

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT W16-02

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Title	Action Requested
Civil Procedure: Expedited Jury Trials	Review and submit comments by January 22, 2016
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt new rule 3.1546, amend rules 3.1545, and 3.1547–3.1552, and renumber rule 3.1553; adopt new forms EJT-003 and EJT-004; approve new forms EJT-005, and EJT-018; revise and renumber forms EJT-001-INFO and EJT-022A; and revise form EJT-020.	July 1, 2016
	Contact
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Proposed by	
Civil and Small Claims Advisory Committee Hon. Raymond M. Cadei, Chair	

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### Executive Summary and Origin

Assembly Bill 555 (Alejo; Stats. 2015, ch. 330) lifts the sunset provisions in the Expedited Jury Trial Act, which went into effect on January 1, 2011, to establish an expedited jury trial process—a consensual process designed to promote the speedy and economic resolution of cases and to conserve judicial resources. The bill also amends the time frame applicable to such trials from three hours per side to five hours per side, and significantly expands the statute to require expedited jury trials in most limited civil actions other than unlawful detainers. This proposal amends and revises the rules and forms applicable to the current voluntary expedited jury trials to reflect the amendments to the time frame, and includes new rules and forms for the mandatory expedited jury trials in limited civil cases. The statute mandates that the new and amended rules and forms be operative by July 1, 2016.

### Background

The original expedited jury trial (EJT) process was developed to address litigants' lack of access to the courts in smaller civil cases and the high expense of going to trial under existing civil laws and procedures. It is a consensual process, intended to be quicker and less expensive than a traditional jury trial, saving time and money for all involved: litigants, lawyers, courts, and jurors. The original EJT differs from a regular jury trial in the following key ways:

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

- *Shorter trial length.* Each side had three hours to put on all its witnesses, show the jury its evidence, and argue its case.
- *Smaller jury.* The jury consists of 8 jurors instead of 12, with no alternates.
- *Faster jury selection process.* The parties exercise fewer peremptory challenges (three per side); and voir dire is limited to 15 minutes per side (plus 15 minutes for the judge).
- *Swifter finality.* All parties had to waive their rights to appeal. In order to help keep down the costs of litigation, there are no appeals following an expedited jury trial except in very limited circumstances.

In order to assure that the parties would be ready to proceed swiftly on the day of trial, the rules provide for pretrial exchanges of exhibits and witnesses and early filing of motions in limine. The EJT process was set up to be very flexible, allowing the parties to enter into agreements governing the rules of procedure for the trial and pretrial exchanges, including the manner and method of presenting evidence and high/low agreements on damages. The scheduling of expedited jury trials and the assignment of judicial officers is left to each superior court. As enacted in 2010, the law included a sunset date of December 31, 2015.

Assembly Bill 555 (AB 555)<sup>1</sup> addresses two concerns that were seen as hampering wider use of the EJT process: the extremely short time frame allotted for trial (three hours per side) and the lack of appeal rights. The Legislature ultimately concluded that the current consensual or voluntary EJT procedures should continue, with a longer, five-hour time period for each side at trial (folding jury voir dire into that time). Code Civ. Proc., § 630.03(e)(2).<sup>2</sup> The Legislature also concluded that EJTs should be *required* in most smaller civil cases, although with appeal rights, and so included provisions for mandatory EJTs in most limited civil cases. § 630.20. Parties may opt out of the mandatory EJTs if a limited civil case meets certain criteria. *Id.* AB 555 directs the Judicial Council to develop procedures for opting out, along with other rules and forms appropriate for mandatory EJTs. § 630.28.

## The Proposal

### New and Amended Rules

The proposal amends the current rules of court on EJTs, beginning at rule 3.1545, to provide for both mandatory EJTs and voluntary EJTs.

***Mandatory EJT rule.*** New rule 3.1546 applies only to mandatory EJTs. It provides that the parties in those cases should follow the pretrial procedures (including the limitations on discovery) and case management procedures that apply to limited civil cases generally. Rule 3.1546(a), (b).

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<sup>1</sup> AB 555 may be viewed at [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB555](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB555) .

<sup>2</sup> All statutory references herein are to the Code of Civil Procedure, unless otherwise noted. All rules references are the California Rules of Court.

The new rule also sets out the procedure for opting out of a mandatory EJT:

- The newly developed mandatory form (proposed form EJT-003) must be used to make the request.
- For cases filed after July 1, 2016, unless good cause is shown, the request must be served and filed by at least 45 days before the date first set for trial.<sup>3</sup>
- For cases already on file at the time the rule (and the new law) becomes operative, and so potentially closer to or past the date first set for trial, parties must file any opt out request at least 10 days before trial.
- Any objection to the request must be served and filed within 15 days after service of the request, using a mandatory form. (See proposed form EJT-004.)

Rule 3.1546(c): The rules do not anticipate that a hearing must be held on these requests to opt out, because in most the party will have the right to opt out under section 630.20(b) and the request will be routinely granted by the court on the paper filed. Should the court decide a hearing is necessary, the proposed optional order form allows the courts to set one. See proposed form EJT-005.

Rule 3.1546(d) notes that the parties may agree to modify the pretrial and trial procedures (see § 630.23(d) expressly allowing this), and identifies proposed new form EJT-018 and its attachment form as a means to formalize any such agreement.

***Voluntary EJT rules.*** Minor amendments are proposed to current rules 3.1547 and 3.1548, as described below:<sup>4</sup>

- First, the titles of both rules and pertinent subparts are changed to clarify they apply only to voluntary EJTs.
- Second, rule 3.1547(b)(1) has been amended to clarify that the requirements of, as well as timelines for, the pretrial submissions may be modified by agreement of the parties. (A similar change has been made to the attachment to the consent order (form EJT-022A.)
- Third, rule 3.1547(b)(4) was amended to change the three-hour time frame for each side's case to a five-hour time frame.
- Finally, an additional item was added to the list of subjects to be considered at the pretrial conference—the issue of how the award of attorney's fees and costs is to be handled in cases with high/low agreements.

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<sup>3</sup> That date parallels the earliest date on which a party in a limited civil case may ask the other side for a pretrial statement identifying planned trial witnesses and exhibits. See § 96.

