

**LIST OF RECIPIENTS OF ANNUAL ASSESSMENT  
AND IMPLEMENTATION ORDER  
FEBRUARY 1, 1995**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

JAN 21 1995  
LARRY W. PROFFER, CLERK  
SOUTH CAROLINA

IN RE: CIVIL JUSTICE EXPENSE )  
 )  
 AND )  
 )  
 DELAY REDUCTION PLAN )  
\_\_\_\_\_ )

ORDER  
3:95-MC-21-2

This order is issued to facilitate implementation of this district's Civil Justice Expense and Delay Reduction Plan ("Plan"). The terms of this order are supplementary to the Plan to the extent not inconsistent with it. To the extent there are any inconsistencies, this order modifies the terms of the Plan.

**I. ASSIGNMENT OF RESPONSIBILITY**

The following assignments of responsibility are made to insure implementation of this district's Civil Justice Expense and Delay Reduction Plan ("Plan"):

the Honorable Joseph F. Anderson, Jr. shall be responsible for judicial oversight ("Implementing Judge") as set forth in the Plan and as further specified in the attached Outline of Responsibility for Implementation and Assessment ("Outline");

the CJRA Reporter shall be responsible for statistical evaluation and monitoring the progress of the district ("CJRA Monitor") as set forth in the Plan and as further specified in the attached Outline;

the Clerk of Court shall have those responsibilities specified in the Plan and as further specified in the attached Outline;

the District Court Advisory Committee ("DCAC") shall be responsible for preparing Local Rules as specified in the Plan and as further specified in the attached Outline; and

the Civil Justice Reform Act Advisory Group shall have those responsibilities specified in the Plan and as further specified in the attached Outline.

## **II. TIMETABLE FOR ASSESSMENT AND EVALUATION**

Assessments shall be completed annually rather than on a six month basis as referenced in the Plan at Appendix B, Section II. These evaluations will be completed no later than December thirty-first of each year for the twelve month period running from July first through June thirtieth. To facilitate completion by this date, the following deadlines for input shall apply unless otherwise ordered by the Chief Judge or Implementing Judge:

any forms seeking input from judicial officials will be distributed no later than June 30th of each year

input from judicial officials (district and magistrate judges) shall be returned to the CJRA Monitor no later than July 31st;

input and statistical reports from the Clerk of Court will be returned to the CJRA Monitor no later than August 31st;

an initial draft of the annual assessment shall be prepared by the CJRA Monitor and presented to the Implementing Judge no later than October 15th;

the Implementing Judge will review the report and work with the CJRA Monitor to insure that a final report is submitted to the Chief Judge by December 1st; and

the Chief Judge will present the report to the district judges for their review during December of each year.

Recommendations for modifications of the Plan will be discussed as necessary during the December and subsequent judges' meetings.

## **III. TIMETABLE FOR FULL IMPLEMENTATION**

The district has targeted June 30, 1995 as the effective date for full implementation of its Civil Justice Expense and Delay Reduction Plan. Certain mandates of the Plan took effect immediately upon its adoption. These included recommendations regarding continuation of existing procedures and applicability of

new local rules relating to automatic disclosures and limits on discovery. Other matters require further action as set forth below:

Systematic use of mediation and establishment of an expedited docket will become effective once local rules are drafted and adopted which should be accomplished by June 30, 1995;


Quarterly distribution of the judge's motions docket report by the Clerk of Court began in July 1994 for the quarter ending June 30, 1994;

All other matter necessary for the full implementation of the plan including preparation of necessary forms for the collection of data and the establishment of procedures relating to the same shall be complete by June 30, 1995.

**IV. MODIFICATIONS OF THIS ORDER**

The Implementing Judge is authorized to modify the assignment of responsibilities listed on the attached outline as may from time to time appear necessary. Any permanent modifications shall be in writing and provided to the Chief Judge and all responsible parties listed above.

