



News Release

Superior Court of California

County of San Francisco

CONTACT:

Ann E. Donlan
415.551.5957
adonlan@sftc.org

Gordon Park-Li, Chief Executive Officer

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PRESIDING JUDGE TAKES STEPS TO BETTER MANAGE THE SAN FRANCISCO SUPERIOR COURT'S ASBESTOS CASELOAD

Court Seeks Public Comment to New General Order to Create Single Asbestos Case Management Department

SAN FRANCISCO -- Presiding Judge James J. McBride is inviting comment on a new draft general order that would establish a single asbestos case management department in the San Francisco Superior Court.

The Court has set a **hearing for 1:30 p.m. on November 17, 2009**, in Department 206, for the purpose of seeking comment on **Proposed General Order 162**.

"The San Francisco Superior Court carries the largest asbestos caseload of any of California's 58 Superior Courts," Judge McBride said. "The aim of this new proposed general order is to achieve more effective case management. We want to increase our ability to send a case to trial at the time set for trial and eliminate the pattern of repeated continued trial dates. We want to make sure that cases set for trial are ready for trial, and that cases that should settle before trial do so before we call in a large panel of jurors. Jurors are the most precious resource of our system and must be treated as such."

General Order 162 would require that beginning January 4, 2010, all pre-trial motions in asbestos cases and other matters "as designated by the Presiding Judge shall be noticed and heard in a department or departments to be designated from time to time by the Presiding Judge and referred to herein as the Asbestos Department or Departments."

The order's case management provisions would require a case management

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conference date no later than 180 days after the filing of a complaint. Before the case management conference, the Court would review the file to “verify compliance with California Rules of Court, Rule 3.110.” The order further states that “failure to comply with the requirements set forth therein, including service, responsive pleading and default, may result in the cancellation of the case management conference and the issuance of an order to show cause.”

The new Asbestos Department or Departments would hear all discovery, law and motion and case management matters. Judge McBride has assigned Judge Harold Kahn to oversee the new Asbestos Department. Commissioner Arlene Borick will assist Judge Kahn with the case management efforts by enforcing the provisions of California Rules of Court, Rule 3.110.

The Court currently has more than 1,660 active pending asbestos cases – which account for about two-thirds of the state’s asbestos caseload. In 2008, asbestos cases consumed 45 percent of all civil jurors in the San Francisco Superior Court.

Prior to the Nov. 17 hearing on the new general order, parties are encouraged to coordinate arguments. Each side will be given 45 minutes to provide oral arguments, followed by 20 minutes for rebuttal arguments. Requests to present oral argument must be received by Department 206, in writing, by the close of business on November 9, 2009. Briefs must be e-filed with courtesy copies delivered to Department 206 by close of business on November 9, 2009.

Judge McBride selected a working group of Bench Officers and Court staff, co-chaired by Claire Williams, Director of the Unified Family Court, and Wayne Parinas, Court Administrator for the Civil Operation, to work on these new efforts to manage asbestos cases more directly and effectively.

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