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CIVIL JUSTICE ADVISORY GROUP



**REPORT OF THE ADVISORY GROUP
OF THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA
APPOINTED UNDER THE CIVIL JUSTICE REFORM ACT OF 1990**

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**Final Report
July 1993**

TABLE OF CONTENTS

I.	Introduction	1
II.	Description of the Court	1
III.	Members of the Advisory Group	2
IV.	Assessment of Docket	4
	A. Condition of the Docket	4
	B. Trends in Filings	4
	C. Court Resources	5
V.	Cost and Delay	5
	A. Delay	5
	B. Is There Excessive Delay or Excessive Cost in Civil Litigation In This District?	6
	C. The Causes of Excessive Delay in This District	6
	D. Cost	7
	E. Conclusion	11
VI.	Discovery and Pre-Trial Procedures	11
	A. Comparison of Pretrial Orders	13
	B. The Committee's Suggested Pretrial Orders	25
	C. Scheduling Orders	35
	D. Alternative Dispute Resolution	36
	1. The Mediation Process	40
	2. Mediation Procedures	40
	3. Attendance at Mediation Sessions	41

4.	Confidentiality	41
VII.	Other Matters	42
A.	Systematic, Differential Treatment of Civil Cases (§ 473(a)(1))	42
B.	Early and Ongoing Control of the Pretrial Process Through Involvement of Judicial Officer (§473(a)(2))	42
C.	Other Docket Control Mechanisms (§473(a)(3))	43
D.	Voluntary Discovery (§473(a)(4))	43
E.	Good Faith Discovery Certifications (§473(a)(5))	44
F.	Alternative Dispute Resolution (§473(a)(6))	44
	CONCLUSION	44
	Appendix	46

1 **I. INTRODUCTION**

2 Each United States District Court is required to develop a civil justice expense and
3 delay reduction plan under the Civil Justice Reform Act of 1990 (Pub. L. 101-650, 28
4 U.S.C. § 471 et seq.). Each plan is "to facilitate deliberate adjudication of civil cases on
5 the merits, monitor discovery, improve litigation management, and ensure just, speedy
6 and inexpensive resolutions of civil disputes." 28 U.S.C. § 471.

7 In preparation for presentation of a plan, each district court appointed an Advisory
8 Group to make recommendations for inclusion in the court's expense and delay
9 reduction plan. 28 U.S.C. § 472(a). The Advisory Group was charged with the
10 responsibility of submitting a report to the court "which shall be made available to the
11 public." 28 U.S.C. § 472(b). The report must include an assessment of the court's civil
12 and criminal dockets; reasons for the Group's recommendation of a new plan or some
13 other model plan; and recommendations for adoption of new rules, procedures or
14 programs. 28 U.S.C. § 472(c)(1).

15 After many meetings, discussions, interviews of the judges and judicial officers,
16 and distributing surveys to members of the bar, the Advisory group adopts this report.

II. DESCRIPTION OF THE COURT

The Middle District of Louisiana was created on April 16, 1972.

The district is comprised of the following parishes:

Ascension
East Baton Rouge
East Feliciana
Iberville

Livingston
Pointe Coupee
Saint Helena
West Baton Rouge
East Feliciana

Court for the Middle District is held in Baton Rouge.

The judicial officers are:

Chief Judge John V. Parker	(appointed September 26, 1979)
Judge Frank J. Polozola	(appointed May 23, 1980)
Bankruptcy Judge Louis Phillips	(appointed May 2, 1988)
Magistrate Judge Steve Riedlinger	(appointed May 29, 1986)
Magistrate Judge Christine Noland	(appointed December 4, 1987)

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1 **IV. ASSESSMENT OF DOCKET**

2 **A. Condition of the Docket**

3 Pursuant to §472(c)(1) of the Act, the Advisory Group conducted a thorough
4 assessment of the state of the court's civil and criminal dockets.

5 In a statistical summary presented by the Clerk of Court to the Civil Justice
6 Advisory Committee, the judicial work profile for the Middle District of Louisiana, for a
7 twelve month period ending June 31, 1991, civil filings are shown to be 1,363 cases, an
8 increase of 15.7% over civil filings in 1990. At the time of the preparation of that
9 statistical material, the Middle District had only two authorized district judgeships.

10 A comparison of the judicial work profile for the Middle District of Louisiana with
11 the national judicial workload profile shows the filings per judgeship to be 648 civil and
12 34 criminal felonies, compared with the national profile of 379 civil filings and 58 criminal
13 felonies per judgeship. (See 1990 edition of the "Federal Court Management Statistics"
14 prepared by the Administrative Office of the U.S. Courts). The pending cases for this
15 period show 682 actions per judgeship.

16 **B. Trends in Filings**

17 A review of information contained in the judicial workload profile published by the
18 administrative office, reflects civil filings from 1985 through 1991 have been fairly
19 constant. It is anticipated that civil filings will continue to show a very small percentage
20 increase from year to year; criminal filings are expected to increase over the next few
21 years, by as much as 40 to 50 per cent. The Middle District of Louisiana filings and
22 pending cases for the applicable periods are as follows:

	AS OF MARCH 31, 1991	FILED FROM APRIL 1990-MARCH 1991
ASBESTOS CASES	92 PENDING	16
PRISONER CASES	497 PENDING	513
OTHER CIVIL FILINGS	931 PENDING	843
CRIMINAL FILINGS	**See Appendix	**See Appendix

1 **C. Court Resources**

2 No new District Judge has been authorized since 1978. Magistrates were appointed
3 in 1986 and 1987. A new courthouse, with ample facilities for all judicial officers, the
4 clerk, and probation offices, is expected to be occupied by late 1993.

5 **V. COST AND DELAY**

6 **A. Delay**

7 The statute directs the Advisory Group to examine the causes of cost and delay in
8 this district (Sec. 471(c)(d)(C)). To carry out this responsibility, we conducted a number
9 of inquiries:

- 10 1) We examined the results of the docket assessment;
- 11 2) We interviewed the judges and magistrate judges;
- 12 3) We held discussions among ourselves and with our colleagues in the bar;
- 13 and
- 14 4) We studied the docket sheets of all drug cases filed in the District Court in
15 1989 and 1990.

1 **B. Is There Excessive Delay or Excessive Cost in Civil Litigation in This**
2 **District?**

3 Before we could examine the causes of excessive cost and delay, we had to
4 determine whether, in fact, the court or the bar was experiencing either of these
5 problems. Based on the information we gathered, we found substantial evidence of
6 excessive delay in civil cases but little evidence of excessive cost.

7 **C. The Causes of Excessive Delay in This District**

8 In the final analysis, there is no objective basis for saying that the pace of litigation
9 in a district is "too slow" or possibly "too fast". There is no reason why a case should
10 move quickly through litigation unless at least one party desires that it move quickly. In
11 any event, the timetable for litigation in any case clearly needs to afford adequate time
12 for all parties to conduct a complete investigation and development of the case. To push
13 a case too quickly to completion of discovery or to a deadline for filing pretrial motions
14 presents a serious risk of denying access to justice. While there is some truth in the
15 proposition that "justice delayed is justice denied," it is at least equally true that justice
16 is denied when the courts demand a rush to judgment because of obsessive concern
17 with the court's statistical standing.

18 The statistical data provide an overview of the duration of the average civil case but
19 cannot tell us whether cases should move faster or slower. The statistics reveal the
20 number of cases pending, but not whether there is any "backlog." We think that the most
21 telling and useful assessment of the court's docket is that provided by the responses to
22 our attorney questionnaire: fully 80% said the time required to dispose of civil cases in
23 the district is reasonable; only 16% said that cases take too long to reach disposition;

1 and 4% said cases are moved to disposition too quickly. Those opinions characterize
2 a docket that is in very satisfactory condition. Any change in current practices, whether
3 by speeding up or slowing down the pace of litigation, is likely to increase the currently
4 low level of dissatisfaction among the members of the bar.

5 **D. Cost**

6 In addressing the costs of litigation, the Advisory Group took the position that it
7 would be inappropriate for it to address the issues of the fees charged by attorneys or
8 of the nature of the fee arrangement between attorney and client (e.g., hourly fees,
9 contingent fee). Moreover, the group believes that the best and most useful measure
10 of litigation cost is time expended by counsel, as well as time expended by parties, their
11 employees, and by investigators or experts hired to aid the litigation. In addition, and
12 despite considerable disagreement between advisory group members concerning
13 whether and how some fee arrangements create a conflict of interest between attorney
14 and client, the group agreed to define "excessive cost" to mean attorney time
15 expenditures that exceed what either the attorney or client believe to be reasonable in
16 light of the matters at issue and the complexity of the case. Excessive costs can occur
17 for one party to a case but not for the other. When a party incurs excessive costs they
18 may be due to initiatives of that party's own attorney (e.g., unnecessary and burdensome
19 discovery requests) or because of the intransigence of the opposing side (e.g. failing to
20 stipulate to facts that are truly not in dispute; or taking a position on legal issues which
21 are at the boundaries of what a zealous advocate might contend).

22 The Advisory Group used two methods to examine the question of cost: a

1 questionnaire was sent to attorneys and litigants¹ and two public hearings were held.
2 Both reveal that the bar has a different view of the cost of litigation than do litigants and
3 the general public. Testimony from the public hearings first made this point, and the
4 survey results underscored it.

5 From attorney comments at the hearings and their questionnaire responses, one
6 would conclude that excessive cost is not a problem in this district. The survey results
7 provide a quantitative measure. Only 5% of the attorneys who responded to the
8 questionnaire thought the cost of litigation in the case they had handled was excessive;
9 the remaining 95% thought the cost was reasonable. In contrast, 40% of the litigants
10 who responded thought the cost was excessive.

