examination. (Calif. Rules of Court, rule 3.1550.)

## **Jury and Jury Selection**

The jury shall be composed of eight jurors and one alternate, unless the parties agree to fewer jurors. (Code of Civ. Proc., § 630.23, subd. (b).) A vote of six of the eight jurors is required for a verdict, unless the parties stipulate otherwise. (Code Civ. Proc., § 630.26, subd. (a).)

Jury selection will be conducted as specified in Code of Civil Procedure sections 222.5 and 630.23. Unless there are more than two sides, each side shall be limited to four peremptory challenges. (Code of Civ. Proc., § 630.23, subd. (c).)

The court may direct that challenges for cause be stated in writing on a form to be provided by the court.

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<sup>1</sup> IN LIMINE MOTIONS. In Limine Motions shall be limited to those reasonably necessary to resolve material evidentiary issues and shall conform to the principles announced in *Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659. Motions and oppositions, if any, shall be in writing not to exceed three (3) pages each, including points and authorities. Each motion shall be accompanied by a proposed order. If more than one motion is being filed, each motion and corresponding opposition shall be identified by number in the caption (e.g., motion in Limine No. "1"). Opposing counsel who have not already done so shall exchange motions at or immediately after announcing ready at the trial call. Unless otherwise ordered by the judge at trial call, motions and oppositions are to be filed with the clerk in the assigned trial department on the first day of trial. Immediately after being notified by the court of the time and place for the start of trial in a trailing case, counsel who have not already done so shall meet and confer telephonically as to which In Limine motions are contested and shall promptly exchange any written oppositions to another party's motions.

## **Witnesses**

Counsel must have sufficient witnesses present each day of trial to avoid delay. Counsel are expected to accommodate each other when a need arises to call a witness out of order.

All witnesses (including experts) are excluded from the courtroom except during examination (Evid. Code, § 777, subd. (a)) unless otherwise ordered. All witnesses are ordered not to discuss with each other the testimony or any matter relating to this case until they are examined and excused. Counsel are directed to inform the witnesses of these orders.

Approaching a witness during examination is discouraged. Counsel should seek permission before approaching the witness stand. Counsel should promptly return to counsel table once it is no longer necessary to be beside the witness.

Objections made before the jury shall state the legal basis only. Counsel shall not argue objections in the jury's presence unless invited by the court. (See Ventura County Superior Court Rules, Rule 8.12(C)(2).) When a hearsay objection is opposed on the ground that the response is solicited for a non-hearsay purpose, counsel opposing the objection may state, "not offered for the truth of the matter" before the jury or may ask to address the court outside the presence of the jury. Otherwise, the court may assume that the response is sought to prove the truth of the assertion. When evidence is received for a limited purpose, the court will admonish the jury upon request.

## **Exhibits**

Except for the exhibits that counsel, in good faith, intend to use solely for impeachment, all exhibits shall be exchanged between counsel before commencement of trial. Failure to disclose an exhibit as required herein may result in the exhibit being excluded.

These exhibits shall be delivered to the judicial assistant before the trial begins for pre-marking. At that time, counsel shall also provide the judicial assistant with an exhibit list identifying each exhibit with (1) a concise and unique description and (2) an exhibit number. Unless other arrangements are made, the plaintiff's exhibits shall be designated by consecutive numbers between 1 and 49, and the defendant's exhibits shall be designated by consecutive numbers between 50 and 99. In the event that there are more than two "sides" to the case, the parties are to agree on a logical allocation of exhibit numbers, based on the number of parties and exhibits.

When counsel wishes to use an exhibit not produced and marked at the commencement of trial, counsel should disclose the exhibit to opposing counsel and produce it to the judicial assistant at the earliest opportunity, preferably while the jury is not in the box.

Counsel should not display an exhibit to the jury that has not been admitted into evidence without prior approval of the court. Counsel using a document presentation system shall

identify on the record by exhibit number an exhibit to be displayed before showing it to the jury.

Exhibits must be offered, and will only be received, in the form in which they are marked. That is, exhibits may only be offered and received into evidence as a whole; the court will not receive a part or portion of an exhibit. Once an exhibit is marked, it may not be broken up. Pages or portions of a marked exhibit may not be removed from the exhibit and separately offered into evidence. Counsel wishing to have only a page or other part of an exhibit received should provide the clerk with a duplicate of that page or part which may be marked separately and received as its own exhibit.

Counsel will not be excused from the courtroom until the judicial assistant determines that all marked exhibits are within the judicial assistant's possession. Counsel are encouraged not to hold marked exhibits at counsel table.

**Important Names and Numbers**

The usual personnel in Courtroom 21 are:

Teresa Sedillos, Judicial Secretary [805-289-8705]  
Clara Sotello-Martinez, Judicial Assistant

I have read and understand the foregoing.

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Counsel (print)  
Plaintiff/Defendant

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Signature

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Plaintiff/Defendant

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