APPENDIX B

Court Administration and Case Management Committee, Guidelines for Ensuring Fair and Effective Court-Annexed ADR

Guidelines for Ensuring Fair and Effective Court-Annexed ADR: Attributes of a Well-Functioning ADR Program and Ethical Principles for ADR Neutrals

Report of the ADR Task Force of the Court Administration and Case Management Committee

December 1997

I. Background

In June 1995, the Court Administration and Case Management Committee established an ADR Task Force, composed of Magistrate Judge John Wagner (OK-N), Bankruptcy Judge Barry Russell (CA-C), and District Judge Jerome Simandle (NJ), who served as chair. The purpose of the Task Force was to consider the issue of ethical guidelines for private sector attorneys who serve as neutrals in court-annexed ADR programs. This step was prompted by the substantial growth of such programs during the 1990s, programs which at this time are governed only by local rules. The Task Force's concerns were driven largely by rapid change in the district courts, but it recognized that ADR has grown apace in the appellate and bankruptcy courts as well.

To determine the incidence and nature of ethical problems in district court ADR proceedings, the Task Force held a series of meetings with those involved in court-annexed programs, including judges, court ADR staff, attorneys who serve as neutrals, and academics. There was general agreement that the incidence of ethical problems is low but that the combination of rapidly growing programs, sometimes inadequate training of ADR neutrals, and judges who are unfamiliar with ADR creates a potential for serious ethical breaches.

Through its meetings with the various ADR experts, the Task Force identified four areas where problems are likely to arise when courts use private sector attorneys as ADR neutrals: past, present, and future conflicts of interest; confidentiality of materials and information disclosed during ADR; exposure of the neutral to subpoena to testify in subsequent litigation; and protection of ADR neutrals from civil liability through immunity.

For a number of reasons, the Task Force determined that national ADR ethics rules would be premature at this time. Not only did the ADR experts advise against them, but the Task Force believes there is considerable value in encouraging further experimentation at the local level before national rules, if any, are drafted. Furthermore, some issues, such as immunity and conflicts of interest, are either very complicated, are currently the

subject of in-depth study by other organizations, or would require statutory authorization, which the Task Force is not prepared to recommend.

Nonetheless, the Task Force did conclude that it would be useful for the Committee to issue a general statement encouraging courts to give careful consideration to several specific ethical issues and advising the courts on the attributes of a well-functioning court-annexed ADR program. A recommendation to this effect was made and accepted at the June 1996 Committee meeting. The Task Force has subsequently identified the attributes of a well-functioning court-annexed ADR program and has developed a set of ethical principles for ADR neutrals. These are presented below.

II. The Attributes of a Well-Functioning Court-Annexed ADR Program

Our Task Force agrees with the consensus view that a federal court must make a conscious effort to determine whether some type of ADR is an appropriate response to local dockets, customs, practices, and demands for ADR services. We also believe that, for ADR to be most responsive to local conditions, it should be implemented at the local court level (district, appellate, or bankruptcy). There is sufficient breadth in the Federal Rules of Civil Procedure and other legislation, as the Judicial Conference has found, to foster and support implementation of varying ADR programs in the local courts.

Although we have witnessed the gradual development of a preference for mediation, we have not seen the emergence of a single type of ADR that should serve as a paradigm for all courts and we recommend none here. Nevertheless, the Task Force believes there are common attributes of well-functioning ADR programs that all courts should strive to incorporate into their ADR programs and that should be enunciated through local rules.

At the same time, we recognize the need for flexibility in providing a means for dispute resolution that is informal, inexpensive, and adaptable. ADR is often valued, in fact, as an alternative to rule-bound and costly procedures like motion practice and trial. One cannot lose sight of the fact, however, that federal cases referred to ADR can be factually or legally complicated and can have high stakes. In such an environment, the basic ingredients of a fair and effective court-annexed ADR program should include at least minimal rules with respect to the expectations placed upon the court staff and judicial officers, the appointed neutrals, and the participants (attorneys and litigants).

Both research and anecdote suggest that, to date, litigants in federal court ADR programs have had positive experiences.[1] Our goal is to ensure that this remains true in the future. As use of ADR and understanding of its characteristics continue to grow, we feel that some guidance is both warranted and now possible. Thus, we offer the following eight attributes of a well-functioning court-annexed ADR program, drawn from our dis-

1. Research has consistently shown high attorney and litigant satisfaction with ADR procedures, including the fairness of these procedures. For the most recent research in federal courts, see *Evaluation of Mediation and Early Neutral Evaluation Under the Civil Justice Reform Act* (RAND 1997) and *Report to the Judicial Conference Committee on Court Administration and Case Management: A Study of the Five Demonstration Programs Established Under the Civil Justice Reform Act of 1990* (Federal Judicial Center 1997).

cussions with ADR experts, our own experiences, and other sources.[2] Given the critical role played by ADR neutrals, on whom the effectiveness, integrity, and reputation of court ADR rests, we address this attribute of court programs separately in Section III.

1. The local court should, after consultation among bench, bar and participants, define the goals and characteristics of the local ADR program and approve it by promulgating appropriate written local rules.

   Comment: The program's structure follows the identification of its goals. The court should identify its needs after consultation with all constituencies, especially the advisory group set up under the CJRA if it is still in operation. The necessity for written guidance is self-evident, and the local rules process provides the surest means of careful promulgation. These rules should contain provisions to address each of the attributes discussed here, with special attention to ethical guidelines for ADR neutrals.[3]

2. The court should provide administration of the ADR program through a judicial officer or administrator who is trained to perform these duties.

   Comment: An ADR program does not run itself and cannot succeed without leadership. The selection of cases, administration of the panel of neutrals, matters concerning compensation of neutrals, and ethical problems will need to be addressed from time to time by a person with authority to speak for the court. During the past five years, a number of courts have appointed full-time, professional ADR staff, to whom they have assigned many core ADR functions, such as recruitment and training of neutrals, assignment of cases to neutrals, and evaluation of program effectiveness. Professional ADR staff can be particularly helpful in handling problems that arise in ADR, providing a buffer between the parties, neutral, and assigned judge. Although courts can retain these staff through the use of local funds, additional funding will depend on actions taken by the Judicial Resources Committee and the Judicial Conference of the United States. Where such staff are not available, their important functions can be and often ably have been performed by an ADR liaison judge. The important point is to have someone who is responsible for the program.

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2. Other sources include two symposia offered by the Federal Judicial Center for representatives from district and bankruptcy courts with new or established ADR programs, as well as the National ADR Institute for Federal Judges, co-sponsored by the Federal Judicial Center, the Center for Public Resources, and the ABA's Litigation Section. A handbook prepared for the Institute, *Judge's Deskbook on Court ADR* (Center for Public Resources 1993), has served as a useful guide for courts interested in ensuring the quality of their ADR efforts.

3. For guidance in designing an ADR program and determining what topics should be covered by local rules, courts are strongly encouraged to consult the *Judge's Deskbook on Court ADR, supra* note 2 (available from the Federal Judicial Center).