<sup>4</sup> As noted in the discussion of Alternatives Considered, below, the advisory committee is contemplating further amendments to these provisions in the future.

***Rules applicable to all EJTs.*** The time limits regarding voir dire (in rule 3.1550) were eliminated and the time frame in rule 3.1551 was amended to reflect the change in the statute. Former rule 3.1546 was moved to this new article and renumbered as rule 3.1553. The remaining trial rules otherwise remain the same, amended only to clarify that they are applicable to both types of EJTs.

### **New and Amended Forms**

New forms are proposed for the opt-out procedure and potential agreements of the parties in mandatory EJTs. The current EJT forms are being amended to reflect the increased trial time and to make some of them usable in mandatory EJT cases as well as in voluntary EJT cases.

***EJT-001-INFO, Expedited Jury Trial Information Sheet.*** The information sheet is renumbered (it had been EJT-010-INFO), so that it will remain the first form in this form series, and has been revised in order to cover both types of expedited jury trials.

***EJT-003, Request to Opt Out of Mandatory Expedited Jury Trial.*** This new form is the mandatory form to be used for a request to opt out. There are check boxes for each of the criteria for opting out in § 630.20(b), and a space to set out good cause. There is also an item to address any good cause for late filing. The form must be completed under penalty of perjury. The back of the form has instructions for requesting an opt-out and for objecting to such a request.

### ***EJT-004, Objection to Request to Opt Out of Mandatory Expedited Jury Trial***

This new form is a very simple mandatory form that provides spaces to identify the applicant and date of request; identify the ground given and explain why not applicable; and/or explain why the request was not timely. This form, too, must be completed under penalty of perjury

### ***EJT-005, Order on Request to Opt Out of Mandatory Expedited Jury Trial***

This is a new optional order form for a court to use in acting on the request, to grant, deny, or set a hearing.

### ***EJT-018, Agreement of Parties (Mandatory Expedited Jury Trial Procedures)***

This is a new form intended to permit the parties to memorialize any agreements they reach to modify procedures or streamline the trial, including limiting number of witnesses, etc. This form may be used on its own or as a cover sheet for the attachment form that lists the several areas that had been previously determined to be ripe for modification in EJTs. (See form EJT-022A, previously form EJT-020A.)

***EJT-020, Proposed Consent Order.*** This form has been amended to clarify that it is for use in voluntary EJTs only, and the references to trial time limits and to various forms have been changed.

***EJT-022A Attachment.*** This form, previously numbered EJT-020A as the attachment to the proposed consent order, has been revised so that it can also be used by parties in mandatory EJTs as well.

### **Alternatives Considered**

Because the Legislature mandated new rules and procedures be developed to reflect the changes to the voluntary EJT provisions and the enactment of the new mandatory EJT provisions, the committee did not consider whether to develop new rules and forms, but merely how to do so.

### **Pretrial Procedures for Mandatory EJTs**

The committee considered making the current rules regarding mandatory pretrial conferences and pretrial submissions for voluntary EJTs (see rule 3.1548) applicable to mandatory EJTs as well. The committee decided, however, that those rules—particularly the pretrial conference mandated 15 days before the trial—would be overly burdensome if required in all limited civil cases, and declined to do so. The committee decided instead that mandatory EJT cases should comply with the existing statutory pretrial provisions for limited civil cases, which provide for limited discovery in such cases and the potential of a pretrial exchange of witness and exhibit lists. See §§ 90–100.

In developing procedures for parties to opt out of mandatory EJTs under section 630.20, the committee considered different time frames for opting out. The proposal provides that, in cases filed on or after July 1, 2016, the request may be made up to 45 days before the date first set for trial, the same time at which the parties may ask for a pretrial exchange of witness and exhibit lists (§ 96). The advisory committee considered an earlier deadline for opting out, 60 or 90 days after the first responsive pleading was filed. Many of the criteria set out in section 630.20(b) as grounds for opting out can be identified at the time the complaint or responsive pleading has been filed. With an earlier date, the parties would know from early in the case whether they were likely to be engaging in an EJT. The committee noted, however, that some of the criteria could change over the course of a case. Moreover, pretrial procedures in these limited civil actions will remain the same whether or not the eventual trial is an EJT. The only impacts of opting out of the mandatory EJT procedures will be that the non-EJT case will use more jurors at trial and may take somewhat longer to try than the two to three days an EJT will take. In light of these considerations, the committee concluded there was not good reason to limit a party's ability to opt out to early in the case, although the committee does ask for comments on this point.

In considering the opt-out procedures, the committee also considered whether it should develop a rule to clarify that, after a party has opted out of the mandatory EJT procedures based on a case meeting one or more of the conditions in section 630.20(b), a court may return the case to

mandatory EJT status should the relevant conditions no longer apply. The committee asks for comments on whether such a rule should be developed to clarify that a case can be returned to mandatory EJT status when appropriate, even after an opt-out has been approved by the court.

### **Pretrial Procedures for Voluntary EJTs**

The committee considered amending the current pretrial rule for voluntary EJTs (rule 3.1548) in light of concerns raised that the early deadlines for pretrial exchanges and the mandatory pretrial conferences were burdensome, particularly in smaller cases, and discouraged parties from agreeing to EJTs. Some members noted that the current rules were often not complied with because many voluntary EJTs were agreed to just before trial, after the time in the rule for exchanges and submissions had already passed. The committee decided to defer proposing any amendments to that provision at this time, focusing instead on the new mandatory EJTs. However, the committee seeks comments on whether such changes are called for and, if so, what changes might make the rules more effective in furthering speedy short trials in cases other than those covered by the mandatory EJT rules. The committee may consider making future recommendations to amend this rule in light of comments received.