11 The litigants' responses showed a clear relationship between cost and discovery
12 practices. That is, the litigants who thought the cost of their case was excessive were
13 involved in cases that had a large number of discovery events (as revealed by our
14 analysis of the docket sheets). In addition, the litigants's survey responses identified
15 discovery as the major cause of excessive cost in their cases.

16 We did find, however, a strong relationship between cost and delay. That is, the
17 cases in which litigants thought the cost was too high were not necessarily the same
18 cases as those which took too long because of unresolved discovery disputes. In other
19 words, a case may proceed at a reasonable pace, but it may nonetheless cost too much
20 in the litigant's eyes. Vice versa, a case may take too long because of delay in deciding
21 discovery motions, yet not result in costs thought by the litigants to be excessive.

22 ¹ See Appendix C.

1 Based on public hearings, interviews with judges and magistrate judges, and
2 discussions held at Advisory Group meetings, some of the Advisory Group believes that
3 some members of the bar in this district pursue discovery in an exceedingly vigorous
4 and contentious manner. These members believe that, despite the existence of
5 discovery cut-offs, limits on the numbers of depositions, and intense pre-trial orders,
6 many discovery issues are not handled in a manner that ultimately holds down costs.
7 Broad-based, expansive interpretation of discovery rules without strict limits on the scope
8 of the issue may lead to discovery of all possibly relevant tangential evidence; however,
9 it can also be extremely expensive and time consuming. These members would support
10 even stricter control of discovery by the Court.

11 Other members of the Advisory Group, however, take a different view of the District's
12 extensive discovery rules and involvement of both the Judges and Magistrate Judges.
13 These members believe that many requests for discovery and for judicial assistance in
14 resolving disputes arising from these requests are unnecessary and do not conform to
15 the standards of Fed.R.Civ. P.26. These members believe that the mode in which
16 discovery is conducted has become a taken-for-granted feature of the legal culture in
17 this district. Consequently, these members argue that the bar has become sanguine
18 about the consequences of its practices for litigants and that the district's judicial officers
19 have not succeeded in containing these practices. These members contend that
20 attorneys often use status conferences as an opportunity to seek judicial assistance in
21 resolving discovery issues and that the judicial officers provide the sought-after
22 assistance. While the bar accords the judicial officers high praise for their handling of

1 these issues (and, indeed, their willingness to assist is probably a significant factor in the
2 court's admirable case duration time), these members assert that these benefits come
3 at a substantial cost to the court in judge time and diverts judicial energy from other
4 important parts of the judicial role.

5 Despite these disparate views, the Advisory Group agrees that some of the problems
6 in the discovery area may be traced to Rule 26(g)(3), which affords little guidance
7 concerning what constitutes discovery that is "unreasonable or unduly burdensome or
8 expensive." Consequently, the judges and magistrates necessarily exercise broad
9 discretion, each having different standards, which simply adds to the incentive for over-
10 reaching discovery requests and excessive discovery disputes. The Advisory Group
11 recognizes that the proposed changes in the Federal Rules may be of some assistance,
12 but the Advisory Group as a whole does not believe that compelled "self-discovery" or
13 disgorgement of "documents" without a discovery request can be easily reconciled with
14 both an attorney's duty to zealously advocate the client's position or with the appropriate
15 work-product and attorney-client privileges.

16 **E. Conclusion**

17 It is abundantly clear to the members of this Committee that the Middle District of
18 Louisiana is in dire need of at least one, preferably two, new judgeships. Each judge
19 in the Middle District has a 25% greater caseload than the national average, while still
20 maintaining a 44% greater termination rate than the national average. From a perusal
21 of the criminal filings to disposition numbers, one can see that although the judgeship
22 load for the Middle District is burdensome, the criminal cases are handled 43% faster

1 than criminal cases on a median basis. It is an unequivocal conclusion that the civil
2 caseload is being handled as quickly and efficiently as possible by the two judges and
3 two magistrates that serve the Middle District. However, inasmuch as they are only
4 human, they can only do a finite amount of work, and as a result of constitutional
5 protections, criminal matters take precedence on the docket. An additional judge or
6 judges would lighten the load for both the criminal and civil docket and provide swifter
7 justice on behalf of all citizens involved in the federal legal system.

8 VI. DISCOVERY AND PRE-TRIAL PROCEDURES

9 The Advisory Committee to the 1983 Amendments to Rule 16 of the Federal Rules
10 of Civil Procedure noted that the amended rule shifts "the emphasis away from a
11 conference focused solely on the trial and toward a *process of judicial management* that
12 embraces the entire pre-trial phase, especially motions and discovery." (Emphasis
13 added.)

14 However, the committee acknowledged the criticism that inappropriate judicial
15 management "can result in over-regulation of some cases and under-regulation of others.
16 In simple, run-of-the-mill cases, attorneys have found pre-trial requirements burdensome.
17 It is claimed that over-administration leads to . . . a waste of an attorney's time and
18 needless expense to a client."

19 Four criticisms were recognized by the Advisory Committee:

20 ". . . First, conferences often are seen as a mere exchange of legalistic
21 contentions without any real analysis of the particular case. Second, the result
22 frequently is nothing but a formal agreement on minutiae. Third, the

1 conferences are seen as unnecessary and time-consuming in cases that will be
2 settled before trial. Fourth, the meetings can be ceremonial and ritualistic,
3 having little effect on the trial and being of minimal value, particularly when the
4 attorneys attending the sessions are not the ones who will try the case or lack
5 authority to enter into binding stipulations."

6 The Civil Advisory Group for the Middle District believes these observations should
7 be borne in mind when considering any changes to pre-trial practice and procedure.
8 Moreover, the goal of seeking the truth and justice under law should not be sacrificed
9 in the name of judicial efficiency or judicial administration.

10 The Committee reviewed existing local rules and procedures in the following areas:

- 11 1. systematic, differential treatment of civil cases
- 12 2. early and ongoing judicial control of the pretrial process, including:
 - 13 a. case planning
 - 14 b. early and firm trial dates
 - 15 c. control of discovery

1 d.deadlines for motions

- 2 3. discovery/case management conference(s), at which the judicial officer and
3 the parties explore the possibility of settlement; identify the principal issues
4 in contention; provide, if appropriate, for staged resolution of the case;
5 prepare a discovery plan and schedule; and set deadlines for motions
- 6 4. encouragement of voluntary exchange of information among litigants and
7 other cooperative discovery devices
- 8 5. prohibition of discovery motions unless accompanied by certification by the
9 moving party that a good faith effort was made to reach agreement with
10 opposing counsel

11 With regard to 1, 2, 3, 4 and 5, above, existing practices and procedures were
12 generally adequate and accomplished the purposes of the Judicial Improvements Act
13 of 1990. The court has long implemented differential case management and early and
14 ongoing judicial intervention. The recommendations of the Committee are reflected
15 below by comparing procedures of Judges Parker and Polozola and providing
16 suggested revisions.

17 The Committee evaluation of the pre-trial orders existing is as follows:

A. Comparison of Pretrial Orders

<u>PARKER</u>	<u>POLOZOLA</u>
<p>Introduction</p> <p>A conference of attorneys shall be held and a pretrial stipulation prepared. This pretrial stipulation shall be prepared in accordance with the attached form and shall be signed by ALL attorneys. This pretrial stipulation shall be filed in the office of the Clerk of Court at least two (2) weeks prior to the date of the pretrial conference.</p>	<p>Introduction</p> <p>Counsel for all parties in the respective cases shall personally meet at their earliest convenience, but not later than TEN (10) DAYS before the date of the pretrial conference for the purpose of arriving at all possible stipulations, exchanging all exhibits (except those to be used for impeachment only) which will be offered in evidence at the trial, and for the further purpose of preparing for submission to the court the proposed pretrial order provided herein.</p> <p>Prior to this conference, attorneys shall complete all discovery in accordance with the deadlines set by the court.</p> <p>The parties shall certify in the pretrial order that each has personally met to prepare the pretrial order in accordance with this order.</p> <p>Violation of this provision shall subject the parties to sanctions and disciplinary actions by the court.</p> <p>It shall be the duty of the counsel for plaintiff to arrange the conference and it shall be the duty of all other counsel and any unrepresented party involved to facilitate and expedite the holding of the conference.</p>

<p>Introduction (continued)</p>	<p>Introduction (continued)</p> <p>Counsel for plaintiff shall then prepare a proposed pretrial order, submit it to opposing counsel, and any unrepresented party, after which</p> <p>all counsel shall jointly submit the final draft of the proposed pretrial order to the judge so that he can receive it not later than two (2) full business days preceding the date on which the pretrial conference is to be held.</p> <p>This proposed pretrial order shall be approved and signed by all counsel of record in the case prior to submission to the court.</p> <p>In the event any counsel disagrees with the proposed order or any part thereof, counsel shall state reasons therefor and attach a signed statement of opposition to the proposed order prior to its submission to the court.</p>
<p>Jurisdiction</p> <p>This court has subject matter jurisdiction under: (here set forth each jurisdictional statute, viz., 28 U.S.C. § 1332(a).) because (here set forth the jurisdictional facts, viz., plaintiff is a citizen of Louisiana, defendant is a citizen of Texas and the amount in dispute exceeds \$10,000).</p>	<p>Jurisdiction</p> <p>The proposed order shall set forth the specific statute(s) upon which jurisdiction is founded, or any jurisdictional questions to be raised by any party.</p>