3. When establishing a roster of neutrals for cases referred to ADR, the court should define and require specific levels of training and experience for its ADR neutrals, and appropriate training should be provided through the court or an outside organization. Training should include techniques relevant to the neutral's functions in the program, as well as instruction in ethical duties.

   Comment: Court-appointed ADR neutrals are typically experienced attorneys from the local bar or, less frequently, attorneys specializing in an ADR practice. We have found, however, great variability in the training of these appointed neutrals. Some courts require no training, some provide training by judicial officers, and some provide training by expert consultants. No funding for training of attorney-neutrals has been available from central budget sources, so courts have sometimes funded training from local sources, such as bar associations or attorney admission funds, or have required the trainees to bear the cost. The training of a court's ADR neutrals, tailored to the goals and structure of the local program, is an essential ingredient of a well-functioning court-annexed ADR program. ADR neutrals cannot be expected to perform the sensitive functions of their role unless they have the necessary skills. Mediation and other techniques require special insights into the process that may be unavailable to ordinary litigators, no matter how experienced. Training should include instruction on ethics, to increase the sensitivity of the court-appointed neutral to the ethical demands of these duties.

4. The court should adopt written ethical principles to cover the conduct of ADR neutrals.

   Comment: Well-defined ethical principles are part and parcel of a well-functioning ADR program and are discussed in greater detail in Section III. Principles addressing past, present, and future conflicts, impartiality, protection of confidentiality, and protection of the trial process all should be included in a court's ADR rules. No national model for such ethical rules has yet emerged. It should be apparent that the American Bar Association's (ABA) Model Rules of Professional Conduct (RPC) (which derive from an adversarial conception of an attorney-client relationship that is not pertinent to an attorney-neutral) and the Code of Conduct for United States Judges (which addresses the ethics of judges who adjudicate cases by exercise of judicial power) do not precisely fit the roles and functions of the appointed ADR neutral in most court programs. Similarly, the Model Standards of Conduct for Mediators, promulgated in 1995 by the American Arbitration Association (AAA), ABA, and Society for Professionals in Dispute Resolution (SPIDR), provide a helpful and thoughtful guide for mediators generally but not necessarily for mediators in court-annexed programs. Therefore, until national federal rules or guidelines, if any, are promulgated, courts should make certain their local rules spell out the duties of and constraints upon ADR neutrals.

5. Where an ADR program provides for the attorney-neutral to receive compensation for services, the court should make the method and limitations upon compensation explicit. A litigant who is unable to afford the cost of ADR should be excused from any fees.

   Comment: Methods of compensation for ADR neutrals vary widely from court to court.[4] Some courts use a panel of neutrals who serve completely pro bono. Other courts use a modified program, where a certain number of hours are rendered free of charge, with a fixed hourly rate thereafter, while still others have a fixed per-case payment schedule (such as in the statutory arbitration courts under 28 U.S.C. § 651, et seq.). [Editor's note: Judicial Improvements and Access to Justice Act, Pub. L. No. 100-702, § 901(a), 102 Stat. 4642, 4659-62 (1988) (amended 1997) (previously codified at 28 U.S.C. §§ 651 to 658 (1994)). After preparation of these guidelines in December 1997, the ADR Act of 1998 was codified at 28 U.S.C. §§ 651–658 (1998). Before passage of the ADR Act in October 1998, these U.S. Code provisions were more limited in scope, authorizing mandatory arbitration in ten districts and voluntary arbitration in another ten districts and setting out provisions for implementing the arbitration programs. The ADR Act of 1998 retains the authority of the twenty districts to refer cases to arbitration (see 28 U.S.C. § 654(d) (1998)), but it also authorizes ADR more generally for the district courts.] Other programs have left the matter of compensation to the participants themselves, for negotiation with the neutral. Whatever funding mechanism is decided upon, the court's rule should minimize undue burden and expense for ADR, yet not impose on the ADR neutrals to render sophisticated or prolonged services on a pro bono basis as a matter of course. Where the court draws upon a panel of federal litigators to render service as ADR neutrals, the court must avoid the appearance of an attorney earning a benefit in litigation as a result of service to the court as an ADR neutral.

6. The local court should adopt a mechanism for receiving any complaints regarding its ADR process and for interpreting and enforcing the local rules for ADR, including the ethical principles it adopts.

   Comment: Courts have adopted a variety of mechanisms for handling problems in ADR, ranging from the appointment of a compliance judge (or ADR liaison judge) with general supervisory authority to the appointment of an ADR administrator who receives such complaints or other feedback and channels them appropriately to the court. It is important, whatever mechanism is decided upon, that the parties be aware of its availability and that it be relatively speedy and simple. Among the problems such a mechanism can address are failures of a party to attend the ADR session, scheduling difficulties, ineffectiveness of the ADR neutral and ethical problems.

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4. For the range of fee arrangements used in the district courts, see *ADR and Settlement in the Federal District Courts: A Sourcebook for Judges and Lawyers* 29–56 (Federal Judicial Center 1996).

7. The court should carefully define the scope of confidentiality intended for information exchanged in its ADR program, striking a balance between absolute protection of ADR process information and the need to avoid shielding misconduct by participants or neutrals.

Comment: The candor of adversaries in a negotiation process can often depend on the confidentiality of negotiations, although this concern may be lessened in an evaluative or arbitral settlement process involving little or no confidential exchange. The rules of confidentiality and disclosure for attorney-client information under RPC 1.6 [Editor's note: RPC refers to the American Bar Association's Model Rules of Professional Conduct] will generally not apply to negotiations between adverse parties or discussions with an ADR neutral, and likewise Fed. R. Evid. 408 will not render confidential, but merely inadmissible for most purposes, evidence of conduct or statements made in compromise negotiations. In addition, most states have not adopted a statutory ADR privilege and therefore the degree of protection given by a local confidentiality rule will vary.

A blanket rule deeming the entire ADR process confidential has appeal, to protect the need of participants to share settlement facts with each other and with the attorney-neutral without fear that such information will be used against them in another forum. If the ADR process permits ex parte communications with the neutral, the participants should be assured that information imparted in confidence will not be shared unless authorized. A rule of complete confidentiality may be overbroad, however, and therefore costly if, for example, a participant has abused the process or revealed a fraud or crime. As in Rule 408, evidence does not become confidential merely because it was presented to the ADR neutral if it was otherwise discoverable by an adverse party independently of the ADR proceeding.

To avoid the problems of an overbroad rule, the confidentiality rule could provide that (a) all information presented to the ADR neutral is deemed confidential unless disclosure is jointly agreed to by the parties and (b) shall not be disclosed by anyone without consent, except (i) as required to be disclosed by operation of law, or (ii) as related to an ongoing or intended crime or fraud, or (iii) as tending to prove the existence or terms of a settlement, or (iv) as proving an abuse of the process by a participant or an attorney-neutral.

Whatever rule of confidentiality a court chooses, it will be informing the expectations of the ADR participants. The parties' expectations at the outset are material and will shape the ADR neutral's duties of confidentiality, as reflected in suggested Principle 6 below. The AAA/ABA/SPIDR standards, *supra,* thus state as to confidentiality: "A mediator shall maintain the reasonable expectations of the parties with regard to confidentiality." It is best practice to assure that the participants understand the contours of the confidentiality requirements and protections at the outset by having the ADR neutral review the court's rule with them.