### **Implementation Requirements, Costs, and Operational Impacts**

The statutory changes in AB 555 will require significant education of judicial officers and courtroom personnel in any event, regarding the mandatory EJTs that will be held in many limited civil cases starting in July 2016, as well as the criteria for parties to be able to opt out of that type of trial. The new rules and forms relating to requests to opt out are intended to simplify the process, but they will also result in further training needs for court personnel and judicial officers. Those courts that decide to add the optional order form to their computerized case management system will have the added cost of doing that, but it is recommended as an optional form so that courts can make the decision.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is the deadline for requesting to opt out of an expedited jury trial provided in proposed rule 3.1546(c) appropriate, or should the rule provide for a deadline significantly earlier in the case?
- Should there be a rule to clarify that courts may require that a limited civil case be tried as an expedited jury trial even after an opt-out has been granted on a ground provided in Code of Civil Procedure section 630.20(b), if that ground is no longer applicable at the time of trial?
- Are the current pretrial rules for voluntary expedited jury trials in rule 3.1548 overly burdensome? Should the time frames be changed? Should other aspects of the rule be changed?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal (the rules and forms) provide cost savings? If so please quantify.
- What would the implementation requirements (for the rules and forms) be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

1. Cal. Rules of Court, rules 3.1545–3.1553
2. Forms EJT-001-INFO, EJT-003, EJT-004, EJT-005, EJT-018, EJT-020, EJT-022A
3. Assembly Bill 555 may be viewed at [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB555](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB555)



Rules 3.1545 and 3.1547–3.1552 of the California Rules of Court would be amended, rule 3.1546 would be adopted, and rule 3.1553 would be renumbered, effective July 1, 2016, to read:

1 **Division 15. Trial**

2  
3 **Chapter 4.5. Expedited Jury Trials**

4  
5 Article 1. Applicability

6  
7 **Rule 3.1545. Expedited jury trials**

8  
9 **(a) Application**

10  
11 The rules in this chapter apply to civil actions in which the parties either

12  
13 (1) Agree to an a voluntary expedited jury trial under chapter 4.5 (commencing with  
14 section 630.01) of title 8 of part 2 of the Code of Civil Procedure, or

15  
16 (2) Are required to take part in an expedited jury trial under chapter 4.6 (commencing with  
17 section 630.20) of title 8 of part 2 of the Code of Civil Procedure.

18  
19 **(b) Definitions**

20  
21 As used in this chapter unless the context or subject matter otherwise requires:

22  
23 (1) “Consent order” means the consent order granting an expedited jury trial described in  
24 Code of Civil Procedure section 630.03.

25  
26 (2) “Expedited jury trial” is a short jury trial before a reduced jury panel, and may be either  
27 a “mandatory expedited jury trial” or a “voluntary expedited jury trial”.

28  
29 (3) “Mandatory expedited jury trial” has the same meaning as stated in Code of Civil  
30 Procedure 630.21.

31  
32 (4) “Voluntary expedited jury trial” has the same meaning as stated for “expedited jury  
33 trial” in Code of Civil Procedure section 630.01.

34  
35 (5) “~~Expedited jury trial~~” “High/low agreement” and “posttrial motions” have the same  
36 meanings as stated in Code of Civil Procedure section 630.01.

37  
38 **(c) Other programs**

39  
40 This chapter does not limit the adoption or use of other expedited trial or alternative  
41 dispute resolution programs or procedures.



1  
2 Article 2. Rules Applicable Only to Cases with Mandatory Expedited Jury Trials

3  
4 **Rule 3.1546. Pretrial procedures for mandatory expedited jury trials**

5  
6 **(a) Pretrial procedures**

7  
8 The pretrial procedures for limited civil actions set out in the Code of Civil Procedure,  
9 sections 90–100 are applicable to all cases with mandatory expedited jury trials. The  
10 statutory procedures include limited discovery, optional case questionnaires, optional  
11 requests for pretrial statements identifying trial witnesses and exhibits, and the possibility  
12 of presenting testimony in the form of affidavits or declarations.

13  
14 **(b) Case management**

15  
16 The case management rules in chapter 3 of division 7 of these rules, starting at rule 3.720  
17 are applicable to all cases with mandatory expedited jury trials, except to the extent the  
18 rules have been modified by local court rules applicable to limited civil cases.

19  
20 **(c) Opting out of mandatory expedited jury trial procedures**

- 21  
22 (1) Parties seeking to opt out of mandatory expedited jury trial procedures on grounds  
23 stated in Code of Civil Procedure section 630.20(b) must file a *Request to Opt Out of*  
24 *Mandatory Expedited Jury Trial Procedures*, form EJT-003.
- 25  
26 (2) In cases filed on or after July 1, 2016, except on a showing of good cause, the request  
27 must be served and filed at least 45 days before the date first set for trial. In cases filed  
28 before July 1, 2016, except on a showing of good cause, the request must be served and  
29 filed at least 10 days before trial.
- 30  
31 (3) Any objection to the request must be served and filed within 15 days after date of  
32 service of the request, on form *Opposition to Request to Opt Out of Mandatory*  
33 *Expedited Jury Trial Procedures*, form EJT-004.

34  
35 **(d) Agreements regarding pretrial and trial procedures**

36  
37 Parties are encouraged to agree to procedures or limitations on pretrial procedures and on  
38 presentation of information at trial that could streamline the case, including but not limited  
39 to those items described below in rule 3.1547(b). The parties may use *Agreement of*  
40 *Parties (Mandatory Expedited Jury Trial Procedures)* (form EJT-018) and the attachment  
41 (form EJT-022A) to describe such agreements.

1                    Article 3. Rules Applicable Only to Cases with Voluntary Expedited Jury Trials

2  
3 **Rule 3.1547. Consent order for voluntary expedited jury trial**

4  
5 **(a) Submitting proposed consent order to the court**

- 6        (1) Unless the court otherwise allows, to be eligible to participate in ~~an~~ a voluntary  
7 expedited jury trial, the parties must submit to the court, no later than 30 days before  
8 any assigned trial date, a proposed consent order granting an expedited jury trial.  
9  
10        (2) The parties may enter into written stipulations regarding any high/low agreements or  
11 other matters. Only in the following circumstances may a high/low agreement be  
12 submitted to the court with the proposed consent order or disclosed later in the  
13 action:  
14  
15            (A) Upon agreement of the parties;  
16  
17            (B) In any case involving either  
18  
19                    (i) A self-represented litigant, or  
20  
21                    (ii) A minor, an incompetent person, or a person for whom a conservator has  
22 been appointed; or  
23  
24            (C) If necessary for entry or enforcement of the judgment.