<p>Motions</p> <p>Here set forth the status of any pending motion or motions that any party expects to file.</p>	<p>Motions</p> <p>The proposed order shall set forth a list of all pending motions and specific issues raised in those pending motions.</p>
<p>Plaintiff's Claims</p> <p>A. Essential Elements</p> <p>Under the applicable law the essential elements which plaintiff must prove in order to prevail are: (Here set forth in numerical order each essential element of each claim made by plaintiff.)</p> <p>B. Facts</p> <p>The facts which plaintiff intends to prove upon the trial of this case are: (Here set forth a concise summary of the facts upon which plaintiff relies to establish liability for each claim.)</p>	<p>Plaintiff's Claims</p> <p>The proposed order shall set forth a brief statement of each of plaintiff's claims.</p>
<p>Defendant's Claims</p> <p>A. Essential Elements</p> <p>Defendant agrees ___ disagrees ___ that plaintiff has correctly set forth the essential elements of his case. If disagrees is checked, the essential elements of plaintiff's case are: (Here set forth defendant's contentions as to the essential elements of each of plaintiff's claims.)</p>	

<p>Defendant's Claims (continued)</p> <p>B. Facts</p> <p>The facts upon which defendant relies are: (Here set forth a concise summary of the facts upon which defendant relies.)</p> <p>C. Affirmative Defenses</p> <p>1. Essential Elements Under the applicable law, the essential elements of each affirmative defense which defendant intends to prove are: (Here set forth each essential element of each such defense.)</p> <p>2. Facts The facts which defendant intends to prove to establish each affirmative defense are: (Here set forth a concise summary of the facts which defendant intends to prove for each such defense.)</p>	<p>Defendant's Claims (continued)</p>
<p>Claims of Other Parties</p>	<p>Claims of Other Parties</p> <p>The proposed order shall set forth a brief statement of the claims of any other parties.</p>
<p>Established Facts</p> <p>The following facts are established by the pleadings or are established by the stipulations or admissions of counsel (set out).</p>	<p>Established Facts</p> <p>The proposed order shall set forth a brief statement of the facts established by pleadings or by stipulation or admissions of counsel.</p>

<p>Contested Issues of Fact</p> <p>The contested issues of fact are: (Set out)</p>	<p>Contested Issues of Fact</p> <p>The proposed order shall set forth a statement of the contested issues of fact.</p>
<p>Contested Issues of Law</p> <p>The contested issues of law are: (Set out)</p>	<p>Contested Issues of Law</p> <p>The proposed order shall set forth a statement of the contested issues of law.</p>
<p>Exhibits</p> <p>The parties shall attach lists or schedules of all exhibits to be offered in evidence at the trial.</p> <p>The lists shall describe the exhibits sufficiently for ready identification.</p> <p>The lists shall indicate those exhibits agreed by the parties to be admissible at trial.</p> <p>With respect to each exhibit on the lists, counsel shall either agree as to the admissibility of the exhibit or reach such stipulations as to the exhibit as are possible.</p> <p>If a party objects to an exhibit to be offered against him, he shall note his objection immediately under the listing of the exhibit, as part of the</p>	<p>Exhibits</p> <p>A list and brief description of exhibits (except documents for impeachment only) to be offered in evidence by the parties, preceded by a statement that the exhibits were marked for identification and examined by all counsel. Counsel shall mark each exhibit with the exhibit number to be used at the trial.</p> <p>As to each exhibit, a statement that:</p> <ol style="list-style-type: none"> 1. There are no objections to the admissibility of the exhibits; 2. There are no objections to the authenticity of the exhibits, but there are objections to the admissibility of the exhibits; and 3. There are objections to the authenticity of the exhibits, but there are not objections to the admissibility of the exhibits once properly authenticated.

Exhibits (continued)

list. This notation shall include citations to the Federal Rules of Evidence and other legal authorities supporting the objection.

At trial, should any party fail to introduce any exhibit on his exhibit list, any other party may introduce that exhibit, even if he did not place the exhibit on his exhibit list.

Exhibits (continued)

If additional exhibits are to be offered by any party, counsel shall submit a list of the additional exhibits to the Clerk and to the opposing counsel at least twenty (20) days prior to trial. Opposing counsel shall file objections, if any, to the supplemental exhibits at least ten (10) days prior to trial in accordance with paragraph 9(b).

The pretrial order shall not be amended to all additional exhibits within twenty (20) days of the trial unless good cause is shown and leave of Court is obtained.

All exhibits which are added pursuant to this section shall be included in the bench book.

The parties shall file, within the time set by the court at the pretrial conference, an original and one copy of a bench book of exhibits, which shall be marked for identification with the exhibit numbers to be used at the trial.

A copy of the exhibit book shall be provided to each party.

A separate exhibit list containing numbers corresponding with the numbered exhibits in the bench book, along with a brief description of the exhibit, must be filed with the bench book.

The exhibit list must contain a

<p style="text-align: center;">Motions in Limine</p>	<p style="text-align: center;">Motions in Limine</p> <p>Motions in Limine and memoranda in support thereof shall be filed within the time set by the Court at the pretrial conference.</p>
<p>Witnesses</p> <p>Lists of witnesses, except impeachment witnesses but including rebuttal witnesses, with their addresses. The parties shall divide their witnesses into Will Call and May Call witnesses. Any party listing a person on his Will Call list shall bear the responsibility of producing that witness at trial. At trial, should any party fail to call any witness on his Will Call list, any other party may call that person as his witness, even if he did not list the person on his witness list.</p> <p>The following provisions shall apply to MEDICAL AND EXPERT witnesses: Counsel shall furnish copies of all medical reports to his opponent within fifteen (15) days after receipt of the report. Unless leave of court is obtained, no physician will be permitted to testify with respect to findings on examination where report of such examination is not furnished to opposing counsel at least thirty (30) days before the pretrial conference. With respect to expert witnesses other than medical experts, names and written reports of such experts plaintiff intends to call will be furnished to opposing counsel at least sixty (60) days before the</p>	<p>Witnesses</p> <p>All Will Call witnesses shall, in the absence of reasonable notice to opposing counsel to the contrary, be voluntarily produced or subpoenaed by the party listing them and held in attendance during the trial in order that such witnesses may be available to opposing counsel as witnesses even if not actually called upon to testify by the party so listing them. This will eliminate the necessity of opposing counsel having to subpoena the same witnesses who are being voluntarily produced or subpoenaed by the party listing them.</p> <p>All May Call witnesses shall be listed on the pretrial order, but there is no obligation on the party listing May Call witnesses to have them subpoenaed and present for the trial.</p> <p>The parties shall also designate which of the witnesses, if any, will be called by written or videotape depositions. Where written or video depositions are to be used, the parties shall designate those portions of the depositions which are to be read or shown to the jury. Only those portions of the depositions which are necessary to a</p>

<p>Witnesses (continued)</p> <p>pretrial conference; defendant shall furnish to opposing counsel names and written reports of such experts it expects to call at least thirty (30) days before the pretrial conference. All expert witnesses, other than medical experts, who will testify must submit written reports so that the parties can comply with this order.</p>	<p>Witnesses (continued)</p> <p>party's case shall be read or played to the jury. Where a video deposition is used, the parties shall file into evidence a transcript of the deposition.</p> <p>In the event there are other witnesses to be called at the trial, their names and addresses and the general subject matter of their testimony will be reported in writing to opposing counsel at least twenty (20) days prior to trial. The pretrial order shall not be amended to add additional witnesses within twenty (20) days of the trial unless good cause is shown and written leave of court is obtained. This restriction shall not apply to rebuttal witnesses, the necessity of whose testimony cannot be reasonably anticipated before the time of trial.</p>
<p>Final Witness List</p> <p>A final list of Will Call witnesses shall be forwarded to opposing counsel and filed with the clerk ten (10) days before trial; all May Call witnesses will be deleted at that time. This restriction shall not apply to impeachment witnesses.</p>	<p>Final Witness List</p> <p>Each party shall list all Will Call and May Call witnesses, including their names, addresses, and a brief statement as to the nature of their testimony.</p>
<p>Jury Instructions</p>	<p>Jury Instructions</p> <p>A specific statement of jury instructions to be requested by each party.</p>

<p>No exhibit or witness (except those for impeachment purposes) shall be used at trial unless listed in the pretrial order, except for good cause shown. A "reservation of rights" to call witnesses or to introduce exhibits on the witness list or exhibit list of another party shall not constitute a listing in the pretrial order.</p>	<p>Except for good cause shown, only exhibits and witnesses listed in the pretrial order, or permitted to be listed in a supplemental note of evidence, shall be admitted in evidence or allowed to testify.</p>
<p>Additional Matters</p> <p>The following additional matters, to aid in the disposition of the action, were determined: (Set out).</p>	<p>Additional Matters</p> <p>Any additional matters which may aid in the disposition of the action, including settlement possibilities, whether the parties wish to engage in a summary jury trial, arbitration, mediation and/or trial before the United States Magistrate Judge.</p>
<p>Length of Trial</p> <p>The probable length of trial of this case is _____ DAYS.</p>	<p>Length of Trial</p> <p>An estimate of the probable length of the trial.</p>
<p>Attendance</p>	<p>Attendance</p> <p>The pretrial conference shall be attended by the attorney who will conduct the trial and by any unrepresented party.</p>
	<p>The court reserves the right to require the attorney attending the pretrial conference to be the attorney for the trial and to preclude any attorney who did not attend the pretrial conference from actively participating at the trial.</p>

<p>Sanctions</p>	<p>Sanctions</p> <p>If a party or a party's attorney fails:</p> <ul style="list-style-type: none"> to obey a scheduling order; to file a pretrial order; to make an appearance on behalf of a party at a pretrial conference; to attend the pretrial conference substantially prepared to participate in the conference; to participate in the conference in good faith; <p>the judge, upon motion or the judge's own initiative, may make such orders with regard thereto as are just, and among others any of the orders provided in Rule 37(b)(2)(B), (C), (D).</p> <p>In lieu of or in addition to any other sanction, the judge shall require the party or the attorney representing the party or both to pay the reasonable expenses incurred because of any noncompliance with this rule, including attorney's fees, unless the judge finds that the noncompliance was substantially justified or that other circumstances make an award of expenses unjust.</p>
<p>Continuance</p>	<p>Continuance</p> <p>No continuances will be granted in these matters except on a showing of good cause upon the filing of a written motion and order.</p>

