



SUPERIOR COURT OF CALIFORNIA
County of Sacramento

Public Notice-CMJC Unlawful Detainer

05-01-23

**Carol Miller Justice Center Unlawful Detainer
Jury Trial Process**

Summary:

Pursuant to Local Rule 2.94.01 all Small Claims and Unlawful Detainer actions heard at Carol Miller Justice Center (CMJC) shall participate in a Mandatory Settlement Conference program. The mandatory settlement conference for Unlawful Detainer actions shall be set at Carol Miller Justice Center prior to the scheduled jury trial.

The clerks at CMJC will notify Department 47 as to the status of the jury trial at the conclusion of the mandatory settlement conference hearing. Parties will appear on the day set for jury trial in Department 47 and the matter will be assigned for trial to an open trial department, pre-assigned to a trial department, or trailed. Once the matter is assigned to a trial department, in addition to filing any pleadings, the attorneys shall submit a courtesy copy of any in limine motions electronically with the assigned trial department prior to the pretrial conference hearing. Parties shall then deliver the originals of any in limine motions directly to the trial department on the first day of trial.

Trial Assignment Procedure

Notice of readiness to proceed to trial: No sooner than five (5) court days prior to the trial assignment date and no later than 4:00 p.m. on the Monday prior to the trial assignment date, parties shall meet and confer and advise Department 47, of the readiness status of the case by emailing Department 47 at “**Dept47@saccourt.ca.gov**”

1. This notice permits the Court to coordinate trial department availability with the Criminal Master Calendar Judge. Counsel or parties shall provide the following information at that time:
 - a. Estimated length of trial, including jury selection and pretrial proceedings.
 - b. Issues related to the availability of witnesses or counsel that will impact the trial.
 - c. Whether parties believe that any pretrial motions will require an evidentiary hearing.
 - d. Whether parties believe that aspects of the trial will require bifurcation.
 - e. Whether the parties are willing to waive jury and proceed by way of bench trial.
 - f. Whether a further settlement conference is warranted.
 - g. Whether the parties are willing to stipulate to an 8 person jury.
 - h. Whether any parties or witnesses will require a Court Interpreter.
2. The initial trial assignment appearance shall be held in Department 47 on Mondays and Tuesdays at 8:30 a.m. If there is a change in the Trial Assignment Department, counsel will be notified prior to the date assigned for trial.
3. If a case is not initially assigned to a trial department at the trial assignment hearing in Department 47 and is assigned at a later point, any party that intends to exercise a challenge to the assigned judge pursuant to CCP 170.6 shall notify Department 47 and send an email to the Court at “**Dept47@saccourt.ca.gov**” and the opposing attorneys no later than two hours after receiving the notice of the assignment. Counsel shall include a fully executed CCP 170.6 form with the email. The court shall cause the forms to be filed.

4. If the case is not initially assigned a trial department the court, on its own motion or the motion of a party, may assign case for a hearing pursuant to CCP 1170.5 to determine the probability whether the plaintiff will prevail in the proceeding. If the court finds that there is a reasonable probability that the plaintiff will prevail, the court will determine the amount of any damages the plaintiff may incur by reason of the extension and order the defendant to pay that amount into the court in trust. The parties must be prepared for this hearing on the trial assignment date
5. If the matter has been pre-assigned for trial, all parties shall electronically submit a courtesy copy of in limine motions with the assigned trial department by 9:00 a.m. at least one (1) court day prior to the scheduled trial date or earlier if directed by the trial judge. Motions shall be emailed to the assigned department and shall be served electronically on all opposing counsel. Department email addresses are in the format as follows: DeptXX@saccourt.ca.gov. Any witness necessary for an in limine motion shall be present either remotely or in person at the time of the pretrial conference directed by the trial judge.

Witnesses

For witnesses that have been subpoenaed or are subject to a Notice to Appear, counsel should, in advance, make arrangements and obtain agreements for the witnesses to be on an “on call” status to avoid the necessity of any witnesses physically appearing at the courthouse prior to the time and date of their actual testimony. Only where necessary due to the refusal of a witness to agree to “on call” status, counsel should subpoena such non-cooperating witnesses to appear in Dept 47 for a day **after** the assigned trial date. Attorneys should notify witnesses once an assignment to a trial department is made.