25  
26 **(b) Optional content of proposed consent order**

27  
28 In addition to complying with the provisions of Code of Civil Procedure section 630.03(e),  
29 the proposed consent order may include other agreements of the parties, including the  
30 following:

- 31  
32        (1) Modifications of the requirements or timelines for pretrial submissions required by  
33 rule 3.1548;  
34  
35        (2) Limitations on the number of witnesses per party, including expert witnesses;  
36  
37        (3) Modification of statutory or rule provisions regarding exchange of expert witness  
38 information and presentation of testimony by such witnesses;  
39  
40        (4) Allocation of the time periods stated in rule 3.1550 including how arguments and  
41 cross-examination may be used by each party in the ~~three~~ five-hour time frame;  
42  
43        (5) Any evidentiary matters agreed to by the parties, including any stipulations or  
44 admissions regarding factual matters;  
45

- 1 (6) Any agreements about what constitutes necessary or relevant evidence for a  
2 particular factual determination;  
3  
4 (7) Agreements about admissibility of particular exhibits or demonstrative evidence that  
5 are presented without the legally required authentication or foundation;  
6  
7 (8) Agreements about admissibility of video or written depositions and declarations;  
8  
9 (9) Agreements about any other evidentiary issues or the application of any of the rules  
10 of evidence;  
11  
12 (10) Agreements to use photographs, diagrams, slides, electronic presentations, overhead  
13 projections, notebooks of exhibits, or other methods for presenting information to the  
14 jury;  
15  
16 (11) Agreements concerning the time frame for filing and serving motions in limine; and  
17  
18 (12) Agreements concerning numbers of jurors required for jury verdicts in cases with  
19 fewer than eight jurors.  
20

21 **Rule 3.1548. Pretrial submissions for voluntary expedited jury trials**  
22

23 **(a) Service**  
24

25 Service under this rule must be by a means consistent with Code of Civil Procedure  
26 sections 1010.6, 1011, 1012, and 1013 or rule 2.251 and be reasonably calculated to assure  
27 delivery to the other party or parties no later than the close of business on the last  
28 allowable day for service as specified below.  
29

30 **(b) Pretrial exchange for voluntary expedited jury trials**  
31

32 Unless otherwise agreed by the parties, no later than 25 days before trial, each party must  
33 serve on all other parties the following:  
34

- 35 (1) Copies of any documentary evidence that the party intends to introduce at trial  
36 (except for documentary evidence to be used solely for impeachment or rebuttal),  
37 including, but not limited to, medical bills, medical records, and lost income records;  
38  
39 (2) A list of all witnesses whom the party intends to call at trial, except for witnesses to  
40 be used solely for impeachment or rebuttal, and designation of whether the testimony  
41 will be in person, by video, or by deposition transcript;  
42  
43 (3) A list of depositions that the party intends to use at trial, except for depositions to be  
44 used solely for impeachment or rebuttal;  
45

- 1 (4) A copy of any audiotapes, videotapes, digital video discs (DVDs), compact discs  
2 (CDs), or other similar recorded materials that the party intends to use at trial for  
3 evidentiary purposes, except recorded materials to be used solely for impeachment or  
4 rebuttal and recorded material intended to be used solely in closing argument;  
5  
6 (5) A copy of any proposed jury questionnaires (parties are encouraged to agree in  
7 advance on a questionnaire);  
8  
9 (6) A list of proposed approved introductory instructions, preinstructions, and  
10 instructions to be read by the judge to the jury;  
11  
12 (7) A copy of any proposed special jury instructions in the form and format described in  
13 rule 2.1055;  
14  
15 (8) Any proposed verdict forms;  
16  
17 (9) A special glossary, if the case involves technical or unusual vocabulary; and  
18  
19 (10) Motions in limine.  
20

21 **(c) Supplemental exchange for voluntary expedited jury trials**  
22

23 No later than 20 days before trial, a party may serve on any other party any additional  
24 documentary evidence and a list of any additional witnesses whom the party intends to use  
25 at trial in light of the exchange of information under subdivision (b).  
26

27 **(d) Submissions to court for voluntary expedited jury trials**  
28

29 No later than 20 days before trial, each party must file all motions in limine and must lodge  
30 with the court any items served under (b)(2)–(9) and (c).  
31

32 **(e) Preclusionary effect**  
33

34 Unless good cause is shown for any omission, failure to serve documentary evidence as  
35 required under this rule will be grounds for preclusion of the evidence at the time of trial.  
36

37 **(f) Pretrial conference for voluntary expedited jury trials**  
38

39 No later than 15 days before trial, unless that period is modified by the consent order, the  
40 judicial officer assigned to the case must conduct a pretrial conference, at which time  
41 objections to any documentary evidence previously submitted will be ruled on. If there are  
42 no objections at that time, counsel must stipulate in writing to the admissibility of the  
43 evidence. Matters to be addressed at the pretrial conference, in addition to the evidentiary  
44 objections, include the following:  
45

- 1 (1) Any evidentiary matters agreed to by the parties, including any stipulations or  
2 admissions regarding factual matters;  
3  
4 (2) Any agreement of the parties regarding limitations on necessary or relevant  
5 evidence, including any limitations on expert witness testimony;  
6  
7 (3) Any agreements of the parties to use photographs, diagrams, slides, electronic  
8 presentations, overhead projections, notebooks of exhibits, or other methods of  
9 presenting information to the jury;  
10  
11 (4) Admissibility of any exhibits or demonstrative evidence without legally required  
12 authentication or foundation;  
13  
14 (5) Admissibility of video or written depositions and declarations and objections to any  
15 portions of them;  
16  
17 (6) Objections to and admissibility of any recorded materials that a party has designated  
18 for use at trial;  
19  
20 (7) Jury questionnaires;  
21  
22 (8) Jury instructions;  
23  
24 (9) Special verdict forms;  
25  
26 (10) Allocation of time for each party's case; ~~and~~  
27  
28 (11) Motions in limine filed before the pretrial conference; and  
29  
30 (12) The parties' intention on how any high/low agreement will affect an award of fees  
31 and costs.  
32