<p>Briefs</p>	<p>Briefs</p> <p>In non-jury cases, proposed findings of fact, conclusions of law, pretrial briefs and bench books of exhibits shall be filed in duplicate within the time limit set by the court at the pretrial conference.</p> <p>In jury trials, the proposed jury instructions, voir dire questions, jury interrogatories, bench books of exhibits and pretrial briefs are to be submitted, in duplicate, to the court, with additional copies to counsel for all parties in accordance with the deadline set by the court at the pretrial conference.</p> <p>There is reserved to counsel for the respective parties the right to submit supplemental requests for instructions during the course of the trial or at the conclusion of the evidence on matters that cannot be reasonably anticipated.</p> <p>Instructions relating to the court's general charge, that is, those charges which pertain to the function of the jury, credibility of witnesses, burden of proof, and similar matters, need not be furnished unless the case presents unusual circumstances in which special instructions on these matters are desired.</p> <p>The pretrial briefs required by this order shall include argument and citation of authorities on the legal issues involved in the case and on the admissibility of those items of</p>
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1 Court, or,

2 b)
3 If one party contends that the other has not timely complied with all
4 discovery or is unreasonably delaying the proceeding, then the
5 party so contending may ask the Court to schedule a pre-trial
6 conference for the purpose of setting a trial date and resolving
7 outstanding issues. Such a request shall be accompanied by a
8 signed statement of trial counsel setting forth in detail the reasons
9 for such contentions.

10 It shall be the duty of the counsel for plaintiff to arrange the
11 conference and it shall be the duty of all other counsel and any
12 unrepresented party involved to facilitate and expedite the holding of
13 the conference.

14 Counsel for plaintiff shall prepare the pretrial stipulation, timely submit
15 it to opposing counsel, and any unrepresented party in advance of
16 the conference, after which **all counsel shall jointly submit the final
17 draft of the proposed pretrial order to the judge so that he can
18 receive it not later than two (2) full business days preceding the
19 date on which the pretrial conference is to be held.**

20 If counsel for plaintiff or any other party fails to act in a timely manner
21 so that the pretrial stipulation can be submitted timely, opposing
22 counsel may notify the court in writing, setting forth in detail the
23 attempts made to resolve the matter amicably among the parties and
24 the results of such attempts. Attached to such notice shall be the
25 notifying party's portions of the pre-trial stipulation that the notifying
26 party in good faith can submit at that time without having seen the
27 portions of the untimely party. The Court, upon receipt of such a
28 written notice, shall have the option of (a) proceeding with the pre-
29 trial conference in the absence of a submission by the delaying party;
30 (b) postponing the pretrial conference in a manner that will not cause
31 undue cost and delay in the judicial process; or (c) taking such other
32 actions as may be appropriate under the circumstances.

33 In the event any counsel disagrees with the proposed order or any
34 part thereof, counsel shall state reasons for the disagreement and
35 attach a signed statement of opposition to the proposed order prior
36 to its submission to the court.

37 **II. Jurisdiction**

1 This court has subject matter jurisdiction under:

2 (here set forth each jurisdictional statute, viz., 28 U.S.C. §
3 1332(a).) because (here set forth the jurisdictional facts,
4 viz., Plaintiff is a citizen of Louisiana, defendant is a citizen
5 of Texas and the amount in dispute exceeds \$50,000).

6 The proposed order shall also set forth any jurisdictional questions
7 that may be raised by any party.

8 **III. Motions**

9 The proposed order shall set forth a list of all pending motions or
10 motions any party expects to file and specific issues raised in those
11 pending motions.

12 **IV. Plaintiff's Claims**

13 **A. Essential Elements**

14 Under the applicable law the essential elements which plaintiff
15 must prove in order to prevail are:

16 (Here set forth in numerical order each essential element of
17 each claim made by plaintiff.)

18 **B. Facts**

19 The facts which plaintiff intends to prove upon the trial of this
20 case are:

21 (Here set forth a concise summary of the facts upon which
22 plaintiff relies to establish liability for each claim.)

23 **V. Defendant's Claims**

24 **A. Essential Elements**

25 Defendant agrees ___ disagrees ___ that plaintiff has correctly
26 set forth the essential elements of his case. If "disagrees" is
27 checked, the essential elements of plaintiff's case are:

28 (Here set forth defendant's contentions as to the essential
29 elements of each of plaintiff's claims.)

1 B. Facts

2
3 The facts upon which defendant relies are:

4 (Here set forth a concise summary of the facts upon which
5 defendant relies.)

6 C. Affirmative Defenses

7 1. Essential Elements

8 Under the applicable law, the essential elements of
9 each affirmative defense which defendant intends to prove are:

10 (Here set forth each essential element of each such
11 defense.)

12 2. Facts

13
14 The facts which defendant intends to prove to establish
15 each affirmative defense are:

16 (Here set forth a concise summary of the facts which
17 defendant intends to prove for each such defense.)

18 **VI. Claims of Other Parties**

19 The proposed order shall set forth a brief statement of the claims of
20 any other parties.

21 **VII. Established Facts**

22 The following facts are established by the pleadings or are
23 established by the stipulations or admissions of counsel: (set out)

24 **VIII. Contested Issues of Fact**

25 The contested issues of fact are: (Set out).

26 **IX. Contested Issues of Law**

27 The contested issues of law are: (Set out).

28 **X. Exhibits**

- 1 (A) A list and brief description of exhibits (except documents for
2 impeachment only) to be offered in evidence by the parties,
3 preceded by a statement that the exhibits were marked for
4 identification and examined by all counsel. Counsel shall mark
5 each exhibit with the exhibit number to be used at the trial.
- 6 (B) As to each exhibit, there shall be a statement that:
- 7 (1) There are no objections to the admissibility of the exhibits;
- 8 (2) There are no objections to the authenticity of the exhibits,
9 but there are objections to the admissibility of the exhibits;
- 10 (3) There are objections to the authenticity of the exhibits, but
11 there are no objections to the admissibility of the exhibits
12 once properly authenticated; or
- 13 (4) There are objections to authenticity and to admissibility of
14 exhibits.
- 15 (C) If a party objects to an exhibit to be offered against it, that
16 party shall note the objection immediately under the listing of
17 the exhibit, as part of the list. This notation shall include
18 citations to the Federal Rules of Evidence and other legal
19 authorities supporting the objection.
- 20 (D) At trial, should any party fail to introduce any exhibit on that
21 party's exhibit list, any other party may introduce that exhibit,
22 even if the other party did not place the exhibit on the exhibit
23 list.
- 24 (E) Unless otherwise specifically ordered by the Court, the parties
25 shall file, within the time set by the Court at the pretrial
26 conference, an original and one copy of a bench book of
27 exhibits, which shall be marked for identification with the exhibit
28 numbers to be used at the trial.
- 29 (1) A copy of the exhibit book shall be provided to each
30 party.
- 31 (2) A separate exhibit list containing numbers corresponding
32 with the numbered exhibits in the bench book, along
33 with a brief description of the exhibit, must be filed with
34 the bench book.

- 1 (3) The exhibit list must contain a separate caption and be
2 signed by counsel.

3 **XI. Motions in Limine**

4 Motions in Limine and supporting memoranda shall be filed within the
5 time set by the Court at the pretrial conference.

6 **XII. Witnesses**

7 A) Lists of witnesses, except impeachment witnesses but including
8 rebuttal witnesses, with their addresses shall be given by each
9 party in the Pretrial Order. The parties shall divide their witnesses
10 into "Will Call" and "May Call" witnesses. At trial, should any party
11 fail to call any witness on his "will call" list, any other party may call
12 that person as a witness, even if that party did not list as a witness.

13 B) The following provisions shall apply to MEDICAL AND EXPERT
14 witnesses:

15 1) Counsel shall furnish copies of all medical reports to all
16 opponents within fifteen (15) days after receipt of the report.

17 2) Unless leave of court is obtained, no physician will be permitted
18 to testify with respect to findings on examination where report
19 of such examination is not furnished to opposing counsel at
20 least thirty (30) days before the pretrial conference.

21 3) With respect to expert witness other than medical experts,
22 names and written reports of such experts plaintiff intends to
23 call shall be furnished to opposing counsel at least sixty (60)
24 days before the pretrial conference; defendant shall furnish to
25 opposing counsel names and written reports of such experts it
26 expects to call at least thirty (30) days before the pretrial
27 conference.

28 4) All expert witnesses, other than medical experts, who will testify
29 must submit written reports so that the parties can comply with
30 this order.

31 C) All Will Call witnesses, in the absence of reasonable notice to
32 opposing counsel to the contrary, shall be voluntarily produced or
33 subpoenaed by the party listing them and held in attendance
34 during the trial in order that such witnesses may be available to

1 opposing counsel as witnesses even if not actually called upon to
2 testify by the party so listing them. This will eliminate the necessity
3 of opposing counsel having to subpoena the same witnesses who
4 are being voluntarily produced or subpoenaed by the party listing
5 them.

6 D) All May Call witnesses shall be listed on the pretrial order, but there
7 is no obligation on the party listing May Call witnesses to have
8 them subpoenaed and present for the trial.

