

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA
Department One Pretrial Order

1. Prior to the trial confirmation conference the parties and their attorneys shall:
 - a. Exchange the names of all percipient and expert witnesses.
 - b. Meet and confer regarding exhibits in order to :
 - i. Stipulate to the admissibility of all exhibits where possible.
 - ii. Stipulate to the foundation for all exhibits where possible.
 - iii. Lodge objections to foundation and admissibility.
 - iv. Prepare joint exhibit binders for the court and witness enumerated 1-99 for plaintiff and 100-199 for defendant. Additional parties shall select additional blocks as necessary.
 - c. Meet and confer regarding motions in limine. Motions in limine shall not exceed 15 pages and shall be tailored to the specific case at trial.
 - d. Identify any anticipated witness availability problems so witnesses may be taken out of order.
 - e. Identify any anticipated evidentiary issues.
 - f. Meet, confer and agree on a neutral one paragraph statement of the case for presentation to the jury.
 - g. Meet and confer regarding issues to be addressed during jury selection going to cause.
 - h. Meet and confer regarding jury instructions.
2. The parties shall no later than 7 days prior to the trial confirmation conference e-file the following:
 - a. Motions in limine.
 - b. A stipulated one-paragraph description of the case.

- c. A list of witnesses for the court's use during jury selection.
 - d. A list of issues any party wishes the court to address during voir dire.
 - e. A list of requested CACI jury instructions.
3. At the pre trial/pre voir dire conference the parties shall:
- a. Address any evidentiary problems.
 - b. Address any unanticipated witness problems.
 - c. Advise the court of any scheduling problems.
 - d. Argue motions in limine.
 - e. Provide the clerk and the court with exhibits indicating stipulations and objections. Any exhibits either party wishes to display in opening statement shall be addressed by way of stipulation or evidentiary foundation in advance of jury selection. The parties shall provide the court with an exhibit list and exhibits in PDF format, OCR searchable on a single joint memory stick.
 - f. Address the appropriate number of alternate jurors and alternate juror selection procedure.
 - g. Indicate the time needed to inquire of the initial six pack consisting of 18 panel jurors in order to pass for cause.
 - h. Indicate electronic display needs and experience with electronic display equipment and software.
4. At the pre trial conference, the court will, in its discretion, set time limits on attorney conducted voir dire, opening statements, witness examinations and summations.
5. During jury selection, the parties may inquire of the jury panel as a whole on issues related to exercise of a challenge for cause. Questions seeking to precondition jurors, to commit jurors to hypothetical verdicts based on assumed facts, to instruct jurors on matters of law, to argue the case, or to obtain promises from jurors to do or not do something are discouraged. Reasonable follow-up with individual jurors based on questions put to the panel will be allowed.

6. Any legal issues shall be heard prior to arrival of jurors in the morning or after the jury is adjourned in the evening.
7. Challenges for cause shall be made at sidebar.
8. During the presentation of evidence, speaking objections are inappropriate. Objecting counsel shall cite to the evidence code and case authority only in support of objections. Once a ruling is made, further argument is discouraged. Sidebar discussions are also discouraged because jurors may overhear the discussions; jurors dislike the disruption reporting at sidebar is logistically difficult. Counsel wishing to make a record may do so at the next scheduled break or at the end of the day.
9. Counsel shall address witnesses, parties and court personal by surname.
10. Counsel shall direct comments to the court rather than each other.
11. At the end of each trial day, counsel shall disclose to the court and opposing counsel the anticipated witnesses for the following day as well as the anticipated length of direct and cross examination. Witnesses shall be called in advance of testimony to avoid trial delay.
12. Counsel are directed to read and become familiar with Appendix 5 of the Santa Barbara Superior Court Rules, Guidelines For Attorneys Practicing Before The Santa Barbara County Superior Court.

A handwritten signature in black ink, appearing to read "James E. Herman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Hon. James E. Herman
Judge of the Superior Court