33 **(g) Expert witness documents**  
34

35 Any documents produced at the deposition of an expert witness are deemed to have been  
36 timely exchanged for the purpose of (c) above.  
37

38 Article 3. Rules Applicable to All Expedited Jury Trials  
39

40 **Rule 3.1549 Voir dire**  
41

42 ~~Approximately one hour will be devoted to voir dire, with 15 minutes allotted to the judicial~~  
43 ~~officer and 15 minutes to each side.~~ Parties are encouraged to submit a joint form questionnaire  
44 to be used with prospective jurors to help expedite the voir dire process.  
45

1 **Rule 3.1550. Time limits**

2  
3 ~~Excluding~~ Including jury selection-~~voir dire~~, each side will be allowed ~~three~~ five hours to present  
4 its case, including opening statements and closing arguments, unless the court, upon a finding of  
5 good cause, allows additional time. The amount of time allotted for each side includes the time  
6 that the side spends on cross-examination. The parties are encouraged to streamline the trial  
7 process by limiting the number of live witnesses. The goal is to complete an expedited jury trial  
8 within ~~one full~~ two trial days.  
9

10 **Rule 3.1551. Case presentation**

11  
12 **(a) Methods of presentation**

13  
14 Upon agreement of the parties and with the approval of the judicial officer, the parties may  
15 present summaries and may use photographs, diagrams, slides, electronic presentations,  
16 overhead projections, individual notebooks of exhibits for submission to the jurors, or  
17 other innovative methods of presentation approved at the pretrial conference.  
18

19 **(b) Exchange of items**

20  
21 Anything to be submitted to the jury under (a) as part of the evidentiary presentation of the  
22 case in chief must be exchanged 20 days in advance of the trial, unless that period is  
23 modified by the consent order or agreement of the parties. This rule does not apply to items  
24 to be used solely for closing argument.  
25

26 **(c) Stipulations regarding facts**

27  
28 The parties should stipulate to factual and evidentiary matters to the greatest extent  
29 possible.  
30

31 **Rule 3.1552. Presentation of evidence**

32  
33 **(a) Stipulations regarding rules of evidence**

34  
35 The parties may offer such evidence as is relevant and material to the dispute. An  
36 agreement to modify the rules of evidence for the trial made pursuant to the expedited jury  
37 trial statutes commencing with Code of Civil Procedure section 630.01 may be included in  
38 the consent order or agreement of the parties. To the extent feasible, the parties should  
39 stipulate to modes and methods of presentation that will expedite the process, either in the  
40 consent order or at the pretrial conference.  
41

42 **(b) Objections**

43  
44 Objections to evidence and motions to exclude evidence must be submitted in a timely  
45 manner. Except as provided in rule 3.1548(f), failure to raise an objection before trial does  
46 not preclude making an objection or motion to exclude at trial.

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**Rule ~~3.1546~~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 ~~an~~ a voluntary\_expedited jury trial.



# EJT-001-INFO Expedited Jury Trial Information Sheet

This information sheet is for anyone involved in a civil lawsuit who will be taking part in an **expedited jury trial**—a trial that is shorter and has a smaller jury than a traditional jury trial.

You can find the law and rules governing expedited jury trials in Code of Civil Procedure sections 630.01–630.29 and in rules 3.1545–3.1553 of the California Rules of Court. You can find these at any county law library or online. The statutes are online at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>. The rules are at [www.courts.ca.gov/rules](http://www.courts.ca.gov/rules).

## 1 What is an expedited jury trial?

An expedited jury trial is a short trial, generally lasting only one or two days. It is intended to be quicker and less expensive than a traditional jury trial.

As in a traditional jury trial, a jury will hear your case and will reach a decision about whether one side has to pay money to the other side. An expedited jury trial differs from a regular jury trial in several important ways:

- **The trial will be shorter.** Each side has 5 hours to pick a jury, put on all its witnesses, show the jury its evidence, and argue its case.
- **The jury will be smaller.** There will be 8 jurors instead of 12.
- **Choosing the jury will be faster.** The parties will exercise fewer challenges.

## 2 What cases have expedited jury trials?

- **Mandatory expedited jury trials.** All limited civil cases—cases where the demand for damages or the value of property at issue is \$25,000 or less—come within the *mandatory expedited jury trial* procedures. These can be found in the Code of Civil Procedure, starting at section 630.20. Unless your case is an unlawful detainer (eviction) action, or meets one of the exceptions set out in the statute, it will be within the expedited jury trial procedures. These exceptions are explained more in 8 below.
- **Voluntary expedited jury trials.** If your civil case is not a limited civil case, or even if it is, you can choose to take part in a *voluntary expedited jury trial*, if all the parties agree to do so. Voluntary expedited jury trials have the same shorter time frame and smaller jury that the mandatory ones do,

but have one other important aspect—**all parties must waive their rights to appeal.** In order to help keep down the costs of litigation, there are no appeals following a *voluntary* expedited jury trial except in very limited circumstances. These are explained more fully in 10.

## 3 Will the case be in front of a judge?

The trial will take place at a courthouse and a judge, or, if you agree, a temporary judge (a court commissioner or an experienced attorney that the court appoints to act as a judge) will handle the trial.

## 4 Does the jury have to reach a unanimous decision?

No. Just as in a traditional civil jury trial, only three-quarters of the jury must agree in order to reach a decision in an expedited jury trial. With 8 people on the jury, that means that at least 6 of the jurors must agree on the verdict in an expedited jury trial.

## 5 Is the decision of the jury binding on the parties?

Generally, yes, but not always. A verdict from a jury in an expedited jury trial is like a verdict in a traditional jury trial. The court will enter a judgment based on the verdict, the jury's decision that one or more defendants will pay money to the plaintiff or that the plaintiff gets no money at all.

But parties in an expedited jury trial, like in other kinds of trials, are allowed to make an agreement before the trial that guarantees that the defendant will pay a certain amount to the plaintiff even if the jury decides on a lower payment or no payment. That agreement may also put a cap on the highest amount that a defendant has to pay, even if the jury decides on a higher amount. These agreements are known as “high/low agreements.” You should discuss with your attorney whether you should enter into such an agreement in your case and how it will affect you.