9 E) The parties shall designate which of the witnesses, if any, will be
10 called by written or videotape depositions. When written or video
11 depositions are to be used, the parties shall designate those
12 portions of the depositions which are to be read or shown to the
13 jury. Only those portions of the depositions which are necessary
14 to a party's case shall be read or played to the jury. When a video
15 deposition is used, the parties shall file into evidence a transcript
16 of the deposition.

17 **XIII. Final Witness List**

18 A final list of Will Call witnesses should be forwarded to opposing counsel
19 and filed with the clerk ten (10) days before trial; all May Call witnesses
20 will be deleted at that time, unless the Court orders otherwise. This
21 restriction shall not apply to impeachment witnesses.

22 **XIV. Jury Instructions**

23 A specific statement of jury instructions to be requested by each party
24 shall be submitted to the Court within the time set by the Court at the
25 pretrial conference. Parties should be prepared, however, to submit the
26 instructions within 10 days after the pretrial conference.

27 In jury trials, the proposed jury instructions, voir dire questions, jury
28 interrogations, bench books of exhibits and pretrial briefs are to be
29 submitted, in duplicate, to the court, with additional copies to counsel for
30 all parties in accordance with the deadline set by the court at the pretrial
31 conference.

32 There is reserved to counsel for the respective parties the right to submit
33 supplemental requests for instructions during the course of the trial or at
34 the conclusion of the evidence on matters that cannot be reasonably
35 anticipated.

1 Instructions relating to the court's general charge, that is, those charges
2 which pertain to the function of the jury, credibility of witnesses, burden
3 of proof, and similar matters, need not be furnished unless the case
4 presents unusual circumstances in which special instructions on these
5 matters are desired.

6 **XV. Amendments**

7 Any requested amendments to the pleadings and what objections, if any,
8 there may be to the proposed amendment shall be stated.

9 **XVI. Additional Matters**

10 The Pretrial Order shall contain a discussions or list of any additional
11 matters that may aid in the disposition of the action, including settlement
12 possibilities, whether the parties wish to engage in a summary jury trial,
13 arbitration, mediation and/or trial before the United States Magistrate
14 Judge.

15 **XVII. Length of Trial**

16 An estimate of the probable length of the trial.

17 **XVIII. Attendance**

18 The pretrial conference shall be attended by the attorney who will conduct
19 the trial and by any unrepresented party.

20 The court reserves the right to require the attorney attending the pretrial
21 conference to be the attorney for the trial and to preclude any attorney
22 who did not attend the pretrial conference from actively participating at the
23 trial.

24 **XIX. Sanctions**

25 A) The judge, upon motion or upon the judge's own initiative, may
26 make such orders as are just, including but not limited to any of
27 the orders provided in Rule 37(b)(2)(B), (C), (D), if a party or a
28 party's attorney fails:

29 1) to obey a scheduling order;

- 1 3) to file a pretrial order;
- 2 3) to make an appearance on behalf of a party at a pretrial
3 conference;
- 4 4) to attend the pretrial conference substantially prepared to
5 participate in the conference; or
- 6 5) to participate in the conference in good faith;

7 B) In lieu of or in addition to any other sanction, the judge shall
8 require the party or the attorney representing the party or both to
9 pay the reasonable expenses incurred because of any
10 noncompliance with this rule, including attorney's fees, unless the
11 judge finds that the noncompliance was substantially justified or
12 that other circumstances make an award of expenses unjust.

13 **XX. Continuance**

14 No continuances will be granted in these matters except on a showing of
15 good cause upon the filing of a written motion and order.

16 **XXI. Briefs**

17 In non-jury cases, proposed findings of fact, conclusions of law, pretrial
18 briefs and bench books of exhibits shall be filed in duplicate within the
19 time limit set by the court at the pretrial conference.

20 The pretrial briefs required by this order shall include argument and
21 citation of authorities on the legal issues involved in the case and on the
22 admissibility of those items of evidence about which a dispute is
23 expected.

24 All briefs shall comply with Rule 4 of the Local Rules of this court.

25 **XXII. Settlement**

26 Prior to the pretrial conference, all attorneys and unrepresented parties
27 shall obtain settlement authority and shall be prepared to discuss
28 settlement at the pretrial conference.

29 Failure to comply with this provision shall be grounds for this court to

1 impose sanctions as permitted by law.

2 **XXIII. Simplified Pretrial Procedure**

3 In cases determined by the Court not to require the procedures set forth
4 herein, the Court may provide for a less costly and simplified pretrial
5 procedure.

6 **XXIV. Notice of Pretrial Conference**

7 It is further ordered that this foregoing pretrial notice be mailed to all
8 counsel of record and all unrepresented parties.

1 exchange expert witness reports on or before _____.

2 9. Parties shall supplement expert witness reports on or before

3 _____.

4 10. Parties shall exchange pretrial inserts on or before _____.

5 11. The pretrial stipulations shall be prepared and filed with the court on

6 _____.

7 _____
8 Attorney for Complainant

9 _____
10 Attorney for Defendant

11 **D. Alternative Dispute Resolution**

12 A wide variety of ADR techniques are available, some of which have been used
13 in the Middle District, such as early neutral evaluation, mediation, mandated settlement
14 conferences, non-binding arbitration, minitrials and summary jury trial. Many of these
15 techniques overlap, such as early neutral evaluation, mediation and non-binding
16 arbitration, and generally include a neutral party other than the District Judge whose aim
17 is to bring the parties into agreement on all aspects of the dispute. The Advisory Group
18 has considered many source materials in reaching its decisions.²

19 _____
20 ² These materials include, but are not limited to, review of the Reports of a number
21 Advisory Groups of other District Courts; a review of the publications and procedures of
22 the Center For Public Resources, including its book Elements of Program Design; the
23 materials covered in the Center for Public Resources publication Alternatives to the High
24 Cost of Litigation, Vol 9. No. 7, July 1991, "ADR In The Courtroom," and the Federal
Judicial Center's publication Court-Annexed Arbitration in Ten Districts.

1 The Middle District has used summary jury trials, minitrial and mandatory
2 settlement conferences under the auspices of the District Judges; in many cases these
3 efforts have met with success. The Middle District has actively attempted to involve the
4 Bar in supporting these efforts, including putting on seminars and even holding a
5 summary jury trial during a Bar-sponsored occasion so that members of the Bar could
6 readily observe the process.

7 Mandatory settlement conferences are conducted under the auspices of the
8 District Judge, the attorneys and client or client representatives with settlement authority.
9 In these conferences, the District Judge functions as a mediator in an attempt to narrow
10 or close the difference between the parties. Care must be taken by the District Judge
11 not to pre-judge a case; rather, the Judge should attempt to aid the parties in reaching
12 a solution. Although the Middle District has not routinely done so because of its heavy
13 caseload, some courts have found it useful to ask another Judge (other than the one
14 who will hear the case) to act as the mediator.

15 The summary jury trial uses a jury as an evaluator of the particular case after
16 presentation of a summary of the evidence by the attorneys. This procedure may, but
17 does not require, the attendance of clients or client representatives with authority.
18 Summary jury trials have resulted or aided in settlement in a significant number of cases.

19 A minitrial or minihearing procedure involves a presentation of the case in
20 summary by each side to decision-makers for each party who have settlement authority.
21 After the presentations, these decision-makers meet and attempt to settle the case. The
22 emphasis is upon giving the decision-makers for each party a first-hand look at the other

1 side's case. A minitrial may be conducted either with or without the presence of a
2 neutral evaluator. It may or may not include an advisory opinion by the neutral
3 evaluator.

4 Early neutral evaluation contemplates a third party evaluation of the party's claims
5 at an early stage of the litigation. It is a variant of the mediation process and differs from
6 a mediation process in that the function of the evaluator is to give an opinion of the
7 ultimate outcome of the case, or the range of possible outcomes, while a mediator's
8 main role is not to necessarily evaluate and reach a conclusion on the outcome but
9 rather aid the parties in narrowing their differences and achieving a settlement.

10 Arbitration involves submission of an issue to one or more individuals who hear
11 evidence, consider the law, and make a recommended or final decision. The Advisory
12 Group does not see believe that there is any role for court-imposed arbitration of any
13 kind, in the absence of a contractual arbitration obligation between the parties.

14 This Committee believes that no single ADR technique, and no ADR mechanism,
15 no matter how well crafted, can be made to work on a mandatory basis, in the absence
16 of the consent of all parties. In addition, there is always a question as to the court's
17 authority to force ADR on unwilling participants. See In re Novak, 932 F.2d 1397, 1401-
18 08 (11th Cir. 1991) and Tiedel v Northwestern College, 865 F.2d 88 (6th Cir. 1988).

19 The Advisory Group does not believe that any additional court rule is required
20 with respect to minitrial, summary jury trials, and mandated settlement conferences,
21 since these techniques are already in place in the Middle District, are used, and have
22 been publicized.

1 The Advisory Group has considered the possibility of a formal voluntary
2 mediation process and formal mediation procedures. The Group as a whole believes
3 that no formal mediation process should be established in the Middle District because:
4 the number of attorneys practicing in the Middle District is relatively small; actual or
5 potential conflicts of interest may be a problem; there may be a perception that attorneys
6 who participate as mediators may be treated differently in litigation before the court than
7 those who do not; the cost of instituting and continuing such a program may be
8 prohibitive; and because the real problem in the District is not the presence or absence
9 of ADR procedures but rather the necessity of one or more additional judges to ease
10 docket congestion.

11 However, to the extent that any mediation procedures are established, the
12 Advisory Group believes that they should meet the following criteria. The Committee has
13 considered and has rejected as too cumbersome for the Middle District the far more
14 detailed procedures used by many courts.³

15 ³ See, e.g., Bench Manual For The Appointment of A Mediator, United States District
16 Court for the District of New Jersey, 136 F.R.D. 499.

