

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA 94102

FACSIMILE DIRECTORY FORM

FROM: MAGISTRATE BRAZIL

PHONE 556-2442

TO: BOB FEIDLER / GREG SCOTT / KAREN SIEGEL

LOCATION WASHINGTON

FAX Phone Number 786-6018

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REMARKS:

United States District Court
Northern District of California
450 Golden Gate Avenue — Box 36008
San Francisco, California 94102

Chambers of
Wayne D. Brazil
United States Magistrate

(415) 556-2442
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May 14, 1990

To: Bob Feidler, Greg Scott, and Karen Siegel

Re: Suggestions for editing/revising most recent version of Biden bill.

Judge Peckham asked me to take an editorial look at the most recent version of the Biden bill. I enclose what I have done. I have run this by Judge Peckham, but he cannot sign off on it, in part because even with these edits the bill would make some components of district court plans mandatory.

I hope some of this is useful.



DRAFT101ST CONGRESS
2D SESSION**S.** _____

IN THE SENATE OF THE UNITED STATES

Mr. BIDEN (for himself and Mr. THURMOND) introduced the following bill;
which was read twice and referred to the Committee on _____

A BILL

To amend title 28, United States Code, to provide for civil justice expense and delay reduction plans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assem-*
3 *bled,*

4 SECTION 1. SHORT TITLE.

5 This Act may be cited as the "Civil Justice Reform
6 Act of 1990".

7 SEC. 2. FINDINGS.

8 The Congress finds that:

9 (1) The problems of cost and delay in civil liti-
10 gation in any United States district court must be ad-

1 dressed in the context of the full range of demands
2 made on the district court's resources by both crimi-
3 nal and civil matters.

4 (2) The court, the litigants, and the litigant's at-
5 torneys share responsibility for cost and delay in
6 civil litigation and its impact on access to the courts
7 and the ability of the civil justice system to provide
8 proper and timely judicial relief for aggrieved par-
9 ties.

10 (3) The solutions to problems of cost and delay
11 must include significant contributions by the court,
12 the litigants, and their attorneys.

13 *To develop and implement*
14 ~~(4) In identifying, developing, and implement-~~
15 ~~ing solutions to problems of cost and delay in civil~~
16 ~~litigation, it is necessary to achieve a method of con-~~
17 ~~sultation so that individual judicial officers, litigants,~~
18 ~~and litigant's attorneys who have developed tech-~~
19 ~~niques for litigation management and cost and delay~~
20 ~~reduction can effectively and promptly communicate~~
21 ~~those techniques to all participants in the civil justice~~
22 ~~system.~~
important to provide
with means to share ideas
and perspectives and to learn about
innovative case management techniques
and successful ADR programs.

22 (5) Evidence suggests that an effective litigation
23 management and cost and delay reduction program
24 should incorporate several interrelated principles, in-
25 cluding—

1 (A) the differential treatment of cases that
 2 provides for individualized and specific man-
 3 agement according to their needs and probable
 4 litigation careers;

5 (B) early involvement of a judicial officer
 6 *helping to* in ~~planning~~ the progress of a case, controlling ~~the~~
 7 the discovery process, and scheduling ^e ~~ing~~ litigation
 8 events;

9 (C) ~~requiring~~ *appropriate levels of* communication between a judi-
 10 cial officer and attorneys during the pretrial
 11 process; and

12 (D) utilization of alternative dispute resolu-
 13 tion programs in appropriate cases.

14 ~~(6) Because the increasing volume and com-~~
 15 ~~plexity of civil and criminal cases imposes increas-~~
 16 ~~ingly heavy workload burdens on judicial officers,~~
 17 ~~clerks of court, and other court personnel, it is nec-~~
 18 ~~essary to create an effective administrative structure~~
 19 ~~to ensure ongoing consultation and communication~~
 20 ~~regarding effective litigation management and cost~~
 21 ~~and delay reduction principles and techniques.~~

22 SEC. 3. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

23 (a) CIVIL JUSTICE EXPENSE AND DELAY REDUCTION
 24 PLANS.—Title 28, United States Code, is amended by in-
 25 serting after chapter 21 the following new chapter:

1 "CHAPTER 23—CIVIL JUSTICE EXPENSE AND
2 DELAY REDUCTION PLANS

"Sec.

