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**Arizona Builders Alliance**  
**January 9, 2019 Advisory Board Meeting**  
**LEGAL REPORT**

**Summary:**

The Arizona Supreme Court recently made numerous changes to the procedural rules governing civil litigation with the goal of reducing the expense of litigation and improving and accelerating the judicial process. Knowledge of these rule changes may assist a contractor in weighing the risks and benefits of navigating a lawsuit under the new rules.

For example, parties are now required to work cooperatively to develop a streamlined case plan and courts limit discovery according to the complexity of a case. Under Pima County's Fast Trial pilot project, parties may resolve civil disputes not exceeding \$50,000 through an expedited trial process instead of attending compulsory arbitration. The most recent set of rule changes, effective January 1, 2019, (1) permanently adopts Commercial Court, a specialized forum for commercial cases with at least \$300,000 in controversy (presently available in Maricopa County) and (2) automatically affords parties the right to a trial by jury, unless waived by all parties.

**Examples of Rule Changes:**

- **Rule 16. Scheduling and Management of Actions.** Parties must participate in an early meeting to discuss whether and how they can streamline the case, plan cooperatively for the case, and select a discovery tier based on case characteristics.
- **Rule 26.2. Tiered Limits to Discovery Based on Case Attributes.** Cases are assigned to a discovery tier based on the amount in controversy and complexity of the case with the goal of reducing unnecessary expenses and resolving cases more expeditiously. Tier assignment controls the extent of discovery and the timeline for completing discovery.
- **FASTAR Rules 101-119.** Establishes a framework for expedited trials in Pima County when the amount in controversy does not exceed \$50,000.
- **Rule 8.1. Commercial Court.** Permanently adopts a special civil docket that is designed to effectively manage and efficiently resolve commercial disputes involving at least \$300,00 in controversy. Assigned judges have extensive knowledge of commercial law and the practicalities of business. Commercial Court is currently available in Maricopa County.
- **Rules 38, 39, 49, 77, and 84. Jury Trials.** Simplifies procedure for obtaining a jury trial to ensure against waiver by mere inadvertence.

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