APPENDIX A (continued)

TABLE C 3. U.S. DISTRICT COURTS
CIVIL CASES COMMENCED, BY NATURE OF SUIT AND DISTRICT
DURING THE TWELVE MONTH PERIOD ENDED JUNE 30, 1992

CIRCUIT AND DISTRICT	TOTAL CIVIL CASES	UNITED STATES CASES														
		TOTAL U.S. CIVIL	CONTRACT	REAL PROPERTY	TORT ACTIONS	ANTI-TRUST	CIVIL RIGHTS	PRISONER PETITIONS				FORFEITURES AND PENALTIES	LABOR SUITS	SOCIAL SECURITY	TAX SUITS	A OT
								MOTIONS TO VACATE SENTENCE	HABEAS CORPUS	CIVIL RIGHTS	MAN-DAMUS AND OTHER					
TOTAL...	226,895	63,310	22,604	6,643	3,293	18	2,444	3,717	1,526	904	515	5,492	909	8,415	2,298	4,5
DC.....	3,351	1,832	692	62	100	7	272	19	44	105	8	21	17	33	11	4
1ST....	7,957	2,703	699	585	143	2	58	122	14	6	7	189	80	344	36	4
ME.....	696	242	71	60	11	1	4	20	1	-	-	31	2	10	5	
MA.....	3,918	1,060	360	50	79	1	33	43	5	5	4	116	58	56	22	2
NH.....	844	331	113	13	16	-	6	7	-	1	-	5	12	44	2	
RI.....	724	121	42	3	8	-	4	17	1	-	3	5	6	13	4	
PR.....	1,775	949	113	459	29	-	11	35	7	-	-	32	2	221	3	
2ND....	20,903	4,559	1,478	514	261	-	170	314	106	63	86	532	74	417	132	4
CT.....	2,842	739	238	223	30	-	10	10	14	2	3	53	20	53	25	
NY,N.....	1,576	372	67	62	24	-	14	25	18	2	1	87	3	46	5	
NY,E.....	4,672	1,719	843	86	101	-	35	135	12	9	51	152	13	118	42	1
NY,S.....	9,918	1,188	235	76	81	-	95	117	49	46	31	91	34	112	51	1
NY,W.....	1,442	399	84	33	20	-	13	24	4	2	-	115	1	66	6	
VT.....	453	142	11	34	5	-	3	3	9	2	-	34	3	22	3	
3RD....	20,918	3,154	810	340	285	-	178	184	108	83	31	226	97	420	146	2
DE.....	749	128	38	18	11	-	1	12	2	1	-	12	2	13	7	
MD.....	5,783	869	165	93	131	-	69	48	5	4	4	61	23	116	48	1
PA,E.....	8,193	905	296	73	95	-	55	69	3	2	15	54	32	99	45	
PA,M.....	1,967	417	78	65	23	-	18	27	63	34	11	21	7	37	10	
PA,W.....	3,689	820	231	90	24	-	33	28	35	42	1	73	33	155	34	
VI.....	537	15	2	1	1	-	2	-	-	-	-	5	-	-	2	
4TH....	18,110	5,265	1,479	863	265	-	205	361	88	70	27	484	63	988	121	2
MD.....	3,544	848	326	61	73	-	54	59	13	2	2	53	16	89	44	
NC,E.....	1,509	604	266	6	21	-	19	31	34	29	23	76	9	62	4	
NC,M.....	727	311	108	-	8	-	10	47	-	4	-	47	4	64	5	
NC,W.....	887	334	93	4	5	-	17	51	-	5	-	43	4	104	4	
SC.....	3,963	1,366	281	724	34	-	10	33	1	1	-	49	4	192	5	
VA,E.....	3,969	757	251	13	93	-	71	57	26	13	-	89	10	18	37	
VA,W.....	1,638	435	85	10	15	-	15	24	5	4	1	29	4	215	14	
WV,N.....	590	187	30	2	4	-	5	23	4	7	1	65	2	24	3	
WV,S.....	1,283	423	39	43	10	-	4	36	5	5	-	33	10	220	5	
5TH....	27,093	6,413	2,201	460	464	-	222	468	173	63	121	574	90	850	257	47
LA,E.....	4,302	689	185	43	97	-	39	50	1	2	1	48	7	140	24	5
LA,M.....	1,141	144	31	38	16	-	6	1	-	1	-	3	2	31	7	5
LA,W.....	2,774	715	120	186	49	-	9	14	46	9	2	15	4	192	19	5
MS,N.....	1,156	198	61	36	7	-	1	18	-	1	-	13	3	41	2	
MS,S.....	1,932	461	222	41	30	-	14	14	-	-	-	35	3	73	6	2
TX,N.....	4,892	1,518	666	33	60	-	55	79	40	28	115	114	35	102	75	7
TX,E.....	2,293	442	146	27	22	-	11	30	4	6	-	35	4	112	16	2
TX,S.....	5,783	1,318	511	41	83	-	52	129	38	3	1	178	18	93	68	10
TX,W.....	2,820	926	259	15	100	-	35	133	44	13	2	133	14	66	40	7
6TH....	24,373	8,540	3,842	595	226	3	243	397	111	99	39	470	117	1,826	215	35
KY,E.....	1,885	897	62	196	14	-	21	31	49	48	24	50	11	346	12	3
KY,W.....	1,456	352	62	113	16	-	12	24	-	2	-	30	2	69	10	1
MI,E.....	7,187	3,730	2,817	28	57	-	64	102	39	16	8	64	20	387	55	7
MI,W.....	1,663	335	84	9	14	-	10	20	2	1	-	28	11	115	13	2
OH,N.....	4,597	1,173	278	94	55	2	47	63	-	2	1	70	24	420	46	7
OH,S.....	2,793	849	174	129	30	-	39	50	9	9	3	87	30	197	26	6
TN,E.....	2,011	494	86	14	15	1	16	44	2	1	-	76	7	193	10	2
TN,H.....	1,468	351	137	10	10	-	18	21	-	-	-	34	7	55	33	2
TN,W.....	1,313	359	142	2	15	-	16	42	10	20	3	31	5	44	10	1

APPENDIX A (continued)

TABLE C 3. U.S. DISTRICT COURTS
CIVIL CASES COMMENCED, BY NATURE OF SUIT AND DISTRICT
DURING THE TWELVE MONTH PERIOD ENDED JUNE 30, 1992

CIRCUIT AND DISTRICT	TOTAL PRIVATE CIVIL	PRIVATE CASES													
		CONTRACT	REAL PROPERTY	FELA	MARINE PERSONAL INJURY	MOTOR VEHICLE PERSONAL INJURY	OTHER PERSONAL INJURY	OTHER TORT ACTIONS	ANTI-TRUST	CIVIL RIGHTS	PRISONER PETITIONS			COPYRIGHT PATENT TRADEMARK	LABOR SUITS
											HABEAS CORPUS	CIVIL RIGHTS	MAN-DAMUS AND OTHER		
TOTAL...	163,585	28,642	3,500	3,049	2,854	5,404	18,962	2,907	488	20,975	11,087	28,308	395	5,632	14,891
DC.....	1,519	305	29	8	2	91	168	22	5	341	46	79	3	35	233
1ST...	5,254	1,212	120	47	179	206	868	112	30	708	95	249	3	249	441
ME.....	454	114	8	18	13	20	63	4	7	62	8	50	1	15	16
MA.....	2,858	603	29	29	138	78	480	67	14	353	50	75	1	144	316
NH.....	513	121	8	-	-	19	88	15	1	75	21	84	-	19	19
RI.....	603	177	18	-	13	46	76	8	4	86	7	20	1	30	56
PR.....	826	197	57	-	15	43	161	18	4	132	9	20	-	41	34
2ND...	16,344	3,660	310	297	205	536	2,085	368	31	1,911	711	1,426	30	824	2,018
CT.....	2,103	464	129	34	7	74	174	96	4	403	59	125	1	83	156
NY, N.....	1,204	122	7	58	1	39	121	12	3	192	73	291	-	38	127
NY, E.....	2,953	529	61	101	42	173	382	65	5	299	172	101	22	107	564
NY, S.....	8,730	2,361	104	89	151	199	1,243	171	15	759	298	656	6	558	1,083
NY, W.....	1,043	103	4	15	4	19	111	20	2	216	91	235	1	25	84
VT.....	311	81	5	-	-	32	54	4	2	42	18	18	-	13	16
3RD...	17,764	3,166	348	1,290	161	951	2,362	242	60	1,816	816	2,246	22	496	1,587
DE.....	621	71	1	-	6	40	26	13	1	55	49	165	-	39	20
NJ.....	4,914	1,038	80	76	45	231	539	75	16	537	174	503	6	228	565
PA, C.....	7,288	1,462	179	326	89	490	1,314	95	31	746	294	758	12	152	641
PA, M.....	1,550	179	20	5	-	113	215	20	2	185	100	505	1	19	62
PA, W.....	2,869	314	24	883	13	58	152	25	10	285	187	312	1	52	286
VI.....	522	102	44	-	8	19	116	14	-	8	12	3	2	6	13
4TH...	12,845	2,359	163	81	109	682	1,811	220	20	1,347	823	2,852	16	276	1,209
MD.....	2,696	474	17	17	21	164	205	41	6	347	162	654	5	64	278
NC, E.....	905	120	7	3	14	16	90	10	-	111	62	331	4	34	39
NC, M.....	416	71	3	4	-	8	55	5	-	73	33	51	-	29	34
NC, W.....	553	151	2	2	-	19	74	13	1	72	32	60	-	20	40
SC.....	2,597	491	39	6	20	198	885	62	2	249	124	256	3	32	114
VA, E.....	3,212	669	57	6	39	122	244	42	6	283	272	788	3	80	433
VA, W.....	1,203	118	20	13	1	73	90	26	-	66	88	548	-	12	60
WV, N.....	403	89	4	1	1	26	55	9	3	45	34	46	-	2	51
WV, S.....	860	176	14	29	13	56	113	12	2	101	16	118	1	3	160
5TH...	20,680	3,747	227	78	1,290	610	2,658	478	48	2,421	1,412	4,034	30	459	1,218
LA, E.....	3,613	666	49	15	668	100	499	181	5	290	190	561	2	43	134
LA, M.....	995	101	14	5	13	18	104	14	1	55	76	488	-	7	45
LA, W.....	2,059	258	42	5	325	71	325	34	2	162	157	341	2	21	98
MS, N.....	958	140	7	3	14	68	76	18	11	159	73	310	2	11	38
MS, S.....	1,471	308	19	2	20	130	304	27	2	203	89	248	1	14	56
TX, N.....	3,374	711	45	2	1	50	322	63	7	473	244	509	12	166	225
TX, E.....	1,851	199	10	16	49	46	282	14	8	176	158	720	7	11	68
TX, S.....	4,465	1,005	21	17	198	92	560	90	7	533	300	599	1	127	377
TX, W.....	1,894	359	20	13	2	35	186	37	5	370	123	258	3	59	177
6TH...	15,833	1,990	154	339	99	504	2,492	217	56	2,402	1,004	3,021	28	465	1,636
KY, E.....	988	160	18	34	5	44	85	16	2	142	75	266	7	10	64
KY, W.....	1,104	132	10	16	16	42	96	23	4	111	105	386	1	23	72
MI, E.....	3,457	509	41	71	33	54	364	40	12	573	189	472	4	150	582
MI, W.....	1,328	114	13	5	7	19	109	16	1	135	120	538	2	37	111
OH, N.....	3,424	373	29	78	7	88	1,280	31	8	486	117	135	1	98	414
OH, S.....	1,944	256	11	57	8	57	206	42	19	364	135	242	2	84	196
TM, E.....	1,517	200	17	73	4	125	190	24	1	189	113	349	1	24	88
TM, M.....	1,117	135	6	2	2	53	79	19	5	203	97	309	2	28	70
TM, W.....	954	111	9	3	17	22	83	6	4	199	53	324	8	11	39

