

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

#10 - 1

#21
B-7-116



SECOND ANNUAL ASSESSMENT
OF THE
CIVIL JUSTICE EXPENSE & DELAY REDUCTION PLAN
FOR IMPLEMENTATION OF THE
CIVIL JUSTICE REFORM ACT OF 1990

Adopted: April 29, 1994

TABLE OF CONTENTS

I. INTRODUCTION AND METHODOLOGY 1

II. ASSESSMENT OF THE DOCKETS 4

 A. CONDITION OF THE CIVIL AND CRIMINAL DOCKETS

 1. CIVIL 4

 2. CRIMINAL. 9

 3. RANKING OF THE DISTRICT10

 B. TRENDS IN CASE FILINGS AND DEMANDS BEING PLACED
 ON THE RESOURCES OF THE DISTRICT

 1. CIVIL10

 2. CRIMINAL.10

 3. PRINCIPAL CAUSES OF COST AND DELAY
 IN CIVIL LITIGATION11

III. CONCLUSION26

SECOND ANNUAL ASSESSMENT OF THE PLAN FOR IMPLEMENTATION OF THE
CIVIL JUSTICE REFORM ACT OF 1990 IN THE
DISTRICT OF NEW JERSEY

I. INTRODUCTION AND METHODOLOGY

On December 12, 1991, the United States District Court for the District of New Jersey, by unanimous vote, adopted a Civil Justice Expense and Delay Reduction Plan (the "Plan") pursuant to Section 103(a) of the Civil Justice Reform Act of 1990, 42 U.S.C. § 471 ("the Act"). Section 103(a) also provides that,

[a]fter developing or selecting a civil justice expense and delay reduction plan, each United States district court shall assess annually the condition of the court's civil and criminal dockets with a view to determining appropriate additional actions that may be taken by the court to reduce cost and delay in civil litigation and to improve the litigation management practices of the court. In performing such assessment, the court shall consult with an advisory group appointed in accordance with section 478 of this title. [28 U.S.C. § 475].

The Civil Justice Expense and Delay Reduction Committee for the United States District Court for the District of New Jersey ("the Advisory Committee") was established pursuant to Standing Order filed January 31, 1991. Upon submission of a proposed Plan to this Court the Advisory Committee established an Oversight Subcommittee which met on various occasions and secured information for submission to the entire Advisory Committee and the Court. Minutes of subcommittee meetings were circulated to the Advisory Committee and the entire Advisory Committee met to advise the Court on the first Annual Assessment.¹ That advice is reflected in the first Annual Assessment adopted on December 22, 1992.

¹ Minutes of all meetings of the Advisory Committee and the Oversight Subcommittee are on file permanently with the Clerk of the Court.

After adoption of the first Annual Assessment the Oversight Subcommittee and the Advisory Committee continued to meet and to review information. At the latest meeting of the latter on October 5, 1993, it was recommended that the format of the first Annual Assessment be followed here.

In the first Annual Assessment there was a Section III, "Review of the Plan" as well as a Section IV, "Amendments to the Plan." The Court deems it unnecessary to again review the Plan adopted in December of 1991 and directs the attention of the reader to it and to the first Annual Assessment.

Section III of the first Annual Assessment included a discussion of the effect of the Plan on reduction of expense and delay. Unless specifically noted here those effects remain unchanged.

In preparing this Second Annual Assessment the Court was again aware of the increasing fiscal constraints under which the Judiciary functions as well as the acute need to minimize expense. Consistent with this recognition and with the mandate of the Act, the Court relied on the advice of the Advisory Committee. However, the Court also authorized the issuance of questionnaires with regard to mediation and arbitration.² Responses confirmed the viability of both programs. The Court also continued to rely on the full-time magistrate judges ("magistrates") in this District who, on a daily basis, confer with attorneys and litigants and deal

² Forms of questionnaires for counsel representing parties in mediation, for parties in mediation and for arbitrators appear in the Appendix at 1a-8a.

with litigation expense and delay. The recommendations of the Advisory Committee and the magistrates, as well as the responses to questionnaires, have been carefully considered by the judges of this Court.

One final word is in order. On December 1, 1993, amendments to the Federal Rules of Civil Procedure became effective. Some worked far-reaching changes in discovery practice. As of the date of adoption of this Second Annual Assessment the Court has in large measure "opted-in" to the amendments. See 136 N.J.L.J. 377 (Jan. 24, 1994). The Court is giving active consideration, however, to "opting-out" of at least some.³ Until the Court makes a final decision in this regard the future of at least part of the Plan is in doubt.

³ The Advisory Committee recommended that the Court opt-out due to the "unknowns" involved in the administration and enforcement of the changes in discovery. The magistrates, focusing on minimizing the expense and volume of discovery, recommended the opposite. The matter is now before the Lawyers Advisory Committee, which has yet to make a recommendation.

The Advisory Committee also recommended that the Plan be amended to defer answers to "contention" interrogatories and to allow only one set of interrogatories and document requests in arbitration and Track I civil cases. Action on these recommendations has been deferred due to the amendments to the Federal Rules.

II. ASSESSMENT OF THE DOCKETS

A. CONDITION OF THE CIVIL AND CRIMINAL DOCKETS⁴

1. Civil⁵

(a) During the twelve-month period ending September 30, 1993, civil case filings increased 3% from 5,668 to 5,960. Of this total number, civil filings involving the United States numbered 1,184 cases (19% of the 1993 civil docket). The remainder were private in nature.

(b) As of September 30, 1993, the total number of pending civil cases was 5,386. Of this total, 718 were cases in which the United States was a party, prisoner cases numbered 810, and the remainder were private in nature.

(c) During the twelve-month period ending September 30, 1993, 5,668 civil cases were terminated. Of this total, 992 civil cases involved the United States, prisoner cases numbered 840, and the remainder were private in nature. Civil case terminations declined 5.4% over 1992.

⁴ Civil and criminal caseload statistics are for the statistical year ending September 30, 1993. 1991 and 1992 statistics are for those statistical years, which ended on June 30.

The Second Annual Assessment reflects the operation of the Plan well over one statistical year. Compare this with the limited "capture" of statistical information reflected in the first Annual Assessment at 4 n.2.

⁵ Civil caseload statistics for the District are graphed in the Appendix at 9a-17a.

(d) For 1991, 1992 and 1993, the disposition rate of non-prisoner civil cases in the District, from the date of filing of a complaint, was as follows:

NON-PRISONER CIVIL CASES

	1991	1992	1993
Total Number of Cases Disposed of	4,702 (100%)	5,216 (100%)	4,818 (100%)
Number of Cases Disposed of Before Any Court Action	1,061 (22.6%)	995 (19.1%)	623 (12.9%)
Number of Cases Disposed of Before Pretrial	1,833 (38.9%)	2,190 (41.9%)	2,184 (45.3%)
Number of Cases Disposed of During or After Pretrial	1,590 (33.8%)	1,864 (35.7%)	1,834 (38.1%)
Number of Cases Tried to Disposition	218 (4.6%)	167 (3.2%)	177 (3.6%)

These figures reflect that only a small percentage of civil cases are disposed of at trial.

(e) Consistent with (d) above, the median time intervals for disposition of non-prisoner civil cases in the District from the filing of a complaint for 1991, 1992 and 1993 were as follows:

MEDIAN TIME FROM FILING TO DISPOSITION

	1991		1992		1993	
	Filings	Months	Filings	Months	Filings	Months
All Civil Cases	(4,702)	8	(5,216)	7	(4,818)	7
Cases Disposed of Before Court Action	(1,061)	5	(995)	4	(623)	4
Cases Disposed of Before Pretrial	(1,833)	5	(2,190)	5	(2,184)	5
Cases Disposed of During or After Pretrial	(1,590)	15	(1,864)	14	(1,834)	13
Cases Disposed of by Trial to Completion	(218)	20	(167)	23	(177)	25

These figures demonstrate that 96.3% of all non-prisoner civil cases terminated in 1993 were disposed of within 13 months of filing, well within the eighteen-month period suggested by the Act (28 U.S.C. § 473(a)(2)(B)) within which a case should be tried.

(f) Consistent with (d) and (e) above, the median disposition time of 7 months for all civil cases terminated in 1993 ranked the District 11th (along with 14 other districts averaging 7 months) nationwide out of 94 judicial districts. The District did rank 71st nationally in the median disposition time of 25 months for cases tried to completion.⁶ However, this ranking is less

⁶ Why did the median disposition time (25 months) for cases tried to completion increase since the first Annual Assessment? There are no definite answers, but several factors may be responsible.

The number of felony criminal cases terminated rose significantly from 581 to 702 (+20.8%) and the number of felony defendant dispositions similarly increased from 854 to 1,006 (+17.8%). The number of pending criminal cases remaining on the docket fell from 620 to 518 (-16.4%) and the amount of pending defendants dropped from 994 to 898 (-9.7%). These felony disposition levels may reflect that judges spent increased time on criminal cases such that the median disposition time for civil cases increased.

A second factor was the creation of new judgeships, which were filled in 1992. These new judges had a period of time during which they had no ready criminal cases. Thus, the new judges were able to try ready civil cases and, in so doing, drive the median disposition time up.

A moderate 3% increase in weighted civil filings hampered the Court's progress with its pending civil caseload. Weighted civil filings increased approximately 3% and now comprise 58% of the 1993 docket. More specifically, bank and banking law matters rose 100%, antitrust 39% and patent/trademark 7%. There was no percentage increase in labor, RICO and tax actions although these continued to be filed at high levels.

significant than that for all dispositions since only 3.6% (177 cases) of all terminated non-prisoner civil cases fall into the "tried to completion" category.

(g) The arbitration program (governed by General Rule 47) was responsible for the disposition of 1,407 of the 5,668 (or 24.8%) civil cases disposed of in 1993. The success of the arbitration program is reflected by the following:

	1991	1992	1993
Number of Cases Placed in Arbitration	1,154	1,694	1,593
Total Cases Pending in Arbitration	1,016	1,287	1,237
Cases Closed Prior to Appointment of Arbitrator	697	974	1,145
Cases Arbitrated or Settled After Arbitrator Appointed	282	242	262
Requests for Trial <u>De Novo</u>	149	144	142
<u>De Novo</u> Requests Closed Before Trial	122	128	128
Cases Left for Trial or Tried to Completion	27	16	14

Those figures reflect that the number of cases placed in arbitration in 1993 remain consistent with 1992 and have increased by 38% over 1991. The figures also reflect a significant increase over the past two years in the number of cases closed before the appointment of an arbitrator or an arbitration hearing. Indeed, a survey of the 1,407 arbitration closings in 1993 shows the median

disposition time was 5.43 months compared with a median of 7 months for all civil closings.⁷ ⁸

(h) As of September 30, 1993, 244 three-year or older civil cases were pending. This represents 4.5% of the pending civil caseload.⁹ Examples of three-year or older civil cases, by nature of statistical category, are as follows:

Pending Civil Cases That Were Three-Years Old on 6/30/91

<u>Nature of Suit</u>	<u>Prsnr Civ Rgt</u>	<u>Oth Civ Rgt</u>	<u>P.I.</u>	<u>Cntrct</u>
Newark (127)	13	18	10	24
Trenton (51)	14	8	11	8
Camden (59)	16	11	5	11
Total (237)	43 (18.1%)	37 (15.6%)	26 (11.0%)	43 (18.1%)

⁷ The results of a survey of arbitrators appear in the Appendix at 18a-29a.

The Court wishes to express its appreciation to Cynthia M. Jacob, Esq., who volunteered her valuable time to prepare, send, and evaluate the questionnaires used in the survey.

⁸ The Advisory Committee considered whether a formal training program should be conducted for arbitrators. However, in light of the results of the survey, it is the conclusion of the Court that such training was unnecessary at this time.

The Advisory Committee recommended that General Rule 47 be amended to permit parties to proceed to an arbitration hearing before the end of discovery. The Court was of the opinion, however, that General Rule 47 now permits such early arbitration hearings. Accordingly, no amendment was necessary.

⁹ The District continues to have the lowest percentage of pending three-year or older civil cases (4.5%) in the Third Circuit. The District's average is approximately one-half of the nationwide level.

Pending Civil Cases That Were Three-Years Old on 9/30/93

<u>Nature of Suit</u>	<u>Prsnr Civ Rqt</u>	<u>Oth Civ Rqt</u>	<u>P.I.</u>	<u>Cntrct</u>
Newark (163)	17	21	26	34
Trenton (32)	6	4	4	7
Camden (49)	8	4	5	11
Total (244)	31	29	35	52
	(12.7%)	(11.9%)	(14.3%)	(21.3%)

2. Criminal¹⁰

(a) During the twelve-month period ending September 30, 1993, 818 criminal cases were filed in the District, 886 were terminated and, 628 were pending as of September 30, 1993. Of the cases filed, 634 were felonies and 184 were misdemeanors.

(b) In 1993, criminal cases were instituted against 1,087 defendants. Of this number, 898 defendants were charged with felonies and 189 with misdemeanor offenses.

(c) The criminal statistics set forth above may be summarized as follow:

	<u>CRIMINAL CASES</u>		
	1991	1992	1993
Criminal Cases Filed	742	790	818
Criminal Cases Terminated	621	700	886
Felony Cases Filed	576	607	634
Misdemeanor Cases Filed	166	183	184
Number of Defendants	1,073	1,110	1,087
Number of Defendants (Felony)	907	899	898
Number of Defendants (Misdemeanor)	166	194	189
Criminal Cases Pending Year End	679	783	628

¹⁰ Criminal caseload statistics for the District are graphed in the Appendix at 30a-32a.

3. Ranking of the District

For the twelve-month period ending September 30, 1993, the District ranked 9th nationwide in total case filings (civil of 5,960 and criminal of 818) with a total of 6,778.*

B. TRENDS IN CASE FILINGS AND DEMANDS BEING PLACED ON THE RESOURCES OF THE DISTRICT

1. Civil

(a) Civil case filings rose 3.1% in 1993. Nationally, civil filings rose less than 0.3 of a percent.

