



Post-Pandemic Practice Pointers

For New Attorneys
Appearing Before the
Family Court

Before you Represent

- ◉ Know the law in your chosen area of practice
 - ◉ Local Rules
 - ◉ Standing Orders
(<https://www.saccourt.ca.gov/general/standing-orders/standing-orders.aspx>)
 - ◉ Rules of Court
- ◉ Find a mentor
- ◉ Join a list serv
- ◉ Stick with what you know

Filing Documents

- Include hearing date and time
- Be your own editor
- Proofread
- Provide legal authority
- Include complete cites
- Sub in, sub out

Before you appear

- ◉ Discovery
- ◉ Investigation
- ◉ Meet and Confer
- ◉ Anticipate questions and arguments
- ◉ Practice

Preparing for Court

- Bring your calendar
- Wear a jacket
- Remove sunglasses
- Silence your phone
- No gum or food

In Court

- Check in with the bailiff
- Observe formalities
 - Standing
 - Giving your appearance
 - Addressing the Court
 - Ask to Approach
- Do not interrupt
 - Judge
 - Opposing counsel
 - Opposing party

In Court

- Observe Evidentiary Rules
 - Lay Proper Foundation
 - Avoid assumptions
- Present Evidence Strategically
 - Select most effective witnesses
 - Limit questioning to increase impact
 - Make the best use of your (and the Court's) time

Continuances

- Rarely Granted for Trial
 - Illness of a critical player
 - Last minute discovery
- Discovery Failure Not Grounds

Use Ex Parte with Caution

- True Emergencies Only
 - Blood on the Floor
 - Irreparable Harm Will Result from Delay
 - Not Only Serious or Important to Client
- Could Cause Undue Delay
 - Child Custody
 - Mediation Referral

Closing thoughts

- Credibility and reputation are everything
- Judges form opinions, too