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April 28, 1995

Mr. L. Ralph Mecham, Director
Administrative Office of the
United States Courts
One Columbus Circle, N.E.
Washington, DC 20544

Dear Mr. Mecham:

Pursuant to 28 U.S.C. §472(d)(1), enclosed please find a copy of the **Amended** Civil Justice Expense and Delay Reduction Plan adopted by the Judges of the District of Puerto Rico with the counsel of the CJRA Advisory Group for the United States District Court for the District of Puerto Rico.

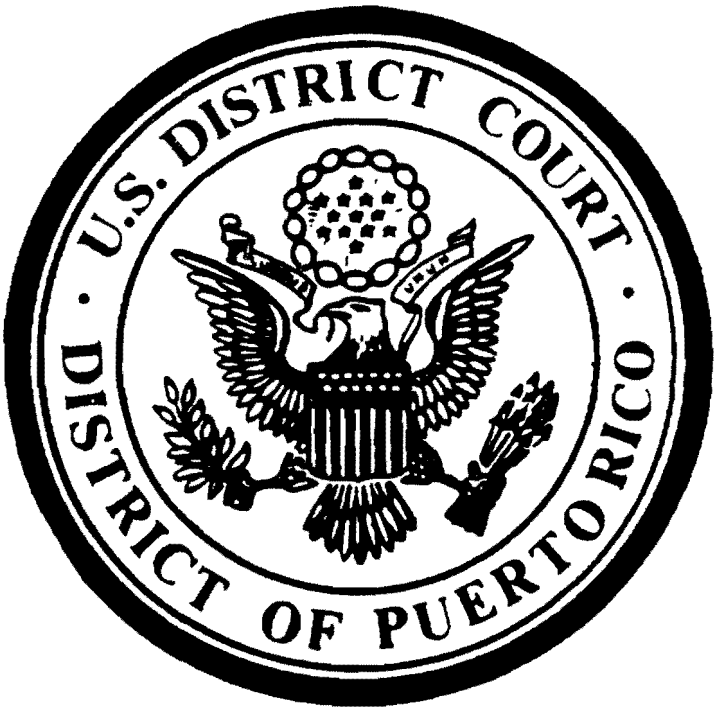
Also, a copy of this Amended CJRA Plan is being sent to the Chief Judges in our First Circuit.

Sincerely,

Carmen C. Cerezo, Chief
U.S. District Judge

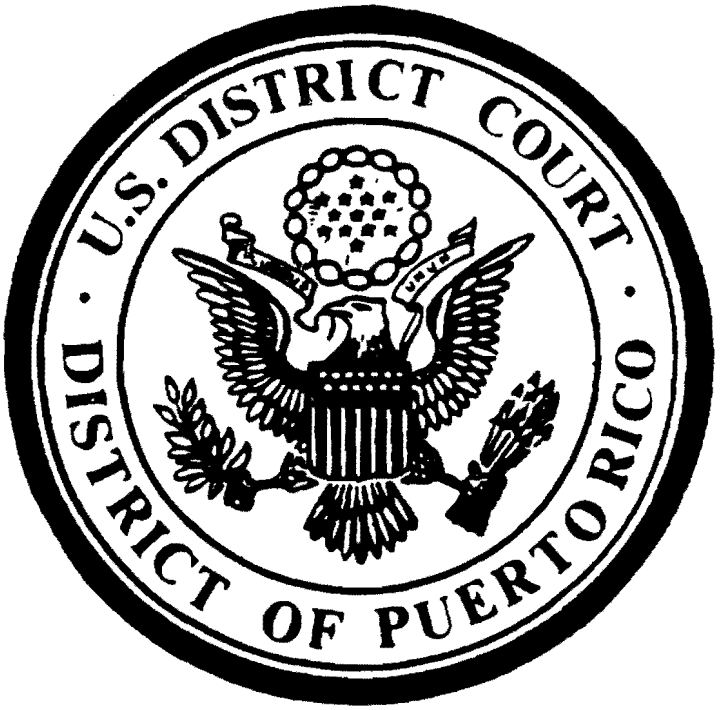
Enclosure

CIVIL JUSTICE ADVISORY GROUP



AMENDED
CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLAN FOR IMPLEMENTATION OF THE CIVIL JUSTICE REFORM ACT OF 1990 IN THE DISTRICT OF PUERTO RICO

