



California Rules of Court

Rule 3.1545. Expedited jury trials

(a) Application

The rules in this chapter apply to civil actions in which the parties either:

- (1) Agree to a voluntary expedited jury trial under chapter 4.5 (commencing with section 630.01) of title 8 of part 2 of the Code of Civil Procedure, or
- (2) Are required to take part in an expedited jury trial under chapter 4.6 (commencing with section 630.20) of title 8 of part 2 of the Code of Civil Procedure.

(Subd (a) amended effective July 1, 2016.)

(b) Definitions

As used in this chapter, unless the context or subject matter otherwise requires:

- (1) "Consent order" means the consent order granting an expedited jury trial described in Code of Civil Procedure section 630.03.
- (2) "Expedited jury trial" is a short jury trial before a reduced jury panel, and may be either a "mandatory expedited jury trial" or "voluntary expedited jury trial".
- (3) "Mandatory expedited jury trial" has the same meaning as stated in Code of Civil Procedure section 630.21.
- (4) "Voluntary expedited jury trial" has the same meaning as stated for "expedited jury trial" in Code of Civil Procedure section 630.01.
- (5) "High/low agreement" and "posttrial motions" have the same meanings as stated in Code of Civil Procedure section 630.01.

(Subd (b) amended effective July 1, 2016.)

(c) Other programs

This chapter does not limit the adoption or use of other expedited trial or alternative dispute resolution programs or procedures.

Rule 3.1545 amended effective July 1, 2016; adopted effective January 1, 2011.



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Former rule 3.1546. Renumbered effective July 1, 2016

Rule 3.1546 renumbered as rule 3.1553.



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Rule 3.1546. Pretrial procedures for mandatory expedited jury trials

(a) Pretrial procedures

The pretrial procedures for limited civil actions set out in Code of Civil Procedure sections 90-100 are applicable to all cases with mandatory expedited jury trials. The statutory procedures include limited discovery, optional case questionnaires, optional requests for pretrial statements identifying trial witnesses and exhibits, and the possibility of presenting testimony in the form of affidavits or declarations.

(b) Case management

The case management rules in chapter 3 of division 7 of these rules, starting at rule 3.720, are applicable to all cases with mandatory expedited jury trials, except to the extent the rules have been modified by local court rules applicable to limited civil cases.

(c) Opting out of mandatory expedited jury trial procedures

- (1) Parties seeking to opt out of mandatory expedited jury trial procedures on grounds stated in Code of Civil Procedure section 630.20(b) must file a *Request to Opt Out of Mandatory Expedited Jury Trial Procedures* (form EJT-003).
- (2) Except on a showing of good cause, the request to opt out must be served and filed at least 45 days before the date first set for trial or, in cases in which the date first set for trial occurred before July 1, 2016, 45 days before the first trial date after July 1, 2016.
- (3) Except on a showing of good cause, any objection to the request must be served and filed within 15 days after the date of service of the request, on an *Opposition to Request to Opt Out of Mandatory Expedited Jury Trial Procedures* (form EJT-004).
- (4) If the grounds on which a party or parties have opted out of mandatory expedited jury trial procedures no longer apply to a case, the parties must promptly inform the court, and the case may be tried as a mandatory expedited jury trial.

(d) Agreements regarding pretrial and trial procedures

Parties are encouraged to agree to procedures or limitations on pretrial procedures and on presentation of information at trial that could streamline the case, including but not limited to those items described in rule 3.1547(b). The parties may use *Agreement of Parties (Mandatory Expedited Jury Trial Procedures)* (form EJT-018) and the attachment (form EJT-022A) to describe such agreements.

Rule 3.1546 adopted effective July 1, 2016.

Advisory Committee Comment

Because Code of Civil Procedure section 630.20, which becomes operative July 1, 2016, applies to cases already on file and possibly already set for trial, as well as cases filed after the statutory provisions go into effect, the deadlines in rule 3.1546(c) for opt outs and objections may be problematic as applied to cases set for trial within the first couple of months after the rule goes into effect. It is expected that the good cause provisions within the rules regarding deadlines, along with judicious use of continuances as appropriate, will be liberally used to permit courts to manage those cases fairly, appropriately, and efficiently.



