



UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
OFFICE OF THE CLERK

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FMS

RICHARD T. MARTIN
CLERK

July 2, 1996

Mr. Abel J. Mattos, Chief
Administrative Office of the U. S. Courts
Court Administration Policy Staff
One Columbus Circle, NE
Washington, D.C. 20544

Re: Civil Justice Reform Act Committee Assessment

Dear Mr. Mattos,

Please find enclosed the Middle District of Louisiana's Civil Justice Reform Act Advisory Group's 1995 Annual Assessment, which was submitted by Mr. John W. Perry, Jr., Chairman.

If you have any questions, please feel free to call.

Respectfully submitted,

Richard T. Martin

RTM:tr
(enclosure)

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MIDDLE DISTRICT OF LOUISIANA
BATON ROUGE, LA

JUL 2 1 05 PM '96

**REPORT OF THE
MIDDLE DISTRICT OF LOUISIANA'S ADVISORY GROUP
CONCERNING THE ADVISORY GROUP'S
1995 ASSESSMENT OF THE COURT, ITS PLAN AND ITS DOCKET
PURSUANT TO
THE CIVIL JUSTICE REFORM ACT OF 1990**

I. INTRODUCTION

Congress enacted THE CIVIL JUSTICE REFORM ACT OF 1990, 28 U.S.C. § 471 *et seq.* ("the CJRA"), which requires each United States District Court to develop a Civil Justice Expense and Delay Reduction Plan to facilitate deliberate adjudication of civil cases on the merits, monitor discovery, improve litigation management, and ensure just, speedy and inexpensive resolution of civil disputes. The United States District Court for the Middle District of Louisiana submitted its plan in December 1993.

Pursuant to Section 478 of the Civil Justice Reform Act, the United States District Court for the Middle District of Louisiana Chief Judge, John V. Parker, appointed an Advisory Group to annually assess the condition of the Middle District Court's civil and criminal dockets in order to determine appropriate actions for reducing costs and delays in litigation. A list of the members of the Advisory Group is attached as Appendix A. The Advisory Group has discussed and reviewed the *Civil Justice Reform Act, United States District Court Middle District of Louisiana Plan*, and the Middle District of Louisiana's docket condition, met with Court officials and solicited input from practicing members of the Middle District.

II. DESCRIPTION OF THE COURT

The Middle District of Louisiana encompasses the parishes of: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge and West Feliciana. Court is conducted at the Russell B. Long Federal Building and Courthouse,

located in Baton Rouge, Louisiana. The court has only two judges, Chief Judge John V. Parker and Judge Frank J. Polozola, and two magistrates, Stephen C. Riedlinger and Christine Noland. There has been no change in the make-up of the court since the CJRA 1994 Annual Assessment.

III. ASSESSMENT OF THE DOCKET

A. Condition of the Docket

i. Civil Cases

The Clerk of Court of the United States District Court for the Middle District of Louisiana reported civil cases statistics for the twelve month period beginning in January 1995 and ending in December 1995. These statistics are attached as Appendix B.

A common thread running throughout the twelve month period was the inability of the court to substantially affect docket activity. Beginning January 1995, there were 3794 pending cases. Of these cases, Chief Judge John V. Parker was assigned 1891 and Judge Frank J. Polozola was assigned 1829. The Magistrates were assigned 71 cases and two visiting Federal District Judges were assigned 3 cases. By the end of December 1995, there was an astounding increase in civil cases to 4593. Of these, Chief Judge Parker was assigned 1842 and Judge Polozola 2569. Eighteen visiting Federal District Judges and Magistrates were brought in to help relieve some of the burdensome case load, up from only two visiting Federal Judges in January 1995.

These numbers are staggering in comparison to the Eastern District where each active judge handles an average caseload of only 249 cases.

Approximately one-half of the entire case load in the Middle District can be attributed to the EXXON explosion cases where a substantial number of individual plaintiffs have sought

relief against various defendants. There is presently an initiative to certify these cases as class actions. Notwithstanding, even if the cases are certified as class actions, there will still be an alarming number of actions pending in the Middle District.

ii. Criminal Cases

Criminal filings in the United States District Court for the Middle District of Louisiana are expected to increase significantly, as is the national trend.

B. Trends in Filings

The following kinds of cases have been filed in the Middle District: personal injury, admiralty/maritime, prisoner, civil rights, contract, ERISA, employment/labor, land condemnations, foreclosures, Social Security, student loan, veterans as well as other miscellaneous categories.

C. Court Resources

As stressed in the 1993 and the 1994 Advisory Group's Report:

Addition of one or more judges to the Middle District would be the main and most efficacious method of eliminating delays, which invariably lead to increased costs of litigation.

However, despite the urging of the Middle District Judges and the CJRA Advisory Group, Congress has neglected to approve an increase in the number of Middle District Judges. The only relief enjoyed by the Court has been from visiting Federal District Judges and Magistrates from the Western and Eastern Districts of Louisiana and from Texas.

Presently, there is a necessary initiative by Senator John Breaux and Representative Richard Baker to increase the number of judges in the Middle District. As an alternative to this

legislation which will increase the total number of Federal District Judges, the CJRA Advisory Group suggests that at least one and preferably more of the Federal District Judges in the Eastern District of Louisiana be relocated to the Middle District of Louisiana. Because of the vast disparity between the meager, average case load of 249 cases per Judge in the Eastern District compared to the enormous, average case load of 2205 cases per judge in the Middle District, it would be appropriate to shift the available judicial resources to the place they are needed the most. Transferring an unfilled vacancy in the Eastern District to the Middle District has been an option recently considered (although no formal action has been taken as of the time this report is being prepared and submitted).

In addition to the proposed new judgeships, there is need for additional Magistrates to assist in the ever-increasing Middle District caseload.

IV. CLERK OF COURT

The Advisory Group has reviewed the procedures and practices of the Clerk of Court of the United States District Court for the Middle District of Louisiana for ways to more efficiently and effectively handle its caseload.

A. Notices

The 1994 Advisory Group was concerned about the extent to which current practices in the Clerk's office had contributed to errors in the preparation and distribution of notices to the parties and/or counsel concerning conferences and hearings before the Court.

It now appears that the Clerk's office is sending all notices out on the same day of orders or, at least, within 24 hours. This improvement by the Clerk's office was done without the necessity of changes in internal procedures.

B. Goals for the Future

The Advisory Group suggests that the Clerk's office implement scanning equipment to reduce the time-consuming manual input of documents into the computer system and to reduce the margin of error. Further, electronic storage equipment is necessary to meet future document storage limitations and the lack of physical storage space. Finally, redesign of the existing office space and the creation of additional physical office space is necessary to meet the increased demands which are commensurate with the increased case load.

V. DIFFERENTIAL CASE MANAGEMENT

A. Pre-Trial Orders

As noted in the 1993 and 1994 Reports, there are two separate pre-trial order formats used in the Middle District. The Middle District Plan provides there be, "a uniform form of Pretrial Notice and Instructions to be used by all sections of the Court." The Advisory Group has recommended that a single form be adopted by the two existing Middle District Judges. Despite the Court's own plan and the Advisory Group's recommendations, there continues to be two separate pre-trial order forms used. However, as this report is being submitted, Judges Parker and Polozola have agreed to a uniform format. A subcommittee of this Advisory Group is working with the court and input has also been sought from the local Bar Association. It is expected that a single form will be approved in the immediate future.

One pre-trial form should be used and it should be set forth in the Local Rules of the Middle District so all practicing attorneys will be aware of its requirements. Those participants in the ongoing dialogue should work from this proposed short form in attempting to reach some agreement regarding a single form:

1. Statement of Jurisdiction
2. Motions Pending before the Court
3. Plaintiff's Contentions
4. Defendant's Affirmative Defenses/Counterclaims
5. Claim of other parties
6. Established Facts
7. Contested Issues of Facts
8. Exhibits: Stipulations as to exhibit authenticity and/or admissibility shall be noted on the exhibit list. If authenticity and/or admissibility is contested, the Federal Rule of Evidence upon which any objection is based should be noted.
9. Witnesses: A short statement as to the nature of their testimony and a differentiation between "will call" and "may call" witnesses.
10. A statement of any other matters not previously included which may be relevant to a prompt and expeditious disposition of the case.