## 6 How else is an expedited jury trial different?

The goal of the expedited jury trial process is to have shorter and less expensive trials.

- The cases that come within the mandatory expedited jury trial procedures are all limited civil actions, and they must proceed under the limited discovery and pretrial rules that apply to those actions. See Code of



Civil Procedure §§ 90–100.

- The voluntary expedited jury trial rules set up some special procedures to help those cases have shorter and less expensive trials. For example, the rules require that several weeks before the trial takes place, the parties show each other all exhibits and tell each other what witnesses will be at the trial. In addition, the judge will meet with the attorneys before the trial to work out some things in advance.

The other big difference is that the parties in either kind of expedited jury trial can make agreements about how the case will be tried so that it can be tried quickly and effectively. These agreements may include what rules will apply to the case, how many witnesses can testify for each side, what kind of evidence may be used, and what facts the parties already agree to and so do not need to take to the jury. The parties can agree to modify many of the rules that apply to trials generally or to any pretrial aspect of the expedited jury trials.

### 8 Do I have to have an expedited jury trial if my case is for \$25,000 or less?

Not always. There are some exceptions.

- The mandatory expedited jury trial procedures do not apply to any unlawful detainer or eviction case.
- Any party may ask to opt out of the procedures if the case meets the criteria set out in Code of Civil Procedure section 630.20(b), all of which are also described in item 2 of the *Request to Opt Out of Mandatory Expedited Jury Trial*, form EJT-003. Any request to opt out must be made on that form, and it must be made within a certain time period, as set out in Cal. Rules of Court, rule 3.1546(c). Any opposition must be filed within 15 days after the request has been served.

*The remainder of this information sheet applies only to voluntary expedited jury trials.*

### 9 Who can take part in a voluntary expedited jury trial?

The process can be used in any civil case that the parties agree may be tried in one or two days. To have a voluntary expedited jury trial, both sides must want one. Each side must agree to all the rules described in 1, and to waive most appeal rights. The agreements between the parties must be put into writing in a

document called a *[Proposed] Consent Order for a Voluntary Expedited Jury Trial*, which will be submitted to the court for approval. (Form EJT-020 may be used for this.) The court must issue the consent order as proposed by the parties unless the court finds good cause why the action should not proceed through the expedited jury trial process.

### 10 Why do I give up most of my rights to an appeal in a voluntary expedited jury trial?

To keep costs down and provide a faster end to the case, all parties who agree to take part in a voluntary expedited jury trial must agree to waive the right to appeal the jury verdict or decisions by the judicial officer concerning the trial unless one of the following happens:

- Misconduct of the judicial officer that materially affected substantial rights of a party;
- Misconduct of the jury; or
- Corruption or fraud or some other bad act that prevented a fair trial.

In addition, parties may not ask the judge to set the jury verdict aside, except on those same grounds. Neither you nor the other side will be able to ask for a new trial on the grounds that the jury verdict was too high or too low, that legal mistakes were made before or during the trial, or that new evidence was found later.

### 11 Can I change my mind after agreeing to a voluntary expedited jury trial?

No, unless the other side or the court agrees. Once you and the other side have agreed to take part in a voluntary expedited jury trial, that agreement is binding on both sides. It can be changed only if **both** sides want to change it or stop the process or if a court decides there are good reasons the voluntary expedited jury trial should not be used in the case. This is why it is important to talk to your attorney **before** agreeing to a voluntary expedited jury trial. This information sheet does not cover everything you may need to know about voluntary expedited jury trials. It only gives you an overview of the process and how it may affect your rights. **You should discuss all the points covered here and any questions you have about expedited jury trials with an attorney before agreeing to a voluntary expedited jury trial.**

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY  <b>DRAFT</b> <b>12/01/15</b>  <b>NOT APPROVED</b> <b>BY JUDICIAL</b> <b>COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER:	
<b>REQUEST TO OPT OUT OF MANDATORY EXPEDITED JURY TRIAL PROCEDURES</b>	CASE NUMBER:

*See instructions on back.*

1. (Name of party): \_\_\_\_\_ requests to opt out of the mandatory expedited jury trial procedures in this case because it meets one of the criteria set forth Code of Civil Procedure section 630.20(b).

2. The ground for asking to opt out is (check one or more of the following grounds from Code of Civil Procedure section 630.20(b)):

- a.  Punitive damages are sought in the case. (§ 630.20(b)(1).)
- b.  Damages in excess of insurance policy limits are sought in the case. (§ 630.20(b)(2).)
- c.  A party's insurer is providing a legal defense subject to a reservation of rights. (§ 630.20(b)(3).)
- d.  The case involves a claim reportable to a governmental entity. (§ 630.20(b)(4).)
- e.  The case involves a claim of moral turpitude that may affect an individual's professional license. (§ 630.20(b)(5).)  
(Identify the individual and the license):
- f.  The case involves claims of intentional conduct. (§ 630.20(b)(6).)
- g.  The case has been reclassified as unlimited pursuant to Code of Civil Procedure section 403.020. (§ 630.20(b)(7).)
- h.  The complaint contains a demand for attorney's fees other than fees sought under Civil Code section 1717. (§ 630.20(b)(8).) (A complaint seeking attorney's fees provided for in a contract is not exempt.)
- i.  Other good cause for not proceeding as an expedited jury trial (§ 630.20(b)(9)) (specify):

3. If the request is not made within the time frame required under Cal. Rules of Court, rule 3.1546, describe the good cause for late filing:

Check here if you need more space to describe the good cause for the request, or for delay, and attach a separate page or pages describing it. At the top of each page, write "EJT-003, item 2i" or "EJT-003, item 3," as applicable.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