8. The court should evaluate and measure the success of its ADR program, perhaps in conjunction with its advisory group.

   Comment: In many districts with successful ADR programs, the advisory groups established by the CJRA have had important roles in designing, implementing, and evaluating the court's ADR processes. Whether an advisory group is used or not, however, it remains the responsibility of the local court to ensure that its program provides the quality and integrity of service that is commensurate with the court's aspirations and the parties' expectations. Unless such evaluation and measurement are included, the court may remain unaware of areas in need of improvement.

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These attributes of healthy and responsive ADR programs are not meant to provide an exclusive list. Courts may have needs and goals that go beyond these principles. The Task Force recommends the consideration of these principles as constituting a benchmark for a court-annexed ADR program.

III. Ethical Principles for ADR Neutrals in Court-Annexed ADR Programs

If courts continue to use practicing attorneys as neutrals in court-annexed ADR programs, they must make sure their local rules satisfactorily address the role of the attorney-neutral. Particularly important are rules regarding ethical issues, such as maintaining confidentiality and revealing conflicts of interest. When adopting such rules, courts should make sure the rules are consistent with the type of ADR program established. For example, while existing rules for judges and lawyers operating in advocacy roles may translate to some extent to adjudicative ADR processes such as arbitration, they cannot properly be applied to non-adjudicative ADR processes such as mediation, where the attorney-neutral acts neither as judge nor advocate but rather as a neutral facilitator in a non-binding process. In designing ethical guidelines appropriate to the type of ADR program adopted, courts should be encouraged to consider each of the following principles.

1. An attorney-neutral appointed or selected by the court should act fairly, honestly, competently, and impartially.

   Comment: This is an objective, not subjective, standard. Should the integrity or competency of an attorney-neutral be questioned, the inquiry should be whether an attorney-neutral has acted fairly, honestly, competently, and impartially. Whether this standard has been met should be measured from the point of view of a disinterested, objective observer (such as the judge who administers the ADR program), rather than from the point of view of any particular party.

The imposition of a subjective appearance standard would unfairly require the neutral to withstand the subjective scrutiny of the interested parties, who, for example, might seek to attack the neutral's impartiality if disappointed by the settlement. As this would undermine the important public interest in achieving binding settlements, there is no intention to impose such a subjective standard under this principle.

2. An attorney-neutral should disqualify himself or herself if there is a conflict of interest arising from a past or current relationship with a party to the ADR process.

Comment: Ordinarily, an attorney-neutral cannot perform effectively as a neutral if there is a past or present representational or other business relationship with one of the parties to the dispute, even if that relationship existed only in connection with entirely unrelated matters. However, such conflicts of interest may be waived by the parties, so long as the particulars of the representational or other business relationship are first fully disclosed on a timely basis. Family relationships, and relationships that give rise to an attorney-neutral's having a financial interest in one of the parties or in the outcome of the dispute, or prior representation with regard to the particular dispute to be addressed in the ADR process, cannot be waived.

The Code of Conduct for United States Judges, which incorporates 28 U.S.C. § 455, provides guidance as to the grounds for disqualification of judges. Although the Code of Judicial Conduct is not directly applicable to the attorney-neutral context, it does set out some guiding principles that can be applied if modified to accommodate the different orientation of an attorney-neutral operating in an ADR, as opposed to a public adjudication, context. Keep in mind, however, that § 455 is expressly required as the appropriate standard when evaluating the actions of arbitrators (28 U.S.C. § 656(a)(2)). [Editor's note: See Judicial Improvements and Access to Justice Act, Pub. L. No. 100-702, § 901(a), 102 Stat. 4642, 4662 (1988) (previously codified at 28 U.S.C. § 656(a)(2) (1994)). See also 28 U.S.C. § 655(b)(2) (1998).]

3. An attorney-neutral should avoid future conflicts that may arise after the ADR proceeding is complete. Thus, an attorney-neutral should be barred from representing a party to the ADR proceeding with regard to the same or substantially related matters, as should his or her law firm, except that no future conflict with regard to substantially related matters will be imputed to his or her law firm after the expiration of one year from completion of the ADR process, provided that the law firm shields the ADR neutral from participating in the substantially related matter in any way.

Comment: Parties to an ADR proceeding have a reasonable expectation that they will not be harmed in the future from an ADR neutral's knowledge about them, especially confidential information gained during the ADR process. Thus, this principle would preclude the ADR neutral from representing any other ADR party in the same or substantially related matters, recognizing the sensitive nature of information, opinions, and strategies learned by the ADR neutral. The same impairment would be im-

puted to the neutral's law firm in the same case, but it would dissipate with the passage of time, our recommendation being one year, in any substantially related matter. This safe harbor recognizes that it would be far too draconian to automatically preclude the law firm's representation of a prospective client for all time merely because an attorney-neutral in that firm conducted ADR proceedings involving that party in the past, even in a substantially related matter. This provision assumes that the attorney-neutral has observed the duty of confidentiality and that he or she can be screened from any future related matter undertaken by the firm.

A conflict rule that generally disqualifies an entire law firm from representing any party that participates in an ADR proceeding conducted by an attorney in the firm will have severe and adverse effects on court-annexed ADR programs that use active lawyers as neutrals. Finally, because an attorney who serves as a court-appointed ADR neutral does not thereby undertake the representation of the participants as clients in the practice of law, ethical rules governing future conflicts of interest arising from past representation, such as the ABA Model Rules of Professional Conduct 1.9 and 1.10, do not appear to apply.

4. Before accepting an ADR assignment, an attorney-neutral should disclose any facts or circumstances that may give rise to an appearance of bias.

   Comment: Once such disclosure is made, the attorney-neutral may proceed with the ADR process if the party or parties against whom the apparent bias would operate waive the potential conflict. The best practice is for the attorney-neutral to disclose the potential conflict in writing and to obtain written waivers from each party before proceeding.

5. While presiding over an ADR process, an attorney-neutral should refrain from soliciting legal business from, or developing an attorney-client relationship with, a participant in that ongoing ADR process.

   Comment: This provision prohibits the development of a representational attorney-client relationship, or the solicitation of one, during the course of an ADR process. It is not intended to preclude consideration of enlarging an ADR process to include related matters, nor is it intended to prevent the ADR neutral from accepting other ADR assignments involving a participant in an ongoing ADR matter, provided the attorney-neutral discloses such arrangements to all the other participants in the ongoing ADR matter.

6. An attorney-neutral should protect confidential information obtained by virtue of the ADR process and should not disclose such information to other attorneys within his or her law firm or use such information to the advantage of the law firm's clients or to the disadvantage of those providing such information. However, notwithstanding the foregoing, an attorney-neutral may disclose information (a) that is re-

quired to be disclosed by operation of law, including the court's local rules on ADR; (b) that he or she is permitted by the parties to disclose; (c) that is related to an ongoing or intended crime or fraud; or (d) that would prove an abuse of the process by a participant or an attorney-neutral.

