

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 16 – PRETRIAL PROCEDURE AN FORMULATING ISSUES

1 ~~(a) Hearing Matters Considered. By order, or on the motion of any party, the court may~~
2 ~~in its discretion direct the attorneys for the parties to appear before it for a conference to~~
3 ~~consider:~~

- 4 ~~(1) The simplification of the issues;~~
5 ~~(2) The necessity or desirability of amendments to the pleadings;~~
6 ~~(3) The possibility of obtaining admissions of fact and of documents which will avoid~~
7 ~~unnecessary proof;~~
8 ~~(4) The limitation of the number of expert witnesses;~~
9 ~~(5) Such other matters as may aid in the disposition of the action.~~

10 ~~(a) Pretrial Report. All parties in the case shall confer in completing a joint pretrial~~
11 ~~report no later than the date provided in the case schedule or court order. The pretrial report~~
12 ~~shall contain:~~

- 13 ~~(1) A brief non-argumentative summary of the case;~~
14 ~~(2) The material issues in dispute;~~
15 ~~(3) The agreed material facts;~~
16 ~~(4) The names of all lay and expert witnesses, excluding rebuttal witnesses;~~
17 ~~(5) An exhibit index (excluding rebuttal or impeachment exhibits);~~
18 ~~(6) The estimated length of trial and suggestions by either party for shortening the trial;~~

19 ~~and~~

- 20 ~~(7) A statement whether additional alternative dispute resolution would be useful before~~
21 ~~trial.~~

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1 **(b) Pretrial Conference.** Each attorney with principal responsibility for trying the case,
2 or each unrepresented party, shall attend a pretrial conference, if scheduled. At the pretrial
3 conference, the court may consider and take appropriate action on the following matters:

4 (1) Formulating and simplifying the issues and eliminating claims or defenses;

5 (2) Obtaining admissions and stipulations about facts and documents to avoid
6 unnecessary proof and addressing evidentiary issues;

7 (3) Adopting special procedures for managing complex issues, multiple parties, difficult
8 legal questions, or unusual proof problems;

9 (4) Establishing reasonable parameters on the time to present evidence;

10 (5) Establishing deadlines for trial briefs, motions in limine, deposition designations for
11 unavailable witnesses, proposed jury instructions, or any other pretrial motions, briefs, or
12 documents;

13 (6) Resolving any pretrial or trial scheduling issues; and

14 (7) Facilitating in other ways the just, speedy, and inexpensive disposition of the action.

15 **(b) (c) Pretrial Order.** The court shall ~~make~~ enter an order which recites the action taken at
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17 the conference, the amendments allowed to the pleadings, and the agreements made by the
18 parties as to any of the matters considered, and which limits the issues for trial to those not
19 disposed of by admissions or agreements of counsel; and such order when entered controls the
20 subsequent course of the action, unless modified at the trial to prevent manifest injustice. The
21 court in its discretion may establish by rule a pretrial calendar on which actions may be placed
22 for consideration as above provided and may either confine the calendar to jury actions or to
23 nonjury actions or extend it to all actions.
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