## —INSTRUCTIONS—

1. This form is to be used by any party in a limited civil action seeking to opt out of the mandatory expedited jury trial procedures set out in Code of Civil Procedure sections 630.20–630.29. Those procedures are also described in the *Expedited Jury Trial Information Sheet*, form EJT-001-INFO.
2. The law provides that mandatory expedited jury trial procedures apply to all limited civil cases (except for unlawful detainer or eviction cases), unless the case meets one of the criteria set out in Code of Civil Procedure section 630.20(b). Those are listed on the front of this form, at items 2a–2i. If a case fits into one of those criteria, either party may ask to opt out of the mandatory expedited jury trial procedures.
3. **If you want to opt out:** If you believe the case meets one of the criteria listed in item 2 and you want to opt out of the expedited jury trial procedures, fill out this form, serve a copy on all other parties in the case, and file the original with the court along with a proof of service (you can use form POS-040 for this). The form should be served and filed at least 45 days before the date first set for trial. If you have good cause for filing it later, explain that in item 3.
4. **If you received a copy of this form:** If you disagree that the the case meets any of the criteria listed in item 2, you can object. To do that, fill out the *Objection to Request to Opt Out of Mandatory Expedited Jury Trial Procedures*, form EJT-004, serve a copy on all other parties in the case, and file the original with the court along with a proof of service (you can use form POS-040 for this). *You must file the opposition within 15 days of the date the request was served on you.*
5. **Court action:** After the court has reviewed the request and any objection that has been filed within 15 days, the court will issue an order that will do one of the following:
  - a. grant the request,
  - b. deny the request, or
  - c. set a hearing to hear further from the parties.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY  <b>DRAFT</b> <b>12/01/15</b>  <b>NOT APPROVED</b> <b>BY JUDICIAL</b> <b>COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER:	
<b>OBJECTION TO REQUEST TO OPT OUT OF MANDATORY                  EXPEDITED JURY TRIAL PROCEDURES</b>	CASE NUMBER:

1. (Name of party): \_\_\_\_\_ objects to the request to opt out of mandatory expedited jury trial procedures.

3. The request to opt out was filed by (name of applicant): \_\_\_\_\_ and was served on (date): \_\_\_\_\_

3. The case does not meet the criteria that the applicant has identified in the *Request to Opt Out* (identify each ground that was checked in item 2 of the Request, and explain why it does not apply to this case):

4. The request to opt out is not timely under Cal. Rules of Court, rule 3.1546, and there is no good cause for a late request. (Explain below.)

Check here if you need more space and attach a separate page or pages. At the top of each page, write "EJT-004, item 3" or "EJT-004, item 4" as applicable.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

  
 (SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY  <b>DRAFT</b> <b>12/01/15</b>  <b>NOT APPROVED</b> <b>BY JUDICIAL</b> <b>COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____ OTHER: _____	
<b>ORDER ON REQUEST TO OPT OUT OF</b> <b>MANDATORY EXPEDITED JURY PROCEDURES</b>	CASE NUMBER: _____

The court has reviewed the request to opt out, along with any objection thereto, and makes the following orders:

1.  The court **grants** the request. The case will *not* proceed under the mandatory expedited jury procedures.
2.  The court **denies** the request to opt out for the following reason(s):
3.  The court needs more information to decide whether to grant the request. A hearing is set on the date below:

Name and address of court if different from above:

<b>Hearing Date</b>	→
-------------------------	---

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
 JUDICIAL OFFICER

**Clerk's Certificate of Service**

I certify that I am not a party to this action and (check one):

- A certificate of mailing is attached.
- I handed a copy of this order to the applicant listed above, at the court, on the date below.
- This order was mailed first class, postage paid, to the applicant at the address listed above, from (city): \_\_\_\_\_, California on the date below.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
 DEPUTY CLERK

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<i>FOR COURT USE ONLY</i>  <b>DRAFT</b> <b>12/01/15</b>  <b>NOT APPROVED</b> <b>BY JUDICIAL</b> <b>COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER:	
<b>AGREEMENT OF PARTIES</b> <b>(MANDATORY EXPEDITED JURY TRIAL PROCEDURES)</b>	CASE NUMBER:

*Under Code of Civil Procedure section 630.23(d), parties are encouraged to agree to modifications or limitations on pretrial procedures and presentation of information at trial that could streamline the case, including but not limited to those items described in form EJT-022A. This form along with form EJT-022A may be used to record any such agreements.*

**EACH PARTY AGREES AS FOLLOWS:**

1. The parties to the action are:
  - a. Plaintiff (name):
  - b. Defendant (name):
  - c. Other party (name and party):
2. The parties have agreed:  as described in attached form EJT-022A.  as described below.

Date: \_\_\_\_\_  
 (TYPE OR PRINT NAME AND TITLE, IF ANY)

▲ \_\_\_\_\_  
 (SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

Date: \_\_\_\_\_  
 (TYPE OR PRINT NAME AND TITLE, IF ANY)

▲ \_\_\_\_\_  
 (SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

Date: \_\_\_\_\_  
 (TYPE OR PRINT NAME AND TITLE, IF ANY)

▲ \_\_\_\_\_  
 (SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

- It is so **ORDERED**.
- The proposed consent order is **DENIED** for good cause.

Date: \_\_\_\_\_

\_\_\_\_\_ JUDICIAL OFFICER



ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR ( <i>name</i> ):	FOR COURT USE ONLY  <p style="text-align: center;"><b>DRAFT</b> <b>12/01/15</b></p> <p style="text-align: center;"><b>NOT APPROVED</b> <b>BY JUDICIAL</b> <b>COUNCIL</b></p>	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
<p style="text-align: center;"><b>[PROPOSED] CONSENT ORDER FOR</b> <b>VOLUNTARY EXPEDITED JURY TRIAL</b></p>		CASE NUMBER:
This form is to be signed by all parties and their attorneys of record consenting to a <b>voluntary</b> expedited jury trial under California Code of Civil Procedure sections 630.01–630.12 and rules 3.1545–3.1553 of the California Rules of Court. Before completing this form, all parties should review <i>Expedited Jury Trial Information Sheet</i> (form <b>EJT-001-INFO</b> ).		

