

Appendix 1

Proposed revisions to FASTAR Rule 117. Additions to the current text appear with underscoring and deletions appear with ~~striketrough~~. Proposed changes identified in the Arizona Supreme Court’s August 25, 2021 Order entitled “Circulating for Comment Amendments to the Pima County Rules for the Fast Trial and Alternative Resolution (“FASTAR”) Pilot Program” are omitted for clarity.

Rule 117. Fast Trial

(a) Trial by Jury. The court will set each Fast Trial case for a jury trial. A demand for a jury is not required. The parties may waive a jury by written stipulation filed at least 10 days before trial. The parties also may stipulate to 6 rather than 8 jurors serving at trial, with 5 of the 6 jurors necessary for returning a verdict or finding. The court will empanel a jury as provided in Civil Rule 47. The court need not empanel alternate jurors.

(b) Pretrial Statement. No later than 15 days before trial, the parties must confer, prepare, file, and submit to the judge a joint pretrial statement. The parties are encouraged to agree on facts and issues. The statement must contain the following:

- (1) a brief statement of the nature of each party’s claims or defenses;
- (2) a witness list including the subject matter of a witness’s testimony for each witness who will testify;
- (3) an exhibit list and specific legal objections to any exhibits;
- (4) the parties’ stipulations concerning undisputed facts and issues; and
- (5) the estimated time required for trial.

Unless the parties agree otherwise, or the offering party shows good cause, a party may not call a witness or offer an exhibit at trial other than those listed and exchanged. Legal objections to any exhibits listed are deemed waived unless specifically stated.

(c) Additional Filings Required for a Jury Trial. Unless the parties have stipulated to waive a jury, no later than 10 days before the trial date the parties must file an agreed upon set of jury instructions, verdict forms, and voir dire questions. A party at the same time may file any additional jury instructions, verdict forms, and voir dire questions the party requests, but which the parties have not agreed upon.

(d) Evidence. The Arizona Rules of Evidence apply to a Fast Trial. However, and unless there is a specific legal objection in the joint pretrial statement, the following documents are admissible in evidence:

(1) The following ~~M~~medical bills, although the admission of any specific medical bill does not relieve the admitting party of its burden of proving ~~of licensed or authorized providers, provided the party requesting admission of a bill establishes a foundation~~ that the amount of the bill is reasonable, and the treatment or service described in the bill was medically necessary;

(A) hospital bills, if on the hospital's official letterhead or billhead, dated, and itemized;

(B) bills of doctors and dentists, if dated and stating the date of each visit and the incurred charges;

(C) bills of registered nurses, licensed practical nurses, or physical therapists, if dated and stating the date and hours of service, and the incurred charges; and

(D) bills for medicine, eyeglasses, prosthetic devices, medical belts, or similar items, if dated and itemized;

(2) Property repair bills or estimates containing costs or estimates for labor and material, if a bill is dated and itemized, and if the bill states whether the property was repaired in full or in part;

(3) Records of regularly conducted business activity under Rule 803(6) and certified records of a regularly conducted activity under Rules 902 (11) and (12) of the Arizona Rules of Evidence;

(4) A witness's deposition, whether or not the witness is available to appear in person;

(5) Medical records and medical reports, if a copy of the record or report was disclosed at least 40 days before trial, unless the opposing party shows good cause not to admit it.

(e) Video Recording of Medical Providers and Experts. A party who deposed and made a video recording of a medical provider or expert under Rule 113(c) may introduce the recording at trial to avoid the cost of calling the expert. However, any party may object to the form or foundation of a question or to the responsiveness of an answer in the video record.

(f) Subpoenas. The court may issue and enforce a subpoena, and a party may serve a subpoena, as provided by Civil Rule 45 and by law.

(g) Order of the Fast Track Trial; Limits. A Fast Trial proceeds in the order described in Civil Rule 40. The manner of selecting a jury, juror notebooks, juror questions of witnesses, jury instructions, deliberations, and the return and entry of the verdict are as provided in other civil trials in the superior court, except for the following presumptive time limits:

- (1) Voir dire: 15 minutes per side
- (2) Opening statements: 20 minutes
- (3) Presenting a case in chief, cross examination, and rebuttal: 3 hours per side
- (4) Closing arguments: 30 minutes
- (5) Length of trial: 2 full days.