

DISTRICT OF SOUTH CAROLINA
ANNUAL ASSESSMENT
FOR THE
CIVIL JUSTICE EXPENSE AND DELAY
REDUCTION PLAN

DECEMBER 31, 1994

REPORT

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DISTRICT OF SOUTH CAROLINA
ANNUAL ASSESSMENT
FOR THE
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INTRODUCTION

This report constitutes the first annual assessment of the Civil Justice Expense and Delay Reduction Plan for the District of South Carolina ("Plan"). The Plan was adopted December 1, 1993. It has, therefore, been in effect for over one year. Since statistical information is primarily available based on a July through June statistical year, this assessment is based primarily on available data through July 1994. In some instances, more recent data was available and is included. The assessment process is addressed below.

ANNUAL ASSESSMENT PROCESS

The annual assessment is based in part on statistical data obtained from the Administrative Office including the Judicial Workload Profile ("JWP" -- Attachment A hereto) and the 1994 Statistical Supplement (Attachment B hereto). In addition, the following statistical information was provided by the District of South Carolina Clerk of Court: Motions Docket Reports (Attachment C hereto); Jury Demand Reports (Attachment D hereto); and Magistrate Civil Docket Reports (Attachment E hereto). The above statistical data was compared to statistical data reported in the CJRA Advisory Group Report. See Tables A1 and A2 (JWP data); Table B1 (Case Life Expectancy Figures); Tables C1-C4 (Motions Docket Data).¹ Input was also requested from each District and Magistrate Judge as well as from the Clerk of Court. The "Annual Assessment Worksheet and Survey" form shown at Attachment F was used for this purpose. The judges' responses are compiled at Attachment G hereto.

¹ These tables are contained within the body of this report or the relevant attachment, or both.

In preparing this assessment, the District has taken into consideration the guidance provided by the Federal Judicial Center and Administrative Office. The following two items provided primary guidance: The "Guidelines for Preparing Annual Assessments" (issued February 5, 1993) and the suggestions contained in the October 26, 1993 Memorandum from John Shapard and Donna Steinstra ("Annual statistics supplement to 'Guidance to Advisory Groups' memorandum and some comments on evaluating the impact of the CJRA Plans"). Attachment H hereto.

STATE OF THE DOCKET

I. DESCRIPTION OF THE DISTRICT

No significant changes have occurred in the District's composition since adoption of the Plan. The District is authorized nine district judges (the Judicial Conference has recommended a temporary tenth position which has not yet been approved by Congress). We continue to have three active senior judges (the Plan erroneously stated two). Four full time and two part time magistrate positions also remain authorized and filled.

There have been no significant changes in case assignment method. Cases continue to be assigned to a single judge who remains responsible for the case until it is resolved. Some specific matters, for instance nondispositive motions, may be referred to another judge, generally a magistrate judge.

II. CONDITIONS IN THE DISTRICT

A. Judicial Workload Profile Data

Due to the date on which the Civil Justice Reform Act Advisory Group Report ("CJRA Report") was completed, it did not include data for Statistical Year 1993 ("SY 1993"). The data addressed in Appendix A to the District Plan was derived from the Advisory Group Report and, therefore, was also current only through SY 1992. Although the present assessment relates specifically to SY 1994, it will address the SY 1993 statistics to fill the remaining gap. See Judicial Workload Profile ("JWP") for SY 1994 (with comparative data from SY 1990 through SY 1993) at Attachment A hereto.

As demonstrated by Tables A-1 and A-2 on the following pages, the total number of all filings in the District, the number of filings per judge and the number of civil filings per judge were all lower in SY 1993 and SY 1994 than in SY 1992. Indeed, for SY 1994, all three of these indicators were in line with the figures for SY 1991. This calms, to some degree, the concern expressed in the CJRA Report and Plan that the SY 1992 increases along with increases in prior years might foreshadow steady, long term filing increases.

Similarly, the number of pending cases and pending cases per judge reported in SY 1994, are at very similar level to SY 1991. The number of pending cases per judge had increased substantially in SY 1992 and SY 1993.

On the other hand, the number of weighted filings per judgeship increased substantially in SY 1994 over all prior years.² Since this number is the better predictor of the judicial time involved, its increase probably overrides any decreased filing trend. The increase in weighted filing is, therefore, an indication of increasing strain on the system despite the raw number improvements.

A small increase in the average time from filing to disposition of civil cases may also be some cause for concern. The figure, which has fluctuated between seven (7) and eight (8) months since 1985 now has increased to nine (9) months. This increase is not, however, substantial and is likely to be temporary given the ratio of pending to terminated cases discussed below. Moreover, the statistic itself may well be misleading since it is based on the age of the cases actually terminated. It would, therefore, be distorted by the disposition of a disproportionate number of "older" cases. See Plan at A-5 n.8; Shapard & Steinstra Memorandum at 1-2 (Attachment H hereto). The small increase in this statistic is not, therefore, cause for alarm.

² The weighted filings for 1989 through 1992 as shown on the SY 1994 report differ from those shown on earlier reports. This variance is apparently the result of changes in the case weighting system. See 1994 Statistical Supplement, Notes ¶ 4 (Attachment B hereto).

TABLE A-1

DISTRICT OF SOUTH CAROLINA
 U.S. DISTRICT COURT JUDICIAL WORKLOAD PROFILE
 TWELVE MONTH PERIOD ENDED JUNE 30

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
OVERALL WORKLOAD STATISTICS													
FILINGS	3813	3824	3875	3895	4004	3494	4238	4535	4023	4251			
TERMINATIONS	3965	4034	3699	3841	3993	3643	3330	4035	3994	4550			
PENDING	2960	2750	2927	2980	2990	2866	3740	4145	4168	3794			
NUMBER OF JUDGESHIPS	8	8	8	8	8	8	9	9	9	9	9	9	9
VACANT JUDGESHIP MONTHS	0	0	3.7	0	0	1.9	12.4	7.6	0	5.4			
ACTIONS PER JUDGESHIP													
TOTAL	477	478	484	487	501	437	471	504	447	472			
CIVIL	452	443	451	447	444	372	406	440	391	412			
PENDING CASES	370	344	366	373	374	358	416	461	463	422			
WEIGHTED FILINGS	362	362	382	379	402	407	448	446	465	510			
TERMINATIONS	496	504	462	480	499	455	370	448	444	506			
TRIALS COMPLETED	34	28	27	31	39	39	25	31	36	35			
MEDIAN TIMES (MONTHS)													
FROM FILING TO DISPOSITION (CIVIL)	8	7	7	8	7	8	7	7	8	9			
NUMBER (AND %) OF CIVIL CASES OVER 3 YEARS OLD	23	55	40	50	57	32	49	33	74	134			
	0.8	2.1	1.4	1.8	2.1	1.3	1.5	0.9	2	3.9			

NOTE: WEIGHTED FILINGS IN CURRENT REPORT (FOR '89-'92) DIFFER FROM PRIOR REPORTS

TABLE A-1

TABLE A-2

DISTRICT OF SOUTH CAROLINA

CALCULATIONS BASED ON JUDICIAL WORKLOAD PROFILE DATA

RATIOS RELATIVE TO PRIOR YEAR

	1997	1996	1995	1994	1993	1992	1991	1990	1989	1988	1987	1986	1985
OVERALL WORKLOAD STATISTICS													
FILINGS				1.06	0.89	1.07	1.21	0.87	1.03	1.01	1.01	1.00	N/A
TERMINATIONS				1.14	0.99	1.21	0.91	0.91	1.04	1.04	0.92	1.02	N/A
PENDING				0.91	1.01	1.11	1.30	0.96	1.00	1.02	1.06	0.93	N/A
ACTIONS PER JUDGESHIP													
FILINGS:													
TOTAL CIVIL				1.06	0.89	1.07	1.08	0.87	1.03	1.01	1.01	1.00	N/A
				1.05	0.89	1.08	1.09	0.84	0.99	0.99	1.02	0.98	N/A
PENDING CASES				0.91	1.00	1.11	1.16	0.96	1.00	1.02	1.06	0.93	N/A
WEIGHTED FILINGS				1.10	1.00	1.10	1.12	0.90	1.11	0.99	1.06	1.00	N/A
TERMINATIONS				1.14	0.99	1.21	0.81	0.91	1.04	1.04	0.92	1.02	N/A
TRIALS COMPLETED				0.97	1.16	1.24	0.64	1.00	1.26	1.15	0.96	0.82	N/A
PENDING/TERMINATED CASE RATIO (SAME YEAR)													
PENDING TO TERMINATED CASE RATIO				0.83	1.04	1.03	1.12	0.79	0.75	0.78	0.79	0.68	0.75

Another factor which reflects a significant increase is the percentage of cases over three years old. Although this figure has been as high as 2.1% in the past, it was down to .9% in SY 1992. It more than doubled in SY 1993 to 2% and again nearly doubled in SY 1994 to 3.9%. The increase is, however, primarily a result of the ongoing multidistrict litigation (L-Tryptophan). It does not reflect a docket wide trend.³

Case terminations for SY 1994 also increased substantially which is, of course, a positive sign. An even more significant positive sign is found in the decreased "Pending to Terminated Case Ratio." The ratio for SY 1994 is very near the ratios for SY 1990 and earlier years. As noted in the Plan: "If this ratio decreases over time, it indicates that the court is improving its overall disposition rate." Plan at A-4. A ratio below one (1.0) indicates that the court is disposing of cases faster than they are being filed. After remaining slightly above one (1.0) for three statistical years, the ratio decreased to .83 in SY 1994.

The number of trials completed per judgeship also increased in SY 1993 and SY 1994 over the prior two years to near the District's high levels for SY 1989 and SY 1990. This would be one contributor to the substantial increase in terminations per judgeship, though hardly the only cause. Other possible contributors are:

- The increased use of mediation;⁴
- An increased disposition rate for motions as indicated by the decreased average age of motions (See Attachment C) which, in addition to resolving cases through dispositive motions, could increase the rate of nonjudicial settlement; and

³ Clerk of Court (per Sandra Roberson) teleconference December 5, 1994.

⁴ Although formal mediation rules have not yet been put in place, a number of judges regularly utilize mediation. See Attachment G. These judges report moderate to substantial success although no formal data collection method is presently in place to monitor the success rate.

- Remand of the vast majority of the L-Tryptophan cases previously consolidated in this district;⁵

"Life Expectancy" is a good indicator of trends in actual case lifespan. As shown below, Life Expectancy figures rose steadily in recent years to highs in SY 1992 and SY 1993. The most recent figures (SY 1994) have dropped back to near the SY 1990 and SY 1991 levels. Again, this is a positive indicator of improved status of the District's docket.

Table B-1

Life Expectancy (in months)

	1994	1993	1992	1991	1990	1989	1988	1987	1986	1985
All Civil Cases	11.0	12.0	11.5	11.0	10.0	9.0	9.4	9.5	8.0	9.0
Type II Civil Cases	10.5	13.5	14.0	12.0	10.0	9.1	9.3	9.5	9.3	8.8

1994 Statistical Supplement (Attachment B hereto) Charts 5 and 6 (Note: figures estimated from line graph).

B. Jury Demand Data

The percentage of cases with jury demands has remained at approximately forty-five percent (45%) for the past three years. This follows a steady increase over the course of several preceding years. Attachment D.

C. Motions Docket Data

Pursuant to Plan Section V.B., the Clerk of Court now prepares and distributes quarterly motions docket reports to each district judge. These reports provide a snapshot view of the state of each judge's motions docket. Each report also provides historical data

⁵ As noted in the Plan, over 650 cases had then been consolidated in the District as part of the L-Tryptophan multi-district litigation. Plan at A-2, n.2. The peak number of cases ultimately exceeded 700. As of September 1994, only 134 of the cases remained in the District (of which 87 are original District of South Carolina cases). Conditional remands resulted in the removal from the District's docket of 41 L-Tryptophan cases in SY 1993 and 344 L-Tryptophan cases in SY 1994. Clerk of Court (per Stella Donelan), Teleconference Nov. 18, 1994.

for the prior quarters since reporting began (for up to five total quarters). To date, reports have been prepared in June and September 1994. Copies of the September 30, 1994 reports with added comparative data for April 1993 are found at Attachment C hereto.⁶

The table below shows the percentages of all judges' motions within a given age group for three points in time: April 2, 1993; June 30, 1994; and September 30, 1994.⁷ The overall increase in the percentage of motions in the "younger" brackets and resulting decrease in the percentage in the "older" brackets demonstrates significant progress towards earlier disposition of motions.

TABLE C-1

MOTIONS DOCKET AS OF:	4/2/93	6/30/94	9/30/94
PERCENTAGE OF MOTIONS:			
Less than 65 days from filing	26%	37%	46%
65-124 days from filing	21%	16%	21%
125-184 days from filing	14%	14%	12%
185 or more days from filing	40%	33%	21%

See Attachment C.

As demonstrated by Table C-1 above, the overall percentage of motions over 185 days from filing was cut nearly in half between April 1993 and September 1994. The percentage of motions in the two middle categories (65-124 days and 125-184 days from filing) changed very little while the "youngest" category showed significant growth. This shifting is precisely the result desired.

⁶ The individual judge's names have been replaced with letter designations which correlate to those used in the CJRA Advisory Group Report.

⁷ The two 1994 dates correspond to the dates for which motions dockets reports were prepared and distributed to the judges. The April 1993 date is the last date prior to adoption of the Plan on which a motions docket report was prepared. Due to differences in how the motions were counted, the raw numbers in the April 1993 report are not comparable to the 1994 report. The percentages should, however, be roughly comparable.

The decreasing average age of pending motions is primarily attributable to the individual judges' attention to their motions dockets. The raw number of motions filings does not appear to have decreased and no extraordinary measures such as the "swat team" option have yet been employed -- at least to any significant degree. See Plan at 9-10; Judges' Responses to Assessment Survey at Attachment G. Similarly, while the "reminder" factor inherent in the quarterly motions docket report may have been somewhat of an influence, the significant improvements reflected in the first such report demonstrate that much of the improvement must be owing to other factors. Such factors may include increased use of oral rulings and minute orders as well as prompt scheduling of hearings. See Attachment G.

Not only are the overall statistics much improved, but the improvement is quite evenly divided among the individual judges. See Attachment C Tables C-2 through C-4. Nine of the eleven judges included in the April 1993 report increased the percentage of motions falling within the youngest bracket. One of the remaining two judges already had (and continues to have) an exceptionally "young" motions docket.

D. Magistrate Civil Caseload Report

Magistrate Case Management Reports have been prepared since July 1993. These reports (through November 1994) are at Attachment E to this assessment. As originally prepared, these reports reflected seven categories. Due to the time required to compile the data, however, the reports were modified to reflect only three categories from November 1993 forward.

While the Magistrate Judge Case Management Reports provide some measure of a magistrate's workload, the Reports are by no means complete. Unfortunately, there is no automated means of obtaining this data.⁸

⁸ The data processing system presently available to the Clerk of Court does not allow for automatic tabulation or determination of the magistrate workloads which, to a significant degree, consist of matters assigned to and referred by district judges.

Although limited, the information contained in these reports does help each of the individual magistrates to understand and manage his caseload. It also provides some guidance to the district judges in regard to magistrate availability for handling referral of motions.

E. Alternative Dispute Resolution Statistics

The District has not yet implemented a system for capturing statistics on the use and success of alternative dispute resolution techniques. Implementation of such a system as well as uniform rules governing mediation and establishing a voluntary expedited docket are priorities for SY 1995. See also § VI below.

F. Non-Mandated Areas

1. Clerk of Court's Report

The Clerk of Court has, as directed by the Plan Section VIII D, adopted procedures alerting counsel to filing deficiencies. See Attachment I. The procedures were recommended to insure that compliance with revisions to Rule 5 of the Federal Rules of Civil Procedure did not create an unnecessary burden on judicial time.

2. Filing Papers After Hours

The Federal Rules of Civil Procedure provide that "[t]he district courts shall be deemed always open for the purpose of filing any pleading or other proper paper." Fed. R. Civ. P. 77(a). This requirement coupled with the various Federal and Local Rules setting filing deadlines, (which, unlike service, cannot be accomplished by mail) have led to numerous requests to the Clerk of Court to remain open past the normal hours of operation. Funding, personnel, and security concerns, however, preclude extending hours for every late filing.

This clash between procedural provisions and practicality has been addressed by installation of drop boxes at four courthouses: Columbia, Charleston, Greenville, and

**CIVIL JUSTICE REFORM ACT ADVISORY GROUP
FOR THE DISTRICT OF SOUTH CAROLINA
UNITED STATES DISTRICT COURT**

For Reply by Mail:
Post Office Box 11889
Columbia, SC 29211-1889

For Reply by Telephone:
(803) 540-7844

February 1, 1995

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Hon. C. Weston Houck

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Abel Mattos
Administrative Office of the U.S. Courts
Thurgood Marshall Federal Judiciary Building
Washington, DC 20544

RE: CJRA Implementation and Assessment

Dear Mr. Mattos:

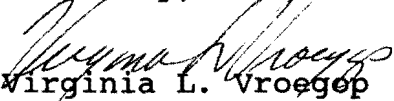
Enclosed please find the following documents related to the Civil Justice Expense and Delay Reduction Plan ("Plan") for the District of South Carolina:

- Annual Assessment; and
- Implementation Order.

As noted in these documents, the District Court Advisory Committee is in the process of drafting local rules related to the few remaining Plan provisions which have not yet been fully implemented. The District anticipates adoption of a such rules no later than June 30, 1995. The District has made no significant changes to the Plan except as to the frequency of self-assessment (now annual instead of biannual).

The Implementation Order and Annual Assessment are being forwarded to all persons shown on the enclosed recipient list. Please let me know if you are aware of anyone else who should be provided with copies of the enclosed documents, if you need additional copies, or if I may otherwise be of assistance.

Sincerely,

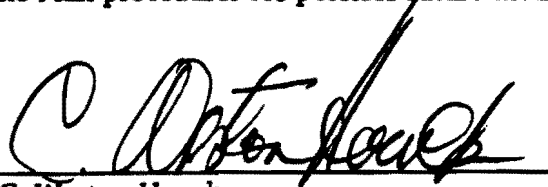

Virginia L. Vroegop

VLV/jfe
Enclosures

cc: The Hon. C. Weston Houck
The Hon. Joseph F. Anderson, Jr.
The Hon. Larry W. Propes
Ms. Sandra Roberson
Marvin D. Infinger, Esq.
Ms. Norma Reed

Procedures adopted by the District Plan are, for the most part, being followed. As noted above, certain local rules still need to be adopted for full implementation of the Plan. The District will endeavor to complete this process by June 30, 1995.

Overall, the Plan as adopted in December 1993 is reaffirmed. The District will, however, continue to review the Plan procedures for possible future modification.



C. Weston Houck
Chief Judge
United States District Court for
the District of South Carolina

January 18, 1995

One judge reported a simple technique which has resulted in more frequent non-judicial resolution of discovery motions. This judge now schedules discovery motions for Friday afternoons.

VI. ALTERNATIVE DISPUTE RESOLUTION

Of the eleven judges responding to the annual assessment survey, the following number reported utilizing ADR techniques during the past year:

Mediation	8
Early Neutral Evaluation	1
Judicial Settlement Conferences	1*
No ADR utilized	3

- * The number of judges utilizing judicial settlement conferences appears to be under-reported. Attachment G at G-10

With one exception, the judges did not formally track the success of the mediations.⁹ The judges, nonetheless reported the following views of the success of mediation.

Limited success	1
Moderate success	2
Substantial success	5

Attachment G at G-10. The one judge who also reported use of judicial settlement conferences and early neutral evaluation reported "moderate success" with these techniques.

Id.

CONCLUSION

The District finds that its condition is roughly the same as when the Plan was adopted. Although weighted filings per judgeship have increased, the various timeliness measures indicate that the District is managing the increased burden well.

⁹ One judge reported a fifty percent (50%) success rate. This judge's results are included above in the five (5) judges reporting "substantial success."

The vast majority of the judges also reported using minute orders and oral rulings to expedite resolution of motions. For many, this was merely a continuation of procedures utilized before the Plan was adopted.

