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## **An Alternative to Lengthy Civil Jury Trials**

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Assembly Bill 2284, the Expedited Jury Trials Act, has cruised comfortably through the California Legislature. The bill was passed unanimously in August 2010, and was signed into law by Governor Arnold Schwarzenegger on September 30, 2010. The new law authorizes the Judicial Council to establish procedural rules for governing civil trials conducted under this new program and will take effect on January 1, 2011.

Civil filings in the California superior courts exceeded 1.25 million for 2009. This represents a staggering increase of over 30 percent within only a five-year period. For 2009 alone, the total number of civil filings increased by 11 percent as compared with the previous year.

Once in effect, the act will make available a method of streamlining the process of trial by jury. This process will be available at the election of the parties, and has several distinct advantages over traditional jury trials, particularly in cases that are not excessively complex.

In an expedited trial, each side is limited to three hours to present their case. The jury will typically be limited to eight members, but the parties can agree to an even smaller number if they wish. Each side will be limited to three peremptory challenges, which allow a party to excuse a juror without having to provide a reason. The rules of evidence will still apply to these proceedings, unless the parties agree in advance to relaxed admissibility standards.

Finally, by agreeing to an expedited trial, the parties give up their right to appeal the decision unless there is evidence of fraud or misconduct on the part of the judge or jury. These limitations will considerably reduce the time and expense typically associated with long, drawn-out jury trials.

Another significant element of the expedited trial is the ability of the parties to agree in advance to upper and lower limits for the plaintiff's recovery. This feature guarantees some recovery for the plaintiff, while limiting potential liability for the defendant. While the jury is not informed of the existence of a high/low agreement, any verdict the jury returns will be modified so as to comply with the agreement.

The expedited trial process has been aptly described as filling a gap between arbitration and mediation on the one hand and a full-blown civil trial on the other. The process has all the benefits of the systematic presentation of evidence normally found in a civil trial, but is far quicker and more efficient. Similar systems already in place in New York and South Carolina have seen great success. Studies of South Carolina's program have revealed that, in addition to significantly reducing costs for litigants, the expedited trials did not favor plaintiffs or defendants as compared with a traditional trial.

Once in effect, this bill will help both plaintiffs and defendants to resolve their issues in court in much less time, with greater finality, and with less of a strain on the resources of the judicial system. KDG's experienced trial attorneys can guide you through the entire litigation process, including deciding if an expedited jury trial is right for your case.