

*The Orange County Bar Association
COVID-19 Task Force Presents*

ORANGE COUNTY SUPERIOR COURT UPDATE ON CIVIL JURY TRIALS

Monday, August 31, 2020



Speakers

Hon. Kirk Nakamura

Presiding Judge

Orange County Superior Court

Hon. James J. Di Cesare

Supervising Judge, Civil Panel

Orange County Superior Court

Moderator

Sharon O. Oh-Kubisch, Esq.

Smiley Wang-Ekval LLP



Superior Court of California County of Orange

Process to Commence Civil Jury Trials Effective September 1, 2020

Although the court continues to face numerous challenges due to the COVID-19 pandemic and social distancing requirements, the court is committed to exploring opportunities to expand services to the public.

Effective September 1, 2020, the court will implement a process to select cases to commence civil jury trials. In order to ensure compliance with safety measures keeping court staff, jurors, and members of the public safe, several courtrooms at Central Justice Center, Civil Complex Center, and West Justice Center will be designated to be used for Civil jury trials.

Various factors will be considered by the Civil Supervising Judge in selecting cases to commence jury trial, including the following:

- Statutory priority/preference (CCP § 36) not already scheduled
- Case age
- Estimated length of trial
- Number of parties
- 5-year statutory requirement (CCP §§ 583.310 *et seq.*)
- Stipulation to fewer than 12 jurors
- Whether the trial is an expedited jury trial (CCP §§ 630.01 *et seq.*)
- Other relevant case-specific factors

The selection process will be as follows:

- Cases that answer ready to commence trial will be placed on the Trailing Trial List on the day set for trial.
- The Civil Supervising Judge will review the list and consider the factors listed above in determining priority.
- Based on the priority and availability of designated courtroom, the Civil Supervising Judge will select cases to commence jury trial.
- Cases will remain on the Trailing Trial List through Thursday and will be returned to the assigned courtroom on Friday to discuss a future trial date.
- Cases may be set for Voluntary Settlement Conference (VSC) or Mandatory Settlement Conference (MSC) while on the Trailing Trial List.



HON. KIRK H. NAKAMURA, JUDGE

Superior Court of California, County of Orange

BIOGRAPHY OF KIRK H. NAKAMURA



Employment History:

- Shield and Smith (Los Angeles, CA) Associate -(August 1980 to June 1985) Beam, DiCaro, et. al. and successors firms (Santa Ana, CA): Associate/Partner (June 1985 to November 2001)
- My litigation experience (19 years) included all aspects of civil litigation including, but not limited to complex multiple party construction cases, pleading, law and motion, discovery, court and jury trials and appellate work.
- City of Yorba Linda Planning Commissioner (May 2000 to October 2001)
- State of California, Superior Court Judge (November 9, 2001 to present)

Education Background: J.D. (1980), Duke University School of Law; University of California, Irvine, B.S. Biological Science (1977) Chancellor's Scholar; Admitted to the California State Bar December, 1980.

Assignments: West Justice Center (2001-2004) -Open trial court (criminal misdemeanor trials and preliminary hearings; small claims hearings); Limited Jurisdiction Civil Court; Master Calendar; Central Justice Center (2004 to present) – Limited and Unlimited Civil Trial Court; Chair, Temporary Judge Committee (2006 to 2009);Member, Grand Jury Selection Committee (2001 to present); Member, ADR Committee (2007 to present);Jury Orientation Committee (2003 to present); Elected to Orange County Superior Court Executive Committee (2009); Elected by the Judges of the Orange County Superior Court as Assistant Presiding Judge for the term January 22, 2016 to December 31, 2018 and as Presiding Judge for the term January 1, 2019 to December 31, 2019.

Organizations: Former President, Orange County Japanese American Lawyers Association 1998-1999); Former President, Orange County Asian American Bar Association (1999-2000); Former Board of Director, Orange County Bar Association (1996 to 2001); Chair, Bias Grievance Subcommittee (1997-2001); Co-Chair, ADR Committee (1998); Warren J. Ferguson Inn of Court (2000); William P. Gray/Lex Legion Inn of Court (Board Member; 2001-present); Duke Alumni Interview Advisory Committee (1991-2001).

Awards: Recipient, Orange County Asian American Bar Association Outstanding Service Award (2008).

Teaching/Speaking Experience: Keynote Speaker, Orange County Japanese American Lawyers Association (February, 2002); Adjunct Professor, Chapman Law School teaching Construction Law(2004); Temporary Judge Training, Elimination of Bias, Bench Demeanor (2007); I have supervised over 20 law school interns over the course of my judicial career; in 2009 seven of my former interns passed the California bar examination; I have spoken on numerous occasions on topics ranging from Law and Motion practice to the implementation of the court's new Mediation program; I have presided over numerous mock trials for high school (CRF-OC), college and law students.

Orange County Superior Court
James J. Di Cesare

Judge, Superior Court, State of California, County of Orange. Oath of Office: November, 2001. General Jurisdiction Civil Dept. C-18.

Past Firm Affiliations: Aitken, Bradshaw & Andres; Di Cesare & Weaver; Di Cesare & Behle. AV rated Martindale-Hubble.

