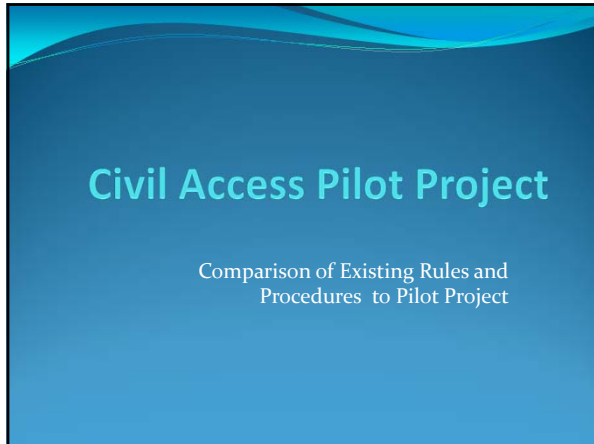


This document was authored by Second Judicial District Court Judge Ann Frick



**Civil Access Pilot Project**

Comparison of Existing Rules and Procedures to Pilot Project

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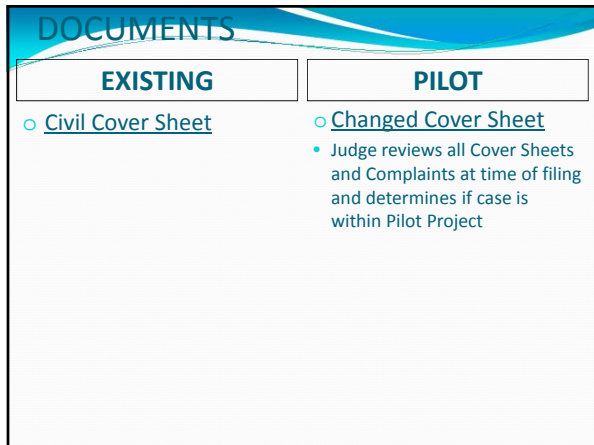
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EXISTING	PILOT
<ul style="list-style-type: none"><li>o <a href="#">Civil Cover Sheet</a></li></ul>	<ul style="list-style-type: none"><li>o <a href="#">Changed Cover Sheet</a><ul style="list-style-type: none"><li>• Judge reviews all Cover Sheets and Complaints at time of filing and determines if case is within Pilot Project</li></ul></li></ul>

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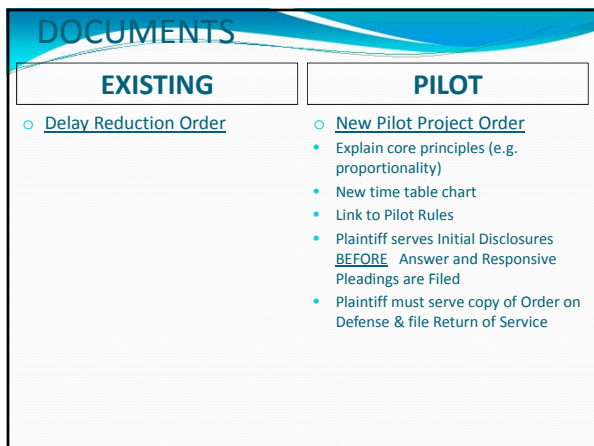
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EXISTING	PILOT
<ul style="list-style-type: none"><li>o <a href="#">Delay Reduction Order</a></li></ul>	<ul style="list-style-type: none"><li>o <a href="#">New Pilot Project Order</a><ul style="list-style-type: none"><li>• Explain core principles (e.g. proportionality)</li><li>• New time table chart</li><li>• Link to Pilot Rules</li><li>• Plaintiff serves Initial Disclosures <b>BEFORE</b> Answer and Responsive Pleadings are Filed</li><li>• Plaintiff must serve copy of Order on Defense &amp; file Return of Service</li></ul></li></ul>

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**PROCEDURE**

EXISTING	PILOT
<ul style="list-style-type: none"><li>o <u>Motion to Dismiss is Filed</u></li><li>• No need to file Answer</li><li>• Automatic Stay until case is at issue CRCP 16(b), 26(a)(1), 26(d)</li></ul>	<ul style="list-style-type: none"><li>o <u>Motion to Dismiss is Filed</u></li><li>• Must also file Answer</li><li>• No Stay of Disclosures, Case Management Conference or Other Rules PPR 4.1</li></ul>