(b) Over the past four years, the pending civil calendar has been reduced by 8% from 5,462 to 5,385. This annual reduction is obviously a result of increased case dispositions accomplished while judgeship power during the past twelve months remained basically at prior year levels. Even more encouraging, the number of three-year or older cases has been reduced by 13% and now represents only 4.5% of the pending caseload compared to a nationwide level of 8.7%. This continued progress again reflects the aggressive involvement of both magistrates and judges in the settlement and scheduling process.

2. Criminal

The District's progress with its civil calendar continues to be hampered by the continued rise in criminal filings and trials, especially drug- and bank-related. Criminal filings decreased nationwide -3.4% in 1993. In the

*Civil and criminal caseloads for the District are summarized in the Appendix at 33a.

District criminal filings rose 1.7%. More specifically, felony prosecutions in 1993 grew by 4.5% and by 10.1% in the last three years (from 576 cases in 1991 to 634 in 1993). As a result, there are currently 910 defendants pending in criminal cases. In the last five years, the number of defendants charged rose from 644 to 1,087 -- an 69% workload increase. These figures represent the largest number of criminal filings in the District since 1977.¹¹ A review of criminal case filing trends also shows that, in the statistical year 1993, filings in banking law matters increased 38.5%, I.R.S. tax violations rose 18% and drug offenses by 8%. Drug and banking law cases represent 51% of the felony cases brought in 1993 and the 482 defendants charged under these statutes represents 54% of all felony defendant filings. Drug prosecutions represent 20% of the District's criminal felony caseload and the number of felony drug defendants comprises 28.3% of all defendants.

3. Principal Causes of Cost and Delay in Civil Litigation

The Plan identified seven principal causes of cost and delay in civil litigation. Plan at 12-15. The Plan dealt with these as follows:

(1) Civil Rule 4(m)¹² allows the plaintiff 120 days from the filing of a complaint to effect service and allows service thereafter for "good cause." This "builds in" a four-month

¹¹ The steady increase in the criminal caseload is reflected in the attached "District Criminal Caseload, 1989-1993." Appendix at 34a-35a.

¹² Prior to the December 1, 1993 amendments this was numbered 4(j).

potential delay in all civil cases. In an effort to minimize this potential delay the Plan provided that, "[t]he initial conference shall be conducted within 60 days of filing of an initial answer ..." Plan at 13. The experience of the magistrates has been that this provision allows civil cases in which an initial answer has been filed to be "targeted" for initial conferences at an early date.

(2) Discovery disputes were identified as a principal cause of both cost and delay. Plan at 12. The Plan attempted to deal with discovery disputes in an informal and expeditious manner by requiring that these be brought to the attention of the magistrate by "telephone conference call or letter." Plan at 21. This procedure has resulted in the filing of discovery motions in rare instances only, has minimized the expense of discovery disputes for parties, and has also minimized the length of time required to resolve discovery disputes.

(3) Cost and delay are often the unavoidable result of the nature of complex cases, including patent actions, class actions and environmental matters. Plan at 12-13. The Plan adopted the reference of designated complex cases to mediation on an experimental basis. Plan at 32.

After adoption of the Plan the Chief Judge requested the Oversight Subcommittee to assist in the establishment of an experimental mediation program. After approximately one year

mediation was established on a permanent basis by adoption of a new General Rule 49. First Annual Assessment at 26-27.¹³

A total of 97 complex civil cases have been referred to mediation. Twenty-five remain in mediation as of the date of this Second Annual Assessment. Of the 72 cases no longer in mediation, 23 were settled and 49 remain active. The settlements which have been reached through mediation have conserved many hours of time which would have otherwise been expended by attorneys and the Court. This savings in judicial and party resources alone makes mediation worthwhile.

The Court has adopted the recommendation of the Advisory Committee that a one-day advanced/refresher training session be conducted for mediators. This session will focus on one type of case (civil rights litigation) and sufficient time will also be allocated for the mediators to share problems and experiences.

The Chief Judge has also approved the addition of new mediators. A one-day initial training session will be conducted. This initial training will take place the day before the advanced/refresher training session so that the new mediators will have the benefit of both.

(4) The heavy criminal caseload of the District continues to result in delay in the commencement of civil trials. Plan at 13. There has been an increase in the number of felony

¹³ The Court subsequently adopted General Rule 49G, which sets ethical standards for mediators. See 135 N.J.L.J. 475 (Sept. 27, 1993).

filings and, as noted above, a substantial percentage of the criminal calendar is drug- or bank-related. Second Annual Assessment at 10.

The increased judicial involvement with the criminal caseload in 1993 over previous years will probably continue if trends remain constant. In 1993 the number of judicial hours in court on criminal trials increased 33.3% over 1992. The pending caseload increased 51% over the last five years.¹⁴

Neither the Plan nor the first Annual Assessment addressed means to decrease the criminal caseload of the District. However, the continued impact of criminal cases led the Court to request the Advisory Committee to address the issue. First Annual Assessment at 15.¹⁵

Both the Oversight Subcommittee and the entire Advisory Committee considered a number of possible means to lessen the impact of the criminal calendar.¹⁶ Among these were:

¹⁴ This 52% increase is misleading since many "pending" criminal matters involve fugitive defendants (178 in the District). If the Administrative Office were to adopt a policy permitting the statistical closing of fugitive cases similar to that in effect prior to the enactment of the Speedy Trial Act, the number of pending criminal matters would be reduced. This would more accurately reflect the true workload of all district courts.

¹⁵ In December of 1992, the Federal Judicial Center issued Planning for the Future: First Report of Results from a Survey of United States Judges ("First Report"). Among the five most serious problems identified in this report were the "[i]mpact of criminal docket on civil docket of district courts" and the "[v]olume of criminal cases." First Report at 5.

¹⁶ John F. McMahon, the Federal Public Defender, and Deputy Attorney General Madeline Mansier of the Division of Law, New Jersey Department of Law and Public Safety, were invited to

- (a) Expansion of criminal discovery (as now exists in the criminal justice system in the State of New Jersey).¹⁷ The question was raised whether the relative lack of discovery in federal criminal cases by defendants might prolong a case and whether expanded discovery might lead to earlier pleas. Concern was expressed, however, that expansion of discovery would require the amendment of Rule 16 of the Federal Rules of Criminal Procedure and that, were the rule amended to expand discovery, the Government might require protective orders in appropriate cases to protect legitimate interests.
- (b) Greater reliance on deputy clerks to arrange for the production of defendants. It was observed that there is sometimes confusion between the United States and the Federal Public Defender as to who is responsible for ensuring the presence of a defendant. When this confusion results in a prisoner not being produced the time of both judicial officers and attorneys is wasted.

participate in these discussions.

¹⁷ The State criminal discovery rule, R. 3:13-3, appears in the Appendix at 36a-37a.

- (c) Institution of a policy that sets a firm cut-off date for guilty pleas. This would require a defendant to enter a plea at an early date, thus eliminating subsequent judicial proceedings. It was observed, however, that this policy would likely lead to more criminal trials, at least for a limited period after institution of the policy.
- (d) It was observed that the critical factors in the size of the criminal dockets are the number of Assistant United States Attorneys and the number of crimes. As to the former, it was noted that the number of AUSAs is decreasing due to budgetary constraints. As to the number of crimes, however, it was observed that Congress may be "federalizing" a number of traditional State offenses and that the prosecution of these offenses may increase the criminal caseload.¹⁸
- (e) Deferral of federal prosecution of certain types of criminal cases to the State criminal justice system. It was observed that there had been good cooperation in the past between

¹⁸ On a nationwide basis judicial officers strongly supported a "narrowing of federal criminal jurisdiction to reduce prosecution of 'ordinary' street crimes in federal courts." First Report at 11.

the United States Attorney and the Division of Criminal Justice of the New Jersey Department of Law and Public Safety. Concern was expressed, however, that referral is dependent on directives from the United States Department of Justice and that deferrals may increase the existing congestion in the State criminal justice system.

- (f) The use of conditional pleas. It was suggested that the current policy of the United States Attorney, which is to not negotiate conditional pleas, has led to a small number of criminal cases proceeding to trial. It was observed, however, that the benefit of a plea is to close a criminal case completely (which a conditional plea would not do) and that a conditional plea would merely shift the burden of judicial resolution from the District Court to the Third Circuit Court of Appeals.

With regard to possible means to lessen the impact of the criminal calendar the consensus of the Advisory Committee was as follows:

- (a) Any modification of current criminal discovery practices would have no discernible effect on the criminal calendar. Accordingly, there was

no need to explore modification of these practices at present.

(b) Judicial officers should be encouraged to set early dates for the filing and disposition of pretrial motions in criminal cases.

(c) Judicial officers should require their deputy clerks to make all necessary arrangements to secure the presence of defendants in court.

The Court has adopted these recommendations. However, in so doing, the Court concluded that recommendations (b) and (c) should be dealt with by judicial officers on an individual basis and that no modification of the Plan would be appropriate.

(5) In January of 1993, the Martin Luther King Jr. Federal Building and Courthouse was dedicated and became operational after years of delay. This new courthouse houses six district judges, two magistrates and three bankruptcy judges as well as the Offices of the District and Bankruptcy Clerks, Probation, Pretrial Services and the U.S. Marshal. This facility has finally provided critical relief to Court operations in Newark which functioned for almost a decade in a severely overcrowded environment. The facility has enhanced the business of the Court at both the judicial and administrative levels, for no longer must civil trials await criminal matters due to a lack of courtrooms and juror accommodations.

While space and facilities needs have been generally resolved in Newark, the Trenton and Camden courthouses continued to

provide effective services despite antiquated physical plants. Construction work on the courthouse annex at Trenton came to a halt late 1993 when GSA defaulted the construction contract for lack of performance. While the judicial officers in Trenton have adequate space, the administrative support units occupy space built to house less than half their current numbers. Until construction is completed in late 1994 (the most recent estimate), basic support services such as jury, automation, storage of files, records, equipment and other urgent needs must be performed in a less than effective manner or be held in abeyance.

The new Mitchell H. Cohen Courthouse is scheduled for completion in Camden in the summer of 1994. Until this facility is occupied, however, acute space problems will continue. Five district judges share four courtrooms. Two magistrates use hearing rooms which were formerly occupied by GSA telephone operators or a Probation officer. These inadequate facilities cripple case management.

(6) The Court's operations during the past year were again impeded by a lack of funding.¹⁹ In FY 1993 the Judiciary received \$370 million less than requested. This substantial shortfall required the Judicial Conference to develop a "cut to the bone" spending plan for the court system. Funding for automation systems and support, building alterations, furniture, equipment, travel and other operating expenses were reduced drastically.

¹⁹ "Insufficient resources for the federal courts" was identified as one of the five most serious problems facing the Judiciary in First Report at 5.

However, these troubling actions at least temporarily postponed reductions in staffing.

Despite all efforts to conserve financial resources, civil jury trials and payments to court-appointed criminal attorneys were suspended for lack of funds. On June 2, 1993, the Executive Committee of the Judicial Conference announced that monies to pay civil jurors would not be available after June 18, 1993. On July 1, 1993, supplemental funding appropriations were made by Congress. The suspension of civil jury trials, while of a short duration, temporarily interfered with the management of the civil calendar and caused confusion to both the Bench and the Bar. Jury panels and civil trials had to be cancelled and rescheduled for later dates that did not present conflicts for the Court, counsel and individual veniremen. Fewer cases were amenable to settlement since the pressure of an upcoming jury trial did not exist.

The austere budget climate also had negative effects on personnel staffing levels in the Clerk's Office, Probation and Pretrial Services. While the actions of the Judicial Council avoided support staff layoffs, Court support units could not replace employees who left. For example, at the beginning of FY 1993 three staff members provided support to personal computer users in Camden, Newark and Trenton. One resigned midway through the fiscal year. With over 250 systems in operation the Court requested permission from the Administrative Office to fill the vacancy. This was denied. As a result, the current staff to

equipment ratio is far below industry standards. This effects response time, curbs planning and programming activities and curtails training and preventive maintenance.²⁰

Episodes similar to that described in the above paragraph occurred in the jury, procurement and docket sections of the Clerk's office. This situation is not unique to the District of New Jersey, but is a nationwide problem unlikely to improve.

The Clerk has received notification from the Administrative Office of the United States Courts that staffing must be cut to 85% of the 1992 level by October 1, 1994. This represents a loss of 17 employees. Thus, while civil and criminal filings increase and the complement of judicial officers expands the Clerk's Office must reduce its staff by 15%. This is not conducive to sound case management. The future effect will ultimately be borne by the Bar and the public since funding shortfalls promote delay in civil case management and increase cost.

(7) As of the date of this Second Annual Assessment there are three senior judges in the District. That number may increase to six before the end of 1994. However, it is uncertain when new judges will be confirmed to replace those who have gone senior.

²⁰ A flaw in the PACER/CHASER automated docket system was undiagnosed and uncorrected for several weeks. The result was that current case information was unavailable to both the public and the Court.

* * *

In addition to the causes of cost and delay referred to above, both the Advisory Committee and the Court have considered possible means to reduce the impact of civil cases commenced by prisoners on the remainder of the civil calendar. Prisoner civil rights cases have continually been a major component of three-year or older cases in the District. Second Annual Assessment at 8-9. On a nationwide basis, the "[i]mpact of prisoner litigation on district courts" has been identified as one of the five most serious problems facing the Judiciary. First Report at 5.

There is currently one pro se clerk in the District. Her duties are to review in forma pauperis applications made by prisoners and to report thereon to judges. As a means of speeding up this process the Advisory Committee again recommended that a second pro se clerk's position be established in the District.²¹ Unfortunately, no funding was available.²²

The Advisory Committee also returned to consideration of a partial filing fee. The Advisory Committee was informed that the New Jersey Commissioner of Corrections might look favorably on the

²¹ The Plan included a recommendation that a second pro se clerk be secured for the District. Plan at 32. It was reported in the Annual Assessment that funding was not then available. Annual Assessment at 26.

