

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO
CIVIL JUSTICE REFORM ACT ADVISORY GROUP
UNITED STATES COURTHOUSE
1929 STOUT STREET, C-145
DENVER, COLORADO 80294

SHERMAN G. FINESILVER, JUDGE
Advisory Group Co-Chair

THOMAS C. SEAWELL, ESQ.
Advisory Group Co-Chair

Janet Bieringer
CJRA Reporter
303-844-3433

September 1, 1994

Dear Attorney:

The Civil Justice Reform Act of 1990 requires each United States District Court to assess annually its civil and criminal dockets with a view to determining appropriate actions that may be taken to reduce cost and delay in civil litigation and to improve the court's litigation management practices.

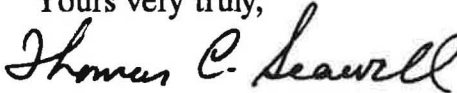
To assist the court, our CJRA Advisory Group is conducting a survey to determine the effectiveness of some of the changes that have been made in the Federal Rules of Civil Procedure and the Local Rules of Practice. At the request of the Advisory Group, the clerk's office has randomly selected approximately 250 attorneys who have been counsel of record in a recent civil case. Your name was chosen and I enclose a survey questionnaire which we ask you to complete and return.

You will see that the survey is not intended to elicit precise answers to precise questions; it is rather designed to obtain your general opinions on a few specific topics. You are, of course, invited to supplement or explain your answers as much as you wish.

The Advisory Group Reporter will compile the results of the survey. The completed questionnaire will not be made available to the judges of the court and no names of survey respondents will be used in the compilations of the data. If you elect to put your name on the questionnaire, it will be possible for the Reporter or an Advisory Group member to contact you to discuss your views further if that seems desirable. Complete confidentiality will be afforded to your opinions in any event.

We realize that the modifications have been in effect for less than a year, but your opinion as an attorney practicing in this court will still be useful. Please mail the completed survey in the postage paid return envelope by **Friday, September 16, 1994**.

We appreciate your cooperation.

Yours very truly,

Thomas C. Seawell

**UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO**

CIVIL JUSTICE REFORM ACT ADVISORY GROUP

**ATTORNEY SURVEY
SEPTEMBER 1994**

GENERAL PURPOSE AND DEFINITIONS

Purpose

This questionnaire seeks information about your opinion of the effect of recent changes in case management methods on the civil litigation process in the U.S. District Court for the District of Colorado.

Rules and Court

Most questions refer to topics which reflect specific changes in the Federal Rules of Civil Procedure or the Local Rules of Practice.

You

Most of the questions require your opinion rather than information easily quantified. As an attorney, you were selected at random from those who practice in the District of Colorado. Specific cases are not referenced in this survey, but your experience with a specific change is needed for an informed evaluation of the responses.

Upon Completion

Use the postage paid envelope to return the completed survey by September 16, 1994. If you have any questions, please call Janet Bieringer, 303-844-3433, CJRA Reporter, U.S. District Court, 1929 Stout Street, C-145, Denver, Colorado 80294.

Thank You

**U.S. DISTRICT COURT
DISTRICT OF COLORADO
CIVIL JUSTICE REFORM ACT
ADVISORY GROUP**

**ATTORNEY SURVEY
SEPTEMBER 1994**

Topic Number 1: The meeting of the parties required by Fed. R. Civ. P. 26(f).

1a. The number of experiences you have had with the meeting of the parties required by Rule 26(f): _____

1b. In general, does the meeting of the parties help the litigation process?
[please check one of the following]

Yes. No. Has had no impact.

1c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

1d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

1e. Additional comments or explanations:

Topic Number 2: The recent changes to Fed. R. Civ. P. 26(a)(1) regarding pleading with particularity.

2a. Have the recent changes to Fed. R. Civ. P. 26(a)(1) regarding pleading with particularity caused you to do any of the following:
[please check one of the following]

Draft pleadings with more particularity.

Draft pleadings with less particularity.

No change in the methods used to draft pleadings.

2b. In general, do these changes help the litigation process?
[please check one of the following]

Yes.

No.

Has had no impact.

2c. Do these changes help to increase the pace of litigation?

Yes.

No.

Has had no impact.

2d. Do these changes help to reduce the cost of litigation?

Yes.

No.

Has had no impact.

2e. Additional comments or explanations:

Topic Number 3: Holding the scheduling conference within 90 days after the first defendant's appearance (Fed. R. Civ. P. 16(b)).

3a. The number of experiences you have had since December 1, 1993 with Rule 16 scheduling conferences: _____

Number held within 90 days after the first defendant's appearance: _____

Number held more than 90 days after the first defendant's appearance: _____

3b. In general, does holding the scheduling conference within 90 days after the first defendant's appearance help the litigation process? *[please check one of the following]*

Yes. No. Has had no impact.

3c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

3d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

3e. Additional comments or explanations:

Topic Number 4: The discussion at the scheduling conference of alternative dispute resolution possibilities (Fed. R. Civ. P. 16(c)(9)).

