

COMPLEX CIVIL LITIGATION EVALUATION COMMITTEE

Proposed Conclusions

1. The opportunity to utilize electronic filing, which initially was exclusively for complex cases, was a significant incentive for attorneys to certify their cases for the complex civil program. Now that electronic filing is widely used throughout the civil courts, this modern technology is no longer a special attraction of the complex program.
2. There is a general lack of awareness of the complex civil program among members of the bar, as well as among superior court judges.
3. The civil cover sheet had limitations for screening complex cases into the program, but that should change in January, 2009, with the adoption of a new mandatory cover sheet.
4. Admission into the complex program is not always through the process established by Rule 8(i).

Proposed Recommendations

1. The program needs promotion in order to increase awareness of its existence.
2. Specific types of cases should be presumptively admitted into the complex civil program.
3. The existing program of having the court staff screen complex cases should be formalized.
4. Non-panel judges should be encouraged to refer their complex cases to the complex program.
5. The term of the pilot program should be extended for two years.

Proposed Amended Rule 8(i), A.R.C.P.

Rule 8(i). Complex Civil Litigation Program.

(1) **Definition.** [No change.]

(2) **Factors.** [No change.]

(3) **Procedure for designating a complex case.** [No change.]

(4) **Procedure for opposing designation.** [No change.]

(5) **Designation by defendant or joint designation.** [No change.]

(6) ~~Action by court.~~ **Presumptive designation.** In those cases where the civil cover sheet identifies the case type as antitrust/trade regulation, construction defect with many parties or structures, securities litigation with many parties, environmental toxic tort with many parties, or class action claims, the court administrator or its designee shall refer the case to the presiding judge for presumptive designation as a complex case. Any party opposing complex designation may file an objection within 20 days after the case has been designated as complex by the presiding judge, or within 20 days of filing a responsive pleading, stating specific reasons why the case should not be so designated. The presiding judge may rule on an objection without a hearing.

(7) ~~Not appealable.~~ **Discretionary action by the court.** The court may establish a discretionary process by which cases having complex factors may be referred to the presiding judge for complex designation, notwithstanding the absence of a request for complex designation by a party. If the case is thereafter designated as complex by the presiding judge, any party opposing complex designation may file an objection within 20 days after the case has been designated as complex, or within 20 days of filing a responsive pleading, stating specific reasons why the case should not be so designated. The presiding judge may rule on an objection without a hearing.

(8) ~~Program designation certification form.~~ **Action by court.** [No change.]

(9) Non appealable. [No change.]

(10) Program designation certification form. [No change.]

Complex Civil Litigation Evaluation Committee
September 26, 2008

