

NEWS RELEASE

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NEW ASBESTOS DEPARTMENT ELIMINATES BACKLOG AFTER JUST ONE YEAR

SAN FRANCISCO -- One year after former Presiding Judge James J. McBride launched a bold new asbestos case management strategy and assigned Judge Harold Kahn to be the architect of the change, the Court has eliminated a backlog of 557 asbestos cases and used 6,864 fewer jurors, Presiding Judge Katherine Feinstein announced today.

"Judge McBride had the vision to make this change, and he wisely chose Judge Kahn to work with all sides to achieve these laudable results in such a remarkably short time frame," Judge Feinstein said. "It is not easy in this era of austerity to find creative solutions that have such far-reaching results."

For the first time in at least a decade, no asbestos cases were continued in 2010 due to lack of an available courtroom. Since October 2010, the Court has been current in its asbestos docket. All asbestos cases ready for trial – and, per Judge Kahn, trial readiness now includes the parties' good faith effort to exhaust all settlement efforts – are sent to a civil trial department. This is a marked shift from the past few years when generally the only asbestos cases sent to a trial department were those that had been granted trial preference or were at risk of being

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dismissed for failure to start trial within five years of their filing date. Instead of the typical asbestos case taking more than four years from filing to resolution as has been the norm in the recent past, the typical asbestos case is now resolved in two years or less.

“During this ongoing budget crisis, our Asbestos Department is an excellent example of how the Court is better positioned to manage our own budget,” Judge Feinstein said. “Every county is different and we are the most knowledgeable about our own operations. The stellar success of the Asbestos Department demonstrates that we can find efficiencies and savings ourselves.”

Here are the some highlights of success since Department 220 took on its new mission on January 11, 2010:

- In 2010, the Department assisted in the settlement of 760 asbestos cases, at least double the number of asbestos cases that were settled in 2009 and considerably more than in any year for which the Court has records.
- In 2010, the Court’s active asbestos cases were reduced by 41 percent from 1,534 at the start of the year to 902 at the end of the year.
- The average number of jurors sent monthly to asbestos trials declined 67.3 percent from 849.6 jurors per month in 2009 to 277.6 jurors per month in 2010.
- The average number of days per month in an asbestos trial declined 69.9 percent from 40.7 days per month in 2009 to 12.3 days per month in 2010.

The Department has created much efficiency. Judge Kahn handles pretrial matters in all asbestos cases, including law and motion, discovery, case management, settlement, trial setting, readiness and assignment. As a result of the Department, the Court has been able to reduce the number of Judicial Officers handling all non-single assigned civil law and motion and discovery matters from four to three. The reduced use of the civil trial departments for asbestos cases has increased the Court’s ability to try non-asbestos civil cases, resulting in many fewer non-asbestos civil cases being continued for lack of an available courtroom. In 2010, the Department handled 2,826 law and motion matters and 661 discovery matters in asbestos cases, while at the same time using considerably fewer staff resources than in past years.

Judge Kahn, with the help of Pang V. Ly, asbestos litigation settlement manager, and other

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dedicated staff members, have worked with the litigants and the attorneys to create a cooperative, fair environment that has vastly improved case management, saved court and judicial resources and preserved use of jurors.

“When I started the Asbestos Case Management Department a year ago, I was repeatedly told by attorneys and even some Judges that most asbestos cases won’t settle until after a jury panel is called and often not until several witnesses have taken the stand,” Judge Kahn said. “Everyone realized the enormous costs – to the Court and litigants alike – of what we’d been doing, but all seemed to accept it as established fact. With some nudging on my part and the tremendous cooperation of the attorneys and their staff, the parties, and the insurance representatives, we changed the way asbestos cases are litigated in the San Francisco Superior Court.”

The Court carries the largest asbestos caseload of any of California’s 58 Superior Courts. Even with the decrease in active cases, the San Francisco Superior Court has more than 60 percent of the pending asbestos cases in California’s courts. For approximately 30 years, San Francisco has received more asbestos personal injury and wrongful death cases than any jurisdiction in the state. Asbestos cases are complex tort cases that, unlike many other civil cases, typically have many parties. It is not uncommon for a single plaintiff to sue more than one hundred defendants.

The new focus on asbestos case management was a year or more in the making. After Judge McBride became the Presiding Judge in 2009, he was soon frustrated while running the Court’s Master Calendar by how often the same asbestos cases were before him for nothing but another continuance. Knowing how voraciously these cases tap the Court’s precious juror resources, he knew that he had to find a solution. With the help of Claire A. Williams, Director of the Unified Family Court, they organized a Saturday asbestos retreat for Judges in March 2009 to delve into the problem and move toward a solution. Less than a year later, with the launch of Department 220, Judge McBride steered the Court toward a model of efficiency – all during an unprecedented budget crisis that has resulted in 100 staff vacancies due to a hiring freeze since 2009.

“With our budget problems escalating, the Court must continue to look for ways to improve case management and find efficiencies to devote resources to the Court’s core functions,” Judge Feinstein said. “I congratulate all involved for a job well done.”

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