



*File
Biden will*

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

RAYMOND A. KARAM
ASSISTANT DIRECTOR
FOR ADMINISTRATION

L. RALPH MECHAM
DIRECTOR

JAMES E. MACKLIN, JR.
DEPUTY DIRECTOR

WASHINGTON, D.C. 20544

September 13, 1990

MEMORANDUM TO MR. MECHAM
MR. MACKLIN

THRU: RAYMOND KARAM *RAK 9/14*

SUBJECT: Judicial Impact Statement for the 14-Point Plan of the
Judicial Conference

Attached for your information is the Judicial Impact Statement for the 14-Point Plan of the Judicial Conference. The impact varies according to the extent to which each District will implement aspects of the program. Because of this, several provisions are not quantifiable at this time. The quantifiable provisions of the Plan will cost the Judiciary \$13.5 million and 140 staff years for the first year and would be substantially reduced thereafter. However, the actual budgetary impact would be significantly lower since it is not anticipated that the Judiciary will be hiring additional Judicial Officers and their support staffs: \$4.3 million and 61 staff years for the first year and \$1.7 and 26 staff years for recurring years. The estimates developed for this impact statement were produced from information submitted by ADPM, CAD, PD, MD, ADAT, ADA, and FMD.

Nancy Potok
Nancy Potok

Attachment

- | | |
|--------------------|---------------------|
| cc: Robert Feidler | Thomas Jones |
| William Burchill | David Cook |
| Karen Siegel | Dewey Heising |
| Peter McCabe | Abel Mattos |
| Larry Stoorza | Charlotte Peddicord |
| Duane Lee | |

BB-EX-1

JUDICIAL IMPACT STATEMENT

14-POINT PLAN OF THE JUDICIAL CONFERENCE

PREPARED BY:

**THE ADMINISTRATIVE OFFICE OF THE
U.S. COURTS**

SEPTEMBER 11, 1990

JUDICIAL IMPACT STATEMENT

14-POINT PLAN OF THE
JUDICIAL CONFERENCE

In April, 1990 the Judicial Conference approved the implementation of a civil case management program. Major provisions in this Plan include: (1) studies to assess the condition of the courts' civil caseload; (2) review of advisory group reports and recommendations by Circuit Committees; (3) splitting one Conference committee into two; (4) demonstration programs for reducing costs, delays and case management workloads; (5) evaluation on measures adopted by the District courts; (6) reconvening Districts' advisory groups; (7) case management training programs; (8) improved automated docket systems; and (9) advisory committee on civil rules.

Impact on the Judiciary

The 14-Point Plan includes several provisions that are not easily quantifiable. Such provisions are identified as having potential impacts, which are not included in the cost of the Plan. With these limitations, the annual cost to the Judiciary (excluding the Federal Judicial Center) is anticipated to exceed \$13.5 million and 140 staff years (full-time equivalents (FTEs)) for the first year and \$2.3 million and 31 staff years for recurring years. These estimates do not include an expenditure of approximately \$5.2 million for automation equipment and software for the improved automated docketing systems and increased access to case management information, since these costs are spread over three years and the implementation schedule is unknown at present. Details of each provision's cost are shown below:

FIRST YEAR RESOURCE REQUIREMENTS

<u>Provision</u>	<u>Costs</u> <u>\$ in M</u>	<u>Staff Years</u> <u>(FTEs)</u>
Studies on Civil Caseloads.....	11.2	110
Review of Advisory Group Efforts...	.6	5
Two New Committees.....	.3	5
Demonstration Programs.....	.3	5
Evaluation of Adopted Measures.....	.2	3
Reconvening Advisory Groups.....	---	---
Case Management Training Programs..	.2	2
Improved Automated Docket Systems..	.6	9
Advisory Committee on Civil Rules..	---	---
AO Support Activities.....	.1	1
Total	\$13.5	140

ANNUAL RECURRING RESOURCE REQUIREMENTS

<u>Provision</u>	<u>Costs</u> <u>\$ in M</u>	<u>Staff Years</u> <u>(FTEs)</u>
Review of Advisory Group Efforts...	.6	5
Two New Committees.....	.3	5
Demonstration Programs.....	.2	5
Evaluation of Adopted Measures.....	.2	3
Case Management Training Programs..	.2	2
Improved Automated Docket Systems..	.7	10
AO Support Activities.....	<u>.1</u>	<u>1</u>
Total	\$2.3	31

The annual budgetary cost to the Judiciary is anticipated to be about \$4.3 million and 61 staff years for the first year and approximately \$1.7 million and 26 staff years for recurring years. This estimate does not include the \$5.2 million for improved automated docketing systems and increased access to case management information, which will be a budgeted cost, since the implementation schedule for these systems are unknown. The difference between the budgetary and resource costs are attributable to Judicial Officers, their staffs and support. Additional money would not be included in a budget request since these people would divert their time from other work.

