

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE**

**TRIAL RULES**

Department PS1

(Effective February 1, 2022)

**\*\* Department Trial Rules subject to changes and/or updates closer to trial date given the fluid nature of the COVID-19 crisis, and the ever-changing availability of resources.**

All trial counsel, including self-represented litigants, shall comply with the following requirements:

**A. Jury Fees.** Non-refundable jury fees of \$150.00 are to be deposited per Code of Civil Procedure section 631 et. seq. *Failure to comply with this requirement will result in a forfeiture of the party's right to a jury trial.* If the Court has declared that a party has forfeited its right to a jury trial, that party shall not post jury fees until that party has been granted relief from that forfeiture. Any request for relief from a forfeiture of the right to a jury trial must be brought in the form of a noticed motion to be heard no later than 21 days before the date first set for trial. At commencement of trial, and each day of trial thereafter, counsel are directed to pay their share of the daily jury fees and court reporter fees directly to the clerk's office and provide a copy of the receipt to the courtroom assistant.

**B. Motions in Limine.**

**I. Filing and Exchanging Motions/Meeting and Confering.** Motions in limine shall be filed with the court and served so opposing counsel receives them on or before 4:00 p.m. 21 days prior to the date of trial. All motions in limine shall be numbered consecutively. Before and after filing motions in limine, the parties shall meet and confer in an effort to reach stipulations resolving disputes over the admissibility of evidence and limit the contested motions in limine to a manageable number for the court to decide. Counsel filing motions in limine must include in each motion a summary of efforts to meet and confer on that specific motion. *Failure to meet and confer prior to filing motions in limine may result in the court declining to consider motions in limine, an OSC re sanctions, or both.*

Oppositions to all motions in limine shall be filed with the court and served so opposing counsel receives them by 4:00 p.m. at least 10 days prior to the date of trial.

In cases where more than 10 motions in limine are filed, collectively, the parties are ordered to submit a hard copy of the motions and any oppositions to the Court by 4:00 p.m. 7 days prior to the date of trial. These

documents should be included in a binder(s) with the joint documents required under Rule C, below.

- II. Improper/Unnecessary Motions in Limine.** Motions in limine should be sufficiently specific to allow the Court to make an enforceable order with respect to particular evidence. Counsel should not file motions in limine to enforce general legal principles e.g., to prohibit “golden rule” arguments, to prohibit general use of documents not disclosed during discovery, to prohibit use of hearsay evidence, etc. These types of generic motions are improper and will be summarily denied.

As a matter of course, any claim for punitive damages shall be bifurcated so it is unnecessary to seek bifurcation or file a motion in limine to address this issue. The first phase of the trial will include the question of whether the defendants acted with oppression, fraud, or malice. The question of the amount of punitive damages to be awarded, if any, shall be tried to the same finder of fact in a second phase of the trial.

It is also unnecessary to bring motions in limine to address any of the following issues:

- (1) Whether a party is now or was formerly insured against any type of loss or liability.
- (2) Except as permitted by Civil Code section 3333.1 (collateral benefits medical malpractice), or as relevant to medical expenses under *Howell v. Hamilton Meats & Provisions, Inc* (2011) 52 Cal.4th 541 and related cases, any insurance benefits received by the plaintiff.
- (3) The retention of any counsel by an insurance company, unless the insurance company is a party to the action.
- (4) Settlement negotiations, mediation efforts, statements made during or in reference to those events, or documents prepared for or during those events.
- (5) The existence or terms of any settlement agreements reached with other parties, or payments made pursuant to those settlements.
- (6) Unless punitive damages are being sought, the income, wealth, or financial condition of any of the parties.
- (7) Any other past or current litigation involving, or claims by or against, any of the parties. However, an expert witness may be examined concerning the number of cases in which the expert has been consulted by or has testified for a party.

(8) Whether a party or a party's representative was present or absent during the trial or any portion thereof. However, counsel may argue the significance of a party's failure to testify or to offer particular evidence.

(9) Any party's attorney's fees, costs of suit, or other litigation expenses, except where these items are an element of damages. However, an expert witness may be examined concerning the fee charged by the expert for the expert's testimony.

