

New Expedited Jury Trials Act Affords Litigants Option of Streamlined, One-Day Jury Trial

Product Liability Advisory

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California's Expedited Jury Trials Act, Code of Civil Procedure §§630.1-.12, offers litigants the new option of a streamlined one-day jury trial to expedite litigation and reduce costs.

The act, which took effect January 1, 2011, applies to all manner of civil cases, requiring only the parties' consent. A key feature is that the parties must agree to a "high/low agreement," under which (notwithstanding the jury's verdict) the plaintiff is assured a minimum recovery and the defendant's liability is limited to a maximum amount. Code Civ. Proc. §630.03(d).

Trial is limited to one day, with each side allowed three hours to present its case. Code Civ. Proc. §630.03(e)(2)(B). The jury is limited to no more than eight members, with a vote of six of eight jurors sufficient for a verdict. Code of Civ. Proc. §§ 630.03(e)(2)(C) and 630.07 (b). Jury selection is limited to "approximately one hour," with each side allowed three peremptory challenges. Code Civ. Proc. §630.03(e)(2)(D) and Cal. R. Ct. 3.1549.

Parties must waive the right to move for a directed verdict and to file post-trial motions and appeals, except on limited grounds. Code Civ. Proc. §630.03 (e)(2)(A). The only grounds on which an appeal or post-trial motion may be filed are judicial or jury misconduct and "corruption, fraud or other undue means employed in the proceedings of the court, jury or adverse party that prevented a party from having a fair trial." Code Civ. Proc. § 630.09 (a).

The rules of evidence apply at trial, unless the parties stipulate otherwise. Code Civ. Proc. §630.06(a). Parties retain all rights they would have in a full-blown trial to secure attendance of witnesses and production of evidence through subpoena. Code Civ. Proc. §630.06(a).

Unfortunately, the act imposes no restrictions on the nature or amount of discovery, and an agreement to consent to an expedited jury trial is effective only if entered into "after a dispute has arisen and an action has been filed." Code Civ. Proc. §630.03(c).

Expedited jury trials afford civil litigants a middle ground for resolving litigation between a full-blown trial and customary alternative dispute resolution procedures. The time limitations involved and rights that must be waived mean their use is likely appropriate only in relatively small and simple cases. Nevertheless, all parties facing litigation in California should be aware of the unique opportunity such trials afford. They allow for a quick and orderly resolution of litigation that otherwise might linger on for months or years at considerable expense.

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