SUMMARY OF ANNUAL FIRST YEAR BUDGETARY COSTS

<u>Appropriation</u>	<u>Costs</u> <u>\$ in M</u>	<u>Staff Years</u> <u>(FTEs)</u>
Courts of Appeals, District Courts, and Other Judicial Services		
Salaries and Expenses.....	<u>4.2</u>	<u>60</u>
Subtotal.....	<u>\$4.2</u>	<u>60</u>
Administrative Office.....	<u>.1</u>	<u>1</u>
Subtotal.....	<u>\$.1</u>	<u>1</u>
Total	\$4.3	61

SUMMARY OF ANNUAL RECURRING BUDGETARY COSTS

<u>Appropriation</u>	<u>Costs</u> <u>\$ in M</u>	<u>Staff Years</u> <u>(FTEs)</u>
Courts of Appeals, District Courts, and Other Judicial Services		
Salaries and Expenses.....	<u>1.6</u>	<u>25</u>
Subtotal.....	<u>\$1.6</u>	<u>25</u>
Administrative Office.....	<u>.1</u>	<u>1</u>
Subtotal.....	<u>\$.1</u>	<u>1</u>
Total	\$1.7	26

Analytical Assumptions

The analysis assumes that no new judges or magistrates would be authorized, appointed or hired. However, the Resource Requirement tables include the value of the time required to implement the Plan. Currently, both judges and magistrates are now working at full capacity, and their time would necessarily be diverted from other work, which would be deferred, in order to handle the additional workload. If new judgeships were established to handle the increased workload created by the Plan, the costs would increase. The salary estimates used for both judges and magistrates are based on the levels that become effective in 1991. Staff costs for all other personnel are also based on FY 1991 salary rate estimates, and assume a 3.5 percent pay raise effective January 1991 and a 4.0 percent pay raise effective January 1992.

This analysis assumes all reported first year personnel are new hires. This assumption will result in slightly higher costs for the first year, due to the processing of the new staff and the additional support and supplies that are required by new personnel.

The 14-Point Plan will result in a cost to the Judiciary of \$5.8 million and 9 FTEs (includes only first year staff cost) for automation. However, since the implementation schedule for an improved automated docketing systems is unknown and can be spread over three years, the \$5.2 million for hardware, software and certain support items for these systems were not allocated to specific years and are only referenced in this analysis.

It is not possible to place any figure on the total cost of the 14-Point Plan, since the Plan contains no specific requirements as to the measures that courts should adopt. For example, some form of "case tracking" may be adopted by 1 or 10 or 50 courts. Depending on the system adopted, 2 to 5 deputy clerks may be necessary. The same could be said of other provisions. Therefore, this impact statement only discusses general operating procedures that are required by the Plan (e.g., the establishment of advisory committees, demonstration programs).

Detailed Cost Assumptions of the Impact of the 14-Point Plan

Provisions: Studies to Assess the Condition of the Courts' Civil Caseload (Points 1-5)

The first five provisions (points) establish advisory committees to conduct detailed studies in each District to assess the condition of the courts' civil case loads. Each advisory committee will be required to analyze and assess the level of cost and delay in its District, identify the sources of delay and recommend measures to reduce cost and delay. Each District is projected to appoint 2 judges and 1 magistrate to these committees, with each Judicial Officer expending 100 hours. To support the committees requires \$11.2 million and 110 staff years, which includes committee reporters anticipated to work four months per District on revision of local rules and to oversee the work of the committees. This analysis assumes all studies begin at the same time, and all work would be completed within one year.

	Int. Costs <u>\$ in M</u>	Staff Years <u>(FTEs)</u>
District Judges.....	6.5	11
Support Staff.....	---	43
Magistrates.....	2.1	5
Support Staff.....	---	15
Clerks.....	.4	5
Committee Reporter....	<u>2.2</u>	<u>31</u>
Subtotal	<u>\$11.2</u>	<u>110</u>

Provision: Review of Advisory Group Reports and Recommendations by Circuit Committees (Point 6)

The initial review of the advisory group reports and recommendations by circuit-wide committees composed of Chief District Judges is estimated to require 2 hours per plan per judge for review and discussion. These reviews would be an ongoing function.

	Int. Costs <u>\$ in M</u>	Recur. Costs <u>\$ in M</u>	Staff Years <u>(FTEs)</u>
District Judges.....	.6	.6	1
Support Staff....	---	---	4
Subtotal	<u>\$.6</u>	<u>\$.6</u>	<u>5</u>

**Provision: Creation of New Conference Committees and Models
(Point 8)**

The responsibilities of the Conference's Judicial Improvements Committee will be divided between two committees, Automation and Technology and Case Management and Dispute Resolution. The name of the second committee has been recently changed to the Court Administration and Case Management Committee. These committees would meet twice a year and require full staff support from the Administrative Office. In addition to staff support for a wide range of areas within the jurisdiction of each committee (e.g., systems analysis and jury administration), there would be a need for systems analysts and case management experts to analyze data and make recommendations of proposed solutions generated by the Plan. Additional support will be required to develop two programs involving civil cost and delay programs.