²² The New Jersey Department of law and Public Safety expressed an interest in creating a manual on prisoner civil rights law for possible distribution to law clerks and judicial officers throughout the District. The Advisory Committee encouraged the Department to proceed with this manual. As of the date of this Second Annual Assessment the manual is in draft form.

concept of a reduced "across-the-board fee for prisoners." This would be based on a work credit earned by State prisoners on a monthly basis.

The recommendation of the Advisory Committee was that the partial filing fee concept should be rejected. First, there was substantial questions as to the manner in which a prisoner might earn a work credit. There was also uncertainty whether the Department of Corrections maintained accurate and accessible records of prisoners' accounts. The concept of a partial filing fee was also deemed to carry unreasonable administrative burdens for the Clerk and there was also a question of fairness. The Court has adopted this recommendation.²³

The Advisory Committee also considered mediation as a possible means to settle prisoner civil rights cases. The Court was given access to two teleconferencing systems by AT&T for demonstration purposes. These were shown to the Advisory Committee, representatives of the Department of Corrections and judicial

²³ The Advisory Committee also considered -- and rejected -- the imposition of an exhaustion of administrative remedies requirement on prisoner civil rights cases pursuant to 42 U.S.C. § 1997(e). The State appeared to lack resources to implement the required administrative procedures and an exhaustion requirement was likely to merely delay (not eliminate) commencement of a civil case. The Court agrees with this recommendation.

The Advisory Committee also rejected a recommendation that prisoner civil rights cases be submitted to compulsory arbitration under General Rule 47. The New Jersey Department of Law and Public Safety would not consent to arbitration of these cases for policy reasons and the Advisory Committee questioned whether arbitration would, in any event, be meaningful given the de novo right of any party. The Court also concurs in this recommendation.

officers in Trenton. The hope of the Advisory Committee was that an attorney would be appointed to represent a pro se prisoner for the sole purpose of a mediation session and that it would be conducted through teleconferencing with the prisoner remaining at the site of incarceration conferring with the attorney and the mediator over the system.

The Court has unfortunately concluded that teleconferencing is not viable at present. First, the available technology which is affordable does not effectively permit more than one person to appear on a video screen at one time. This makes it impossible for several people (for example, a mediator and a prisoner's attorney) to speak effectively with a prisoner. Second, the New Jersey Department of Law and Public Safety has taken the position that as a matter of policy most prisoner civil rights cases lack merit and should not be settled, and that monetary settlement of frivolous prisoner claims are likely to result in greater prisoner filings.

The Court remains convinced that teleconferencing may, when technology improves, contribute to reduction of delay and expense.²⁴ Teleconferencing may limit or eliminate travel time of attorneys and, if used in prisoner cases, eliminate the expense of

²⁴ The Court recognizes that teleconferenced proceedings may give rise to constitutional questions. See United States v. Baker, 836 F. Supp. 1237, 1240-45 (E.D.N.C. 1993) (use of teleconferencing in civil commitment proceeding did not violate inmate's due process rights).

prisoner transportation and enhance security. The time has not yet come to put this technology into use.²⁵ ²⁶

* * *

Two matters identified in the first Annual Assessment deserve further comment here. First, it was noted that the Clerk had developed a "menu" of reports which are available to judicial officers on request and which permit judicial officers to focus on particular categories of cases, motions, etc. Annual Assessment at 26. Forms of these various reports appear in the Appendix at 38a-46a.

Second, at the time of the first Annual Assessment the Court had not formally transmitted to the Judicial Conference of the United States a recommendation that it support an amendment to Civil Rule 53(b). That recommendation has now be transmitted and is under consideration by the Committees of Rules of Practice and Procedure of the Judicial Conference. See Appendix at 47a-48a.

²⁵ The Court also considered whether to use teleconferencing in lieu of transporting prisoners for civil case conferences. Again, the technology does not appear to be sufficiently developed to permit effective teleconferencing. It was also noted that many prisoner civil rights cases are dealt with through written communications rather than in-person conferences.

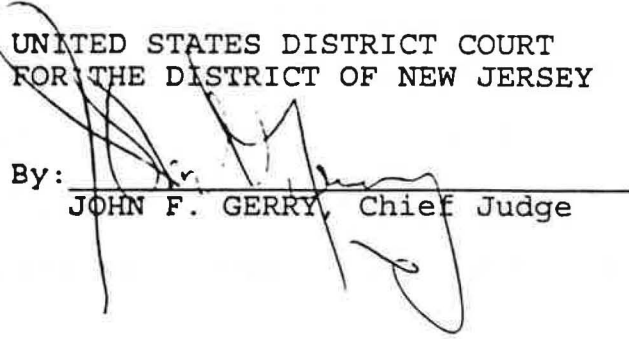
²⁶ The Department of Law and Public Safety recommended to the Advisory Committee that the cost of litigation could be reduced if discovery was stayed when dispositive motions were filed in prisoner civil rights cases. The Advisory Committee was of the opinion that this was not a matter to be addressed on a District-wide basis but that the Department's recommendation be presented to the magistrates, which was done. The Court agrees with the opinion of the Advisory Committee.

III. CONCLUSION

Civil justice reform has now operated in the District of New Jersey for over two years. The trends in the civil calendar continue to be encouraging. Unfortunately, the criminal calendar and the fiscal constraints experienced in 1993 continue to impact on the civil caseload of the Court. As noted in the first Annual Assessment at 41, "[c]ivil justice is but one facet of the Court's operations and cannot be afforded without consideration of both the obligation to afford criminal justice and the need for adequate funding."

Respectfully submitted,

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

By: 
JOHN F. GERRY, Chief Judge

[INDEX TO APPENDIX and APPENDIX follows]

INDEX TO APPENDIX

Questions for Counsel Representing Clients in Mediation . . .	1a
Questions for Parties in Mediation	3a
Survey of Arbitrators Form	6a
Graphs Representing the Civil Caseload	9a
Results of Survey of Arbitrators	18a
Graphs Representing the Criminal Caseload	30a
Civil/Criminal Caseload Summary	33a
District Criminal Caseload, 1989-1993	34a
<u>R.</u> 3:13-3	36a
Clerk's Forms	38a
Correspondence dated November 23, 1993, from Secretary, Committee on Rules of Practice and Procedure	47a

QUESTIONS FOR COUNSEL REPRESENTING CLIENTS IN MEDIATION

1. Were you, as an advocate, satisfied with the mediation process? Please set forth a short statement of your thoughts.

2. Was your client satisfied with the mediation process? Please set forth a short statement of your clients thoughts.

3. What specific techniques of mediation have you found effective?

4. What suggestions do you have for improving the mediation process?

5. Has the mediation process helped or hurt your client? Please explain your answer.

6. Was an agreement reached through mediation?

_____ Yes _____ No

7. Do you think mediation was an appropriate technique for this case?

_____ Yes _____ No

If no, why not?

8. Did your client attend any of the mediation sessions?

_____ Yes _____ No

If yes, was his/her attendance useful?

_____ Yes _____ No

If no, do you think his/her attendance would have been useful?

_____ Yes _____ No

9. Did the mediator help you to better evaluate the merits of your client's case?

_____ Yes _____ No

Comments:

10. Did the mediator help you narrow and/or clarify the issues?

_____ Yes _____ No

Comments:

11. Did the mediator have expertise in the legal issues involved in the case?

_____ Yes _____ No

What impact did this have on efforts to reach settlement?

**QUESTIONS FOR PARTIES
IN MEDIATION**

1. What is your affiliation with the party on whose behalf you participated in the mediation process?

2. Were you given full authority to enter into a settlement on behalf of the party?

If there were any limitations on your authority, please describe these.

3. When did you first learn of the availability of mediation in the District of New Jersey?

4. Prior to your participation in mediation in the District of New Jersey, were you aware of mediation?

If so, when and how did you become aware of it.

5. Do you think that mediation was an appropriate technique for this case?

_____ Yes _____ No

If not, why not?

6. Did you attend any mediation session?

_____ Yes _____ No

If yes, was your attendance useful?

_____ Yes _____ No

If no, why did you not attend?

If no, do you think your attendance would have been useful?

_____ Yes _____ No

7. Did the mediator help you to better evaluate the merits of your case and your adversary's case?

_____ Yes _____ No

Comments:

8. Did the mediator help you narrow and/or clarify the issues?

_____ Yes

_____ No

Comments:

9. Did the mediator use any specific technique(s) which you found to be effective?

_____ Yes

_____ No

If so, please describe.

10. Did the mediation process help or hurt your case?

_____ Yes

_____ No

Please explain your answer.

11. What suggestions do you have to improve the mediation process?

12. What are your thoughts about the mediation process as you experienced it?

**LAWYERS ADVISORY COMMITTEE
FOR THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

SURVEY OF ARBITRATORS

The Lawyers Advisory Committee requests that you provide answers to the following questions drawn from your experiences in all cases assigned to you as an Arbitrator in the Court-Annexed Arbitration Program for the U. District Court for the District of New Jersey. Your answers will only be compiled with all others for statistical purposes and will not be identifiable to you. Your responses are invaluable in our common effort to improve our Program.

Please return your completed Survey before October 28, 1993 to:

Cynthia M. Jacob, Esquire
Collier, Jacob & Mills
Corporate Park III
580 Howard Avenue
Somerset, New Jersey 08873
Telephone: 908-560-7100

1. In approximately how many cases have you been appointed as an Arbitrator in the District? _____
Of these appointments, how many resulted in a completed Arbitration Hearing? _____

If you know, in how many of these was a trial de novo demanded? _____

If you know, of these trial de novo cases, how many were settled before verdict? _____

If you know, of these tried to a verdict, in how many was the verdict
More than the Arbitration award? _____
Less than the Arbitration award? _____
Same as the Arbitration award? _____

2. In what types of cases have you been appointed?
 - a. Diversity, contract _____
 - b. Diversity, tort _____
 - c. Diversity, other _____
 - d. Federal question _____
Category of
federal question _____
 - e. Government plaintiff _____
or defendant contract _____
 - f. Government plaintiff or _____
defendant tort _____

5. Do you think that, in general, our Arbitration procedures should:

	<u>Strongly agree</u>	<u>Agree</u>	<u>Disagree</u>	<u>Strongly disagree</u>
a. permit arbitrators to be selected by counsel rather than by the court?	1	2	3	4
b. give arbitrators authority to manage the arbitration process (e.g., grant continuances)?	1	2	3	4
c. specify that hearings be held at the courthouse?	1	2	3	4
d. provide for payment of arbitrator expense?	1	2	3	4
e. pay arbitrators at close to their customary fees?	1	2	3	4
f. specify the number of times that a person may serve as an arbitrator per year?	1	2	3	4
g. use multiple arbitrators to decide each case?	1	2	3	4
h. relax the rules to become more informal and less of a hearing?	1	2	3	4
i. be required in some cases at an earlier stage before completion of discovery?	1	2	3	4
j. generally preclude reopening discovery after a trial de novo request?	1	2	3	4
k. increase the \$150 trial de novo fee?	1	2	3	4
l. decrease or eliminate the \$150 trial de novo fee?	1	2	3	4

9. What changes would you recommend in this District's court-annexed arbitration program?

10. Is there a point in the process, other than after discovery has been completed, when court annexed arbitration or other ADR process would have proved beneficial in reducing time, cost of litigation, narrowing issues, etc.?

Yes _____ No _____

If yes, when? _____

11. Do you feel you would benefit if you received further training as an arbitrator?

Yes _____ No _____

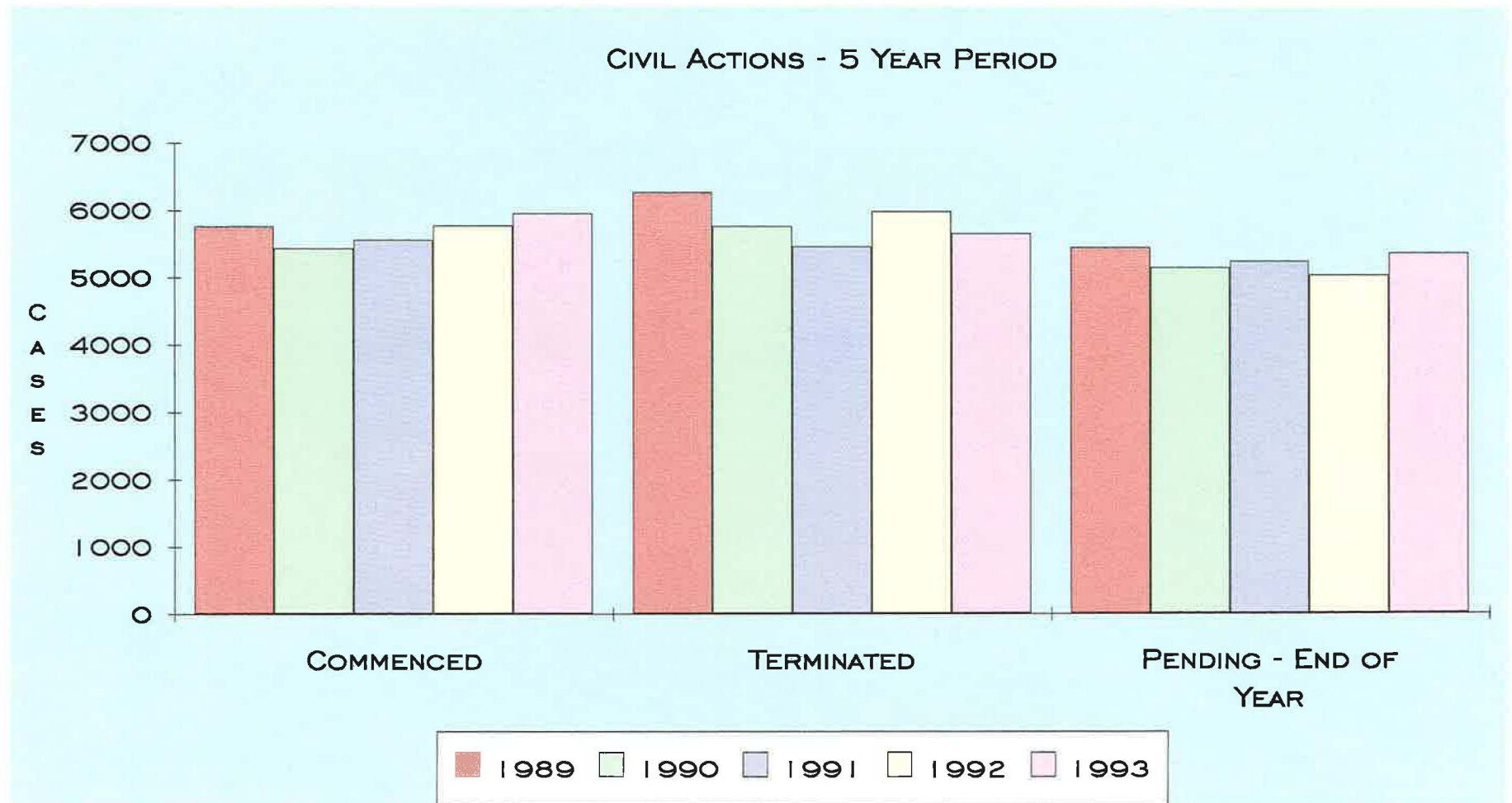
12. What suggestions do you have for training?