(10) If the plaintiff is making any claims for economic damages in the form of past medical expenses that were satisfied by an insurer, evidence of the amount of those damages shall be limited to the amount paid by the insurer and accepted by the health care provider in full satisfaction of that health care provider's invoice.

*\*\*\*Do not file motions in limine to impose the restrictions stated above. Unless leave of court is granted in advance, no witness shall testify, no documentary evidence shall be introduced, and no counsel shall ask a question or make any comment in the presence of the jury, concerning any of the above-listed subjects.*

**C. Joint Documents.** No later than 14 days prior to trial, the parties shall meet and confer regarding a proposed joint statement of the case, joint witness list, joint exhibit list, proposed jury instructions, proposed verdict forms, and a joint timeline chart for an accurate trial time estimate. (See Local Rule 3401.) The parties shall prepare and exchange the following:

- (1) a neutral non-argumentative joint statement of the case suitable for reading to the venire panel [if applicable];
- (2) a joint witness list which includes the name, place of residence and occupation of each witness, a brief description of the subject matter of each witness's testimony, the party calling that witness, a timeline in hours (not days) reflecting time estimates for direct, cross, and re-direct examination for each witness, a telephone number and email address for each witness (witness contact information may be provided separately to the courtroom assistant on the first day of trial in a document that is not filed with the court), and any special scheduling problems or special requirements;
- (3) a joint exhibit list;
- (4) proposed jury instructions [if applicable];
- (5) proposed verdict forms or special verdict forms (see Paragraph H below for additional requirements concerning the proposed jury instructions, verdict forms, and special verdict forms) [if applicable]; and
- (6) a joint timeline chart including a time estimate in hours (not days) for all of the following for each party: opening statements, closing arguments, direct,

cross, and re-direct examination of each witness, and a total of all of the above time estimates in order to arrive at a realistic overall time estimate of the trial in hours.

***\*\*\*The parties are ordered to file/submit these joint documents to the court by 4:00 p.m. 7 days prior to the date of trial. At the same time these documents are filed/submitted, the parties are to email a courtesy copy of these joint documents to the courtroom assistant (DeptPS1@riverside.courts.ca.gov) and to deliver to Department PS1 both of the following: (1) one tabbed binder containing all of these joint documents; and (2) one flash/thumb drive containing a PDF copy of each of the joint documents. These documents may be included on the flash/thumb drive containing trial exhibits.***

Failure to file/submit joint documents and courtesy copies to the Court one week prior to the date of trial will result in an Order to Show Cause being automatically set for the date of trial as to why parties and counsel should not be sanctioned in an amount of up to \$1500 for failing to comply with Local Rule 3401 and PS1 Trial Rules. With respect to this OSC, counsel need not submit a written response in advance of the hearing.

NOTE: The parties may, but need not, use the Local Rule 3401 Binder Guidelines when preparing joint documents and, if applicable, motions in limine for submission to the Court. Guidelines are available at: <https://www.riverside.courts.ca.gov/Divisions/Civil/Local%20Rule%203401%20Booklet.pdf?rev=01-30-2020-02:08:14pm>

**D. Pre-Trial Good Faith Declaration.** On or before 4:00 p.m. the 5<sup>th</sup> calendar day before trial, lead trial counsel for each party (or all lead counsel for all parties jointly) shall file with the court and serve a declaration under penalty of perjury stating:

- (1) The requirements set forth in items No. B(I) and No. C above have been completed in good faith;
- (2) Where applicable, that Counsel has advised all witnesses they intend to call of the technological requirements for participating in a video trial, confirmed each witness's ability to be seen and heard using a video platform, and advised each witness that recording the proceedings is strictly prohibited and may result in an OSC re sanctions or contempt;
- (3) All issues agreed upon by the parties and any unresolved issues, including, but not limited to, issues related to the authentication and/or admissibility of any exhibits and the admissibility of any anticipated testimony.

Failure to file this declaration as required will result in an Order to Show Cause being automatically set for the date of trial as to why parties and counsel should not be sanctioned in an amount of up to \$1500 for failing to comply with Local Rule

3401 and PS1 Trial Rules. With respect to this OSC, counsel need not submit a written response in advance of the hearing.