"471. Requirement for a district court civil justice expense and delay reduction plan.

"472. Development and implementation of a civil justice expense and delay reduction plan.

"473. Content of civil justice expense and delay reduction plans.

"474. Review of district court action.

"475. Periodic district court assessment.

"476. Model civil justice expense and delay reduction plan.

"477. Advisory groups.

"478. Information on litigation management and cost and delay reduction.

"479. Training programs.

"480. Automated case disposition information.

"481. Definitions.

3 "§ 471. Requirement for a district court civil justice expense
4 and delay reduction plan

5 "There shall be established ⁱⁿ ~~for~~ each United States
6 district court, in accordance with this title, a civil justice
7 expense and delay reduction plan. The plan may be a plan
8 developed by such district court or a model plan developed

9 by the Judicial Conference of the United States. ^{The purposes of these} ~~Each plan~~
10 ~~shall provide for facilitating deliberate adjudication of civil~~ ^{plans shall be to improve case management, reduce cost and}
11 ~~cases on the merits, monitoring discovery, improving litigation~~ ^{delay in civil litigation, facilitate, where appropriate, adjudication}
12 ~~management, and ensuring just, speedy, and inexpensive~~ ^{on the merits, and ensure the just, speedy, and inexpensive}
13 ~~resolutions of civil disputes.~~ ^{resolution of civil disputes.}

14 "§ 472. Development and implementation of a civil justice ex-
15 pense and delay reduction plan

16 "(a) The civil justice expense and delay reduction
17 plan for a district court shall be developed or selected, as
18 the case may be, after consideration ^{ing} ~~of~~ the recommenda-

1 tions of an advisory group appointed in accordance with
2 section 477 of this title.

3 “(b) The civil justice expense and delay reduction
4 plan for a district court shall be implemented by the court
5 in accordance with section 2071 of this title.

6 “(c) The advisory group of a United States district
7 court shall submit to the court a report ~~of its recommendations~~
8 ~~and such report~~, which shall be made available to the
9 public, ^{and which} shall include—

10 ~~“(1) the basis for its recommendation that the~~
11 ~~district court develop a plan or select a model plan;~~

12 ~~“(2) its~~ ^{an} assessment of the matters referred to in
13 subsection (d)(1); ~~and~~

14 ~~“(3) its~~ ^{(2) recommended measures, rules, and programs, and} explanation of the manner in which the
15 recommended plan complies with section 473 of this
16 title.

17 “(d)(1) In developing its recommendations, the advi-
18 sory group of a district court shall ^{in accordance with guidelines} promptly complete a ^{promulgated}
19 thorough assessment of the state of the court’s civil and ^{by the}
20 criminal dockets. In performing the assessment for a dis- ^{Judicial}
21 trict court, the advisory group shall— ^{Conference}
 ^{of the}
 ^{United}
 ^{States,}

22 “(A) determine the condition of the civil and
23 criminal dockets;

24 “(B) identify trends in case filings and in the
25 demands being placed on the court’s resources; ^{and}

1 “(C) identify the principal causes of cost and
 2 delay in civil litigation, giving consideration to such
 3 potential causes as court procedures and the ways in
 4 which litigants and their attorneys approach and con-
 5 duct litigation.”

6 ~~“(D) examine the extent to which costs and
 7 delays in civil litigation have impeded access to the
 8 courts.”~~

impossible

9 “(2) In developing its recommendations, the advisory
 10 group of a district court shall take into account the particu-
 11 lar needs and circumstances of the district court, ^{as well as litigants}
 12 ~~in such court, and the litigants' attorneys.~~ ^{and attorneys who appear in such court.}

13 “(3) The advisory group of a district court shall
 14 ensure that its recommended actions ^{include} ~~are balanced to pro-~~
 15 ~~vide~~ ^{for} significant contributions toward reducing cost and
 16 delay ~~and facilitating access to the courts to be made~~
 17 the court, litigants, ~~the courts,~~ and ~~the litigants'~~ attorneys.

18 “(e) The chief judge of the district court shall trans-
 19 mit a copy of the plan implemented in accordance with
 20 subsection (b) and the report prepared in accordance with
 21 subsection (c) of this section to—

22 “(1) the Judicial Conference of the United
 23 States;

24 “(2) the judicial council of the circuit in which
 25 the district court is located; and

1 “(3) the chief judge of each of the other United
2 States district courts located in such circuit.