CIVIL JUSTICE ADVISORY GROUP



AMENDED
CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLAN FOR IMPLEMENTATION OF THE CIVIL JUSTICE REFORM ACT OF 1990 IN THE DISTRICT OF PUERTO RICO

AMENDED

CIVIL JUSTICE EXPENSE

AND

DELAY REDUCTION PLAN

FOR IMPLEMENTATION OF

THE CIVIL JUSTICE REFORM ACT OF 1990

IN THE DISTRICT OF PUERTO RICO

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AMENDED CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLAN FOR IMPLEMENTATION OF THE CIVIL JUSTICE REFORM ACT OF 1990 U.S. DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

I. Introduction

The United States District Court for the District of Puerto Rico, in compliance with the Civil Justice Reform Act of 1990, adopts the following Civil Justice Expense and Delay Reduction Plan and directs that it be implemented as of December 1, 1993.[1] This plan is based on the recommendations contained in the Report of the Civil Justice Reform Act Advisory Group for the District of Puerto Rico which was submitted to this Court on March 12, 1993 and approved by the Court on June 14, 1993, as mandated by statute.[2]

II. Principles and Guidelines of Litigation Management and Cost and Delay Reduction

In enacting this broad and ambitious legislation, Congress sought to improve procedures and the attitude of the Bar and the courts in all types of cases, even those in which the statistics disclosed a relatively good record of efficiency. The Act does not mandate specific procedures to be used by courts in effectuating a system of case management; however, section 473 of the Act lists six principles and six techniques of litigation management and cost and delay reduction which the courts and their advisory groups must consider and may include in the development of their reform plans.

A. The first principle involves "a systematic differential treatment of civil cases that tailors the level of individualized and case specific management"[3] to such criteria as case complexity, amount of pretrial time needed, and availability of judicial resources.

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[1] Due to significant changes in the membership of the Court, the arrival of a new Chief Judge and a new Clerk of Court, that occurred concurrently with the departure of the CJRA Staff Attorney, the implementation of the CJRA Expense and Delay Reduction Plan for the District of Puerto Rico was delayed until March, 1995.

[2] 28 U.S.C. 471 and 472.

[3] 28 U.S.C. 473(a)(1).

B. The second principle provides that the judicial officer assess and plan the progress of the case by setting firm trial dates, to occur within 18 months of the filing of the complaint, unless the judicial officer makes a certification that the demands of the case and its complexity make such a trial date incompatible with serving the ends of justice, or the trial cannot reasonably be held within such time because of the complexity of the case or the number or complexity of pending criminal cases.[4]

C. The third principle provides that if a judicial officer determines a case to be complex, he or she may conduct one or more discovery case management conferences to (i) explore settlement, (ii) identify issues, (iii) prepare a discovery schedule and attempt to limit discovery and (iv) set early deadlines for motions and a framework for their disposition.[5]

D. The fourth and fifth principles encourage the parties to voluntarily exchange information through the use of cooperative discovery devices and the preclusion of discovery motions unless the movant certifies that he or she has made a reasonable good faith effort to reach an agreement with opposing counsel on the matters set forth in the motion.[6]

E. The sixth principle directs that appropriate cases be referred to alternative dispute resolution programs such as arbitration, mediation, mini-trial, or summary jury trial.[7]

III. Case Management Plan Techniques

The Act also provides that when formulating case management plans, each court, in consultation with its advisory group, must consider and may include in its plan six suggested techniques for litigation management. These include: (i) the requirement that counsel for

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[4] 28 U.S.C. 473(a)(2).

