

HONORABLE ELIZABETH ALLEN WHITE
JUDICIAL PROFILE

BACKGROUND

Judge White's Education.

The Honorable Elizabeth Allen White was born in West Los Angeles. She attended The Bishop's School in La Jolla, California – the alma mater of her mother and grandmother. She received her Bachelor of Arts from USC in 1977, making the Dean's List. She earned her J.D. from Loyola Law School in 1981.

Her personal life.

She married Robert E. White in 1985, and they have 3 children (two daughters and a son). In addition to her work as a Judge, she teaches at the UCLA Paralegal Training Course and the L.L.M. Program at USC. She has published three paralegal textbooks, with a fourth one due to be published soon. She serves on the Judicial Education Committee (providing seminars for Judges), the Bench Bar Committee and the ADR Committee.

Judge White's career path to the bench.

Judge White had been interested in the law through her father, who was a lawyer, and she worked as a paralegal at Loeb & Loeb in her last year of college. She graduated with a degree in French Literature, and, believing that a law degree would help her find an international position, she decided to go to law school.

She began her practice as a solo practitioner as the Law Offices of Elizabeth Allen White from 1982 to 1986. She joined the law firm of Hart & Hart in Los Angeles from 1986 to 1994, then Valensi, Rose & Magaram in Century City from 1994 to 1997. As a lawyer, Judge White loved doing trials, and she still enjoys conducting trials from the bench.

In 1997, Judge White was appointed to the Los Angeles Municipal Court by Governor Pete Wilson, along with Judges Elizabeth Lippett, Spurgeon Smith and Michael Solner. Those 4 Judges still celebrate their anniversaries with the bench every year. Her courtroom became a Superior Court through unification in 2000.

Judge White approaches the law from a unique perspective, as she has traveled extensively and exposed herself to a broad array of foreign cultures. Her international background provides her with a broad-based understanding of the cases and litigants before her.

COURTROOM RULES AND TIPS

Judge White follows the local rules, and she expects that counsel do the same. She does not issue her own courtroom rules.

Judge White's key requirement is that counsel show civility at all times, which includes timeliness, preparation, and the willingness to meet and confer on all issues.

- **Timeliness.** Judge White expects counsel to arrive promptly, whether for law and motion at 8:30 a.m., or for trial at ___ a.m. If the moving party on a law and motion matter is not in her Court when the matter is called, Judge White _____ [deem the matter submitted on the tentative? Issue a notice for sanctions?] If counsel is late for trial, then he or she may expect _____ Judge White, however, understands that issues do come up, and is willing to allow some lapses -- but only for matters outside counsel's control.
- **Preparation.** Judge White expects attorneys to be fully prepared, whether the appearance is a status conference, a law and motion matter, or trial. For example, before the initial status conference, counsel should be thoroughly familiar with the facts and key aspects of the case. They should have a time estimate for trial, they should know whether an ADR Clause applies, and the like.
- **Meet and Confer.** Judge White appreciates attorneys who meet and confer on all issues before presenting them to the Court. In addition to discovery matters, where a meaningful meet and confer is required, she wants counsel to meet and confer before all appearances before the Court, including initial and final status conferences, law and motion, and trial.

BUDGET CUTS AND THEIR IMPACT ON THE COURTS

Judge White's caseload has recently changed drastically as a result of the budget cuts, as she now handles only complex cases. All of the Court's basic personal injury cases have been excised and put into "personal injury courtrooms," leaving courtrooms like Judge White's courtroom to handle only the more complicated matters. It is thus more important than ever that counsel streamline their practice and presentations to court, ensuring that only matters that cannot be resolved informally are brought to the court for resolution.

MOTION PRACTICE

Hearing dates and Court Reporters.

Judge White hears law and motion matters at 8:30 a.m. five days a week. But, like the other departments, she no longer has court reporters staffing her courtroom, thus counsel will need to hire one for any days that need to be reported.

Written tentatives and oral argument.

Judge White issues written tentatives for every matter, which she provides to counsel in the morning just before the hearing. Counsel can submit on the tentative, and they often do, or request oral argument.