13. Answered by: Name and Address (Optional but appreciated)

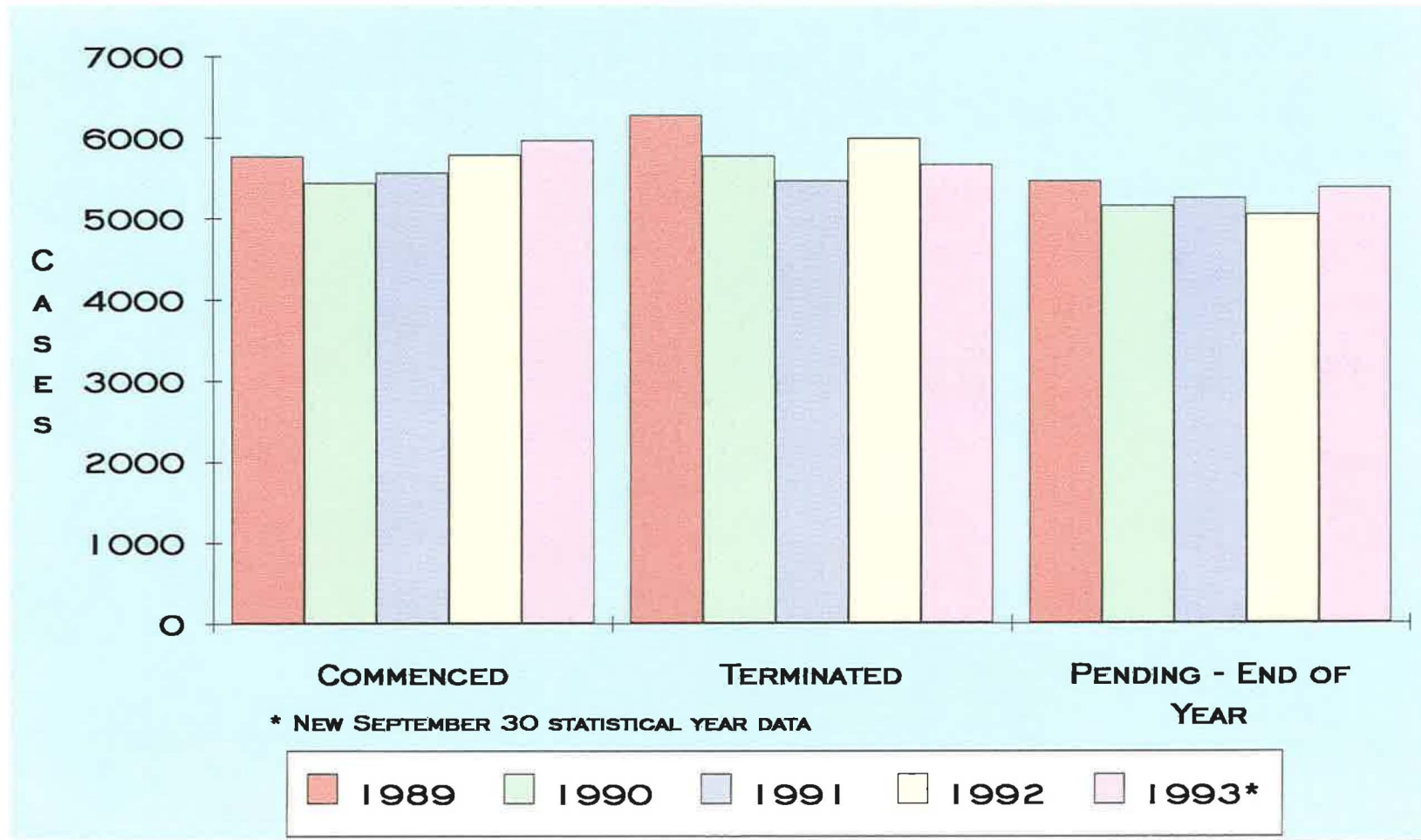
CIVIL ACTIONS
5 YEAR PERIOD

Civil Actions	Commenced	Terminated	Pending - End of Year
1989	5764	6273	5462
1990	5435	5767	5161
1991	5560	5466	5255
1992	5780	5992	5052
1993	5960	5668	5386

CIVIL ACTIONS
5 YEAR PERIOD

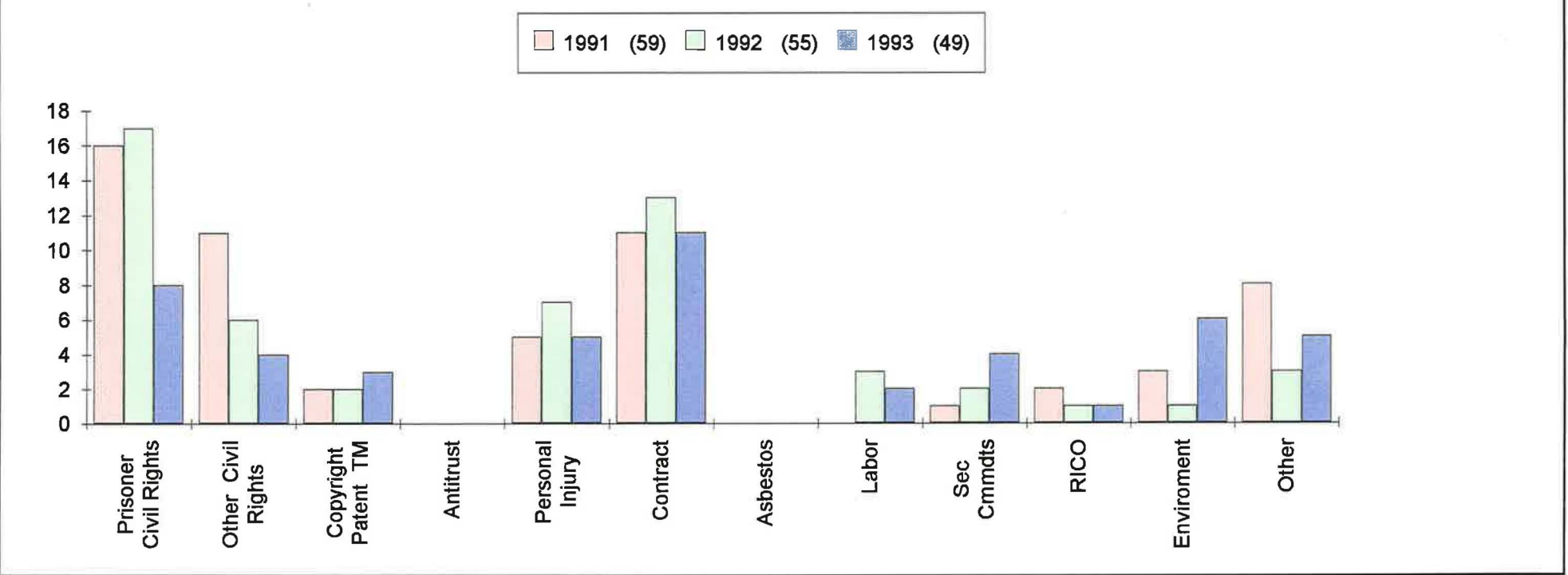


CIVIL ACTIONS	COMMENCED	TERMINATED	PENDING - END OF YEAR
1989	5764	6273	5462
1990	5435	5767	5161
1991	5560	5466	5255
1992	5780	5992	5052
1993*	5960	5668	5386



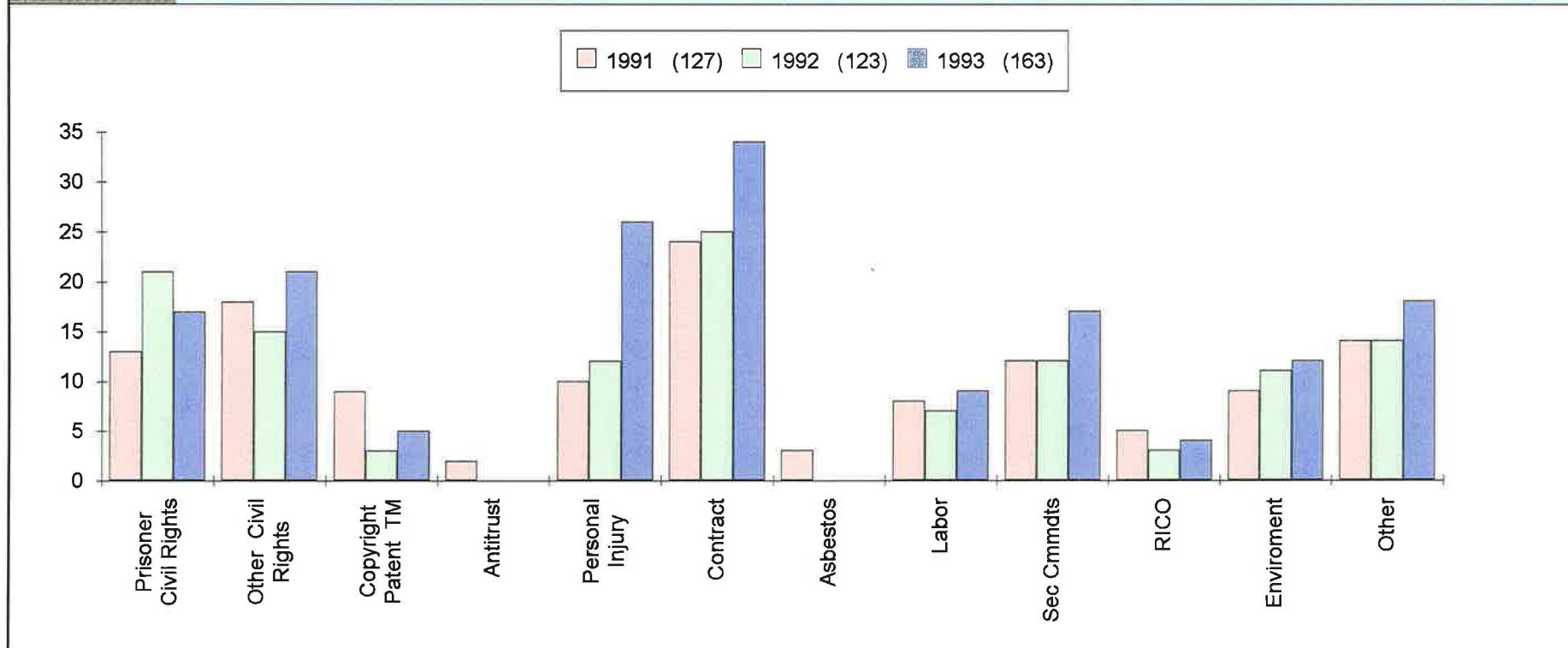
PENDING CIVIL CASES
THREE YEARS OLD
CAMDEN VICINAGE

<i>Camden</i>	<i>Prisoner Civil Rights</i>	<i>Other Civil Rights</i>	<i>Copyright Patent TM</i>	<i>Antitrust</i>	<i>Personal Injury</i>	<i>Contract</i>	<i>Asbestos</i>	<i>Labor</i>	<i>Sec Cmmmts</i>	<i>RICO</i>	<i>Enviroment</i>	<i>Other</i>
1991 (59)	16	11	2	0	5	11	0	0	1	2	3	8
1992 (55)	17	6	2	0	7	13	0	3	2	1	1	3
1993 (49)	8	4	3	0	5	11	0	2	4	1	6	5
Totals (163)	41	21	7	0	17	35	0	5	7	4	10	16
% Of Caseload	25.15%	12.88%	4.29%	0.00%	10.43%	21.47%	0.00%	3.07%	4.29%	2.45%	6.13%	9.82%