- E. Trial Briefs.** All trial briefs must be filed and served on or before the date the pre-trial good faith declaration is filed and served. The brief must not exceed 20 pages, inclusive of attachments.
- F. Trial Exhibits/Deposition Transcripts.** With the exception of exhibits offered solely for the purpose of impeachment, ALL exhibits (including demonstratives) the parties intend to offer at trial must be included in a jointly-prepared exhibit binder lodged with the court *by 4:00 p.m. 7 days prior to the date of trial*. *Exhibits not included in the joint binder, with the exception of those offered solely for impeachment, will be excluded from evidence.* Exhibits must be submitted as followed:
- Two full sets of exhibits in hard copy, one for the court and one for the courtroom assistant. Every page of the exhibits is to be pre-indexed, organized numerically, bates stamped, and tabbed. Exhibits are to be on 8½ x 11 in. paper and shall be placed in 3-ring binders. Exhibit sets shall be numbered consecutively using the number matching those set out in the joint exhibit list, as required in paragraph C above.
  - A flash/thumb drive containing a mirror image of the exhibit binders. Each exhibit on the drive must be in PDF format and saved and labeled separately, e.g., Plaintiff's Trial Exhibit 1, Plaintiff's Trial Exhibit 2, etc. DO NOT save all exhibits in a single PDF file. Parties may submit multiple flash/thumb drives if necessary, but must label and number all drives submitted e.g., Exhibit Binder 1, Exhibit Binder 2, Flash Drive 1 of 2, etc.

Exhibits that will be offered solely for impeachment need not be in the joint exhibit binder(s). Such evidence must be provided to the Court in the following manner: exhibits that will be offered solely for impeachment must be labeled, organized numerically, bates stamped, and tabbed in the manner of all other exhibits e.g., Plaintiff's Trial Exhibit 1, and should be enclosed in a labeled envelope or package e.g., Plaintiff's Impeachment Evidence. Three copies of each impeachment exhibit should be included in the package (one for the Court, one for the courtroom assistant, and one for the reporter), which need not be shared in advance with opposing parties. Failure to provide impeachment exhibits to the Court as required will result in the Court precluding their use at trial. All impeachment exhibits must be available in PDF.

Deposition transcripts which may be read or referred to at trial must be lodged with the court *by 4:00 p.m. 7 days prior to the date of trial*; absent an agreement of all counsel/parties, the transcripts must be original/certified. If counsel intends to show the Court or jury [if applicable] any portion of the deposition, a PDF copy of the deposition must be included on the flash/thumb drive containing the Trial Exhibits, or on a separate flash/thumb drive that is labeled and numbered.

\*\*\*Please contact the courtroom assistant in Department PS1 to arrange a drop-off of Exhibit binders, courtesy copies etc. Coordinating with the courtroom assistant well in advance of any deadlines is essential due to staffing shortages.

- G. Jury Questionnaires/Hardships.** Once a panel is ordered, a preliminary questionnaire will be submitted to the venire automatically by the jury room. This preliminary questionnaire will address hardships and time-qualification. For virtual trials, the venire will also receive a questionnaire addressing the ability of panel members to use and access the technology required to participate in the trial. The Court will review this information and discuss any concerns with counsel and self-represented parties. Thereafter, the Court may submit to the panel a questionnaire related to the specifics of the case being tried. The Court will discuss this with counsel and self-represented parties, and will adjust as required. If the parties have a questionnaire that they would like to use, it must be a joint questionnaire submitted by all parties, or a questionnaire submitted by one party to which other parties have no objections; the Court will not select among competing questionnaires.

All general laws and rules relating to peremptory and for-cause challenges will apply during voir dire. Counsel and self-represented parties should meet and confer in advance and notify the Court as to any agreement to stipulate to a jury of fewer than 12 persons, or any agreement about limiting peremptory challenges.

