

Department 72 Policies and Procedures - Honorable Marcella O. McLaughlin
Central - Hall of Justice
Rev. October 25, 2023

Honorable Marcella O. McLaughlin, Presiding

Phone Numbers:

Courtroom: (619) 450-7072

Calendar: (619) 450-7006 - Phone hours: 8:00 a.m. to 3:00 p.m.

NOTE: Beginning Friday, March 29, 2023, the following schedule changes will go into effect in Department 72:

Trial Calls – 8:50 am

Trial Readiness Conferences (TRC) – 8:55 am

Law and Motion – 9:00 am

Status Conferences – 11:00 am

Orders to Show Cause (OSC) – 11:00 am

Case Management Conferences (CMC) – 1:30 pm, 1:45 pm, and 2:00 pm

Default Prove-Ups – 2:15 pm

Minor's Compromise Petitions – 3:00 pm

- 1. Ex Parte.** *Ex parte* appearances are scheduled on Tuesday, Wednesday and Thursday at 8:30 a.m., by reservation only. Papers are due by noon the day prior to the hearing, with the appropriate fee. To reserve an *ex parte* hearing, contact the calendar clerk at the number provided above. Comply with CRC 3.1200 et seq.
- 2. Guardian Ad Litem/Publication of Summons.** Petitions for appointment of a Guardian Ad Litem and applications for orders for publication of summons may be made *ex parte* without the necessity of an appearance. The moving papers must be submitted for review by the court and the court may set a hearing if such hearing is deemed necessary. Guardian Ad Litem applications will not be granted *ex parte* unless the moving party complies with Local Rule 2.4.6.
- 3. Law and Motion.** Noticed motion hearings are by reservation only. To reserve a date, contact the calendar clerk at the number provided above or use the online scheduling tool. Note: the online scheduling tool tends to provide hearing dates further into the future than the calendar clerk can provide. Motions are set on Fridays at 1:30 p.m. (Effective 3/29/2023, motions will be set at 9:00 am). Tentative rulings are posted during the days preceding the hearing as they are completed, not later than 4:30 pm on the afternoon before the hearing.
Discovery Motions. As allowed by CCP Section 2016.080, the court makes itself available to the parties during *ex parte* hours to discuss discovery disputes prior to the filing of motions to compel. Voluntary *ex parte* noticed conferences are encouraged in order to reach a resolution of discovery problems as an alternative to formal motions, which remain available at any time. However, typically only discrete, narrow issues can be resolved on the *ex parte* calendar. Broader discovery disputes must be the subject of a noticed motion.
- 4. Case Management Conference.** Case Management Conferences are heard on Fridays between 9:15 a.m. and 9:45 a.m. (Effective 3/29/2023, Case Management Conferences will be heard between 1:30 pm and 2:00 pm.)
- 5. Trial Readiness Conference.** Trial Readiness Conferences are heard on Fridays at 9:00 a.m. unless otherwise designated by the court (Effective 3/29/2023, Trial Readiness Conferences will be heard at 8:55

am). The Court and counsel will sign the Advance Trial Review Order (ATRO) at the Trial Readiness Conference. Please review the Advance Trial Review Order (ATRO) linked below. Trial continuances are disfavored, and only available under CRC 3.1332. In person appearances are required at Trial Readiness Conferences.

[ADVANCE TRIAL REVIEW ORDER](#)

6. **Trials.** Trial calls are set on Fridays at 8:30 a.m. unless otherwise designated by the court (**Effective 3/29/2023, trial calls will be set at 8:50 am**). Trials typically start the Monday after the trial call, depending on the court's calendar. In person appearances are required at trial call and for the length of trial.
7. **Trial Requirements. The Court requires counsel to bring to the Friday Trial Call a Joint Trial Notebook comprised of the following:**
 1. Table of contents.
 2. Copy of Joint Trial Readiness Report, and operative pleadings.
 3. Copies of *In Limine* motions and oppositions, in order (motion followed by opposition).
 4. Copy of Joint Witness List with a short sentence describing the witness (i.e., Dr. Steven Smith, an orthopedic surgeon from County Hospital).
 5. Copy of Joint Exhibit List. The list must be carefully reviewed to insure the description of the Exhibit matches the Exhibit.
 6. Copies of Trial Briefs.
 7. Joint Statement of the Case, in neutral form suitable to be read to prospective jurors. (Competing version not acceptable.)
 8. Voir Dire questions counsel requests Court to ask (if any).
 9. Jury Instructions - packet of agreed-upon instructions and packet of not agreed-upon instructions with post-it notes indicating who opposes the instruction.
 10. Special Verdict Form(s) - either agreed upon form(s) or each side's proposed Special Verdict Form(s). If the parties fail to make a genuine effort to limit disputes on the form of the special verdict, the court will use a general verdict.

In addition, the following are due the day trial commences:

1. Two sets of exhibit binders (original for the witness, pre-marked with Court Exhibit tags, and one copy for the Court). Each exhibit must be marked with a discrete number, and shall be correctly identified. By way of example, it is impermissible to label "Dr. Jones' file" collectively as Exhibit 25.
 2. Three copies of the Joint Witness List.
 3. Three copies of the Joint Exhibit List.
 4. Copies of Deposition Transcripts that will be used during trial. These are to be lodged by placing them on the shelf in front of the bench.
8. **Remote Appearances.** Unless otherwise ordered by the Court, proceedings in Department 72 will be conducted remotely, in person, or in a combination of the two, at the discretion of the counsel, witness, or self-represented litigant making the appearance. All remote proceedings will be conducted via Microsoft Teams. Any counsel, party, or witness wishing to appear remotely must comply with all applicable provisions of California Code of Civil Procedure section 367.75, California Rules of Court, rule 3.672, and any applicable Local Rule or General Order of the San Diego Superior Court.

GUIDELINES FOR REMOTE APPEARANCES OF WITNESSES AT TRIALS

To assure the fair conduct of trial, the following procedures shall be followed:

1. With respect to any party or witness who appears at trial via Microsoft Teams, no party or witness may testify by audio only, or by telephone, unless all parties stipulate that the testimony may be taken by audio only.
2. Each party or witness testifying remotely shall arrange for their own video appearance for each day of trial, and shall be solely responsible for the payment of any fees arising from such appearance.
3. Each party shall arrange for the video appearance of any third-party witness appearing remotely it intends to call. Witnesses who have been properly subpoenaed shall cooperate with the parties in the making of these arrangements unless their appearance has been excused by the Court.
4. Each party shall ensure that their video feed and that of their witnesses appearing remotely is of sufficient quality and scope so that the Court and opposing counsel may see and hear the witness clearly, and be able to assure that no witness is susceptible to coaching or has the ability to rely on any materials out of sight of the Court and/or opposing counsel. The Court recommends that each party and witness have more than one device available to them in the event that problems arise with the device they intend to use primarily.
5. Any and all materials that any witness relies on to refresh recollection or otherwise during the course of his or her testimony shall be provided to all counsel upon request.
6. Each party shall send a hard copy of any pre-marked exhibit it intends to introduce to both the Court and opposing counsel no later than 3 p.m. on the court day preceding the scheduled trial date.
7. Each party shall to the extent possible provide a hard copy of any exhibit it intends to have a witness appearing remotely view during that witness's testimony to the witness in advance of the time the witness testifies. Advance planning is essential.
8. Parties and counsel shall assure that any non-party witness who will testify at trial will not see or hear any of the trial proceedings that occur before they testify, or that occur after they testify and before they are excused from providing further testimony.
9. Each party shall assure that the proceedings are not being recorded or reported in any manner other than by the duly-authorized court reporter.