If the matter proceeds to oral argument, counsel should use the time only to raise new issues, not to re-hash arguments from the papers. Although infrequent, she has been swayed away from her tentative after oral argument, particularly if the area of law is a new one for her.

Briefing.

Judge White's cardinal rule is "less is more." Attorneys should provide a quick summary of the facts, a short statement of the law, then jump right into the key issues for decision. Too often, Judge White observes attorneys repeat arguments needlessly. She appreciates a short but incisive argument in the papers.

Motions for Summary Judgment.

Judge White appreciates motions for summary judgment, although she describes them as "hard to win." She understands that they are time-consuming and thus expensive to prepare. Even if an MSJ is unsuccessful, though, it is an excellent way to educate the Court and introduce the case and the key issues before trial.

In reviewing an MSJ, Judge White starts by quickly reviewing the motion and opposition, but her real review often begins with the Reply Brief. She then moves to the Separate Statement and Evidentiary Objections, since an unsupported point – either because of no evidence or because of a sustained objection – is automatically "undisputed."

Her "pet peeves" are evidentiary issues within an MSJ, *i.e.*, facts that are supported only by evidence that lacks foundation, is speculative, based on lay opinion, and the like. After thoroughly reviewing the evidentiary issues, and determining the universe of facts underlying the motion, she returns to the motion and opposition before reaching her tentative.

DISCOVERY

Judge White expects attorneys to work out discovery issues as much as possible, and to bring issues to her via a discovery motion only after such efforts fail. If an attorney conducts the appropriate meet and confer but is still forced to bring a motion, then Judge White "will not hesitate" in awarding sanctions.

Judge White "rarely" refers cases to a discovery referee. If the litigants have repeated discovery battles, she will suggest that they conduct a "discovery conference"

with her. In such a conference, Judge White reviews and tries to resolve each of the outstanding discovery disputes and develop a plan for future discovery.

ALTERNATIVE DISPUTE RESOLUTION

Judge White “occasionally” conducts settlement conferences, but only if the case is set for a jury trial, and only with a Stipulation. More frequently, Judge White sends cases to one of the Court’s Settlement Judges.

TRIAL PRACTICE

Judge White is in trial five days per week.

General Practice.

As an attorney, Judge White loved the courtroom. When asked what kinds of trials she likes best as a Judge, she answered, “Those tried by great lawyers.”

Judge White will grant delays and continuances in a trial date if necessary, so long as counsel presents a “good reason,” which means something that could not have been foreseen when the trial date was set. She grants trial preferences per statute, *i.e.*, priority is given to the sick and the elderly, with sufficient proof such as a doctor’s note.

Bifurcation.

In her courtroom, cases are “rarely” bifurcated between liability and damages, but cases will generally be bifurcated between declaratory relief and damages, or general and punitive damages.

Evidentiary Hearings.

Judge White conducts evidentiary hearings, and she does not impose any particular conditions on the testimony presented at such hearings. She occasionally questions a witness herself during a bench trial, but she is reluctant to do so during a jury trial.

Trial Briefs and Motions in Limine.

Judge White finds Trial Briefs to be “very helpful,” especially regarding evidentiary issues that are likely to come up during trial. She requires counsel to file Motions in Limine by the Final Status Conference, and if not, by the first day of trial. At the hearing on these Motions, she first asks counsel if any have been resolved, and she decides only the remaining disputed motions.

Counsel should be specific in motions in limine, clearly explaining the prejudice that would result from the evidence or testimony at issue in the motion. She accepts

Reply Briefs on Motions in Limine. Too often, she finds that counsel try to turn a motion in limine into a motion for summary judgment, which is not acceptable.

Exhibits.

Judge White strictly follows the local rules, and she expects all exhibits to be listed and presented before trial.

Her “pet peeve” is that attorneys often display an exhibit to the jury *before* it is marked and received into evidence. Although Judge White believes strongly that an attorney should never be embarrassed before the jury, she will not hesitate to correct an attorney who does not follow this protocol before showing and exhibit to the jury.

