



News Release

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Northern District of California
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SAN FRANCISCO — The United States District Court for the Northern District of California is pleased to announce the adoption of an expedited trial program. Newly-adopted General Order No. 64 (“Expedited Trial Procedures”) offers parties the option of consenting to a binding one-day trial to occur six months after the parties agree to the process. Its purpose is to offer litigants access to justice in a more efficient and economical fashion. General Order No. 64 may be viewed on the court’s website at <http://www.cand.uscourts.gov/generalorders>. The nuts and bolts of the program include the following:

- The program is consensual and binding;
- A case may be tried to a judge or jury;
- To participate, the parties execute an “Agreement for Expedited Trial and Request for Approval”;
- Expedited time schedules and rules of procedure begin when the court approves the Agreement;
- The goal is to try the case in six months;
- Discovery is limited to ten interrogatories, requests for production and request for admission each and 15 hours of deposition time to be used at the party’s discretion;
- Experts are limited to one per side absent agreement of the parties or leave of the court;
- Pretrial motions require leave of court and may not exceed three pages;
- Neither the terms of the Agreement nor its existence may be revealed to the jury;
- Juries will consist of six jurors which may be reduced to five should a juror become unable to serve;
- The judge conducts jury voir dire and sets time limits for openings and closings;
- Each side is allowed three hours per side for presentation of its case, including cross-examination;
- Post-trial motions are limited to recovery of costs and attorney’s fees;
- Grounds for new-trial motions and appeals are limited.

The expedited trial program is the result of a sustained effort by the Committee on Expedited Trials, which was appointed in September 2010 by then-Chief Judge Vaughn R. Walker and chaired by Judge William Alsup. The Committee comprised District Judges Edward Chen, Susan Illston, Marilyn Hall Patel and Richard Seeborg, Magistrate Judge Bernard Zimmerman and lawyers from a variety of practices including attorneys from

the plaintiffs' and defense bars representing a variety of practice areas such as employment and civil rights, and from institutional law offices such as the Office of the United States Attorney, the California Department of Justice and several municipal law offices. (The list of attorneys is appended below.)

The Committee was charged with improving the administration of justice by providing litigants with an alternative to the traditional federal court trial process which has often been criticized for taking too long and costing too much, especially in smaller cases. The Committee studied not only the Superior Court of California's expedited jury trial program, which took effect earlier this year, but also similar programs in a number of other courts. Especially helpful was an early presentation by Christopher B. Dolan and other members of the Consumer Attorneys of California, a principal sponsor of the state legislation. After considering the existing programs, the Committee concluded that it would be necessary to develop new procedures in order for the expedited trial option to be successful in federal district court. The Committee also decided to include bench trials in the program.

The Committee's goal was to encourage participation in the expedited trial program by offering a variety of creative options to enable litigants to customize the trial to their needs. For example, a plaintiff might be willing to participate if the defendant is willing to waive the right to move for summary judgment, while a defendant might be willing to participate if the plaintiff is willing to waive the right to seek punitive damages. These are examples of some of the many possible trade-offs to which the parties can agree in an effort to expedite the resolution of their legal dispute. The process may also prove attractive in cases where the parties conclude that an expedited ruling on a single issue, such as comparative fault, will enable the parties to settle the other aspects of their dispute.

Committee Chair Judge William Alsup states: "We expect that there is a demand in some cases for streamlined and expedited trials, with attendant saving in cost and risk, so we are providing this option upon stipulation by all parties. A broad-based committee worked hard to develop a good template." The Committee is developing a series of continuing legal education programs, including webinars, to inform and train the bar in the use of the expedited trial program.

The court hopes that this program will be a model for other federal courts around the country as a new option in meeting the evolving needs of the administration of justice.

Attorney members of the Committee on Expedited Trials

Kathryn B. Dickson — Dickson Levy Vinich Burrell Hyams
Rochelle C. East — State of California Department of Justice
Mary Ellyn Gormley — County of Alameda Office of County Counsel
Randolph W. Hall — Oakland City Attorney Litigation Division
Reed R. Kathrein — Hagnes Berman Sobel & Shapiro LLP
Jocelyn D. Larkin — Impact Fund
Kimon Manolius — HansonBridgett
Edward Reines — Weil Gotshal & Manges
Joseph Saveri — Lief Cabraser Heimann & Bernstein
Amitai Schwartz — Law Offices of Amitai Schwartz
Sara Winslow — Office of the United States Attorney

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