

**ANNUAL ASSESSMENT OF CIVIL AND CRIMINAL DOCKETS  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

The Civil Justice Reform Act requires each district court to make an annual assessment of “the condition of the court’s civil and criminal dockets with a view to determining appropriate additional actions that may be taken by the court to reduce cost and delay in civil litigation and to improve the litigation management practices of the court.” 28 U.S.C. §475. As part of this process, the Act provides for each district to receive a report on its docket from an advisory group whose members are appointed by the court. This Court recently received the annual report prepared by its advisory group, and wishes to extend its thanks to the members of the group for their efforts. The Court’s annual assessment for 1995 follows.

### **Civil Caseload**

A total of 7,859 civil cases were filed in the District during the year ended September 30, 1995.<sup>1</sup> This total represents 357 civil cases commenced per authorized district judgeship.<sup>2</sup> A total of 777 civil cases commenced during the year involved the United States as a party (11.0 percent of all civil filings). Categories of private cases accounting for a significant proportion of total civil filings during 1995 are civil rights (1,622 cases), labor (1,244 cases), prisoner petitions (938 cases), contract (842 cases), and mortgage foreclosures (663 cases). Together, these five types of cases accounted for 75.0 percent of all civil cases filed during the year.

Active district judges received an average of 330 civil cases in 1995. This figure is lower than the average of 400 civil cases per active district judge for 1994. The change is largely due to the filling of five judicial vacancies over the course of 1994 and to an increase in the number of senior district judges who participate in the assignment of new cases.

The median disposition time for civil cases closed in 1995 was 5 months. This is substantially shorter than the median disposition time of 8 months for all districts and is the shortest median figure for all districts with 15 or more authorized judgeships. The Court’s experience in 1995 continues its history of disposing of civil cases without delay. The Court has had a median disposition time for civil cases of 6 months or less since 1969 except for three years where the median time was 7 months.

More than 36,000 motions were filed in civil cases in 1995, approximately 5 percent of which were dispositive in nature. More than half of the motions filed during the year were disposed of on their

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<sup>1</sup> Unless otherwise noted, statistics are based on 12-month periods ended 30 September. This is the fiscal year for the federal government, and serves as the standard year for statistical reporting purposes.

<sup>2</sup> Statistics published annually by the Administrative of the United States Courts in *Judicial Business of the United States Courts* calculate unweighted filings per judgeship using two approaches. The first method, used here, divides total civil filings by the number of authorized judgeships. The second method, used in reports of weighted case filings, excludes cases that are reopened, remanded, and transferred.

date of presentment. About 10 percent of all civil motions were still pending after 6 months. More than half of the judges had 12 or fewer motions pending for that amount of time.

The report of the Advisory Committee noted that this Court has traditionally had few obstacles to hinder the ability of parties to file motions. This continued in 1995, and the Court remains committed to using this approach to motion practice. Benefits that flow from this openness include the clarification of matters that require the attention of the court and expediting the prompt disposition of cases that can be resolved short of trial.

### **Criminal Caseload**

A total of 511 criminal cases involving 902 defendants were filed in 1995. The types of offense cited most frequently were fraud (300 defendants) and drug laws (198 defendants).

A total of 852 defendants were disposed of during the year. Of these, 694 entered guilty pleas (81.5 percent). Ten defendants had bench trials, 99 had jury trials, and 49 were dismissed. The median disposition time for defendants who entered guilty pleas was 8.6 months; the median disposition time for defendants who went to trial was 15 months.<sup>3</sup>

### **Implementation of the Court's *Delay and Expense Reduction Plan***

The Court's *C.J.R.A. Delay and Expense Reduction Plan* was adopted on 15 November 1993. The *Plan* reflects the Court's commitment to both the goals of the Civil Justice Reform Act and the need to preserve flexibility for judges and litigants. Local General Rule 5.00F and the *Standing Order Establishing Pretrial Procedure* act to encourage early and continuing involvement in civil cases by judges. The success of their involvement is reflected in the median disposition figures cited above.

Through its local Rules the Court eliminated the requirement that a joint written discovery plan be filed routinely in civil cases. In addition, the Court opted out of the automatic disclosure provisions of F.R.Civ.P. 26(a)(1). The discretion of the Court's individual approach to calendar management is seen in the fact that four district judges have chosen to routinely require a written discovery plan and one judge has elected to follow the automatic discovery provisions of F.R.Civ.P. 26(a)(1). Variations in the calendar practices of judges may be determined through reference to the standing orders entered by individual judges. As both the *Standing Order Establishing Pretrial Procedure* and the report of the advisory committee observe, litigants are responsible for obtaining copies individual standing orders that may modify general procedures.

Local General Rule 12Q provides a method for parties to anonymously request a report on the status of motions pending for 7 months or longer or pending motions that have been fully briefed for 60 days or longer. The intent of the rule was to provide for a safety net that might prevent motions from being inadvertently overlooked. During the 1995 calendar year 9 requests were received pursuant to Rule 12Q.

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<sup>3</sup> The median disposition time for the 10 defendants who had bench trials was 15.0 months; the corresponding figure for the 99 defendants who were tried by juries was 15.1 months.

Magistrate judges are an important part of the Court's general success in managing its calendar. During the 1995 calendar year 234 civil cases were reassigned to magistrate judges on consent of the parties.<sup>4</sup> This figure represents a slight increase over the number of cases reassigned to magistrate judges on consent during 1994. There were 786 referrals to magistrate judges during 1995, representing a significant increase over the 679 civil referrals recorded in 1994.


The Court continued to use visiting judges during 1995 as a resource to expedite cases awaiting trial. Another procedure for expediting trials is the Court's short civil trial calendar. Established pursuant to local General Rule 2.30J, this calendar allows for the transfer to another judge of cases awaiting trials that are not expected to exceed 5 days in length.

The *Plan* authorized the Chief Judge to appoint a committee to develop standards for attorneys in the conduct of depositions. In 1995 the committee appointed by the Chief Judge submitted a report to the Court on deposition practice. The Court published for public comment proposed amendments to local General Rules 5.20-5.29 incorporating most of the recommendations made by the committee. The proposed rules and the comments received from the public are currently under review by the Advisory Committee on Rules and Practice of the District Court.

The *Plan* provided for the appointment of a committee by the Chief Judge to draft guidelines for attorney fee petitions. This report to the Court by the committee appointed by the Chief Judge included a set of recommended fee petition guidelines. In 1995 the Court published for comment proposed General Rules 46-48, which include fee petition standards. These rules were reviewed by the Advisory Committee on Rules and Practice of the District Court, and were adopted by the Court by the General Order of \_\_\_ June 1996.

In addition, the *Plan* authorized the Chief Judge to appoint a panel whose task was to draft a pamphlet for litigants describing various forms of alternative dispute resolution. The resulting pamphlet began to be distributed to the public in early 1995, and is now routinely provided to every party who appears to file a civil case in the Clerk's Office.

The Advisory Committee's report describes the introduction in early 1996 of a procedure whereby district judges may send civil cases to bankruptcy judges for settlement discussions. Though it falls outside the scope of an assessment examining developments in 1995, the Court looks forward with interest to the benefits that may result from this new settlement procedure.

  
MARVIN E. ASPEN  
Chief United States District Judge

Dated June 19, 1996

<sup>4</sup> Statistics concerning magistrate judge activity cited in this report refer to calendar years.