

Special Rules for the Pilot Expedited Civil Litigation Track

Effective July 1, 2013; Amended effective March 1, 2019

TABLE OF HEADNOTES

Rule

Preface

1. Mandatory Assignment of Certain Actions to the Expedited Litigation Track
2. Automatic Disclosures of Information
3. Case Management Conference
4. Limitations on Discovery

APPENDIX OF FORMS

Appendix

- A. Sample Expedited Litigation Track Assignment Order
- B. Sample Expedited Litigation Track Case Management Order
- C. Sample Expedited Litigation Track Case Scheduling Order (No CMC)

TEXT OF RULES

Preface

The purposes of the Expedited Litigation Track (ELT) are to promote efficiency in the processing of certain civil cases, reduce cost to the parties and the court system, maintain a system for resolution of claims that is relevant to the parties, and provide a quick and reduced-cost process for obtaining a jury trial when civil actions cannot be resolved by judicial decision (dispositive motions) or by settlement.

The core principles that support the establishment of a mandatory Expedited Litigation Track include:

1. Most civil actions can be resolved by court decision or settlement upon a sharing of basic facts regarding the claims and defenses of the parties;
2. Timely and assertive judicial attention to matters results in the resolution of actions that can be resolved through settlement and provides for customized discovery and trial procedures that will be most cost-effective for the court and the parties;
3. Attorneys and parties are hesitant to voluntarily elect expedited procedures, thus a mandatory system is required;
4. Extensive discovery through interrogatories, requests for production, and depositions is often unnecessary, unproductive, and leads to protracted litigation and unnecessary litigation costs;
5. A compact discovery schedule will reduce the time and cost of litigation for courts and litigants;
6. Mandatory disclosure of relevant information, rigorously enforced by the court, will result in disclosure of facts and information necessary to evaluate the anticipated evidence for purposes of settlement and to allow parties to prepare for trial;
7. Expedited cases should be completed within 4-6 months;
8. Having a trial date or week certain is key to minimizing cost and delay; and
9. Assignment of an expedited case to a single judge is also highly desirable, but district courts may need flexibility to ensure that trial dates are observed. This may involve assignment of a case to a pool of judges for trial or the use of adjunct judicial officers to handle case management conferences. Where possible district courts should avoid assigning judges on the day of trial to prevent the last minute striking or removal of judges that necessitates a continuance.