APPENDIX A (continued)

TABLE D. U.S. DISTRICT COURTS
CRIMINAL CASES COMMENCED, TERMINATED, AND PENDING IN THE DISTRICT COURTS
DURING THE TWELVE MONTH PERIODS ENDED JUNE 30, 1991 AND 1992

CIRCUIT AND DISTRICT	FILINGS			TERMINATIONS			PENDING		
	1991	1992	PERCENT CHANGE	1991	1992	PERCENT CHANGE	1991	1992	PERCENT CHANGE
TOTAL...	45,733	48,342	5.7	42,787	43,493	1.7	38,385	43,234	12.6
DC.....	747	532	- 28.8	645	393	- 39.1	590	729	23.6
1ST...	1,100	1,022	- 7.1	1,038	995	- 4.2	860	887	3.1
ME.....	155	176	13.5	129	163	26.4	122	135	10.7
MA.....	303	274	- 9.6	315	278	- 11.8	359	355	- 1.1
NH.....	75	75	-	85	73	- 14.1	55	57	3.6
RI.....	117	147	25.6	104	125	20.2	98	120	22.4
PR.....	450	350	- 22.2	405	356	- 12.1	226	220	- 2.7
2ND...	3,430	3,657	6.6	2,645	2,905	9.8	4,521	5,273	16.6
CT.....	280	252	- 10.0	251	242	- 3.6	248	258	4.0
NY,N....	462	523	13.2	376	522	38.8	328	329	.3
NY,E....	1,162	1,334	14.8	854	1,013	18.6	1,696	2,017	18.9
NY,S....	1,036	1,043	.7	767	714	- 6.9	1,816	2,145	18.1
NY,W....	360	389	8.1	305	307	.7	279	361	29.4
VT.....	130	116	- 10.8	92	107	16.3	154	163	5.8
3RD...	2,150	2,449	13.9	2,062	2,117	2.7	1,858	2,190	17.9
DE.....	131	107	- 18.3	135	106	- 21.5	56	57	1.8
NJ.....	740	790	6.8	627	700	11.6	693	783	13.0
PA,E....	498	735	47.6	497	573	15.3	480	642	33.8
PA,N....	268	295	10.1	280	250	- 10.7	154	199	29.2
PA,W....	254	279	9.8	237	241	1.7	167	205	22.8
VI.....	259	243	- 6.2	286	247	- 13.6	308	304	- 1.3
4TH...	6,112	6,852	12.1	5,924	6,322	6.7	3,614	4,144	14.7
MD.....	635	656	3.3	654	664	1.5	500	492	- 1.6
NC,E....	1,036	1,204	16.2	1,002	1,205	20.3	254	253	- .4
NC,N....	252	310	23.0	278	270	- 2.9	188	228	21.3
NC,W....	464	537	15.7	418	403	- 3.6	286	420	46.9
SC.....	647	635	- 1.9	569	531	- 6.7	497	601	20.9
VA,E....	2,300	2,591	12.7	2,252	2,414	7.2	1,301	1,478	13.6
VA,W....	283	321	13.4	226	276	22.1	233	278	19.3
WV,N....	140	242	72.9	178	177	- .6	140	205	46.4
WV,S....	355	356	.3	347	382	10.1	215	189	- 12.1
5TH...	5,678	5,704	.5	5,717	5,463	- 4.5	5,507	5,748	4.4
LA,E....	405	480	18.5	395	472	19.5	325	333	2.5
LA,N....	67	49	- 26.9	59	55	- 6.8	43	37	- 14.0
LA,W....	267	274	2.6	228	285	25.0	187	176	- 5.9
MS,N....	151	129	- 14.6	164	108	- 34.2	59	80	35.6
MS,S....	249	284	14.1	278	217	- 22.0	170	237	39.4
TX,N....	685	960	40.1	685	767	12.0	619	812	31.2
TX,E....	273	305	11.7	271	279	3.0	170	196	15.3
TX,S....	1,869	1,584	- 15.3	2,114	1,638	- 22.5	2,707	2,653	- 2.0
TX,W....	1,712	1,639	- 4.3	1,523	1,642	7.8	1,227	1,224	- .3
6TH...	3,450	3,832	11.1	3,316	3,614	9.0	2,582	2,800	8.4
KY,E....	199	245	23.1	195	257	31.8	158	146	- 7.6
KY,W....	439	512	16.6	426	480	12.7	279	311	11.5
MI,E....	687	649	- 5.5	562	588	4.6	625	686	9.8
MI,W....	177	201	13.6	161	192	19.3	137	146	6.6
OH,N....	425	480	12.9	450	449	- .2	315	346	9.8
OH,S....	441	502	13.8	470	476	1.3	326	352	8.0
TN,E....	385	448	16.4	409	405	- 1.0	197	240	21.8
TN,M....	335	320	- 4.5	308	369	19.8	220	171	- 22.3
TN,W....	362	475	31.2	335	398	18.8	325	402	23.7

APPENDIX A (continued)

TABLE D-1 CASES, U.S. DISTRICT COURTS
CRIMINAL CASES COMMENCED AND TERMINATED DURING THE TWELVE MONTH PERIOD ENDED JUNE 30, 1992

CIRCUIT AND DISTRICT	PENDING JULY 1, 1991				COMMENCED						
	TOTAL	FELONY	MISDE- MEANOR	OTHER*	TOTAL COM- MENCED	ORIGINAL PROCEEDINGS				RE- OPENS	TRANS- FERS
						TOTAL	FELONY	MISDE- MEANOR	OTHER*		
TOTAL...	38,385	32,741	5,390	254	48,342	47,270	33,810	13,107	353	197	875
DC.....	590	559	31	-	532	520	474	46	-	6	6
1ST...	860	817	36	7	1,022	1,003	972	28	3	3	16
ME.....	122	112	10	-	176	174	159	13	2	-	2
MA.....	359	341	12	6	274	260	249	10	1	2	12
NH.....	55	53	2	-	75	74	71	3	-	1	-
RI.....	98	87	11	-	147	147	147	-	-	-	-
PR.....	226	224	1	1	350	348	346	2	-	-	2
2ND...	4,521	4,075	403	43	3,657	3,584	2,999	578	7	13	60
CT.....	248	240	8	-	252	243	226	16	1	-	9
NY,N.....	328	251	73	4	523	516	237	279	-	3	4
NY,E.....	1,696	1,597	95	4	1,334	1,318	1,237	80	1	1	15
NY,S.....	1,816	1,586	197	33	1,043	1,010	912	93	5	8	25
NY,W.....	279	253	24	2	389	384	287	97	-	-	5
VT.....	154	148	6	-	116	113	100	13	-	1	2
3RD...	1,858	1,727	126	5	2,449	2,393	2,133	258	2	3	53
DE.....	56	50	5	1	107	102	87	15	-	1	4
NJ.....	693	592	99	2	790	772	589	183	-	2	16
PA,E.....	480	474	5	1	735	722	713	7	2	-	13
PA,M.....	154	146	8	-	295	281	249	32	-	-	14
PA,W.....	167	164	2	1	279	273	270	3	-	-	6
VI.....	308	301	7	-	243	243	225	18	-	-	-
4TH...	3,614	2,534	1,060	20	6,852	6,744	3,595	3,122	27	20	88
MD.....	500	375	115	10	656	649	345	295	9	4	3
NC,E.....	254	237	17	-	1,204	1,199	309	889	1	2	3
NC,M.....	188	185	3	-	310	291	281	10	-	5	14
NC,W.....	286	271	14	1	537	528	430	97	1	2	7
SC.....	497	442	54	1	635	617	556	56	5	2	16
VA,E.....	1,301	448	847	6	2,591	2,578	823	1,747	8	2	11
VA,W.....	233	229	2	2	321	288	273	14	1	1	32
WV,N.....	140	137	3	-	242	240	239	1	-	1	1
WV,S.....	215	210	5	-	356	354	339	13	2	1	1
5TH...	5,507	4,797	676	34	5,704	5,571	4,687	744	140	20	113
LA,E.....	325	319	3	3	480	463	428	30	5	4	13
LA,M.....	43	40	2	1	49	48	46	1	1	-	1
LA,W.....	187	140	36	11	274	269	201	45	23	1	4
MS,M.....	59	54	4	1	129	128	126	2	-	-	1
MS,S.....	170	162	8	-	284	277	238	38	1	4	3
TX,N.....	619	601	14	4	960	933	817	29	87	2	25
TX,E.....	170	160	10	-	305	302	279	23	-	1	2
TX,S.....	2,707	2,315	386	6	1,584	1,544	1,365	167	12	5	35
TX,W.....	1,227	1,006	213	8	1,639	1,607	1,187	409	11	3	29
6TH...	2,582	2,324	245	13	3,832	3,739	3,083	643	13	15	78
KY,E.....	158	154	4	-	245	228	223	4	1	2	15
KY,W.....	279	151	126	2	512	508	193	313	2	-	4
MI,E.....	625	593	27	5	649	636	572	62	2	6	7
MI,W.....	137	128	7	2	201	196	183	13	-	1	4
OH,N.....	315	305	9	1	480	474	462	10	2	-	6
OH,S.....	326	306	20	-	502	477	403	71	3	1	24
TN,E.....	197	189	8	-	448	437	393	42	2	-	11
TN,M.....	220	179	38	3	320	310	191	119	-	5	5
TN,W.....	325	319	6	-	475	473	463	9	1	-	2