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Rule 3.1547. Consent order

(a) Submitting proposed consent order to the court

- (1) Unless the court otherwise allows, to be eligible to participate in an expedited jury trial, the parties must submit to the court, no later than 30 days before any assigned trial date, a proposed consent order granting an expedited jury trial.
- (2) The parties may enter into written stipulations regarding any high/low agreements or other matters. Only in the following circumstances may a high/low agreement be submitted to the court with the proposed consent order or disclosed later in the action:
 - (A) Upon agreement of the parties;
 - (B) In any case involving either
 - (i) A self-represented litigant, or
 - (ii) A minor, an incompetent person, or a person for whom a conservator has been appointed; or
 - (C) If necessary for entry or enforcement of the judgment.

(b) Optional content of proposed consent order

In addition to complying with the provisions of Code of Civil Procedure section 630.03(e), the proposed consent order may include other agreements of the parties, including the following:

- (1) Modifications of the timelines for pretrial submissions required by rule 3.1548;
- (2) Limitations on the number of witnesses per party, including expert witnesses;
- (3) Modification of statutory or rule provisions regarding exchange of expert witness information and presentation of testimony by such witnesses;
- (4) Allocation of the time periods stated in rule 3.1550, including how arguments and cross-examination may be used by each party in the three-hour time frame;
- (5) Any evidentiary matters agreed to by the parties, including any stipulations or admissions regarding factual matters;
- (6) Any agreements about what constitutes necessary or relevant evidence for a particular factual determination;
- (7) Agreements about admissibility of particular exhibits or demonstrative evidence that are presented without the legally required authentication or foundation;
- (8) Agreements about admissibility of video or written depositions and declarations;
- (9) Agreements about any other evidentiary issues or the application of any of the rules of evidence;
- (10) Agreements to use photographs, diagrams, slides, electronic presentations, overhead projections, notebooks of exhibits, or other methods for presenting information to the jury;
- (11) Agreements concerning the time frame for filing and serving motions in limine; and
- (12) Agreements concerning numbers of jurors required for jury verdicts in cases with fewer than eight jurors.

Rule 3.1547 adopted effective January 1, 2011.



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Rule 3.1548. Pretrial submissions for voluntary expedited jury trials

(a) Service

Service under this rule must be by a means consistent with Code of Civil Procedure sections 1010.6, 1011, 1012, and 1013 or rule 2.251 and be reasonably calculated to assure delivery to the other party or parties no later than the close of business on the last allowable day for service as specified below.

(b) Pretrial exchange for voluntary expedited jury trials

Unless otherwise agreed by the parties, no later than 25 days before trial, each party must serve on all other parties the following:

- (1) Copies of any documentary evidence that the party intends to introduce at trial (except for documentary evidence to be used solely for impeachment or rebuttal), including, but not limited to, medical bills, medical records, and lost income records;
- (2) A list of all witnesses whom the party intends to call at trial, except for witnesses to be used solely for impeachment or rebuttal, and designation of whether the testimony will be in person, by video, or by deposition transcript;
- (3) A list of depositions that the party intends to use at trial, except for depositions to be used solely for impeachment or rebuttal;
- (4) A copy of any audiotapes, videotapes, digital video discs (DVDs), compact discs (CDs), or other similar recorded materials that the party intends to use at trial for evidentiary purposes, except recorded materials to be used solely for impeachment or rebuttal and recorded material intended to be used solely in closing argument;
- (5) A copy of any proposed jury questionnaires (parties are encouraged to agree in advance on a questionnaire);
- (6) A list of proposed approved introductory instructions, preinstructions, and instructions to be read by the judge to the jury;
- (7) A copy of any proposed special jury instructions in the form and format described in rule 2.1055;
- (8) Any proposed verdict forms;
- (9) A special glossary, if the case involves technical or unusual vocabulary; and
- (10) Motions in limine.

(Subd (b) amended effective July 1, 2016.)

(c) Supplemental exchange for voluntary expedited jury trials

No later than 20 days before trial, a party may serve on any other party any additional documentary evidence and a list of any additional witnesses whom the party intends to use at trial in light of the exchange of information under subdivision (b).

(Subd (c) amended effective July 1, 2016.)

(d) Submissions to court for voluntary expedited jury trials

No later than 20 days before trial, each party must file all motions in limine and must lodge with the court any items served under (b)(2)-(9) and (c).

(Subd (d) amended effective July 1, 2016.)

(e) Preclusionary effect

Unless good cause is shown for any omission, failure to serve documentary evidence as required under this rule will be grounds for preclusion of the evidence at the time of trial.

