
Expedited Jury Trials Secure Americans' Precious Right to Trial by Jury

By Brian W. Tyson



National Jury Summit directed attention to opportunities for advancements in the trial system and improving public access

National Jury Summit
Austin, Texas
October 10, 2013

The dramatic reduction in the number of civil jury trials in recent years should be a wake-up call to Americans wishing to preserve a fundamental constitutional right. One of America's most basic rights — the jury trial — is in jeopardy.

Themed as the "Expedited Jury Trial," the National Jury Summit held in Austin, Texas, Oct. 10, 2013, was a call to action that focused on reducing the cost and time involved in civil litigation and improving access to jury trials. Examining reform efforts that have already taken place in federal and state courts was a key topic, as well as addressing ways to handle complex litigation proceedings.

Numerous studies, including a recent report by the National Center for State Courts, have demonstrated that there is overwhelming support for the jury trial among Americans. And yet, there is an alarming downward trend occurring in the nation's civil courts.

"There is a widespread perception that civil jury trials are too complex, too expensive and too lengthy," said Michael T. Callahan, president of the American Board of Trial Advocates, the organization sponsoring the Summit. "The decline in jury trials is a chilling sign that fewer citizens are able to exercise their Constitutional promise of access to justice."

Mr. Callahan described the problem another way. Imagine if

someone threatened to remove your right to freedom of speech or the right to bear arms, the public outcry would be widespread. Erasing access to the civil jury trial is equally detrimental to citizens who have no other recourse, he said.

ABOTA, in collaboration with the National Center for State Courts and the Institute for the Advancement of the American Legal System, has advocated changes that will improve the system's ongoing quality and relevancy.

"Juries are the backbone of our democracy and are as critical as the right to vote itself," said Summit Chair Gilbert H. Dickinson of the Denver law firm of Dickinson, Prud'Homme, Adams & Ingram, LLP. "The jury trial not only provides protection to the litigants, it also directly involves our citizens in the judicial branch of government. The declining numbers of jury trials demonstrates the need for innovations that will make the system more effective and efficient. Inaction is not an option."

The National Jury Summit took steps to remove barriers — real and perceived — that prevent cases from proceeding to trial. The Summit called for the implementation of expedited jury trials (or "summary jury trials" in some states) and streamlined pretrial procedures. Recommendations and alternatives were discussed among lawyers, judges, courtroom administrators and law professors. ■

Presenters in order of appearance

Professionalism and the Rule 1 Goals of a "Just, Speedy, and Inexpensive" Determination of Actions

Justice Douglas S. Lang,
5th District Court of Appeals, Dallas, Texas
Board of Trustee, the American Inns of Court

An Overview of Expedited Trial Programs across the Country

Paula L. Hannaford-Agor,
Director, Center for Jury Studies,
National Center for State Courts

State Projects Targeting Low Damage Cases Topic 1: Pretrial procedures: Disclosure and Discovery under an Expedited System

MODERATOR: **Michael P. Maguire**
ABOTA Foundation Vice President,
Orange County Chapter, Calif.

PANELIST: CALIFORNIA: **Robert B. Gibson**
Orange County Chapter, Calif.,
ABOTA National Member

NEW YORK: **The Honorable Lucindo Suarez**
Supreme Court of the State of New York

COLORADO: **John R. Rodman**
(Rule 16.1): Colorado Chapter ABOTA Member

OHIO: **The Honorable Thomas D. Lambros (Ret.)**
Janik, LLP

State Projects Targeting Low Damage Cases Topic 2: Trial Procedures: Expedited Trial Formats and Options

Disclosure of Trial Experience — A Matter of Ethics

Professor Tracy McCormack,
Director of Advocacy
University of Texas School of Law

"Finding Efficiencies for Higher Value Cases" Overview of Reform Efforts in Federal and State Courts

The Honorable Rebecca L. Kourlis (Ret.)
Executive Director, Institute for Advancement of the
American Legal System

Panel discussion and presentation of specific state programs

MODERATOR: **The Honorable Rebecca L. Kourlis (Ret.)**
Executive Director, Institute for Advancement of the
American Legal System

PANELISTS: UTAH: UTAH'S NEW RULES:

The Honorable Derek P. Pullan
4th District Court Judge, Utah

COLORADO: CIVIL ACCESS PILOT PROJECT:
Gordon W. Netzorg
Sherman & Howard, Denver, Colo.

Addressing the Parties' Needs in Complex Litigation

MODERATOR: **Mark P. Robinson, Jr.**
2013 ABOTA National President-Elect

PANELISTS: **The Honorable Rebecca L. Kourlis (Ret.)**
Executive Director, Institute for Advancement
of the American Legal System

Stephen D. Susman
Susman Godfrey, L.L.P.
New York, New York

The Honorable Gail A. Andler
Superior Court of California, Orange County

Closing Comments and Recommendations

Michael T. Callahan
ABOTA National President

About the National Jury Summit

The National Jury Summit was open to lawyers, judges, legal professionals, and the public. The American Board of Trial Advocates has conducted National Jury Summits since 2005.

2005 National Jury Summit, Las Vegas — "The Present State and Future of the 7th Amendment Right to Trial by Jury"

2007 National Jury Summit, Las Vegas — "Saving the Jury Trial"

2009 National Jury Summit, San Francisco — "Protecting the Jury Trial — A Curriculum for Success"

2011 National Jury Summit, Chicago — "The Jury Trial of the 21st Century"

2013 National Jury Summit, Austin, Texas — "The Expedited Jury Trial"

2015 National Jury Summit, San Francisco Ritz Carlton, San Francisco, April 30, 2015