Comment: This provision requires protection of confidential information learned during ADR processes. For this purpose, information is confidential if it was imparted to the ADR neutral with the expectation that it would not be used outside the ADR process; information otherwise discoverable in the litigation does not become confidential merely because it has been exchanged in the ADR process. This principle also permits disclosure of information that is required to be disclosed by operation of law. This provision accommodates laws such as those requiring the reporting of domestic violence and child abuse.

7. An attorney-neutral should protect the integrity of both the trial and ADR processes by refraining from communicating with the assigned trial judge concerning the substance of negotiations or any other confidential information learned or obtained by virtue of the ADR process, unless all of the participants agree and jointly ask the attorney-neutral to communicate in a specified way with the assigned trial judge.

   Comment: Courts implementing ADR programs should specifically adopt a written policy forbidding attorney-neutrals from speaking with the assigned trial judge about the substance of confidential negotiations and also prohibiting the assigned trial judge from seeking such information from an attorney-neutral. Docket control should be facilitated by means of the attorney-neutral's report of whether the case settled or not or through other periodic reporting that does not discuss parties' positions or the merits of the case. Such reports should be submitted to the ADR administrator, judicial ADR liaison, or the court clerk or his or her designee.

   Public confidence in both the trial and settlement processes can be undermined if direct communication is permitted between the attorney-neutral and the assigned trial judge regarding the merits of the case or the parties' confidential settlement positions. However, it does no harm to communicate with the trial judge at the joint request of the parties, such as requests for continuances, discovery accommodations, more time to pursue the effort, or administrative closure of the case pending implementation of a settlement agreement.

8. An attorney-neutral should fully and timely disclose all fee and expense requirements to the prospective participants in the settlement process in accordance with the rules of the program. When an ADR program provides for the attorney-neutral to receive a defined level of compensation for services rendered, the court should require the parties to make explicit the method of compensation and any limits upon compensation. A participant who is unable to afford the cost of ADR should be excused from paying.

Comment: If the court intends to require a certain level of pro bono service in order to participate as an attorney-neutral in a court-annexed ADR program, the level of the pro bono commitment should be explicitly defined. Where courts permit neutrals to charge a fee to ADR participants, disputes about ADR fees, though rare, can be prevented through disclosure at the outset of the fee arrangements.

APPENDIX C

Differentiated Case Management System: Local Rules and Forms

Rule 16.1 Differentiated Case Management

(a) Purpose and Authority. The United States District Court for the Northern District of Ohio ("Northern District") adopts Local Rules 16.1 to 16.3 in compliance with the mandate of the United States Congress as expressed in the Civil Justice Reform Act of 1990 ("CJRA" or "Act"). These Rules are intended to implement the procedures necessary for the establishment of a differentiated case management ("DCM") system.

The Northern District has been designated as a DCM "Demonstration District." The DCM system adopted by the Court is intended to permit the Court to manage its civil docket in the most effective and efficient manner, to reduce costs and to avoid unnecessary delay, without compromising the independence or the authority of either the judicial system or the individual Judicial Officer. The underlying principle of the DCM system is to make access to a fair and efficient court system available and affordable to all citizens.

(b) Definitions.

(1) "Differentiated case management" ("DCM") is a system providing for management of cases based on case characteristics. This system is marked by the following features: the Court reviews and screens civil case filings and channels cases to processing "tracks" which provide an appropriate level of judicial, staff, and attorney attention; civil cases having similar characteristics are identified, grouped, and assigned to designated tracks; each track employs a case management plan tailored to the general requirements of similarly situated cases; and provision is made for the initial track assignment to be adjusted to meet the special needs of any particular case.

(2) "Case Management Conference" is the conference conducted by the Judicial Officer where track assignment, Alternative Dispute Resolution ("ADR"), and discovery are discussed and where discovery and motion deadlines, deadlines for amending pleadings and adding parties, and the date of the Status Hearing are set. Such conference shall, as a general rule, be conducted no later than thirty (30) days after the date of the filing of the last permissible responsive pleading, or the date upon which such pleading should have been filed, but not later than ninety (90) days from the date counsel for the defendant(s) has entered notice of appearance, regardless of whether a responsive pleading has been filed by that date.

The Court may, upon motion for good cause shown or *sua sponte*, order the conference to be held before such general time frame. Unless otherwise ordered, no Case Management Conference shall be held in any action in which the sole plaintiff or defendant is incarcerated and is appearing pro se.

Last revised 4/7/97. *See* Historical Notes for full revision history.

(3) "Status Hearing" is the mandatory hearing which is held approximately midway between the date of the Case Management Conference and the discovery cut-off date.

(4) "Case Management Plan" ("CMP") is the plan adopted by the Judicial Officer at the Case Management Conference and shall include the determination of track assignment, whether the case is suitable for reference to an ADR program, the type and extent of discovery, the setting of a discovery cut-off date, directions regarding the filing of discovery materials, deadline for filing motions, deadlines for amending pleadings and adding parties, and the date of the Status Hearing.

(5) "Dispositive Motions" shall mean motions to dismiss pursuant to Fed. R.Civ. P. 12(b), motions for judgment on the pleadings pursuant to Fed. R.Civ. P. 12(c), motions for summary judgment pursuant to Fed. R.Civ. P. 56, or any other motion which, if granted, would result in the entry of judgment or dismissal, or would dispose of any claims or defenses, or would terminate the litigation.

(6) "Discovery cut-off" is that date by which all responses to written discovery shall be due according to the Federal Rules of Civil Procedure and by which all depositions shall be concluded. Counsel must initiate discovery requests and notice or subpoena depositions sufficiently in advance of the discovery cut-off date so as to comply with this rule, and discovery requests that seek responses or schedule depositions after the discovery cut-off are not enforceable except by order of the Court for good cause shown.

(c) Date of DCM Application. Local Rules 16.1 to 16.3 shall apply to all civil cases filed on or after January 1, 1992 and may be applied to civil cases filed before that date if the assigned Judge determines that inclusion in the DCM system is warranted and notifies the parties to that effect.

(d) Conflicts with Other Rules. In the event that Local Rules 16.1 to 16.3 conflict with other Local Rules adopted by the Northern District, Local Rules 16.1 to 16.3 shall prevail.

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Rule 16.2 Tracks and Evaluation of Cases

(a) Differentiation of Cases.

(1) Evaluation and Assignment. The Court shall evaluate and screen each civil case in accordance with subsection (b) of this Local Rule, and then assign each case to one of the case management tracks described in subsection (a)(2).

(2) Case Management Tracks. There shall be five (5) case management tracks, as follows:

(A) Expedited - Cases on the Expedited Track shall be completed within nine (9) months or less after filing, and shall have a discovery cut-off no later than one hundred (100) days after filing of the CMP. Discovery guidelines for this track include interrogatories limited to fifteen (15) single-part questions, ten (10) requests for production of documents, ten (10) requests for admissions, no more than one (1) non-party fact witness deposition per party (in addition to party depositions) without prior approval of the Court, and such other discovery, if any, as may be provided for in the CMP.

