

## Alabama Rules for Expedited Civil Actions

### Rule G. Trial.

When practical, the trial should be scheduled within 90 days following the completion of discovery. The court shall place a reasonable limit on *voir dire*. The plaintiffs, collectively, and the defendants, collectively, may have up to five hours each for opening statement, the presentation of evidence, and closing argument, which may be expanded by the circuit court for good cause shown.

Notwithstanding the Alabama Rules of Evidence, documents and other exhibits, such as photographs, shall be deemed authentic without predicate unless the opposing party objects to the authenticity in writing no later than 14 days before the trial setting and the circuit court determines there is a genuine question as to authenticity.

If the case is being tried by a jury, the parties have the right to a jury panel of 12 jurors, with the requirement of a unanimous verdict. The parties, however, are encouraged to stipulate to a jury of less than 12 in accordance with Rule 48, Ala. R. Civ. P. No plaintiff shall recover a judgment in excess of \$50,000, including interest, costs, and attorney fees. The jury shall not be informed of the \$50,000 limitation.

[Effective 1-1-2017.]

### Comments

The mechanism or method for allocating time is left to the circuit court's discretion. The parties are encouraged to stipulate to as many factual and evidentiary matters as possible, as well as to streamline the trial process by limiting the number of live witnesses. One intent of this rule is to provide a procedural mechanism designed to accommodate agreement to the authenticity of exhibits so that a party can offer into evidence such items as photographs, medical records, computer printouts, and other documents without deposing or calling as a trial witness the custodian or maker of the record. The parties are expected to agree to these sorts of matters unless the objecting party demonstrates that there is some genuine issue regarding the authenticity of the document or item of evidence. Moreover, if in addition to the original claim filed, the trial involves a counterclaim, cross-claim, or third-party claim, the circuit court should give due consideration to allowing further discovery and more trial time. In light of the potential cost savings and conservation of court resources, the parties are also encouraged to stipulate to a jury of less than 12 jurors.

**Note from the reporter of decisions:** The order adopting the Alabama Rules for Expedited Civil Actions effective January 1, 2017, including Justice Murdock's and Justice Shaw's special writings dissenting to that order, is published in that volume of *Alabama Reporter* that contains Alabama cases from \_\_\_\_ So. 3d.