PENDING CIVIL CASES
THREE YEARS OLD
NEWARK VICINAGE

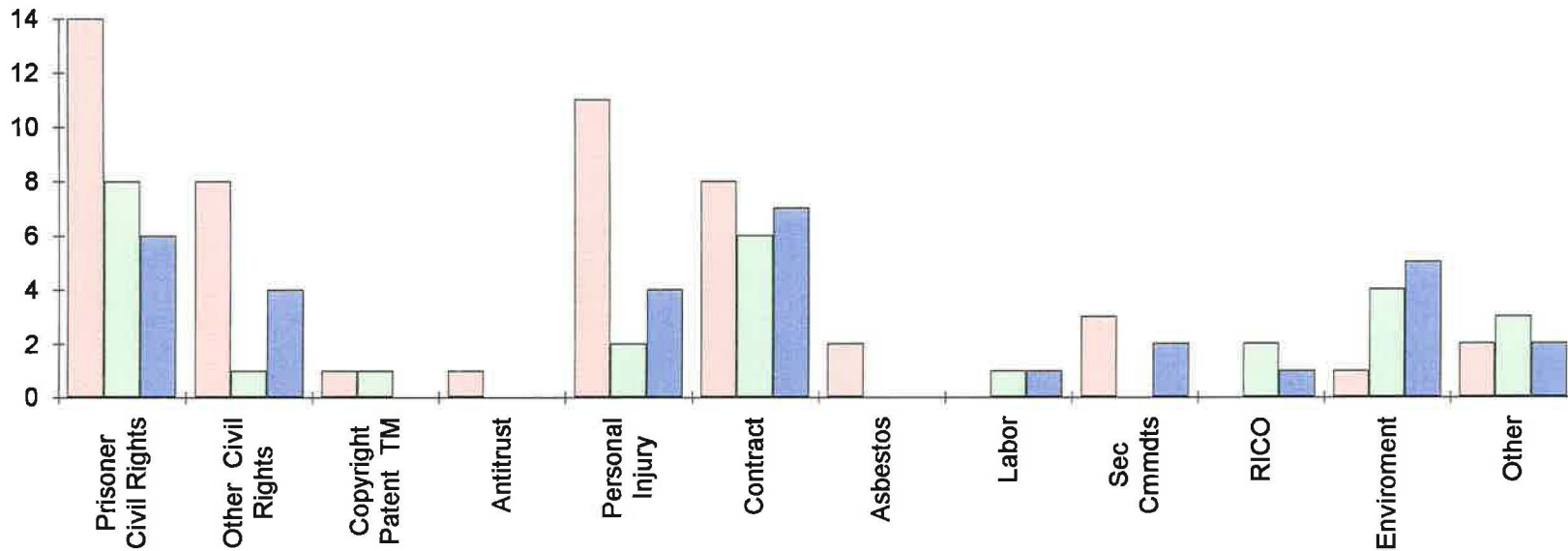
<i>Newark</i>	<i>Prisoner Civil Rights</i>	<i>Other Civil Rights</i>	<i>Copyright Patent TM</i>	<i>Antitrust</i>	<i>Personal Injury</i>	<i>Contract</i>	<i>Asbestos</i>	<i>Labor</i>	<i>Sec Cmmmts</i>	<i>RICO</i>	<i>Enviroment</i>	<i>Other</i>
1991 (127)	13	18	9	2	10	24	3	8	12	5	9	14
1992 (123)	21	15	3	0	12	25	0	7	12	3	11	14
1993 (163)	17	21	5	0	26	34	0	9	17	4	12	18
Totals (413)	51	54	17	2	48	83	3	24	41	12	32	46
% Of Caseload	12.35%	13.08%	4.12%	0.48%	11.62%	20.10%	0.73%	5.81%	9.93%	2.91%	7.75%	11.14%



PENDING CIVIL CASES
THREE YEARS OLD
TRENTON VICINAGE

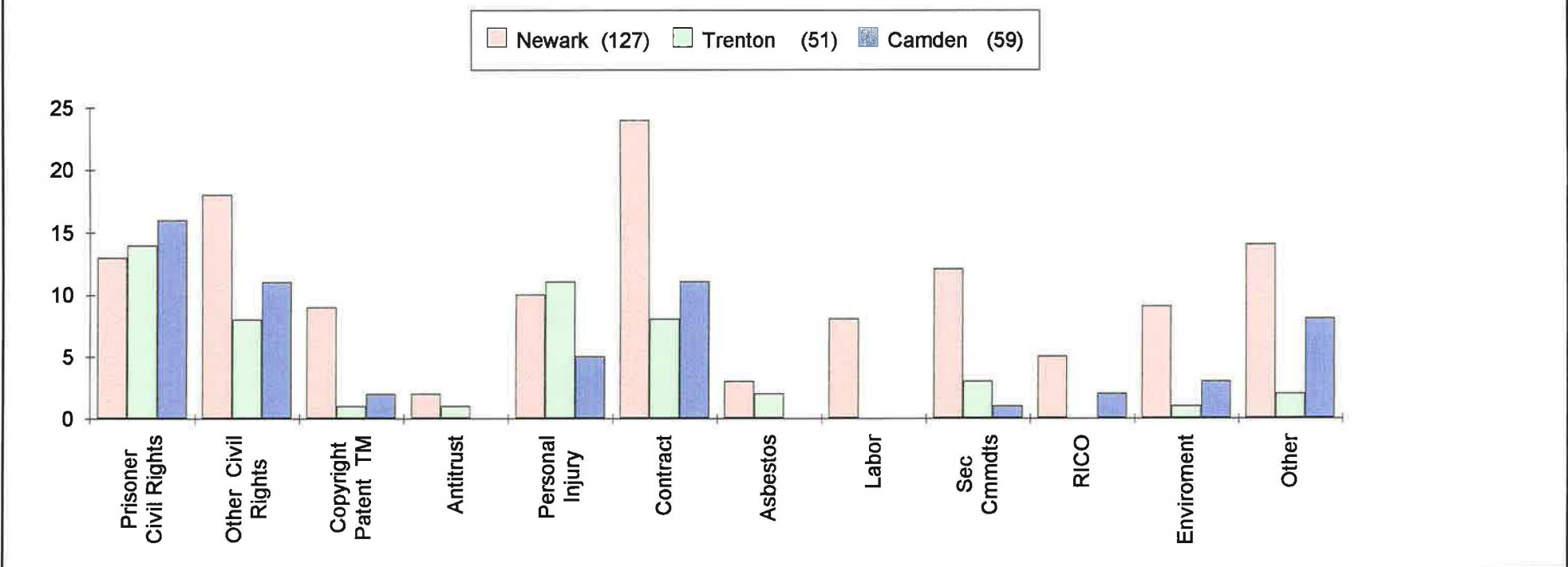
<i>Trenton</i>	<i>Prisoner Civil Rights</i>	<i>Other Civil Rights</i>	<i>Copyright Patent TM</i>	<i>Antitrust</i>	<i>Personal Injury</i>	<i>Contract</i>	<i>Asbestos</i>	<i>Labor</i>	<i>Sec Cmmmts</i>	<i>RICO</i>	<i>Enviroment</i>	<i>Other</i>
1991 (51)	14	8	1	1	11	8	2	0	3	0	1	2
1992 (28)	8	1	1	0	2	6	0	1	0	2	4	3
1993 (32)	6	4	0	0	4	7	0	1	2	1	5	2
Totals (111)	28	13	2	1	17	21	2	2	5	3	10	7
% Of Caseload	25.23%	11.71%	1.80%	0.90%	15.32%	18.92%	1.80%	1.80%	4.50%	2.70%	9.01%	6.31%

1991 (51) 1992 (28) 1993 (32)



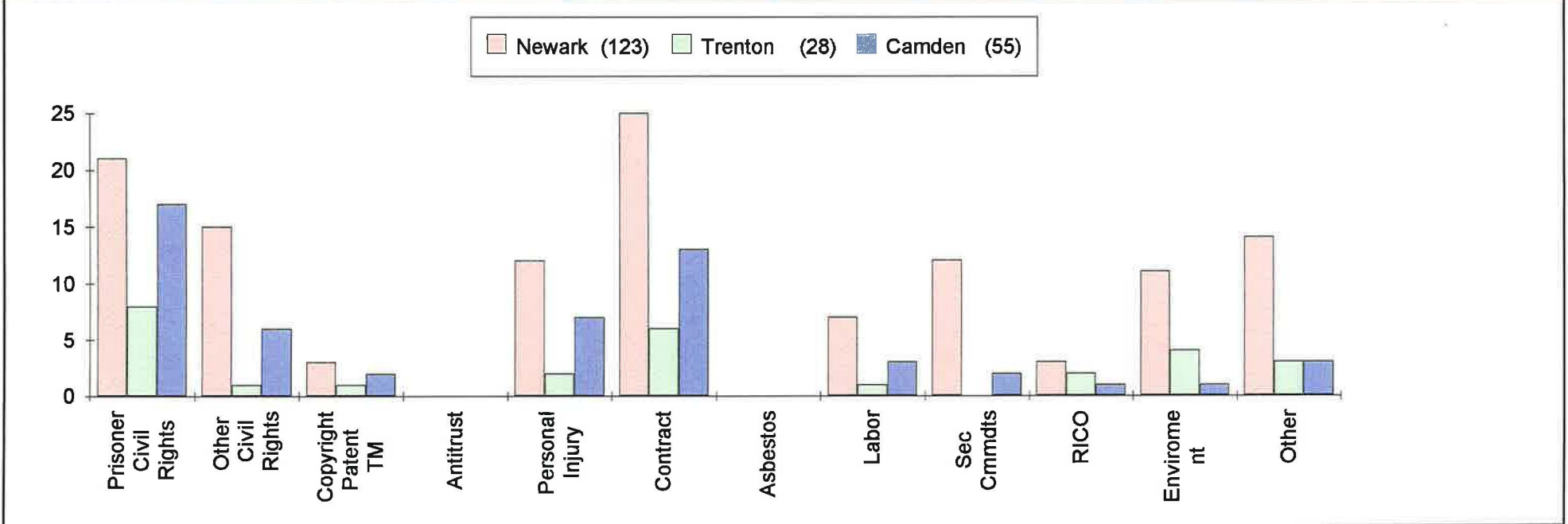
PENDING CIVIL CASES
THREE YEARS OLD
JUNE 30, 1991

1991	Prisoner Civil Rights	Other Civil Rights	Copyright Patent TM	Antitrust	Personal Injury	Contract	Asbestos	Labor	Sec Cmmmts	RICO	Enviroment	Other
Vicinage												
Newark (127)	13	18	9	2	10	24	3	8	12	5	9	14
Trenton (51)	14	8	1	1	11	8	2	0	3	0	1	2
Camden (59)	16	11	2	0	5	11	0	0	1	2	3	8
Totals (237)	43	37	12	3	26	43	5	8	16	7	13	24
% Of Caseload	18.14%	15.61%	5.06%	1.27%	10.97%	18.14%	2.11%	3.38%	6.75%	2.95%	5.49%	10.13%



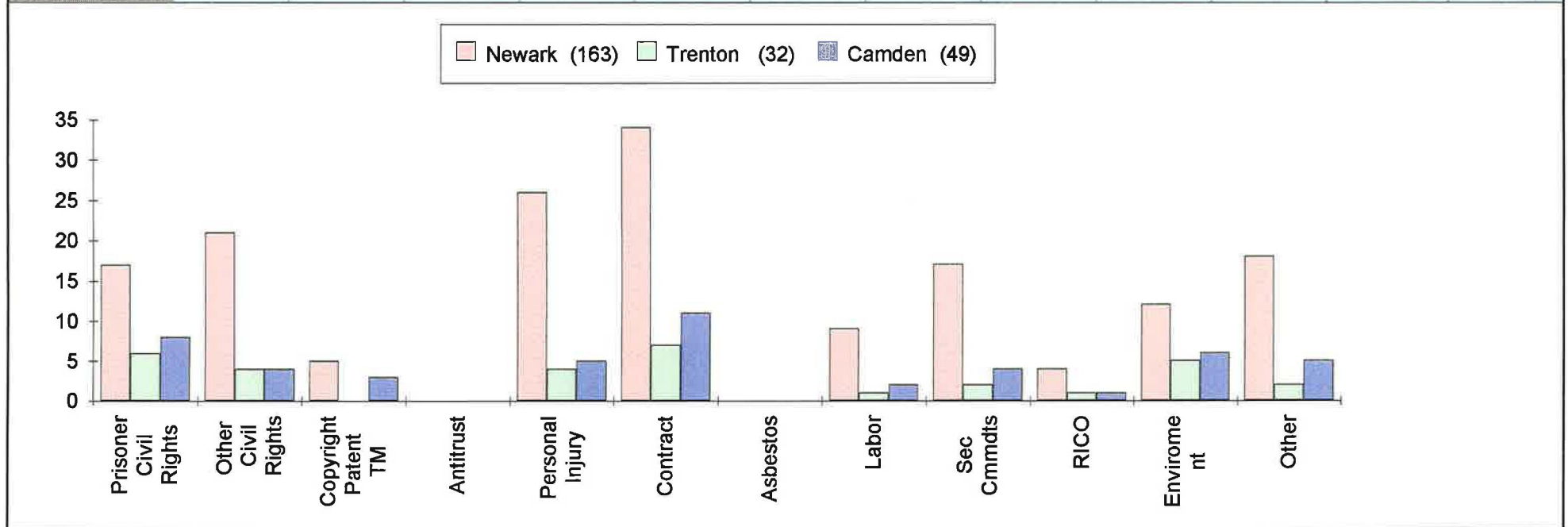
PENDING CIVIL CASES
THREE YEARS OLD
JUNE 30, 1992

1992	Prisoner Civil Rights	Other Civil Rights	Copyright Patent TM	Antitrust	Personal Injury	Contract	Asbestos	Labor	Sec Cmmmts	RICO	Enviroment	Other
Vicinage												
Newark (123)	21	15	3	0	12	25	0	7	12	3	11	14
Trenton (28)	8	1	1	0	2	6	0	1	0	2	4	3
Camden (55)	17	6	2	0	7	13	0	3	2	1	1	3
Totals (206)	46	22	6	0	21	44	0	11	14	6	16	20
% Of Caseload	22.33%	10.68%	2.91%	0.00%	10.19%	21.36%	0.00%	5.34%	6.80%	2.91%	7.77%	9.71%



PENDING CIVIL CASES
THREE YEARS OLD
JUNE 30, 1993

1993	Prisoner Civil Rights	Other Civil Rights	Copyright Patent TM	Antitrust	Personal Injury	Contract	Asbestos	Labor	Sec Cmmmts	RICO	Enviroment	Other
<i>Vicinage</i>												
Newark (163)	17	21	5	0	26	34	0	9	17	4	12	18
Trenton (32)	6	4	0	0	4	7	0	1	2	1	5	2
Camden (49)	8	4	3	0	5	11	0	2	4	1	6	5
Totals (244)	31	29	8	0	35	52	0	12	23	6	23	25
% Of Caseload	12.70%	11.89%	3.28%	0.00%	14.34%	21.31%	0.00%	4.92%	9.43%	2.46%	9.43%	10.25%



LAWYERS ADVISORY COMMITTEE
FOR THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

SURVEY OF ARBITRATORS

The Lawyers Advisory Committee requests that you provide answers to the following questions drawn from your experiences in all cases assigned to you as an Arbitrator in the Court-Annexed Arbitration Program for the U. District Court for the District of New Jersey. Your answers will only be compiled with all others for statistical purposes and will not be identifiable to you. Your responses are invaluable in our common efforts to improve our Program.