VI. DISCLOSURE AND DISCOVERY

A. Federal Rule of Civil Procedure 26

The Uniform District Court Rules for the Middle District of Louisiana opt out of the mandatory initial disclosure requirements contained in Fed. R. Civ. Proc. 26 (a)(1). The purpose of the mandatory initial disclosures "is to accelerate the exchange of basic information about the case and to eliminate the paper work involved in requesting such information...." Further, a collateral benefit is achieved in eliminating the thirty day delay period for answering discovery which is permitted under the Federal Rules of Civil Procedure.

i. May Call Witness List and Preliminary Exhibit List

The Advisory Group believes the exchange of a May Call Witness List and a Preliminary Exhibit List at the beginning of discovery will eliminate needless paper work. The disclosures should be required by all parties within 20 days after completion of the 90 Day Status Conference. The Advisory Group suggests the requirements should be as follows:

1. May Call Witness List

Each party shall provide opposing parties with a written list setting forth the identity and location of persons the party reasonably anticipates calling to testify at trial and the anticipated subject matter of their testimony. Thereafter, each party shall be under a continuing obligation to promptly provide opposing parties with updated lists as other such persons are identified. Except upon good cause shown, a witness not identified on the May Call Witness List or an updated list may not be placed on the Witness List contained in the Pretrial Order.

2. Preliminary Exhibit List

Each party shall provide opposing parties with a written list identifying documents or groups of documents reasonably available to the party which are believed to support the party's allegations. Thereafter, each party shall be under a continuing obligation to promptly notify all other parties of the existence and nature of such documents. Except upon good cause shown, a document not identified on the Preliminary Exhibit List or an updated list may not be placed on the Exhibit List contained in the Pretrial Order.

Adoption of these requirements serve several purposes. Initially, by defining the scope of the trial at an early stage, with ongoing supplementation, discovery areas are narrowed to

conform with the parties' anticipated presentation of their case at trial. Secondly, this information is sought in discovery through formal interrogatories and requests for production. Mandatory disclosure eliminates this perfunctory exercise and increased litigation cost. Thirdly, in cases involving voluminous documents, mandatory disclosure forces consideration and organization of such documents early on in the litigation rather than immediately prior to trial.

ii. Disclosure of Expert Testimony

Confusion has been voiced from members of the Bar regarding the requirements for expert reports in both sections of the Middle District of Louisiana. In order to eliminate confusion, the Middle District of Louisiana should adopt the disclosure requirements contained in Fed. R. Civ. Proc. 26(a)(2).

The only exception to these mandatory disclosure requirements should be for treating physicians. Understanding, however, that even consulting physicians are required to issue a written report which discloses: (1) their qualifications -- attaching a curriculum vitae will be sufficient; (2) a complete statement of all opinions to be expressed and the basis and reasons therefor; (3) the data or other information considered by the witness in forming their opinions; and (4) any exhibits to be used as a summary of or support for the opinions. Rather than list all data relied upon in reaching his or her opinion, the consulting physician may attach copies of or make reference to all documents or records relied upon.

VII. ALTERNATIVE DISPUTE RESOLUTION

The Advisory Group sent questionnaires to mediators and attorneys who participated in the Middle District mediation process this past year. Attached as Appendix C is a statistical

summary of those responses and a listing of the pertinent comments made by mediators and attorneys.

A. Need For Persons With Settlement Authority

A common concern expressed by both mediators and attorneys in mediated cases was the absence of an individual with full settlement authority at the mediation conference. Some of them complained of the absence of the client at the mediation conference while others complained that the attorney who was present had no authority to settle. There were also a few complaints that some of the parties had no intent to settle at the mediation conference.

Measures have been instituted to address the problem with regard to the absence of someone with settlement authority. During this past year, one Magistrate instituted an oath that must be taken by attorneys promising to work in good faith towards mediation and promising to have someone with settlement authority present at the mediation unless specifically excused by the mediator.

There has been some concern regarding imposition of a monetary sanction in this initial year of the mediation process due to the anticipated reluctance of attorneys to participate in the mediation. However, there has been a good participation in this first year, with the major complaint being that the parties were not taking it seriously enough by failing to bring someone with settlement authority. Thus, it appears appropriate at this juncture to recommend the following procedures:

1. The court should immediately begin sending copies of the confidentiality order to the parties along with the order instituting mediation. Until now, the confidentiality order was given to the parties on the day of mediation, causing

both a loss of time while the parties reviewed the confidentiality order and a lack of proper apprisement to the parties beforehand of the serious nature of the proceedings.

2. Some monetary penalty should be imposed on parties who either fail to bring someone with settlement authority or back out of the mediation with less than twenty-four (24) hours notice, with that monetary penalty being used to compensate, in part, the other attorney for time expended and costs incurred. We would recommend a cap of \$250.00. This proposed monetary penalty will hopefully give some incentive to all participants to abide by the requirements to have someone there with settlement authority.
3. The possibility of the monetary fee should be included in the mediation order so that all parties are apprised of the penalty immediately (and the order should continue to allow the mediator, upon good showing, to allow an attorney to appear without someone with settlement authority). The participating mediators have told us on occasion there is good reason not to require a person with settlement authority to be present.
4. The mediator's decision to allow a party to attend without someone with settlement authority should be communicated to the other side so that the other side can decide whether to go forward with the mediation. To date, that information is not being provided to the opposing party.

The parties to mediation sign an oath prior to the mediation conference agreeing that an individual with full settlement authority will be present at the conference and that the parties will

participate in the conference in good faith. Because this oath is already being administered, the above monetary sanctions are deemed by the Advisory Group to be the proper recourse to take in addressing the continuing problem.

B. Location

Another issue mentioned by several mediators and attorneys was the location of the mediation conference. Several participants have stated that the mediation conference should be conducted away from the courthouse, perhaps at the office of the mediator, so that the parties can have better access to refreshments, phones, copy machines, rest rooms, etc. The location of the mediation, at the Federal Court building, is allegedly causing hardships to the mediation participants.

The Advisory Group recommends allowing the parties to use a mutually acceptable site as an alternative to the Federal Court Building. In fact, the resources of the Court are being strained in some instances in providing a place for the mediation. The Middle District Court's order for mediation should require that the mediation be conducted at the Federal Court or at another site mutually acceptable to both parties. If the use of another site results in a charge, it will have to be paid by the parties to the mediation.

C. Satisfaction with Mediation

Nearly all of the mediators and attorneys approved of court-annexed programs in general and of the Court-Annexed Mediation Program of the Middle District. Also, almost all of those surveyed were either very satisfied or somewhat satisfied with the mediation program.

In general, the questionnaires reflected a very positive attitude toward the court-annexed mediation program. It should be prioritized as mediation is certainly the most popular of all

alternative dispute resolution procedures being utilized on a national scale.

D. Changes to Questionnaire

The current mediation questionnaires are attached with this report as Appendix C. It is recommended that the following additional queries be added:

1. In conjunction with the question on both questionnaires regarding whether or not a settlement was perfected at the mediation conference, it is recommended that the following query be added:

Current question:

Was a settlement worked out at the mediation conference?

1 yes 2 no

Proposed additional question:

To the extent your answer to the question above was no, please explain why you think a settlement was not reached at the mediation conference. Include in that response your best estimate of whether or not you are close to reaching a settlement in the near future.

2. The questionnaire to attorneys asks questions with regard to whether that attorney's client was present at the mediation conference. However, it does not elicit a response with regard to whether or not the opposing client was present at the mediation conference. The subcommittee recommends that the following question be added to the questionnaire as question (3)(a):

3(a) Was your opposing counsel's client present at the mediation conference?

(Please check one)

1 Yes, and the presence of opposing counsel's client

2 No, and the absence of opposing counsel's client

(Please check one)

1 helped the resolution of this case

2 had no effect on the resolution of this case

3 hindered the resolution of this case

E. BROCHURE

The Federal Court does not have any advertising medium for its mediation program at this time. The Advisory Group will undertake to prepare a brochure discussing the merits and procedure of the mediation process within the next six (6) months. In preparing the brochure, the Advisory Group will use the comments made by participants in the mediation questionnaires and will use material which Magistrate Noland has gathered through seminars with regard to successful mediation programs utilized by other Federal Courts.

