

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
JOHN W. MCCORMACK POST OFFICE
AND COURTHOUSE
BOSTON, MASSACHUSETTS 02109

JOSEPH L. TAURO
JUDGE

November 13, 1991

L. Ralph Mecham, Director
Administrative Office of the
United States Courts
Washington, DC 20544

Dear Ralph,

It was good to see you yesterday at lunch. I look forward to spending more time with you during your next visit.

You have more than enough to read, but I enclose a copy of our proposed Civil Justice Reform Plan which we have now submitted to my colleagues for their consideration. Any comments, criticisms or suggestions will be greatly appreciated.

With best wishes,

Sincerely,

A handwritten signature in black ink, appearing to be "Joe", written over the word "Sincerely,".

Enclosures

10 9071

*Matt
Copy of Cover
letter to
Lee*

L. RALPH MECHAM
DIRECTOR

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

JAMES E. MACKLIN, JR.
DEPUTY DIRECTOR

WASHINGTON, D.C. 20544

November 20, 1991

Honorable Joseph L. Tauro
United States District Court
Room 1615
John W. McCormack Post Office
and Courthouse
Boston, Massachusetts 02109

Dear Judge Tauro:

Thank you very much for your thoughtfulness in writing me as you did on November 13 and enclosing the "Massachusetts Civil Justice Reform Plan." I must say it is an impressive job and you and your colleagues are to be commended. I note that even Senator Biden thought you did a great job; indeed, his reaction is glowing. As one who paid a price in carrying out my assigned duties from the Judicial Conference to fight the Biden bill in its original form, I am afraid that I incurred his wrath. Once it became law, however, along with the Conference, I felt it was my duty to do everything I could to make the system work, and the performance of your court certainly gives evidence to the cooperation of the Judiciary or at least nearly all of the Judiciary.

It was a pleasure to dine with you in Boston. Your colleagues are looking forward to your ascendancy to Chief Judge and have considerable admiration for you. Some specifically mentioned your work on the Reform Plan.

I look forward to working with you even more closely. Please call on me whenever I can be of help.

Sincerely,



L. Ralph Mecham
Director

LRM/cb

COPIES OF THIS DOCUMENT
OF THE U.S. COURTS
FOR THE DISTRICT OF
MASSACHUSETTS
NOV 21 1991





MEMORANDUM



DATE: OCTOBER 31, 1991

TO: ALL DISTRICT JUDGES

FROM: JUDGE TAURO
JUDGE NELSON
JUDGE YOUNG

SUBJECT: MASSACHUSETTS CIVIL JUSTICE REFORM PLAN

Attached is our proposed Massachusetts Plan for implementing the provisions of the Civil Justice Reform Act. We submit it for your comment, criticism and, hopefully, eventual adoption.

As you might imagine, the drafting process has gone through several evaluations. It has been a time consuming, but very interesting venture. We are indebted to the Advisory Board members for their dedicated interest and valuable substantive input. Our Clerk of Courts, Bob Smith, has been of tremendous assistance. Of course, our appreciation for the contribution of our Reporter, Professor Arthur Miller, is immeasurable. We simply couldn't have done the job without him. You all have more than enough to read, but we respectfully request that you make your review of this Plan a front burner priority. As the enclosed excerpt from a recent AO memo indicates, the court must approve a plan by December 31, 1991, if we are to qualify as an Early Implementation District.

We also enclose correspondence from Senator Biden and his assistant Jeff Peck concerning the process we followed, as well as their assessment of the draft which preceded the one we now submit to you. By this memo, we request that Chief Judge Freedman convene a special meeting of the court during the third week in November for the purpose of discussing the Plan.

Enclosures

required by the Act and to facilitate the review of both the advisory group reports and the district plans by the circuit and the Judicial Conference. A copy of the model format is attached.

What Constitutes "Implementation" of a Plan

Pilot courts and Early Implementation District Courts are required by the Act to "implement" a civil justice expense and delay reduction plan by December 31, 1991. The Committee has determined that courts will be in compliance with this requirement if the following has occurred before December 31, 1991:

1. The advisory group has filed the report required by 28 U.S.C. § 472(b).
2. The district court has reviewed the advisory group report and adopted a civil justice expense and delay reduction plan.
3. The plan adopted by the district court contains a schedule for effectuating the various components of the plan which evidences a good faith effort to make the plan fully operational as promptly as feasible.
4. The chief judge of the district court has transmitted a copy of the plan and the advisory group report to:
 - the Director of the Administrative Office;
 - the judicial council of the circuit in which the district court is located; and
 - the chief judge of each of the other United States district courts located in such circuit.

The review of the plan by the circuit and the Judicial Conference, as required by 28 U.S.C. § 474, is not required prior to implementation.