Please return your completed Survey before October 28, 1993 to:

Cynthia M. Jacob, Esquire
Collier, Jacob & Mills
Corporate Park III
580 Howard Avenue
Somerset, New Jersey 08873
Telephone: 908-560-7100

1. In approximately how many cases have you been appointed as an Arbitrator in the District? Avg. 14.4
Of these appointments, how many resulted in a completed Arbitration Hearing? Avg. 7.9

If you know, in how many of these was a trial de novo demanded? Avg. _____

If you know, of these trial de novo cases, how many were settled before verdict? Avg. 1.0

If you know, of these tried to a verdict, in how many was the verdict

More than the Arbitration award?	<u>3</u>
Less than the Arbitration award?	<u>4</u>
Same as the Arbitration award?	<u>9</u>

2. In what types of cases have you been appointed?

a. Diversity, contract	<u>24%</u>
b. Diversity, tort	<u>44%</u>
c. Diversity, other	<u>9%</u>
d. Federal question	<u>7%</u>
Category of federal question	_____
e. Government plaintiff or defendant contract	<u>4%</u>
f. Government plaintiff or defendant tort	<u>13%</u>

3. In the typical Arbitration case in your experience:

- | | | |
|----|---|-----------------|
| A. | How many witnesses testified? | <u>Avg. 2.9</u> |
| B. | How many witnesses provided testimony through other means (e.g., deposition, interrogatory, affidavit, etc.)? | <u>Avg. 2.5</u> |
| C. | How much time: | |
| a. | Did your preparation require? | <u>Avg. 2.1</u> |
| b. | Did the actual arbitration hearing require? | <u>Avg. 3.1</u> |
| c. | Did it take you to decide this case? | <u>Avg. 3.4</u> |

4. Based upon your experience in the typical Arbitration case in this District, do you feel that:

	<u>Strongly agree</u>	<u>Agree</u>	<u>Disagree</u>	<u>Strongly disagree</u>
a. the case was a good one for arbitration?	67/66%	37/37%	1	0
b. you were able to make a useful contribution to settling the dispute?	56/55%	49/48%	1	1
c. the time required for preparation, hearing, and decision was too burdensome?	3/3%	11/11%	66/65%	22/22%
d. regardless of whether the arbitration resolved the dispute, it provided a useful opportunity for counsel to get together?	34/34%	50/58%	5/4%	5/5%
e. arbitration hearings should be as much like trial as possible?	9/8%	21/21%	60/59%	12/12%
f. arbitration hearings should be as informal as possible?	16/16%	40/39%	42/41%	4/3%
g. counsel were as well-prepared for this hearing as you would have expected for an attorney at trial?	6/6%	50/50%	41/41%	9/9%
h. counsel approached the hearing in a good faith effort to resolve the dispute?	10/10%	79/78%	18/17%	0

NOTE: Figures show amount of responses/then percentages of total. Percentages total over 100% in cases where respondents gave multiple answers to one query.

5. Do you think that, in general, our Arbitration procedures should:

	<u>Strongly agree</u>	<u>Agree</u>	<u>Disagree</u>	<u>Strongly disagree</u>
a. permit arbitrators to be selected by counsel rather than by the court?	2/2%	15/15%	60/59%	23/23%
b. give arbitrators authority to manage the arbitration process (e.g., grant continuances)?	15/15%	61/60%	22/22%	3/3%
c. specify that hearings be held at the courthouse?	8/8%	20/20%	51/50%	23/23%
d. provide for payment of arbitrator expense?	29/29%	61/60%	11/11%	1/1%
e. pay arbitrators at close to their customary fees?	17/17%	52/51%	33/33%	3/3%
f. specify the number of times that a person may serve as an arbitrator per year?	4/4%	29/29%	55/54%	12/12%
g. use multiple arbitrators to decide each case?	5/5%	17/17%	55/54%	26/26%
h. relax the rules to become more informal and less of a hearing?	8/8%	23/23%	63/62%	8/8%
i. be required in some cases at an earlier stage before completion of discovery?	3/3%	21/21%	64/63%	13/13%
j. generally preclude reopening discovery after a trial de novo request?	15/15%	35/35%	41/41%	9/9%
k. increase the \$150 trial de novo fee?	18/19%	39/39%	39/39%	6/6%
l. decrease or eliminate the \$150 trial de novo fee?	3/3%	7/7%	56/55%	33/33%

6. Do you find, in general, that the District's Arbitration Program:

	<u>Strongly agree</u>	<u>Agree</u>	<u>Disagree</u>	<u>Strongly disagree</u>
a. Works well to enhance delivery of justice?	45/45%	62/61%	0	0
b. Is approached seriously by attorneys?	33/33%	62/61%	8/8%	0
c. Is approached seriously by parties?	43/43%	56/55%	2/2%	0
d. Produces fair outcome?	33/33%	69/68%	0	0
e. Is a good predictor of trial outcome?	22/22%	64/63%	5/5%	0
f. Reduces costs of litigation?	37/37%	54/53%	12/12%	0
g. Speeds resolving litigation?	39/39%	57/56%	5/5%	0
h. Helps to focus the issues?	47/47%	52/51%	3/3%	0
i. Renders a brand of "second-class" justice?	0	4/4%	66/65%	37/37%

7. Were you an active federal practitioner prior to the time the District of New Jersey commenced court-annexed arbitration?

Yes 83 No 19

8. If your answer is yes:

a. Has court-annexed arbitration affected the overall administration of justice in this District? (Yes - 58 / No - 11)

b. Has that affect been negative 1 or positive 66?

c. If positive, please describe how.

See Schedule 8C attached.

d. If negative, please describe how.

See schedule 8D attached.

9. What changes would you recommend in this District's court-annexed arbitration program?

See Schedule 9 attached.

10. Is there a point in the process, other than after discovery has been completed, when court annexed arbitration or other ADR process would have proved beneficial in reducing time, cost of litigation, narrowing issues, etc.?

Yes 39 No 48

If yes, when? See Schedule 10 attached.

11. Do you feel you would benefit if you received further training as an arbitrator?

Yes 22 No 73

12. What suggestions do you have for training?

See Schedule 12 attached.

13. Answered by: Name and Address (Optional but appreciated)

SCHEDULE 8C

Expedites Settlements (32)

Reduces Costs (22)

Increases Speed of Resolution (26)

Provides Reality Check (12)

Fair Resolutions (7)

Narrows issues (3)

Frees Judges for Other Matters (6)

Weeds Out Small Cases (4)

Resolves Cases (7)

Educates Arbitrators (1)

Facilitates Better Bench-Bar Relations (1)

Cases Are Well Developed for Trial (2)

Decreases litigation costs (9)

Provides reasonable vehicle for avoiding trial time/expense (1)

Forces expedited discovery (1)

SCHEDULE 8D

More than one attorney needed (several)

Some parties never intend settling from the outset (1)

Some Arbitrators are pompous and officious, affecting resolutions (2)

SCHEDULE 9

Increase fee to Arbitrator (9)

More control to Arbitrators (6)

Inform of outcome and reason for same (4)

Give Arbitrator control of adjournments (4)

Increase de novo fee (3)

Have 2 Arbitrators for each matter (4)

Set Hi/Low (2)

Require meaningful submissions (2)

Have better follow-up (1)

Pilot Voluntary (under 50K) Binding Arbitration Program (3)

Allows parties to accept/reject portions of findings (1)

Focus on Mediation (2)

Increase \$100,000 rule to \$250,000 (1)

Assign 2-3 hearings in same day (2)

Require pretrial statements/stipulations immediately (1)

Make explanation of R47 to client mandatory (1)

Require counsel to be ready for cases (1)

Once assigned, stop all Motion practice (1)

Assign only after completion of discovery (2)

Require immediate settlement discussions after Arbitrator's decision (1)

Require parties and/or their representatives attend (2)

Assign matters to Arbitrators only in their area of expertise (5)

- Grant continuances through Clerk's office (1)
- Encourage parties to shape their own arbitration (3)
- Impose costs for frivolous de novo appeals (1)
- Allow Arbitrators to conduct Settlement Conferences (1)
- Hold earlier to encourage settlement, etc. (1)
- Have Arbitrators at Courthouse (1)
- Keep proceedings formal (2)
- Require summaries of facts, arguments & damages (1)
- Have more experienced Arbitrators (1)
- Multiple Arbitrators for complex cases (3)
- Require attendance of party with authority to settle (1)
- Increase number of cases sent to Arbitration (1)
- Grant continuances through Clerk's office (1)
- Refer all Personal Injury cases to Arbitration (1)
- Coordinate dates closer with Magistrate (1)
- Fines for being unprepared (1)
- Complete all discovery first (1)
- Hold in courtrooms unless parties agree otherwise (1)
- All Tort claims (1)
- More expedited Arbitration in Personal Injury cases
- Penalties if trial result is not significantly different from Arbitration Award.
- Allow Arbitration when requested by party or 90 days after last responsive pleading (whichever is earlier) (1)
- Have three Arbitrator panels (1)

- Provide for voluntary Mediation (1)
- Distribute workload more equitably (1)
- Make appeal more difficult and costly (1)

SCHEDULE 10

When first joined (7)

After basic discovery (12)

After 1st pretrial conference (3)

After pre-hearing settlement conference (3)

When close to settling - allow more time for settlement to be effected (2)

Encourage Mediation (3)

Define issues, remove extraneous items first (1)

When parties feel it will be beneficial (2)

- Try "key issue" or "expert" only arbitration based on assumed facts/limited discovery (1)

After medical records exchanged in PI cases (2)

After expert discovery (1)

120 days into the case (1)

Settlement Conf. after most written discovery complete (1)

Mediation after filing of substantial actions (1)

90 days after last responsive pleading filed (1)

After 1 year - even if discovery incomplete (1)

SCHEDULE 12

Seminars (11)

Shared experiences with colleagues (8)

New Arbitrator training (8)

Mediation training (5)

Teach ADR techniques - have periodic reviews (3)

Train those with no Civil Judicial experience (3)

Require 10 years litigation experience (6)

Require 5 years litigation experience in field arbitrated (3)

Clarify matters and role of arbitrators (2)

Train on demeanor (2)

Train on Case Management techniques (1)

Train on drafting awards (1)

Train on dispute resolution (1)

Train how to encourage settlements (2)

Train on damage assessment (1)

Require new arbitrators observe and least 3 arbitrations/trials (1)

Have arbitrators-designates sit on panel (1)

Have meetings with deputy clerk and judge (1)

Round table format Seminars (2)

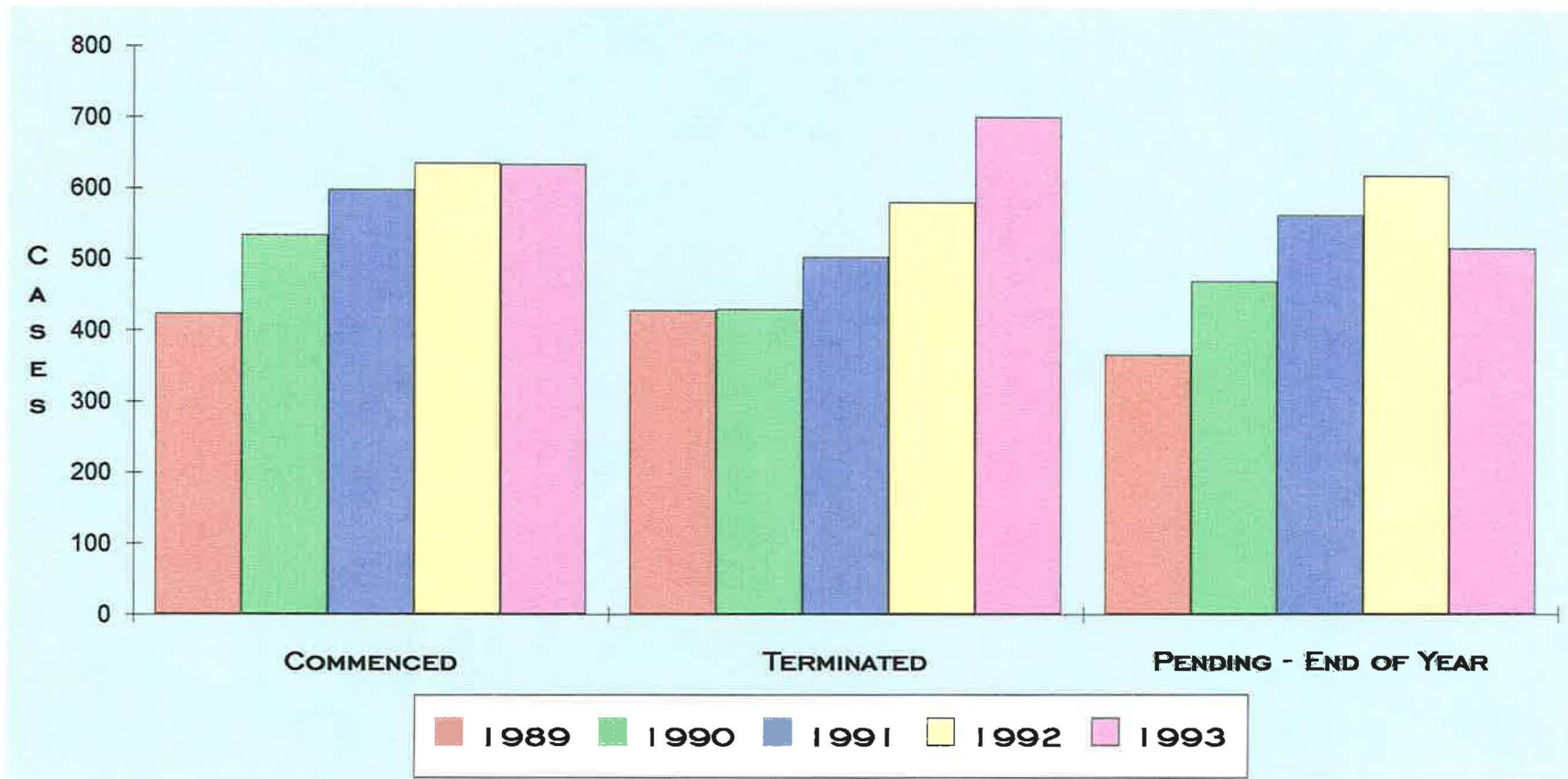
Training from A.A.A. (2)