[5] 28 U.S.C. 473(a)(3).

[6] 28 U.S.C. 473(a)(4) and (5). It should be noted that the fifth principle is already covered by local rule 311.11.

[7] 28 U.S.C. 473(a)(6).

each party submit a case management plan at the initial pretrial conference; (ii) the requirement that each party be represented at the pretrial conference by an attorney who has authority to bind that party regarding all matters previously identified by the Court for discussion at the conference; (iii) the requirement that all requests for extension of discovery or trial deadlines be signed by the attorney and the party making the request; (iv) the establishment of a neutral evaluation program for presentation of the legal and factual basis of a case to a neutral court representative; (v) the requirement that a representative of the parties with binding authority be present or available by telephone during any settlement conference; and (vi) any other features that the Court considers appropriate.[8]

In the few years since its passage, the statute has encouraged all participants in the judicial process to consider techniques for making court procedures uniform and for reducing the costs of litigation, both in terms of time and money. If litigation becomes less expensive and protracted, the courts will become more accessible to many bona fide plaintiffs whose rights may have languished unattended in the past.

This Plan presents a variety of techniques which can be employed in improving case management. There is however, one crucial, overriding principle that should govern any attempt to execute a case management method, which is that early intervention by the Court into each case, judicially-monitored discovery, and the prompt setting of a trial date are essential to effective case management.

The case management technique to be employed in any particular case may also vary depending on the facts and issues presented. Many cases present relatively straightforward disputes which can be disposed of without allowing the parties to indulge in extended and costly discovery. On the other hand, certain cases involve complex factual and legal disputes which require significant discovery and pretrial rulings by the Court. The Plan sets forth general guidelines for each presiding judge to consider under the various circumstances

[8] 28 U.S.C. 473(b)(1) - (5).

which may be presented, including three separate types of case management techniques that can be employed under the various circumstances which may be presented.

These recommendations are aimed at solving the problems identified in Part V of the CJRA Report, "Causes of Cost and Delay", which describes a tendency, in a minority of cases, towards a longer life span for civil cases. The Court, having reviewed the recommendations of the Advisory Group, considered each of the principles and techniques cited in the Act and have adopted those described below.

Moreover, the Court weighed the requirements which the Advisory Group did not choose to recommend. For instance, a requirement that all requests for extension of discovery deadlines or for postponement of trial be signed by the attorney and the party was viewed as impractical, as well as undesirable, due the fact that a substantial number of civil cases filed in this district have parties who reside outside the jurisdiction. Also, in some cases, attorneys are unable to communicate with the clients because of the non-availability of telephones. Thus, the Group concluded, and the Court agrees, that rather than reduce costs and delay, the adoption of this requirement would only serve to increase them.

In addition, the Court considered the requirement that each party be represented at each pretrial conference by an attorney with authority to bind that party to all matters previously identified by the Court for discussion at the conference.[9]

The Advisory Group did not believe it would be appropriate to require that the parties or their representatives be present since conferences deal for the most part with technical matters and generally last no longer than 20-30 minutes. The judicial officer, however, may require their presence if he or she believes it to be beneficial. The Court is in agreement with this position as well.

The Act further requires the Court, in consultation with the Advisory Group to consider, upon notice by the Court, that representatives of the parties with authority to bind

[9] Local Rule 314.3 already provides that "The parties' pretrial conference shall be attended by the attorneys who will try the case and who are authorized to make binding stipulations for the parties, as well as enter into settlement discussions.

them in settlement discussions be present or available by telephone during settlement conferences. The Court is in accord with the Advisory Group that requiring the presence of parties or their representatives at the settlement conference would increase costs of litigation due again to the fact that a sizeable number of parties to civil cases are located off the island; nevertheless. having parties who reside off the island readily accessible by telephone may be a useful and relatively inexpensive means to require their availability at the settlement conference and the Court adopts the Advisory Group's recommendation as to this matter. Notwithstanding the foregoing, the Court may require that parties or their representatives or insurers. regardless of location. attend a conference to consider possibilities of settlement and participate in proceedings as ordered.