A majority of the responding judges are also utilizing orders drafted by counsel. The judges reported various concerns, however, including the Fourth Circuit's disfavor for such orders, the inability of counsel to draft appropriate orders, and the frequent need for substantial revision. Attachment G at G-6 through G-7.

Most of the responding judges also indicated that they had not encountered problems with allowing a single extension by consent of time to answer. One judge noted that many attorneys lack knowledge of the rule revision allowing such an extension. One judge felt that extensions of time to answer should not be allowed by consent because such extensions constituted a "major cause of delay." Attachment G at G-7.

V. COST EFFECTIVE DISCOVERY

The vast majority of the judges responding to the assessment survey felt that the District should continue to "opt out" of the automatic discovery requirements set forth in the Federal Rules. Attachment G at G-8. They favored continued use of the automatic discovery provisions found in our Local Rules. One judge, however, felt that the District should first try the Federal Rules before "opting out."

Although most judges did not see significant changes in discovery practice over the past year, many expressed continuing concerns regarding discovery abuse. Problems noted ranged from "limited cooperation among parties" to deliberate "stonewalling, deception and outright falsifying." Suggestions to deal with the problem ranged from enacting stronger local rules governing discovery practices to stronger enforcement of existing standards. As several acknowledged, however, it is not a problem that can be resolved by judicial action alone. Cooperation of the bar is needed.

motions list within their own office while two rely on the six month list of pending motions. Attachment G at G-4.

Through the annual assessment survey, the judges shared a number of suggestions for faster resolution of motions. These are set out in Attachment G at G-4. The suggestions reaffirm the importance of maintaining current pending motions lists (such as provided with the motions docket report). They also include encouragement of telephonic hearings for non-dispositive motions, and prompt scheduling of motions hearings or resolution without hearing when appropriate. Attachment G at G-4.

The state of the motions docket is also addressed above at Section II.C. (statistical data).

E. Swat Teams

No judges reported requesting a swat team to assist them in handling their motions docket. One judge did, however, indicate that out-of-state judges had provided similar assistance within the District. Of the eight judges offering an opinion, they split equally between those favoring the availability of the procedure and those who believed it was not beneficial. Attachment G at G-5.

IV. EARLY JUDICIAL INVOLVEMENT

The primary recommendations in the Plan related to early judicial involvement included rejection of early firm trial dates, recommendations related to prompt disposition of motions, and provisions for consensual extensions of time to answer. As to the first matter, the vast majority of the judges responding to the assessment survey agreed: (1) that current local rules provide adequate early judicial involvement; and (2) that the District should not require "firm trial dates." Attachment G at G-6. One judge did, however, report experimenting with scheduling of early firm trial dates. Id.

III. SYSTEMATIC DIFFERENTIAL TREATMENT OF CASES

A. Generally

The eleven judges responding to the Assessment Survey were unanimous in their view that "the current procedures [are] generally adequate to insure appropriate differential treatment of cases." Attachment G at G-2. None suggested specific procedural changes.

B. Party Signatures

The Plan rejects the CJRA suggestion that a party sign any requests for extension of time. It did, however, establish a requirement for party consent to extension of trial dates. Plan at 8. This requirement is not, however, being uniformly enforced. Of the ten judges responding to annual assessment inquiry regarding party consent, three reported requiring affirmation by counsel of client consent while seven reported that affirmation has not been required. Attachment G at G-2 through G-3.

C. Expedited Docket

The expedited docket has not yet been implemented in the District. District priorities include implementation of an expedited docket by June 30, 1995. Local Rules governing the expedited docket will first need to be adopted. See above § II.G.

D. Motions Docket

Motions docket reports are now being routinely prepared at the end of each quarter. The reports provide each judge with current data as well as comparative data from the last four quarters for the individual judge and the District as a whole. A listing of each judge's pending motions, in filing date order, is provided along with the report. See Attachment C hereto.

Of the eleven judges responding to the annual assessment survey, all but one reported that receipt of the motions docket report assists them in monitoring and expediting their motions docket. Most judges also rely on other forms of motions docket management (eight of the eleven indicates such reliance). For instance, three judges maintain a pending

Florence. Rules governing the use of these boxes are set forth by Standing Order dated September 16, 1994. Attachment J hereto.

G. Implementation and Monitoring

At present, overall responsibility for implementation of the District Plan rests with the Chief Judge and the assigned Implementing Judge, the Honorable Joseph F. Anderson, Jr. Responsibility for the annual assessment rests jointly with the Chief Judge, Implementing Judge, Clerk of Court, and CJRA Reporter.

In order for the District to implement an expedited docket and maintain statistical information regarding use of alternative dispute resolution techniques, additional personnel within the Clerk of Court's office may be needed. At present, two entry level positions have been allocated, but with total funding of only \$21,000 for the entire fiscal year. Due to the need for a higher skill level, in particular data processing skills, the Clerk of Court may utilize the two entry level allocations for a single higher level employee.

Various local rules and standing orders still need to be adopted in order to fully implement the District's Plan. The District Court Advisory Committee has been asked to draft such rules and submit them to the district judges for comment and approval. A target date of June 30, 1995 has been set for implementation or adoption of the rules governing the areas set forth below:

Mediation;

Voluntary Expedited Docket;

Use of Juror Questionnaires;

Conduct of Depositions;

Motions Orders (orders drafted by counsel); and

Exchanging Trial Briefs.

DISTRICT OF SOUTH CAROLINA
ANNUAL ASSESSMENT
FOR THE
CIVIL JUSTICE EXPENSE AND DELAY
REDUCTION PLAN
DECEMBER 31, 1994

ATTACHMENTS

U.S. DISTRICT COURT -- JUDICIAL WORKLOAD PROFILE

SOUTH CAROLINA		TWELVE MONTH PERIOD ENDED JUNE 30						NUMERICAL STANDING WITHIN U.S. CIRCUIT		
		1994	1993	1992	1991	1990	1989			
OVERALL WORKLOAD STATISTICS	Filings*	4,251	4,023	4,535	4,238	3,494	4,004			
	Terminations	4,550	3,994	4,035	3,330	3,643	3,993			
	Pending	3,794	4,168	4,145	3,740	2,866	2,990			
	Percent Change in Total Filings Current Year	Over Last Year. . .	5.7						15	2
	Over Earlier Years. . .		-6.3	.3	21.7	6.2		28	2	
	Number of Judgeships	9	9	9	9	8	8			
	Vacant Judgeship Months**	5.4	.0	7.6	12.4	1.9	.0			
ACTIONS PER JUDGESHIP	FILINGS	Total	472	447	504	471	437	501	19	2
		Civil	412	391	440	406	372	444	20	3
		Criminal Felony	60	56	64	65	65	57	29	6
	Pending Cases	422	463	461	416	358	374	28	3	
	Weighted Filings**	510	465	446	468	407	402	12	3	
	95% Confidence	Upper	545	510	495	472	505	432		
		Lower	476	444	435	420	431	382		
	Terminations	506	444	448	370	455	499	11	2	
Trials Completed	35	36	31	25	39	39	24	5		
MEDIAN TIMES (MONTHS)	From Filing to Disposition	Criminal Felony	7.0	8.3	8.2	7.1	6.5	5.8	65	6
		Civil**	9	8	7	7	8	7	44	4
	From Issue to Trial (Civil Only)	15	15	11	9	8	8	16	3	
OTHER	Number (and %) of Civil Cases Over 3 Years Old		134 3.9	74 2.0	33 .9	49 1.5	32 1.3	57 2.1	35	4
	Average Number of Felony Defendants Filed per Case		1.9	1.9	1.7	1.7	1.4	1.4		
	Jurors	Avg. Present for Jury Selection**	12.28	12.66	13.68	14.45	11.16	11.54	1	1
		Percent Not Selected or Challenged**	11.6	7.2	15.6	16.9	9.4	14.7	5	3

**FOR NATIONAL PROFILE AND NATURE OF SUIT AND OFFENSE CLASSIFICATIONS
SHOWN BELOW -- OPEN FOLDOUT AT BACK COVER**

1994 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	3707	261	20	632	47	686	160	453	877	42	385	3	14
Criminal*	522	1	37	73	5	42	43	104	34	108	10	28	3

* Filings in the "Overall Workload Statistics" section include criminal transfers, while filings "by nature of offense" do not
 ** See Page 167.

TABLE A-1

DISTRICT OF SOUTH CAROLINA

U.S. DISTRICT COURT JUDICIAL WORKLOAD PROFILE

TWELVE MONTH PERIOD ENDED JUNE 30

		1997	1996	1995	1994	1993	1992	1991	1990	1989	1988	1987	1986	1985

OVERALL WORKLOAD STATISTICS														
FILINGS					4251	4023	4535	4238	3494	4004	3895	3875	3824	3813
TERMINATIONS					4550	3994	4035	3330	3643	3993	3841	3699	4034	3965
PENDING					3794	4168	4145	3740	2866	2990	2980	2927	2750	2960

NUMBER OF JUDGESHIPS					9	9	9	9	8	8	8	8	8	8
VACANT JUDGESHIP MONTHS					5.4	0	7.6	12.4	1.9	0	0	3.7	0	0

ACTIONS PER JUDGESHIP														
FILINGS:														
TOTAL CIVIL					472	447	504	471	437	501	487	484	478	477
					412	391	440	406	372	444	447	451	443	452

PENDING CASES					422	463	461	416	358	374	373	366	344	370
WEIGHTED FILINGS					510	465	446	468	407	402	379	382	362	362
TERMINATIONS					506	444	448	370	455	499	480	462	504	496
TRIALS COMPLETED					35	36	31	25	39	39	31	27	28	34

MEDIAN TIMES (MONTHS)														
FROM FILING TO DISPOSITION (CIVIL)					9	8	7	7	8	7	8	7	7	8

OTHER														
NUMBER (AND %) OF CIVIL CASES OVER 3 YEARS OLD					134	74	33	49	32	57	50	40	55	23
					3.9	2	0.9	1.5	1.3	2.1	1.8	1.4	2.1	0.8

NOTE: WEIGHTED FILINGS IN CURRENT REPORT (FOR '89-'92) DIFFER FROM PRIOR REPORTS

TABLE A-2

DISTRICT OF SOUTH CAROLINA

CALCULATIONS BASED ON JUDICIAL WORKLOAD PROFILE DATA

RATIOS RELATIVE TO PRIOR YEAR

	1997	1996	1995	1994	1993	1992	1991	1990	1989	1988	1987	1986	1985
OVERALL WORKLOAD STATISTICS													
FILINGS				1.06	0.89	1.07	1.21	0.87	1.03	1.01	1.01	1.00	N/A
TERMINATIONS				1.14	0.99	1.21	0.91	0.91	1.04	1.04	0.92	1.02	N/A
PENDING				0.91	1.01	1.11	1.30	0.96	1.00	1.02	1.06	0.93	N/A

ACTIONS PER JUDGESHIP													
FILINGS:													
TOTAL				1.06	0.89	1.07	1.08	0.87	1.03	1.01	1.01	1.00	N/A
CIVIL				1.05	0.89	1.08	1.09	0.84	0.99	0.99	1.02	0.98	N/A

PENDING CASES				0.91	1.00	1.11	1.16	0.96	1.00	1.02	1.06	0.93	N/A
WEIGHTED FILINGS				1.10	1.00	1.10	1.12	0.90	1.11	0.99	1.06	1.00	N/A
TERMINATIONS				1.14	0.99	1.21	0.81	0.91	1.04	1.04	0.92	1.02	N/A
TRIALS COMPLETED				0.97	1.16	1.24	0.64	1.00	1.26	1.15	0.96	0.82	N/A

PENDING/TERMINATED CASE RATIO (SAME YEAR)													
PENDING TO TERMINATED CASE RATIO				0.83	1.04	1.03	1.12	0.79	0.75	0.78	0.79	0.68	0.75



memorandum

DATE: November 8, 1994

TO:

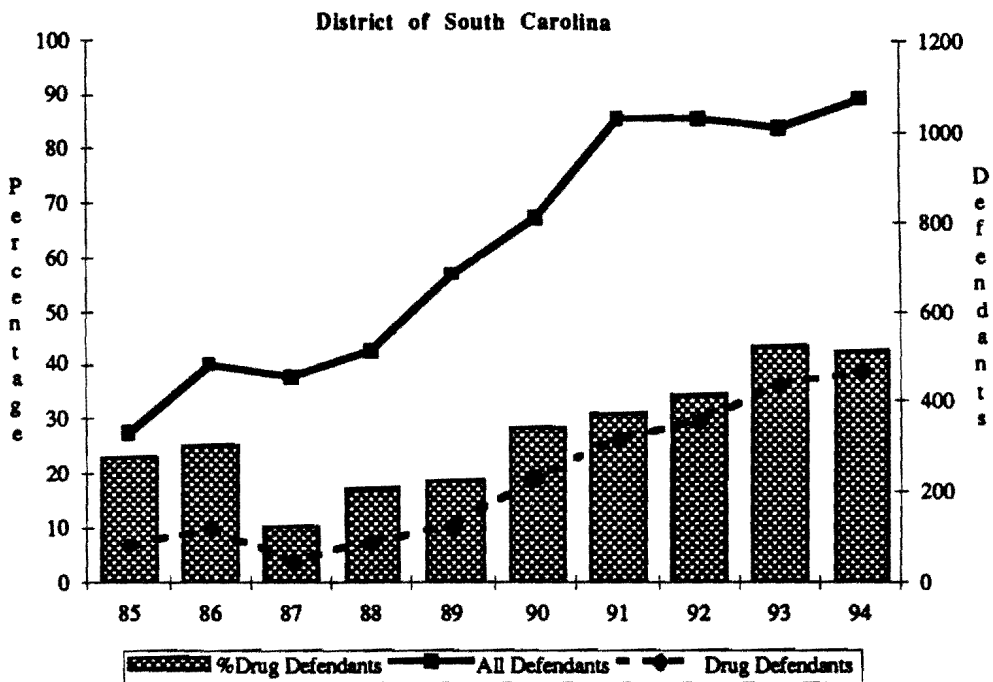
Virginia L. Vroegop
Sinkler & Boyd
Post Office Box 11889
Columbia, SC 29211

FROM: John Shapard
SUBJECT: 1994 Statistical Supplement for CJRA Advisory Groups

I made an error in the computations for one of charts in the 1994 Statistical Supplement for CJRA Advisory groups, which I recently sent to you with a memorandum dated October 30, 1994. The error occurs in Chart 9 (page 16), and may have falsely suggested a notable decrease in criminal filings for SY94. The corrected chart appears on the back of this memorandum.

Please accept my apologies for any confusion this error may have occasioned.

Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94





memorandum

DATE: October 30, 1994
TO:

Virginia L. Vroegop
Sinkler & Boyd
Post Office Box 11889
Columbia, SC 29211

FROM: John Shapard
SUBJECT: 1994 Statistical Supplement for CJRA Advisory Groups

Enclosed is a copy of the 1994 Statistical Supplement for CJRA Advisory groups, an overview of caseload statistics for the District of South Carolina. At the request of court and advisory group personnel, we have provided this update each year since 1991, when these materials appeared in a larger report, "Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990."

I hope you find the enclosure to be useful.

This memorandum and the report for your district were also sent to:

Ann A. Birch
Honorable Falcon B. Hawkins
Marvin D. Infinger

Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990

SY94 Statistics Supplement

October 1994



Prepared for the District of South Carolina

NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

b. Caseload mix and filing trends. The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