An informal list of courts wishing to be designated as "Early Implementation Districts" has been compiled from correspondence and telephone conversations with Administrative Office and Federal Judicial Center Staff. This list is helpful for informational and training purposes and is attached. Courts who wished to be added or deleted from this list should contact

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

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TERRY L. WOOTEN, MINORITY CHIEF COUNSEL
AND STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

March 6, 1991

The Honorable Joseph L. Tauro
United States District Court for the
District of Massachusetts
John W. McCormack Post Office
and Courthouse
Boston, Massachusetts 02109

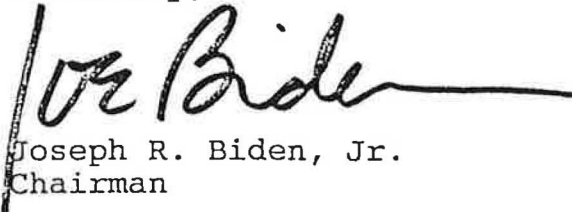
Dear Judge Tauro:

I would like to take this opportunity to thank you for the important and positive steps you have undertaken in appointing the advisory group for the District of Massachusetts.

Your appointments to the advisory group are impressive. The group is exactly what I had in mind in drafting the legislation. I, too, am pleased that Professor Arthur Miller of Harvard Law School has agreed to serve as the Reporter of your group. I am sure that his knowledge and expertise will assist you tremendously in your task.

I look forward to following the implementation of the Civil Justice Reform Act in your district. Please contact me if I can be of any assistance.

Sincerely,


Joseph R. Biden, Jr.
Chairman

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

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RONALD A. KLAIN, CHIEF COUNSEL
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TERRY L. WOOTEN, MINORITY CHIEF COUNSEL
AND STAFF DIRECTOR

March 6, 1991

The Honorable Joseph L. Tauro
United States District Court for the
District of Massachusetts
John W. McCormack Post Office
and Courthouse
Boston, Massachusetts 02109

Dear Judge Tauro:

Thank you for sending me the materials pertaining to your newly-appointed advisory group for the District of Massachusetts.

I want to commend you for the quality and diversity of the members in the group. I was especially pleased to see that you appointed Professor Arthur Miller of Harvard Law School as Reporter of the committee. Having a law school professor of this caliber serve as the group's reporter is precisely what we had in mind in drafting the legislation. On a personal note, Nick Theodorou is a close friend and law school classmate of mine, and I know the group will benefit from his wisdom and experience.

Again, thank you for your consideration in sending me the information on your group. Please do not hesitate to contact me if you should have any questions or comments as the District of Massachusetts implements the Civil Justice Reform Act. We want to do whatever we can to assist you in implementing the Act.

Sincerely,



Jeffrey J. Peck
Staff Director

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

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AND STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

August 26, 1991

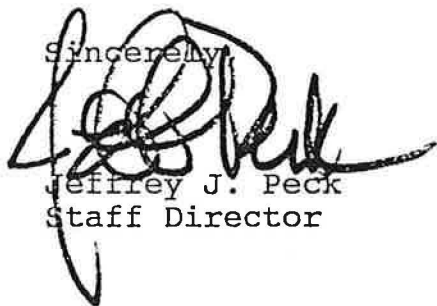
The Honorable Joseph L. Tauro
United States District Court for the
District of Massachusetts
John W. McCormack Post Office
and Courthouse
Boston, Massachusetts 02109

Dear Judge Tauro:

Thanks so much for sending a copy of your District's civil justice expense and delay reduction plan. I could not be more impressed -- more importantly, I know that Senator Biden truly believes it is an outstanding piece of work and an excellent illustration of how he was hoping the statute would work.

Please keep me apprised as the group continues its excellent work.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey J. Peck', written over the typed name.

Jeffrey J. Peck
Staff Director

JOSEPH R. BIDEN, Jr., DELAWARE, CHAIRMAN

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AND STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

August 30, 1991

The Honorable Joseph L. Tauro
United States District Court for the
District of Massachusetts
John W. McCormack Post Office
and Courthouse
Boston, Massachusetts 02109

Dear Judge Tauro:

Thank you so much for your recent letter and draft civil justice expense and delay reduction plan. I very much appreciate your sending me a copy.

You and your group are to be congratulated! In drafting and formulating the Civil Justice Reform Act, I could not have imagined a more thorough, comprehensive and thoughtful plan. To see an Act of Congress implemented and applied in this way is truly gratifying. You and your group clearly took the letter and spirit of the Act seriously, and looked upon it as an opportunity to review discovery, case management and all procedural aspects of civil litigation.

Please continue to keep me posted as your work progresses. Indeed, I anxiously await notice of the further comments of your group. Thank you again for your tremendous efforts.

Sincerely,



Joseph R. Biden, Jr.
Chairman