

Two top court's 'motions-pending' report

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Two local federal trial judges had 25 or more motions pending for longer than six months during two 1992 reporting periods, according to reports submitted by local federal judges.

The motions-pending reports are newly required under the Civil Justice Reform Act, and are intended to prod judges to minimize the number of motions not acted upon promptly.

U.S. District Judge John A. Nordberg had the most civil motions pending for more than six months — 49 — on March 31, 1992, and 52 motions pending on Sept. 30, 1992, the records show. Judge James H. Alesia had 25 and

35 motions pending for more than six months during the respective periods.

"The problem is that I'm on trial all the time," Nordberg said in a Monday telephone conversation, adding that he has presided over numerous lengthy trials. Nordberg also noted that he works seven days a week and usually works on motions at night and during weekends.

"Quality is the important thing, not speed," Nordberg added. "I can't do any more than I do now."

Alesia declined comment about the figures Monday.

The reports also showed that Judge Wayne R. Andersen had no six-month-old motions pending during the March reporting period, but 36 in the September period. The

other Northern District judges all had less than 17 motions pending for more than six months, the records show.

Andersen, who became a federal judge in late 1991, said Monday that many of the older motions on his report had been filed before other judges and were transferred to him when he joined the federal bench. A majority of the older motions have been resolved, he added.

The reports have numerous "qualifications," and many of the cases are referred to magistrate judges for reports and recommendations, which contributes to delay, Nordberg added.

The Civil Justice Reform Act re-
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quires publication of the names of judges who have motions pending for more than six months. The preliminary report issued in mid-February by the Civil Justice Reform Act Advisory Committee for the Northern District noted that a small number of judges have more than half of the motions pending for more than six months.

"Judges who allow a significant amount of time to elapse before a ruling is issued or a case tried cause delay and extra expense for the parties," the report added, noting that the act increased pressure on the judges for speedy resolution of cases by publishing the figures. "The first line of defense against such delay lies with the individual judges themselves."

The March 1992 report stated that caseloads fluctuate and that many of the matters pending on the report were later decided. "Use of reports of this type should take into account the constant state of change evident in the district courts' pending caseloads," the report added.

Barry A. Miller, president of the Chicago Council of Lawyers, said Monday that litigants have a right to have their cases decided promptly, and praised Congress' requirement that the information be made public.

"For too many years, the district court has kept these numbers confidential," Miller added. "The bar and the public are entitled to know how their public servants are doing."

The Council issued an evaluation report in October 1991 about the local district court judges, which included negative comments about the ways Nordberg and Alesia handled their caseloads.

More than 30,000 motions a filed in the Northern District annually, the advisory group's preliminary report said. A total of 127 motions were pending for more than six months in the Northern District, according to the March report, and about 230 of those motions were pending during September, the September report showed.

The March 1992 report was prepared by the Administrative Office of the U.S. Courts, while the September figures came from reports submitted and signed by the judges.

The Administrative Office defines "pending" motions as those which have not been ruled on within 30 days from the date of filing. The March report showed some judges in other districts around the U.S. had more than 250 six-month-old motions pending, and one judge in Arizona had 376.

The reports showed numerous motions in cases that were closed, but the motions hadn't been stricken, several judges here said.

Perry Moses, chief deputy clerk for the Northern District, said Monday that previous reports showed numerous motions pending for closed cases. The clerk's office is working with the judges to develop a system allowing judges to report the figures directly by computer to the administrative office in Washington, he added.

The act's reporting requirement is "a means of prodding judges along," the preliminary report said. "The theory is that judges will make every effort to see that they are not named on that list," the report continued.

"This will undoubtedly increase judges' consciousness of their pending motions," the report added.