3 “(§ 473.) Content of civil justice expense and delay reduction
4 plans

5 “(a) A civil justice expense and delay reduction plan
6 developed and implemented under this chapter shall in-
7 clude provisions applying the following principles and
8 guidelines of litigation management and cost and delay re-
9 duction:

10 “(1) systematic, differential treatment of civil
11 cases that tailors the level of individualized and case
12 specific management to such criteria as case com-
13 plexity, the amount of time reasonably needed to
14 prepare the case for trial, and the judicial and other
15 resources required for the preparation and disposition
16 of the case;

17 “(2) early and ongoing control of the pretrial
18 process through involvement of a judicial officer
19 in—

20 “(A) assessing and planning the progress
21 of a case;

22 “(B) setting early, firm trial dates, such
23 that the trial is scheduled to occur within eight-
24 een months of filing, unless a judicial officer
25 certifies that the trial cannot reasonably be held

*See
Insert -
Re-writes
section (a)*

§ 473. Content of civil justice and delay reduction plans.

(a) Each civil justice expense and delay reduction plan developed and implemented under this chapter shall provide:

(1) case specific case management, recognizing that different approaches to case management are appropriate in different kinds of cases or litigation situations.

(2) early in the pretrial life of each civil case, procedures for:

(A) assessing the case's management and pretrial needs;

(B) developing a fair and cost-effective plan for preparing the matter for disposition by settlement, motion, or trial;

(C) appropriately limiting and pacing the discovery that is to be done;

(D) fixing dates by which settlement negotiations or appropriate ADR procedures will be completed, for the close of discovery, and for the filing and hearing of motions;

(3) procedures for fixing the earliest feasible trial date, commencing trial no later than 18 months after the complaint was filed except when the assigned judge certifies that the needs of the case would make trial within that period unfair or that the court cannot offer a trial date within that period because of trial commitments to criminal matters or to other civil actions.

(4) in complex or other appropriate cases, closer monitoring of pretrial developments and more assertive help in assuring cost-effective progress toward disposition by settlement or adjudication.

(5) encouragement of direct exchanges of information and evidence (without resorting to formal motions and discovery) and cooperative approaches to discovery practice.

(6) conservation of judicial resources by prohibiting the consideration of discovery motions unless accompanied by a statement that the moving party has made a reasonable and good faith effort to resolve the matter consensually with counsel for the party or non-party to whom the discovery is directed.

(7) authorization to refer appropriate cases to alternative dispute resolution programs.

(8) semi-annual reports, available to the public, that disclose for each judicial officer the number of motions that have been pending for more than 6 months, the number of bench trials that have been submitted for more than six months, and the number of cases that have not been terminated within three years of filing.

redobid.1

1 within such time because of the number or
2 complexity of pending criminal cases;

3 “(C) controlling the extent of discovery
4 and the time for completion of discovery, and
5 ensuring compliance with requested discovery
6 in a timely fashion; and

7 “(D) setting deadlines for the filing of mo-
8 tions and target dates for the deciding of mo-
9 tions;

10 “(3) for all cases that the court or an individual
11 judicial officer determines are complex and any
12 other appropriate cases, careful and deliberate moni-
13 toring through a discovery-case management confer-
14 ence or a series of such conferences at which the
15 presiding judicial officer—

16 “(A) explores the parties’ receptivity to,
17 and the propriety of, settlement or proceeding
18 with the litigation;

19 “(B) identifies or formulates the principal
20 issues in contention and, in appropriate cases,
21 provides for the staged resolution or bifurcation
22 of issues for trial consistent with Rule 42(b) of
23 the Federal Rules of Civil Procedure;

24 “(C) prepares a discovery schedule and
25 plan consistent with any presumptive time limits

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that a district court may set for the completion of discovery and with any procedures a district court may develop to—

“(i) identify and limit the volume of discovery available to avoid unnecessary or unduly burdensome or expensive discovery; and

“(ii) phase discovery into two or more stages; and

“(D) establishes deadlines for filing motions and target dates for deciding motions;

“(4) encouragement of cost-effective discovery through voluntary exchange of information among litigants and their attorneys and through the use of cooperative discovery devices;

