



## **Antidotes to Covid-19 Induced Court Paralysis**

By Judge Allan Goodman

(Los Angeles Superior Court, ret.)



Our courts are only now beginning to recover from Covid-19 induced paralysis and the ensuing lethargy. News reports abound on the trials of developing effective vaccines to protect us from Covid-19. While judges and court administrators work valiantly to address what will be the long-lingering consequences of Covid-19's ills, the impact on civil litigation is severe: Most civil cases, long ready for trial, will not even receive potential trial dates until next year, with their trials tentatively set well into 2021 and in 2022.

Yet, there is no need to await the development of a vaccine for these problems. That is because there are already two antidotes to the Covid-19 caused delays: The general judicial reference authorized by Code of Civil Procedure section 638 and the temporary judge appointment authorized by Article VI, section 21 of our state constitution.

Each allows counsel, with the concurrence of the court, to select a private judge to hear all aspects of their case and render a decision that results in a judgment filed in court. That judgment is appealable like any other civil judgment and is reviewed on appeal in the same way as a judgment entered after trial in a courtroom.

All provisions which would apply to a court trial, including the Civil Discovery Act and the Evidence Code, apply in these proceedings. The referee (in the general judicial reference) or the temporary judge (in the Article VI proceeding) tries the case on the schedule the parties agree upon rather than that of our struggling trial courts. The private trial may be less expensive than a court trial as the referee or temporary judge can be selected for his or her expertise to help the litigants identify and expeditiously resolve threshold issues; trial days will be full and continuous rather than partial and scattered.

With the existing backlog and slow restarting of our trial courts, counsel will be well-served to consider the general judicial reference or the temporary judge to accelerate the trial date--and resolution of--their cases.