Chart 1: Distribution of Case Filings, SY92-94
District of South Carolina

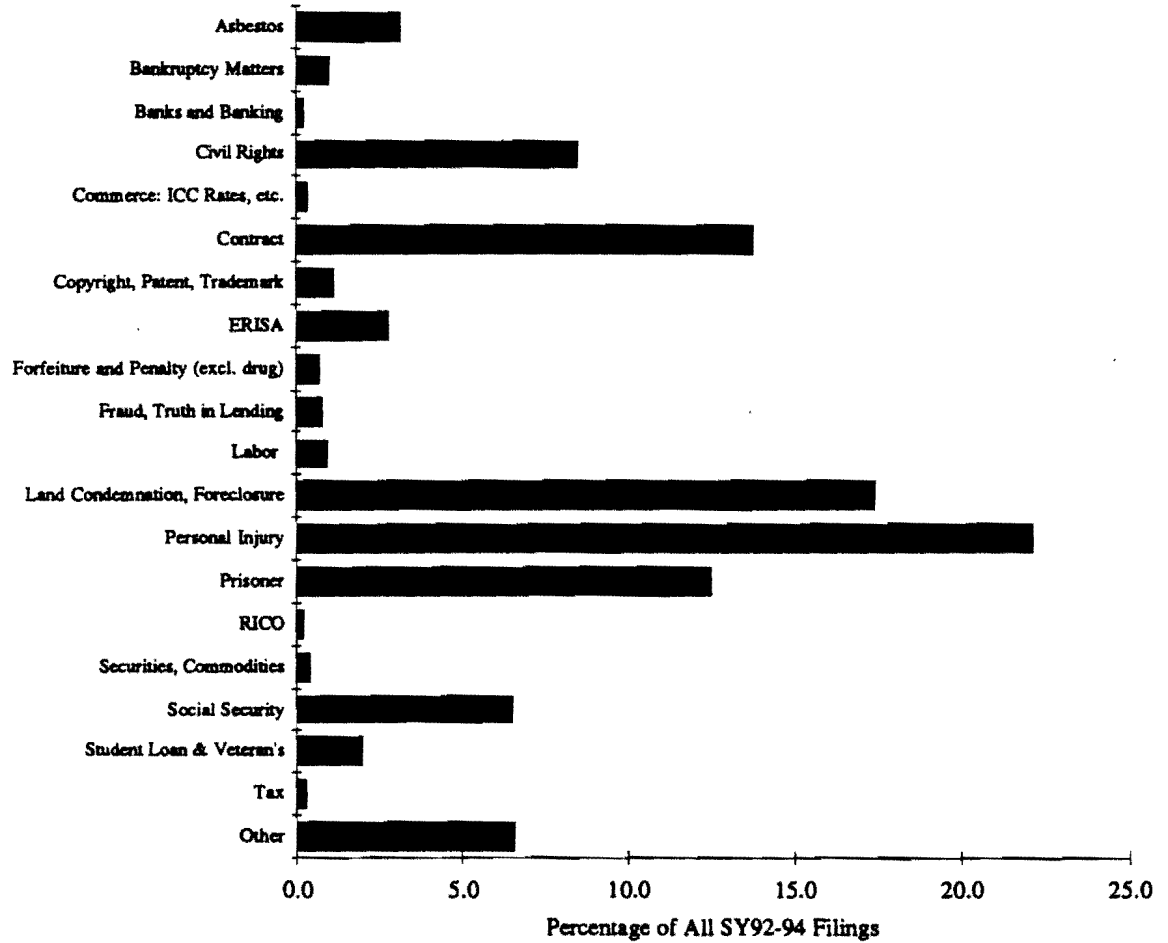


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

Chart 2: Filings By Broad Category, SY85-94
District of South Carolina

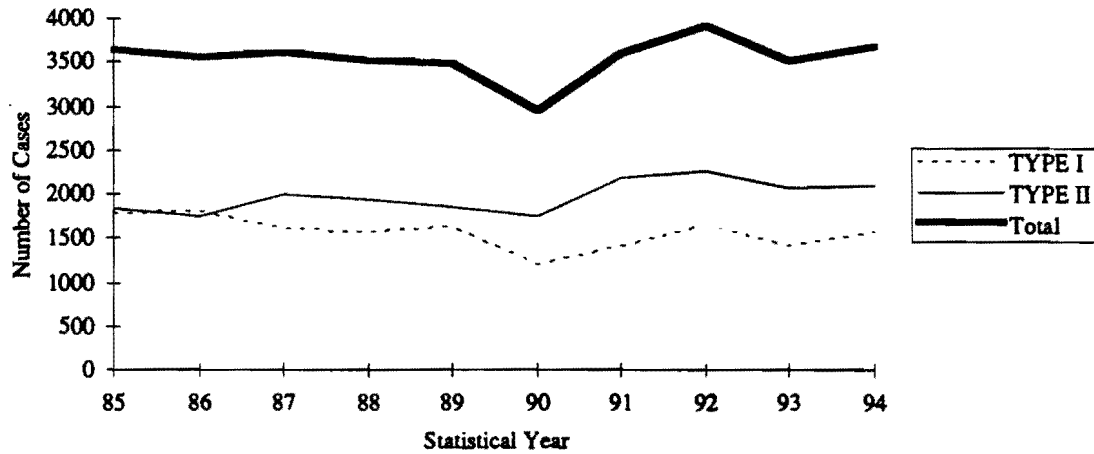
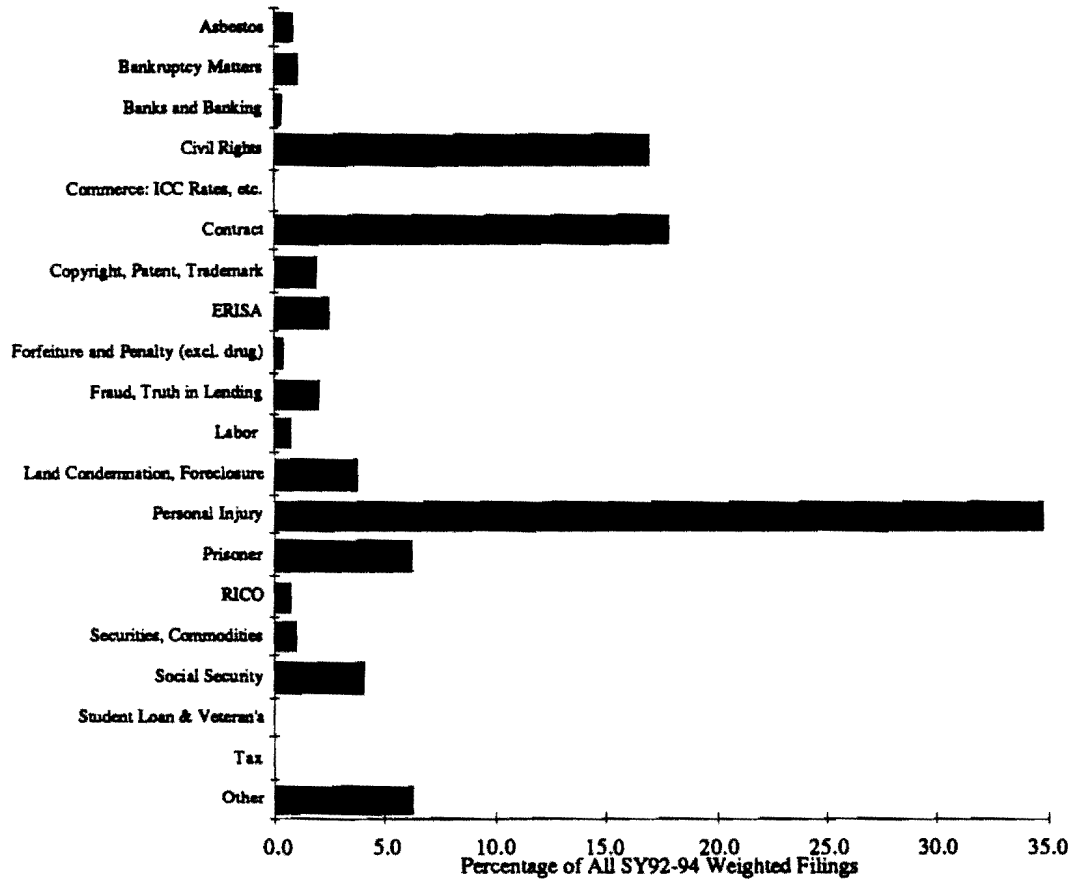


Table 1: Filings by Case Type, SY85-94

District of South Carolina	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	88	89	54	120	126	90	78	185	108	46
Bankruptcy Matters	28	24	20	21	32	43	33	39	26	35
Banks and Banking	1	6	2	0	3	4	4	3	6	6
Civil Rights	167	175	180	163	221	218	184	258	295	385
Commerce: ICC Rates, etc.	4	11	14	9	2	6	12	12	19	2
Contract	676	652	728	788	645	547	611	565	522	448
Copyright, Patent, Trademark	42	34	47	42	44	43	35	32	48	42
ERISA	10	9	11	31	78	126	89	94	99	110
Forfeiture and Penalty (excl. drug)	68	16	10	27	18	27	27	24	22	22
Fraud, Truth in Lending	48	33	18	23	43	35	36	35	18	30
Labor	23	18	37	24	22	33	32	24	25	50
Land Condemnation, Foreclosure	516	574	548	588	743	581	740	715	573	648
Personal Injury	537	520	520	481	490	457	819	935	767	764
Prisoner	222	254	279	221	251	285	327	381	422	587
RICO	0	2	3	7	4	12	11	7	7	3
Securities, Commodities	24	14	49	38	15	16	9	20	9	11
Social Security	449	285	351	311	186	114	153	189	270	261
Student Loan and Veteran's	486	590	369	334	306	95	105	165	39	8
Tax	24	6	6	13	20	14	16	5	9	8
All Other	223	247	370	303	271	210	295	255	245	229
All Civil Cases	3636	3559	3616	3544	3520	2956	3616	3943	3529	3695

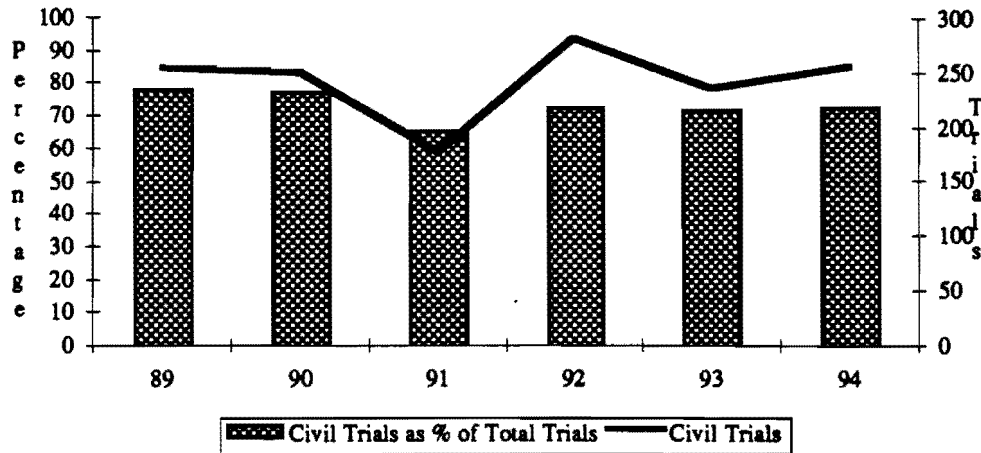
c. Burden. While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94
District of South Carolina**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94
District of South Carolina**



d. Time to disposition. This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

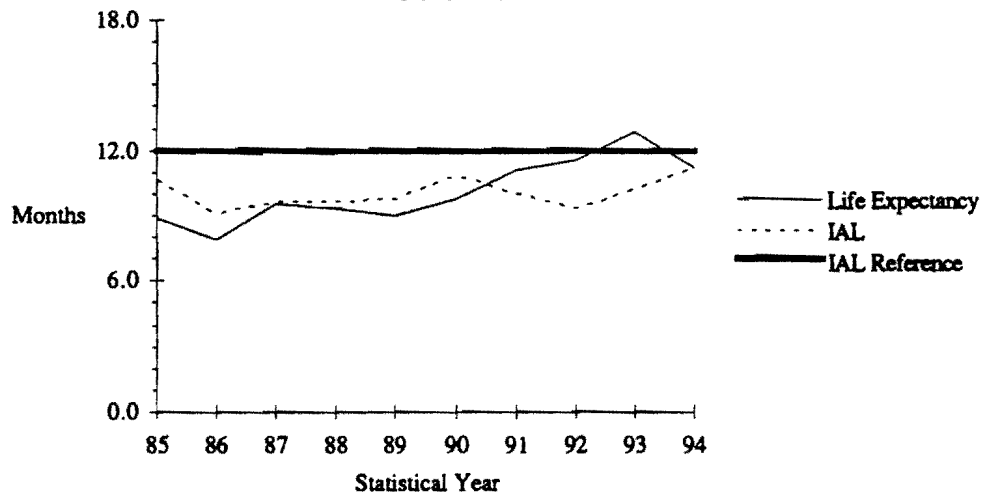
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

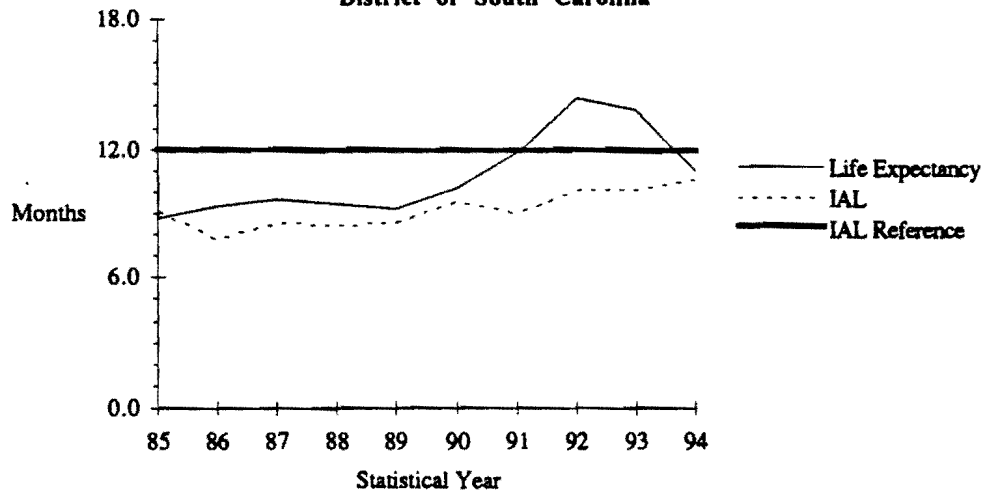
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94
District of South Carolina**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94
District of South Carolina**



e. Three-year-old cases. The *MgmRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

Chart 7: Cases Terminated in SY92-94, By Termination Category and Age
 District of South Carolina
 Termination Category (Percent 3 or more years old)

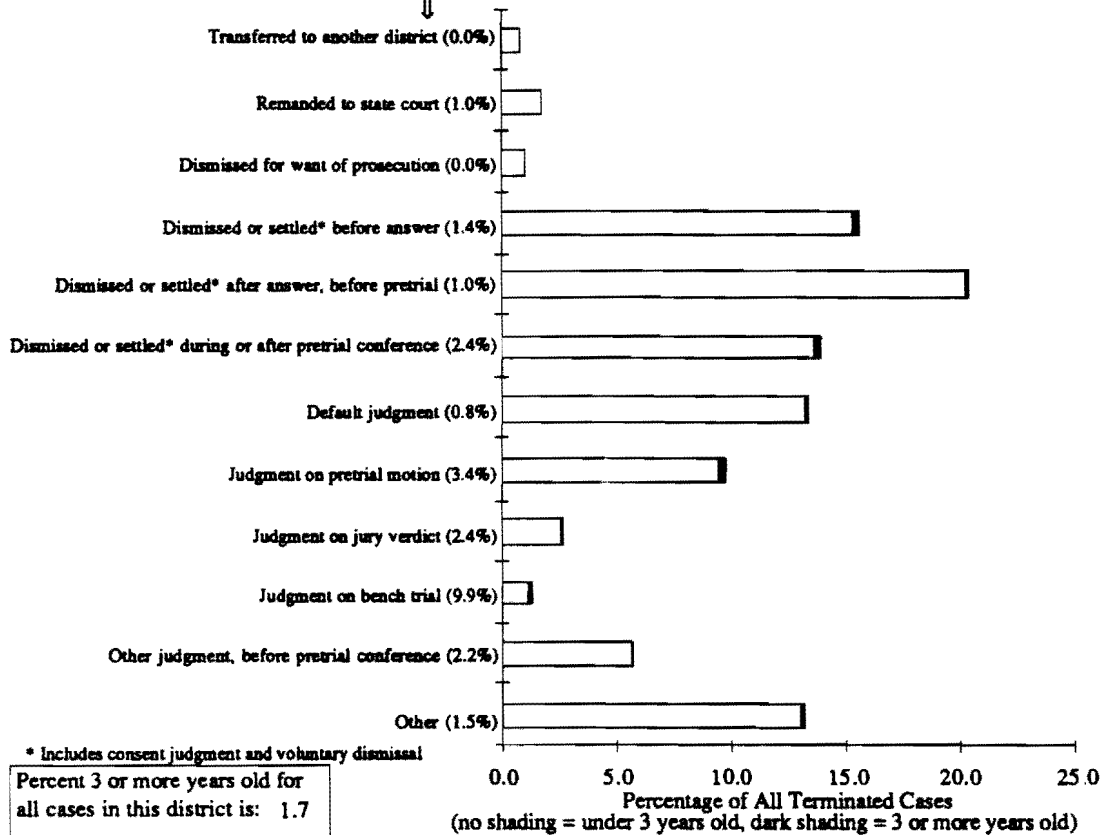
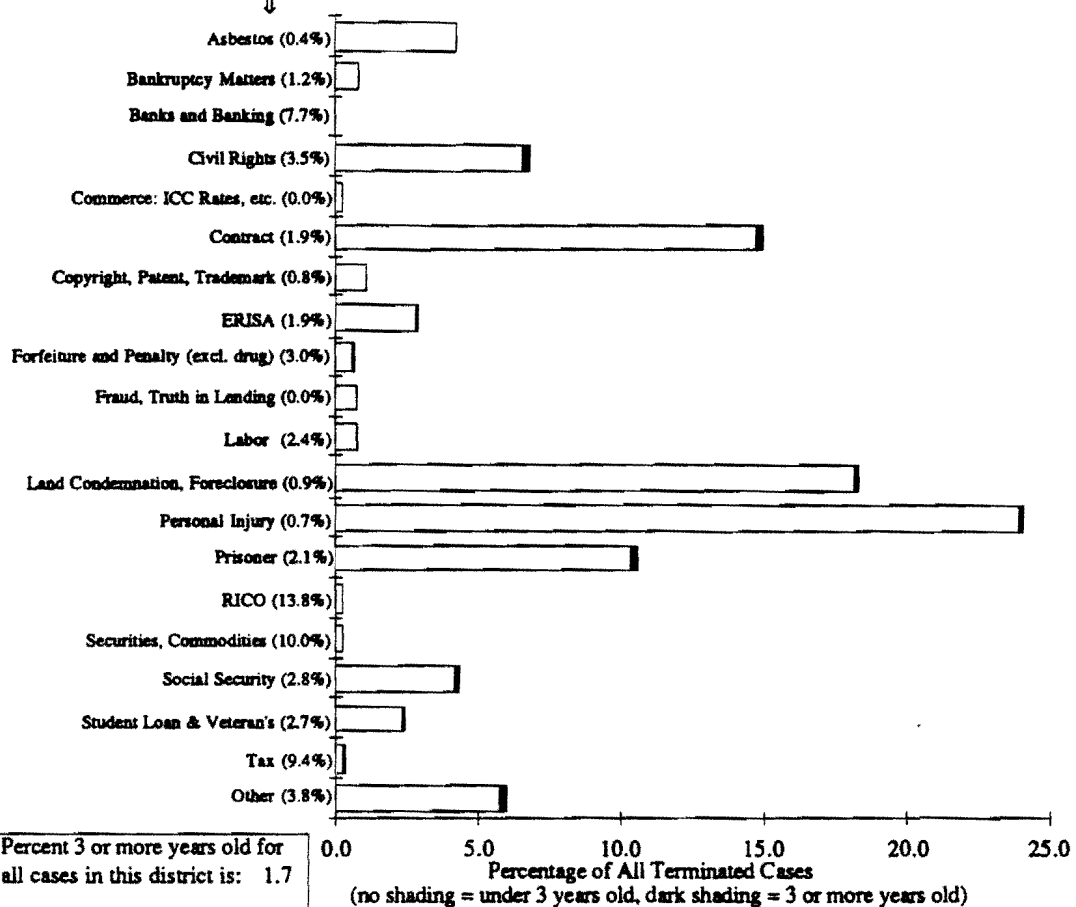


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

Chart 8: Cases Terminated in SY92-94, By Case Type and Age
District of South Carolina

Case Type (Percent 3 or more years old)



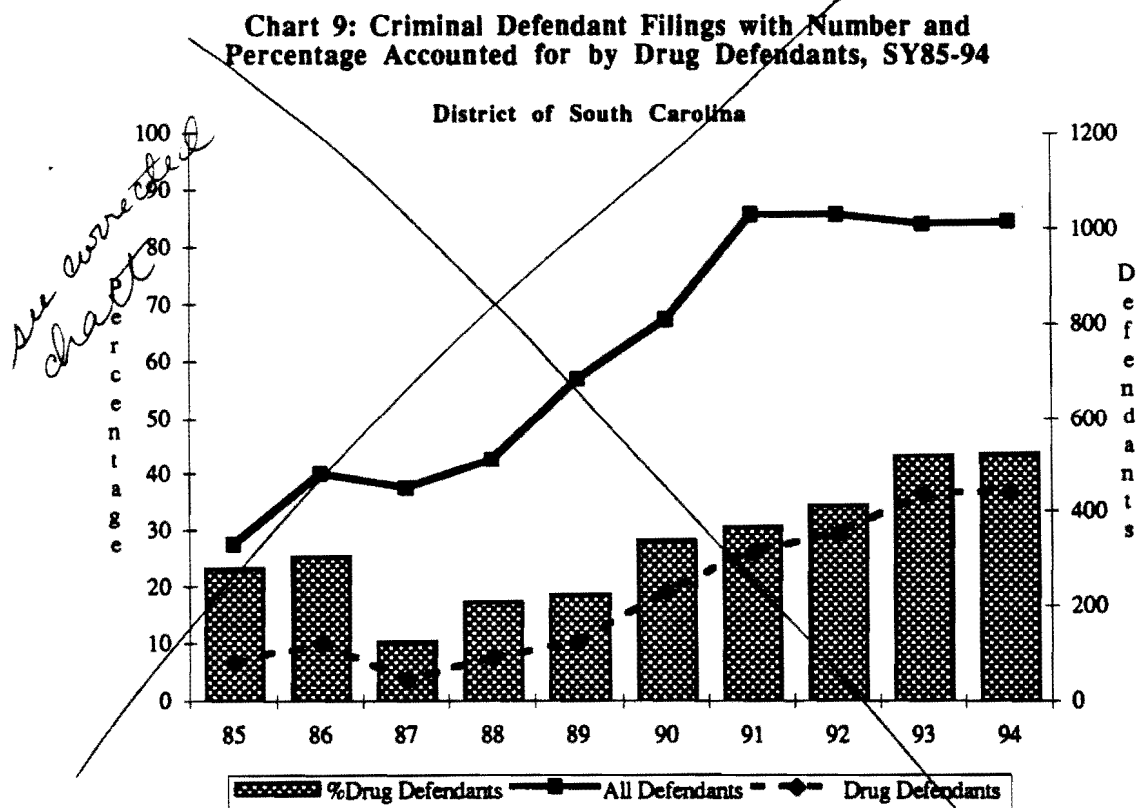
f. Vacant judgeships. The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ($36 - 6 = 30$; $30 / 12 = 2.5$; $3 / 2.5 = 1.2$). If terminations per judgeship are 400, then terminations per available active judge would be 480 (400×1.2). This will overstate the workload of the active judges if

there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

2. The Criminal Docket

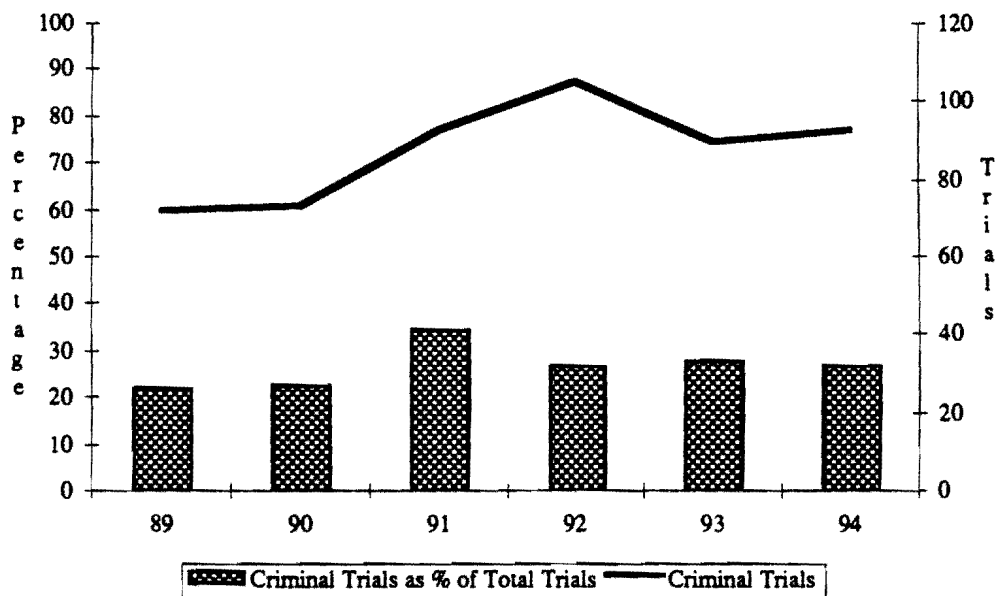
a. The impact of criminal prosecutions. In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).



b. The demand on resources by criminal trials. Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94
District of South Carolina



For more information on caseload issues

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

MOTIONS DOCKET STATISTICAL ANALYSIS

This attachment contains the "Motions Docket Summary Reports" for June and September, 1994, as well as several tables comparing the data in these reports and the April 2, 1993, motions docket statistics. Due to changes in how the number of motions are counted, the raw numbers in the April 1993 and the two 1994 reports are not directly comparable. The percentage breakdowns should, however, be a fair reflection of changes in the docket. For ease of comparing current and baseline data, the April 1993 percentage breakdowns have been written on the far right hand side of each judges' individual motions docket report and the "All Judges Report." As in the Advisory Group Report, letter designations have been substituted for each judge's name.