- H. Jury Instructions/Verdict Forms.** The parties are to submit the following documents related to proposed jury instructions and verdict forms:

- (1) All agreed upon proposed jury instructions with no blanks and no brackets: with text only in a format suitable to give to the jury;
- (2) All proposed jury instructions in dispute (not agreed upon) with no blanks and no brackets: with text only in a format suitable to give to the jury, with pocket briefs by each party as to why their version is more appropriate for use;
- (3) All agreed upon proposed verdict form(s) and/or special verdict form(s): with text in a format suitable to give to the jury;
- (4) All verdict form(s) and/or special verdict form(s) in dispute (not agreed upon): with text only in a format suitable to give to the jury, along with pocket briefs by each party as to why their version is more appropriate for use; and
- (5) A disposition table showing each jury instruction and verdict form and special verdict form proposed by any party and indicating the following: (a) the party proposing the jury instruction or verdict form; (b) whether the other parties agree or disagree with the proposed jury instruction or verdict form; (c) whether the court agrees to give the proposed jury instruction or verdict form as proposed; (d) whether the court agrees to give the instruction or verdict form as modified; and (e) whether the court declines to give the proposed jury instruction or verdict form.

- I. Technological Requirements for Virtual/Video Trials.** All counsel and self-represented parties are required to download, or have the capacity to run, the Zoom application. It will not be sufficient for counsel and self-represented parties to use the web-based version of this program as it has substantially reduced functionality. For more information on this program, or to test the program visit <https://learn-zoom.us/show-me>. All counsel and self-represented parties must use a PC, laptop, or large tablet for the video portions of the hearing. All participants must have access to a video camera, whether native to the PC, laptop, or tablet being used, or attached for the purpose of the hearing. All participants must also have a high-speed internet connection sufficient to stream video on Zoom throughout the proceedings. *If these technological requirements cannot be met, counsel and self-represented parties must notify the Court at the time of the trial setting conference, and must provide an explanation as to why the equipment is not, or cannot be, made available.* It is not acceptable to raise this issue for the first time at trial. Failure to provide this information in advance of trial may result in an Order to Show Cause re sanctions.
- J. Pretrial Technology Conference.** Unless the parties affirmatively advise the Court that they do not wish to participate, the Court will schedule a pretrial conference in advance of trial to allow counsel and self-represented parties to test the Zoom video application with the Court and to ask any questions about how the technology may be used, if at all, during trial. The technology conference is provided as a service to counsel and parties; it is not a hearing on the record. For that reason, substantive matters, including whether a particular trial will be held virtually or whether the parties are seeking a continuance, will not be taken up at the conference. Conferences for several trials may be held at the same time. The purpose of the technology conference is for the Court to provide participants with current information about the trial docket and how best to utilize remote technology, should that be necessary. All conferences will take place on Zoom video using meeting number 160 9703 7960 absent further order of the Court.
- K. General Trial Procedures.**
- (1) Recording the trial proceedings in any way is prohibited and will result in an Order to Show Cause re sanctions of up to \$1500 or contempt punished by sanctions of up to \$1000 or 5 days in jail.
  - (2) All counsel and self-represented parties must check-in at least 15 minutes in advance of each appearance at trial and must ensure that, if appearing remotely, their video and audio connection to the Court is in working order. Any technological problems must be immediately reported to the courtroom assistant.
  - (3) Trials are set on Fridays at 8:30 a.m. in this Department. Multiple trials may be set on the same day, meaning the first day of trial is a “trial call,” where the Court will discuss with the parties/counsel in each case when the trial will be “called out,” or commence. Absent orders to the contrary, the trial call will be conducted in the same manner, and on the same platform if

appearing remotely, as the law and motion calendar. (See PS1 Law and Motion Rules.)

