

California Practice Guide

CIVIL PROCEDURE BEFORE TRIAL

Chapters 1-7

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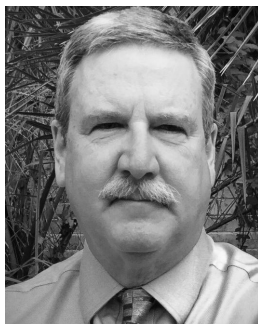
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Justice Lee Smalley Edmon is Presiding Justice of Division Three of the California Court of Appeal, Second Appellate District. She is a former Presiding Judge of the Los Angeles Superior Court and served as Supervising Judge of its Civil Departments. Justice Edmon is also a former member of the California Judicial Council and has served on a number of its advisory committees, including as Chair of its Civil and Small Claims Advisory Committee. She was the Chair of the State Bar's Rules Revision Commission, which

proposed the revisions to the Rules of Professional Conduct that were adopted by the California Supreme Court effective November 1, 2018. In 2023, Justice Edmon received from the Judicial Council its highest honor, the Distinguished Service Award.

Justice Edmon frequently writes and lectures on civil procedure topics and has served on the governing board of the L.A. Superior Court's judicial education committee and of the statewide judicial education committee (CJER). She is a graduate of the University of Illinois College of Law. Before her appointment to the bench, Justice Edmon was a civil litigator, who served as President of the Los Angeles County Bar Association and as Chair of its Litigation Section.



Judge Curtis E.A. Karnow (Ret.) served as a Judge of the San Francisco Superior Court, including in the complex litigation department, and was Presiding Judge of the court's Appellate Division. He served on Judicial Council task forces and working groups on Appellate Division rules, temporary judges, electronic discovery, e-filing and electronic access. He was a member of the Council's Committee on Civil & Small Claims, chairing the subcommittee on discovery and rules reform, assisting in drafting rules on, e.g., case management,

electronic discovery, sealing records and summary judgment. Judge Karnow is a graduate of Harvard College; his J.D. is from the University of Pennsylvania, where he was an editor of the Law Review. He has authored and edited a variety of books and articles on subjects including the legal process, discovery, experts, settlement, class actions, summary judgment and computer law.

PREFACE TO FIRST EDITION

This Practice Guide is designed for, and dedicated to, the civil litigators of the California Bar.

We feel they are entitled to a bit of compassion and assistance. They frequently have to deal with unsympathetic judges, unreasonable adversaries, and unhappy clients—sometimes, all at once!

Added to this balancing act is the pressure of trying to catch up with the latest changes in the fields in which they practice, while running a busy law office.

Then, of course, they are supposed to know all the ground rules governing the litigation process . . . rules that are constantly being rewritten, refined and generally tinkered with by the Legislature, the Judicial Council and our courts.

This Practice Guide is designed to offer some reliable help with the rules governing civil litigation before trial.

- Our focus is on practice in the metropolitan courts of California.
- Our approach is to cover each stage of pretrial proceedings, setting forth the applicable rules as clearly and simply as possible, with key illustrations of their application.
- Our aim is to keep this Guide “on target” by rewriting it frequently, to eliminate obsolete material and to catch the new trends as they develop.

Obviously, no book can substitute for independent research and analysis in a particular case. But we think you will find herein the basic information needed to handle problems commonly encountered in civil litigation before trial . . . and also, some pointers that will enable you to practice more confidently and successfully!

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