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S.F. Superior Tweaks Rules for Asbestos Cases

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SAN FRANCISCO — After many months of meeting and bargaining, members of the asbestos bar and the San Francisco Superior Court bench came to an agreement Friday on new procedural rules governing the management of asbestos cases.

Last October, court administrators announced their plan to do away with a decades-old series of case management rules, known collectively as the "general orders." At the time, the court said the general orders had lost relevance in the years since they were drafted, particularly given the diminishing asbestos caseload in San Francisco. The asbestos bar had varied objections, so asbestos Judge Teri Jackson sat down with representatives from both sides of the bar to discuss what rules should survive the housecleaning. The final result, a 16-page order signed by Jackson, outlines procedural guidelines on some of the hotter topics in asbestos discovery and case management.

The order retains a role for designated defense counsel to coordinate medical discovery and other issues. And it limits deposition times and requires plaintiffs counsel to serve a preliminary fact sheet and standard

interrogatories along with a complaint. The court preserved for later decision making at least one issue — whether or not plaintiffs could automatically issue master lists of expert witnesses.

"I think everybody who worked on it is generally satisfied," said plaintiffs attorney Stephen Tigerman of Harowitz & Tigerman on Monday.

In an interview last week, Jackson said she had been receiving input and suggestions from the asbestos bar right up until her deadline, calling her final ruling, dubbed the "asbestos case management order," a "collaboration" of the court and bar. "This is not my system, this is not the attorneys' system. It is all of ours," she said.

Among issues that caused contention during meetings were whether to keep Oakland's Berry & Berry in the role of designated defense counsel, and whether to cap depositions of plaintiffs with terminal illnesses.

Tigerman said that throughout the meetings with the bar, the court was focused on approaching the rules according to state law, rather than by proposing local rules of its own.

"The major difference between this order and the previous orders was that this one strives to be entirely consistent with the Code of Civil Procedure," Tigerman said. "While we do believe the court has the right to adopt its own rules, in this particular instance the judges seemed very intent on staying within" the code.

Tigerman said Jackson was particularly firm on deadlines. That helped the bar, which squabbled in early meetings, to buckle down and come to a consensus, he said.

While the "meetings started off as semi-adversarial," he said, the bar

"worked very well together, and frantically, in the last month or two."

The **new order** takes effect Monday.