“(5) conservation of judicial resources through requirements that discovery motions will not be entertained unless accompanied by a statement by the moving party showing that a reasonable good faith effort has been made to reach agreement with opposing counsel on the matters set forth in the motion;

“(6) authorization to refer appropriate cases to alternative dispute resolution programs that—

“(A) have been designated for use in a district court; or

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~~“(B) the court may make available, including mediation, minitrial, and summary jury trial; and~~

~~“(7) enhancement of the accountability of each judicial officer in a district court through—~~

~~“(A) regular reports of the judicial officer’s pending undecided motions and caseload progress to the other judicial officers in the judicial circuit in which such district court is located; and~~

~~“(B) quarterly public disclosure of such reports, together with any specific information relating to the particular reason that a judicial officer’s caseload has aged or motions have not been decided.~~

~~“(b) In formulating the ~~provisions~~ provisions of ~~a~~ ^{its} civil justice expense and delay reduction plan, ~~developed~~ ^{developed} ~~and~~ ^{each} ~~implemented under this chapter~~ a United States district court, in consultation with an advisory group appointed under section 477 of this title, shall consider adopting the following ^o ~~litigation management and cost and delay reduction techniques:~~~~

“(1) a requirement that counsel for each party to a case jointly present a discovery-case manage-

1 ment plan for the case at the initial pretrial confer-
2 ence, or explain the reasons for their failure to do so;

3 “(2) a requirement that each party be represent-
4 ed at each pretrial conference by an attorney who
5 has the authority to bind that party regarding all mat-
6 ters previously identified by the court for discussion
7 at the conference and all reasonably related matters;

8 “(3) a requirement that all requests for exten-
9 sions of deadlines for completion of discovery or for
10 postponement of the trial be signed by the attorney
11 and the party making the request;

12 “(4) a neutral evaluation program for the pres-
13 entation of the legal and factual bases of a case to a
14 neutral court representative at a nonbinding confer-
15 ence conducted early in the litigation;

16 “(5) a requirement that, upon notice by the
17 court, representatives of the parties with authority to
18 bind them in settlement discussions be present or
19 available by telephone during any settlement confer-
20 ence; and

21 “(6) such other features as the district court
22 considers appropriate after considering the recom-
23 mendations of the advisory group referred to in sec-
24 tion 472(a) of this title.

1 “§ 474. Review of district court action

2 “(a)(1) The chief judge of a circuit court and the
3 chief judges of each district court in a circuit shall, as a
4 committee chaired by the chief judge of the circuit court—

5 “(A) review each plan and report submitted
6 pursuant to section 472(e) of this title; and

7 “(B) make such suggestions for additional ac-
8 tions or modified actions of that district court as the
9 committee considers appropriate for reducing cost
10 and delay in civil litigation in the district court.

11 “(2) The chief judge of a circuit court and the chief
12 judge of a district court may designate another judge of
13 such court to perform the chief judge’s responsibilities
14 under paragraph (1) of this subsection.

15 “(b) The Judicial Conference of the United States—

16 “(1) shall review each plan and report submit-
17 ted by a district court pursuant to section 472(e) of
18 this title; and

19 “(2) may request the district court to take addi-
20 tional action if the Judicial Conference determines
21 that such court has not adequately responded to the
22 conditions relevant to the criminal and civil dockets
23 of the court or to the recommendations of the district
24 court’s advisory group.

1 “§ 475. Periodic district court assessment

2 “After developing or selecting a civil justice expense
3 and delay reduction plan, each United States district court
4 shall assess, at least once every three years, the condition
5 of the court’s criminal and civil dockets with a view to
6 determining appropriate additional actions that may be
7 taken by the court to reduce cost and delay in civil litiga-
8 tion and to improve the litigation management practices of
9 the court. In performing such assessment, the court shall
10 consult with an advisory group appointed in accordance
11 with section 477 of this title.

12 “§ 476. Model civil justice expense and delay reduction plan

13 “(a)(1) Based on the plans developed and implement-
14 ed by the United States district courts designated as Early
15 Implementation District Courts pursuant to section 3(c) of
16 the Civil Justice Reform Act of 1990, the Judicial Confer-
17 ence of the United States may develop one or more model
18 civil justice and expense delay reduction plans. Any such
19 model plan shall be accompanied by a report explaining
20 the manner in which the plan complies with section 473 of
21 this title.