Education and Bar Admissions: St. Paul High School; California State University, Fullerton; Pepperdine University Law School (1973). Admitted to the California Bar (1973) and subsequently to the U.S. District Court, Central District of California and United States Supreme Court. Military: Honorable discharge, Army National Guard.

Past Bar Association Membership, Offices, and Committees: Orange County Bar Association – Board of Directors; Chair, Pro Bono Committee; Chair, Bridging the Gap Committee; Chair, Legislative Relations Committee; Chair, Public Relations Committee; Chair & Co-Chair College of Trial Advocacy; Member of Client Relations, Bench & Bar; Administration of Justice, Inter-Professional Relation, Judicial Appointments, Expedited Trial Committee among others. Orange County Trial Lawyers: President (1988), Board of Directors, Vice President, Board Member, Editor of OCTLA Verdict. California Consumer Attorneys: Board of Governors (1982); Amicus Curie Committee; Co-Chair, Special Membership Committee. California State Bar; Lex Romana; President (2005 & 2006, Board 2006 –present) William P. Gray Legion Lex Inn of Court; Orange County Legal Aid Society Board of Directors; Public Law Center Board of Directors. Present Memberships: California Judges Association; Lex Romana; Celtic Bar Association; Saint Thomas More Society; Gray Inn; ABTL.

Honors and Faculty and Presentations: State Bar of California Wiley W. Manuel Award for Pro Bono Legal Services; American Board of Trial Advocates, Orange County Chapter George Francis Judicial Civility Award (2008); Orange County Trial Lawyers Judge Oliver Award for Judicial Integrity, Compassion and Courage(2009); Celtic Bar Association Judge of the Year of O.C. 2011; Member Board of Orange County Association of Business Trial Lawyers Association(2011-present) advisory member 2009-2011); California Consumer Attorney Presidential Award and Chairman's Award, Recognized experience in General Personal Injury; Orange County Trial Lawyers Attorney of The Year Award (2000); Orange County Bar Association Pro Bono Service Award. Managing Editor of Pepperdine Law Review; College of Trial Advocacy; UCI People's Law School; O.C.T.L.A. Programs; O.C. Bar Bridging the Gap Program; Gray's Inn of Court Trial Practice Program; UCI, ABA, Pepperdine and Chapman Law School Extern Program; Pepperdine University Law School Mentor Program; Constitutional Right Foundation Moot Court Judge; Orange County Temporary Judge Education Program.

Superior Court Committees: Present Member Executive Committee 2011-2014; Temporary Judge; Mediation & Arbitration; Grand Jury; Extern; Past Member, Executive Committee(member & alternate); Security and Finance Committees; Family Violence Council; Court-wide Facilities; Judicial Education Co- Chairperson Orange County Superior Court State of the Court 2008.



Sharon Oh-Kubisch
Of Counsel

Main 714-445-1000
Direct 714-445-1044
Email sokubisch@swelawfirm.com
V-Card [Download](#)

PRACTICE AREAS

Business Litigation, General Civil
Litigation, Real Estate and Business
Transactions

EDUCATION

- Golden Gate University School of Law,
Juris Doctor
1998
- University of California, San Diego, B.A.
Communications
1993

ADMISSIONS

- California State Bar
- U.S. Court of Appeals for the Ninth
Circuit
- U.S. District Courts for the Central,
Southern, Eastern, and Northern
Districts of California

MEMBERSHIPS/ASSOCIATIONS

- Los Angeles County Bar Association
- Orange County Bar Association
- American Bar Association
- CREW-OC Member (2018-present)
- Volunteer, National Charity League -
Canyon Chapter
- Board Member, Capo Girls Softball

SHARON OH-KUBISCH is of counsel at Smiley Wang-Ekvall, LLP. Ms. Oh-Kubisch concentrates her practice on business litigation, and she has handled a wide range of complex matters, specializing primarily in the areas of commercial real estate, finance, financial services and business disputes. Her current and former clients include a diverse range of lenders, financial institutions, brokers, builders, developers, investors, subcontractors, brokers, mortgage companies, homeowners' associations, property managers, and businesses seeking outside general counsel. Her experience includes all phases of litigation in both state and federal courts as well as alternative dispute resolution, and she has obtained several multi-million judgments on behalf of clients. Prior to joining Smiley Wang-Ekvall, Ms. Oh-Kubisch served as Assistant General Counsel for three private real estate funds, managing their transactional and litigation department.

Ms. Oh-Kubisch received her Bachelor of Arts Degree in Communications from the University of California at San Diego in 1993, and her law degree from Golden Gate University School of Law, where she graduated with honors in 1998. During law school, she was awarded the American Jurisprudence Award in Products Liability, was a member of the Moot Court Team for the National Appellate Advocacy Competition, and a Runner-up Finalist in the Appellate Advocacy Competition.

Ms. Oh-Kubisch volunteers for the National Charity League-Canyon Chapter and is a board member for Capo Girls Softball.

PROFESSIONAL ACTIVITIES

- Secretary/Treasurer, Business Litigation Section of the Orange County Bar Association, 2018
- Chair Elect, Business Litigation Section of the Orange County Bar Association, 2019