IT IS SO ORDERED.

  
\_\_\_\_\_  
C. Weston Houck  
Chief Judge, for the  
District of South Carolina

January 18, 1995

**OUTLINE OF RESPONSIBILITIES FOR  
IMPLEMENTATION AND ASSESSMENT GUIDELINES**

**OF THE**

**DISTRICT OF SOUTH CAROLINA  
CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLAN**

**(as mandated by the Civil Justice Reform Act)**

<u>RESPONSIBILITY ASSIGNED TO</u>	<u>TASKS TO BE COMPLETED</u>	<u>COMPLETION DATE</u>
CJRA MONITOR <sup>1</sup>	<p>Prepare forms for collection of annual report data and comments ("Annual Assessment Input Forms") to include:</p> <ul style="list-style-type: none"><li>• comments from Clerk of Court, Implementing Judge<sup>2</sup> and Chief Judge;</li><li>• input from each district and magistrate judge;</li><li>• analysis of Judicial Workload Profile ("JWP") data -- <u>See</u> Plan, App.B § I.A.;</li><li>• analysis of data from Clerk of Court (jury demands, motions docket, magistrate caseload, and ADR statistics) -- <u>See</u> Plan, App. B § I.B-E.</li></ul> <p><u>See Generally</u> Memorandum to Chief Judges (Feb. 5, 1993) (hereinafter "Assessment Memo") and Guidelines for Preparing the CJRA Plan (Jul. 21, 1992) (hereinafter "Guidelines").</p>	

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<sup>1</sup> The Chief Judge has designated the CJRA Reporter as an appropriate party to serve as CJRA Monitor. Plan § IX.C. (p. 25).

<sup>2</sup> The Chief Judge has designated District Judge Joseph F. Anderson, Jr. to serve as the Implementing Judge. Plan § IX.A (p. 25). See below for responsibilities of Implementing Judge.

RESPONSIBILITY  
ASSIGNED TO

TASKS TO BE COMPLETED

COMPLETION  
DATE

CJRA MONITOR

As soon as Annual Assessment Input Forms are drafted and approved by the Implementing Judge, provide copies to all judges with explanation of when input will be needed.

CJRA MONITOR

Forward copies of the Annual Assessment Input Forms with a reminder letter at least one month before input is needed.

CJRA MONITOR

Work with the Clerk of Court and Implementing Judge to

- establish methods for tracking ADR projects so that basic data is collected (See Plan § VII.B.1, 2 & 4 (pp. 19-22), App. B § I.E.);
- determine if surveys are to be completed and draft survey forms (See Report Exhibit 17);
- insure basic data is collected, surveys, are completed, and comparisons between ADR methods are made. Plan §VII.B. 1, 2, & 4.

CJRA MONITOR

Obtain statistical data from the Clerk of Court (locally prepared and JWP).

RESPONSIBILITY  
ASSIGNED TO

TASKS TO BE COMPLETED

COMPLETION  
DATE

	Prepare annual assessments for review by the district judges as required by the Assessment Memo <sup>3</sup> and the Plan, App. B § II, and submit to the Implementing Judge:	
	Prepare statistical analysis required by Plan § IX.C. (p. 25) and App. B;	
	Collect judicial comments	
CJRA MONITOR	Annually submit draft reports as required by the Assessment Memo (Attachment A hereto), to the Implementing Judge.	
	[END: CJRA MONITOR DUTIES]	

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<sup>3</sup> As noted in the Memorandum to Chief Judges dated 2/5/93 re. "Annual Assessments and Plan Revisions Under the Civil Justice Reform Act of 1990" ("Assessments Memo") annual assessments may be prepared based on the Plan's adoption date or its implementation date. Our Plan (Plan §IX and App. B) refers only to the first reports being due six months after the adoption date (App. B at B-4). The necessary data, however, comes largely from data prepared only on a July 1 through June 1 basis. See Judicial Workload Profiles ("JWP"). This district has, therefore, adopted the same period for its annual assessments and deleted the requirement for six month reports.