Voir Dire.

Judge White conducts only the initial voir dire herself, asking jurors the basic questions regarding name, residency, and the like, but she allows the attorneys to conduct their own voir dire. She does not impose specific time limits, although only a “reasonable” amount of time should be used.

In addition to the basic foundational questions, Judge White will ask questions for an attorney if the attorney is hesitant to ask the questions for fear of causing discomfort, and thus bias against their side. For example, in a recent case involving a Muslim party, Judge White asked the jury if anyone had any negative experiences with people of the Muslim faith.

Judge White generally only uses juror questionnaires for asbestos cases, because they include a lot of personal questions regarding a juror’s medical history. When asked if she allows mini opening statements for voir dire, Judge White answered, “No, only because no one has asked me – I like the idea.”

Cross-examination of witnesses.

Judge White notes that cross-examination is often done incorrectly, as counsel simply reinforce the direct examination instead of truly cross-examining the witness. Cross-examination should be short and punchy, and it should bring out discrepancies in the witness’ direct testimony.

As a practicing attorney, Judge White loved cross-examining witnesses. She recalled that during one of her trials as an attorney, an expert witness had regaled the jury with his many articles and publications during direct examination. Through her cross-examination, however, it was revealed that each and every piece had been *self-published*, and he had actually *paid money* to have each “publication” done.

Juror Questions and Notes.

Judge White does not allow jury questions during trial. She did not like jury questions as a practicing lawyer, and, as a Judge, she believes that attorneys know the case best and thus know what to ask. She allows sidebars, but not excessively. If a juror appears inattentive – or, as sometimes occurs, falls asleep – then Judge White will adjourn for a break.

Opening Statements and Closing Arguments.

Judge White's favorite part of a trial is closing argument. She notes that "shorter is better," and that closing argument should ultimately tell a story to the jury.

Just like other aspects of trial, she does not impose specific time limits on opening statement or closing argument, but she expects counsel to be reasonable in judging the time that they spend. Counsel may not approach the jury directly, and must stand at the podium. Multiple lawyers on the same side may not split up opening statements or closing arguments, nor witness examination, and are limited to "one attorney per side."

Objections.

Judge White handles objections the same in bench and jury trials: attorneys should simply and clearly state the grounds for objection, and speaking objections are prohibited. Again, objections can only be made by one attorney for each side.

Media in the Courtroom.

Like most issues, Judge White strives for a reasonable compromise regarding media in the courtroom. She recently handled the Nicolette Sheridan trial, for example, and while she did not allow cameras in the courtroom, she did allow some press to watch the trial, and limited the audience seats during trial.

Jury Deliberations.

During jury deliberations, counsel needs to be 20 minutes away from the Court. That means that counsel can return to their office if it is nearby; otherwise, counsel should wait in a nearby Starbucks or similar. If Judge White expects a quick verdict, she advises counsel to remain nearby.

After the verdict, Judge White tells jurors that the lawyers will want to talk to them, and they may do so, but jurors are not required to talk to the lawyers or anyone else.

Bench Trials.

Judge White advises attorneys who are conducting bench trials – just like jury trials – to have the witnesses ready and prepared. Opening Statements and Closing Arguments can be waived and replaced with a Brief, but no Declarations In Lieu of Testimony are allowed.

With both bench and jury trials, attorneys can best streamline the presentation of evidence by stipulating to the admission of facts and exhibits, and jury instructions for jury trials, as much as possible.

During bench trials, counsel may remain seated during objections or otherwise. The Statement of Decision is the Judge’s job, and not one that Judge White delegates to counsel.

Post Trial Motions.

Judge White described post-trial motions as “a necessary evil.” Like all law and motion, she advises attorneys to be short and incisive in their arguments.

FINAL REMARKS

With the budget cuts and their drastic impact on the courts, attorneys can best assist the Court by ensuring that the Court resolves only issues that they cannot resolve themselves with opposing counsel, after a *diligent* meet and confer effort. Judge White would like to see attorneys stipulate on as many factual and legal issues as possible.