TABLE C-1

MOTIONS DOCKET AS OF:	4/2/93	6/30/94	9/30/94
PERCENTAGE OF MOTIONS:			
Less than 65 days from filing	26%	37%	46%
65-124 days from filing	21%	16%	21%
125-184 days from filing	14%	14%	12%
185 or more days from filing	40%	33%	21%

MOTIONS DOCKET
AS OF APRIL 2, 1993

EXH. C TABLE C2	Motions* less than 65 days from filing	Motions* 65-124 days from filing (approx. 2'-4mo)	Motions* 125-184 days from filing (approx. 4'-6mo)	Motions* over 185 days from filing (approx. 6mo)	TOTAL
JUDGE					
A	57 (31%)	37 (20%)	17 (9%)	70 (39%)	181
B	36 (52%)	19 (28%)	6 (9%)	8 (12%)	69
C	80 (37%)	39 (18%)	33 (15%)	62 (29%)	214
D	57 (41%)	45 (32%)	18 (13%)	19 (14%)	139
E	81 (33%)	49 (20%)	47 (19%)	72 (29%)	249
F	42 (36%)	38 (32%)	17 (15%)	20 (17%)	117
G	26 (27%)	26 (27%)	24 (25%)	21 (22%)	97
H	34 (33%)	22 (22%)	19 (19%)	27 (26%)	102
I	44 (31%)	53 (37%)	19 (13%)	26 (18%)	142
J	36 (32%)	30 (26%)	14 (12%)	34 (30%)	114
K	71 (29%)	92 (12%)	91 (12%)	512 (67%)	766
ALL JUDGES	564 (26%)	450 (21%)	305 (14%)	871 (40%)	2190

Motions*: All Motions filed together on a given day were counted as one motion for purposes of this analysis as such motions are generally disposed of as a unit.

Percentages: Numbers shown in parentheses are percentages of that judges total motions*. Percentages are rounded to the nearest whole number.

Attachment C
Table C3

MOTIONS LESS THAN 65 DAYS FROM FILING

<u>Judge</u>	<u>April '93</u>	<u>June '94</u>	<u>Sept. '94</u>
A	31%	35%	49%
B	52%	35%	45%
C	37%	31%	19%
D	41%	56%	62%
E	33%	40%	47%
F	36%	59%	69%
G	27%	71%	51%
H	33%	41%	50%
I	31%	45%	63%
J	32%	35%	44%
K	9%	19%	33%
L	—	30%	46%
ALL JUDGES	26%	37%	46%

Attachment C
Table C-4

MOTIONS LESS THAN 124 DAYS FROM FILING*

<u>Judge</u>	<u>April '93</u>	<u>June '94</u>	<u>Sept. '94</u>
A	51%	51%	61%
B	80%	69%	79%
C	55%	48%	44%
D	73%	67%	90%
E	53%	64%	70%
F	68%	76%	85%
G	54%	81%	74%
H	55%	49%	71%
I	68%	63%	79%
J	58%	57%	59%
K	21%	31%	51%
L	n/a	40%	51%
ALL JUDGES	47%	53%	67%

District of South Carolina
MOTIONS DOCKET SUMMARY REPORT

(As required by this District's Civil Justice Expense and Delay
Reduction Plan, Section V.B.)

ALL JUDGES REPORT

For Quarter Ending: 09/30/94

	CURRENT QUARTER	THREE (3) MONTHS AGO	SIX (6) MONTHS AGO	NINE (9) MONTHS AGO	TWELVE (12) MONTHS AGO	APRIL 1993 BASELINE (PERCENTAGES)
QUARTER ENDING	09/30/94	06/30/94				
Motions less than 65 days from filing	689 (46%)	598 (37%)				26%
Motions 65-124 days from filing	309 (21%)	256 (16%)				21%
Motions 125-184 days from filing	181 (12%)	228 (14%)				14%
Motions 185 or more days from filing	319 (21%)	535 (33%)				40%
Total Motions	1,498	1,617				

Percentages: Numbers shown in parentheses are percentages of that Judge's total motions which fall into the relevant age category

118 C:\6177\1\SUMMARY.ALL 11/04/94 17:14

District of South Carolina
MOTIONS DOCKET SUMMARY REPORT

(As required by this District's Civil Justice Expense and Delay
Reduction Plan, Section V.B.)

JUDGE A

For Quarter Ending: 09/30/94

	CURRENT QUARTER	THREE (3) MONTHS AGO	SIX (6) MONTHS AGO	NINE (9) MONTHS AGO	TWELVE (12) MONTHS AGO	APRIL 1993 BASELINE (PERCENTAGES)
QUARTER ENDING	09/30/94	06/30/94	N/A	N/A	N/A	
Motions less than 65 days from filing	48 (40%)	43 (35%)				31%
Motions 65-124 days from filing	25 (21%)	19 (16%)				20%
Motions 125-184 days from filing	18 (15%)	12 (10%)				9%
Motions 185 or more days from filing	28 (24%)	48 (39%)				39%
Total Motions	119	122				

Percentages: Numbers shown in parentheses are percentages of that Judge's total motions which fall into the relevant age category

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District of South Carolina
MOTIONS DOCKET SUMMARY REPORT

(As required by this District's Civil Justice Expense and Delay
Reduction Plan, Section V.B.)

JUDGE F

For Quarter Ending: 09/30/94

	CURRENT QUARTER	THREE (3) MONTHS AGO	SIX (6) MONTHS AGO	NINE (9) MONTHS AGO	TWELVE (12) MONTHS AGO	APRIL 1993 BASELINE (PERCENTAGES)
QUARTER ENDING	09/30/94	06/30/94	N/A	N/A	N/A	
Motions less than 65 days from filing	86 (69%)	67 (59%)				36%
Motions 65-124 days from filing	20 (16%)	19 (17%)				32%
Motions 125-184 days from filing	8 (6%)	11 (10%)				15%
Motions 185 or more days from filing	11 (9%)	16 (14%)				17%
Total Motions	125	113				

Percentages: Numbers shown in parentheses are percentages of that Judge's total motions which fall into the relevant age category

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District of South Carolina
MOTIONS DOCKET SUMMARY REPORT

(As required by this District's Civil Justice Expense and Delay
Reduction Plan, Section V.B.)

JUDGE G

For Quarter Ending: 09/30/94

	CURRENT QUARTER	THREE (3) MONTHS AGO	SIX (6) MONTHS AGO	NINE (9) MONTHS AGO	TWELVE (12) MONTHS AGO	APRIL 1993 BASELINE (PERCENTAGES)
QUARTER ENDING	09/30/94	06/30/94	N/A	N/A	N/A	
Motions less than 65 days from filing	39 (51%)	63 (71%)				27%
Motions 65-124 days from filing	17 (23%)	9 (10%)				27%
Motions 125-184 days from filing	13 (17%)	8 (9%)				25%
Motions 185 or more days from filing	7 (9%)	9 (10%)				22%
Total Motions	76	89				

Percentages: Numbers shown in parentheses are percentages of that Judge's total motions which fall into the relevant age category

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District of South Carolina
MOTIONS DOCKET SUMMARY REPORT

(As required by this District's Civil Justice Expense and Delay
Reduction Plan, Section V.B.)

JUDGE H

For Quarter Ending: 09/30/94

	CURRENT QUARTER	THREE (3) MONTHS AGO	SIX (6) MONTHS AGO	NINE (9) MONTHS AGO	TWELVE (12) MONTHS AGO	APRIL 1993 BASELINE (PERCENTAGES)
QUARTER ENDING	09/30/94	06/30/94	N/A	N/A	N/A	
Motions less than 65 days from filing	46 (50%)	27 (41%)				33%
Motions 65-124 days from filing	20 (21%)	5 (8%)				22%
Motions 125-184 days from filing	6 (6%)	5 (8%)				19%
Motions 185 or more days from filing	21 (23%)	29 (43%)				26%
Total Motions	93	66				

Percentages: Numbers shown in parentheses are percentages of that Judge's total motions which fall into the relevant age category

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District of South Carolina
MOTIONS DOCKET SUMMARY REPORT

(As required by this District's Civil Justice Expense and Delay
Reduction Plan, Section V.B.)

JUDGE I

For Quarter Ending: 09/30/94

	CURRENT QUARTER	THREE (3) MONTHS AGO	SIX (6) MONTHS AGO	NINE (9) MONTHS AGO	TWELVE (12) MONTHS AGO	APRIL 1993 BASELINE (PERCENTAGES)
QUARTER ENDING	09/30/94	06/30/94	N/A	N/A	N/A	
Motions less than 65 days from filing	85 (83%)	46 (45%)				31%
Motions 65-124 days from filing	17 (16%)	18 (18%)				37%
Motions 125-184 days from filing	15(14%)	17 (17%)				13%
Motions 185 or more days from filing	7 (7%)	20 (20%)				18%
Total Motions	104	101				

Percentages: Numbers shown in parentheses are percentages of that Judge's total motions which fall into the relevant age category

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District of South Carolina
MOTIONS DOCKET SUMMARY REPORT

(As required by this District's Civil Justice Expense and Delay
Reduction Plan, Section V.B.)

JUDGE J

For Quarter Ending: 09/30/94

	CURRENT QUARTER	THREE (3) MONTHS AGO	SIX (6) MONTHS AGO	NINE (9) MONTHS AGO	TWELVE (12) MONTHS AGO	APRIL 1993 BASELINE (PERCENTAGES)
QUARTER ENDING	09/30/94	06/30/94	N/A	N/A	N/A	
Motions less than 65 days from filing	59 (44%)	34 (35%)				32%
Motions 65-124 days from filing	20 (15%)	21 (22%)				26%
Motions 125-184 days from filing	20 (15%)	14 (15%)				12%
Motions 185 or more days from filing	35 (26%)	27 (28%)				30%
Total Motions	134	96				

Percentages: Numbers shown in parentheticals are percentages of that Judge's total motions which fall into the relevant age category

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District of South Carolina
MOTIONS DOCKET SUMMARY REPORT

(As required by this Districts' Civil Justice Expense and Delay
Reduction Plan, Section V.B.)

JUDGE K

For Quarter Ending: 09/30/94

	CURRENT QUARTER	THREE (3) MONTHS AGO	SIX (6) MONTHS AGO	NINE (9) MONTHS AGO	TWELVE (12) MONTHS AGO	APRIL 1993 BASELINE (PERCENTAGES)
QUARTER ENDING	09/30/94	06/30/94	N/A	N/A	N/A	
Motions less than 65 days from filing	70 (33%)	55 (19%)				9%
Motions 65-124 days from filing	38 (18%)	33 (12%)				12%
Motions 125-184 days from filing	20 (10%)	47 (16%)				12%
Motions 185 or more days from filing	81 (39%)	154 (53%)				67%
Total Motions	209	288				

Percentages: Numbers shown in parentheticals are percentages of that Judge's total motions which fall into the relevant age category

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District of South Carolina
MOTIONS DOCKET SUMMARY REPORT

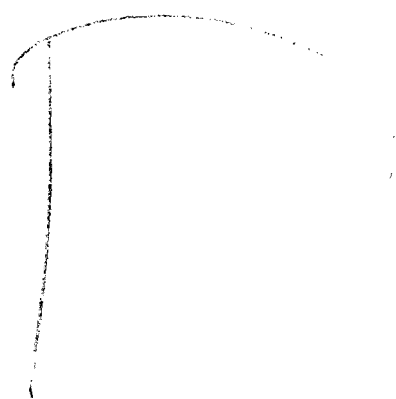
(As required by this District's Civil Justice Expense and Delay
Reduction Plan, Section V.B.)

JUDGE L

For Quarter Ending: 09/30/94

	CURRENT QUARTER	THREE (3) MONTHS AGO	SIX (6) MONTHS AGO	NINE (9) MONTHS AGO	TWELVE (12) MONTHS AGO	APRIL 1993 BASELINE (PERCENTAGES)
QUARTER ENDING	09/30/94	06/30/94	N/A	N/A	N/A	
Motions less than 65 days from filing	97 (46%)	76 (30%)				
Motions 65-124 days from filing	39 (19%)	27 (10%)				
Motions 125-184 days from filing	16 (8%)	35 (14%)				
Motions 185 or more days from filing	56 (27%)	119 (46%)				
Total Motions	208	257				

Percentages: Numbers shown in parentheses are percentages of that Judge's total motions which fall into the relevant age category



DSC ANNUAL ASSESSMENT, DECEMBER 1994
ATTACHMENT D

JURY DEMAND REPORTS

PERIOD COVERED		CY1989	CY1990	CY1991	SY1993	SY1994		
FROM	TO	01/01/89	01/01/90	01/01/91	07/01/92	07/01/93		
		04/01/88	12/31/88	12/31/89	12/31/90	12/31/91	06/30/93	06/30/94
JURY DEMANDS BY								
	BOTH	89	123	241	398	810	734	
	PLAINTIFF ONLY	656	991	995	627	594	782	
	DEFENDANT ONLY	69	46	55	76	166	170	
	TOTAL	814	1160	1291	1101	1570	1686	
NUMBER OF CIVIL CASES FILED DURING PERIOD		2598	3090	3076	2434	3519	3708	
PERCENTAGE DEMANDING JURY		31%	38%	42%	45%	45%	45%	

NOTE: AVAILABLE DATA IS REPORTED BASED ON STATISTICAL YEARS ("SY") FOR SY1993 - SY1994. CALENDAR YEARS ("CY") WERE UTILIZED FOR 1988-1991. CIVIL CASE FILINGS DATA WAS PROVIDED BY THE CLERK OF COURT FOR THE 1988-1991 FIGURES. FOR SY1993 - SY1994 THE DATA WAS DERIVED FROM THE JUDICIAL WORKLOAD PROFILE (THE PRODUCT OF CIVIL FILINGS PER JUDGESHIP" AND "NUMBER OF JUDGESHIPS").

E

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR JULY 1993

	1ST MO	ASSN	REOP	REAS	REAS	CLOSED	PENDING
MAG. JUDGE CARRIE							
Social Security	64	6	1	0	1	4	66
Prisoner	57	14	2	0	0	11	62
Title VII	26	1	0	0	0	2	25
Pro Se	18	1	1	0	0	1	19
Pretrial Ref	65	9	0	0	0	6	68
Consent	30	0	0	1	0	4	27
Post Judgment	1	0	0	0	0	0	1
TOTALS	261	31	4	1	1	28	268
MAG. JUDGE CATOE							
Social Security	68	4	1	0	0	1	72
Prisoner	66	14	1	0	0	22	59
Title VII	32	1	0	0	1	4	28
Pro Se	17	0	0	0	1	4	12
Pretrial Ref	0	0	0	0	0	0	0
Consent	21	6	0	0	0	3	24
Post Judgment	4	0	0	0	0	1	3
TOTALS	208	25	2	0	2	35	198
MAG. JUDGE MCCROREY							
Social Security	82	3	0	0	1	2	82
Prisoner	82	9	1	0	0	8	84
Title VII	26	1	0	0	0	4	23
Pro Se	8	3	0	0	0	2	9
Pretrial Ref	5	0	0	0	0	0	5
Consent	16	0	0	1	0	0	17
Post Judgment	0	1	0	0	0	0	1
TOTALS	219	17	1	1	1	16	221
MAG. JUDGE MARCHANT							
Social Security	94	4	1	0	2	1	96
Prisoner	115	13	1	0	0	2	127
Title VII	34	5	0	0	0	4	35
Pro Se	8	2	0	0	0	1	9
Pretrial Ref	1	0	0	0	0	0	1
Consent	20	1	0	2	0	0	23
Post Judgment	0	1	0	0	0	0	1
TOTALS	272	26	2	2	2	8	292
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	12	1	0	0	0	0	13
Pro Se	6	1	0	0	0	0	7
Pretrial Ref	0	0	0	0	0	0	0
Consent	1	0	0	0	0	0	1
Post Judgment	0	0	0	0	0	0	0
TOTALS	19	2	0	0	0	0	21
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	0	0	0	0	0	0	0
Pro Se	0	0	0	0	0	0	0
Pretrial Ref	0	0	0	0	0	0	0
Consent	0	0	0	0	0	0	0
Post Judgment	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0
TOTALS	979	101	9	4	6	67	1000

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR AUGUST 1993

	RIS MO	ASSN	REOP	REAS	REAS	CLOSED	PENDING
MAG JUDGE CARR							
Social Security	66	10	0	0	3	0	73
Pnsoner	62	12	2	0	0	13	63
Title VII	25	3	0	0	0	1	27
Pro Se	19	3	0	0	0	1	21
Pretrial Ref	68	12	0	0	0	2	78
Consent	27	0	0	3	0	2	28
Post Judgment	1	0	0	0	0	0	1
TOTALS	268	40	2	3	3	19	291
MAG JUDGE CATOE							
Social Security	72	9	0	0	0	2	79
Pnsoner	59	14	0	0	0	6	67
Title VII	28	0	0	0	1	6	21
Pro Se	12	2	0	0	0	2	12
Pretrial Ref	0	0	0	0	0	0	0
Consent	24	3	0	0	0	3	24
Post Judgment	3	10	0	0	0	0	13
TOTALS	198	38	0	0	1	19	216
MAG JUDGE McCROREY							
Social Security	82	12	0	0	2	1	91
Pnsoner	64	22	1	1	0	14	94
Title VII	23	2	1	0	0	1	25
Pro Se	9	1	0	0	0	1	9
Pretrial Ref	5	0	0	0	0	0	5
Consent	17	1	0	2	0	0	20
Post Judgment	1	0	0	0	0	0	1
TOTALS	221	38	2	3	2	17	245
MAG JUDGE MARCHANT							
Social Security	96	9	0	0	1	2	102
Pnsoner	127	15	2	0	1	3	140
Title VII	35	2	0	0	0	1	36
Pro Se	9	2	0	0	0	0	11
Pretrial Ref	1	0	0	0	0	0	1
Consent	23	0	0	1	0	4	20
Post Judgment	1	3	0	0	0	0	4
TOTALS	292	31	2	1	2	10	314
MAG JUDGE SWEARINGIN							
Social Security	0	0	0	0	0	0	0
Pnsoner	0	0	0	0	0	0	0
Title VII	13	0	0	0	0	0	13
Pro Se	7	1	0	0	0	0	8
Pretrial Ref	0	0	0	0	0	0	0
Consent	1	1	0	0	0	0	2
Post Judgment	0	0	0	0	0	0	0
TOTALS	21	2	0	0	0	0	23
MAG JUDGE BUCHANA							
Social Security	0	0	0	0	0	0	0
Pnsoner	0	0	0	0	0	0	0
Title VII	0	0	0	0	0	0	0
Pro Se	0	0	0	0	0	0	0
Pretrial Ref	0	0	0	0	0	0	0
Consent	0	0	0	0	0	0	0
Post Judgment	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0
TOTALS	1000	100	10	10	10	10	1089