(B) Standard - Cases on the Standard Track shall be completed within fifteen (15) months or less after filing, and shall have a discovery cut-off no later than two hundred (200) days after filing of the CMP. Discovery guidelines for this track include interrogatories limited to thirty-five (35) single-part questions, twenty (20) requests for production of documents, twenty (20) requests for admissions, no more than three (3) non-party fact witness depositions per party (in addition to party depositions) without prior approval of the Court, and such other discovery, if any, as may be provided for in the CMP.

(C) Complex -- Cases on the Complex Track shall have the discovery cut-off established in the CMP and shall have a case completion goal of no more than twenty-four (24) months.

(D) Administrative - Cases on the Administrative Track, except actions under 28 U.S.C. § 2254 and government collection cases in which no answer is filed, shall be referred by Court personnel directly to a Magistrate Judge for a report and recommendation. See Local Rule 72.2(b). Discovery guidelines for this track include no discovery without prior leave of Court, and such cases shall normally be determined on the pleadings or by motion.

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Administrative Track cases shall be exempt from the procedures specified in Local Rule 16.3, unless otherwise ordered by a Judicial Officer, and shall be controlled by scheduling orders issued by the Judicial Officer.

(E) Mass Torts -- Cases on the Mass Torts Track shall be treated in accordance with the special management plan adopted by the Court.

(b) Evaluation and Assignment of Cases. The Court shall consider and apply the following factors in assigning cases to a particular track:

(1) Expedited:
- (A) Legal Issues: Few and clear
- (B) Required Discovery: Limited
- (C) Number of Real Parties in Interest: Few
- (D) Number of Fact Witnesses: Up to five (5)
- (E) Expert Witnesses: None
- (F) Likely Trial Days: Less than five (5)
- (G) Suitability for ADR: High
- (H) Character and Nature of Damage Claims: Usually a fixed amount

(2) Standard:
- (A) Legal Issues: More than a few, some unsettled
- (B) Required Discovery: Routine
- (C) Number of Real Parties in Interest: Up to five (5)
- (D) Number of Fact Witnesses: Up to ten (10)
- (E) Expert Witnesses: Two (2) or three (3)
- (F) Likely Trial Days: five (5) to ten (10)
- (G) Suitability for ADR: Moderate to high
- (H) Character and Nature of Damage Claims: Routine

(3) Complex:
- (A) Legal Issues: Numerous, complicated and possibly unique
- (B) Required Discovery: Extensive
- (C) Number of Real Parties in Interest: More than five (5)
- (D) Number of Witnesses: More than ten (10)
- (E) Expert Witnesses: More than three (3)
- (F) Likely Trial Days: More than ten (10)
- (G) Suitability for ADR: Moderate
- (H) Character and Nature of Damage Claims: Usually requiring expert testimony

Last revised 4/7/97. *See* Historical Notes for full revision history.

(4) Administrative: Cases that, based on the Court's prior experience, are likely to result in default or consent judgments or can be resolved on the pleadings or by motion.

(5) Mass Torts: Factors to be considered for this track shall be identified in accordance with the special management plan adopted by the Court.

Rule 16.3 Track Assignment and Case Management Conference

(a) Notice of Track Recommendation and Case Management Conference.

(1) The Court may issue a track recommendation to the parties in advance of the Case Management Conference, or may reserve such determination for the Case Management Conference. If the notice of Case Management Conference does not contain a track recommendation, counsel shall confer to determine whether they can agree to a track recommendation, which shall be subject to the Judicial Officer's approval at the Case Management Conference. The track recommendation shall be made in accordance with the factors identified in Local Rule 16.2(b).

(2) In any action in which the defendant (or all defendants in any action with multiple defendants) is in default of answer, no track recommendation will be made and no Case Management Conference held so long as such default continues. In such a case the plaintiff shall go forward and seek default judgment within one hundred and twenty (120) days of perfection of service (or of sending of a request for a waiver of service under Fed. R.Civ. P. 4(d)), or show cause why the action should not be dismissed for want of prosecution. If such default occurs and the party/parties in default is/are thereafter granted leave to plead, issuance of a track recommendation and scheduling of the Case Management Conference shall proceed in accordance herewith, based upon the date set for the filing of the responsive pleading.

(b) Case Management Conference.

(1) The Judicial Officer shall conduct the Case Management Conference. Lead counsel of record shall participate in the Conference and parties shall attend unless, upon motion with good cause shown or upon its own motion, the Judicial Officer allows the parties to be available for telephonic communication. Counsel, upon good cause shown, may seek leave to participate by telephone.

(2) The agenda for the Conference shall include:

(A) Determination of track assignment;
(B) Determination of whether the case is suitable for electronic filing;
(C) Determination of whether the case is suitable for reference to an ADR program;
(D) Determination of whether the parties consent to the jurisdiction of a Magistrate Judge pursuant to 28 U.S.C. § 636(c);

Last revised 11/5/97. *See* Historical Notes for full revision history.

(E) Disclosure of information that may be subject to discovery, including key documents and witness identification;
(F) Determination of the type and extent of discovery;
(G) Setting of a discovery cut-off date;
(H) Setting of a deadline for joining other parties and amending the pleadings;
(I) Setting of deadline for filing motions; and
(J) Setting the date of the Status Hearing, which shall be on a date approximately midway between the date of the Case Management Conference and the discovery cut-off date.

(3) Counsel for all parties are directed to engage in meaningful discussions regarding any track recommendation issued by the Court and each of the other agenda items established by the Court with the goal of timely filing with the Clerk for submission to the Court at least two working days before the Conference a written stipulation agreed to by all parties with respect to each agenda item. This discussion shall also be generally guided by the provisions of Fed. R.Civ. P. 26(f). It shall be the responsibility of counsel for the plaintiff(s) to arrange such pre-Conference discussions sufficiently in advance of the Conference so that, in the event of disagreement about any agenda item, each party may, if it chooses, file and serve a brief written submission of its position on each such disputed item not later than three (3) days prior to the Conference. The Court shall provide forms to counsel for all parties for indicating the parties' positions regarding all such agenda items when it issues its track recommendation.

(4) At the conclusion of the Case Management Conference, the Judicial Officer shall prepare, file, and issue to the parties an order containing the Case Management Plan governing the litigation.

(c) Notification of Complex Litigation.

(1) Definitions.

(A) As used in this Rule, "Complex Litigation" has one or more of the following characteristics:

(i) it is related to one or more other cases;

(ii) it arises under the antitrust laws of the United States;

(iii) it involves more than five (5) real parties in interest;

Last revised 11/5/97. *See* Historical Notes for full revision history.

(iv) it presents unusual or complex issues of fact;

(v) it involves problems which merit increased judicial supervision or special case management procedures.

(B) As used in this Rule, a "case" includes an action or a proceeding.

(C) As used in this Rule, a case is "related" to one or more other cases if:

(i) they involve the same parties and are based on the same or similar claims;

(ii) they involve the same property, transaction or event or the same series of transactions or events; or

(iii) they involve substantially the same facts.