RESPONSIBILITY  
ASSIGNED TO

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DATE

IMPLEMENTING JUDGE<sup>4</sup>

Insure that each judge is aware of the District's Plan and is encouraged to utilize the suggested techniques.

IMPLEMENTING JUDGE

Take primary responsibility for insuring each mandate of the Plan is being satisfied by insuring that:

- appropriate local rules are drafted by the District Court Advisory Committee (DCAC) and adopted by the district (see Plan at 7 n.5) See also Plan §V.B. (p.12) (determine whether procedures for use of minute orders and orders drafted by counsel are to be established by standing order or local rule and insure completion of same);
- a voluntary expedited docket is established (see Plan at 8 & Section IV.C.);
- mediation is regularly offered and other recommended forms of ADR are tested and compared (see Plan §§IV.A. (p. 8), VII.B. 1, 2, & 4 (pp. 16-22)).
- Clerk of Court and Advisory Group are publicizing availability of ADR (to extent funding is available). Plan §§VII.A. (p. 17) and VII.C. (p. 22).

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<sup>4</sup> See note 2 above.

RESPONSIBILITY  
ASSIGNED TO

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DATE

- all judges receive their own motions docket report and the Chief Judge is provided a copy for all judges' reports on a quarterly basis (see Plan §§IV.B. & V.B. (pp. 8-9 and 12-13))
- appropriate consideration is given to utilizing judicial "swat teams" to reduce motions backlogs (see Plan at 9 & § V.B.);
- required reports are submitted (Plan § IX. C., App. B, and Assessment Memo);
- all necessary coordination occurs between the Clerk of Court, judges, CJRA Advisory Group, CJRA Monitor, and District Court Advisory Committee.

IMPLEMENTING JUDGE

Oversee and coordinate the annual assessment of the Plan, and oversee Plan revisions made necessary by Judicial Conference review or district review. See Guidelines ¶¶ 7 & 11 and Assessment Memo.

IMPLEMENTING JUDGE

Make further assignments as necessary to implement the Plan or to make necessary revisions.

IMPLEMENTING JUDGE

Coordinate with the Clerk of Court in addressing personnel requirements necessary for Plan implementation and assessment (e.g. note requirements in reports to Chief Judge, Budget requests and annual assessment). Plan §VIII.E. (p. 24).

[END: IMPLEMENTING JUDGE DUTIES]

RESPONSIBILITY  
ASSIGNED TO

TASKS TO BE COMPLETED

COMPLETION  
DATE

CLERK OF COURT

Determine what funding is needed and available for implementing this Plan and for ADR research materials. See Plan § IX.B. (p. 25), Plan §VII.A. (p. 17), and Appendix B.

CLERK OF COURT

Assist in distributing materials related to ADR (depending on availability of funding) and relating to availability of a voluntary expedited docket (once established). Plan §§IV.C., VII.A. (p. 17), and VII.C. (p. 22).

Maintain statistical records of:

- Use of voluntary expedited docket (Plan §IV.C.);
- jury demands (Plan, App. B § I.B.);
- motions dockets (Plan §§ II.A. and V.B. and App. B § I.C.);
- magistrate civil caseloads (Plan App. B. § I.D.)

CLERK OF COURT

Upon request, provide the above data to the CJRA Monitor for the period since the last report but not less than annually.

CLERK OF COURT

Prepare and distribute motions docket data on a quarterly basis as required by the Plan §§ II.A., IV.B. (p. 9), and V.B. (pp 12-13) and Appendix B § I.C.

CLERK OF COURT

Coordinate with the CJRA Monitor to establish methods for collecting statistical

RESPONSIBILITY  
ASSIGNED TO

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DATE

data related to use of ADR:

- Coordinate with the CJRA Monitor to design appropriate ADR surveys and basic data collection forms (Plan, App. B § I.E.);
- Assist CJRA Monitor in insuring judges utilizing ADR are collecting appropriate basic data;
- Assist CJRA Monitor in distributing and collecting survey forms.