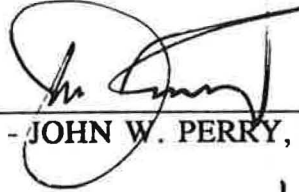
VIII. LOCAL RULES

Because there has been much concern over the inconsistencies in the Middle District's Local Rules, the Advisory Group is presently reviewing the Local Rules of the United States District Court for the Eastern District of Louisiana (and particularly recent changes) as the foundation for continuing discussions. Proposed changes will likely be recommended for approval in 1996.

IX. CONCLUSION

The Advisory Group finds the condition of the United States District Court for the Middle District of Louisiana is excellent. The only serious contention that can be made about the Court is the lack of the appropriate number of Federal Judges, needed to efficiently and fairly adjudicate the enormous case load. The Advisory Group attributes the excellent condition of the Court to the hard work of its judicial officers and other staff. They tirelessly work to strive for judicial excellence despite the inherent inability to lighten the amount of work that must be done. The Advisory Group suggests that the Court consider the recommendations set forth in this Report.

The Report is respectfully submitted on behalf of all members of the Advisory Group through its Chairman and its Reporter, to the Honorable John V. Parker, Chief Judge, United States District Court for the Middle District of Louisiana, this 17th day of ~~March~~^{June}, 1996.



CHAIRMAN - JOHN W. PERRY, JR.



REPORTER - ETTA KAY HEARN

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UNITED STATES DISTRICT COURT
 MIDDLE DISTRICT OF LOUISIANA
 REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 1/1/95 THRU 1/31/95
 FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE	PENDING FIRST OF PERIOD	+ NEWLY ASSIGNED +	REOPENED DURING PERIOD	+ FROM ANOTHER JUDGE	- TO ANOTHER JUDGE	- DISPOSED OF DURING PERIOD	= PENDING END OF PERIOD
Doherty, R. (3616)	1	0	0	0	0	0	1
Noland, C. (3NE8)	36	0	0	5		4	36
Parker, J. (3ND2)	1891	42	1	0	3	30	1901
Polozola, F. (3ND3)	1829	116	1	1	3	133	1811
Riedlinger, S. (3NBC)	35	0	0	1	0	4	32
Walter, D. (3613)	2	0	0	0	0	0	2
TOTAL:	3794	158	2	7	7	171	3783

NOTE: Pending first-of-period may differ from prior month pending end-of-period due to case activity from a prior month entered after report submission.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 2/1/95 THRU 2/28/95
FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE	PENDING FIRST OF PERIOD	+ NEWLY ASSIGNED +	REOPENED DURING PERIOD	+ FROM ANOTHER JUDGE	- TO ANOTHER JUDGE	- DISPOSED OF DURING PERIOD	= PENDING END OF PERIOD
Beer, P. (3L23)	0	0	0	17	0	1	16
Berrigan, G. (3L29)	0	0	0	13	0	0	13
Clement, E. (3L28)	0	0	0	18	1	0	17
Doherty, R. (3616)	1	0	0	0	0	0	1
Duplantier, A. (3L19)	0	0	0	17	0	0	17
Duval, S. (3L30)	0	0	0	24	0	0	24
Feldman, M. (3L26)	0	0	0	20	0	0	20
Jones, O. (3L32)	0	0	0	25	0	0	25
McNamara, A. (3L24)	0	0	0	19	0	2	17
Mentz, H. (3L25)	0	0	0	19	0	0	19
Noland, C. (3NBD)	37	0	0	3	0	3	37
Parker, J. (3ND2)	1892	48	2	2	70	32	1842
Polozoia, F. (3ND3)	1814	62	2	0	144	34	1700
Riedlinger, S. (3NBC)	33	0	0	8	0	1	40
Schwartz, C. (3L16)	0	0	0	12	0	0	12
Vance, S. (3L31)	0	0	0	18	0	1	17
Walter, D. (3613)	2	0	0	0	0	0	2
TOTAL:	3779	110	4	215	215	74	3819

Note: Pending first-of-period may differ from prior month pending end-of-period due to case activity from a prior month entered after report submission.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 3/1/95 THRU 3/31/95
FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE		PENDING FIRST OF PERIOD	+	NEWLY ASSIGNED	+	REOPENED DURING PERIOD	+	FROM ANOTHER JUDGE	-	TO ANOTHER JUDGE	-	DISPOSED OF DURING PERIOD	=	PENDING END OF PERIOD
Beer, P.	(3L23)	16		0		0		0		0		1		15
Berrigan, G.	(3L29)	13		0		0		0		0		1		12
Chasez, A.	(3LBE)	0		0		0		2		0		0		2
Clement, E.	(3L28)	17		0		0		0		1		0		16
Doherty, R.	(3616)	1		0		0		1		0		0		2
Duplantier, A.	(3L19)	17		0		1		0		2		2		14
Duval, S.	(3L30)	24		0		0		1		1		0		24
Feldman, M.	(3L26)	19		0		0		0		2		2		15
Fonseca, R.	(3LBC)	0		0		0		1		1		0		0
Jones, O.	(3L32)	25		0		0		0		0		1		24
Lenelle, I.	(3LBS)	0		0		0		1		0		0		1
McNamara, A.	(3L24)	17		0		0		0		0		3		14
Mentz, H.	(3L25)	20		0		0		0		1		0		19
Noland, C.	(3NED)	37		0		0		1		0		1		37
Parker, J.	(3N02)	1838		40		0		4		16		37		1829
Polozola, F.	(3N03)	1699		57		2		6		18		24		1722
Riedlinger, S.	(3NBC)	41		0		1		4		0		6		40
Schwartz, C.	(3L16)	12		0		0		2		2		0		12
Sear, M.	(3L17)	0		0		0		23		0		1		22
Vance, S.	(3L31)	17		0		0		0		2		0		15
Walter, D.	(3613)	2		0		0		0		0		0		2
TOTAL:		3815		97		4		46		46		79		3837

Note: Pending first-of-period may differ from prior month pending end-of-period due to case activity from a prior month entered after report submission.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 4/1/95 THRU 4/30/95
FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE	PENDING FIRST OF PERIOD	+ NEWLY ASSIGNED +	REOPENED DURING PERIOD	+ FROM ANOTHER JUDGE	- TO ANOTHER JUDGE	- DISPOSED OF DURING PERIOD	= PENDING END OF PERIOD
Beer, P. (3L23)	15	0	0	0	0	1	14
Berrigan, G. (3L29)	12	0	0	0	0	0	12
Chasez, A. (3LEE)	2	0	0	0	0	0	2
Clement, E. (3L28)	16	0	0	0	0	0	16
Doherty, R. (3616)	2	0	0	0	0	0	2
Duplantier, A. (3L19)	14	0	0	0	0	3	11
Duval, S. (3L30)	24	0	0	1	0	3	22
Feldman, M. (3L26)	15	0	0	0	1	3	11
Jones, O. (3L32)	24	0	0	0	0	0	24
Lenelle, I. (3LBS)	1	0	0	0	0	0	1
McNamara, A. (3L24)	14	0	0	0	0	1	13
Mentz, H. (3L25)	19	0	0	0	0	1	18
Noland, C. (3NEB)	37	0	0	2	0	3	36
Parker, J. (3N02)	1827	35	1	1	1	31	1832
Polozola, F. (3N03)	1720	58	0	0	4	16	1758
Riedlinger, S. (3NBC)	40	0	0	2	0	6	36
Schwartz, C. (3L16)	12	0	0	0	0	1	11
Sear, M. (3L17)	22	0	0	0	0	6	16
Vance, S. (3L31)	15	0	0	0	0	1	14
Walter, D. (3613)	2	0	0	0	0	0	2
TOTAL:	3833	93	1	6	6	76	3851