**EACH PARTY AGREES AS FOLLOWS:**

1. The parties to the action, each of whom has the authority to consent to an expedited jury trial (EJT), are:
  - a. Plaintiff (*name*):
  - b. Defendant (*name*):
  - c. Other party (*name and party*):
2.
  - a.  Plaintiff is represented by an attorney who has advised plaintiff about the EJT procedures and provided plaintiff with an *Expedited Jury Trial Information Sheet* (form EJT-001-INFO).
  - b.  Defendant is represented by an attorney who has advised defendant about the EJT procedures and provided defendant with an *Expedited Jury Trial Information Sheet* (form EJT-001-INFO).
  - c.  I (*name*): \_\_\_\_\_ am representing myself and understand the voluntary expedited jury trial procedures as set forth in Code of Civil Procedure sections 630.01–630.12 and rules 3.1545–3.1553 of the California Rules of Court.
  - d.  Insurance carriers responsible for providing coverage or defense for the following parties have been informed of the EJT procedures and provided with an *Expedited Jury Trial Information Sheet* (form EJT-010) and do not object to the procedures:
    - (1)  Insurance carrier (*name of carrier*): \_\_\_\_\_  
for (*name of party*): \_\_\_\_\_
    - (2)  Insurance carrier (*name of carrier*): \_\_\_\_\_  
for (*name of party*): \_\_\_\_\_
    - (3)  Additional insurance carriers and parties are listed on attached form MC-025.
3. A party to this action  is  is not a minor, an incompetent person, or a person for whom a conservator has been appointed.
4. Each party understands and agrees to the voluntary expedited jury trial procedures, as follows:
  - a. That all parties **waive all rights to appeal**, to move for directed verdict, or to make any posttrial motions, except as provided in Code of Civil Procedure sections 630.08 and 630.09;
  - b. That each side will have up to **five hours** in which to **complete jury voir dire and** present its case;
  - c. That the jury will be composed of **eight or fewer jurors** with no alternates;
  - d. That each side will be **limited to three peremptory challenges**, unless the court permits an additional challenge in cases with more than two sides as provided in Code of Civil Procedure section 630.04; and
  - e. That the trial and pretrial matters will proceed under a–d above and, unless the parties expressly agree otherwise in this agreement or the attachment to it, under all other provisions for voluntary expedited jury trials (Code Civ. Proc., § 630.01 et seq.) and the rules of court for voluntary expedited jury trials (Cal. Rules of Court, rules 3.1545–3.1553).

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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5. Each party understands that only three-quarters of the jury need to agree in order to reach a decision, unless otherwise agreed by the parties.
6. Each party understands that the parties may make additional agreements concerning the trial in terms of applicable rules, number of witnesses, types of evidence, or other matters in order to shorten the length of time in which the matter will be tried to the jury. Any such agreements are described in item 9 below or in *Attachment to [Proposed] Consent Order for Voluntary Expedited Jury Trial* (form EJT-022A).
7. Each party understands that the parties may enter a confidential high-low agreement specifying a minimum amount of damages that a plaintiff is guaranteed to receive from defendant and a maximum amount that defendant will be liable for, regardless of the verdict returned by the jury.
8. Each party understands that any award of attorney's fees and costs will be decided by the court.
9.  Other agreements  are described in attached form EJT-022A.  are as follows:

10. Total number of pages attached: \_\_\_\_\_ . The consents below apply to all the agreements described in those pages.

**After reading the above and any attachments, I hereby consent to the voluntary expedited jury trial procedures for this case as stated in these documents.**

**PARTIES**

Date: _____ (TYPE OR PRINT NAME AND TITLE, IF ANY)	▶	_____ (SIGNATURE OF PLAINTIFF)
Date: _____ (TYPE OR PRINT NAME AND TITLE, IF ANY)	▶	_____ (SIGNATURE OF DEFENDANT)
Date: _____ (TYPE OR PRINT NAME AND TITLE, IF ANY)	▶	_____ (SIGNATURE OF <i>(describe party)</i> ):

**ATTORNEYS**

Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR PLAINTIFF)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR <i>(describe party)</i> ):

- It is so **ORDERED**.
- The proposed consent order is **DENIED** for good cause.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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**ATTACHMENT TO**  
 **[PROPOSED] CONSENT ORDER FOR VOLUNTARY EXPEDITED JURY TRIAL**  
 **AGREEMENT OF PARTIES (MANDATORY EXPEDITED JURY TRIAL PROCEDURES)**  
*(This attachment may be used with form EJT-018 OR EJT-020)*

The parties have agreed to the following (check all items on which agreements have been reached and describe the agreements in detail. If more space is needed for any item, use form MC-025 and complete item 15 below):

1.  *(For voluntary expedited jury trial cases only)* Modifications of the timeline for, or other aspects of, the pretrial submissions required by rule 3.1548 of the California Rules of Court (describe timeline or other changes):
  
2.  Limitations on the number of witnesses per party, including expert witnesses (describe):
  
3.  Modifications of statutory or rule provisions regarding exchange of expert witness information and presentation of testimony by such witnesses (describe):
  
4.  Allocation of time periods stated in rule 3.1550 of the California Rules of Court, including how arguments and cross-examination may be used by each party in the five-hour time frame (describe):
  
5.  Agreement as to any evidentiary matters, including any stipulations or admissions regarding factual matters (state such matters in detail):
  
6.  Agreement about what constitutes necessary or relevant evidence for a particular factual determination (describe):

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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7.  Agreement about admissibility of particular exhibits or demonstrative evidence presented without the legally required authentication or foundation (*describe*):
8.  Agreement about admissibility of video or written depositions and declarations (*describe*):
9.  Agreement about any other evidentiary issues or the application of any of the rules of evidence (*describe*):
10.  Agreement to use photographs, diagrams, slides, electronic presentations, overhead projections, notebooks of exhibits, or other methods for presenting information to the jury (*describe*):
11.  Agreement concerning the time frame for filing and serving motions in limine (*describe*):
12.  Agreement that fewer than eight jurors may hear this case (*describe*):
13.  Agreement concerning the number of jurors required to reach a verdict in this case (*describe, including any agreement regarding loss of juror after trial starts*):
14.  Other agreements (*describe*):
15.  Form MC-025 is attached, with further details concerning items (*list items*):