



Focused on California

Focused on Growth. Focused on You.

“No client enjoys being sued. But when it happens, it is my job to relieve the client of the burden and challenge opposing counsel to demonstrate the merits of any claim.”

JONATHAN BACON
PARTNER

SEVEN HOURS AND COUNTING: THE IMPACT OF CA'S NEW DEPOSITION RULES

Archer Norris Helps to Secure Key Protections for Clients with Complex and Employment Litigation

New rules governing oral depositions in civil cases in California take effect in the new year as a result of the recent passage of AB 1875. The new legislation generally sets a maximum limit of seven hours of total testimony per witness in a civil case. With the January 1, 2013 adoption of AB 1875, C.C.P. § 2025.290 gains new provisions that more closely align California with federal deposition time-limit rules.

CALIFORNIA BUSINESS AND AB 1875

The Consumer Attorneys of California sponsored the new bill, which passed with heavy Democratic support in Sacramento. Prior to the bill's passage, Archer Norris partner Jonathan Bacon was part of the defense counsel coalition voicing opposition to the bill as originally drafted by its sponsors in the plaintiff Bar. Jonathan is president of the California Defense Counsel (CDC) and former president of the Association of Defense Counsel of Northern California and Nevada (ADCNCN). His leadership and coordinated efforts with other key players in the negotiation of the Bill's provisions led to amendments that created exceptions to the seven-hour rule that are important to defendants involved in complex or employment cases.

THE BUZZ

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EXCEPTIONS TO THE SEVEN-HOUR RULE

The new Code expressly excludes the seven-hour limit rule in:

1. Complex cases of more than five parties
2. All expert depositions
3. All Person Most Knowledgeable (PMK) depositions
4. All depositions in employment cases

Depositions in complex cases of more than five parties that have been ruled preferences cases (e.g., terminally ill plaintiff) will be limited to 14 hours, in two seven-hour days. Depositions in all other cases will be limited to seven hours of testimony, but parties will be able to move for additional time for good cause shown. Other exceptions may be created in cases governed by General Orders of local courts.

WILL THE SEVEN-HOUR RULE AFFECT YOUR CASE?

Jonathan Bacon advocated for clients' interests throughout the legislative process and helped to secure important defense-friendly exceptions to the new deposition time-limit rules. Our complex-litigation attorneys are highly knowledgeable on the Code rules, and have adapted strategies to address the new deposition environment. To find out if California's new seven-hour rule may have an impact on your litigation matter, please contact Jonathan Bacon or your Archer Norris lawyer.

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