Note: Pending first-of-period may differ from prior month pending end-of-period due to case activity from a prior month entered after report submission.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 5/1/95 THRU 5/31/95
FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE	PENDING FIRST OF PERIOD	+ NEWLY ASSIGNED +	REOPENED DURING PERIOD	+ FROM ANOTHER JUDGE	- TO ANOTHER JUDGE	- DISPOSED OF DURING PERIOD	= PENDING END OF PERIOD
Beer, P. (3L23)	14	0	0	0	0	0	14
Berrigan, G. (3L29)	12	0	0	0	0	1	11
Chasez, A. (3LEE)	2	0	0	0	0	0	2
Clement, E. (3L28)	16	0	0	0	0	0	13
Doherty, R. (3616)	2	0	0	0	0	0	2
Duplantier, A. (3L19)	11	0	0	0	0	1	10
Duyal, S. (3L30)	22	0	0	0	0	3	19
Feldman, M. (3L26)	11	0	0	0	0	2	9
Fonseca, R. (3LBC)	0	0	0	1	0	0	1
Jones, O. (3L32)	24	0	0	0	0	0	24
Lenelle, I. (3LBS)	1	0	0	0	0	0	1
McNamara, A. (3L24)	13	0	0	0	0	1	12
Melancon, T. (3617)	0	0	0	36	0	1	35
Mentz, H. (3L25)	18	0	0	0	0	1	17
Noland, C. (3NEB)	37	0	0	4	0	5	36
Parker, J. (3N02)	1829	45	1	2	17	2	1833
Polozola, F. (3N03)	1755	73	2	1	27	56	1748
Riedlinger, S. (3NEC)	37	0	0	4	0	5	36
Schwartz, C. (3L16)	11	0	0	0	0	0	11
Sear, M. (3L17)	16	0	0	0	3	4	9
Vance, S. (3L31)	14	0	0	0	1	0	13
Walter, D. (3613)	2	0	0	0	0	0	2
TOTAL:	3847	118	3	48	48	110	3858

Note: Pending first-of-period may differ from prior month pending end-of-period due to case activity from a prior month entered after report submission.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 6/1/95 THRU 6/30/95
FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE	PENDING FIRST OF PERIOD	+ NEWLY ASSIGNED +	REOPENED DURING PERIOD	+ FROM ANOTHER JUDGE	- TO ANOTHER JUDGE	- DISPOSED OF DURING PERIOD	= PENDING END OF PERIOD
Beer, P. (3L23)	14	0	0	0	0	1	13
Berrigan, G. (3L29)	11	0	0	0	0	1	10
Chasez, A. (3LBE)	2	0	0	0	0	0	2
Clement, E. (3L28)	13	0	0	0	0	0	13
Doherty, R. (3616)	2	0	0	0	0	0	2
Duplantier, A. (3L19)	10	0	0	0	0	1	9
Duval, S. (3L30)	18	0	0	0	0	4	14
Feldman, M. (3L26)	9	0	0	0	0	0	9
Fonseca, R. (3LBC)	1	0	0	0	1	0	0
Jones, O. (3L32)	24	0	0	0	0	0	24
Letelle, I. (3LBS)	1	0	0	0	0	1	0
McNamara, A. (3L24)	12	0	0	0	0	3	9
Melancon, T. (3617)	35	0	0	0	0	1	34
Mentz, H. (3L25)	17	0	0	0	1	0	16
Noland, C. (3NED)	36	0	0	4	0	7	33
Parker, J. (3N02)	1833	43	3	2	6	32	1843
Polozola, F. (3N03)	1748	57	1	3	4	34	1771
Riedlinger, S. (3NBC)	36	0	0	3	0	3	36
Schwartz, C. (3L16)	11	0	0	0	0	0	11
Sear, M. (3L17)	9	0	0	0	0	2	7
Vance, S. (3L31)	13	0	0	0	0	3	10
Walter, D. (3613)	2	0	0	0	0	0	2
TOTAL:	3857	100	4	12	12	93	3868

Note: Pending first-of-period may differ from prior month pending end-of-period due to case activity from a prior month entered after report submission.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 7/1/95 THRU 7/31/95
FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE	PENDING FIRST OF PERIOD	+ NEWLY ASSIGNED +	REOPENED DURING PERIOD	+ FROM ANOTHER JUDGE	- TO ANOTHER JUDGE	- DISPOSED OF DURING PERIOD	= PENDING END OF PERIOD
Beer, P. (3L23)	13	0	0	0	0	1	12
Berrigan, G. (3L29)	10	0	0	0	0	0	10
Chasez, A. (3L28)	2	0	0	0	0	0	2
Clement, E. (3L28)	13	0	0	0	1	0	12
Doherty, R. (3616)	2	0	0	0	0	0	2
Duplantier, A. (3L19)	8	0	0	0	1	2	5
Dyval, S. (3L30)	14	0	0	0	0	2	12
Feldman, M. (3L26)	9	0	0	0	0	0	9
Jones, O. (3L32)	24	0	0	0	0	0	24
Lemelle, I. (3L29)	0	0	0	1	0	0	1
McNamara, A. (3L24)	9	0	0	0	0	2	7
Melancon, T. (3617)	34	0	0	0	0	2	32
Mentz, H. (3L25)	16	0	0	0	0	2	14
Noland, C. (3NEB)	33	0	0	9	0	5	37
Parker, J. (3N02)	1843	34	1	0	4	34	1839
Polozola, F. (3N03)	1770	52	1	0	6	38	1779
Riedlinger, S. (3NBC)	36	0	0	1	0	6	31
Schwartz, C. (3L16)	11	0	0	0	0	0	11
Sear, M. (3L17)	7	0	0	0	0	0	7
Vance, S. (3L31)	10	0	0	0	0	0	10
Walter, D. (3613)	2	0	0	0	0	0	2
Wilkinson, J. (3LBT)	0	0	0	1	0	0	1
TOTAL:	3866	86	1	12	12	94	3859

Note: Pending first-of-period may differ from prior month pending end-of-period due to case activity from a prior month entered after report submission.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 8/1/95 THRU 8/31/95
FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE	PENDING FIRST OF PERIOD	+ NEWLY ASSIGNED +	REOPENED DURING PERIOD	+ FROM ANOTHER JUDGE	- TO ANOTHER JUDGE	- DISPOSED OF DURING PERIOD	= PENDING END OF PERIOD
Beer, P. (3L23)	12	0	0	0	0	1	11
Berrigan, G. (3L29)	10	0	0	0	0	2	8
Chasez, A. (3L88)	2	0	0	0	0	2	0
Clement, E. (3L28)	12	0	0	0	1	0	11
Doherty, R. (3616)	2	0	0	0	0	0	2
Duplantier, A. (3L19)	5	0	0	0	0	0	5
Duyal, S. (3L30)	12	0	0	0	0	0	12
Feldman, M. (3L26)	9	0	0	0	0	1	8
Jones, O. (3L32)	24	0	0	0	0	0	24
Lenelle, I. (3L89)	1	0	0	0	0	1	0
McNamara, A. (3L24)	7	0	0	0	0	1	6
Melancon, T. (3617)	32	0	0	0	1	7	24
Mentz, H. (3L25)	14	0	0	0	0	0	14
Noland, C. (3NE0)	36	0	0	3	0	4	35
Parker, J. (3N02)	1839	60	1	2	8	41	1853
Polozola, F. (3N03)	1779	856	1	2	7	69	2563
Riedlinger, S. (3NBC)	31	0	0	8	0	6	33
Schwartz, C. (3L16)	11	0	0	0	0	2	9
Sear, M. (3L17)	7	0	0	0	0	2	5
Simon, J. (368E)	0	0	0	1	0	0	1
Vanos, S. (3L31)	10	0	0	0	0	2	8
Walter, D. (3613)	2	0	0	0	0	0	2
Wilkinson, J. (3LBI)	1	0	0	0	0	1	0
TOTAL:	3858	916	2	17	17	142	4634

Note: Pending first-of-period may differ from prior month pending end-of-period due to case activity from a prior month entered after report submission.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 9/1/95 THRU 9/30/95
FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE	PENDING FIRST OF PERIOD	+ NEWLY ASSIGNED +	REOPENED DURING PERIOD	+ FROM ANOTHER JUDGE	- TO ANOTHER JUDGE	- DISPOSED OF DURING PERIOD	= PENDING END OF PERIOD
Beer, P. (3L23)	11	0	0	0	0	0	11
Berrigan, G. (3L29)	8	0	0	0	0	2	6
Clement, E. (3L28)	11	0	0	0	0	0	11
Doherty, R. (3616)	2	0	0	0	0	0	2
Duplantier, A. (3L19)	5	0	0	1	0	0	6
Dyval, S. (3L30)	12	0	0	1	0	3	10
Feldman, M. (3L26)	8	0	0	0	0	2	6
Jones, O. (3L32)	24	0	0	0	3	0	21
McNamara, A. (3L24)	6	0	0	1	0	0	4
Melancon, T. (3617)	24	0	0	1	1	3	21
Mentz, H. (3L25)	14	0	0	0	0	2	12
Noland, C. (3NE8)	36	0	0	3	2	2	37
Parker, J. (3N02)	1847	33	4	2	5	34	1846
Polozola, F. (3N03)	2564	69	0	2	5	69	2561
Riedlinger, S. (3NEC)	33	0	0	2	0	5	30
Schwartz, C. (3L16)	9	0	0	0	0	1	8
Sear, M. (3L17)	5	0	0	0	0	1	4
Shaw, J. (3610)	0	0	0	1	0	0	1
Simon, J. (36EE)	1	0	0	1	0	0	2
Unassigned (3N98)	0	0	0	1	0	0	0
Vance, S. (3L31)	8	0	0	0	0	0	8
Walter, D. (3613)	1	0	0	0	0	0	1
TOTAL:	4629	102	4	16	16	127	4608

