



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Gov. Brown makes expedited jury trials permanent

CAOC-sponsored AB 555 will lead to quicker resolution of more cases

SACRAMENTO (Sept. 28, 2015) – A format that resolves small civil cases more quickly will be more widely used in California, after Gov. Jerry Brown signed AB 555 today. The bill, co-sponsored by Consumer Attorneys of California, makes “expedited jury trials” mandatory for all limited jurisdiction cases under \$25,000, with a series of opt-out exceptions. The governor also signed another CAOC-sponsored bill, AB 1141, which will level the playing field for plaintiffs in civil lawsuits.

Under AB 555, authored by Assemblyman Luis Alejo (D-Watsonville) and co-sponsored by the California Defense Counsel, expedited jury trials will involve juries of no more than eight members, with each side limited to no more than five hours to present its case, including voir dire. An option for expedited jury trials was adopted through the efforts of CAOC in 2011 to reduce the strain on the resources of California courts facing severe budget cuts. The format saves time and expense for both sides and leads to faster justice for Californians who have been injured, cheated or otherwise harmed.

In addition to making expedited trials mandatory in some circumstances, AB 555 also removes the sunset provision from the state’s current voluntary Expedited Jury Trial statute and provides some procedural fixes that previously caused confusion.

The expedited trial format has been underutilized since it was enacted, largely because of insurance industry resistance. “Thanks to AB 555, the use of expedited trials will go a long way toward easing the burden on our overloaded court dockets while helping injured Californians make their case to citizen juries,” said CAOC President Brian D. Chase. “It may be an overused expression, but this truly is a ‘win-win’ – a win for California consumers and a win for our state courts.”

AB 1141, authored by Assemblyman Ed Chau (D-Monterey Park) and co-sponsored by the California Defense Counsel, corrects an inadvertent disparity between plaintiffs and defendants in reimbursing the cost of expert witnesses under California Code of Civil Procedure Section 998. Under current law, if a plaintiff rejects a 998 settlement offer and fails to receive a better judgment at trial, he or she can be required to cover the defendant’s expert witness expenses incurred both before and after the offer was made. On the other hand, if a defendant rejects a plaintiff’s 998 settlement offer and fails to receive a better judgment, the plaintiff can seek reimbursement for only those expert witness expenses incurred after the offer was made. The inequity puts more pressure on plaintiffs to settle rather than defendants, which was not the intent of the legislature when it created the discrepancy with AB 1742 (2005-06). Under AB 1141, both parties could be required to cover only those expert costs incurred after a 998 settlement offer.

AB 555 and AB 1141 become law on January 1, 2016.

Consumer Attorneys of California is a professional organization of plaintiffs’ attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.

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