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**PROCEDURE**

EXISTING	PILOT
<ul style="list-style-type: none"><li>o <u>Rule 26(a) Disclosures</u></li><li>• Narrower scope and less informative, merely identify the subjects of the person's information. CRCP 26(a)(3)</li><li>• Sanctions discretionary &amp; weaker, fees &amp; costs. CRCP 26(g)(3)</li></ul>	<ul style="list-style-type: none"><li>o <u>Initial Disclosures</u></li><li>• Broader scope, more specific and complete— provide description of each person's information, disclose harmful as well as supportive documents and persons</li><li>• Mandatory stronger sanctions for untimely/incomplete disclosures, Excused if "justified" or "harmless" PPR 3.7</li></ul>

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**PROCEDURE**

EXISTING	PILOT
<ul style="list-style-type: none"><li>o <u>Preservation of Documents</u></li><li>• No rule</li></ul>	<ul style="list-style-type: none"><li>o <u>Preservation of Documents</u></li><li>• Specifically addressed</li><li>• Important for electronically stored information</li><li>• Counsel must confer &amp; agree to preservation.</li><li>• If no agreement , Court issues a Preservation Order</li><li>• Costs borne by producing party, but Court may shift costs PPR 6.1 &amp; 6.2</li></ul>

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**PROCEDURE**

EXISTING	PILOT
<ul style="list-style-type: none"> <li>o <u>Case Management</u></li> <li>• Presumptively no Case Management Conference or Order CRCP 16(b)(c)(d)</li> </ul>	<ul style="list-style-type: none"> <li>o <u>Case Management</u></li> <li>• Joint report for Case Management Conference PPR 7.1, App. B</li> <li>• Initial Case Management Conference Mandatory, no later than 49 days after last Answer filed. PPR 7.1</li> <li>• Case Management Order issued by Judge . PPR 7.2, 7.3, App. B</li> </ul>

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**PROCEDURE**

EXISTING	PILOT
<ul style="list-style-type: none"> <li>o <u>Continuances/Extensions</u></li> <li>• Usually granted, especially if unopposed</li> </ul>	<ul style="list-style-type: none"> <li>o <u>Continuances/Extensions</u></li> <li>• Denied upon receipt, even if unopposed, unless extraordinary circumstances exist. PPR 1.4, 3.8</li> <li>• No continuances of trial date solely based on failure to complete expert disclosures. PPR 7.3</li> <li>• Original trial date NOT reset absent extraordinary circumstances. PPR 8.5</li> </ul>

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**PROCEDURE**

EXISTING	PILOT
<ul style="list-style-type: none"> <li>o <u>Experts</u></li> <li>• Expert report or summary pursuant to CRCP 26(a)(2)</li> <li>• Expert depositions of all identified experts pursuant to CRCP 26(b)(4)</li> <li>• Nearly impossible to limit expert trial testimony to prior disclosures</li> <li>• Produce expert's file, including drafts of report</li> <li>• No limit to number of expert witnesses</li> </ul>	<ul style="list-style-type: none"> <li>o <u>Experts</u></li> <li>• Complete, detailed, initialed, expert report. PPR 10.1(a), App. C</li> <li>• <b>No</b> expert depositions</li> <li>• Expert's trial testimony on direct limited to contents of report. PPR 10.1(b)</li> <li>• Produce expert's file, excluding drafts of report. PPR 10.1(c), App. C</li> <li>• Only one expert per side in any given specialty &amp; on any given issue. PPR 10.2</li> </ul>

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PROCEDURE	
EXISTING	PILOT
<ul style="list-style-type: none"><li>○ <u>Judges</u></li><li>● Not necessarily the same Judge throughout case.</li><li>● Frequently Judge has no contact with counsel until trial.</li></ul>	<ul style="list-style-type: none"><li>○ <u>Judges</u></li><li>● Same Judge throughout case. PPR 5.1</li><li>● Increased judicial case management</li><li>● Initial case management conference within 49 days of answer PPR 7.1</li><li>● Soon after conference, issue comprehensive CMO PPR 7.2, App. B</li><li>● Assumes active case management and additional conferences by phone or videoconference PPR 8.1-8.4</li></ul>

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