Note: Pending first-of-period may differ from prior month pending end-of-period due to case activity from a prior month entered after report submission.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 10/1/95 THRU 10/31/95
FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE	PENDING FIRST OF PERIOD	+ NEWLY ASSIGNED +	REOPENED DURING PERIOD	+ FROM ANOTHER JUDGE	- TO ANOTHER JUDGE	- DISPOSED OF DURING PERIOD	= PENDING END OF PERIOD
Beer, P. (3L23)	11	0	0	0	0	0	11
Berrigan, G. (3L29)	6	0	0	1	0	0	7
Clement, E. (3L28)	11	0	0	0	0	0	11
Doherty, R. (3616)	2	0	0	0	0	0	2
Duplantier, A. (3L19)	6	0	0	0	0	0	6
Duval, S. (3L30)	10	0	0	0	0	2	8
Feldman, M. (3L26)	5	0	0	0	0	3	2
Jones, O. (3L32)	20	0	0	0	0	0	20
McNamara, A. (3L24)	4	0	0	0	0	2	2
Malancon, T. (3617)	21	0	0	0	1	1	19
Mertz, H. (3L25)	12	0	0	0	0	2	10
Noland, C. (3NEB)	37	0	0	3	5	5	35
Parker, J. (3N02)	1846	35	1	7	5	45	1837
Pickering, C. (3809)	0	0	0	0	0	0	0
Polozola, F. (3N03)	2559	50	4	0	10	39	2564
Riedlinger, S. (3NEC)	28	0	0	6	0	3	31
Schwartz, C. (3L16)	8	0	0	0	0	0	8
Sear, M. (3L17)	4	0	0	0	0	0	4
Shaw, J. (3610)	1	0	0	0	0	0	1
Simon, J. (36BE)	2	0	0	1	0	0	3
Vance, S. (3L31)	8	0	0	0	0	2	5
Walter, D. (3613)	1	0	0	0	0	0	1
TOTAL:	4602	85	5	17	17	105	4587

Note: Pending first-of-period may differ from prior month pending end-of-period due to case activity from a prior month entered after report submission.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 11/1/95 THRU 11/30/95
FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE	PENDING FIRST OF PERIOD	+ NEWLY ASSIGNED +	REOPENED DURING PERIOD	+ FROM ANOTHER JUDGE	- TO ANOTHER JUDGE	- DISPOSED OF DURING PERIOD	= PENDING END OF PERIOD
Beer, P. (3L23)	13	0	0	0	0	0	13
Berrigan, G. (3L29)	7	0	0	0	0	0	7
Clement, E. (3L28)	11	0	0	0	0	4	7
Doherty, R. (3616)	2	0	0	0	0	0	2
Duplantier, A. (3L19)	5	0	0	0	0	2	3
Duval, S. (3L30)	7	0	0	0	0	0	7
Feldman, M. (3L26)	2	0	0	0	0	1	1
Jones, O. (3L32)	20	0	0	0	0	0	20
McNamara, A. (3L24)	2	0	0	0	0	1	1
Melanoon, T. (3617)	19	0	0	0	0	1	18
Mentz, H. (3L25)	10	0	1	0	0	0	10
Noland, C. (3NE0)	35	0	0	11	0	4	42
Parcier, J. (3N02)	1836	48	0	0	4	41	1839
Pickering, C. (3809)	1	0	0	0	0	0	1
Polozola, F. (3N03)	2565	47	1	1	9	40	2565
Riedlinger, S. (3NEC)	31	0	0	2	0	1	32
Schwartz, C. (3L16)	8	0	0	0	0	1	7
Sear, M. (3L17)	3	0	0	0	0	0	3
Shaw, J. (3610)	1	0	0	0	0	0	1
Simon, J. (36BR)	3	0	0	0	0	1	2
Vance, S. (3L31)	5	0	0	0	0	0	5
Walter, D. (3613)	1	0	0	0	0	0	1
TOTAL:	4587	95	2	14	14	97	4587

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
REPORT OF CIVIL CASES (JS-9)

REPORTING PERIOD OF 12/1/95 THRU 12/31/95
FOR DIVISIONAL OFFICE 3 (Baton Rouge)

JUDGE / MAGISTRATE	PENDING FIRST OF PERIOD	+ NEWLY ASSIGNED +	REOPENED DURING PERIOD	+ FROM ANOTHER JUDGE	- TO ANOTHER JUDGE	- DISPOSED OF DURING PERIOD	= PENDING END OF PERIOD
Beer, P. (3L23)	13	0	0	0	0	1	12
Berrigan, G. (3L29)	7	0	0	0	0	0	7
Clement, E. (3L28)	7	0	0	0	0	1	6
Doherty, R. (3616)	2	0	0	0	0	0	2
Duplantier, A. (3L19)	3	0	0	0	0	1	2
Duval, S. (3L30)	7	0	0	0	0	1	6
Falchman, M. (3L26)	1	0	0	0	0	0	1
Jones, O. (3L32)	20	0	0	0	0	0	20
McNamara, A. (3L24)	1	0	0	0	0	0	1
Melancon, T. (3617)	18	0	0	0	0	1	17
Mentz, H. (3L25)	10	0	0	1	0	1	10
Noland, C. (3NED)	42	0	0	6	1	2	45
Parker, J. (3N02)	1842	31	1	2	10	24	1842
Pickering, C. (3809)	1	0	0	0	1	0	0
Polozola, F. (3N13)	2559	53	0	4	10	37	2569
Riedlinger, S. (3NBC)	33	0	0	9	0	5	37
Schwartz, C. (3L16)	7	0	0	0	0	0	7
Scar, M. (3L17)	2	0	0	0	0	0	2
Shaw, J. (3610)	1	0	0	0	0	0	1
Simon, J. (36BE)	2	0	0	0	0	1	1
Vance, S. (3L31)	5	0	0	0	0	1	4
Walter, D. (3613)	1	0	0	0	0	0	1
TOTAL:	4584	84	1	22	22	76	4593

Note: Pending first-of-period may differ from prior month pending end-of-period due to case activity from a prior month entered after report submission.

**COURT-ANNEXED EARLY MEDIATION
PROGRAM
QUESTIONNAIRE FOR MEDIATORS**

Total of 20 questionnaires:

1(a). Did you receive timely notice of the date of the mediation conference?

20 Yes - 100%
0 No - 0%

1(b). Did you receive adequate information about the time and location of the conference?

20 Yes - 100%
0 No - 0%

1(c). Did you receive the case documents far enough in advance to prepare adequately for the conference?

19 Yes - 95%
1 No - 5%

2. Overall, how helpful or detrimental do you believe the mediation conference was in the resolution of this case?

9 Very Helpful - 45%
9 Somewhat helpful - 45%
2 It had little impact - 10%
0 Somewhat detrimental - 0%
0 Very detrimental - 0%
0 I can't say - 0%

3. Was the mediation conference helpful or detrimental in the following:

3(a). Helping the parties identify the strengths and weaknesses of the case.

14 Helpful - 74%
1 No Effect - 5%
0 Detrimental - 0%
4 Can't Say - 21%

3(b). Expediting resolution of the case.

14 Helpful - 74%
2 No Effect - 10%
0 Detrimental - 0%
3 Can't Say - 16%

3(c). Reducing the cost to litigate the case.

11 Helpful - 58%
5 No Effect - 26%
0 Detrimental - 0%
3 Can't Say - 16%

3(d). Improving the relationships between the parties.