- (4) On the first day of trial, unless the Court has excused appearance in advance based on a finding of good cause, all parties, insurance representatives, and any other persons necessary to participate in settlement discussions and to enter a settlement on the record pursuant to Code of Civil Procedure section 664.6 shall appear in Department PS1 in the same manner, and on the same platform if appearing remotely, as they would if appearing on the law and motion calendar. (See PS1 Law and Motion Rules.)
- (5) If the Court is already engaged in a trial on the date your trial is called, the Court may trail your matter until it has completed that prior trial. Generally, this Department does not trail matters for more than two weeks. If your trial cannot be heard within the trailing period, the Court will discuss with counsel/parties in each case whether the trailing period should be extended or whether the trial should be continued.
- (6) Failure to appear at trial call, or failure to appear at any day or session of trial may result in your case being dismissed, or an Order to Show Cause re sanctions.
- (7) On the first day of trial, or before, all counsel and self-represented parties should provide the courtroom assistant with a telephone number (direct line) and an email address where they can be reached. Counsel must also confirm that the courtroom assistant has the correct telephone and email address for each witness testifying each day (this information may, but not need, be included on the joint witness list, see Rule C(2) above).
- (8) During trial, trial exhibits (including impeachment evidence) may not be published so that they are visible to any witness, whether in a bench or jury trial, absent permission from the Court. Violations of this rule will be taken very seriously. Failure to abide by this rule may result in an Order to Show Cause re sanctions, including issue or terminating sanctions in addition to monetary sanctions.
- (9) In a jury trial, if counsel or a self-represented party wishes to use a document solely for the purpose of refreshing recollection, they must lay the appropriate foundation and notify the Court so that all parties/counsel and the Court may view the document outside the presence of the jury; in remote trials this will be done either in a breakout room or by moving the jury to a breakout room or to the lobby.
- (10) In a jury trial, counsel and self-represented parties wishing to use exhibits (including demonstratives) during opening statements or closing arguments must meet and confer with opposing counsel/parties in advance. Any disagreements regarding the use of these materials must be brought to the Court's attention well in advance of the statement or argument so that the

Court may consider and rule on the matter outside the presence of the jury. Failure to meet and confer or raise this issue in advance of opening or closing will result in exclusion of the disputed materials.

- (11) Counsel and self-represented parties must advise all witnesses they intend to call of the Court's technological requirements for participation in video trials, unless the Court has explicitly found in advance of the trial date that no portion of the trial will be conducted remotely. (See Rule D(2) and Rule I, above.)
- (12) For virtual trials only, counsel must advise all witnesses they intend to call that they may be required by the Court to testify under oath that they are alone and not able to see or communicate with any person that cannot be seen on camera during the trial. The Court may inquire of witnesses about the physical location and layout of the space from which they are testifying, and may require witnesses or other participants at trial to pan their video camera around the room to ensure that they are not receiving improper coaching of any type during their testimony. Parties or attorneys caught providing off-camera coaching will be held in contempt of court or reported to the State Bar, as appropriate.
- (13) Trial proceedings will be streamed live on the web unless the Court finds good cause to disconnect streaming for all or a portion of the trial, or unless all proceedings are conducted in person. Chambers conferences and sidebars will not be streamed on the web.

**L. Doe Defendants.** If not already dismissed, at the close of trial evidence the court will, without further notice, dismiss all fictitiously named defendants.

**M. Parties Who Have Not Appeared.** No later than 7 days before the trial date, the plaintiffs and any cross-complainants or plaintiffs-in-intervention shall file requests to dismiss:

- (1) Any defendant or cross-defendant who has not appeared and for whom no proof of service has been filed; and
- (2) Any defendant or cross-defendant who has been served but who has not appeared and whose default has not been entered.

If any plaintiff, cross-complainant, or plaintiff in intervention fails to dismiss all such defendants and cross-defendants, counsel for that plaintiff, cross-complainant or plaintiff in intervention shall appear on the trial date to show cause why the Court should not either: dismiss all such defendants and cross-defendants; or impose sanctions of up to \$1,500 on plaintiff's, cross-complainant's, or plaintiff in intervention's counsel for the failure to dismiss.

Any plaintiff, cross-complainant, or plaintiff in intervention who opposes the dismissal of that defendant or cross-defendant or the imposition of sanctions shall respond to the OSC with a written declaration filed not later than five court days before the trial date. The Court may deem a party's failure to file a timely declaration, by itself, to constitute that party's consent to the dismissal of that defendant or cross-defendant or to the imposition of monetary sanctions. (RSC Local Rule 3116.)

- N. Trial Setting Order.** These rules are automatically incorporated into all trial setting orders, including those reflected only in the Court's minutes.
- O. Court Reporters.** Riverside County Superior Court policy limits the availability of official court reporters. Unless required by law, official reporters are not available for unlimited civil trials other than to report evidentiary trial testimony.