22 “(2) The Director of the Federal Judicial Center and
23 the Director of the Administrative Office of the United
24 States Courts may make recommendations to the Judicial
25 Conference regarding the development of any model civil
26 justice expense and delay reduction plan.

1 “(b) The Director of the Administrative Office of the
 2 United States Courts shall transmit to the United States
 3 district courts and to the Committees on the Judiciary of
 4 the Senate and the House of Representatives copies of any
 5 model plan and accompanying report.

6 “§ 477. Advisory groups

7 “(a) The advisory group required in each United
 8 States district court in accordance with section 472 of this
 9 title shall be appointed by the chief judge of each district
 10 court, after consultation with the other judges of such
 11 court, and by the chief judge of the circuit in which such
 12 district court is located.

13 “(b) The advisory group of a district court shall be
 14 balanced and include attorneys and other persons who are
 15 representative of major categories of litigants in such
 16 court, as determined by the chief judge of such court and
 17 the chief judge of the circuit in which such court is locat-
 18 ed.

19 “(c) In no event shall any member of the advisory
 20 group serve longer than six years.

21 “(d) The chief judge of a United States district court
 22 shall designate a reporter for each advisory group, *who may be*
compensated in accordance with guidelines
established by the Judicial Conference of
the United States.

1 “§ 478. Information on litigation management and cost and
2 delay reduction

3 “(a) Within four years after the date of the enactment
4 of this chapter, the Judicial Conference of the United
5 States Courts shall prepare a comprehensive report on all
6 plans received pursuant to section 472(e) of this title. The
7 Director of the Federal Judicial Center and the Director of
8 the Administrative Office of the United States Courts may
9 make recommendations regarding such report.

10 “(b) The Judicial Conference of the United States
11 shall, on a continuing basis—

12 “(1) study ways to improve litigation manage-
13 ment and dispute resolution services in the district
14 courts; and

15 “(2) make recommendations to the district
16 courts on ways to improve such services.

17 “(c)(1) The Judicial Conference of the United States
18 shall prepare, periodically revise, and transmit to the
19 United States district courts a Manual for Litigation Man-
20 agement and Cost and Delay Reduction. The Director of
21 the Federal Judicial Center and the Director of the Admin-
22 istrative Office of the United States Courts may make rec-
23 ommendations regarding the preparation of and any subse-
24 quent revisions to the Manual.

25 “(2) The Manual shall be developed after careful
26 evaluation of the plans implemented under section 472 of

1 this title and the litigation management and cost and delay
2 reduction demonstration programs that the Judicial Confer-
3 ence shall conduct under this title.

4 “(3) The Manual shall contain a description and anal-
5 ysis of the litigation management, cost and delay reduction
6 principles and techniques, and alternative dispute resolu-
7 tion programs considered most effective by the Judicial
8 Conference, the Director of the Federal Judicial Center,
9 and the Director of the Administrative Office of the United
10 States Courts.

11 “§ 479. Training programs

12 “The Director of the Federal Judicial Center and the
13 Director of the Administrative Office of the United States
14 Courts shall develop and conduct comprehensive education
15 and training programs to ensure that all judicial officers,
16 clerks of court, courtroom deputies and other appropriate
17 court personnel are thoroughly familiar with the most
18 recent available information and analyses about litigation
19 management and other techniques for reducing cost and
20 expediting the resolution of civil litigation. The curriculum
21 of such training programs shall be periodically revised to
22 reflect such information ^{and} analyses.

23 “§ 480. Automated case disposition information

24 “(a) The Director of the Administrative Office of the
25 United States Courts shall ensure that each United States

1 district court has the automated capability readily to re-
2 trieve information about the status of each case in such
3 court.

4 “(b)(1) In carrying out subsection (a), the Director
5 shall prescribe—

6 “(A) the information to be recorded in district
7 court automated systems; and

8 “(B) standards for uniform categorization or
9 characterization of judicial actions for the purpose of
10 recording information on judicial actions in the dis-
11 trict court automated systems.

12 “(2) The uniform standards prescribed under para-
13 graph (1)(B) of this subsection shall include a definition of
14 what constitutes a dismissal of a case and standards for
15 measuring the period for which a motion has been pend-
16 ing.

17 “(c) Each United States district court shall record in-
18 formation as prescribed pursuant to subsection (b) of this
19 section.

