

## ECA

### EXPEDITED CIVIL ACTIONS

#### RULE 1.281

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## ECA: STATISTICS

- 761 ECAs filed through 1-31-17
- 318 motor vehicle accidents
- 60 premises liability
- 213 contracts (includes collections/foreclosures)
- 8 professional liability
- 3 products liability

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ECA Cases Disposed by Jury & Bench Trials		
Total # of ECA Cases Statewide		
From Jan. 1, 2015 Through January 31, 2017		
A	B	C
Total # dispos by jury (BTJR) or court trial (BTCT)	# dispos by nonjury trial (BTCT)	# of dispos by jury verdict (BTJR)
33	25	8

01-31-2017)

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ECA Cases Disposed Cases Within 1 year After Filing (Statewide)		
A	B	C
Total # Disposed (1.1.15 to 01.31.17)	# disposed within 1 yr after case filed	% Disposed within 1 year after filing
483	455	94%
(01-31-17)		

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### Rule 1.281 ECA: ELIGIBILITY

- "Sole relief sought" must be a money judgment.
- All claims brought **by** or **against** any party (other than counterclaims) must total \$75,000 or less.
- \$75,000 includes everything but costs and post-filing interest.
- Plaintiff controls whether to opt into ECA. Once in, Plaintiff is bound by the \$75,000 limit. But:
- If circumstances change substantially, or if a *compulsory* counterclaim is filed in excess of \$75,000, Court may remove a case from ECA.
- No "it's the principle!!" exception for defendant to ask out.
- Parties may stipulate into expedited civil action rule, with or without the ceiling (but the 1 year runs from the certification).

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### ECA: DISCOVERY

- Initial disclosures are required (*see* discovery rule changes).
- Limits on discovery per **side**:
  - No more than 10 interrogatories, 10 requests for production, and 10 requests for admission (except for requests to admit the genuineness of documents).
  - Each party may be deposed.
  - Each **side** may depose up to 2 nonparties.
- Only 1 expert per **side**, except by agreement of the parties or for good cause shown.

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## ECA: SUMMARY JUDGMENT

- Only 1 summary judgment motion may be filed per party, and only the following grounds are permitted:
  - To collect on an open account or liquidated debt.
  - To establish an obligation to indemnify.
  - To establish an immunity.
  - Failure to comply with a disclosure deadline.
  - Failure to provide notice or exhaust remedies.
  - To establish an avoidance or affirmative defense.

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## ECA: TRIAL

- Trial "must" occur within one year.
- Trial procedure:
  - The designated trial week is a date certain and may only be bumped by a case with higher priority (e.g., a non-civil case).
  - 6 jurors; 3 strikes per side.
  - 5-1 verdict permissible after 3 hours.
  - 1 set of joint jury instructions must be submitted before trial, with alternatives if there is disagreement.
  - Required: Trial to be completed in 2 days.
  - Chess Clock: Each side is subject to an overall 6-hour time limit for jury selection, opening statements, presentation of evidence by direct or cross-examination, and closing arguments.

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## TRIAL (CONT'D)

- Jury or bench trial permitted. Jury demand rule applies.
- Bench trial: Court has discretion to render verdict based on jury instructions and verdict forms, without the need (or delay) for preparing findings of fact and conclusions of law.
- No court-ordered ADR, by order or rule.

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## ECA: EVIDENCE

- Documents may be admitted without testimony or certification of custodian, if the party offering the document gave notice at least 90 days before trial and the document on its face appears to be genuine and what it purports to be.
- Health care provider who treated claimant may provide a written statement according to a standard form in lieu of testifying in court or by way of evidentiary deposition.

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## CARE PROVIDER STATEMENT

- Standard questions as to injuries sustained, treatment necessitated, restrictions or limitations on the claimant as a result of those injuries, etc.
- Statement must disclose communications that have occurred with claimant's counsel.
- Statement must be provided to all other parties at least 150 days before trial.
- Health care provider may still be deposed, but at the expense of party taking the deposition.

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## ECA: Miscellaneous

- Limitations on issue and claim preclusion
- Jury ***not*** told of \$75,000.00 ceiling
- Scheduling trials w/i one year is challenging for Court Administration.

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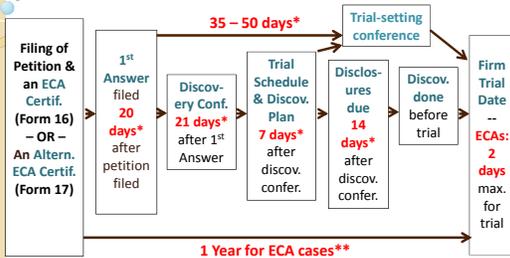
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## Flowchart: Timing for Civil Cases



\* Maximum number of days

\*\* ECA cases: Parties may stipulate to a trial date more than 1 year after filing, but not to exceed 15 months (Rule 23.2(2)(c)).

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