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR SEPTEMBER 1993

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	73	3	0	0	2	2	72
Prisoner	63	14	2	0	0	10	69
Title VII	24	4	0	0	0	1	27
Pro Se	20	4	0	0	0	3	21
Pretrial Ref	71	10	0	0	2	9	70
Consent	19	2	1	4	0	7	19
Post Judgment	0	1	0	0	0	0	1
TOTALS	270	38	3	4	4	32	279
MAG. JUDGE CATOE							
Social Security	79	6	0	0	0	4	81
Prisoner	64	9	1	0	0	5	69
Title VII	16	6	0	0	0	5	17
Pro Se	7	1	0	0	0	2	6
Pretrial Ref	0	1	0	0	0	0	1
Consent	21	1	0	0	0	4	18
Post Judgment	13	1	0	0	0	0	14
TOTALS	200	25	1	0	0	20	206
MAG. JUDGE McCROREY							
Social Security	90	5	1	0	0	4	92
Prisoner	93	12	2	0	0	14	93
Title VII	23	2	0	0	0	7	18
Pro Se	8	2	0	0	0	2	8
Pretrial Ref	5	0	0	0	0	0	5
Consent	17	1	0	1	0	2	17
Post Judgment	0	0	0	0	0	0	0
TOTALS	236	22	3	1	0	29	233
MAG. JUDGE MARCHANT							
Social Security	100	5	3	0	0	4	104
Prisoner	140	14	0	0	0	19	135
Title VII	34	4	0	0	0	4	34
Pro Se	11	2	0	0	0	3	10
Pretrial Ref	1	0	0	0	0	0	1
Consent	21	0	0	0	0	3	18
Post Judgment	2	0	0	0	0	1	1
TOTALS	309	25	3	0	0	34	303
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	13	0	0	0	0	1	12
Pro Se	8	0	0	0	0	1	7
Pretrial Ref	0	0	0	0	0	0	0
Consent	2	0	0	0	0	0	2
Post Judgment	0	0	0	0	0	0	0
TOTALS	23	0	0	0	0	2	21
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	0	0	0	0	0	0	0
Pro Se	0	0	0	0	0	0	0
Pretrial Ref	0	0	0	0	0	0	0
Consent	0	0	0	0	0	0	0
Post Judgment	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0
TOTALS	1036	110	10	5	4	117	1042

*Please note that 1st MO data has been adjusted due to an audit; the changes will be noted under separate cover and will be distributed shortly to each magistrate judge.

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR OCTOBER 1993

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	72	8	0	0	2	0	78
Prisoner	91	12	0	0	0	6	97
Title VII	26	4	0	0	1	1	28
Pro Se	13	1	0	0	0	0	14
Pretrial Ref	68	5	0	0	1	3	69
Consent	19	0	0	4	0	3	20
Post Judgment	1	0	0	0	0	0	1
TOTALS	290	30	0	4	4	13	307
MAG. JUDGE CATOE							
Social Security	88	6	0	0	0	5	89
Prisoner	79	11	0	0	0	8	82
Title VII	24	1	0	0	0	8	17
Pro Se	14	3	0	0	0	5	12
Pretrial Ref	2	0	0	0	0	2	0
Consent	17	4	0	0	0	4	17
Post Judgment	14	0	0	0	0	2	12
TOTALS	238	25	0	0	0	34	229
MAG. JUDGE McCROREY							
Social Security	97	6	0	0	1	1	101
Prisoner	119	7	0	2	0	11	117
Title VII	33	1	0	0	0	6	28
Pro Se	11	2	0	0	0	1	12
Pretrial Ref	4	0	0	0	0	0	4
Consent	17	0	0	1	0	2	16
Post Judgment	0	1	0	0	0	0	1
TOTALS	281	17	0	3	1	21	279
MAG. JUDGE MARCHANT							
Social Security	93	7	0	0	3	6	91
Prisoner	139	12	0	0	2	13	136
Title VII	48	6	0	0	0	5	49
Pro Se	10	2	0	0	0	0	12
Pretrial Ref	2	5	0	0	0	0	7
Consent	19	0	0	3	0	1	21
Post Judgment	2	0	0	0	0	0	2
TOTALS	313	32	0	3	5	25	318
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	14	0	0	0	0	1	13
Pro Se	4	1	0	0	0	0	5
Pretrial Ref	0	0	0	0	0	1	-1
Consent	2	0	0	0	0	0	2
Post Judgment	0	0	0	0	0	0	0
TOTALS	20	1	0	0	0	2	19
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	0	0	0	0	0	0	0
Pro Se	0	0	0	0	0	0	0
Pretrial Ref	0	0	0	0	0	0	0
Consent	0	0	0	0	0	0	0
Post Judgment	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0
TOTALS	1142	105	0	10	10	95	1152

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR NOVEMBER 1993

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	78	4	0	0	2	4	76
Prisoner	97	9	1	0	0	7	130
Title VII	28	6	1	0	0	1	34
TOTALS	203	19	2	0	2	12	210
MAG. JUDGE CATOE							
Social Security	89	5	0	0	0	7	87
Prisoner	82	12	1	0	0	18	77
Title VII	17	5	0	0	0	4	18
TOTALS	188	22	1	0	0	29	182
MAG. JUDGE McCROREY							
Social Security	101	6	1	0	2	0	106
Prisoner	117	10	0	0	0	6	121
Title VII	28	1	0	0	0	0	29
TOTALS	246	17	1	0	2	6	256
MAG. JUDGE MARCHANT							
Social Security	91	5	0	0	1	4	91
Prisoner	136	9	0	0	0	13	132
Title VII	49	1	0	0	0	3	47
TOTALS	276	15	0	0	1	20	270
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	13	2	0	0	0	2	13
TOTALS	13	2	0	0	0	2	13
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0
TOTALS	926	75	4	0	5	69	931

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR DECEMBER 1993

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	76	3	0	0	4	2	73
Prisoner	100	8	1	2	0	8	103
Title VII	34	5	0	0	0	1	39
TOTALS	210	16	1	2	4	11	214
MAG. JUDGE CATOE							
Social Security	87	1	0	0	0	8	80
Prisoner	77	6	1	7	0	8	83
Title VII	18	8	0	0	1	0	25
TOTALS	182	15	1	7	1	16	188
MAG. JUDGE McCROREY							
Social Security	106	3	0	0	1	4	104
Prisoner	121	7	0	1	2	1	126
Title VII	29	4	0	0	0	3	30
TOTALS	256	14	0	1	3	8	260
MAG. JUDGE MARCHANT							
Social Security	91	2	0	0	2	0	91
Prisoner	132	7	1	0	8	12	120
Title VII	47	4	0	1	2	3	47
TOTALS	270	13	1	1	12	15	258
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	13	1	0	1	0	0	15
TOTALS	13	1	0	1	0	0	15
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0
TOTALS	931	59	3	12	20	50	935

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR JANUARY 1994

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	73	7	0	0	2	2	76
Prisoner	103	5	0	0	0	6	102
Title VII	38	3	0	0	0	3	38
TOTALS	214	15	0	0	2	11	216
MAG. JUDGE CATOE							
Social Security	80	4	0	0	1	4	79
Prisoner	83	11	2	0	0	9	87
Title VII	25	5	2	0	0	2	30
TOTALS	188	20	4	0	1	15	196
MAG. JUDGE McCROREY							
Social Security	104	6	1	0	4	9	98
Prisoner	126	9	1	0	2	13	121
Title VII	30	7	0	0	0	4	33
TOTALS	260	22	2	0	6	26	252
MAG. JUDGE MARCHANT							
Social Security	91	7	0	0	2	3	93
Prisoner	120	16	1	2	0	22	117
Title VII	47	6	1	0	0	5	49
TOTALS	258	29	2	2	2	30	259
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	15	2	0	0	0	0	17
TOTALS	15	2	0	0	0	0	17
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	4	0	0	0	0	4
Title VII	0	0	0	0	0	0	0
TOTALS	0	4	0	0	0	0	4
TOTALS	635	92	6	2	11	62	644

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR FEBRUARY 1994

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	76	2	0	0	7	5	66
Prisoner	102	12	4	0	0	5	113
Title VII	38	1	0	0	1	4	34
TOTALS	216	15	4	0	8	14	213
MAG. JUDGE CATOE							
Social Security	79	3	0	0	0	4	78
Prisoner	87	6	0	4	1	16	80
Title VII	30	2	0	0	2	2	28
TOTALS	196	11	0	4	3	22	186
MAG. JUDGE McCROREY							
Social Security	98	3	2	0	3	0	100
Prisoner	121	15	0	1	4	26	107
Title VII	33	4	1	0	0	6	32
TOTALS	252	22	3	1	7	32	239
MAG. JUDGE MARCHANT							
Social Security	93	3	0	0	3	0	93
Prisoner	117	22	2	0	0	21	120
Title VII	49	2	1	0	0	5	47
TOTALS	259	27	3	0	3	26	260
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	17	0	0	0	0	1	16
TOTALS	17	0	0	0	0	1	16
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	4	0	0	0	0	0	4
Title VII	0	0	0	0	0	0	0
TOTALS	4	0	0	0	0	0	4
TOTALS	944	75	10	5	21	95	918

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR MARCH 1994

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	66	5	1	0	1	0	71
Prisoner	113	20	1	0	5	14	115
Title VII	34	1	0	0	0	2	33
TOTALS	213	26	2	0	6	16	219
MAG. JUDGE CATOE							
Social Security	78	8	1	0	1	8	78
Prisoner	80	14	0	0	3	12	79
Title VII	28	4	0	0	1	0	31
TOTALS	186	26	1	0	5	20	188
MAG. JUDGE McCROREY							
Social Security	100	5	0	0	1	1	103
Prisoner	107	18	1	3	2	18	109
Title VII	32	2	0	0	0	0	34
TOTALS	239	25	1	3	3	19	246
MAG. JUDGE MARCHANT							
Social Security	93	5	0	0	0	3	95
Prisoner	120	9	3	2	2	9	123
Title VII	47	5	0	0	0	10	42
TOTALS	260	19	3	2	2	22	260
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	16	3	0	0	0	1	18
TOTALS	16	3	0	0	0	1	18
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	4	0	0	0	0	0	4
Title VII	0	0	0	0	0	0	0
TOTALS	4	0	0	0	0	0	4
TOTALS	918	99	7	5	16	78	935

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR APRIL 1994

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	71	5	0	0	2	1	73
Prisoner	115	13	1	0	0	14	115
Title VII	33	6	0	0	0	0	39
TOTALS	219	24	1	0	2	15	227
MAG. JUDGE CATOE							
Social Security	78	3	0	0	4	6	71
Prisoner	79	20	2	0	0	5	96
Title VII	31	5	0	0	0	1	35
TOTALS	188	28	2	0	4	12	202
MAG. JUDGE McCROREY							
Social Security	103	4	0	0	4	2	101
Prisoner	109	12	0	0	0	11	110
Title VII	34	2	0	0	0	1	35
TOTALS	246	18	0	0	4	14	246
MAG. JUDGE MARCHANT							
Social Security	95	1	1	0	6	4	87
Prisoner	123	14	0	0	0	13	124
Title VII	42	4	0	1	1	3	43
TOTALS	260	19	1	1	7	20	254
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	18	0	0	0	0	2	16
TOTALS	18	0	0	0	0	2	16
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	4	4	0	0	0	1	7
Title VII	0	0	0	0	0	0	0
TOTALS	4	4	0	0	0	1	7
TOTALS	839	93	4	1	17	64	852

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR MAY 1994

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	73	3	1	0	2	1	74
Prisoner	115	16	2	0	1	26	106
Title VII	39	4	0	0	1	5	37
TOTALS	227	23	3	0	4	32	217
MAG. JUDGE CATOE							
Social Security	71	6	0	0	0	1	76
Prisoner	96	18	0	0	0	13	101
Title VII	35	5	0	0	1	5	34
TOTALS	202	29	0	0	1	19	211
MAG. JUDGE McCROREY							
Social Security	101	4	0	0	1	13	91
Prisoner	110	16	0	0	5	7	114
Title VII	35	4	0	0	0	1	38
TOTALS	246	24	0	0	6	21	243
MAG. JUDGE MARCHANT							
Social Security	87	6	0	0	0	1	92
Prisoner	124	8	0	4	0	18	118
Title VII	43	3	1	0	0	4	43
TOTALS	254	17	1	4	0	23	253
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	16	1	0	0	0	1	16
TOTALS	16	1	0	0	0	1	16
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	7	2	0	0	0	1	9
Title VII	0	0	0	0	0	0	0
TOTALS	7	2	0	0	0	1	9
TOTALS	852	96	4	4	11	96	849

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR JUNE 1994

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	74	5	0	0	2	3	74
Prisoner	106	14	1	1	1	11	110
Title VII	37	4	0	0	1	3	37
TOTALS	217	23	1	1	4	17	221
MAG. JUDGE CATO							
Social Security	76	4	0	0	1	0	79
Prisoner	101	11	1	0	0	9	104
Title VII	34	10	0	0	0	2	42
TOTALS	211	25	1	0	1	11	225
MAG. JUDGE McHONEY							
Social Security	91	5	2	0	4	2	92
Prisoner	114	14	0	0	0	7	121
Title VII	38	2	0	0	0	0	40
TOTALS	243	21	2	0	4	9	253
MAG. JUDGE MARINAT							
Social Security	92	4	0	0	1	2	93
Prisoner	118	16	1	0	1	19	115
Title VII	43	2	0	0	0	2	43
TOTALS	253	22	1	0	2	23	251
MAG. JUDGE SPARRING							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	16	3	0	0	0	0	19
TOTALS	16	3	0	0	0	0	19
MAG. JUDGE STOKES							
Social Security	0	0	0	0	0	0	0
Prisoner	9	5	0	0	0	0	14
Title VII	0	0	0	0	0	0	0
TOTALS	9	5	0	0	0	0	14
TOTALS							
	983	92	5	1	11	60	983

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR JULY 1994

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	74	6	0	0	0	0	80
Prisoner	110	11	0	0	1	14	106
Title VII	37	2	0	0	0	1	38
TOTALS	221	19	0	0	1	15	224
MAG. JUDGE CATOE							
Social Security	79	5	0	0	1	6	77
Prisoner	104	9	1	0	0	13	101
Title VII	42	4	1	0	0	1	46
TOTALS	225	18	2	0	1	20	224
MAG. JUDGE McCROREY							
Social Security	92	5	0	0	1	1	95
Prisoner	121	13	0	0	1	8	125
Title VII	40	4	0	0	0	2	42
TOTALS	253	22	0	0	2	11	262
MAG. JUDGE MARCHANT							
Social Security	93	6	0	0	3	2	94
Prisoner	115	10	0	0	0	9	116
Title VII	43	6	0	0	0	5	44
TOTALS	251	22	0	0	3	16	254
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	19	3	0	0	0	0	22
TOTALS	19	3	0	0	0	0	22
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	14	3	0	0	0	1	16
Title VII	0	0	0	0	0	0	0
TOTALS	14	3	0	0	0	1	16
TOTALS	993	87	2	0	7	63	1002

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR AUGUST 1994

	1ST MO	ASSN	REOP	+ REAS	- REAS	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	80	5	0	0	2	2	81
Prisoner	105	21	0	0	2	14	110
Title VII	37	10	0	1	1	2	45
TOTALS	222	36	0	1	5	18	236
MAG. JUDGE CATOE							
Social Security	77	4	1	0	2	13	67
Prisoner	101	24	0	0	0	17	108
Title VII	46	5	0	0	0	8	43
TOTALS	224	33	1	0	2	38	218
MAG. JUDGE McCROREY							
Social Security	95	6	0	0	3	4	94
Prisoner	125	23	0	0	0	21	127
Title VII	42	7	0	0	2	2	45
TOTALS	262	36	0	0	5	27	266
MAG. JUDGE MARCHANT							
Social Security	94	5	0	0	4	4	91
Prisoner	116	21	1	0	0	16	122
Title VII	44	6	0	0	0	0	50
TOTALS	254	32	1	0	4	20	263
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	22	3	0	0	0	0	25
TOTALS	22	3	0	0	0	0	25
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	16	0	0	0	0	0	16
Title VII	0	0	0	0	0	0	0
TOTALS	16	0	0	0	0	0	16
TOTALS	1000	140	2	1	16	103	1024

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR SEPTEMBER 1994

	1ST MO	ASSN	REOP	+ REAR	- REAR	CLOSED	PENDING
MAG. JUDGE CARR							
Social Security	81	6	0	0	1	8	78
Prisoner	110	19	1	0	0	12	118
Title VII	45	4	0	0	1	3	45
TOTALS	236	29	1	0	2	23	241
MAG. JUDGE CATO							
Social Security	67	7	0	0	4	4	66
Prisoner	108	15	0	0	0	14	109
Title VII	43	4	0	0	0	5	42
TOTALS	218	26	0	0	4	23	217
MAG. JUDGE McCROREY							
Social Security	94	5	1	0	1	7	92
Prisoner	127	17	2	0	0	15	131
Title VII	45	2	0	0	0	2	45
TOTALS	266	24	3	0	1	24	268
MAG. JUDGE MASHAN							
Social Security	91	6	0	0	5	6	86
Prisoner	122	19	3	0	0	4	140
Title VII	50	2	1	0	0	16	37
TOTALS	263	27	4	0	5	26	263
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	25	3	0	0	0	0	28
TOTALS	25	3	0	0	0	0	28
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	18	3	0	0	0	3	16
Title VII	0	0	0	0	0	0	0
TOTALS	18	3	0	0	0	3	16

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR OCTOBER 1994

	1ST MO#	ASSN#	REOP#	REAS#	REAS#	CLOSED#	PENDING#
MAG. JUDGE CARR							
Social Security	78	6	0	0	1	15	68
Prisoner	118	15	2	0	0	13	122
Title VII	45	3	0	0	0	3	45
TOTALS	241	24	2	0	1	31	235
MAG. JUDGE CATO							
Social Security	66	5	0	0	3	5	63
Prisoner	109	15	5	0	0	35	94
Title VII	42	4	1	0	0	2	45
TOTALS	217	24	6	0	3	42	202
MAG. JUDGE McCROREY							
Social Security	92	6	0	0	2	13	83
Prisoner	131	12	0	0	0	13	130
Title VII	45	4	0	0	0	2	47
TOTALS	268	22	0	0	2	28	260
MAG. JUDGE MARCHAN							
Social Security	86	6	0	0	3	0	89
Prisoner	140	14	0	0	0	22	132
Title VII	37	3	0	0	0	3	37
TOTALS	263	23	0	0	3	25	258
MAG. JUDGE SWEARINGEN							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	28	1	0	0	0	3	26
TOTALS	28	1	0	0	0	3	26
MAG. JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	16	0	0	0	0	0	16
Title VII	0	0	0	0	0	0	0
TOTALS	16	0	0	0	0	0	16
TOTALS	1000	81	8	0	7	129	997

MAGISTRATE JUDGE CASE MANAGEMENT REPORT FOR NOVEMBER 1994

	1ST MO	ASSN	REOP	+ REAS	REAS	CLOSED	PENDING
MAG JUDGE CARR							
Social Security	68	2	0	0	0	3	67
Prisoner	122	12	0	0	0	23	111
Title VII	45	1	0	0	3	4	39
TOTALS	235	15	0	0	3	30	217
MAG JUDGE CATO							
Social Security	63	3	1	0	0	3	64
Prisoner	94	13	0	0	0	16	91
Title VII	45	5	0	0	0	9	41
TOTALS	202	21	1	0	0	28	196
MAG JUDGE MCCOY							
Social Security	83	3	0	0	0	2	84
Prisoner	130	11	0	0	0	21	120
Title VII	47	3	0	0	0	2	48
TOTALS	260	17	0	0	0	25	252
MAG JUDGE MARCHAN							
Social Security	89	2	0	0	0	1	90
Prisoner	132	9	3	0	0	10	134
Title VII	37	4	0	0	0	1	40
TOTALS	258	15	3	0	0	12	264
MAG JUDGE WEARING							
Social Security	0	0	0	0	0	0	0
Prisoner	0	0	0	0	0	0	0
Title VII	26	2	0	0	0	0	28
TOTALS	26	2	0	0	0	0	28
MAG JUDGE BUCHANAN							
Social Security	0	0	0	0	0	0	0
Prisoner	16	0	0	0	0	0	16
Title VII	0	0	0	0	0	0	0
TOTALS	16	0	0	0	0	0	16
TOTALS	97	70	4	0	3	65	973

F

**CIVIL JUSTICE REFORM ACT ADVISORY GROUP
FOR THE DISTRICT OF SOUTH CAROLINA
UNITED STATES DISTRICT COURT**

For Reply by Mail:
Post Office Box 340
Charleston, SC 29402

For Reply by Telephone:
(803) 722-3366

November 3, 1994

Chief Judge
Hon. C. Weston Houck

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160 East Bay Street
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(803) 722-3366
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Robert R. Carpenter
Julian W. Dority
Julianne Farnsworth
J. Kendall Few
Elizabeth Van Doren Gray
Mark Jones
Charles E. Kennerty
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Terry E. Richardson, Jr.
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The Honorable Larry W. Propes
Clerk, U. S. District Court
1845 Assembly Street
Columbia, SC 29201

The Honorable C. Weston Houck
Chief Judge
U. S. District Court
PO Box 2260
Florence, SC 29503

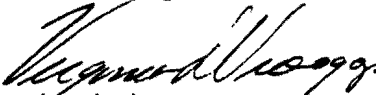
RE: Annual Assessment of the Civil Justice Expense
and Delay Reduction Plan for the District of
South Carolina

Gentlemen:

Enclosed is a form letter which was forwarded to each district and magistrate judge seeking input for this year's annual assessment. The individual judges are asked to complete only Part B. I will be working with Sandy Roberson in completing Part A of the annual assessment form. If either of you have specific comments regarding Part A, please call or forward them to me.

