

**FAMILY LAW CASE MANAGEMENT FOR COURTROOM 33**  
**JUDGE ROGER L. LUND**

**I. POLICIES**

1. Court needs to use taxpayer resources wisely.
2. Trial is NOT time for settlement to begin.
3. Settlement is good for families, especially children.

**II. MANAGEMENT TECHNIQUES:**

1. Caps are placed on all calendars so everyone can be heard in a timely manner.
2. Keep like matters together (MSCs, Attorney RFOs, Pro Per RFOs, Contempt's, Trials/Evidentiary Hearings).
3. Meaningful MSCs with the judge to settle the case are much more "meaningful" if the parties have met and conferred well before the MSC.
4. No reservation of trial dates – even "just in case". Trials only follow MSCs.
5. Ex parte's are for true emergencies only. (party's emergency because of delay in filing is not a judicial emergency); paperwork should be filed per the Jan 3, 2022, VCSC procedure for ex parte requests – located on the court's website.
6. Single settings of all evidentiary hearings/trials because they will be ready at time they are set, so expect scrutinization of issues, witnesses, discovery completed, readiness and accurate time estimate at the time they are set.
7. Enforce continuance policy in the local rules.
8. Chambers conferences are encouraged.
9. OK to call judge's secretary to make an appointment for chambers or telephone conference at any point in the case to help settlement. Both parties/counsel must be present during the call or conference.
10. The judicial secretary does make an effort to arrange for a Settlement Officer to be present on Monday's MSC's for each "mixed case" (attorney v pro per) to facilitate settlement at the MSC.
11. Asking for priority should be for true emergencies only and is strongly discouraged. O.K. to ask to be placed at the foot of the calendar.
12. Parties must bring their own court reporter to all trial/evidentiary hearings except those in which a court reporter is mandated by law. Court reporter resources are very scarce in our county.
13. Exhibits at Trials/Hearing: Petitioner uses NUMBERED exhibits at trial; Respondent uses LETTERED exhibits at trial. Exhibit books: 1 for yourself, 1 each for opposing counsel, witness stand, judge and judicial assistant. All original exhibits should be in the judicial assistant binder. If there are more than two parties presenting evidence, prior to trial/hearing you will need to figure out a system among counsel to separately identify exhibits from additional parties (i.e. not the same numbers or letters used by Petitioner and Respondent).

### III. SUGGESTIONS/EXPECTATIONS:

1. Come prepared to identify the issues in dispute at MSC, including the law supporting your position.
2. Follow the rules – of evidence, of discovery, of civil procedure – by statute we are compelled to do so. “This is family law” does not exempt us from following the rules.
3. Trial briefs are encouraged and will be read when filed at least five (5) court days prior to trial. Please file with the clerk’s office.
4. Because the parties and court will be prepared, expect the court to make decisions at each hearing. Therefore, **PLEASE READS** are not necessary and is no longer local rule. **PLEASE DO NOT READS** are helpful.
5. I do not like to take matters under submission – If you do not explain it so I can understand it, you’re going to lose. Tell me what you want- succinctly- and the authority you have supporting your position. I do not make up the law, I apply and enforce it.
6. Encourage written stipulations along the way on agreed upon issues – the sooner people are committed to a position; the fewer issues remain in dispute.
7. The judicial secretary will be calling and/or emailing you the week before a trial or evidentiary hearing is set to confirm if the case is ready to proceed, not settled, and for a current time estimate. CR 33 will NOT be setting TRC’s.
8. Please be courteous to one another and do not get personally/emotionally involved in your client’s cases. As officers of the court, we should be examples of dignity and civility.
9. Bring in your proposed order on all hearings where practicable.
10. Review hearings are discouraged and rarely will be given.

### PRE-JUDGMENT

- a. Temporary orders will largely be based on pleadings at RFO’s and rarely will you get hearings from RFO’s other than on C/V issues.
- b. If you are not ready for a ruling, DO NOT FILE RFO – no more trailing cases for months “for settlement purposes” or because the issue is not ripe. Motion will be denied. The court is willing to take matters off calendar (reserving jurisdiction) if the parties stipulate and only if it is lawful.
- c. Prejudgment support orders can be made subject to discovery and set for review after discovery (jurisdiction reserved) so a party can come back at review or reserve at trial, but the court will not try an issue twice.
- d. Run proposed XSpouse support calculations and exchange them prior to hearing.
- e. Please talk to opposing counsel well before the hearing.

## **POST-JUDGMENT**

- a. Do not expect to do Discovery at the hearing/trial. Most cases can be heard based on declarations subject to cross-examination.

### **A THOUGHT ON EVIDENTIARY OBJECTIONS**

“We recognize that it has become common practice for litigants to flood the trial courts with inconsequential written evidentiary objections, without focusing on those that are critical. [footnote] Trial courts are often faced with “innumerable objections commonly thrown up by the parties as part of the all-out artillery exchange. . . . [A]ll “too often” “litigants file blunderbuss objections to virtually every item of evidence submitted.” [citations omitted] To counter that disturbing trend, we encourage parties to raise only meritorious objections to items of evidence that are legitimately in dispute and pertinent to the disposition of the . . . motion. In other words, litigants should focus on the objections that really count. Otherwise, they may face informal reprimands or formal sanctions for engaging in abusive practices. At the very least, . . . the parties –with the trial court’s encouragement – should specify the evidentiary objections they consider important, so that the court can focus its rulings on evidentiary matters that are critical in resolving the . . . motion.” *Reid v. Google* (2010) Cal.4<sup>th</sup> 512, 532-533