Parties wishing to retain a private reporter for portions of the trial where no official reporter is provided must comply with the Court's policy governing Privately Retained Court Reporters ([#A.10.100.4](#)). This policy permits that where no official court reporter is available the parties may arrange, at their own expense, for a reporter. Per this policy, parties must file with the Court at least 5 days prior to any hearing either: (1) local form RI-RE003 (Court-Approved List of Official Reporters Pro Tempore); or (2) Local form RI-RE005 (stipulation to a court reporter that is not on the Court-Approved list). More information about these forms and the requirements governing privately-retained reporters is available on the Court's website at:

<https://www.riverside.courts.ca.gov/GeneralInfo/CourtReporterInfo/court-reporter-info.php>.

A party who has received a fee waiver may request an official court reporter by submitting Judicial Council form FW-020 at least 10 calendar days prior to a trial or hearing, subject to availability. Additional information for parties with fee waivers is set out on the Court's website, as noted above.

- P. Daily Transcripts.** Any party requesting daily reporter's transcripts from the official reporter at trial shall advise the Court of that request no later than one week before the trial date by contacting Olivia Hutcheson, Senior Court Reporter at (951) 294-5485.
- Q. Requests to Continue Trial.**
  - I. Motions to Continue.** Generally, any request to continue a trial shall be made by noticed motion. Motions should comply with Rules of Court, rule 3.1332 and Code of Civil Procedure sections 593.3, 595.4, or 596, as applicable. Trial dates are "firm" and continuances are "disfavored," so any motion should be specific in stating circumstances demonstrating good cause for a continuance. (Rules of Court, rule 3.1332.) Motions made jointly by one or more parties must still demonstrate good cause.

NOTE: The existence of a conflicting trial date is not, standing alone, good cause for a continuance. The Court is, however, aware that counsel can only be in one courtroom at a time. Counsel who are actively engaged in another trial on the date of the “trial call” in this Department should meet and confer with opposing counsel in advance as to their unavailability, and should either: (a) submit to the Court at least 3 days in advance of the trial call a declaration under penalty of perjury stating the case number, name, and court where the other trial is taking place and the date the trial is anticipated to conclude; or (b) appear at the trial call and advise the Court of the case number, name, and court where the other trial is taking place and the date the trial is anticipated to conclude. Based on the circumstances and the Court’s availability, the Court will determine on the date of trial/“trial call” whether the matter will be trailed or continued.

- II. **Ex Parte Requests to Continue Trial.** Generally, any request to continue a trial shall be made by noticed motion. Requests to continue trial may be made by ex parte application only if exigent circumstances exist. Any ex parte application shall explain why the request could not, with the exercise of reasonable diligence, have been brought by a noticed motion. If the trial date is more than two months away, the Court is unlikely to find that exigent circumstances exist. An ex parte application may be made, in the alternative, as an ex parte application for an order shortening time to hear a motion to continue trial, provided a motion has been filed. (See PS1 Law and Motion Rules, Rule 3.)
- III. **Stipulations to Continue Trial.** Stipulations to continue trial should conform to Code of Civil Procedure section 595.2. The Court will not be able to accommodate postponements where the requested trial date(s) are unavailable or oversubscribed. Absent extenuating circumstances (e.g., recent death or severe illness of counsel or parties, unanticipated personal or family emergency, etc.) or Court permission, the Court will not approve any stipulation seeking a postponement of more than 30 days.
- R. **Trial Hours.** Absent contrary instruction from the Court, the court generally expects to hear trials Monday through Wednesday from 10:00 a.m. to noon and from 1:30 p.m. to 4:30 p.m. The Court may reduce or modify these hours or provide additional breaks as appropriate. For trials in progress, matters to be addressed with the Court outside the presence of the jury may, subject to the Court’s availability, be raised Monday through Friday on the regularly scheduled law and motion calendar at 8:30 a.m. Counsel should meet and confer and advise the Court, in advance if possible, of their intention to appear and as to the issues requiring the Court’s attention.
- S. **Reaching the Courtroom Assistant.** Because resources are limited, before contacting staff all counsel/parties/self-represented individuals/court reporters/agents should thoroughly review any applicable California Code, the

California Rules of Court, Riverside County Local Rules, PS1 Department Rules, and the Court's website (<https://www.riverside.courts.ca.gov>). If these resources do not address your particular issue or concern, the courtroom assistant may be reached at (760) 904-5680.