Review rules (1)

FELONY CRIMINAL ACTIONS
5 YEAR PERIOD

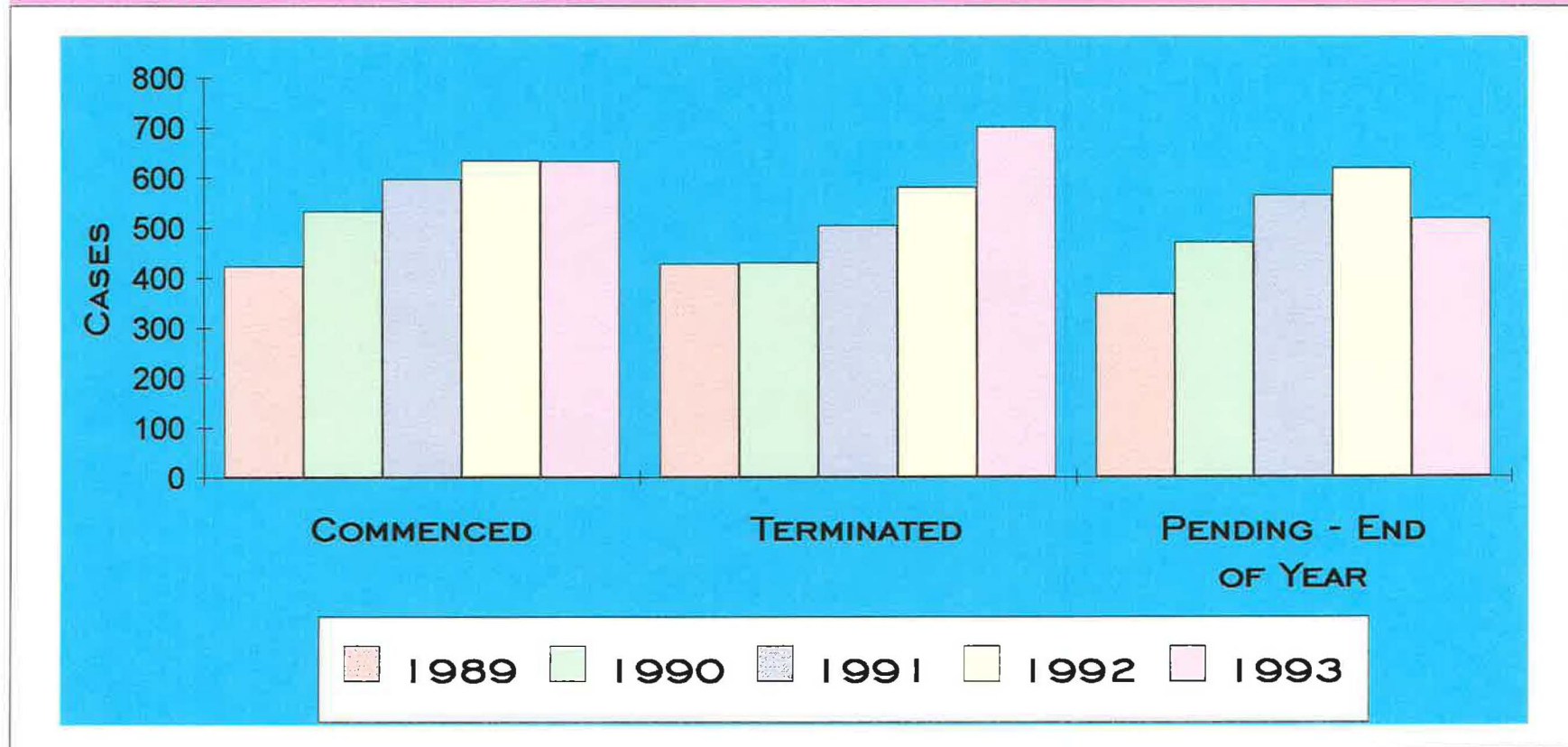
CRIMINAL ACTIONS	COMMENCED	TERMINATED	PENDING - END OF YEAR
1989	423	428	367
1990	534	430	471
1991	598	504	565
1992	635	581	620
1993	634	702	518

FELONY CRIMINAL ACTIONS
5 YEAR PERIOD



FELONY CRIMINAL ACTIONS
5 YEAR PERIOD

CRIMINAL ACTIONS	COMMENCED	TERMINATED	PENDING - END OF YEAR
1989	423	428	367
1990	534	430	471
1991	598	504	565
1992	635	581	620
1993	634	702	518



CIVIL/*CRIMINAL CASELOAD SUMMARY

New Jersey	Civil				Criminal				Total		
	1991	1992	1993		1991	1992	1993		1991	1992	1993
Total Filings	5,763	5,692	5,959		755	804	818		6,518	6,496	6,777
Per Judgeship	339	334	351		44	47	48		383	382	399
% Change		-1%	4.60%			6%	1.70%			-0.30%	4.30%
Total Terminations	5,463	6,022	5,668		646	720	886		6,109	6,742	6,554
Per Judgeship	321	354	333		38	42	52		359	397	386
% Change		10%	-6%			11%	23%			10%	-2.80%
Pending Caseload	5,428	5,098	5,385		710	794	628		6,138	5,892	6,013
Per Judgeship	319	300	317		42	47	37		361	347	354
% Change		-6%	5.60%			12%	-21%			-4%	2%

DISTRICT CRIMINAL CASELOAD, 1989-1993*

DISTRICT-WIDE

<u>Statistical Year</u>	<u>Pending Beginning of Year</u>	<u>FELONY CASES</u>		<u>Pending End of Year</u>
		<u>Commenced</u>	<u>Terminated</u>	
1989	372	423	428	367
1990	367	534	430	471
1991	471	598	504	565
1992	565	635	581	620
1993	586	634	702	518

<u>Statistical Year</u>	<u>Pending Beginning of Year</u>	<u>FELONY DEFENDANTS</u>		<u>Pending End of Year</u>
		<u>Commenced</u>	<u>Terminated</u>	
1989	713	644	717	640
1990	640	787	681	746
1991	746	923	772	897
1992	897	951	854	994
1993	1,006	898	1,006	898

*1993 totals "pending beginning of year" and "pending end of year" do not correspond due to change in end of statistical year from June 30 to September 30.

BY VICINAGE- DISTRICT CRIMINAL CASELOAD, 1989-1993*

CAMDEN

<u>Statistical Year</u>	<u>Pending Beginning of Year</u>	<u>Commenced</u>	<u>Terminated</u>	<u>Pending End of Year</u>
1989	92	100	99	91
1990	91	116	100	105
1991	105	88	102	90
1992	90	89	76	80
1993	80	143	111	132

NEWARK

<u>Statistical Year</u>	<u>Pending Beginning of Year</u>	<u>Commenced</u>	<u>Terminated</u>	<u>Pending End of Year</u>
1989	185	202	202	189
1990	189	278	203	264
1991	264	351	262	353
1992	353	412	390	443
1993	443	366	487	328

TRENTON

<u>Statistical Year</u>	<u>Pending Beginning of Year</u>	<u>Commenced</u>	<u>Terminated</u>	<u>Pending End of Year</u>
1989	95	121	127	87
1990	87	140	127	102
1991	102	159	140	122
1992	122	134	115	97
1993	97	134	124	95

*These totals are the actual caseload assignments to district judges (including appeals from magistrate, removals, refusals to consent to magistrate's jurisdiction, etc.) which are not fully reflected in Administrative Office statistics.

3:13-3. Discovery and Inspection

(a) **Discovery by the Defendant.** Upon written request by the defendant, the prosecuting attorney shall permit defendant to inspect and copy or photograph any relevant

(1) books, tangible objects, papers or documents obtained from or belonging to him;

(2) records of statements or confessions, signed or unsigned, by the defendant or copies thereof, and a summary of any admissions or declarations against penal interest made by the defendant that are known to the prosecution but not recorded;

(3) grand jury proceedings recorded pursuant to R. 3:6-6;

(4) results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the matter or copies thereof, which are within the possession, custody or control of the prosecuting attorney;

(5) reports or records of prior convictions of the defendant;

(6) books, papers, documents, or copies thereof, or tangible objects, buildings or places which are within the possession, custody or control of the State;

(7) names and addresses of any persons whom the prosecuting attorney knows to have relevant evidence or information including a designation by the prosecuting attorney as to which of those persons he may call as witnesses;

(8) record of statements, signed or unsigned, by such persons or by co-defendants which are within the possession, custody or control of the prosecuting attorney and any relevant record of prior conviction of such persons;

(9) police reports which are within the possession, custody, or control of the prosecuting attorney;

(10) warrants, which have been completely executed, and the papers accompanying them including the affidavits, transcript or summary of any oral testimony, return and inventory;

(11) names and addresses of each person whom the prosecuting attorney expects to call to trial as an expert witness, his qualifications, the subject matter on which the expert is expected to testify, a copy of the report, if any, of such expert witness, or if no report is prepared, a statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. If this information is requested and not furnished, the expert witness may, upon application by the defendant, be barred from testifying at trial.

(b) **Discovery by the State.** A defendant who seeks discovery shall permit the State to inspect and copy or photograph

(1) results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the matter or copies thereof, which are within the possession, custody or control of defense counsel;

(2) any relevant books, papers, documents or tangible objects, buildings or places or copies thereof, which are within the possession, custody or control of defense counsel;

(3) the names and addresses of those persons known to defendant whom he may call as witnesses at trial and their written statements, if any, including memoranda reporting or summarizing their oral statements;

(4) written statements, if any, including any memoranda reporting or summarizing the oral statements, made by any witnesses whom the State may call as a witness at trial;

(5) names and address of each person whom the defense expects to call to trial as an expert witness, his qualifications, the subject matter on which the expert is expected to testify, and a copy of the report, if any, of such expert witness, or if no report is prepared, a statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. If this information is requested and not furnished the expert may, upon application by the prosecutor, be barred from testifying at trial.

(c) **Documents Not Subject to Discovery.** This rule does not require discovery of a party's work product consisting of internal reports, memoranda or documents made by that party or his attorney or agents, in connection with the investigation, prosecution or defense of the matter nor does it require discovery by the State of records or statements, signed or unsigned, of defendant made to defendant's attorney or agents.

(d) **Protective Orders.**

(1) **Grounds.** Upon motion and for good cause shown the court may at any time order that the discovery or inspection sought pursuant to this rule be denied, restricted, or deferred or make such other order as is appropriate. In determining the motion, the court may consider the following: protection of witnesses and others from physical harm, threats of harm, bribes, economic reprisals and other intimidation; maintenance of such secrecy regarding informants as is required for effective investigation of criminal activity; protection of confidential relationships and privileges recognized by law; any other relevant considerations.

(2) **Procedure.** The court may permit the showing of good cause to be made, in whole or in part, in the form of a written statement to be inspected by the court alone, and if the court thereafter enters a protective order, the entire text of the statement shall be sealed and preserved in the records of the court, to be made available only to the appellate court in the event of an appeal.

(e) **Time.** Defendant's request for discovery shall be made within 10 days of the entry of the plea and the prosecutor shall respond within 10 days of the receipt by him of the defendant's request. Defendant, without request therefor, shall provide the State discovery as provided in this rule within 20 days of compliance with the defendant's discovery request.

(f) **Continuing Duty to Disclose; Failure to Comply.** If subsequent to the compliance with a request by the prosecuting attorney or defense counsel or with an order issued pursuant to the within rule and prior to or during trial a party discovers additional material or witnesses previously requested or ordered subject to discovery or inspection, he shall promptly notify the other party or his attorney of the existence thereof. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, it may order such party to permit the discovery or inspection of materials not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may enter such other order as it deems appropriate.

PENDING MOTIONS REPORT

ZYQCOURT_NAMEZYQ

Page 14

!ReportTitle! as of !AsOfDate! Run Date !TodaysDa!Time

JUDGE: Hedges, Ronald J.

2:90cv 3436 ABBENT, et al v. EASTMAN KODAK
28:1332 Diversity-Product Liability
365 P.I.: Product Liability
Case filed/reopened: 08/28/90 Clerk: PV

Doc #151 By dft LAFAYETTE PHARMACAL, et al
Part # 1 to transfer case as to certain pltfs
Ref from: Lifland, John C.
Filed: 11/23/93 Hearing: set 12/27/93
Und Adv: 02/14/94

Doc #167 By dft LAFAYETTE PHARMACAL, et al
Part # 1 for summary judgment
Ref from: Lifland, John C.
Filed: 02/01/94 Hearing: set 03/14/94
Und Adv: 03/14/94

Doc #177 By dft LAFAYETTE PHARMACAL, et al
Part # 1 to dismiss all remaining pltfs
Ref from: Lifland, John C.
Filed: 03/16/94 Hearing: set 04/11/94

2:92cv 3599 THE SAC GROUP, INC., et al v. SWEDISH
28:1332 Diversity-Fraud
370 Personal Property: Fraud
Case filed/reopened: 08/26/92 Clerk: CC

Doc # 14 By pla SAC PRODUCTIONS, et al
Part # 1 for default judgment against defts. SAC
PRODUCTIONS, INC and STEPHEN SWEDISH
Ref from: Lifland, John C.
Filed: 12/27/93

2:93cv 1849 AFANADOR v. DRAKE BAKERIES
28:1331 Fed. Question : Breach of Contract
190 Contract: Other
Case filed/reopened: 04/28/93 Clerk: SH

Doc # 21 By crsclm ORTOLANO, et al
Part # 1 to dismiss pltf's complaint for failure to answer
interrogatories
Ref from: Lifland, John C.
Filed: 12/23/93 Hearing: set 01/24/94

2:93cv 4145 GAUSE, et al v. LEWIS
28:2254 Petition for Writ of Habeas Corpus (State)
530 Prisoner: Habeas Corpus
Case filed/reopened: 09/23/93 Clerk: MN

.....

