

1 SUPERIOR COURT OF CALIFORNIA  
2 County of Contra Costa

3 **GUIDELINES FOR JURY TRIALS BEFORE JUDGE JOHN P. DEVINE**

4 **I. Trial Schedule.**

5 Unless otherwise ordered, trial will be held on every court day from 10 a.m. to 4:30  
6 p.m. with two 15-minute breaks and lunch. Counsel must arrive by 9:45 a.m. or earlier, as  
7 needed, for any matters to be heard out of the presence of the jury. Please be prepared to start  
8 with the jury at 10 a.m. The telephone number for Department 9 is (925) 608-1109.

9 **II. Conduct of Counsel.**

10 Counsel should endeavor to be civil and punctual throughout the entire trial.  
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12 **III. Motions in Limine.**

13 Any motions in limine should be filed in full accord with the relevant state and local  
14 rules. Please limit motions in limine to circumstances as to which counsel believe a ruling in  
15 advance is both imperative and appropriate. Each motion should address a single topic. The  
16 Court advises counsel that it is not inclined to grant blanket motions in limine directed  
17 toward general categories or types of evidence where specific objections can more  
18 appropriately be made during the course of the trial or witness testimony.

19 **IV. Voir Dire.**

- 20 A. The Court will use the "eight-pack" method. The clerk will call and seat 20  
21 prospective jurors (12 in the jury box). All 20 prospective jurors will be examined  
22 initially by the Court and then by counsel for cause. Counsel will have the  
23 opportunity to conduct their examination within reasonable time limits (usually 25 to  
24 30 minutes) to discover bias or prejudice with regard to the circumstances of the  
25 particular case or the parties before the Court. Counsel should be familiar with Code  
26 of Civil Procedure section 223. The Court will not impose arbitrary time limits, and  
27 it will permit supplemental time for questioning based upon individual responses or  
28 conduct of jurors. Counsel should avoid attempts to precondition the prospective  
jurors to a particular result or indoctrinate the jury.
- B. Challenges for cause will be done at side bar; peremptory challenges (for the 12 in the jury box) will be done in the open court.

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**V. Jurors' Use of Notes.**

Jurors may take notes. Notebooks will be distributed at the beginning of each trial. Jurors will be instructed on the use of notes both in the preliminary and final jury instructions.

**VI. Opening Statements.**

- A. Counsel must cooperate and meet and confer to exchange any visuals, graphics or exhibits to be used in the opening statements, allowing for time to work out objections and any reasonable revisions. Opening statements should be limited to an objective summary of what counsel expect the evidence to show.
- B. Be prepared for opening statements as soon as the jury is sworn.

**VII. Exhibits.**

Counsel shall prepare an exhibit list and pre-mark all exhibits prior to trial.

**VIII. Witnesses.**

- A. Counsel must always have their next witness ready and in the courthouse. Failure to have the next witness ready or to be prepared to proceed with the evidence will usually constitute resting.
- B. Throughout the trial, all counsel are entitled to know a firm order of witnesses for the next full court day.
- C. Counsel should instruct all witnesses, parties, and anyone affiliated with them – who are attending the trial – not to converse in any manner within the hearing distance of the jurors whether inside and outside of the courtroom.

**IX. Objections.**

Counsel shall succinctly state the legal basis only. Speak up promptly. Side bar conferences are discouraged. The procedure described above should eliminate the need for most side bars. To maximize jury time, counsel must alert the Court in advance of any problems that will require discussion outside the presence of the jury, so that the conference can be held before court begins or after the jury leaves for the day.

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**X. Audio-Visual Presentation.**

Counsel are encouraged to meet with the bailiff to schedule access to the courtroom to test any audio-visual presentations prior to trial.

**XI. Checking admitted evidence.**

At the end of each trial day and again immediately before the case goes to the jury, counsel are required to consult with each other and with the court clerk as to which exhibits are in evidence and any limitations for them.

**XII. Jury Instructions.**

- A. Counsel should identify proposed jury instructions providing the list to the Court, clerk, and opposing counsel. The parties shall meet and confer before trial as to proposed instructions and verdicts and shall divide them into two lists for the Court: (1) agreed instructions and verdict forms, and (2) disputed instructions and verdict forms. Counsel should provide any legal authority supporting the appropriateness of a requested jury instruction where a question will likely arise about its applicability to the case.
  
- B. The Court will instruct the jury with regard to the applicable law after the parties have rested and before closing arguments. As a result, counsel may refer to the instructions during argument. If counsel intends to publish or excerpt a jury instruction, they must label the jury instruction and cite it verbatim. Counsel shall not display paraphrased or misquoted jury instructions.

**IT IS SO ORDERED**

Dated: January 19, 2022

**JOHN P. DEVINE**  


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Honorable John P. Devine  
Judge of the Superior Court of California  
Contra Costa County