\*\*\*Other than as specified in these Rules or as ordered by the Court, all counsel, parties, and their staff or agents are prohibited from sending communications to the courtroom assistant via email; violations of this rule may be treated as improper ex parte communications and may result in an Order to Show Cause re sanctions or contempt, or in reporting to the State Bar or other appropriate authority.

If you are ordered to provide documentation to the Court via email, you must, unless otherwise ordered, email the courtroom assistant at [DeptPS1@riverside.courts.ca.gov](mailto:DeptPS1@riverside.courts.ca.gov), with a copy to all counsel/self-represented parties in the action. The messages sent to the courtroom assistant must be limited to information related to the request. The Court will consider the discussion of any other topics or the attachment of any other documents to be an attempt at an improper ex parte communication and a direct violation of this Department's rules such that and an Order to Show Cause re sanctions or contempt will be set.

**T. Tips for Virtual/Video Trials.** The Court *strongly* recommends the following:

- ◆ That participants use a PC or laptop rather than a tablet or phone. Preferably a device (or multiple devices) with a large screen, or multiple screens.
- ◆ That participants use a dedicated headset or ear buds with a microphone to ensure that they can be heard by all other participants.
- ◆ The participants minimize background noise (including muting any mobile or other telephone) and turn off pop-ups or automatic notifications that may interfere with the proceedings.
- ◆ That participants experiencing problems with sound quality use the "telephone audio" feature, which can be accessed by logging into the video platform and subsequently changing audio from "computer audio" to "telephone audio."
- ◆ Counsel and self-represented parties that will be presenting evidence create a dedicated evidence file-folder and save it to their desktop for easy access. This folder should include all PDF formatted Trial Exhibits, separately saved and labeled, any impeachment exhibits, and any depositions that may be shown to the Court or jury [if applicable].
- ◆ Counsel and self-represented parties that will be presenting evidence close all programs running on their computer that they are not actively using to present at trial. That is, other than the video platform and any exhibit you

may be showing, no other programs should be running in the background as they may detract from your presentation, slow your presentation, or be accidentally displayed to the Court or jury [if applicable].

- ◆ Counsel or self-represented parties that will be presenting evidence practice doing so on the video platform multiple times in advance of the trial date. It is strongly recommended that counsel and parties familiarize themselves with “view” controls on Zoom to ensure that when they are presenting they are able to see all participants, the materials they are presenting, as well as any notes or other documents they need for trial. The Court suggests practicing with Zoom prior to the pretrial technology conference to ensure any questions that arise during practice are answered at the conference.
- ◆ That all participants at trial set up video equipment in a well-lit environment and test equipment before trial to ensure that they are clearly visible on screen and that there are no distracting features in the background e.g., a whirling fan, pet, television, etc.
- ◆ That all participants at trial are mindful of how they will appear in court; attorneys and witnesses should wear professional attire and conduct the trial from a professional, or professional-looking environment, or at the very least ensure that if a professional-looking environment is not available that inappropriate personal effects are not displayed on screen e.g., dirty laundry, unmade bed, unwashed dishes, etc.
- ◆ That participants do not use virtual backgrounds. The Court will require that virtual backgrounds, or blurred backgrounds be turned off during the proceedings.
- ◆ That participants mute their microphone during trial unless they are speaking or expect to speak.
- ◆ That counsel meet and confer in advance of trial to discuss any request to exclude witnesses. Counsel may wish to stipulate in advance of the trial that all, or certain, witnesses be excluded from the courtroom during trial. If submitting such a stipulation and order to the Court, counsel should have the stipulation signed by all potential witnesses in the case under penalty of perjury. The stipulation should require each witness to attest that they understand that the Court has ordered, and will abide by the order, precluding them from viewing or listening to any part of the trial or discussing the case, or any aspect of the case, with any other potential witnesses in the trial, upon pain of contempt, which carries with it a fine of up to \$1000 per violation or up to 5 days in jail for each violation. Alternatively, parties requiring an exclusion order should be prepared to have all witnesses appear on the first day of trial, at which time the Court will make oral exclusion orders.