CLERK OF COURT

Provide additional Plan implementation assistance as directed by the Implementing Judge.

CLERK OF COURT

Adopt procedures relating to inadequate filings which put filing counsel on notice of specific deficiencies. Plan §VIII.D. (p. 24).

CLERK OF COURT

Address personnel requirements necessary for Plan implementation (in budget requests, annual assessments, and reports to Implementing Judge). Plan §VIII.E. (p. 24).

[END: CLERK OF COURT DUTIES]

RESPONSIBILITY  
ASSIGNED TO

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DATE

DISTRICT COURT  
ADVISORY COMMITTEE

Draft or revise local rules:

- relating to pretrial automatic disclosures 12/1/93
- relating to extension of time to answer (Plan § V.C. (p. 13)).
- affected by revisions to the Federal Rules of Civil Procedure 12/1/93
- encouraging use of oral rulings or minute orders resolving motions and acknowledging the propriety of requesting draft orders from counsel and setting forth guidelines for draft orders and comments (or coordinate with Implementing Judge to prepare standing order). Plan § V.B. (p. 12);
- required by this Plan (p. 7, n. 5) including rules related to:
  - mediation program (Plan §§IV.A. (p. 8) and VII (pp 16-22));
  - expedited docket (Plan §§ IV.A. (p. 8) and IV.C.(p. 10));
  - discovery limits; 12/1/93
  - discovery procedures (Plan §§VI and IV.B.); 12/1/93
  - clarifications required by Plan (Plan §VII.C. (pp. 23-24)).
  - magistrate judges
  - conduct of depositions

RESPONSIBILITY  
ASSIGNED TO

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DATE

-- juror questionnaire  
use

- local rule relating to  
party consent for exten-  
sion of trial dates  
(Plan §IV.A. (p. 8)).

**[END: DISTRICT COURT ADVISORY COMMITTEE DUTIES]**

RESPONSIBILITY  
ASSIGNED TO

TASKS TO BE COMPLETED

COMPLETION  
DATE

CJRA ADVISORY  
GROUP

Determine funding avail-  
ability and, based on such  
availability, compile  
resource materials and  
prepare or distribute bro-  
chures relating to ADR  
availability. (Plan  
§§ VII.A. (p. 17)  
and VII.C. (p. 22)

[END: CJRA ADVISORY GROUP DUTIES].

RESPONSIBILITY  
ASSIGNED TO

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ALL JUDGES

Be familiar with and follow the mandates of the Plan:

- "firm but equitable enforcement of local rules" relating to extensions of time for discovery, and automatic disclosure, and allow modification only upon good cause shown (Plan at 6);
- "[u]niform, though not inflexible, enforcement of local rules" relating to extension of discovery, time for filing motions to compel, requests for extension of limits on number of interrogatories or time for discovery (Plan at 15);
- requiring client consent to extension of trial date (may be by affirmation of counsel), Plan at 8;
- participate in experimentation with ADR techniques, Plan at 8 (§IV.A.) and 16-22 (§VII);
- review motions docket status on a quarterly basis and request assistance as appropriate, Plan at 8-9 & §§ IV.B. & V.B.;
- recommend, as appropriate, use of the voluntary expedited docket, Plan at 8 & §IV.C.

Cooperate with the Implementing Judge, Clerk of Court, CJRA Monitor, and CJRA Advisory Group in implementing the Plan and collecting data (including



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by completing judicial  
survey forms on an annual basis  
and by completing appropriate  
portions of ADR tracking forms.

Participate in annual  
review and reconsideration  
of the Plan (e.g. continu-  
ing review of need for special  
local rule interrogatory  
related to complexity  
of the case).