10 Helpful - 53%
7 No Effect - 37%
1 Detrimental - 5%
1 Can't Say - 5%

4. Were any clients present at the mediation conference?

16 Yes - 89%
14 Presence helped resolution of this case - 87.5%
2 Presence had no effect on the resolution of this case - 12.5%
0 Presence hindered the resolution of this case - 0%
2 No - 11%
0 Absence helped resolution of this case - 0%
0 Absence had no effect on the resolution of this case - 0%
2 Absence hindered the resolution of this case - 100%

5. Was a settlement worked out at the mediation conference?

7 Yes - 35%
13 No - 65%

6. How many hours did the mediation conference last?

Average - 4.167 hours
High - 10-12 hours
Low - .5 hour

7. For the following, indicate whether you agree or disagree:

7(a). The mediation conference occurred too early in this case for it to be useful.

2 Agree - 11%
17 Disagree - 89%
0 Can't Say - 0%

7(b). Settlement was not a realistic goal for this case at all.

1 Agree - 5%
18 Disagree - 95%
0 Can't Say - 0%

7(c). Additional discovery was needed to make a mediation conference useful.

7 Agree - 37%
11 Disagree - 58%
1 Can't Say - 5%

7(d). The legal issues in this case were too complex to make a mediation conference useful.

0 Agree - 0%
19 Disagree - 100%
0 Can't Say - 0%

7(e). The factual issues in this case were too complex to make a mediation conference useful.

0 Agree - 0%
19 Disagree - 100%
0 Can't Say - 0%

7(f). The mediation conference in this case would have been more effective if a judge had presided.

0 Agree - 0%
19 Disagree - 100%
0 Can't Say - 0%

7(g). Some attorneys in this case were not well prepared for the mediation conference.

4 Agree - 21%
14 Disagree - 74%
1 Can't Say - 5%

7(h). Some parties did not participate in good faith in the mediation conference.

1 Agree - 5%
18 Disagree - 95%
0 Can't Say - 0%

8(a). Have you served as counsel in a case mediated in the Court-Annexed Mediation Program Program in this district?

5 Yes - 28%
13 No - 72%

8(b). Have you served as counsel or mediator in a case mediated in a court-annexed mediation program in another federal or state court?

8 Yes - 44.5%
10 No - 55.5%

8(c). In general, do you approve of court-annexed mediation programs?

20 Yes - 100%
0 No - 0%

8(d). Do you approve of the Court-Annexed Mediation Program in the Middle District of Louisiana?

20 Yes - 100%
0 No - 0%

**COURT-ANNEXED EARLY MEDIATION
PROGRAM
QUESTIONNAIRE FOR ATTORNEYS**
Total 37 Questionnaires:

1. Overall, how helpful or detrimental was the early mediation conference in the resolution in this case?

- 14 Very helpful - 39%
- 17 Somewhat helpful - 47%
- 4 It had little impact on the case - 11%
- 0 Somewhat detrimental - 0%
- 1 Very detrimental - 3%

2. Indicate whether mediation conference was helpful or detrimental in the following:

2(a). Helping the parties in this case define the issues earlier than they otherwise would have:

- 18 Helpful - 58%
- 13 No Effect - 42%
- 0 Detrimental - 0%

2(b). Helping you identify the strengths and weaknesses of your client's case:

- 23 Helpful - 62%
- 14 No Effect - 38%
- 0 Detrimental - 0%

2(c). Expediting the resolution of this case:

- 21 Helpful - 57%
- 16 No Effect - 43%
- 0 Detrimental - 0%

2(d). Reducing the cost to litigate this case:

- 22 Helpful - 59%
- 12 No Effect - 32%
- 3 Detrimental - 9%

2(e). Improving relationships between the parties in this case:

- 15 Helpful - 41%
- 18 No Effect - 49%
- 4 Detrimental - 10%

3. Was your client present at the mediation conference?

26 Yes

- 16 Presence helped resolution of this case. - 62%
- 7 Presence had no effect on resolution of case. - 27%
- 3 Presence hindered resolution of the case. - 11%

11 No

- 0 Absence helped resolution of this case. - 0%
- 11 Absence had no effect on resolution of case - 100%
- 0 Absence hindered resolution of the case. - 0%

4. Was a settlement worked out at the mediation conference?

- 15 Yes - 41%
- 22 No - 59%

5. How many hours did the mediation conference last?

- Average - 4.081 hours
- High - 10-11 hours
- Low - 1 hour

6. Indicate whether you agree or disagree:

6(a). The mediation conference occurred too early in the case for it to be useful.

- 4 Agree - 11%
- 32 Disagree - 89%

6(b). Settlement was not a realistic goal for this case at all.

- 4 Agree - 11%
- 33 Disagree - 89%

6(c). Additional discovery was needed to make a medication conference useful.

- 9 Agree - 26%
- 26 Disagree - 74%

6(d). The legal issues in this case were too complex to make a mediation conference useful.

- 0 Agree - 0%
- 37 Disagree - 100%

6(e). The factual issues in this case were too complex to make a mediation conference useful?

- 1 Agree - 3%
- 36 Disagree - 97%

6(f). The mediation conference was too brief to permit a meaningful discussion of the case.

- 2 Agree - 6%
- 29 Disagree - 94%

6(g). The mediation conference in this case would have been more effective if a judge had presided.

- 11 Agree - 31%
- 25 Disagree - 69%

7. Please indicate whether the following describes the case.

7(a). The mediator was adequately prepared to discuss the case with the parties.

- 26 Describes - 87%
- 4 Does not describe - 13%

7(b). The mediator was effective in getting the parties to engage in meaningful discussion of this case.

- 27 Describes - 90%
- 3 Does not describe - 10%

7(c). The mediator was fair and impartial.

29 Describes - 100%

0 Does not describe - 0%

7(d). The procedures used in the mediation conference were fair.

29 Describes - 100%

0 Does not describe - 0%

7(e). Some attorneys were not well prepared for the mediation conference.

5 Describes - 17%

24 Does not describe - 83%

7(f). Some parties did not participate in good faith in the mediation conference.

8 Describes - 28%

21 Does not describe - 72%

7(g). Parties had discussed settlement prior to the mediation conference.

17 Describes - 59%

12 Does not describe - 41%

7(h). My client wanted to maintain a long-standing relationship with the opposing party.

3 Describes - 11%

26 Does not describe - 89%

7(i). My client wished to keep this case out of the public eye.

2 Describes - 7%

27 Does not describe - 93%

8(a). Did you receive timely notice of the date of the mediation conference?

29 Yes - 100%

0 No - 0%

8(b). Did you receive adequate information about the time and location of the conference?

28 Yes - 97%

1 No - 3%

8(c). Were you adequately informed about the purpose of the conference and your responsibilities regarding it?

29 Yes - 100%

0 No - 0%

8(d). Were your scheduling constraints adequately taken into account?

29 Yes - 100%

0 No - 0%

9(c). In general, do you approve of court-annexed mediation programs?

35 Yes - 97%

1 No - 3%

9(d). Do you approve of the Court-annexed Mediation Program in the Middle District of Louisiana?

35 Yes - 97%

1 No - 3%

10. If this case has terminated, answer the following:

10(a). Did parties settle or was it terminated in some other way?

15 Parties settled this case - 100%

0 Case terminated by some other method - 0%

10(b). How satisfied was your client with the result of the case?

6 Very satisfied - 40%

9 Somewhat satisfied - 60%

0 Somewhat dissatisfied - 0%

0 Very dissatisfied - 0%

10(c). How satisfied was your client with the mediation process?

10 Very satisfied - 63%

5 Somewhat satisfied - 31%

1 Somewhat dissatisfied - 6%

0 Very dissatisfied - 0%

0 I can't say - 0%

COMMENTS BY MEDIATORS AND ATTORNEYS

COMMENTS BY MEDIATORS:

“Conference was scheduled too early in the case. Parties needed to have more discovery to understand the positions.”

“Mediation should take place away from the courthouse.”

“The parties and counsel expressed dissatisfaction with the place of mediation. They would prefer to conduct the mediation at the mediator’s office if possible. They wanted better access to coffee, copy machines, water, bathrooms, etc.”

“Absence of authority caused mediation to break down.”

“Defendant came to mediation with such minimal authority that settlement was impossible.”

“Suggestion - send the confidentiality agreement along with the order to mediate to both parties prior to the conference.”

“The litigants could/should pay something to/for the mediator.”

“Would have been helpful, as mediator, to know before the conference that one side adamantly refused to even consider the idea of trying to settle this case out of court.”