IV. Differential Treatment of Civil Cases

The Court adopts the Advisory Group's recommendation for the implementation of a case tracking system. known as differentiated case management (DCM), based on case complexity as a significant step towards maintaining better controls on delay in litigation. Such a system would distinguish among simple cases, standard cases and complex cases.

A. DCM Program and Tracking System

The Clerk of Court or its designee shall make an initial classification of civil cases as they are filed, subject to subsequent review by the district judge to whom the case is assigned. As to previously filed cases, the district judge would have the option of moving the case onto the tracking system, with adequate notice to all parties.

All civil cases filed in this District commencing on July 7, 1995 shall be classified in one of the following three categories.

1. **Expedited Track**: The expedited track would involve relatively simple cases, such as student loans, foreclosures and social security. Such cases would normally be completed within nine months of filing. The discovery cut-off will occur no later than 100 days after filing of the Case Management Order (CMO).

2. **Standard Track**: The great majority of the cases would be on this track, with an expected date of termination of no more than 18 months and discovery cut-off no later than 200 days after filing of the CMO.

3. **Complex**: The goal for completion of these cases would be 36 months. The discovery cut-off date will be established in the CMO.

It is also important to note that some exceptional cases would be removed from ordinary tracking and handled separately. These would include institutional reform cases, mass tort litigation comparable to the San Juan Dupont Hotel fire litigation, and certain cases involving immediate requests for equitable relief.

B. Track Assignment Factors

The following factors shall also be considered when assigning cases to the different tracks:

Expedited:

(1) Legal Issues: Few and clear
(2) Required Discovery: Limited
(3) Number of Real Parties in Interest: Few
(4) Number of Fact Witnesses: Up to five
(5) Expert Witnesses: None
(6) Likely Trial Days: Less than five
(7) Character and Nature of Damage Claims
(8) Simple Tort

Standard:

(1) Legal Issues: More than a few, some unsettled
(2) Required Discovery: Routine
(3) Number of Real Parties in Interest: Up to five
(4) Number of Fact Witnesses: Up to ten
(5) Expert Witnesses: Two or Three
(6) Likely Trial Days: five to ten
(7) Character of Nature of Damage Claims: Routine

Complex:

(1) Legal Issues: Numerous, complicated and possibly unique

(2) Required Discovery: Extensive
(3) Number of Real Parties in Interest: More than five
(4) Number of Witnesses: More than ten
(5) Expert Witnesses: More than three
(6) Likely Trial Days: More than ten
(7) Character and Nature of Damage Claims: Usually requiring expert testimony

C. Appeal of Track Assignment

The Court may, at its discretion, modify or reassign the case to a different track. The Court will also entertain a motion to change the track assignment for good cause upon certification by the party making the request that reassignment is necessary in the interest of justice.

D. Pretrial Case Management

1. Expedited Track

If, after reviewing the complaint, the Court determines that the case presents a simple dispute which can be quickly resolved, the Court may issue an order directing the defendant to state whether the material facts are in dispute. Examples might include: (i) ordering the defendant to state whether money is owing in a bank foreclosure case; (ii) ordering the defendant to state whether he possesses any evidence to contravene the government's scientific tests in embargo cases brought by the Food and Drug Administration; and (iii) ordering the defendant to state whether cargo was damaged in a Carriage of Goods by Sea Act case.

If the defendant's response does not effectively dispose of the case, the Court may then proceed to set discovery, pretrial and trial dates, recognizing that the proceedings may likely be streamlined given the simplicity of the case.

