

AMENDED IN SENATE JULY 2, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 555

Introduced by Assembly Member Alejo

February 23, 2015

An act to *amend Sections 630.03 and 630.11 of, to add Chapter 4.6 (commencing with Section 630.20) to Title 8 of Part 2 of, and to repeal Section 630.12 of the Code of Civil Procedure, relating to civil actions.*

LEGISLATIVE COUNSEL’S DIGEST

AB 555, as amended, Alejo. Civil actions.

Existing law establishes procedures for conducting expedited jury trials in civil cases where the parties sign a consent order to stipulate that those procedures apply. Pursuant to these procedures, all parties agree *that each side has up to 3 hours to present its case and agree to waive all rights to appeal and to move for a directed verdict or to make any posttrial motions, except as provided.* Existing law repeals these provisions on January 1, 2016.

This bill ~~would delete that repeal~~ *would modify procedures to provide that each party have up to 5 hours to complete voir dire and present its case. The bill would require the Judicial Council to update rules and forms relating to these procedures by July 1, 2016. The bill would also delete the January 1, 2016 repeal date, thereby extending the operation of these provisions indefinitely.*

Existing law requires that a designated action or special proceeding meeting certain conditions be treated as a limited civil case. Existing law authorizes a limited civil case to be brought in the small claims division if the case is within the jurisdiction of the small claims division as otherwise provided by statute.

The bill would establish procedures for conducting expedited jury trials in limited civil cases, including provisions for a jury of 8 or few members, with no alternates, and a limit of 5 hours for each side to complete voir dire and to present its case. The bill would authorize either party to opt out of the expedited jury trial procedures if certain requirements are met. The bill would provide that the verdict in an expedited jury trial case may be appealed and is subject to any written high/low agreement, as defined. The bill would require the Judicial Council to adopt additional rules and uniform procedures, as provided, by July 1, 2016.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 630.03 of the Code of Civil Procedure is
2 amended to read:
3 630.03. (a) All parties agreeing to participate in an expedited
4 jury trial and, if represented, their counsel, shall sign a proposed
5 consent order granting an expedited jury trial.
6 (b) Except as provided in subdivision (d), the agreement to
7 participate in the expedited jury trial process is binding upon the
8 parties, unless either of the following occurs:
9 (1) All parties stipulate to end the agreement to participate.
10 (2) The court, on its own motion or at the request of a party by
11 noticed motion, finds that good cause exists for the action not to
12 proceed under the rules of this chapter.
13 (c) Any agreement to participate in an expedited jury trial under
14 this chapter may be entered into only after a dispute has arisen and
15 an action has been filed.
16 (d) The court shall approve the use of an expedited jury trial
17 and any high/low agreements or other stipulations for an expedited
18 jury trial involving either of the following:
19 (1) A self-represented litigant.
20 (2) A minor, an incompetent person, or a person for whom a
21 conservator has been appointed.
22 (e) The proposed consent order submitted to the court shall
23 include all of the following:
24 (1) A preliminary statement that each named party and any
25 insurance carrier responsible for providing coverage or defense

1 on behalf of that party, individually identified in the proposed
2 consent order, have been informed of the rules and procedures for
3 an expedited jury trial and provided with a Judicial Council
4 information sheet regarding expedited jury trials, have agreed to
5 take part in or, in the case of a responsible insurance carrier, not
6 object to, the expedited jury trial process, and have agreed to all
7 the specific provisions set forth in the consent order.

8 (2) The parties' agreement to all of the following:

9 (A) That all parties waive all rights to appeal and to move for
10 directed verdict or make any post-trial motions, except as provided
11 in Sections 630.08 and 630.09.

12 (B) That each side shall have up to ~~three~~ *five* hours in which to
13 *complete voir dire and to* present its case.

14 (C) That the jury shall be composed of eight or fewer jurors
15 with no alternates.

16 (D) That each side shall be limited to three peremptory
17 challenges, unless the court permits an additional challenge in
18 cases with more than two sides as provided in Section 630.04.

19 (E) That the trial and pretrial matters will proceed under
20 subparagraphs (A) to (D), inclusive, and, unless the parties
21 expressly agree otherwise in the proposed consent order, under all
22 other provisions in this chapter and in the implementing rules of
23 court.

24 (f) The court shall issue the consent order as proposed by the
25 parties, unless the court finds good cause why the action should
26 not proceed through the expedited jury trial process, in which case
27 the court shall deny the proposed consent order in its entirety.

28 *SEC. 2. Section 630.11 of the Code of Civil Procedure is*
29 *amended to read:*

30 630.11. The Judicial Council shall, on or before ~~January 1,~~
31 ~~2011, adopt~~ *July 1, 2016, update* rules and forms to establish
32 uniform procedures implementing the provisions of this chapter,
33 including, but not limited to, rules for all of the following:

34 (a) Additional content of proposed consent orders.

35 (b) Pretrial exchanges and submissions.

36 (c) Pretrial conferences.

37 ~~(d) Time limits for jury selection.~~

38 ~~(e) Time limits for trial, including presentation of evidence and~~
39 ~~argument.~~

40 ~~(f)~~

1 (d) Presentation of evidence and testimony.

2 ~~(g)~~

3 (e) Any other procedures necessary to implement the provisions
4 of this chapter.

5 **SECTION 1.**

6 *SEC. 3.* Section 630.12 of the Code of Civil Procedure is
7 repealed.