4a. The number of experiences you have had since December 1, 1993 with a Rule 16 scheduling conference: _____

4b. At how many scheduling conferences has the subject of alternative dispute resolution been discussed? _____

4c. In general, does the discussion at the scheduling conference of alternative dispute resolution possibilities help the litigation process? *[please check one of the following]*

Yes. No. Has had no impact.

4d. Does this change help to increase the pace of litigation?
 Yes. No. Has had no impact.

4e. Does this change help to reduce the cost of litigation?
 Yes. No. Has had no impact.

4f. Additional comments or explanations:

Topic Number 5: The authority of the district judge to suspend all proceedings while settlement is pursued contained in D.C.COLO.LR 53.2.

5a. The number of experiences you have had with the district judge using the authority contained in D.C.COLO.LR 53.2 to suspend all proceedings while settlement is pursued: _____

5b. In general, does the authority of the district judge to suspend all proceedings while settlement is pursued help the litigation process?
[please check one of the following]

Yes. No. Has had no impact.

5c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

5d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

5e. Additional comments or explanations:

Topic Number 6: The initial disclosures required by Fed. R. Civ. P. 26(a)(1).

6a. The number of experiences you have had with the initial disclosures required by Rule 26(a)(1): _____

6b. In general, do the initial disclosures help the litigation process? *[please check one of the following]*

Yes. No. Has had no impact.

6c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

6d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

6e. Additional comments or explanations:

Topic Number 7: The disclosure of expert testimony required by Fed. R. Civ. P. 26(a)(2).

7a. The number of experiences you have had with the disclosure of expert testimony required by Rule 26(a)(2): _____

7b. In general, does the disclosure of expert testimony help the litigation process? *[please check one of the following]*

Yes. No. Has had no impact.

7c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

7d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

7e. Additional comments or explanations:

Topic Number 8: The pretrial disclosures required by Fed. R. Civ. P. 26(a)(3).

8a. The number of experiences you have had with the pretrial disclosures required by Rule 26(a)(3): _____

8b. In general, do these pretrial disclosures help the litigation process? *[please check one of the following]*

Yes. No. Has had no impact.

8c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

8d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

8e. Additional comments or explanations:

Topic Number 9: The limitations on depositions contained in Fed. R. Civ. P. 30(a)(2).

9a. The number of experiences you have had with the limitations on depositions contained in Rule 30(a)(2): _____

9b. In general, do the limitations on depositions help the litigation process?
[please check one of the following]

Yes. No. Has had no impact.

9c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

9d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

9e. Additional comments or explanations:

Topic Number 10: The limitations on interrogatories contained in Fed. R. Civ. P. 33(a).

10a. The number of experiences you have had with the limitations on interrogatories contained in Rule 33(a): _____

10b. In general, do the limitations on interrogatories help the litigation process? *[please check one of the following]*

Yes. No. Has had no impact.

10c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

10d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

10e. Additional comments or explanations:

Topic Number 11: The sanctions for abusive deposition conduct contained in D.C.COLO LR 30.1C.

11a. The number of experiences you have had with the use of sanctions for abusive deposition conduct contained in D.C.COLO LR 30.1C: _____

11b. In general, does the use of sanctions for abusive deposition conduct help the litigation process? *[please check one of the following]*

Yes. No. Has had no impact.

11c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

11d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

11e. Additional comments or explanations:

Topic Number 12: The authority granted by D.C.COLO.LR. 53.2 to a district judge to direct the parties to engage in alternative dispute resolution.

12a. The number of experiences you have had with the district judge using the authority granted by D.C.COLO.LR. 53.2 directing parties to engage in alternative dispute resolution (ADR): _____

12b. In general, does the authority granted to a district judge to direct the parties to engage in ADR help the litigation process? *[please check one of the following]*

Yes. No. Has had no impact.

12c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

12d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

12e. Additional comments or explanations:

Topic Number 13: The elimination of a standard form of pre-trial order.

13a. The number of experiences you have had with the elimination of a standard form of pre-trial order: _____

13b. In general, does the elimination of a standard form of pre-trial order help the litigation process? *[please check one of the following]*

Yes. No. Has had no impact.

13c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

13d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

13e. Additional comments or explanations:

Topic Number 14: The elimination of "pairing" of district judges and magistrate judges.

14a. The number of experiences you have had with the elimination of "pairing" of district judges and magistrate judges: _____

14b. In general, does the elimination of "pairing" of judges and magistrate judges help the litigation process? *[please check one of the following]*

Yes. No. Has had no impact.

14c. Does this change help to increase the pace of litigation?

Yes. No. Has had no impact.

14d. Does this change help to reduce the cost of litigation?

Yes. No. Has had no impact.

14e. Additional comments or explanations:

Topic Number 15: Additional comments you would like to make about topics not included in this survey regarding efforts to further reduce the cost and delay of civil litigation in the U.S. District Court for the District of Colorado.

Thank You

Dated: _____

Signed: _____
(Optional)

Mode of Practice:

Private

U.S. Government

State/Local Government