20 “§ 481. Definitions

21 “As used in this chapter the term ‘judicial officer’
22 means a United States district court judge or a United
23 States magistrate.”.

24 (b) IMPLEMENTATION.—Within three years after the
25 date of the enactment of this Act, each United States dis-

1 trict court shall establish a civil justice expense and delay
2 reduction plan under section 471 of title 28, United States
3 Code, as added by subsection (a).

4 (c) EARLY IMPLEMENTATION DISTRICT COURTS.—

5 (1) Any United States district court that, no ear-
6 lier than six months and no later than twelve months
7 after the date of the enactment of this Act, develops
8 and implements a civil justice expense and delay re-
9 duction plan under chapter 23 of title 28, United
10 States Code, as added by subsection (a), shall be
11 designated by the Judicial Conference of the United
12 States as an Early Implementation District Court.

13 (2) The chief judge of a district so designated
14 may apply to the Judicial Conference for additional
15 resources, including technological and personnel sup-
16 port and information systems, necessary to imple-
17 ment its civil justice expense and delay reduction
18 plan. The Judicial Conference may, in its discretion,
19 provide such resources out of funds appropriated
20 pursuant to section 5(a).

21 (3) Within eighteen months after the date of the
22 enactment of this Act, the Judicial Conference shall
23 prepare a report on the plans developed and imple-
24 mented by the Early Implementation District Courts.

1 (4) The Director of the Administrative Office of
 2 the United States Courts shall transmit to the United
 3 States district courts and to the Committees on the
 4 Judiciary of the Senate and House of Representa-
 5 tives—

6 (A) copies of the plans developed and im-
 7 plemented by the Early Implementation District
 8 Courts;

9 (B) the reports submitted by such districts
 10 pursuant to section 472(e) of title 28, United
 11 States Code, as added by subsection (a); and

12 (C) the report prepared in accordance with
 13 paragraph (3) of this subsection.

14 (d) TECHNICAL AND CONFORMING AMENDMENT.—The
 15 table of chapters for part I of title 28, United States Code,
 16 is amended by adding at the end thereof:

“23. Civil justice expense and delay reduction plans..... 471”.

17 SEC. 4. DEMONSTRATION PROGRAM.

18 (a) IN GENERAL.—(1) During the four-year period be-
 19 ginning on January 1, 1991, the Judicial Conference of the
 20 United States shall conduct a demonstration program in ac-
 21 cordance with subsection (b) in ^{five} ~~the following~~ United
 22 States district courts. ~~Districts to be identified.~~

23 (2) A district court participating in the demonstration
 24 program may also be an Early Implementation District
 25 Court under section 3(c).

At least two of the five

district courts participating in the demonstration program shall

1 (b) PROGRAM REQUIREMENT.—~~The demonstration pro-~~
2 ~~gram shall provide for district courts to~~ experiment with
3 systems of differentiated case management that provide
4 specifically for the assignment of cases to appropriate
5 processing tracks that operate under distinct and explicit
6 rules, procedures and timeframes for the completion of dis-
7 covery and for trial. The demonstration program shall also
8 provide for district courts to experiment with various other
9 methods of reducing cost and delay in civil litigation, in-
10 cluding alternative dispute resolution.

11 (c) STUDY OF RESULTS.—The Judicial Conference of
12 the United States, in consultation with the Federal Judicial
13 Center, shall study the experience of the district courts
14 under the demonstration program.

15 (d) REPORT.—Not later than March 31, 1995, the Ju-
16 dicial Conference of the United States shall transmit to the
17 Committees on the Judiciary of the Senate and the House
18 of Representatives a report of the results of the demonstra-
19 tion program.

20 SEC. 5. AUTHORIZATION.

21 (a) EARLY IMPLEMENTATION DISTRICT COURTS.—There
22 is authorized to be appropriated not more than \$15,000,000
23 for fiscal year 1990 to carry out the resource and planning
24 needs necessary for the implementation of section 3(c).

1 (b) IMPLEMENTATION OF CHAPTER 23.—There is au-
2 thorized to be appropriated not more than \$5,000,000 for
3 fiscal year 1990 to implement chapter 23 of title 28,
4 United States Code.

5 (c) DEMONSTRATION PROGRAM.—There is authorized
6 to be appropriated not more than \$5,000,000 for fiscal year
7 1990 to carry out the provisions of section 4.