(f) Pretrial conference for voluntary expedited jury trials

No later than 15 days before trial, unless that period is modified by the consent order, the judicial officer assigned to the case must conduct a pretrial conference, at which time objections to any documentary evidence previously submitted will be ruled on. If there are no objections at that time, counsel must stipulate in writing to the admissibility of the evidence. Matters to be addressed at the pretrial conference, in addition to the evidentiary objections, include the following:

- (1) Any evidentiary matters agreed to by the parties, including any stipulations or admissions regarding factual matters;
- (2) Any agreement of the parties regarding limitations on necessary or relevant evidence, including any limitations on expert witness testimony;
- (3) Any agreements of the parties to use photographs, diagrams, slides, electronic presentations, overhead projections, notebooks of exhibits, or other methods of presenting information to the jury;
- (4) Admissibility of any exhibits or demonstrative evidence without legally required authentication or foundation;
- (5) Admissibility of video or written depositions and declarations and objections to any portions of them;
- (6) Objections to and admissibility of any recorded materials that a party has designated for use at trial;
- (7) Jury questionnaires;
- (8) Jury instructions;
- (9) Special verdict forms;
- (10) Allocation of time for each party's case;
- (11) Motions in limine filed before the pretrial conference; and
- (12) The parties' intention on how any high/low agreement will affect an award of fees and costs.

(Subd (f) amended effective July 1, 2016.)

(g) Expert witness documents

Any documents produced at the deposition of an expert witness are deemed to have been timely exchanged for the purpose of (c) above.

Rule 3.1548 amended effective July 1, 2016; adopted effective January 1, 2011.



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Rule 3.1549. Voir dire

Parties are encouraged to submit a joint form questionnaire to be used with prospective jurors to help expedite the voir dire process.

Rule 3.1549 amended effective July 1, 2016; adopted effective January 1, 2011.



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Rule 3.1550. Time limits

Including jury voir dire, each side will be allowed five hours to present its case, including opening statements and closing arguments, unless the court, upon a finding of good cause, allows additional time. The amount of time allotted for each side includes the time that the side spends on cross-examination. The parties are encouraged to streamline the trial process by limiting the number of live witnesses. The goal is to complete an expedited jury trial within two trial days.

Rule 3.1550 amended effective July 1, 2016; adopted effective January 1, 2011.



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Rule 3.1551. Case presentation

(a) Methods of presentation

Upon agreement of the parties and with the approval of the judicial officer, the parties may present summaries and may use photographs, diagrams, slides, electronic presentations, overhead projections, individual notebooks of exhibits for submission to the jurors, or other innovative methods of presentation approved at the pretrial conference.

(b) Exchange of items

Anything to be submitted to the jury under (a) as part of the evidentiary presentation of the case in chief must be exchanged 20 days in advance of the trial, unless that period is modified by the consent order or agreement of the parties. This rule does not apply to items to be used solely for closing argument.

(Subd (b) amended effective July 1, 2016.)

(c) Stipulations regarding facts

The parties should stipulate to factual and evidentiary matters to the greatest extent possible.

Rule 3.1551 amended effective July 1, 2016; adopted effective January 1, 2011.



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Rule 3.1552. Presentation of evidence

(a) Stipulations regarding rules of evidence

The parties may offer such evidence as is relevant and material to the dispute. An agreement to modify the rules of evidence for the trial made pursuant to the expedited jury trial statutes commencing with Code of Civil Procedure section 630.01 may be included in the consent order or agreement of the parties. To the extent feasible, the parties should stipulate to modes and methods of presentation that will expedite the process, either in the consent order or at the pretrial conference.

(Subd (a) amended effective July 1, 2016.)

(b) Objections

Objections to evidence and motions to exclude evidence must be submitted in a timely manner. Except as provided in rule 3.1548(f), failure to raise an objection before trial does not preclude making an objection or motion to exclude at trial.

Rule 3.1552 amended effective July 1, 2016; adopted effective January 1, 2011.



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Rule 3.1553. Assignment of judicial officers

The presiding judge is responsible for the assignment of a judicial officer to conduct an expedited jury trial. The presiding judge may assign a temporary judge appointed by the court under rules 2.810-2.819 to conduct an expedited jury trial. A temporary judge requested by the parties under rules 2.830-2.835, whether or not privately compensated, may not be appointed to conduct a voluntary expedited jury trial.

Rule 3.1553 amended and renumbered effective July 1, 2016; adopted as rule 3.1546 effective January 1, 2011.