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FACT SHEET

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Civil Case Coordination

Coordination allows two or more civil actions (cases) that share common questions of fact or law and that are pending in different counties to be joined in one court.

- When noncomplex actions are sought to be coordinated, a motion is made directly to the court in which one of the actions already is pending.
- When complex actions are sought to be coordinated, a petition to coordinate the actions is submitted to the Chair of the Judicial Council (the Chief Justice), who assigns a motion judge to decide the merits of the petition. If coordination is granted by the motion judge, the Chief Justice assigns a trial judge. The coordination attorney at the Judicial Council administers petitions to coordinate complex actions, at the direction of the Chief Justice.

What is a “complex” civil action?

Under the California Rules of Court, a complex action is an action that “requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants.” Such a case may involve numerous time-consuming pretrial motions; a great number of witnesses or a substantial amount of evidence; many separately represented parties; other, related actions pending in other counties, states, or countries or in a federal court; or other issues. In addition, certain types of cases are provisionally designated as complex under rule 3.400 of the California Rules of Court.

What are some typical types of complex actions?

Some typical complex actions include:

- Antitrust claims;
- Construction defect claims involving many parties or structures;
- Securities claims or investment losses involving many parties;
- Environmental claims involving many parties;
- Mass tort claims; and
- Claims involving class actions.

Some well-known coordinated cases in California have involved alleged damages from breast implants and from smokeless tobacco, allegations of clergy misconduct, and violations of wage and hour laws.

When is the coordination of civil cases appropriate?

Coordination is appropriate if having one judge hear all of the actions for all purposes in a selected site will promote justice, serve the convenience of the parties and witnesses, avoid unnecessary duplication and thus be an efficient use of judicial resources, avoid inconsistent rulings in actions involving the same issues, and increase the likelihood of settlement.

What is the Judicial Council's role in civil case coordination?

The Judicial Council handles the administrative tasks related to processing petitions for coordination. These tasks include processing all incoming petitions for coordination of complex cases, communicating with the courts and judges assigned by the Chief Justice to hear complex coordinated matters, maintaining a register of all coordinated proceedings, and processing an assigned court's claim for reimbursement of costs associated with managing coordinated cases.

How is a petition for coordination submitted?

A petition for coordination may be submitted:

- By a presiding judge of a court in which one of the included actions is pending;
- By all the plaintiffs or all the defendants in one of the included actions; or
- By any party to an included action after that person obtains leave of court under rule 3.520(b) of the California Rules of Court.

A petition to coordinate complex actions is submitted to the Chair of the Judicial Council, along with a declaration stating facts that support that the actions are complex.

Must all the plaintiffs or all the defendants in one of the actions agree that coordination is appropriate?

For noncomplex actions, the moving party must make a good faith effort to obtain agreement to the coordination from all parties to each action.

For complex actions, either all the plaintiffs or all the defendants in one of the actions to be coordinated must submit a petition directly to the Chair of the Judicial Council. If not all parties on one side of the lawsuit agree to join in the petition, a party must first file a motion with the presiding judge of the trial court to request permission to submit a coordination petition to the Chair of the Judicial Council. If

the presiding judge grants that permission, the moving party must submit the order granting permission, along with the petition for coordination, to the Chair of the Judicial Council.

Is there a fee for submitting a petition for coordination?

No, there is no fee.

How is the coordination motion judge selected?

In complex actions, the Chair of the Judicial Council assigns a coordination motion judge—or authorizes the presiding judge of a court to assign a judge—to determine whether coordination is appropriate. It usually takes 30 to 60 days after a petition is received for a motion judge to be assigned.

How is the coordination trial judge selected?

Once the Judicial Council receives the order granting a petition for coordination of complex actions, the Chair of the Judicial Council assigns a coordination trial judge or authorizes the presiding judge of a court to assign a judge. In the order granting a petition for coordination, the motion judge recommends a particular superior court as the site of the coordination proceedings. The location of the trial judge is based on, among other things, the motion judge's recommendation; the geographical convenience of parties, witnesses, and counsel; and the administrative needs of the court. It takes approximately three weeks after coordination is granted for a trial judge to be assigned.

How are the costs of coordinated cases paid?

For complex coordinated cases, the state pays (or reimburses for) certain expenses of the coordination motion and trial judges and other necessary judicial officers and employees, as well as the cost of facilities. The state pays these costs from funds appropriated to the Judicial Council. Claims are submitted to Judicial Council staff.

Is case coordination the same as case consolidation?

No. Coordination brings together civil actions pending in different counties. Consolidation unites multiple related cases that are pending in the same county.

Contact:

Coordination Unit, 415-865-7630, Coordination@jud.ca.gov

Additional resources:

Civil Case Coordination Frequently Asked Questions,
www.courts.ca.gov/12231.htm