Also please let me know if there are other particular matters which we should address in the assessment. I will prepare a draft report based on the available statistical data and the annual assessment survey responses. I will return the draft to both of you for review and comment. I would also be happy to meet with either or both of you if you feel that would be helpful.

Sincerely,


Virginia L. Vroegop

VLV/jfe
Enclosure
cc: Marvin D. Infinger, Esq.
Sandra S. Roberson

**CIVIL JUSTICE REFORM ACT ADVISORY GROUP
FOR THE DISTRICT OF SOUTH CAROLINA
UNITED STATES DISTRICT COURT**

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Hon. C. Weston Houck

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November 3, 1994

The Honorable Falcon B. Hawkins
Senior United States District Judge
PO Box 835
Charleston, SC 29402-0835

RE: Annual Assessment of the Civil Justice Expense
and Delay Reduction Plan for the District of
South Carolina

Members
Keith M. Babcock
A. Parker Barnes, Jr.
J. Haigler Behling
Saunders M. Bridges
Robert R. Carpenter
Julian W. Dority
Julianne Farnsworth
J. Kendall Few
Elizabeth Van Doren Gray
Mark Jones
Charles E. Kennerty
Wade H. Logan, III
Terry E. Richardson, Jr.
John S. Simmons
Barney O. Smith, Jr.
Samuel L. Svalina

Dear Judge Hawkins:

The enclosed "Annual Assessment Worksheet and Survey" is forwarded to you seeking your input for this district's first annual assessment of its Civil Justice Expense and Delay Reduction Plan. We hope to complete our first assessment by early December 1994 and would, therefore, appreciate receiving your comments by November 18th. Your responses should relate to your experience from December 1, 1993 through the date you complete the form.

Ex-Officio Members
Hon. Joseph F. Anderson, Jr.
Larry W. Propoe, Clerk of Court

Reporter
Virginia L. Vroegop
Suite 1200
Palmetto Center
1426 Main Street
P.O. Box 11889
Columbia, SC 29211
(803) 779-3080

The enclosed Worksheet and Survey consist of two parts. **YOUR INPUT IS REQUIRED ONLY FOR PART B (PAGES B1-B8)**. You are invited to provide any comments you feel are appropriate as to Part A (pages A1-A7). A preaddressed postage paid envelope is attached to the form.

Although the form appears rather lengthy, it should not require much time to complete. The form itself repeats the Plan requirements to save you time. Space is provided for your handwritten responses. You are certainly welcome to provide a more detailed response but this is not necessary.

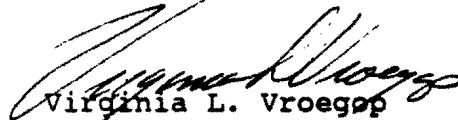
The Hon. F. B. Hawkins
11/03/94
Page 2

We anticipate improving this form as we complete the assessment process, particularly this first year. If you have suggestions or questions in regard to the form or the process, please call me at (803) 540-7844 (direct line) or (803) 779-3080 (main line) or include your suggestions on the form.

The form is designed to be used for all years in which we are required to make an annual assessment (1994-1997). It, therefore, includes questions relating to certain Plan mandates which may not yet be fully implemented. The "Expedited Docket" is an example of this. As to such items, we have written "NOT APPLICABLE" on this year's form.

Thank you for your assistance in completing the enclosed form.

Sincerely,



Virginia L. Vroegop

VLV/jfe

Enclosure

cc: The Hon. C. Weston Houck
The Hon. Larry W. Propes
Sandra S. Roberson
Marvin D. Infinger, Esq.

LIST OF JUDGES SENT ANNUAL ASSESSMENT LETTER & FORM

<p>The Hon. Matthew J. Perry U. S. District Court 1845 Assembly Street Columbia, SC 29201-2431</p>	<p>The Hon. Cameron M. Currie U. S. District Court PO Box 2617 Florence, SC 29503</p>
<p>The Hon. Falcon B. Hawkins Senior United States District Judge PO Box 835 Charleston, SC 29402-0835</p>	<p>The Hon. Sol Blatt, Jr. Senior United States District Judge PO Box 2185 Charleston, SC 29402</p>
<p>The Hon. C. Weston Houck Chief Judge U. S. District Court PO Box 2260 Florence, SC 29503</p>	<p>The Hon. Charles E. Simons, Jr. Senior District Judge PO Box 2185 Aiken, SC 29802</p>
<p>The Hon. G. Ross Anderson, Jr. U. S. District Court PO Box 2147 Anderson, SC 29622</p>	<p>The Hon. Robert S. Carr U. S. District Court PO Box 835 Charleston, SC 29402</p>
<p>The Hon. Joseph F. Anderson, Jr. U. S. District Court PO Box 447 Columbia, SC 29202-0447</p>	<p>The Hon. Robert Lee Buchanan, Jr. U. S. District Court PO Box 463 Aiken, SC 29802</p>
<p>The Hon. David C. Norton U. S. District Court PO Box 835 Charleston, SC 29402</p>	<p>The Hon. Joseph R. McCrorey U. S. District Court 1845 Assembly Street Columbia, SC 29201-2431</p>
<p>The Hon. Dennis W. Shedd U. S. District Court 1845 Assembly Street Columbia, SC 29201-2431</p>	<p>The Hon. Bristow Marchant U. S. District Court 1845 Assembly Street Columbia, SC 29201</p>
<p>The Hon. Henry M. Herlong, Jr. U. S. District Court PO Box 10469 Greenville, SC 29603</p>	<p>The Hon. E. Skipworth Swearingen U. S. District Court PO Box 1049 Florence, SC 29503</p>
<p>The Hon. William B. Traxler, Jr. U. S. District Court PO Box 10127 Greenville, SC 29603</p>	<p>The Hon. William M. Catoe, Jr. U. S. District Court PO Box 10262 Greenville, SC 29603</p>

**ANNUAL ASSESSMENT WORKSHEETS AND
SURVEY FOR THE CIVIL JUSTICE
EXPENSE AND DELAY REDUCTION PLAN
FOR THE
DISTRICT OF SOUTH CAROLINA**

EFFECTIVE DATE OF PLAN: December 1, 1993

ASSESSMENT FOR PERIOD: December 1, 1993 through November 30, 1994

INSTRUCTIONS FOR COMPLETION:

"PART A" is to be completed by the Chief Judge, Implementing Judge, Clerk of Court and CJRA Monitor. Part A relates to Plan Sections I and II, and portions of Plan Sections VII through IX. Much of the requested information can be taken from the Judicial Workload Profile ("JWP") which is provided annually by the Administrative Office. The CJRA Monitor should take initial responsibility for collection of the JWP data and distribution of this survey to and collection of input from all sources (for Parts A and B).

"PART B" should be completed by each district and magistrate judge. Part B relates to Plan Sections III through VII. Each judge is also invited to offer comments as to Part A (Plan Sections I, II, and VII, through IX).

These surveys should be completed annually for the preceding twelve month period as part of the annual assessment.

CJRA ANNUAL ASSESSMENT WORKSHEET AND SURVEY

PART A:

TO BE COMPLETED BY CJRA MONITOR, with input from the Implementing Judge, Clerk of Court and Chief Judge. All district and magistrate judges are invited to give further input.

STATE OF THE DOCKET

DESCRIPTION OF DISTRICT

(Plan at 2 (§I) and Plan App. A at A-1 through A-2 (§I))

What, if any, changes have occurred as to the following description of the district?

- District Judges:

Authorized -- ten district judges (nine permanent and one temporary);

Vacancies -- only the temporary position is unfilled.

[List total number of vacant "judicial months" in preceding twelve months.]

Additional Service -- three active senior judges [plan erroneously stated "two"]

- Magistrate Judges:

Authorized -- four full time and two part time magistrate positions

Vacancies -- none

- Case Assignment Method:

Cases generally remain with a single judge until resolved although some proceedings may be referred to a magistrate.

List any significant changes in case assignment method

- Describe any other factors significantly effecting the "Description of the District"

ASSESSMENT OF CONDITIONS IN THE DISTRICT

(Plan at 2-3 (§II) and Plan App. A at A-2 through A-11 (§II))

A. DATA COLLECTED FROM THE JUDICIAL WORKLOAD PROFILE

- Compare the following statistical measures to measures for the preceding twelve month period and prior periods.¹ See Plan at B-1 (Appendix B, § I.A.1. and attached spreadsheet).

Filings;

Terminations;

Pending Cases;

Authorized judgeships;

Vacant judgeship months;

Filings and weighted filings per judgeship;

Trials completed per judgeship;

Median time to trial of civil cases; and

¹ Each of these measures is taken directly from the Judicial Workload Profile ("JWP"). Discussion of prior figures and trends appears in the Plan at Appendix A (pp. A-3 through A-6). Tables which may facilitate comparison appear in the Advisory Group Report ("CJRA Report") at Figure 1 (Filings, Weighted Filing and Judgeships) (p. 9), and Figure 3 (Filings, Terminations and Pending Caseload) (p. 11). In addition, Section II.A.7 ("Percentage of Cases Three or More Years Old") (p. 7) may provide comparison information in a summary form.

Number and percentage of civil cases over three years old.

- Compare the current "pending to terminated case ratio" to that for prior periods.² State whether the new figure indicates any new or changing trend. See Plan at B-3 (Appendix B, § I.A.2.)

B. STATISTICAL DATA AVAILABLE FROM THE CLERK OF COURT

- Compare the current jury demand data to data for prior periods?³ State whether the new figure indicates any new or changing trend. See Plan at B-3 (Appendix B, § I.B.)
- Compare the motions docket data (overall numbers and numbers by judge) to that for prior periods.⁴ State whether the new figure indicates any new or changing trend. See Plan at B-3 through B-4 (Appendix B, § I.C.).
- Compare the current Magistrate Civil Caseload Report to the Reports prepared six and twelve months earlier.⁵ Identify any significant trends or concerns. See Plan at B-3 (Appendix B, § I.D.).

² This measure is derived from the JWP data by dividing the number of pending cases by the number of case terminations. An increase in the ration indicates the court is losing ground while a decrease indicates it is gaining ground. See Plan at B-2. Compare CJRA Advisory Group Report ("Report") at Section II.A.4. (pp. 12-13).

³ This data is compiled by the Clerk of Court. Current data should be compared to data contained in the CJRA Report at Section II.A.6. (at p. 15-16) and Report Exhibit 6.

⁴ This data is compiled quarterly by the Clerk of Court. See Plan at B-2; Report Section II.A.11. Report Exhibit 11; and Plan Sections V.B. and II.A.

⁵ This report was fairly new when the CJRA Advisory Group Report and District Expense and Delay Reduction Plan were prepared. Changes in format as the Magistrate Civil Caseload Report evolves may make comparison difficult.

C. STATISTICAL DATA FROM OTHER SOURCES

- Compile data reflecting the district's use of mediation and comparing it to other ADR methods as detailed in the Plan at Appendix B, Section I.E. (p. B-3). See Also Report Exhibit 12 (mediation data) and 17 (proposed survey).

ALTERNATIVE DISPUTE RESOLUTION

(Plan at 16-22 (§VII))

[See also Part B (questions for all judges)]

The Plan requires the Clerk of Court and CJRA Advisory Group to take certain actions to promote use of alternative dispute resolution ("ADR") and to track and compare different methods. The District Court Advisory Committee ("DCAC") is directed to prepare certain implementing rules.

Q: Have local rules been drafted and adopted governing:

A: Voluntary Expedited Docket -- _____

Mediation -- _____

Q: Have survey forms been prepared for use in comparing the different techniques? If so, how are they being utilized?

A: _____

Q: Are additional procedures needed to assure data collection and analysis?

A: _____

Q: Have raw data collection methods been established by the Clerk of Court?

A: _____

NONMANDATED AREAS

(Plan at 22-24 (§VIII))

The Plan indicated a shortage of adequate courtroom facilities in Charleston, Columbia, and Greenville, but noted a remedy was in process in Charleston and property had been purchased to allow expansion in Columbia. Parking difficulties were noted as "a major problem" in Columbia and a "significant problem" in Charleston.

Q: Do the facilities concerns remain the same? What, if any, progress has been made? Have any new problems been identified?

A: _____

Q: Have local rules been drafted and adopted as to all matters referenced in Section VII of the Plan? (allowing for extension of time to answer by consent, modifying Rule 12.06 and 16.00 to time responses from the date of service, clarifying Rules 7.03, 7.04, 7.10 and 20.01).

A: _____

Q: Have appropriate procedures been established to alert counsel to the specific problem with any defective filing and are such procedures being utilized?

A: _____

IMPLEMENTATION AND MONITORING

(Plan at 25-26 (§IX))

The Plan notes specific responsibilities for implementation and assessment.

Q: Has an individual been named with overall responsibility for implementation? Is further assistance with implementation needed? Available?

A: _____

Q: Has the Clerk of Court determined what funding is needed and available? Have funds been provided? What impact does lack of available funding have on implementation?

A: _____

Q: Has an individual or group been assigned responsibility for statistical evaluation and monitoring? Have appropriate devices for data collection been designed and utilized? What, if any, difficulties exist in assessing the progress of the district?

A: _____

Q: Has there been adequate coordination and cooperation between the various groups with responsibility for Plan implementation and assessment? What, if any, steps need to be taken to improve coordination and cooperation?

A: _____

Q: Have all Local Rules and Standing orders required by the Plan been drafted? If not, explain the reason for any delay.

A: _____

Q: Have all Plan requirements been implemented? If not, explain the reason for any delay.

A: _____

PART B: CJRA ANNUAL ASSESSMENT WORKSHEET AND SURVEY

[TO BE COMPLETED BY ALL JUDGES (Magistrate and District) during July of each year for the preceding twelve month period ending June 30th. CJRA Monitor should distribute in June to each Judge.]

RECOMMENDATIONS:

OVERVIEW

(Plan at 4-5 §III)).

No input required.

SYSTEMATIC DIFFERENTIAL TREATMENT OF CASES AND MONITORING

(Plan at 5-10 (§IV)).

GENERALLY

This district's Plan concluded that current procedures were generally adequate to insure appropriate differential treatment of cases. Plan at 6. Specifically, the Plan suggested that "firm but equitable enforcement" of certain specified local rules⁶ was "the best means for providing systematic differential treatment of cases and proper monitoring and management of complex cases." Id.

Q. At this time are current procedures generally adequate to insure appropriate differential treatment of cases?

A. Yes _____ No _____

If not, please specify any other procedures or rules which may improve the district's ability to provide proper "systematic differential treatment" of cases.

⁶ The specified local rules included those establishing automatic interrogatories (then Local Rules 7.05 & 7.06, DSC), requiring scheduling orders (then Local Rule 7.01, DSC), and allowing flexibility for pretrial or status conferences (then Local Rule 7.02). Also included was Local Rule 12.11 which requires a statement of counsel explaining the reason for any request for extension of a deadline.

PARTY SIGNATURES

The Plan rejected the CJRA suggestion that a party sign any request for extension of time. The Plan did, however, establish a requirement that, absent judicial exemption, party consent be required for extension of trial dates. This consent could, however, be in the form of an affirmation by counsel that he or she has obtained the clients approval or explanation why this was not done. Plan at 8.

Q: Are you requiring counsel affirmation that the client consents to an extension of time for trial?

A: Yes _____ No _____

Q: Are there other procedures or rules which you would suggest in regard to party signatures?

A: _____

Q: Have you been requiring counsel affirmation that the client consent to an extension of time for trial? If not, are there other procedures or rules you feel are necessary to implement this requirement? Do you have other related suggestions?

A: _____

EXPEDITED DOCKET

The Plan suggests establishment of a voluntary expedited docket for simple cases. Plan at 8 & 10 (requires Local Rule for implementation).

Q: Have you recommended use of this docket and if so, what response have you received? Do you have other suggestions related to a voluntary expedited docket?

A: NOT APPLICABLE: 1994 REPORT

See below regarding suggestions related to alternative dispute resolution. Plan at 8 & 16-22.

MOTIONS DOCKET:

The Plan requires that reports summarizing the status of each judge's motions docket as well as a listing of all pending motions be given to each district judge on a quarterly basis. The Plan encourages expeditious resolution of all motions.

[NOTE: THE FIRST QUARTERLY REPORT WAS FOR THE PERIOD ENDING 6/30/94. TO DATE, EACH JUDGE HAS RECEIVED ONLY TWO QUARTERLY REPORTS.]

Q: Do you regularly review the motions docket report when you receive it?

A: _____

Q: Does receipt of the motions docket report assist you in monitoring and expediting resolution of motions?

A: _____

Q: Do you have suggestions for changes in the report which would make it more useful or beneficial to you?

A: _____

Q: Do you rely on any other motion tracking reports for this purpose?

A: Yes _____ No _____

Please list any motion reports you use.

Q: Do you have specific suggestions which other judges might find helpful?

A: _____

SWAT TEAMS:

The Plan suggests that judicial "swat teams" be utilized to reduce motions backlogs if such are identified (e.g. by the above referenced motions docket tracking). Plan at 9-10.

Q: Have you utilized or recommended use of a "swat team" and, if so, what were the results?

A: _____

Q: Do you feel availability of such a procedure is beneficial? Do you have other related comments or suggestions?

A: _____

EARLY JUDICIAL INVOLVEMENT

(Plan at 11-14 (§V))

As with "systematic differential treatment of cases," our Plan concluded that current local rules were generally adequate to insure appropriate early judicial involvement.⁷ Plan at 11. Our Plan rejected the CJRA suggestion of firm trial dates beyond our currently used "subject to trial date." Plan at 11. Regarding motions practices, the Plan encouraged all judges to handle motions expeditiously and required quarterly reports be given to all judges to assist them in tracking their own motions docket. Plan at 12-13. The Plan also encouraged the use of oral rulings and minute orders. The propriety of using orders drafted by counsel (with appropriate controls allowing for opposing counsel's input) was also acknowledged. Plan at 12.⁸

⁷ Local Rule 7.14, DSC, which expressly recognizes the requirement for early judicial involvement, as well as all other subdivisions of Local Rule 7 (e.g. automatic disclosures by response to court interrogatories and resulting scheduling orders), were specifically mentioned. Plan at 11.