(2) Notice Identifying Complex Litigation. An attorney who represents a party in Complex Litigation, as defined above, shall, with the filing of the complaint, answer, motion, or other pleading, serve and file a Case Information Statement which briefly describes the nature of the case, identifies by title and case number all other related case(s) filed in this and any other jurisdiction (federal or state) and identifies, where known, counsel for all other parties in the action who have not yet entered an appearance. (See Local Rule 3.13(b).)

(3) Manual For Complex Litigation. Counsel for each of the parties receiving notice of a Case Management Conference shall become familiar with the principles and suggestions contained in the most recent edition of the Manual for Complex Litigation.

(4) Case Management Conference. (See subsection (b)). In preparation for the Case Management Conference, at least seven (7) days prior to the date of the conference counsel for each party shall file and serve a proposed agenda of the matters to be discussed at the conference. At the Case Management Conference, counsel for each party shall be prepared to discuss preliminary views on the nature and dimensions of the litigation, the principal issues presented, the nature and extent of contemplated discovery, and the major procedural and substantive problems likely to be encountered in the management of the case. Coordination or consolidation with related litigation should be considered. Counsel should be prepared to suggest procedures and timetables for the efficient management of the case.

Last revised 11/5/97. *See* Historical Notes for full revision history.

(5) Determination By Order Whether Case to be Treated as Complex Litigation. At the conclusion of the Case Management Conference, the Court shall prepare, file, and issue an order containing the Case Management Plan which shall set forth whether the case thereafter shall be treated as Complex Litigation pursuant to orders entered by the Court consistent with the principles and suggestions contained in MCL 3d. An order under this subdivision may be conditional and may be altered and amended as the litigation progresses.

(6) Subsequent Proceedings.

(A) Once the Court has determined by order that an action shall be treated as Complex Litigation, thereafter the Court shall take such actions and enter such orders as the Court deems appropriate for the just, expeditious and inexpensive resolution of the litigation. Measures should be taken to facilitate communication and coordination among counsel and with the Court.

(B) Throughout the pendency of a case which has been determined to be treated as Complex Litigation, counsel for the parties are encouraged to submit suggestions and plans designed to clarify, narrow and resolve the issues and to move the case as efficiently and expeditiously as possible to a fair resolution.

(d) Status Hearing. The parties, each of whom will have settlement authority, and lead counsel of record shall participate in the Status Hearing. The parties shall participate in person unless, upon motion with good cause shown or upon its own motion, the Judicial Officer allows the parties to be available for telephonic communication. Counsel, upon good cause shown, may seek leave to participate by telephone. When the United States of America or any officer or agency thereof is a party, the federal attorney responsible for the case shall be deemed the authorized representative for the purpose of the Status Hearing. At the Status Hearing the Judicial Officer will:

(1) review and address:

(A) settlement and ADR possibilities;

(B) any request for revision of track assignment and/or of the discovery cut-off or motion deadlines; and

(C) any special problems which may exist in the case;

Last revised 11/5/97. *See* Historical Notes for full revision history.

(2) assign a Final Pretrial Conference date, if appropriate; and

(3) set a firm trial date.

If, for any reason, the assigned Judicial Officer is unable to hear the case within one week of its assigned trial date, the case shall be referred to the Chief Judge for reassignment to any available District Judge or, upon consent of the parties, Magistrate Judge for prompt trial.

(e) Final Pretrial Conference. A Final Pretrial Conference, if any, may be scheduled by the Judicial Officer at the Status Hearing. The parties and lead counsel of record shall be present at the conference. When the United States of America or any officer or agency thereof is a party, the federal attorney responsible for the case shall be deemed the authorized representative for the purpose of the Final Pretrial Conference. The Final Pretrial Conference shall be scheduled as close to the time of trial as reasonable under the circumstances. The Judicial Officer may, in the Judicial Officer's discretion, order the submission of pretrial memoranda.

(f) Video and Telephone Conferences. The use of telephone conference calls and, where appropriate, video conferencing for pretrial and status conferences is encouraged. The Court, upon motion by counsel or its own instance, may order pretrial and status conferences to be conducted by telephone conference calls. In addition, upon motion by any party and upon such terms as the Court may direct, the Court may enter an order in appropriate cases providing for the conduct of pretrial and status conferences by video conference equipment.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Case No. 3:00cv

Plaintiff (s),

Judge David A. Katz

vs.

NOTICE:

CASE MANAGEMENT

CONFERENCE

Defendant(s).

This case is subject to the provisions of LR 16.1 of the Local Rules of the Northern District of Ohio entitled Differentiated Case Management (DCM). All counsel are expected to familiarize themselves with the Local Rules as well as with the Federal Rules of Civil Procedure. The Court shall evaluate this case in accordance with LR 16.1 and assign it to one of the case management tracks described in LR 16.2(a). Each of the tracks (expedited, standard, complex, mass tort and administrative) has its own set of guidelines and time lines governing discovery practice, motion practice and trial. Discovery shall be guided by LR 26.1 et seq. and motion practice shall be guided by LR 7.1(b)-(k) et seq.

SCHEDULING OF CASE MANAGEMENT CONFERENCE

All counsel and/or parties will take notice that the above-entitled action has been set for a Case Management Conference ("CMC") on_____at_____ before Judge David A. Katz, in Room 210, United States Courthouse, 1716 Spielbusch Avenue, Toledo, Ohio.

Local Rule 16.3(b) requires the attendance of both parties and lead counsel. "Parties" means either the named individuals or, in the case of a corporation or similar legal entity, that person who is most familiar with the actual facts of the case. "Party" does not mean in-house counsel or someone who merely has "settlement authority." If the presence of a party or lead counsel will constitute an undue hardship, a written motion to excuse the presence of such person must be filed well in advance of the CMC, with copies of said motion delivered to all other counsel in the case, at least two (2) days prior to the conference.

TRACK RECOMMENDATION

Pursuant to Local Rule 16.2(a), and subject to further discussion at the CMC, the Court recommends the following track:

_____ EXPEDITED _____ STANDARD

_____ ADMINISTRATIVE _____ COMPLEX

_____ MASS TORT

_____ RECOMMENDATION RESERVED FOR CMC.

APPLICATION OF FED.R.CIV.P. 26(a) and Local Rule 26.2

Rule 26(a) of the Federal Rules of Civil Procedure, as amended December 1, 1993, mandates a series of required disclosures by counsel in lieu of discovery requests unless otherwise stipulated or directed by order of the Court or by local rule. In the above entitled case, Rule 26(a) shall apply as follows:

_____ All disclosures mandated by Rule 26(a) shall apply, including Initial Disclosures (Rule 26(a)(1)), Disclosure of Expert Testimony (Rule 26(a)(2)), and Pre-Trial Disclosures (Rule 26(a)(3)).

_____ Initial Disclosures (Rule 26(a)(1)) shall not apply; Disclosure of Expert Testimony (Rule 26(a)(2)) and Pre-Trial Disclosures (Rule 26(a)(3)) shall apply.