COMMENTS BY ATTORNEYS:

"The mediator did not possess the experience necessary to bring the parties to a settlement. (This was not, however, the sole reason that the mediation did not produce a settlement.)"

"The court should consider a standing mediation order that requires all cases to be mediated after discovery is complete, but before the pretrial conference. Such an order should help the court work through its backlog of civil cases."

"All parties should attend. Unless all parties are present, the process is not useful. In our case, the plaintiff failed to appear, even though this was discussed with opposing attorney the day before. My client had cancelled an appointment to be present and since the plaintiff failed to appear, meaningful discussion could not take place."

"Mediation needs to be at a location where you can make phone calls, order out and work through lunch, have access to refreshments, etc."

"Plaintiff was not present though ordered to be. This was a hinderance."

"The process enables the client to more fully understand the case evaluation process and to see the opposing side's view."

"It would be more effective if a judge or magistrate was involved or a bigger 'hammer' could be used to make the parties reach an agreement."

"All parties must be willing to negotiate."

"In cases where it is indicated that one party refuses to settle or negotiate, a judge is needed. However, this occurs infrequently."

"Helped client determine rational value of case. Even though case did not settle, client obtained realistic idea of case."

"Case did not settle because no settlement authority was given to the attorney for the opposing side. It should be mandatory for the person with actual full authority to be present for the entire mediation."

"It let the defendants know that they are exposed to liability, which they did not perceive before."

"We were particularly fortunate to have such a skilled mediator - Charles Cusimano. His diplomacy and persistence were vital to the parties reaching a mutually beneficial settlement."



Court-Annexed Early Mediation Program

Middle District of Louisiana

Questionnaire for Attorneys in Mediated Cases

Our records indicate that you recently represented a client in a case referred to the Court-Annexed Mediation Program. The Mediation Program is an experimental program. To determine whether it is useful, we need to know the views of those who have participated in the program. This questionnaire asks about your experience in the case identified below. Your responses are confidential and will not be known to the court, other attorneys, the mediator, or the parties. Only aggregate information about the program will be reported.

Please answer all questions with reference to the following case only:

?? v. ??

Docket Number: ??

Type of Case: ??

Mediator: ??

Mediation Conference Date: ??

If you were not present at the mediation conference in this case, please provide any information to help us contact the correct attorney and return the blank questionnaire in the enclosed envelope.

Attorney Name: _____

Address: _____

Telephone: _____

1. Overall, how helpful or detrimental was the early mediation conference in the resolution of this case? (Please check one response)

- | | | |
|--------------------------|---|----------------------------------|
| <input type="checkbox"/> | 1 | Very helpful |
| <input type="checkbox"/> | 2 | Somewhat helpful |
| <input type="checkbox"/> | 3 | It had little impact on the case |
| <input type="checkbox"/> | 4 | Somewhat detrimental |
| <input type="checkbox"/> | 5 | Very detrimental |

2. An early mediation conference may be helpful or detrimental in a number of different ways. Please indicate whether the mediation conference was helpful or detrimental in: (Please check one response for each statement)

	1	2	3
	<u>Helpful</u>	<u>No Effect</u>	<u>Detrimental</u>
2a. Helping the parties in this case define the issues earlier than they otherwise would have	[]	[]	[]
2b. Helping you identify the strengths and weaknesses of your client's case	[]	[]	[]
2c. Expediting the resolution of this case	[]	[]	[]
2d. Reducing the cost to litigate this case	[]	[]	[]
2e. Improving relationships between the parties in this case	[]	[]	[]

If you wish, please list any other ways in which the mediation conference was helpful or detrimental in this case.

3. Was your client present at the mediation conference?

(Please check one)

[] 1 Yes. And the presence of of my client

[] 2 No. And the absence of my client

(Please check one)

[] 1 helped the resolution of this case

[] 2 had no effect on the resolution of this

[] 3 hindered the resolution of this case

4. Was a settlement worked out at the mediation conference?

[] 1 Yes

[] 2 No

5. Approximately how many hours did the mediation conference last? _____ hours

6. For each statement below, please indicate whether you agree or disagree. (Please check one response for each statement)

	1	2
	<u>Agree</u>	<u>Disagree</u>
6a. The mediation conference occurred too early in this case for it to be useful.	[]	[]
6b. Settlement was not a realistic goal for this case at all.	[]	[]
6c. Additional discovery was needed to make a mediation conference useful.	[]	[]
6d. The legal issues in this case were too complex to make a mediation conference useful.	[]	[]
6e. The factual issues in this case were too complex to make a mediation conference useful.	[]	[]
6f. The mediation conference was too brief to permit a meaningful discussion of the case.	[]	[]
6g. The mediation conference in this case would have been more effective if a judge had presided.	[]	[]

7. For each statement below, please indicate whether or not it describes this case. (Please check one response for each statement)

	1	2
	<u>Describes</u>	<u>Does Not Describe</u>
7a. The mediator was adequately prepared to discuss the case with the parties.	[]	[]
7b. The mediator was effective in getting the parties to engage in meaningful discussion of this case.	[]	[]

-
- 7c. The mediator was fair and impartial. [] []
- 7d. The procedures used in the mediation conference were fair. [] []
- 7e. Some attorneys were not well prepared for the mediation conference. [] []
- 7f. Some parties did not participate in good faith in the mediation conference. [] []
- 7g. The parties had discussed settlement prior to the mediation conference. [] []
- 7h. My client wanted to maintain a long-standing relationship with the opposing party. [] []
- 7i. My client wished to keep this case out of the public eye. [] []
8. The questions below ask about the administration of the mediation program in this case. (Please check one response for each question).
- | | 1 | 2 |
|--|---|-----------|
| | <u>Yes</u> | <u>No</u> |
| 8a. Did you receive timely notice of the date of the mediation conference. | [] | [] |
| 8b. Did you receive adequate information about the time and location of the conference. | [] | [] |
| 8c. Were you adequately informed about the purpose of the conference and your responsibilities regarding it. | [<input checked="" type="checkbox"/>] | [] |
| 8d. Were your scheduling constraints, if any, adequately taken into account. | [] | [] |
9. The following questions ask about your experience in mediation programs and your general view toward such programs.
(Please check one response for each question below)
- | | 1 | 2 |
|--|------------|-----------|
| | <u>Yes</u> | <u>No</u> |
| 9c. In general, do you approve of court-annexed mediation programs. | [] | [] |
| 9d. Do you approve of the Court-Annexed Mediation Program in the Middle District of Louisiana. | [] | [] |
10. If this case has terminated, please answer the following questions.

10a. Did the parties settle or was it terminated by some other method? (Please check one)

- 1 Parties settled this case
- 2 Case terminated by some other method

10b. How satisfied was your client with the final result of this case? (Please check one)

- 1 Very satisfied
- 2 Somewhat satisfied
- 3 Somewhat dissatisfied
- 4 Very dissatisfied

10c. How satisfied was your client with the mediation process? (Please check one)

- 1 Very satisfied
- 2 Somewhat satisfied
- 3 Somewhat dissatisfied
- 4 Very dissatisfied
- 5 I can't say



Court-Annexed Early Mediation Program

Middle District of Louisiana

Questionnaire for Attorneys in Mediated Cases

Our records indicate that you recently represented a client in a case referred to the Court-Annexed Mediation Program. The Mediation Program is an experimental program. To determine whether it is useful, we need to know the views of those who have participated in the program. This questionnaire asks about your experience in the case identified below. Your responses are confidential and will not be known to the court, other attorneys, the mediator, or the parties. Only aggregate information about the program will be reported.

Please answer all questions with reference to the following case only:

?? v. ??

Docket Number: ??

Type of Case: ??

Mediator: ??

Mediation Conference Date: ??

If you were not present at the mediation conference in this case, please provide any information to help us contact the correct attorney and return the blank questionnaire in the enclosed envelope.

Attorney Name: _____

Address: _____

Telephone: _____

1. Overall, how helpful or detrimental was the early mediation conference in the resolution of this case? (Please check one response)

- 1 Very helpful
 2 Somewhat helpful
 3 It had little impact on the case
 4 Somewhat detrimental
 5 Very detrimental

2. An early mediation conference may be helpful or detrimental in a number of different ways. Please indicate whether the mediation conference was helpful or detrimental in: (Please check one response for each statement)

	1	2	3
	<u>Helpful</u>	<u>No Effect</u>	<u>Detrimental</u>
2a. Helping the parties in this case define the issues earlier than they otherwise would have	[]	[]	[]
2b. Helping you identify the strengths and weaknesses of your client's case	[]	[]	[]
2c. Expediting the resolution of this case	[]	[]	[]
2d. Reducing the cost to litigate this case	[]	[]	[]
2e. Improving relationships between the parties in this case	[]	[]	[]

If you wish, please list any other ways in which the mediation conference was helpful or detrimental in this case.