Also, there are two other case management techniques which can be considered by the presiding judge, such as:

2. Court-Directed Method

This technique may be used in a case that requires discovery. Upon receiving an answer to the complaint, the Court sets an Initial Scheduling Conference (or Case

Management Conference). In the Order setting the Conference date, the Court (i) orders that all defendants who have not yet filed an answer do so within 10 days, (ii) orders the parties to prepare and file memoranda discussing their factual and legal contentions, listing their potential witnesses and documentary evidence, and itemizing all proposed discovery.

During the Conference, the Court first establishes areas in which the parties can enter into stipulations of fact. The parties thereafter enter into such stipulations. They are also required to summarize the legal theories which they believe control the facts of the case. The Court then reviews the lists of witnesses and documents prepared by the parties to establish which items are necessary and sets a comprehensive discovery schedule, including setting specific dates for depositions, for the filing of interrogatories and requests for documents, and for filing dispositive motions and amended pleadings. Further, the Court shall consider and take appropriate action on the need for adopting special procedures for the management of potentially difficult or protracted actions on the complex track that may involve complicated issues, multiple parties, difficult legal questions or unusual proof problems. A date for Pretrial and Trial is set by the Court and instructions issued to the parties on what is required to be prepared for these proceedings.

The Court may issue an Initial Scheduling Conference Order (or Case Management Order) following the Conference which summarizes the information covered during the Conference.

By bringing the parties together with the Court at an early stage in the litigation, all the participants in the case are required to familiarize themselves with the contours of the case. The plaintiff is compelled to establish the facts which it seeks to prove, instead of embarking on a fishing expedition. The defendant is then promptly put in a position to review the plaintiff's claims and prepare a comprehensive defense strategy. The Court, too, is afforded the opportunity to achieve a broad understanding of the interests and concerns of the parties, which puts it in a better position to rule on discovery disputes and to consider the propriety of any extrajudicial resolution of the case.

While the court-directed method may require a greater commitment of judicial time and effort, it often results in a savings of time and effort, where facts and issues are streamlined. Of course, the court-directed method is an ideal. When presented with constraints of time or with a factual dispute that does not require a full-blown discovery schedule, other methods may be used adequately.

3. Court-Ordered Method

This technique can also be employed in any case requiring discovery. Through this case management method, upon receiving an answer to the complaint, the Court orders the parties to proceed, setting forth a series of deadlines. The Court first orders the parties to exchange memoranda, copies of which must be filed with the Court, summarizing factual and legal contentions, witnesses, documents, and prospective discovery--similar to the memoranda filed with the Court under the court-directed method. The Court then sets deadlines for (i) filing additional or amended pleadings, (ii) conducting discovery and (iii) filing dispositive motions. Further, the Court shall consider and take appropriate action on the need for adopting special procedures for the management of potentially difficult or protracted actions on the complex track that may involve complicated issues, multiple parties, difficult legal questions or unusual proof problems. Pretrial and trial dates are set and the parties are directed to prepare a Pretrial Order, which must contain (i) a summary of the admitted and disputed facts of the case, (ii) summaries of the legal theories of the parties, (iii) lists of witnesses, (iv) lists of exhibits and other relevant information. The Court may also order the parties to conduct some form of settlement discussions.

The Court may adopt, by local rules, model standardized forms for use in pretrial matters. By adopting such standardized forms, litigants can have the benefit of knowing the course to be pursued as to all cases, beginning with track assignment, continuing through an initial court conference yielding a Case Management Order and then on through the pretrial management as set forth in the CMO.

E. Complex Track

While the techniques described above for the Standard Track may be used in complex cases, the latter often require a number of pretrial conferences and tailor-made provisions for stages of discovery, bifurcated trials and other methods covered in detail in the Manual for Complex Litigation-Second. Rather than attempt to duplicate the provisions of the Manual, this plan encourages the parties and the Court to refer to it for guidance in complex cases.

F. Early Trial Dates

In all civil cases, setting of an early and firm trial date is essential to case management. In expedited track cases, the trial date can be set at the initial conference or in an initial order. In cases where it is impractical to set the trial date at the initial conference or in the CMO, a firm pretrial conference date can be scheduled. The parties shall be on notice that trial should be held within two months of the pretrial conference.