	<u>Int. Costs</u> <u>\$ in M</u>	<u>Recur. Costs</u> <u>\$ in M</u>	<u>Staff Years</u> <u>(FTEs)</u>
Staff Professionals..	.29	.28	4
Clerical Support.....	.05	.03	1
Subtotal	\$.34	\$.31	5

**Provision: Demonstration Programs for Reducing Costs,
Delays and Case Management Workloads (Point 9)**

A minimum of 1 staff person will be needed in each volunteer District to coordinate the demonstration program. Additional support may be needed depending on how extensive a program the District undertakes and the size of the District. It is assumed that there will be 5 volunteer Districts.

	<u>Int. Costs</u> <u>\$ in M</u>	<u>Recur. Costs</u> <u>\$ in M</u>	<u>Staff Years</u> <u>(FTEs)</u>
Staff Professionals..	.31	.24	5
Subtotal	\$.31	\$.24	5

Provision: Evaluation on Measures Adopted by the District Courts (Point 10)

This provision will require 2 full time staff attorney positions and 1 clerical support person for up to 3 years. Beginning in year 4, after the initial evaluations and publication of the manual required by the Plan, 1 staff year of attorney time will be required to periodically collect materials and update the manual.

	<u>Int. Costs</u> <u>\$ in M</u>	<u>Recur. Costs</u> <u>\$ in M</u>	<u>Staff Years</u> <u>(FTEs)</u>
Staff Attorneys.....	.15	.14	2
Clerical Support....	.05	.04	$\frac{1}{3}$
Subtotal	\$.20	\$.18	3

Provision: Reconvening Districts' Advisory Groups (Point 11)

The impact of this provision will depend on the adequacy of the original programs undertaken by each District. If this requirement is met in conjunction with the District Advisory Committee on Rules, there should not be a significant impact associated with this provision.

Provision: Case Management Training Programs (Point 12)

A comprehensive effort to develop new and effective training programs on case management will be a critical part of the Judiciary's effort to deal with civil litigation delay. The Federal Judicial Center and the Administrative Office will have to devote significant levels of resources to this. It is projected that 2 staff years of trainers/attorneys will be required for several years as case management modifications are developed. This estimate does not include resources required by the Federal Judicial Center.

	<u>Int. Costs</u> <u>\$ in M</u>	<u>Recur. Costs</u> <u>\$ in M</u>	<u>Staff Years</u> <u>(FTEs)</u>
Trainers/Attorneys..	.16	.15	$\frac{2}{2}$
Subtotal	\$.16	\$.15	2

Provision: Improved Automated Docket INS Systems (Point 13)

Assuming the rate of expansion in the Long Range Plan for Automation in the U.S. Courts (e.g., no acceleration of the Civil Case Management System), the cost of this provision is \$5.8 million and 9 FTEs (this includes only first year staff cost). This requirement for additional computer capacity is equivalent to installing a 386 microcomputer in each District court. The total cost over a three year period will be approximately \$5.2 million during fiscal years 1991 and beyond. This cost is not included in the summary tables since estimates can not be made to project the expenditure of these resources for each of the three years. However, estimates can be made for staff resource requirements. The first year staff cost is estimated to be approximately \$.6 million for six computer systems analysts and three programmer analysts.

In addition to the above costs, one full time position in the Automation Branch of Court Administration Division will be needed for several years after the implementation of this provision to deal with policy issues, provide liaison with clerks, and furnish guidance on program design.

	<u>Int. Costs</u> <u>\$ in M</u>	<u>Recur. Costs</u> <u>\$ in M</u>	<u>Staff Years</u> <u>(FTEs)</u>
Automat. & Tech....	.61	.58	9
Court Admin.....	---	.07	1
Subtotal	\$.61	\$.65	10

Provision: Advisory Committee on Civil Rules (Point 14)

The resource requirements for this provision are insignificant. Estimates suggest 1/4 of a FTE would be required by a mid level professional to provide committee support, research and drafting of suggested rules.

Additional Support by the AO to Implement the 14-Point Plan

To implement the provisions of the 14 Point Plan will require 1 FTE for administrative support (e.g., personnel functions, space allocation) and program support (e.g., administering Automation and Technology,) for each year. This assumes that no additional Judicial Officers or their support staffs are hired.

	<u>Int. Costs</u> <u>\$ in M</u>	<u>Recur. Costs</u> <u>\$ in M</u>	<u>Staff Years</u> <u>(FTEs)</u>
AO Adm. & Prog. Sup..	.07	.07	1
Subtotal	\$.07	\$.07	1