⁸ Guidelines related to oral rulings, minute orders, and orders drafted by counsel were to be addressed further by local rule or standing order.

Q: Do you agree with the conclusion related to adequacy of current local rules and rejection of the "firm trial date" suggestion? Do you have related suggestions for improvement of our CJRA Plan?

A: _____

Q: Do you utilize oral rulings, minute orders, or draft orders from counsel? If so, has your usage increased?

A: Oral rulings: _____

Minute Orders: _____

Orders drafted by counsel: _____

Q: Have you encountered any problems or seen any benefits as a result of use of oral rulings, minute orders or orders drafted by counsel?

A: Oral rulings: _____

Minute Orders: _____

Orders drafted by counsel: _____

The Plan suggested allowing party consent to a single extension of time to answer. Plan at 13-14. Changes to the Federal Rules of Civil Procedure which became effective at the same time as our Plan, allow a greater time to answer in certain circumstances and Local Rules modifications have been adopted which allow a one time extension by party consent.

Q: Have you encountered any problems related to the extension of time to answer which might be addressed by the Plan?

A: _____

Q: Do you have other suggestions related to extensions of time to answer?

A:

COST EFFECTIVE DISCOVERY

(Plan at 14-16 (\$VI))

Our Plan, as implemented by various revisions to our local rules (effective December 1, 1993), rejected many of the automatic disclosure requirements suggested by the CJRA and required (absent local modification) by the recent revisions to the Federal Rules of Civil Procedure. This was, in large measure, a result of a general feeling that our longstanding automatic discovery and local limits and procedures were working effectively. Certain changes in local requirements were, however, made which expanded the scope of our local rule requirements.⁹

Q: Do you feel this district should continue to "opt out" of the automatic disclosure requirements of the Federal Rules, in favor of our more conservative local requirements? If not, please explain.

A:

Q: Have you noticed any significant changes in discovery practice in the last year? If so, what are the changes?

A:

⁹ The court's interrogatories were expanded slightly to require disclosure of relevant contract language and proposed construction by both sides. All limits on requests to admit were lifted. Expansions of expert qualifications and anticipated testimony were expanded (but not as broadly as the Federal Rules of Civil Procedure).

Q: Are there further modifications to our local rules which you would suggest?

A: _____

Q: Are there any specific difficulties in regard to discovery which you believe might be addressed through modification of this district's Plan?

A: _____

ALTERNATIVE DISPUTE RESOLUTION

(Plan at 16-22 (§VII))

Our Plan concluded that the following methods of alternative dispute resolution ("ADR") were reasonably well suited for this district: (1) mediation; (2) summary jury trials; (3) early neutral evaluation ("ENE"); and (4) mandatory judicial settlement conferences. Plan at 17. Of these, mediation was expected to take a leading role with ENE and mandatory judicial settlement conferences being compared on a pilot project basis to mediation. Summary Jury Trials were expected to be utilized on an infrequent basis. The Plan also outlined steps to publicize the availability of ADR.

Q: Since adoption of the Plan, and particularly in the past twelve months, have you utilized any of the above referenced forms of ADR? If so, which ones?

A: _____

Q: What success have you had in using ADR? Have you experienced any particular benefits from or impediments to use of particular forms?

A: _____

Q: For any ADR techniques which you utilized, did you do any tracking of the success? Did you encounter any difficulties in tracking or do you have suggestions relating to tracking?

A: _____

Q: Did you seek or receive any assistance from any of the following in your use of ADR? If so, please indicate the form of assistance sought and the level received.

A: Clerk of Court: _____

Local Bar Association: _____

Local Attorneys: _____

Visiting Judges: _____

Other Judges: _____

Others: _____

ADDITIONAL COMMENT:

Q: Have you had other successes or do you have other specific thoughts, concerns or suggestions relating to this district's Civil Justice Expense and Delay Reduction Plan?

A: _____

DSC, ANNUAL ASSESSMENT, 12/94
ATTACHMENT G
SUMMARY OF JUDICIAL RESPONSES

SUMMARY OF JUDICIAL RESPONSES
FROM THE
ANNUAL ASSESSMENT WORKSHEETS AND
SURVEY FOR THE CIVIL JUSTICE
EXPENSE AND DELAY REDUCTION PLAN
FOR THE
DISTRICT OF SOUTH CAROLINA

EFFECTIVE DATE OF PLAN: December 1, 1993

ASSESSMENT FOR PERIOD: December 1, 1993 through November 30, 1994

PART B: CJRA ANNUAL ASSESSMENT
WORKSHEET AND SURVEY

THIS FORM WAS FORWARDED TO ALL JUDGES (Magistrate and District). RESPONSES WERE RECEIVED FROM 11 JUDGES. THE RESPONSES ARE SUMMARIZED BELOW.
NOTE: Not all judges responded to all inquiries.

RECOMMENDATIONS:

OVERVIEW

(Plan at 4-5 §III)).

No input required.

SYSTEMATIC DIFFERENTIAL TREATMENT OF
CASES AND MONITORING

(Plan at 5-10 (§IV)).

GENERALLY

This district's Plan concluded that current procedures were generally adequate to insure appropriate differential treatment of cases. Plan at 6. Specifically, the Plan suggested that "firm but equitable enforcement" of certain specified local rules¹ was "the best means for providing systematic differential treatment of cases and proper monitoring and management of complex cases." Id.

Q. At this time are current procedures generally adequate to insure appropriate differential treatment of cases?

A.

Yes	11	No	0
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If not, please specify any other procedures or rules which may improve the district's ability to provide proper "systematic differential treatment" of cases.

NO RESPONSES

PARTY SIGNATURES

The Plan rejected the CJRA suggestion that a party sign any request for extension of time. The Plan did, however, establish a requirement that, absent judicial exemption, party consent be required for extension of trial dates. This consent could, however, be in the form of an affirmation by counsel that he or she has obtained the clients approval or explanation why this was not done. Plan at 8.

Q: Are you requiring counsel affirmation that the client consents to an extension of time for trial?

A:

Yes	3	No	7	No response	1
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Q: Are there other procedures or rules which you would suggest in regard to party signatures?

A:

No	3	(No other responses)
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Q: Have you been requiring counsel affirmation that the client consent to an extension of time for trial? If not, are there

¹ The specified local rules included those establishing automatic interrogatories (then Local Rules 7.05 & 7.06, DSC), requiring scheduling orders (then Local Rule 7.01, DSC), and allowing flexibility for pretrial or status conferences (then Local Rule 7.02). Also included was Local Rule 12.11 which requires a statement of counsel explaining the reason for any request for extension of a deadline.

other procedures or rules you feel are necessary to implement this requirement? Do you have other related suggestions?

A:

No 4

COMMENTS:

"Judges can always require such signature by court order in a given case."

EXPEDITED DOCKET

The Plan suggests establishment of a voluntary expedited docket for simple cases. Plan at 8 & 10 (requires Local Rule for implementation).

Q: Have you recommended use of this docket and if so, what response have you received? Do you have other suggestions related to a voluntary expedited docket?

A: NOT APPLICABLE: 1994 REPORT

See below regarding suggestions related to alternative dispute resolution. Plan at 8 & 16-22.

MOTIONS DOCKET:

The Plan requires that reports summarizing the status of each judge's motions docket as well as a listing of all pending motions be given to each district judge on a quarterly basis. The Plan encourages expeditious resolution of all motions.

[NOTE: THE FIRST QUARTERLY REPORT WAS FOR THE PERIOD ENDING 6/30/94. TO DATE, EACH JUDGE HAS RECEIVED ONLY TWO QUARTERLY REPORTS.]

Q: Do you regularly review the motions docket report when you receive it?

A:

Yes 11

Q: Does receipt of the motions docket report assist you in monitoring and expediting resolution of motions?

A:

Yes 10 No 1 (because this judge relies on his own docket maintained within his office)

Q: Do you have suggestions for changes in the report which would make it more useful or beneficial to you?

A:

No 10

COMMENTS:
"[No,] the current format is acceptable

Q: Do you rely on any other motion tracking reports for this purpose?

A:

Yes 8 (see below) No 3

Please list any motion reports you use.

Six month list of pending motions	2 judges
Has Clerk of Court schedule motions monthly after every bar meeting	1 judge
Pending motions list maintained within judge's office	3 judges
Not specified	1 judge

Q: Do you have specific suggestions which other judges might find helpful?

A:

No 4 Yes 2 (see suggestions)

SUGGESTIONS:
Use telephone conferences to resolve non-dispositive motions; set all motions for hearing when received by judge or decide without hearing when appropriate; have a current list of pending motions with the filing date of the motion -- this is the best way to manage the motions docket; maintains a continually updated list by assigned law clerk of all matters referred to that clerk (with date of assignment).

SWAT TEAMS:

The Plan suggests that judicial "swat teams" be utilized to reduce motions backlogs if such are identified (e.g. by the above referenced motions docket tracking). Plan at 9-10.

Q: Have you utilized or recommended use of a "swat team" and, if so, what were the results?

A:	No	10	Yes	0
COMMENTS:				
"[although I have not used a swat team,] other judges have received help from out-of-state judges," "Do not need swat team as I stay current on all motions, hearing all pending motions at 30 day intervals or sooner if requested."				

Q: Do you feel availability of such a procedure is beneficial? Do you have other related comments or suggestions?

A:	Yes	4	No	4
OTHER RESPONSES:				
"availability not a question since I have not used;"				
COMMENTS:				
"[I have not used but believe] swat team concept is a good idea;" "would gladly assist another judge via swat team if judge needed assistance clearing docket;" "It appears completely impractical."				

EARLY JUDICIAL INVOLVEMENT

(Plan at 11-14 (SV))

As with "systematic differential treatment of cases," our Plan concluded that current local rules were generally adequate to insure appropriate early judicial involvement.² Plan at 11. Our Plan rejected the CJRA suggestion of firm trial dates beyond our currently used "subject to trial date." Plan at 11. Regarding motions practices, the Plan encouraged all judges to handle motions expeditiously and required quarterly reports be given to all judges to assist them in tracking their own motions docket. Plan at 12-13. The Plan also encouraged the use of oral rulings and minute orders. The propriety of using orders drafted by counsel (with

² Local Rule 7.14, DSC, which expressly recognizes the requirement for early judicial involvement, as well as all other subdivisions of Local Rule 7 (e.g. automatic disclosures by response to court interrogatories and resulting scheduling orders), were specifically mentioned. Plan at 11.

appropriate controls allowing for opposing counsel's input) was also acknowledged. Plan at 12.³

Q: Do you agree with the conclusion related to adequacy of current local rules and rejection of the "firm trial date" suggestion? Do you have related suggestions for improvement of our CJRA Plan?

A: Yes 10 Qualified no? "I have started using a firm trial date in scheduling orders. It seems to help because attorneys are on notice and should not 'book' any other engagements during the time set for trial." (1)

COMMENT:

Has been using to same extent as before Plan was adopted (1).

Q: Do you utilize oral rulings, minute orders, or draft orders from counsel? If so, has your usage increased?

A: Oral rulings: Yes 11

COMMENTS:

"increased significantly" (1); has been using to same extent as before Plan was adopted (3).

Minute orders: Yes 10 Seldom 1

COMMENTS:

"increased to some extent" (1); has been using to same extent as before Plan was adopted (3)

Orders drafted No 2 Very 3 Yes 6
by counsel: seldom

COMMENTS:

Has been using to same extent as before Plan was adopted (2); re "no" -- is reluctant to use due to 4th Circuit disfavor (1); re "yes" -- finds must generally revise substantially (1).

³ Guidelines related to oral rulings, minute orders, and orders drafted by counsel were to be addressed further by local rule or standing order.

Q: Have you encountered any problems or seen any benefits as a result of use of oral rulings, minute orders or orders drafted by counsel?

A:

Oral rulings:	No problems	6	Some problems	1
COMMENTS:				
Finds timesaving (2); notes oral rulings have been made necessary by the increased number of motions (1); one problem is failure of counsel to adequately explain basis of oral ruling on appeal.				

Minute orders:	No Problems	5
	Not Applicable or Seldom Used	1
	Finds Timesaving	2

A:

Orders drafted by counsel	No problems	3 [(1) also stating not used]
OTHER RESPONSES		
States concerns re 4th Circuit view and attorneys' ability to draft proper orders (1); generally must revise (1); finds timesaving (2); require substantial revision (1).		

The Plan suggested allowing party consent to a single extension of time to answer. Plan at 13-14. Changes to the Federal Rules of Civil Procedure which became effective at the same time as our Plan, allow a greater time to answer in certain circumstances and Local Rules modifications have been adopted which allow a one time extension by party consent.

Q: Have you encountered any problems related to the extension of time to answer which might be addressed by the Plan?

A:

No	10	Qualified No	1	[Only problem is attorney lack of knowledge of rules revisions]
----	----	--------------	---	---

Q: Do you have other suggestions related to extensions of time to answer?

A:

No	7	Yes	1	("stop the practice, this is a major cause of delay")
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COST EFFECTIVE DISCOVERY

(Plan at 14-16 (\$VI))

Our Plan, as implemented by various revisions to our local rules (effective December 1, 1993), rejected many of the automatic disclosure requirements suggested by the CJRA and required (absent local modification) by the recent revisions to the Federal Rules of Civil Procedure. This was, in large measure, a result of a general feeling that our longstanding automatic discovery and local limits and procedures were working effectively. Certain changes in local requirements were, however, made which expanded the scope of our local rule requirements.⁴

Q: Do you feel this district should continue to "opt out" of the automatic disclosure requirements of the Federal Rules, in favor of our more conservative local requirements? If not, please explain.

A:

Yes 10

COMMENT:

"present system is working;"

No 1

COMMENT:

"we should at least attempt to follow the national trend unless and until it is proven of no benefit."
--

Q: Have you noticed any significant changes in discovery practice in the last year? If so, what are the changes?

⁴ The court's interrogatories were expanded slightly to require disclosure of relevant contract language and proposed construction by both sides. All limits on requests to admit were lifted. Expansions of expert qualifications and anticipated testimony were expanded (but not as broadly as the Federal Rules of Civil Procedure).

A:	Yes 3 (See comments A, B, D)	No 7 (See comment C -- one judge)
COMMENTS:		
A	"discovery disputes are resolved more often without a hearing since I started setting the hearings for Friday afternoons;"	
B	"evasion, stonewalling, deception and outright falsifying are increasing at an alarming rate. . . . practice[s] thwart[ing] justice [are] becoming the norm, . . . Stronger rules must be enacted . . . Ethics . . . of some lawyers must be changed;"	
C	"too early to see a great deal of change"	
D	"discovery continues to be abused, limited cooperation among the parties, too many motions to compel and claims of attorney client privilege."	

Q: Are there further modifications to our local rules which you would suggest?

A:	Yes 2 (See comments A & B)	No 8
COMMENTS:		
A	"the rule regarding meeting five days before the term begins to mark exhibits needs to be beefed up to require exchange of copies of pre-marked exhibits;"	
B	"we should give the new Federal Rules a try before opting out."	

Q: Are there any specific difficulties in regard to discovery which you believe might be addressed through modification of this district's Plan?

A:	Yes 1	No 9
COMMENTS:		
<p>Suggestions are primarily for judges to stand firm re discovery abuse: problems appear on both sides (plaintiff and defense) including excessive inquiries and stonewalling -- more a problem of enforcement, not a matter that specific rules are likely to address other than perhaps standing orders re conduct of depositions.</p>		

ALTERNATIVE DISPUTE RESOLUTION

(Plan at 16-22 (§VII))

Our Plan concluded that the following methods of alternative dispute resolution ("ADR") were reasonably well suited for this district: (1) mediation; (2) summary jury trials; (3) early neutral evaluation ("ENE"); and (4) mandatory judicial settlement conferences. Plan at 17. Of these, mediation was expected to take a leading role with ENE and mandatory judicial settlement conferences being compared on a pilot project basis to mediation. Summary Jury Trials were expected to be utilized on an infrequent basis. The Plan also outlined steps to publicize the availability of ADR.

Q: Since adoption of the Plan, and particularly in the past twelve months, have you utilized any of the above referenced forms of ADR? If so, which ones?

A:	Mediation	8 (see comments)
	Early Neutral Evaluation	1
	Judicial Settlement Conferences	1
	None	3
	COMMENT:	
	One judge reports mediation using magistrate judge as mediator	

Q: What success have you had in using ADR? Have you experienced any particular benefits from or impediments to use of particular forms?

A:	Not used	3
	Limited Success with Mediation	1
	Moderate Success with Mediation	2
	Substantial Success with Mediation (includes judges describing success as "substantial," "excellent," or a stated 50% resolution rate)	5
	Moderate Success with other forms (ENE, JSC)	1
	COMMENT:	
	One judge reports that all cases on his docket are mediated before being scheduled for trial, another notes "excellent" success using magistrate judge as mediator.	

Q: For any ADR techniques which you utilized, did you do any tracking of the success? Did you encounter any difficulties in tracking or do you have suggestions relating to tracking?

A:	Has not tracked (or only minimal)	6
	Not applicable, has not used ADR	2
	Some tracking (reports 50% resolution rate)	1

Q: Did you seek or receive any assistance from any of the following in your use of ADR? If so, please indicate the form of assistance sought and the level received.

A:	Clerk of Court	Yes	1	No	4
	Local Bar Association	Yes (used County Bar trained mediators)	3	No	4
	Local Attorneys	Yes (used as mediators)	5	No	1
	Visiting Judges	Yes	0	No	4
	Other Judges	Yes (for settlement conferences)	1	No	4
	Others			No	2
COMMENT:					
Judge comments that he has served as mediator for cases pending on another judge's docket.					

ADDITIONAL COMMENT:

Q: Have you had other successes or do you have other specific thoughts, concerns or suggestions relating to this district's Civil Justice Expense and Delay Reduction Plan?

A:	None	4	Yes	4 (see comments)
COMMENT:				
<p>"[our current Plan] seems to be working well;" "feels our plan is most sensible and balances the needs of the court, the trial bar, and the requirements of the CJRA;" "Prisoners bringing actions pursuant to 42 U.S.C. § 1983 that raise issues that are in fact appeals of a prison administrator's decision continue to flood the court;" "I believe this district should adopt a stringent summary judgment procedure by Local Rule similar to that utilized in other districts (e.g. N.D.Ga.)"</p>				

4

GUIDELINES FOR PREPARING ANNUAL ASSESSMENTS

Issued February 5, 1993

Note that the new committee chair is Judge Ann C. Williams (IL-N).

JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

L. RALPH MECHAM
Secretary

February 5, 1993

**MEMORANDUM TO: CHIEF JUDGES, UNITED STATES APPELLATE COURTS
CHIEF JUDGES, UNITED STATES DISTRICT COURTS
CLERKS OF COURT, UNITED STATES DISTRICT COURTS
CJRA STAFF, UNITED STATES DISTRICT COURTS
CJRA ADVISORY GROUP CHAIRS**

**SUBJECT: ANNUAL ASSESSMENTS AND PLAN REVISIONS UNDER
THE CIVIL JUSTICE REFORM ACT OF 1990**

I am writing to bring to your attention two matters related to implementation of the Civil Justice Reform Act of 1990: (1) the Act's requirement that courts conduct an annual assessment and (2) revision of plans already adopted.

The Act instructs courts that have developed cost and delay reduction plans to "assess annually the condition of the court's civil and criminal dockets with a view to determining appropriate additional actions that may be taken" to reduce cost and delay in civil litigation (§475). This assessment is to be conducted in consultation with the CJRA advisory group. Following this assessment, or for other reasons, courts may want to revise their cost and delay reduction plans.

In response to questions from courts who implemented plans in 1991, the Judicial Conference's Committee on Court Administration and Case Management, which has oversight responsibility for the CJRA and which I chair, makes the following recommendations.