G. Control of Discovery and Motion Practices

The Act requires each district court to consider "controlling the extent of discovery and the time for completion of discovery and ensuring compliance with appropriate requested discovery in a timely fashion" (Sec. 473(a)(2)(C)). In addition, the Act requires the Court to consider "setting, at the earliest practicable time, deadlines for filing motions and a time framework for their disposition." (Sec. 473(a)(2)(D), 3(D)).

In light of this mandate, the Court's judges, in their case management orders, may set such limits as may be appropriate for their individual cases on the number of interrogatories that a party may propound and the number of depositions each party may take, as well as the length of each deposition.

H. Deadlines and Dispositive Motions

Deadlines for discovery and for dispositive motions may be set at an early stage in the litigation, as part of the Case Management Order. Such deadlines should be strictly enforced, subject to modification only upon application to the Court, with just cause. Dispositive motions should be consolidated into no more than one Motion to Dismiss and

one Motion for Summary Judgment, reducing the practice of piecemeal presentation of theories which potentially could dispose of the case.

The Court will, moreover, encourage its judges to rule quickly on discovery disputes, as well as on dispositive motions. Inordinate delay on such rulings leads not only to increased cost and delay, but to unacceptable uncertainty in litigation.

I. Videotaped Depositions

The Court also endorses the Advisory Group's recommendation that, in order to reduce the costs involved in compelling witnesses from outside of Puerto Rico to travel to Puerto Rico for depositions or trial, as well as to reduce the costs of depositions outside of Puerto Rico, the Court shall adopt a Local Rule allowing videotaped depositions as a matter of course in all such circumstances. A new Local Rule on this matter is included as Exhibit 1 of this Plan. In approving this rule, the Court is cognizant of the needs and circumstances of litigants who thus will not be obliged to incur high travel costs to attend depositions.

V. Alternative Dispute Resolution/Mediation

Pursuant to 28 USC §473 (b)(4), this Court shall adopt a method of Alternate Dispute Resolution ("ADR") through mediation by a judicial officer.

Such a program would allow litigants to obtain from an impartial third party - the judicial officer as mediator - a flexible non-binding, dispute resolution process to facilitate negotiations among the parties to help them reach settlement. A benefit of mediation is its capacity to expand traditional settlement discussion and broaden resolution options, often by going beyond the legal issues in controversy.

A. Eligible Cases

Any Civil Case which is not on the differentiated case management expedited track, unless otherwise ordered by the Court, will be eligible to be referred to mediation by a judicial officer.

B. ADR Procedures

The mediation procedure can be undertaken at an any stage of the litigation. The parties would be required to submit key documents and present their theories and factual versions to the judicial officer acting as mediator. The presiding judge in the Civil Case shall select the mediator from the following judicial officers: District Judges, Senior Judges, Visiting Judges, Bankruptcy Judges and Magistrate-Judges.

C. Mediation Session

The Mediation Session shall take place within ninety (90) days after the referral. To educate the mediator about the dispute, counsel for all parties shall submit copy of key documents and short written statements shortly before the first mediation session.

At the initial session, the mediator shall explain the process, hear short presentations from each party and ask open-ended questions to clarify positions and interests. The parties are helped to develop options and alternative proposals that could result in a mutually acceptable resolution. The mediator may help the parties generate ideas, evaluate alternatives realistically and consider the consequences of not settling the case.

If an agreement is reached, the mediator will record an outline of the terms and one of the attorneys shall prepare the final draft. If complete settlement is not possible, the mediator shall seek partial agreements.

D. Confidentiality

This process, shall take place in the strictest confidentiality. No oral or written reports would be submitted by the mediator. Materials submitted to the mediator, which describe the substance of the cause of action, do not become part of the Court file and are returned to the parties at the conclusion of the mediation process. Moreover, the ordinary court procedures, including discovery, motion practice and the like, would continue.

