

**ADVISORY GROUP TO THE U.S. DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
Under the Civil Justice Reform Act of 1990**

**A. AN OVERVIEW**

1. Is the Plan working reasonably well?

Yes  No

2. If problems have developed, check each one of the following that is responsible:

Opposing counsel do not cooperate.

Provisions are not familiar to the attorneys and hence are not used.

Failure to apply the Plan, or misapplication of the Plan, on the part of judicial officers.

Other.

3. How does civil litigation in E.D. Pa. compare to civil litigation before the Plan went into effect?

The same       Improved       Slower and/or more costly

**B. SPECIFIC PROVISIONS**

**I. INVOLVEMENT OF JUDICIAL OFFICERS IN THE PRETRIAL PROCESS**

1.01 Are trial dates set early in the course of the litigation?      Yes  No  N.I.\*

1.02 (a) Are trial dates set so that trial takes place within 12 months of filing in ordinary cases and within 18 months of filing in complex cases?      Yes  No  N.I.\*

(b) If changes in the trial date have been necessary, has the court followed the procedure detailed in the plan?      Yes  No  N.I.\*

(c) Have dispositive motions been decided promptly? Yes  No  N.I.\*

**II. CASES ON THE SPECIAL MANAGEMENT TRACK**

2.01 Has the court generally followed the provisions of the plan (e.g. staged pretrial conferences, staged discovery, settlement procedures)? Yes  No  N.I.\*

**III. SELF-EXECUTING DISCLOSURE**

3.01 Have you had occasion to make disclosure to your opponent without awaiting formal requests? Yes  No  N.I.\*

3.02 Has your opponent done so? Yes  No  N.I.\*

3.03 Have you had occasion to enter into cooperative discovery arrangements as envisioned by the plan? Yes  No  N.I.\*

3.04 Does the provision postponing formal discovery to allow for disclosure cause delay? Yes  No  N.I.\*

3.05 To the best of your knowledge does the rule governing self-executing disclosure appear to be working well? Yes  No  N.I.\*

**IV. ALTERNATIVE DISPUTE RESOLUTION**

4.01 Does court-annexed arbitration need fine-tuning at this time? Yes  No  N.I.\*

**V. JOINT DISCOVERY - CASE MANAGEMENT PLANS (SPECIAL MANAGEMENT TRACK CASES)**

5.01 (a) Is the provision concerning development of joint discovery-case management plans being implemented? Yes  No  N.I.\*

(b) In special management track cases is discovery by both parties proceeding simultaneously? Yes  No  N.I.\*

**VI. REPRESENTATION BY ATTORNEY WITH POWER TO BIND**

6.01 (a) Is the provision in the plan authorizing the court to require the presence at pretrial conferences of an attorney with power to bind being utilized? Yes  No  N.I.\*

(b) If so, is it working satisfactorily? Yes  No  N.I.\*

**VII. REPRESENTATIVES WITH AUTHORITY TO SETTLE**

7.01 (a) Is the provision authorizing the court to require that representatives of the parties with authority to settle be present or be available by telephone being utilized? Yes  No  N.I.\*

(b) If so, are both alternatives (telephone availability and presence) being utilized? Yes  No  N.I.\*

(c) Is this provision of the plan working satisfactorily? Yes  No  N.I.\*

**C. MY RESPONSES ARE BASED ON...**

My responses are based on (please check all applicable boxes):

Personal experience litigating  
 one case  several cases  many cases

which was/were on the  
 special management track  standard management track  other

Discussion with other lawyers concerning  
 specific cases  general conditions in the court.

**COMMENTS:** We welcome any additional comments you may care to make concerning any aspect of the operation of the Plan. (Feel free to use the other side of this sheet or to attach additional sheets.)

If you would prefer to respond by telephone, please let us know and one of us will call you. By the same token, if you would like to share your experiences at a meeting of the Advisory Group, please let us know.