



# An Overview of the 19th Judicial District Court's Civil Complex Litigation Section Pilot Program

by *Diana B. Gibbens*

In August 2023, the judges of the 19th Judicial District Court implemented a pilot program to address complex civil matters that are filed with the court. Judge Wilson E. Fields serves as the presiding judge for the Complex Litigation Section Pilot (CLS Pilot). The goal of the CLS Pilot is to actively manage complex disputes to timely resolve such matters on a cost-effective basis. Through the use of judicial case management, in collaboration with the parties and their counsel, CLS will address the most challenging civil cases facing our court today. In turn, shifting these matters from the regular civil dockets will assist with improving the efficiency of overall civil case management.

A “complex litigation” matter is generally defined as one that involves multifaceted legal and case-management issues requiring all-encompassing judicial management to expedite litigation and to avoid unnecessary burdens on the court. A non-exclusive list of factors that will guide both

parties and the court in determining whether a case is complex includes the following:

1. The need for a high degree of case management, including the handling of discovery disputes and motion practice;
2. The expectation of numerous pretrial and/or discovery motions raising difficult or novel legal issues, or legal issues that are inextricably intertwined and/or time consuming;
3. The expectation of extensive and intensive document review or in camera inspection by the court;
4. The presence of a large number of separately represented parties on main actions, cross claims, counterclaims, and/or third-party claims;
5. The need to manage a large amount of documents, both paper and electronic, during the pendency of the matter and at a trial;
6. The need to manage a large number of expert witnesses;
7. The anticipation of a lengthy trial;
8. Litigation classified as large mass torts or class actions; and



**Judge Wilson Fields**

9. The expectation that the services of a Special Master would be beneficial due to the complexity of the litigation.

Phase 1 of the CLS Pilot began Sept. 1, 2023. All civil sections had the opportunity to evaluate their current dockets to consider pending matters for referral to CLS. During Phase 1, several hundred Hurricane Ida-related matters filed in late 2023 were referred to CLS. Phase 2 of the CLS Pilot began Jan. 1, 2024. A matter may be referred to CLS under Phase 2 through three different methods: upon filing, through transfer or referral by the presiding judge. The proposed procedure is set forth in an en banc order signed on Aug. 14, 2023.

As we move into 2024 and enter Phase 2 of the CLS Pilot, *The Baton Rouge Lawyer* contacted CLS Pilot presiding Judge Wilson E. Fields to learn how the program is progressing.

**TBRL:** *Judge Fields, you became presiding judge over the newly implemented CLS Pilot at the 19th JDC in September 2023. Where did the idea for this pilot originate?*

WEF: After listening to both plaintiff and defense counsel express frustration about the delays in handling complicated civil matters in the 19th JDC, I began to look for solutions and discovered that other jurisdictions around the country had created specialized courts to handle complex civil matters. Although there is not another complex-litigation-specialized court in Louisiana, or not one that I am aware of, the programs in other jurisdictions served as models for the development of the CLS Pilot at the 19th JDC.

**TBRL:** *I understand that the process of developing the pilot involved an advisory group that met over the course of several months. How did the CLS advisory group develop?*

WEF: It was important to have the perspective of both plaintiff and defense counsel on the CLS advisory group. I met with a small group to develop the list and ensure a diverse representation. In total, around ten attorneys from various backgrounds participated in the CLS advisory group. Their input proved invaluable in the establishment of the Pilot.

**TBRL:** *As the CLS Pilot develops, will you continue to preside over your regular civil docket in section 25?*

WEF: Yes, much like the criminal specialty courts at the 19th JDC (Recovery Court, Reentry Court, Veterans' Treatment Court), the presiding judge over the specialty court maintains his or her primary docket. The work on the special court, in this case the CLS Pilot, is an additional service to the court. I will continue to preside over my civil docket in section 25.

**TBRL:** *You previously mentioned that other jurisdictions have successfully implemented Complex Litigation Courts. Did the CLS advisory group explore those programs when developing the 19th JDC's pilot?*

WEF: Absolutely! The group contacted several jurisdictions with established programs. California has six locations throughout the state that have been in existence for

twenty years. The CLS advisory group communicated with representatives of the California complex-litigation programs numerous times throughout the planning process.

**TBRL:** *In late 2023, several hundred Hurricane Ida cases were simultaneously filed in the 19th JDC. The judges of most civil sections agreed to refer these matters to the CLS Pilot through an en banc order. How has the CLS Pilot assisted with these Hurricane Ida cases? How many Ida cases have been referred to the CLS Pilot at this point?*

WEF: Although we are in the early stages, the Clerk of Court estimates between 400 to 600 Hurricane Ida cases have been filed. Once referred, a status conference has been held with all plaintiff and defense counsel. A case-management order will be issued to streamline the litigation process.

**TBRL:** *Have these Hurricane Ida cases provided a good test for the CLS Pilot?*

WEF: Yes, it definitely helps us to test the process and the Case Management Order.

**TBRL:** *Looking forward to Phase 2 in 2024, will the experiences of Phase 1 lead to modifications in case referrals in Phase 2?*

WEF: It is too soon to say what modifications, if any, to the three referral methods may be needed. But, the purpose of a pilot is to test the process and to see what works in practice. Later in 2024, once the data collected from the cases that have progressed through the CLS Pilot have been evaluated, the court may make adjustments to enhance the future success of the program.

**TBRL:** *Will there be additional costs associated with a matter being filed into or transferred to CLS? When will these be determined?*

WEF: A court-costs application has been submitted to the Judicial Council at the Supreme Court with a hearing scheduled for late February. If approved, legislation will be necessary to create the additional CLS court cost. The earliest effective date would be August 2024.

**TBRL:** *Is there anything else that you would like to share with members of the BRBA about CLS?*

WEF: Even though the Clerk of Court does not routinely require a Civil Cover Sheet for most civil filings, if a matter is to be designated as CLS at filing, it will be necessary to include a Civil Cover Sheet with an indication that the matter may qualify as CLS. A link to the Civil Cover Sheet can be found on the CLS page at [19thjdc.org](https://19thjdc.org)—<https://19thjdc.org/civil>.