UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

CHAMBERS OF
E. MAC TROUTMAN
SENIOR JUDGE

THE MADISON BUILDING
5TH FLOOR
FOURTH AND WASHINGTON STREETS
READING, PENNSYLVANIA 19601
TELEPHONE: 215-372-7434

February 18, 1993

Robert M. Landis, Chairman
Civil Justice Reform Act Advisory Group
4000 Bell Atlantic Tower
1717 Arch Street
Philadelphia, PA 19103

Dear Bob:

Thank you for the invitation to provide my comments on the operation of the Civil Justice Expense and Delay Reduction Plan for the Eastern District. My comments, generally following the format of the Advisory Group's survey, will be briefly stated in this letter. Before commenting on the Plan, however, I express my best wishes to you for your continued recovery.

I find that the very existence of the Plan, burdensome as it is, is making all parties more aware of the need to timely complete litigation. Since the Plan went into effect, however, I have not noticed an appreciable change in the conduct of litigation. Though all parties are more aware of the requirements mandated by Congress, the conduct of discovery, the aspect of litigation least affected by the Civil Justice Act, has not changed.

I use a model scheduling order which, even before the implementation of the Plan, anticipated trial within twelve months of the filing of the complaint. The model scheduling order allows 120 days from the date the last answer was filed for the completion of discovery, thirty days for filing dispositive motions, and thirty days to respond. The model scheduling order has been modified to clearly provide that the case will be placed in my trial pool no later than the twelfth month from the filing of the complaint. My model case management order for special litigation follows a similar pattern ultimately leading to trial no later than eighteen months after the complaint is filed.

Regarding settlement, as always, I encourage the settlement of cases. I have been, and still am, receptive to setting a settlement conference upon request. I have also required that principals be present and/or counsel with authority to bind be present for final pretrial/ settlement conferences. Unfortunately, this requirement is repeatedly ignored. When ignored counsel pretend not to be familiar with the Plan. I suggest that the Advisory Group consider the merits of requiring

principals, or someone with express authority to bind the principals, be present at the final pretrial conference unless the court otherwise directs.

To date, other than the few special management cases assigned to my docket, I have not made self-executing disclosure mandatory. I have noticed that counsel in standard track cases have sometimes made voluntary disclosures. Although I am not certain whether this was due to good faith counsel behavior or not understanding that the Plan does not make such disclosure madatory, it nevertheless is a good sign.

No matter what is required by the Plan, cooperative counsel, understanding clients, and an accessible judge willing to take an interest in the pretrial aspects of the case, will do much to meet the admirable goals of litigation reform. Such matters, however, cannot be legislated.

I express my gratitude to you and the members of the Advisory Group for the efforts in formulating the Plan and working to meet the Congressional mandate.

Kindest regards,

E. Mac Troutman

E. MAC TROUTMAN, S.J.

EMT/kar