VI. Jury Proceedings

A. Introduction

The Court may adopt the use of multiple voir dire or pooling with staggered voir dire as a way of expediting trial schedules and economizing on jury costs.

1. Multiple Voir Dire

The use of Multiple Voir Dire is adopted for the District of Puerto Rico. It will work thusly: A sufficient number of jurors are randomly drawn for the first panel and the first jury is selected. Next, a second panel is randomly picked and the second jury is selected and so on until all the juries scheduled for selection on that day are drawn. In sum, voir dire means that a judge selects--on one day--all the juries needed for trials scheduled for an upcoming period.

With multiple voir dire the Court believes that its judges can increase efficiency by placing jurors eliminated from one trial in a jury panel for another. It can speed a trial calendar and also economize on the need for jurors.

2. Pooling

The other method which the Court will test is the use of pooling with staggered voir dire times. Pooling will function, as an example, in the following manner: 100 jurors would be called on a certain day. One or two judges would begin voir dire at 9:00 am; two others would begin at 10:30 am. Each of the two judges would select six to eight jurors and return those not selected to the jury pool. The jury administrator may then use those returned plus new people to create pools for the 10:30 voir dire.

3. Use of Magistrate Judges

Magistrate judges may also be used for multiple voir dire. That has the benefit of being an efficient way of utilizing the judges' time as well as the jurors. Rule 506.6 of the District's Local Rules allow for the magistrates to select juries in civil cases and the U.S. Supreme Court has recently held that magistrates may conduct voir dire in felony proceedings with the consent of the litigants. Peretz v. U.S, 111 S. Ct. 2661 (1991).

4. Jury Assessment Costs

The Advisory Group has also noted that when a civil case is settled in advance of the actual trial or settled at trial in advance of the verdict. Local Rule 323 provides that, except for good cause shown, jury costs may be assessed equally against the parties and their counsel, or otherwise assessed as directed by the Court.

The Court has also noticed that, frequently, as a litigation tactic, attorneys will wait until the last possible moments before trial to settle. Clearly, this tactic succeeds in driving up costs to litigants. Therefore, Rule 323 will henceforth be more strictly enforced.

VII. Utilization of Magistrate Judges

A. Introduction

Better utilization of magistrate judges requires: (a) improved contact and communication between judges and magistrate judges with the goal being one of increased uniformity in the utilization of the magistrate judges; (b) more effective use of magistrate-judge resources and (c) greater efforts to educate the practicing bar about the work that magistrate judges may perform.

B. Improved Contact and Communication

1. Formal and Informal Communication

The Court shall develop formal or informal channels for the exchange of ideas on both internal operating procedures and external relations with the bar. Additionally, this will advance the goal of increased uniformity in the utilization of the magistrate judges.

2. Uniformity of Standing Orders

As pointed out in the Advisory Group Report, the standing orders of the Court may be inconsistent with the District's Local Rules, leaving both the judicial officer and counsel in a quandary as to what the judge requires. Any standing orders which violate the Local Rules of the District of Puerto Rico or any provisions under this Plan shall be null and void.

3. Circulation of Opinions and Resolutions

Moreover, another avenue of assistance which will be followed is for the Court to advise the magistrate judge as to whether his report and recommendation was adopted by the judge, or if not adopted, the reasons for disagreeing with it. This will go far towards eliminating the frustrations of the bar when conflicting decisions are issued on what are essentially similar cases. The circulation of opinions and resolutions of the judges and magistrate judges among all members of the Court would also accomplish these ends.

C. More Effective Use of Magistrate Judge Resources

1. Telephone Conferences

Magistrate judges are responsible for handling many pretrial procedures. Therefore, the Court adopts the Advisory Group's recommendation that the magistrate judges may also decide by telephone if circumstances warrant: (1) an extension of time to answer the complaint; (2) an extension of time to answer discovery requests and (3) an immediate hearing and decision on any other minor discovery matter, i.e., disputes arising during depositions or questions of an urgent nature. A minute entry will be made for the record and recorded on the docket sheet.