_____ Prior to the Case Management Conference, the parties may undertake such informal or formal discovery as they mutually agree. Absent such agreement, counsel are reminded that, pursuant to Local Rule 26.2, no preliminary formal discovery may be conducted prior to the CMC except "such discovery as is necessary and appropriate to support or defend against any challenges to jurisdiction or claim for emergency, temporary, or preliminary relief." This limitation in no way affects any disclosure required by Fed.R.Civ.P.26(a)(1) or by this order.

CONSENT TO JURISDICTION OF MAGISTRATE JUDGE

The parties are encouraged to discuss and consider consenting to the jurisdiction of the Magistrate Judge.

PREPARATION FOR CMC BY COUNSEL

The general agenda for the CMC is set by Local Rule 16.3(b). **Counsel for the plaintiff shall arrange with opposing counsel for the meeting of the parties as required by FED.R.CIV.P. 26(f) and Local Rule 16.3(b). A report of this planning meeting shall be jointly signed and submitted to the Clerk for filing not later than 3 days before the CMC WITH A COPY DELIVERED TO CHAMBERS (ROOM 210). The report shall be in a form substantially similar to Attachment 1.**

FILING OF DISCOVERY MATERIALS

Unless otherwise ordered by the Court, initial disclosures, discovery depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed with the Clerk's Office, except that discovery materials may be filed as evidence in support of a motion or for use at trial.

DEPOSITIONS PRACTICES

The Judges of the Northern District of Ohio have recently adopted LR 30.1 which governs the taking of depositions. Counsel are expected to comply with the rule in its entirety.

OTHER DIRECTIVES

In all cases in which it is anticipated that a party will seek fee shifting pursuant to statutory or case-law authority, any party so anticipating requesting fees shall file with the Court (and serve all counsel) at or prior to the CMC a preliminary estimate and/or budget of the amount of fees and expenses anticipated to be the subject of any such claim. Such estimate shall include, but not be limited, to the following:

ATTORNEY'S FEES		**COSTS**	
Preliminary Investigation & Filing Complaint	$_____	Depositions	$_____
Procedural motions practice	$_____	Experts	$_____
Discovery	$_____	Witness Fees	$_____
Dispositive Motions Practice	$_____	Other	$_____
Settlement Negotiations	$_____		
Trial	$_____		
TOTAL FEES	$_____	**TOTAL COSTS**	$_____

RESOLUTION PRIOR TO CMC

In the event that this case is resolved prior to the CMC, counsel should submit a jointly signed stipulation of settlement or dismissal, or otherwise notify the Court that the same is forthcoming.

GERI M. SMITH,
Clerk of Court

_____
Carol J. Bethel
Courtroom Deputy for Judge Katz

ATTACHMENT 1

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Case No.

Plaintiff,

Judge

-vs-

REPORT OF PARTIES' PLANNING MEETING UNDER FED.R. CIV. P. 26(F) L.R. 16.3(b)

Defendant.

1. Pursuant to Fed. R. Civ. P. 26(f) and L.R. 16.3(b), a meeting was held on _____, and was attended by:

_____ Counsel for Plaintiff(s) _____

_____ Counsel for Plaintiff(s) _____

_____ Counsel for Defendant(s) _____

_____ Counsel for Defendant(s) _____

2. The parties:

_____ have exchanged the pre-discovery disclosures required by Rule 26(a)(1) and The Court's prior order;

_____ will exchange such disclosures by _____

_____ have not been required to make initial disclosures.

3. The parties recommend the following track:

_____ Expedited _____ Standard _____ Complex

_____ Administrative _____ Mass Tort

4. This case is suitable for one or more of the following Alternative Dispute Resolution ("ADR") mechanisms:

_____ Early Neutral Evaluation _____ Mediation _____ Arbitration

_____ Summary Jury Trial _____ Summary Bench Trial

_____ Case not suitable for ADR

5. The parties _____do/_____do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

6. Recommended Discovery Plan:

(a) Describe the subjects on which discovery is to be sought and the nature and extent of discovery.

_____

_____

_____

_____

(b) Discovery cut-off date: _____

7. Recommended dispositive motion date: _____

8. Recommended cut-off for amending the pleadings and/or adding additional parties: _____

9. Recommended date for a status hearing: _____

10. Other matters for the attention of the Court: _____

_____

_____

_____

Attorney for Plaintiffs: _____

_____

Attorney for Plaintiffs: _____

_____

Attorney for Defendants: _____

_____

Attorney for Defendants: _____

_____

APPENDIX D
Sample Statistical Reports

REPORT DATE: 04/20/01

ANSWER REPORT
DISTRICT OF COLORADO

CASE NUMBER	CASE FILED	SERVICE STATUS	ANSWER FILED	RESPONSIVE PLEADING	DEFAULT ENTERED	PRETRIAL ORDER	
JUDGE:Doe, John							
1:00cv016250	08/14/00	Cause: 28:1332 Diversity—Breach of Fiduciary Duty					No. of Dfts: 00004
Bonhoef v. Heller et al.							
dft	Tech Corp.	8/21/00 (E)	09/26/00	11/22/00	**/**/**	07/02/01(D)	
		Pleading Type:	Motion to dismiss				
dft	Herrald, Evan A.	**/**/**	**/**/**	**/**/**	**/**/**	07/02/01(D)	
dft	Thomas, Daphne	**/**/**	09/26/00	11/22/00	**/**/**	07/02/01(D)	
		Pleading Type:	Motion to dismiss				
dft	Heller, John D.	**/**/**	09/26/00	11/22/00	**/**/**	07/02/01(D)	
		Pleading Type:	Motion to dismiss				
1:00cv016731	8/21/00	Cause: 15:77 Securities Fraud					No. of Dfts: 00002
Mumbai et al. v. Peters et al.							
dft	Greiss, Lewis	8/23/00(E)	**/**/**	**/**/**	10/23/00	**/**/**	
dft	Peters, Kyle G.	**/**/**	09/19/00	**/**/**	**/**/**	**/**/**	
1:00cv019299	9/26/00	Cause: 29: 621 Job Discrimination (Age)					No. of Dfts: 00001
Young v. NCL, Inc.							
dft	NCL, Inc.	**/**/**	10/13/00	10/13/00	**/*/**	**/**/**	
		Pleading Type:	Motion summary judgment				

[Editor's Note: Names and other identifying information have been changed in these reports.]

