

Judge Rebecca S. Kanter
Department 602
Trial / LRFO Requirements

Parties are required to appear in person unless previously authorized by the Court to appear remotely. Any party seeking to have a witness appear remotely must comply with California Rule of Court (CRC) 3.672(h).

Five (5) court days prior to the trial or long cause hearing, the Court requires two (2) trial notebooks, one for the court (copy) and one for the clerk (originals), be delivered to the courtroom to include the following:

1. **COPY OF TRIAL/LRFO BRIEF** – Trial briefs are required be filed in accordance with 5.394 California Rules of Court 5.393 and 5.394 and San Diego Superior Court Local Rule 5.8.2. The parties are to file and serve San Diego Superior Court Form D-241 (or a separate brief containing the same information in substantially the same format) at least five (5) court days prior to the hearing.

2. **EXHIBITS** must be pre-marked. **Petitioner must use numbers and pink tags for their exhibits; Respondent must use letters and yellow tags for their exhibits.** You may obtain exhibit tabs from the Family Law business office located on the 4th floor or the department. An example of how to fill out the exhibit tags is contained below. The parties should eliminate duplicative exhibits. If an exhibit has multiple pages, bates stamp (i.e., number) the individual pages. The exhibit number is to be placed in the lower right-hand corner and should not cover any part of the exhibit, i.e. the writing/numbers and/or photo. If there is not a place to adhere the tag on the front of the exhibit without covering part of the exhibit, place it on the back. If there are multiple pages, place it on the first page of the exhibit. Exhibits should be individually marked and separated by dividers.
 - a. **Photographs:** If you are submitting photographs, each photograph should have an individual exhibit number.

 - b. **Video evidence:** The submitting party is responsible for bringing in their own device from/on which to play video evidence. The Court has a screen with cables that can be connected to a laptop, but the cables are not compatible with Apple devices. The Court will not be able to insert flash drives, memory sticks, CDs or other storage devices into court computers or laptops. Therefore, you must provide your own laptop or other equipment to show that evidence during the trial. Parties must comply with CRC rule 2.1040(b) if they plan to offer any electronic sound or sound and video recording as evidence at trial. Failure to do so could result in the exclusion of said evidence.

 - c. **Bank records and similar financial documents:** Documents such as bank records should be broken down to monthly periods. For example, bank statements for the period 1/1/22 through 1/31/22 shall be labeled as exhibit 1; bank statements for the period 2/1/22 through 2/28/22 shall be labeled as exhibit 2, and so on and so forth.

 - d. **Text messages/social media:** Any text messages or social media posts must be identified by date and time on the exhibit.

 - e. **Child testimony:** If you would like to call a child as a witness, please review California Rule of Court 5.250(d)(3). Calling children to testify is not usually in their best interest, particularly when a child is there to testify against a parent or to express a preference in favor of one party over another. Advise the court at the trial readiness conference (TRC) whether a child wishes to address the court. The court may set a separate hearing to address the issue of whether the child will testify,

and if so, the parameters of the child’s testimony. If a child is mature enough to have a meaningful preference, the court prefers that they be interviewed by Family Court Services (FCS).

3. **EXHIBIT LIST** - Grid format (see below for example) containing the required heading.

4. WITNESS LIST

Exhibit List Example:

PTNR #	Identified	Admitted	Description	RESP #	Identified	Admitted	Description
1			Photo	A			
2			2008 Tax Return	B			
3			Pay stubs	C			

Exhibit List Tag Example:

Ptnr’s Ex <u>1</u> D 123456 Rec’d _____ Dept <u>602</u> Clk ____
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Resp’s Ex <u>A</u> D 123456 Rec’d _____ Dept <u>602</u> Clk ____
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COURT REPORTER: Parties are responsible for providing their own court reporter. The Court will only provide a reporter for contempt hearings or cases where there is a fee waiver and a request for a court reporter has been made via form ADM-379. Please go to the Court’s website at www.sdcourt.ca.gov for a list of reporters.

OTHER:

- The parties are ordered to **meet and confer** as to the admissibility of evidence prior to the submission of trial briefs or exhibit lists and to attempt to settle as many issues as possible. If there is agreement as to some issues, the parties are ordered to prepare a written stipulation in advance of trial.
- Move exhibits into evidence as you present them at trial. Exhibits are deemed authenticated unless there is a **genuine** dispute. You need not ask a witness to authenticate a document unless the opposing party objects. Both parties should know whether there is a genuine dispute on authenticity based on the meet and confer.
- If your matter settles before the trial date, please inform the department clerk **immediately**; counsel and parties should use the online **Google form** to notify the court unless the matter relates to contempt or domestic violence.
- We will complete the trial/evidentiary hearing in the number of days/hours you have set; have your witnesses ready and plan your presentation accordingly. If you cannot complete the trial in the time set, please address this issue at the TRC or appear ex parte as soon as possible. All else being equal, half the time will be allotted to each side, less time for the court’s ruling.