2. Motions for Extension of Time

On the subject of motions for extension of time, the District's Local Rule 311.14 shall be amended to include a provision that counsel certify to the Court whether the motion for extension of time is agreeable to opposing counsel. If the motion is unopposed, this will assist greatly in expediting the granting of motions of this nature.

3. Pro Se Law Clerk

The magistrate judges are responsible for handling the major share of social security cases and federal and state habeas corpus petitions, which in SY91, totaled 100. They take up a considerable portion of their law clerks' time, as well. The Court will evaluate if the Administrative Office of the US Courts should create a position for either a pro se law clerk or as an alternative, a law clerk at-large, to assist the Court with these cases.

D. Greater Effort at Educating the Practicing Bar

Better utilization of magistrate judges can only be accomplished when the practicing bar understands the role of the magistrate judges in the Court.

To this end, the subject of more effective use of the magistrate judges shall be included in any seminar that the Court sponsors in the future and attorneys shall be made aware, through a routine communication from the Clerk of the Court, that parties may consent to trial before a Magistrate Judge.

VIII. Institutional Reform and Mass Tort Cases

A. Paralegal and Legal Assistance

When faced with complex institutional reform and mass tort litigation, the Court shall request that additional paralegal and legal help be assigned to the judge handling the case.

B. Special Master

Specifically, with institutional reform cases, appointment of a Special Master, pursuant to Rule 53 F.R.C.P., a special monitor or similar official, may be appointed if the judge to whom the case is assigned deems it necessary in order to maintain a current civil docket.

C. Visiting Judges

Moreover, visiting judges shall be requested periodically in order to handle the civil or criminal calendar backlog of judges who are presiding over institutional reform or mass tort litigation, particularly if any litigation coincides with a period when there are one or more vacancies in the District.

D. Reassignment of New Cases

In extreme cases, the judge handling institutional reform or mass tort litigation shall be relieved from new assignments for a period of time; however, reassigning cases already pending before the judge for a lengthy interval will not be employed as it increases cost and delay.

IX. Bankruptcy Appeals

The Court's rulings on bankruptcy appeals shall be circulated among the judges to promote more uniformity, as oftentimes more than one district judge must rule on appeals taken in the same bankruptcy case. Moreover, the circulation of decisions may assist the Court in avoiding contradictory rulings in a single bankruptcy action.

X. Miscellaneous

A. Visiting Judges

The practice of utilizing visiting judges shall continue, particularly in view of the prospects for delay in replacing judges who retire or take senior status during the next few years.

B. Criminal Case Management

The Court will look into the matter of establishing criminal case management procedures in an attempt to minimize the impact on the Court's civil calendar.

XI. Other

As a final matter, the Court acknowledges other recommendations made by the Advisory Group in its Report having to do with the Speedy Trial Act, the Sentencing Guidelines, the Administrative Office statistical-keeping procedures and their hiring and training programs for the Clerk's Office staff; however, these issues are better left to the discretion of the US Congress and the Administrative Office for action.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF: *
*
CIVIL JUSTICE REFORM ACT *
EXPENSE & DELAY REDUCTION PLAN *
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MISC. NO. 93-0057(HL)

ORDER

PURSUANT to Title 28, United States Code, section 472(d) and 474(a), the Court hereby RESOLVES that the Civil Justice Reform Act (CJRA) Expense and Delay Reduction Plan be approved and adopted as proposed. The Plan, as adopted on June 14, 1993, has been submitted to the First Circuit Judicial Council and the Chief Judges of all other United States District Courts located within the First Circuit. It will be submitted in accordance with the CJRA to the Administrative Office of the United States Courts and the Judicial Conference of the United States.

IT IS SO ORDERED.

At San Juan, Puerto Rico, this 4th. day of November, 1993.

GILBERTO GIERBOLINI
Chief, U.S. District Judge