

**AO Review of Reports and Plans
For the Judicial Conference Subcommittee on Court Administration**

District: District of Rhode Island

Date: December 1, 1993

Upon reviewing the Advisory Group Report and the Expense and Delay Reduction Plan for the District of Rhode Island, staff has the following observations. The Advisory Group made a study of the docket, including interviews with all judicial officers and the causes of cost and delay in the district. Attorneys and litigants were surveyed, and public comment was invited. A special data base was constructed for the Advisory Group representing courts similarly situated is size and caseload for comparative analysis. The Advisory Group's approach to its tasks was thorough. Each aspect of the CJRA was individually dealt with by the court in its review of the report, and the plan's deviation from the report and the Act were well documented.

Comments:

- The plan does not specifically provide for early and firm trial dates, although mention was made of the long-standing practices within this district to assure firm trial dates.
- The plan contains no overt controls or limits on the amount of discovery, limiting neither the number or types of discovery devices employable. Mandatory disclosure provisions are contained in the proposed local rules recommended by the advisory group and reviewed as part of the plan, and a certification requirement by counsel prior to the filing of discovery motions, was also accepted by the court.
- The plan seeks to expand early judicial involvement in case management in its provisions requiring the greater use of magistrate judges in individual cases for discovery and consensual trial referrals.
- Both the advisory group and the court rejected the idea of a more formal system of differential case management and discovery/case management conferences as redundant in view of existing court practices. This same rationale applied to formal requirements regarding the insurance of the power to bind parties by toe representing them at pretrial conferences; such provisions already appear in the courts scheduling orders.

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- The plan adopted the advisory group approach to ADR, deciding not to move toward a formal court-annexed program, but offering parties four ADR options in lieu of its mandatory settlement conference including mediation, early neutral evaluation, summary trials, and arbitration.

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