8 *SEC. 4.* Chapter 4.6 (commencing with Section 630.20) is
9 added to Title 8 of Part 2 of the Code of Civil Procedure, to read:

10
11 *CHAPTER 4.6. EXPEDITED JURY TRIALS IN LIMITED CIVIL CASES*

12
13 630.20. (a) Except as provided in subdivision (b), an action
14 or special proceeding treated as a limited civil case pursuant to
15 Article 1 (commencing with Section 85) of Chapter 5.1 of Title 1
16 of Part 1, including an action or special proceeding initially filed
17 as a limited civil case or remanded as one thereafter, shall be
18 conducted as an expedited jury trial pursuant to this chapter.

19 (b) Either party may opt out of the expedited jury trial
20 procedures if any of the following criteria is met:

21 (1) Punitive damages are sought.

22 (2) Damages in excess of insurance policy limits are sought.

23 (3) A party's insurer is providing a legal defense subject to a
24 reservation of rights.

25 (4) The case involves a claim reportable to a governmental
26 entity.

27 (5) The case involves a claim of moral turpitude that may affect
28 an individual's professional licensing.

29 (6) The case involves claims of intentional conduct.

30 (7) The judge finds good cause exists for the action not to
31 proceed under the rules of this chapter.

32 (c) A judgment in a limited civil case conducted as an expedited
33 jury trial may be appealed to the appellate division of the superior
34 court in which the case was tried.

35 630.21. For purposes of this chapter:

36 (a) "Expedited jury trial" means a jury trial before a reduced
37 jury panel and a judicial officer.

38 (b) "High/low agreement" means a written agreement entered
39 into by the parties that specifies a minimum amount of damages
40 that a plaintiff is guaranteed to receive from the defendant, and a

1 *maximum amount of damages that the defendant will be liable for,*
2 *regardless of the ultimate verdict returned by the jury. Neither the*
3 *existence of, nor the amounts contained in, any high/low*
4 *agreements may be disclosed to the jury.*

5 *(c) “Post-trial motions” does not include motions relating to*
6 *costs and attorney’s fees, motions to correct a judgment for a*
7 *clerical error, and motions to enforce a judgment.*

8 *630.22. (a) The procedures in this chapter and in the*
9 *implementing rules of court shall apply to expedited jury trials*
10 *conducted in limited civil cases, unless the parties agree otherwise,*
11 *as permitted under subdivision (d) of Section 630.23, and the court*
12 *so orders.*

13 *(b) Any matters not expressly addressed in this chapter, in the*
14 *implementing rules of court, or in an agreement authorized by this*
15 *chapter and the implementing rules, are governed by applicable*
16 *statutes and rules governing civil actions.*

17 *630.23. The following rules and procedures apply to expedited*
18 *jury trials conducted pursuant to their chapter:*

19 *(a) Each side shall have up to five hours in which to complete*
20 *voir dire and to present its case.*

21 *(b) The jury shall be composed of eight jurors, unless the parties*
22 *have agreed to fewer jurors.*

23 *(c) Each side shall be limited to three peremptory challenges,*
24 *unless the court permits an additional challenge in cases with*
25 *more than two sides. If there are more than two parties in a case*
26 *and more than two sides, as determined by the court under*
27 *subdivision (c) of Section 231, the parties may request one*
28 *additional peremptory challenge each, which is to be granted by*
29 *the court as the interests of justice may require.*

30 *(d) The parties may agree to modify the rules and procedures*
31 *specified in this chapter and the implementing rules of court,*
32 *subject to the court’s approval.*

33 *630.24. Nothing in this chapter is intended to preclude a jury*
34 *from deliberating as long as needed.*

35 *630.25. (a) The rules of evidence apply to expedited jury trials*
36 *conducted in limited civil cases, unless the parties stipulate*
37 *otherwise.*

38 *(b) Any stipulation by the parties to use relaxed rules of evidence*
39 *shall not be construed to eliminate, or in any way affect, the right*

1 *of a witness or party to invoke any applicable privilege or other*
2 *law protecting confidentiality.*

3 *(c) The right to issue subpoenas and notices to appear to secure*
4 *the attendance of witnesses or the production of documents at trial*
5 *shall be in accordance with this code.*

6 *630.26. (a) A vote of six of the eight jurors is required for a*
7 *verdict, unless the parties stipulate otherwise.*

8 *(b) The verdict in a limited civil case following an expedited*
9 *jury trial case shall be appealable under subdivision (c) of Section*
10 *630.20 and subject to any written high/low agreement or other*
11 *stipulations concerning the amount of the award agreed upon by*
12 *the parties.*

13 *630.27. All statutes and rules governing costs and attorney's*
14 *fees shall apply in limited civil cases that are conducted as*
15 *expedited jury trials, unless the parties stipulate otherwise.*

16 *630.28. The Judicial Council shall, on or before July 1, 2016,*
17 *adopt rules and forms to establish uniform procedures*
18 *implementing the provisions of this chapter, including, rules for*
19 *the following:*

20 *(a) Pretrial exchanges and submissions.*

21 *(b) Pretrial conferences.*

22 *(c) Opt-out procedures pursuant to subdivision (b) of Section*
23 *630.20.*

24 *(d) Presentation of evidence and testimony.*

25 *(e) Any other procedures necessary to implement the provisions*
26 *of this chapter.*