The Annual Assessment

Although the statute provides no guidance on the purposes of the annual assessment, the statute's goals suggest three: (1) to inform the court itself of the impact of its CJRA plan so it can make adjustments and revisions as necessary; (2) to provide information to other courts and advisory groups who would benefit from analyses made by the courts; and (3) for use by the Judicial Conference in reporting to Congress.

In keeping with these purposes, we encourage the courts to prepare the annual assessment as a written document. We also ask courts to send these reports to staff at the Administrative Office (Abel Mattos) and the Federal Judicial Center (Donna Stienstra), who will use them to keep themselves and the Court Administration and Case Management Committee informed about developments in the districts. Courts may wish as well to send their assessment reports to the chief judges in the circuit in which the court is located. Please note that the annual assessments are not subject to the review required by §474.

The Committee recommends that the annual assessment take place a year after the plan's provisions become *operational* rather than a year after *adoption* of the plan. This recommendation is based on the Committee's recognition that a cost and delay reduction program may become operational some months after adoption of a plan. In accord with §482 of the statute, annual assessments should be made through 1997.

The Act instructs courts to assess changes in the civil and criminal dockets. We encourage courts to go beyond this minimum requirement and examine the impact of the plan on other elements of importance to the court, attorneys, and litigants, such as the court budget, litigation costs, and attorney, litigant, and judge satisfaction with the programs and procedures adopted.

We also urge courts to consider at the earliest stages of plan development the information they will need to determine whether the plan has been effective. Sound evaluation may require, for example, changes in the kind of information recorded on the docket or assignment of only a portion of the caseload to a new alternative dispute resolution program so as to permit comparison between ADR and non-ADR cases. The annual assessment will be easier to conduct and more informative if courts identify at the outset the information they will need to evaluate their programs and establish procedures for collecting and analyzing this information.

Plan Revisions

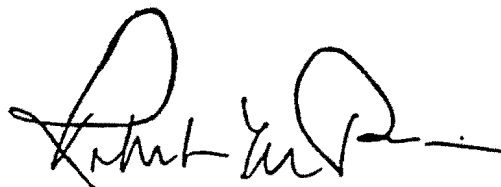
From time to time courts will find it necessary to revise plans they have already adopted. In accord with §474, the Judicial Conference, through the Court Administration and Case Management Committee, will review all substantial plan revisions. The Committee will prepare a written review only when it wishes to recommend further action to a court.

A "substantial" revision is one that materially changes any plan provisions relating to the principles and guidelines of litigation management enumerated in §473(a) or to the litigation management techniques enumerated in §473(b). All substantial revisions should be sent to the entities set forth in §472(d): the Director of the Administrative Office, the judicial council in each circuit, and the chief judge of each district court within the circuit.

Minor modifications and implementation details are not subject to the review process. The Committee asks, however, that courts send all revisions, both minor and substantial, to staff at the Administrative Office (Abel Mattos) and Federal Judicial Center (Donna Stienstra) to ensure that their files are complete and up to date. The courts should also send revisions to West Publishing Company for inclusion in the CJRA database on WESTLAW.

The Committee asks the courts to highlight the revised portions of the plan either in a cover letter or in the document itself (e.g., through a different type face) to assist the user in identifying new material.

I hope these recommendations and suggestions will assist you in your continuing efforts on behalf of civil justice reform. As always, please feel free to contact me if you have any questions or comments.



Robert M. Parker



memorandum

DATE: October 26, 1993
TO: Those involved with CJRA Plans and advisory groups
FROM: John Shapard and Donna Stienstra
SUBJECT: Annual statistics supplement to "Guidance to Advisory Groups" memorandum and some comments on evaluating the impact of the CJRA Plans

Enclosed is an updated version of the statistics section of the February 28, 1991 "Guidance to Advisory Groups" memorandum. Because many districts and advisory groups will be examining these and other statistics in light of any changes in practice or procedure implemented by the district's Civil Justice Reform Plan, we offer a few basic pointers about drawing inferences from changes in court caseload statistics. We also offer some suggestions for evaluating the implementation and effects of the CJRA Plan.

Drawing Inferences From Changes in Caseload Statistics

First, the statistics reported in the enclosure, as well as most of the statistics routinely reported by the Administrative Office of the Courts (the "AO") present global summaries of a district's caseload. Aspects of a district's Civil Justice Reform Plan ("Plan") that are likely to affect only a small or modest proportion of cases are very unlikely to have effects that are revealed in these global summaries. A change designed to decrease the average time to trial in civil cases, for instance, will not necessarily result in a noticeable change in overall average time to disposition, since a very small proportion of cases go to trial.

Second, even if the district's Plan has resulted in changes in average time to disposition for the overall caseload, the caseload statistics may not reveal the change in a straightforward way. You could find, for example, that your court's life expectancy figures change in the opposite direction from indexed average lifespan ("IAL") and median time to disposition. Generally life expectancy should be a reliable indicator of actual trends, whereas indexed average lifespan and median time to disposition may be misleading. Suppose, for instance, that the CJRA effort led the court to clean up a backlog of old cases, so that last year it disposed of more long-pending cases than it had in years past. Because the median time to disposition figures (as well as IAL) are based only on cases disposed of in the current year, the result may be an increase in both median time and IAL. This may be mistakenly

interpreted as evidence that the condition of the docket has deteriorated. Life expectancy, on the other hand, takes account of the ages of cases pending during the year as well as those that were terminated. Thus, it will decline and correctly show that the effect of cleaning up the old cases is an improvement in the condition of the docket.

Third, it is important to recognize that the statistics provided in the enclosure and in AO publications simply will not reveal the success or failure of many features of a district's Plan. In general, these statistics will only be suitable for evaluating the Plan from a simplistic - but not necessarily ill-advised - perspective. In this perspective, the Plan is viewed as a "black box" - a change or influence whose specifics are unknown - and we ask, "Has the Plan had any effect on the caseload?" If we see a change in the caseload figures we might infer that the Plan has had an effect, but we will not know which aspects of the Plan caused the effect. It is important to keep in mind, as well, that caseload statistics reveal almost nothing that bears on the costs of litigation, and therefore these statistics can reveal almost nothing about a Plan's success in reducing costs.

Objectively evaluating the effects of a change in procedure is often a difficult task. Because of this and because caseload statistics are readily available, evaluations of procedure often rely on caseload statistics, even when there is no logical connection between the statistics and the procedural change being evaluated. (This criticism is not leveled at the members of advisory groups or at court personnel; many of the worst offenses of this type are committed by Ph.D. researchers.) These difficulties notwithstanding, we urge you to evaluate the impact of your Plan and in the paragraphs below offer some pointers on errors to avoid in conducting an evaluation.

Evaluating the Implementation and Effects of the CJRA Plan

In any evaluation you undertake, you will have to decide what data you need, how to collect it, and what type of evaluation design you should use. In the two sections below we first discuss the kinds of data you might collect and then address issues of evaluation design.

Planning for Data Collection

A thoughtful effort to evaluate the various elements of your district's Plan may call for several different types of data collection, depending on the Plan elements in question. Some provisions of your Plan may be amenable to evaluation through caseload statistics, but others may require collection of data not previously kept by the court. Other provisions of the Plan may not be amenable to objective measures but may best be evaluated by subjective means - e.g., by asking counsel, judges, or other court personnel how they think the provisions are working. For some provisions, you may want to use both objective caseload data and the subjective reflections of counsel and others. And you may find that some provisions simply are not susceptible to any practical evaluation.

The kind of data you need should be determined by the nature and purpose of your Plan. And your methods of data collection should be established early to make sure you capture the information you need. For example, if one of the provisions in the Plan has as its purpose reducing the number of discovery motions filed and if current docketing practices do not permit identification of discovery motions, you may need to change these docketing practices. Similarly, if the Plan has established an ADR program whose goal is increased litigant satisfaction with the dispute resolution process, you may need litigant addresses so you can send questionnaires seeking their views. If these addresses are not docketed, some other method will have to be devised to get them.

Many Plan elements will be intended to reduce the cost of litigation, which is a difficult variable to measure. It may be possible to assess effects on costs through imaginative indirect measures. Something as simple as the average number of docket entries, for example, might be a weak indicator of litigation costs. But it will very likely be necessary to rely to some extent on the subjective judgment of counsel, judges, and others involved in the process.

If you decide to seek such judgments, it is important to understand the limitations of what others can tell you about program effects. Suppose we ask counsel who have participated in a case assigned to the expedited track whether they believe the expedited track decreases the cost of litigation. Suppose 75% of them say "yes". What does this tell us?

First, it does not tell us that the program reduces litigation costs in 75% of cases; it tells us what 75% of counsel think. But what basis do counsel have for knowing how the program works? Most respondents will have had experience in only one or a few expedited cases. Will they assume that the expedited track worked simply because costs were low in one or a few cases? Remember that cases put on the expedited track are likely to be cases that would be less costly in any event. In many instances, the reality may be that counsel's opinion about how a program works is not really an assessment based on experience with the program but rather a judgment about whether the program ought (or ought not) to work.

A more pointed question put to counsel might provide a more telling evaluation, such as asking whether the particular case cost more or less than counsel expected it would. Even then, however, there is risk that the answer will be biased by the respondent's opinion; as opposed to his or her actual observation. Asked whether the case cost less than expected, the respondent - who might never have formulated a guess about how much the case would cost, much less made an objective observation about whether the actual cost was more or less than the expected - may very well answer yes (or no) based solely on his or her belief that the expedited track is a good (or bad) idea.

These observations are not meant to discourage you from seeking the views of judges, counsel, and litigants, but only to alert you to the ease with which misinterpretations may be made. You can guard against such errors by carefully wording the questions you ask in

interviews or questionnaires. You can also enhance the meaning of your data with a careful overall evaluation design (as we discuss at the end of the next section).

Designing Your Evaluation

Although it is very important to plan carefully for data collection, it is even more important is to plan carefully the overall design of your evaluation. To illustrate this point, let us look at a hypothetical program that has established presumptive deadlines for completion of discovery, with the goal of reducing costs and delay in particular class of cases. For purposes of this example, we will focus on evaluating the program's effect on average time to disposition, which is one of the few variables concerning "costs and delay" that we can readily measure.

We could conduct two types of evaluation of this program - an evaluation of program implementation and/or an evaluation of program effects. If we evaluate implementation, we will want to look at how the rule is used. Is it observed or ignored? Are exceptions freely granted or usually denied? To determine how the rule is used, we might examine the dockets in a sample of cases to identify docket entries to find discovery activity beyond the deadlines set. (As noted above, if the court's standard docketing practices do not provide useful information - e.g. deposition notices or deposition dates - a change in docketing practices or some form of special record keeping might be required in order to conduct your assessment of implementation.)

If you can assume that successful implementation - i.e., faithful use - produces the outcomes desired for the program, an assessment of implementation may be the only evaluation you need to conduct. However, if you cannot assume that successful implementation necessarily leads to the desired effects, or if you want to understand whether it has other unanticipated effects, you will need to conduct an evaluation of effects.

Assessing the effects of a program or procedure is an exercise in causal inference - we want to know what effects were caused by the program or procedure. This necessarily requires a basis for comparison. To say, for instance, that cases in the program take an average of nine months from filing to disposition does not tell us anything about how the program has influenced time to disposition. What is missing is some idea of what the average time to disposition would have been for these cases in the absence of the program.

In order to make causal statements, we need to compare a group of cases not subject to the program - a "comparison" or "control" group - with a group of cases subject to the program - an "experimental" group. And we need to assign cases to these groups on a random basis. That is, before being subject to the experimental procedure, every eligible case must be randomly assigned to one or the other group. In essence, the random assignment "holds constant" across all cases any influences other than the experimental condition. If, after randomly assigning cases and then applying the experimental procedure

to only one group, we find a difference between the two groups in average disposition time, we can infer that the program affected time to disposition.

A number of evaluations of court programs have used random assignment of cases to control and experimental groups, and you should seriously consider it. If your assessment relies instead on some other kind of comparison group - say, a comparison of cases terminated before the program began with cases terminated after going through the program - you face the possibility that differences in average time to disposition may be due to factors other than the program, such as a difference between the groups or a difference in the conditions in which they were litigated.

We want to underscore two central points here. First, comparisons are critical for making causal inferences. Second, comparisons are reliable only if you are comparing "apples with apples." It is not always easy to distinguish apples from oranges and therefore we offer several examples of the kinds of errors most often seen in evaluations of programs.

1. *Comparing cases selected for the program to cases that were not selected.* Suppose the program calls for judges to assign suitable cases to an expedited track. Most likely, judges will not assign to the expedited track cases they believe will require more time than the track allows. You should not, then, compare cases on the expedited track with cases on other tracks - at least not on disposition time - since the cases on other tracks are very likely those that would take more time than the expedited cases in any event.
2. *Using a skewed sample of cases as the basis for comparison.* Consider again the expedited track program and assume that it has been applied only to cases filed in the last nine months. The average time to disposition for those expedited cases that have so far reached disposition must be less than nine months. It would not be fair to compare the average time to disposition for these cases to that for a comparison group composed of all cases terminated in the year prior to program implementation. To make a fair comparison, you must use the same yardstick to measure the cases terminated before and the cases terminated after the program was implemented. For example, suppose the expedited track program began 1/1/93 and we compute the average time to disposition for cases terminated by 10/1/93. It would be fair to compare this figure to the average time to disposition for comparable cases using the same time frame one year earlier - i.e., cases filed between 1/1/92 and 10/1/92 and terminated by 10/1/92.
3. *Comparing "qualified" program cases to all cases in a "before" group, whether qualified or not.* Suppose that the expedited track program is applicable to all cases except those exempted by the judge. The cases on this track cannot be compared to a comparable set of cases terminated before program implementation because it is impossible to identify among past cases all those that would have been exempted had the program been in effect. The only valid comparison that can be made is a

comparison between *all* cases terminated before and *all* cases terminated after program implementation. If the expedited track is applied to a substantial proportion of cases and if it reduces the average time to disposition for those cases, the net effect should be a reduction in overall average time to disposition. This reduction will be seen when the time to disposition for all cases terminated after the program began is compared to the time to disposition for all cases terminated before the program began (provided, of course, that we don't make the mistake explained in #2, above).

One final point should be made: Decisions about overall evaluation design and data collection methods are linked. Neither should be made without considering the other. We can illustrate this point by returning to the question of assessing litigation costs and the perils of relying on attorneys' subjective evaluations of cost (described in the previous section). We noted there that the quality of the information obtained from attorneys can be enhanced by using an appropriate evaluation design. We could, for example, combine random assignment of cases with an objective question to all attorneys about litigation costs: "What were the fees and costs for this case?" By comparing the answers of attorneys whose cases were subject to the program with the answers of attorneys whose cases were not subject to the program, we would obtain a far better measure of the Plan's impact on costs than by asking subjective questions.

Endnote

We should note that something of a trap may await you in the enclosed caseload statistics. One consequence of the CJRA has been an increased effort to clean up the caseload data maintained by the AO, on which the charts in the enclosure are based. Various districts have discovered instances where the AO counted as still pending cases that had been disposed of months if not years ago (owing to failure of the proper case closing report to be entered into the AO database). The clean up effort may in some districts have resulted in a notable change in the enclosed data for years prior to 1993. Changes in the termination date of a case or delayed reports of case terminations can affect the charts reporting life expectancy, IAL, and other figures based at least partly on terminated cases. Similarly, charts based at least in part on case filing data - such as life expectancy - may be altered from previous charts because of delayed reports of cases filed or changes in filing dates. If the enclosure presents a different picture of the caseload in prior years than did previous versions of the charts, one consolation is that the current version is almost certainly the more accurate picture.

DSC ANNUAL ASSESSMENT
Appendix I

As noted in the Plan § VIII.D. in Rule 5 of the Federal Rules of Civil Procedure was revised to require the Clerk of Court to accept for filing any paper presented, regardless of form. Prior to the present revisions, the Clerk could reject defective filings. While the former procedure had its shortcomings, it did insure prompt correction of oversights without the need for judicial intervention. The Plan directed the Clerk to adopt procedures bringing deficiencies to counsel's attention. The Clerk has done so as noted in the attached Memorandum. The Clerk now completes a form (Attached hereto) which specifies the deficiency. The form is forwarded to the appropriate judge with a copy to the attorney of record. If the deficiency is minor and time permits, the Clerk of Court may instead advise the attorney of record of the deficiency and complete the form only if the deficiency is not promptly corrected. As a result of this procedure, judicial intervention is rarely required.

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF SOUTH CAROLINA



MEMORANDUM

TO: Virginia Vroegop
FROM: Stella Donelan
SUBJECT: Civil Justice Reform Act

Earlier, we established a procedure to alert counsel to specific problems with defective filings. In accordance with Rule 5 Federal Rules of Civil Procedure, any paper presented to our Office for filing receives a file stamp. We do not refuse to file a paper because it wasn't presented in the proper form.

After filing, we send the paper to the appropriate judicial officer with the attached memo stating the area of deficiency. A copy of the memo goes to the attorney.

On an informal note, if a pleading is unsigned or another minor deficiency exists, we will call the attorney and ask that it be corrected.

If you have further questions, call me at 765-5481.

November 16, 1994

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

_____ DIVISION

TO: Judge/Magistrate Judge _____

FROM: _____

RE: _____

Civil Action No. _____

According to Rule 5, Federal Rules of Civil Procedure, we have filed the _____, however, it is deficient in the area(s) checked below:

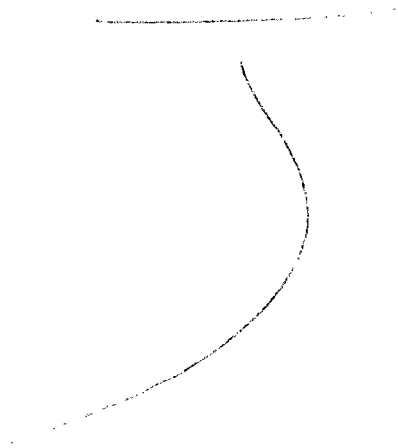
- Pleading is not signed.
- No original copy.
- Not enough copies.
- No certificate of service.
- Memorandum not filed with motion.
- Time expired before filing.
- No case number/division

New Case/Removal

- Summons: none, incorrect, or not enough
- Complaint: no original signature, no original copy, not enough copies
- 16(b) Interrogatories: not included or not verified
- Notice of Removal: no original signature, no original copy, not enough copies.
- Copy of summons and complaint from State court not included or not enough copies.
- Certificate of Service: none, no original copy, not enough copies.

OTHER _____

cc: Attorney of Record



FILED

IN THE UNITED STATES DISTRICT COURT

SEP 16 1994

FOR THE DISTRICT OF SOUTH CAROLINA

LARRY W. PROPER, CLERK
COLUMBIA, S. C.

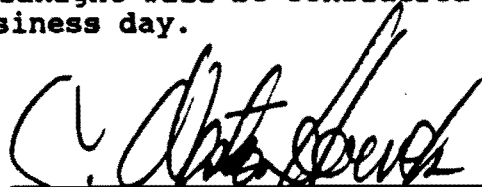
IN RE:)
)
Filing documents with the)
United States District Court)
after business hours.)
_____)

STANDING ORDER
94-MC-270

Pending the adoption of a local rule, the following procedure is hereby established, effective immediately, to govern the filing of documents with the United States District Court for the District of South Carolina after business hours:

The United States District Court for the District of South Carolina is open during business hours (8:30 A.M. to 5:00 P.M.) on all days except Saturdays, Sundays and legal holidays. During normal business hours, documents can be filed with the Intake Section of the Clerk's Office at the Strom Thurmond Courthouse in Columbia, the Hollings Judicial Center in Charleston, the Clement F. Haynsworth Federal Building in Greenville, and the McMillan Federal Building in Florence.

If for any reason it is necessary for documents to be filed with the Court between the hours of 5:00 P.M. and 12:00 midnight on any business day for documents due that day, the Court has placed a drop box at each of these locations. These drop boxes have the words "Clerk's Office, U.S. District Court, Filings After 5:00 P.M. Only." Documents placed in the drop boxes between the hours of 5:00 P.M. and 12:00 midnight will be considered to have been filed on that business day.



C. WESTON HOUCK
CHIEF JUDGE

September 16, 1994.