U.S. DISTRICT COURT
 District of New Jersey

CIVIL INVENTORY/SCHEDULING REPORT

Report Run on 04/06/94 at 01:24

.....

REPORT CRITERIA

Judge Initials/AO Codes:	1239
Magistrate Initials/AO Codes:	*
Office Codes:	2
Type Codes:	cv
Nature of Suit Codes:	*
Cause Codes:	*

Report Run on 04/06/94 at 01:24

.....

REPORT DATE: 01/01/94

CIVIL INVENTORY/SCHEDULING REPORT
 U.S. DISTRICT COURT
 District of New Jersey

CASE NUMBER	FILED	REF ID	DRY	SCHED ON SET	SCHED FILED	DISCOVERY	PRETRIAL CONF	PRETRIAL ORD FILED	TRIAL SET	ARB SET
JUDGE	Edward J. Wechsler									
OFFICE	Newark									
2:89cv01108	American Centennial vs Underwriters, et al	10/05/84	**/**/**	p	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**
	Pd-3470 NOS: Other Statutory Actions REMARKS: **no more conf. until nhp decides motion									
2:89cv01773	Securities And Excha vs Antar, et al	09/06/89	**/**/**		**/**/**	**/**/**	09/25/91	09/26/91	**/**/**	**/**/**
	Pd-1673 NOS: Securities Commodities Exchq. REMARKS: **ready for trial									
2:89cv04246	USA vs Cdmq Realty Co., et al	10/13/89	**/**/**		06/12/90	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**
	Pd-1036 NOS: Environmental Matters REMARKS: **rjh se 4.6.94									
2:89cv05143	ASLA vs Burns And Roe Interp	12/14/89	**/**/**	b	**/**/**	04/21/92	09/30/92	10/14/92	04/12/93	09/20/93
	Pd-1575 NOS: Civil Rights: Jobs REMARKS: **ready for trial									
2:90cv05028	FANTIS FOODS, INC., et al vs KRINOS FOODS, INC., et al	12/20/90	**/**/**	b	02/04/92	02/01/93	03/01/93	04/15/94	**/**/**	**/**/**
	Pd-1203 NOS: Contract: Other REMARKS: **ready for trial									
2:91cv01827	LEE, et al vs SETON HALL	05/01/91	**/**/**	p	02/14/92	03/09/94	05/30/94	07/19/94	**/**/**	**/**/**
	Pd-1071 NOS: Civil Rights: Jobs REMARKS: **ptc 6 21 94									
2:91cv02993	JINOTTI, et al vs BAXTER HEALTHCARE, et al	07/11/91	**/**/**	b	**/**/**	01/14/92	10/14/92	11/09/92	11/10/92	12/06/93
	Pd-1000 NOS: Contract: Other REMARKS: **Summary Judgment pending									
2:91cv03645	CARTER, et al vs HUNDT RUTGERS, et al	08/16/91	08/16/91	b	**/**/**	03/29/93	09/30/92	02/03/93	03/09/93	**/**/**
	Pd-964 NOS: P.L.S. Medical Malpractice REMARKS: **ready for trial									

40a

.....
U.S. DISTRICT COURT
District of New Jersey
Answer Report

REPORT CRITERIA

Report As Of Date: 04/06/94
Case Age (days): 0
Case Filed Before: 04/06/94
Judge Selection: 1234
Magistrate Selection: *
Office Selection: 2
Case Type Selection: cv
Nature of Suit Selection: *
Cause Selection: *

Report Run on 04/07/94 at 00:51

CIVIL ANSWER REPORT

REPORT DATE: 01/06/91

ANSWER REPORT
DISTRICT COURT
District of New Jersey

CASE NUMBER	FILE	FILED	FILED	ANSWER FILE	ANSWER FILED	RESP. PLEA (DATE)	DEFAULT (DATE)	SCHED CNF (DATE)
TITLE: Barry, Mary Jane (Trump)								
FILED: Newark								
2:89cv02065	04/04/91	Cause:					No. of Dfts.: 00001	
dft	USA vs CURRENCY							
	CURRENCY,	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**
					Days Pending From Answer is	****		
2:89cv00575	06/11/91	Cause: 15:1126 Patent Infringement					No. of Dfts.: 00001	
dft	MILLBURN MARKETING, et al vs PARKER LAB							
	PARKER LAB,	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**
					Days Pending From Answer is	****		
2:89cv02890	06/29/91	Cause:					No. of Dfts.: 00001	
dft	CONTINENTAL INS vs BEECHAM, INC							
	BEECHAM, INC,	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	04/04/91 (F)
					Days Pending From Answer is	****		
2:89cv02429	02/02/91	Cause: no cause specified (null)					No. of Dfts.: 00001	
dft	Ayathos, et al vs Starlite Motel							
	Starlite Motel,	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	11/14/90 (F)
					Days Pending From Answer is	****		
2:89cv03314	08/02/89	Cause: 25:1331 Fed. Question: Personal Injury					No. of Dfts.: 00008	
dft	Pba Local No. 38, et al vs Woodbridge Police De, et al							
	Dicophone Dictating,	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**
					Days Pending From Answer is	****		
dft	Galassi, Joseph	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**
					Days Pending From Answer is	****		
dft	Motorola,	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**
					Days Pending From Answer is	****		
dft	New Jersey Bell Tele,	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**
					Days Pending From Answer is	****		
dft	O'Brien, Anthony	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**
					Days Pending From Answer is	****		
dft	Woodbridge, TOWNSHIP OF	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**	**/**/**
					Days Pending From Answer is	****		

42a

.....
U.S. DISTRICT COURT
District of New Jersey
Answer Report

REPORT CRITERIA

Report As Of Date: 04/05/94
Case Age (days): 0
Case Filed Before: 04/05/94
Judge Selection: 1242
Magistrate Selection: *
Office Selection: 2
Case Type Selection: cv
Nature of Suit Selection: 530
Cause Selection: *

Report Run on 04/06/94 at 00:29
.....

ANSWER REPORT - HABEAS

REPORT DATE: 04/05/94

ANSWER REPORT
DISTRICT COURT
District of New Jersey

CASE NUMBER	CASE FILED	SERVICES (RELATIONS)	ALIAS SUMMONS	ANSWER DUE	ANSWER FILED	RESP. PLEA (DATE)	DEFAULT (DATE)	SCHED CNF (DATE)
JUDGE: Bassler, William G OFFICE: Newark								
2:94cv02517	06/10/93	Cause: 28:2254 Petition for Writ of Habeas Corpus (State)			No. of Dfts.: 00003			
dft	DeSABATO, MARY	****/****	****/****	07/20/93	****/****	****/****	07/30/93	****/****
							Days Pending From Answer is	****
dft	DEVESA, FREDRICK P.	****/****	****/****	07/20/93	****/****	****/****	****/****	****/****
							Days Pending From Answer is	****
dft	LEWIS, DONALD	****/****	****/****	07/20/93	****/****	****/****	****/****	****/****
							Days Pending From Answer is	****
2:94cv04708	10/22/93	Cause: 28:2254 Petition for Writ of Habeas Corpus (State)			No. of Dfts.: 00002			
dft	SMITH vs ARYONTO, et al ARYONTO, PATRICK	****/****	****/****	****/****	02/23/94	****/****	****/****	****/****
							Days Pending From Answer is	42
dft	ATTORNEY GENERAL	****/****	****/****	****/****	02/23/94	****/****	****/****	****/****
							Days Pending From Answer is	42
2:94cv00142	01/18/94	Cause: 28:2254 Petition for Writ of Habeas Corpus (State)			No. of Dfts.: 00002			
dft	WASHINGTON, et al vs WILLIS, et al BORITZ, BERTRAM T	****/****	****/****	****/****	03/03/94	****/****	****/****	****/****
							Days Pending From Answer is	34
2:94cv00478	01/31/94	Cause: 28:2254 Petition for Writ of Habeas Corpus (State)			No. of Dfts.: 00004			
dft	WILSON vs JOHN DOE, et al HUDSON COUNTY COURT,	****/****	****/****	03/10/94	****/****	03/11/94	****/****	****/****
							Days Pending From Answer is	****
dft	JOHN DOE,	****/****	****/****	03/10/94	****/****	03/11/94	****/****	****/****
							Days Pending From Answer is	****
dft	U.S. MARSHAL SERVICE,	****/****	****/****	03/10/94	****/****	03/11/94	****/****	****/****
							Days Pending From Answer is	****
dft	U.S. PAROLE COMM.,	****/****	****/****	****/****	03/25/94	03/11/94	****/****	****/****
							Days Pending From Answer is	12
							Pleading Type: Notice of motion to dismiss	

44a

.....
U.S. DISTRICT COURT
District of New Jersey
Answer Report

REPORT CRITERIA

Report As Of Date: 04/05/94
Case Age (days): 0
Case Filed Before: 04/05/94
Judge Selection: 1229
Magistrate Selection: *
Office Selection: 2
Case Type Selection: cv
Nature of Suit Selection: 861,862,863,864,865
Cause Selection: *

Report Run on 04/06/94 at 00:34
.....

ANSWER REPORT - SOCIAL SECURITY

45a

REPORT DATE: 04/05/94

ANSWER REPORT
DISTRICT COURT
District of New Jersey

CASE NUMBER	CASE FILED	SERIALIZED (SERIAL)	ALIAS SUMMONS	ANSWER DUE	ANSWER FILED	RESP. PLEA (DATE)	DEFAULT (DATE)	SCHED CNF (DATE)
JUDGE: DeBevoise, Dickinson R OFFICE: Newark								
2:93cv02025	05/14/93		Cause: 42:405 Review of HHS Decision (DIWC)					No. of Dfts.: 00001
			THOMPSON vs HHS dft SECRETARY DEPARTMENT,	07/07/93 (F)	**/**/**	07/27/93	08/18/93 Days Pending From Answer is	**/**/** 231
2:93cv02407	06/02/93		Cause: 42:405 Review of HHS Decision (DIWC)					No. of Dfts.: 00001
			SEDLAK vs HHS dft HHS,	**/**/**	**/**/**	**/**/**	09/10/93 Days Pending From Answer is	**/**/** 208
2:93cv03550	08/16/93		Cause: 42:405 Review of HHS Decision (DIWC)					No. of Dfts.: 00001
			ARCE vs HHS dft HHS,	**/**/**	**/**/**	**/**/**	11/15/93 Days Pending From Answer is	**/**/** 142
2:93cv04076	09/17/93		Cause: 42:405 Review of HHS Decision (DIWC)					No. of Dfts.: 00001
			QUINTERO vs HHS dft HHS,	**/**/**	**/**/**	**/**/**	01/22/94 Days Pending From Answer is	**/**/** ****
2:93cv04942	11/05/93		Cause: 42:405 Review of HHS Decision (SSID)					No. of Dfts.: 00001
			FRANKLIN vs HHS dft HHS,	11/18/93 (F)	**/**/**	01/18/94	01/13/94 Days Pending From Answer is	**/**/** 83
2:93cv05356	12/02/93		Cause: 42:405 Review of HHS Decision (DIWC)					No. of Dfts.: 00001
			SULLIVAN vs HHS dft HHS,	01/07/94 (F)	**/**/**	03/29/94	**/**/** Days Pending From Answer is	**/**/** ****
2:93cv05767	12/10/93		Cause: 42:405 Review of HHS Decision (DIWC)					No. of Dfts.: 00001
			OLIVER vs HHS dft HHS,	**/**/**	**/**/**	**/**/**	03/23/94 Days Pending From Answer is	**/**/** 14

46a

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

ALICEMARIE H. STOTLER
CHAIR

PETER G. McCABE
SECRETARY

CHAIRS OF ADVISORY COMMITTEES

JAMES K. LOGAN
APPELLATE RULES

PAUL MANNES
BANKRUPTCY RULES

PATRICK E. HIGGINBOTHAM
CIVIL RULES

D. LOWELL JENSEN
CRIMINAL RULES

RALPH K. WINTER, JR.
EVIDENCE RULES

November 23, 1993

Honorable John F. Gerry
Chief Judge, United States
District Court
P.O. Box 588
Camden, New Jersey 08101-0588

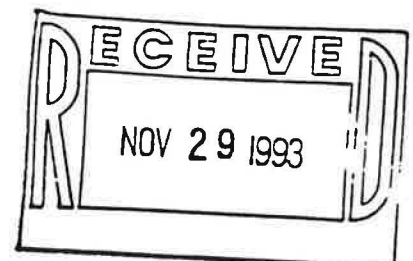
SUBJECT: Special Masters under Rule 16 and 53, Federal Rules of Civil Procedure

Dear Judge Gerry:

I am writing to advise you of the action taken by the Advisory Committee on Civil Rules regarding the recommendation in your district's Civil Justice Expense and Delay Reduction Plan that Civil Rule 53 be amended to allow greater flexibility in the use of special masters to oversee pretrial and discovery matters in complex litigation.

The advisory committee has discussed Rule 53 of the Federal Rules of Civil Procedure at several meetings and is actively considering amendment of the rule to facilitate more extensive use of special masters. The committee has noted that many judges have used "special masters" in various roles, including finders of fact, managers of pretrial procedures, investigators, and monitors of court orders. Regulating all the myriad ways special masters are now being used by amending only Rule 53 raises several issues. The committee is considering these issues and has broadened its inquiry to determine whether changes to Rule 16 would also be necessary to extend the use of special masters to pretrial proceedings.

The committee intends to review several alternative draft proposals amending Rule 53 and Rule 16 to achieve these objectives at the committee's next meeting in Washington, D.C. on April 28-30, 1994. It may also explore the relation of Rule 706 of the Federal Rules of Evidence to special masters.



Honorable John F. Gerry

- 2 -

We very much appreciate your interest and assistance in the rule making process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter G. McCabe".

Peter G. McCabe
Secretary

cc: Honorable Alicemarie H. Stotler
Honorable Patrick E. Higginbotham
Honorable Ronald J. Hedges
Honorable William Terrell Hodges
Professor Daniel R. Coquillette
Dean Edward H. Cooper