3. Was your client present at the mediation conference?

(Please check one)

(Please check one)

[] 1 Yes. And the presence of my client

[] 1 helped the resolution of this case

[] 2 No. And the absence of my client

[] 2 had no effect on the resolution of this

[] 3 hindered the resolution of this case

4. Was a settlement worked out at the mediation conference?

[] 1 Yes

[] 2 No

5. Approximately how many hours did the mediation conference last? _____ hours

6. For each statement below, please indicate whether you agree or disagree. (Please check one response for each statement)

	1	2
	<u>Agree</u>	<u>Disagree</u>
6a. The mediation conference occurred too early in this case for it to be useful.	[]	[]
6b. Settlement was not a realistic goal for this case at all.	[]	[]
6c. Additional discovery was needed to make a mediation conference useful.	[]	[]
6d. The legal issues in this case were too complex to make a mediation conference useful.	[]	[]
6e. The factual issues in this case were too complex to make a mediation conference useful.	[]	[]
6f. The mediation conference was too brief to permit a meaningful discussion of the case.	[]	[]
6g. The mediation conference in this case would have been more effective if a judge had presided.	[]	[]

7. For each statement below, please indicate whether or not it describes this case. (Please check one response for each statement)

	1	2
	<u>Describes</u>	<u>Does Not Describe</u>
7a. The mediator was adequately prepared to discuss the case with the parties.	[]	[]
7b. The mediator was effective in getting the parties to engage in meaningful discussion of this case.	[]	[]

- 7c. The mediator was fair and impartial. [] []
- 7d. The procedures used in the mediation conference were fair. [] []
- 7e. Some attorneys were not well prepared for the mediation conference. [] []
- 7f. Some parties did not participate in good faith in the mediation conference. [] []
- 7g. The parties had discussed settlement prior to the mediation conference. [] []
- 7h. My client wanted to maintain a long-standing relationship with the opposing party. [] []
- 7i. My client wished to keep this case out of the public eye. [] []
8. The questions below ask about the administration of the mediation program in this case. (Please check one response for each question).
- | | | |
|--|------------|-----------|
| | 1. | 2. |
| | <u>Yes</u> | <u>No</u> |
- 8a. Did you receive timely notice of the date of the mediation conference. [] []
- 8b. Did you receive adequate information about the time and location of the conference. [] []
- 8c. Were you adequately informed about the purpose of the conference and your responsibilities regarding it. [] []
- 8d. Were your scheduling constraints, if any, adequately taken into account. [] []
9. The following questions ask about your experience in mediation programs and your general view toward such programs.
(Please check one response for each question below)
- | | | |
|--|------------|-----------|
| | 1. | 2. |
| | <u>Yes</u> | <u>No</u> |
- 9c. In general, do you approve of court-annexed mediation programs. [] []
- 9d. Do you approve of the Court-Annexed Mediation Program in the Middle District of Louisiana. [] []
10. If this case has terminated, please answer the following questions.

10a. Did the parties settle or was it terminated by some other method? (Please check one)

- 1 Parties settled this case
- 2 Case terminated by some other method

10b. How satisfied was your client with the final result of this case? (Please check one)

- 1 Very satisfied
- 2 Somewhat satisfied
- 3 Somewhat dissatisfied
- 4 Very dissatisfied

10c. How satisfied was your client with the mediation process? (Please check one)

- 1 Very satisfied
- 2 Somewhat satisfied
- 3 Somewhat dissatisfied
- 4 Very dissatisfied
- 5 I can't say



Court-Annexed Early Mediation Program

Middle District of Louisiana

Questionnaire for Mediators

Our records indicate that you recently served as a mediator in a case referred to the Court-Annexed Mediation Program. The Mediation Program is an experimental program. To determine whether it is useful, we need to know the views of those who have participated in the program. This questionnaire asks about your experience in the case identified below. Your responses are confidential and will not be known to the court, other attorneys, other mediators, or the parties. Only aggregate information about the program will be reported.

Please answer all questions with reference to the following case only:

?? v. ??

Docket Number: ??

Type of Case: ??

Mediator: ??

Mediation Conference Date: ??

1. The first several questions ask about the administration of the mediation program in this case. (Please check one response for each question)

1 2
Yes No

1a. Did you receive timely notice of the date of the mediation conference?

1b. Did you receive adequate information about the time and location of the conference?

1c. Did you receive the case documents (complaint, motions, pleadings) far enough in advance to prepare adequately for the conference?

2. Overall, how helpful or detrimental do you believe the mediation conference was in the resolution of this case? (Please check one response)

- 1 Very helpful.
 2 Somewhat helpful.
 3 It had little impact on the case.
 4 Somewhat detrimental

- 5 Very detrimental
- 6 I can't say.

3. A mediation conference may be helpful or detrimental in a number of different ways. Please indicate whether you believe the mediation conference was helpful or detrimental in:

(Please check one response for each statement)

	1	2	3	4
	<u>Helpful</u>	<u>No Effect</u>	<u>Detrimental</u>	<u>Can't Say</u>
3a. Helping the parties identify the strengths and weaknesses of the case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3b. Expediting resolution of this case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3c. Reducing the cost to litigate the case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3d. Improving relationships between the parties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you wish, please list any other ways in which you believe the mediation conference was helpful or detrimental in this case.

4. Were any clients present at the mediation conference?

(Please check one)

- 1 Yes. And the presence of the clients
- 2 No. And the absence of the clients

(Please check one)

- 1 helped the resolution of this case.
- 2 had no effect on the resolution of this case.
- 3 hindered the resolution of this case.

[] 4 I can't say.

5. Was a settlement worked out at the mediation conference?
 [] 1 Yes [] 2 No

6. How many hours did the mediation conference last? ____ hours

7. For each statement below, please indicate whether you agree or disagree. (Please check one response for each statement)

	1	2	3
	<u>Agree</u>	<u>Disagree</u>	<u>Can't Say</u>
7a. The mediation conference occurred too early in this case for it to be useful.	[]	[]	[]
7b. Settlement was not a realistic goal for this case at all.	[]	[]	[]
7c. Additional discovery was needed to make a mediation conference useful.	[]	[]	[]
7d. The legal issues in this case were too complex to make a mediation conference useful.	[]	[]	[]
7e. The factual issues in this case were too complex to make a mediation conference useful.	[]	[]	[]
7f. The mediation conference in this case would have been more effective if a judge had presided.	[]	[]	[]
7g. Some attorneys in this case were not well prepared for the mediation conference.	[]	[]	[]
7h. Some parties did not participate in good faith in the mediation conference.	[]	[]	[]

8. The following questions ask about your experience with court-annexed mediation programs and your views toward them. (Please check one response for each question below)

1 2
Yes No

8a. Have you served as counsel in a case mediated in the Court-Annexed Mediation Program in this district? [] []

8b. Have you served as counsel or mediator in a court-annexed mediation program in another federal or state court? [] []

8c. In general, do you approve of court-annexed mediation programs? [] []

8d. Do you approve of the Court-Annexed Mediation Program in the Middle District of Louisiana? [] []

9. We welcome any comments or suggestions you may have about the mediation program or its application to this case.

THANK YOU.

Please return this questionnaire in the enclosed envelope to:

Mr. Richard Martin
Clerk of Court
U.S. District Court
Middle District of Louisiana
Post Office Box 2630
Baton Rouge, LA 70821

If you have any questions, you may call the Clerk of Court for the U.S. District Court for the Middle District of Louisiana at (504) 389-0321.

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11. We welcome any comments or suggestions you may have about the mediation program or its application to this case. Please use the space below or the back of this page for your comments.

THANK YOU.

Please return this questionnaire in the enclosed envelope to:

Mr. Richard Martin
Clerk of Court
U.S. District Court
Middle District of Louisiana
Post Office Box 2630
Baton Rouge, LA 70821

If you have any questions, you may call the
Clerk of Court for the U.S. District Court
for the Middle District of Louisiana at
(504) 389-0321.