Civil Trial Settings

U.S. District Court for the District of Colorado

Jury and Nonjury Trials
Cases Set for Trial

Today: 04/20/01 **Honorable John Doe** As of: 04/20/01 4:06

Case Number	Case Title	Filed	NOS/Cause/ Remarks	Dates
1:99cv017734	Doss et al. v. Wayward Winds Corp.	08/31/00	**NOS:** 442 Civil Rights: Jobs **CAUSE:** 42:2000 Job Discrimination (Race) **RMK:** ORDER R16,stat,stlmt,pt,pto referred to Magistrate Judge **Jury Demand:** p	**Refer to Arb.:** 09/29/00 **PTO Received:** 12/18/00 **Trial Set:** *05/07/01*
1:98cv006171	Van Voorst v. Mincus	03/26/99	**NOS:** 442 Civil Rights: Jobs **CAUSE:** 42:2000e Job Discrimination (Employment) **RMK:** ORDER R16,stat,stlmt,pt,pto referred to Magistrate Judge **Jury Demand:** b	**Refer to Arb.:** 05/28/99 **PTO Received:** 11/05/00 **Trial Set:** *04/14/02*
1:98cv016333	Steinberg v. Norris	06/22/99	**NOS:** 440 Civil Rights: Other **CAUSE:** 42:1983 Civil Rights Act **RMK:** ORDER R16,stat,stlmt,pt,pto referred to Magistrate Judge **Jury Demand:** b	**Refer to Arb.:** 09/02/99 **PTO Received:** 05/26/00 **Trial Set:** *05/21/01*
1:99cv021862	Smith et al. v. Far West Corp.	01/08/00	**NOS:** 442 Civil Rights: Jobs **CAUSE:** 42:2000 Job Discrimination (Sex) **RMK:** ORDER R16,stat,stlmt,pt,pto referred to Magistrate Judge **Jury Demand:** p	**Refer to Arb.:** 02/22/99 **PTO Received:** 11/28/00 **Trial Set:** *06/11/01*

U.S. DISTRICT COURT FOR THE DISTRICT OF COLORADO

Tickler Report as of 04/20/01 Run Date 04/20/01 09:35

Actions due between 02/01/01 and 04/20/01 PAGE:1
****

JUDGE: Doe, John

DOCKET: 1:90-14312
DeMuth Excavating v. Leland
Cause: 42:1983 Civil Rights Act

Schd Action: appeal record return ddl 03/20/01
Date Filed: 11/17/00 Ref to:

DOCKET: 1:98-15123
Souvani v. Mountain Mfg.
Cause: 42:12101 Americans with Disabilities Act

Schd Action: reporter's transcript due 01/19/01
Date Filed: 12/15/00 Ref to:

DOCKET: 1:98-21349
Franzen v. Cappelli et al.
Cause: 28:0158 Notice of Appeal re Bankruptcy

Schd Action: appeal record return ddl 03/28/01
Date Filed: 11/27/00 Ref to:

DOCKET: 1:99-21275
Pliny v. Edelman
Cause: 28:2254 Petition for Writ of Habeas Corpus

Schd Action: appeal record return ddl 02/15/01
Date Filed: 10/18/00 Ref to:

REPORT DATE: 04/07/01

CIVIL INVENTORY/SCHEDULING REPORT
DISTRICT OF COLORADO

CASE NUMBER	FILED	JURY DMD	STAT/STLMT CONFERENCE	MAG CONF DATE	PRETRIAL CONF	PTO FILED	TRIAL DATE	REFERRED DATE	
JUDGE: Doe, John									
OFFICE: (City)									
1:0cv018891	Graves v. Research Corp.								
	09/26/00	p	04/11/01	**/**/**	11/02/01	**/**/**	02/25/02	01/10/01	
	NOS: Civil Rights: Jobs								Smith
	COMMENTS: ORDER R16,stat,stlmt,pt,pto referred to Magistrate Judge								
1:0cv022749	Stoner v. Green County								
	11/14/00	p	04/09/01	**/**/**	08/17/01	**/**/**	**/**/**	01/18/01	
	NOS: Labor: Fair Standards								Jones
	COMMENTS: ORDER Rl6,stat,stlmt,pt,pto referred to Magistrate Judge								
1:0cv022392	Doss Passos v. S&S Co.								
	11/21/00	p	05/31/01	**/**/**	11/15/01	**/**/**	04/08/02	01/18/01	
	NOS: Civil Rights: Jobs								Smith
	COMMENTS: ORDER R16,stat,stlmt,pt,pto,mtnrec,pto referred to Magistrate Judge								
1:0cv 025808	Roy v. Best Ins. Co.								
	12/28/00	n	04/10/01	**/**/**	**/**/**	**/**/**	**/**/**	02/27/01	
	NOS: Contract: Insurance								Jones
	COMMENTS: ORDER settlement only referred to Magistrate Judge								
1:1cv001403	Wright v. Hometown Inc.								
	01/18/01	b	**/**/**	**/**/**	10/18/01	**/**/**	**/**/**	03/12/01	
NOS: P. I. : Assault, Libel & Slander									Smith
	COMMENTS: ORDER Rl6,stat,stlmt,pt,pto referred to Magistrate Judge								

MONTHLY AP REPORT FOR JUDGE JOHN DOE FOR MARCH 2001

CASE NUMBER	BK OR AA	PRE-BRIEFING CONF SET	PRE-BRIEFING CONF HELD AWAITING BRIEFS	EXPEDITED	ALL BRIEFS FILED, AT ISSUE	AT ISSUE 30 DAYS	AT ISSUE 60 DAYS	AT ISSUE 90 + DAYS
98-AP-12391	AA	Reopened		no				
98-AP-23165	AA	Reopened		no				
98-JD-17427	AA	REMOVED	FROM AP	DOCKET				
99-JD-11943	AA	REMOVED	FROM AP	DOCKET				
00-JD-8669	AA			no	9/25/00			X
00-JD-9244	BK			no	7/27/00			X
00-JD-11688	BK			no	9/11/00			X
00-AP-12326	AA		1/9/01	no				
00-AP-12652	BK	STLMT PND	8/1/00	no				
00-JD-14969	BK			no	11/24/00			X
00-AP-15842	AA		10/18/00	no				
00-AP-15781	AA		11/7/00	no				
00-AP-16738	AA		2/6/01	no				
00-JD-17813	AA			no	2/20/01	X		
00-JD-18126	AA				2/2/01		X	
00-AP-20804	AA		4/3/01	no				

1915 PAYMENT RECORD

NAME	CASE NUMBER	DT INITIAL PAYMENT	DELINQUENT	CASE DISMISSED
Alley, O.P.	97-17194			
Awidah, M.	99-12903			Paid in full
Bennema, J.	98-732			3/20/98
Blanstein, G.A.	97-16126	12/12/97	1/99	5/10/99
Crofton, J.E.	96-21878	10/7/96		Paid in full
Dice, F.H.	97-6370	4/17/97	9/98	6/30/97
Fishbein, A.T.	99-7218	5/13/99		
Jefferson, B.D.	98-1151	7/17/98	9/98	8/98
Jefferson, B.D.	98-1938	2/25/98	1/99	
Jones, S.A.	98-12159	Overdue		
Lugano, L.S.	96-25697			2/14/98
Madison, F.M.	98-25013		1/99	9/10/99
Nira, A.R.	99-12723			
Rodriguez, T.S.	97-19646	11/3/97		10/2/97
Rodriguez, T.E.	99-1734	3/12/99	4/99	5/28/99
Rouse, C.	96-16057	9/05/96	10/96	10/22/96
Rouse, C.	98-7365	6/17/98		Paid in full
Salida, E.H.	97-6171	10/9/97	9/98	2/27/98
Scanlon, P.	97-24499	1/7/98	2/98	1/30/98
Tybeck, G.A.	99-16482			
Whistler, N.	95-J-15090	8/11/98	8/99	

APPENDIX E

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General

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APPENDIX F

Table of Statutes

APPENDIX G

Table of Rules

Federal Rules of Evidence

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