

STATEMENT OF PRINCIPLES

RE S.2027

The Executive Committee of the Judicial Conference endorses the following concepts:

1. Appointment by the chief judge in each district court of a representative lay/bar advisory committee to:
 - a. assess the state of the court's civil and criminal dockets, not only as to current conditions, but also to trends both in the nature of filings and in the kinds of demands being placed on the court's resources, and
 - b. recommend ways the district can reduce the cost of civil litigation and shorten the time between filing and disposition.
2. The advisory committee and court should consider:
 - a. the problems of cost and delay in civil litigation must be examined in the context of the full range of demands made on the district court's resources.
 - b. all in the litigation community share responsibility for the problems of cost and delay in civil litigation. Solutions recommended must include significant contributions not only by courts, but also by lawyers and clients.
 - c. how lawyers and clients can contribute to solving these problems, especially the excessive costs often associated with civil discovery, and whether it would be appropriate, prior to the initial status or scheduling conference under Rule 16, to require counsel to meet and confer, and file a statement designed to limit discovery and prepare the case expeditiously for resolution by settlement, motion, or trial.
 - d. the settlement process, including the advisability of implementing or experimenting with ADR programs.
3. Each district court should consider implementing the recommendation made by its advisory committee by adoption of local rules.
4. The Judicial Conference should be authorized to conduct a demonstration program in five volunteer districts of

different size and case mix to experiment with and assess the relative effectiveness of methods of reducing cost and delay and case management techniques. The results of such experiments should be made available to every district court and to the Rules Committee of the Judicial Conference.

5. The congressionally mandated rulemaking process should be used to implement any nationwide cost or delay reduction measures that are proven successful through the demonstration programs.

6. Necessary resources should be committed to training judicial officers in case management techniques.

7. Effective systems for containing costs and reducing delay cannot be established without fully automated dockets, ready access to more complete data about the status of each case, more support personnel, and the appointment of an adequate number of new judicial officers.

8. Effective case management requires full and flexible use of all judicial personnel, including magistrates.

9. Any system of case management that is adopted must retain the judge's authority and flexibility to tailor procedures and schedules that are appropriate to the needs of each suit.

The Executive Committee cannot agree to:

- a. the notion that there is a single case management system or plan that will satisfy the needs of every district.
- b. the case tracking system discussed in the Description and Preliminary Analysis adopted by the Judicial Conference on March 13, 1990, including the requirement for clerical tracking coordinators.
- c. limitations on the use of magistrates.
- d. vesting power in advisory committees to impose procedural rules or schedules on district courts.
- e. assessing the productivity of individual judicial officers or courts not based on comprehensive data that takes into account all relevant quantitative and qualitative factors.