APPENDIX A (continued)

TABLE D-1 CASES, U.S. DISTRICT COURTS
CRIMINAL CASES COMMENCED AND TERMINATED DURING THE TWELVE MONTH PERIOD ENDED JUNE 30, 1992

TOTAL TERMI- NATED	TERMINATED						PENDING JUNE 30, 1992				CIRCUIT AND DISTRICT
	ORIGINAL PROCEEDINGS				RE- OPENED	TRANS- FERS	TOTAL	FELONY	MISDE- MEANOR	OTHER*	
	TOTAL	FELONY	MISDE- MEANOR	OTHER*							
43,493	42,443	29,315	12,750	378	294	756	43,234	36,879	6,062	293	...TOTAL
393	379	329	50	-	10	4	729	691	38	-	.....DC
995	973	928	41	4	10	12	887	858	25	4	....1ST
163	156	141	13	2	3	4	135	125	10	-	.....ME
278	271	253	17	1	3	4	355	346	5	4	.....MA
73	68	64	4	-	1	4	57	56	1	-	.....MD
125	125	122	3	-	-	-	120	112	8	-	.....RI
356	353	348	4	1	3	-	220	219	1	-	.....PR
2,905	2,867	2,347	505	15	9	29	5,273	4,742	495	36	....2ND
242	239	224	14	1	2	1	258	250	8	-	.....CT
522	511	250	259	2	3	8	329	231	96	2	.....NY,N
1,013	1,004	929	72	3	3	6	2,017	1,904	109	4	.....NY,E
714	701	625	67	9	1	12	2,145	1,887	230	28	.....NY,S
307	306	225	81	-	-	1	361	315	44	2	.....NY,W
107	106	94	12	-	-	1	163	155	8	-	.....VT
2,117	2,080	1,866	209	5	4	33	2,190	2,013	175	2	....3RD
106	103	82	20	1	-	3	57	55	2	-	.....DE
700	687	543	144	-	2	11	783	646	135	2	.....NJ
573	564	558	3	3	1	8	642	633	9	-	.....PA,E
250	243	211	32	-	-	7	199	190	9	-	.....PA,M
241	236	232	3	1	1	4	205	203	2	-	.....PA,W
247	247	240	7	-	-	-	304	286	18	-	.....VI
6,322	6,165	3,069	3,045	51	48	109	4,144	2,953	1,176	15	....4TH
664	644	344	285	15	8	12	492	361	124	7	.....MD
1,205	1,188	296	888	4	6	11	253	232	21	-	.....NC,E
270	246	240	6	-	18	6	228	218	10	-	.....NC,M
403	391	289	100	2	1	11	420	405	14	1	.....NC,S
531	513	421	87	5	5	13	601	551	48	2	.....SC
2,414	2,392	732	1,639	21	5	17	1,478	530	946	2	.....VA,E
276	274	258	16	-	-	2	278	268	7	3	.....VA,W
177	175	173	2	-	2	-	205	203	2	-	.....WV,W
382	342	316	22	4	3	37	189	185	4	-	.....WV,S
5,463	5,342	4,239	997	106	33	88	5,748	5,146	520	82	....5TH
472	457	422	27	8	9	6	333	319	11	3	.....LA,E
55	55	52	2	1	-	-	37	35	1	1	.....LA,M
285	282	202	52	28	1	2	176	140	30	6	.....LA,W
108	103	96	6	1	-	5	80	80	-	-	.....MS,A
217	212	185	26	1	1	4	237	216	20	1	.....MS,S
767	731	652	43	36	7	29	812	747	8	57	.....TX,W
279	268	241	27	-	3	8	196	186	10	-	.....TX,E
1,638	1,615	1,223	373	19	7	16	2,653	2,397	248	8	.....TX,S
1,642	1,619	1,166	441	12	5	18	1,224	1,026	192	6	.....TX,W
3,614	3,498	2,800	674	24	31	85	2,800	2,528	260	12	....6TH
257	242	232	9	1	5	10	146	145	1	-	.....KY,E
480	472	162	306	4	1	7	311	176	132	3	.....KY,W
588	574	515	54	5	8	6	686	642	41	3	.....MI,F
192	184	160	20	4	1	7	146	140	6	-	.....MI,S
449	439	416	19	4	1	9	346	338	6	2	.....OH,W
476	460	400	60	-	3	13	352	317	32	3	.....OH,E
405	392	329	62	1	-	13	240	232	8	-	.....TN,E
369	347	209	134	4	12	10	171	144	26	1	.....TN,W
398	388	377	10	1	-	10	402	394	8	-	.....TN,S

APPENDIX A (continued)

TABLE D-1 DEFENDANTS, U.S. DISTRICT COURTS
CRIMINAL DEFENDANTS COMMENCED AND TERMINATED DURING THE TWELVE MONTH PERIOD ENDED JUNE 30, 1992

CIRCUIT AND DISTRICT	PENDING JULY 1, 1991				TOTAL COM- MENCED	COMMENCED					
	TOTAL	FELONY	MISDE- MEANOR	OTHER*		ORIGINAL PROCEEDINGS				RE- OPENS	TRANS- FERS
						TOTAL	FELONY	MISDE- MEANOR	OTHER*		
TOTAL...	57,374	51,440	5,638	296	68,187	66,935	52,374	14,173	388	238	1,014
DC.....	789	725	64	-	788	756	683	73	-	6	26
1ST...	1,502	1,458	37	7	1,666	1,642	1,607	31	4	3	21
ME.....	139	129	10	-	244	242	226	13	3	-	2
MA.....	690	671	13	6	471	452	438	13	1	2	17
NH.....	92	90	2	-	116	115	112	3	-	1	-
RI.....	133	122	11	-	221	221	221	-	-	-	-
PR.....	448	446	1	1	614	612	610	2	-	-	2
2ND...	7,337	6,845	448	44	5,478	5,393	4,639	747	7	23	62
CT.....	408	400	8	-	344	333	316	16	1	-	11
NY, N....	527	432	91	4	752	745	352	393	-	3	4
NY, E....	2,895	2,783	107	5	1,951	1,935	1,822	112	1	1	15
NY, S....	2,874	2,632	209	33	1,707	1,664	1,551	108	5	18	25
NY, W....	434	406	26	2	567	562	459	103	-	-	5
VT.....	199	192	7	-	157	154	139	15	-	1	2
3RD...	2,980	2,847	128	5	3,766	3,709	3,434	273	2	3	54
DE.....	69	63	5	1	154	149	134	15	-	1	4
NJ.....	1,033	932	99	2	1,110	1,091	897	194	-	2	17
PA, E....	1,073	1,067	5	1	1,377	1,364	1,355	7	2	-	13
PA, N....	230	220	10	-	420	406	373	33	-	-	14
PA, W....	234	231	2	1	405	399	396	3	-	-	6
VI.....	341	334	7	-	300	300	279	21	-	-	-
4TH...	5,115	4,014	1,081	20	9,521	9,379	5,924	3,428	27	22	120
MD.....	699	574	115	10	871	863	558	296	9	5	3
NC, E....	384	367	17	-	1,374	1,368	476	891	1	2	4
NC, N....	293	290	3	-	486	467	456	11	-	5	14
NC, W....	595	580	14	1	1,050	1,040	939	100	1	3	7
SC.....	836	766	69	1	1,033	1,015	948	62	5	2	16
VA, E....	1,492	634	852	6	3,273	3,259	1,218	2,033	8	2	12
VA, W....	343	338	3	2	528	465	443	21	1	1	62
WV, N....	192	189	3	-	361	359	358	1	-	1	1
WV, S....	281	276	5	-	545	543	528	13	2	1	1
5TH...	7,708	6,955	709	44	8,462	8,299	7,349	799	151	22	141
LA, E....	457	447	3	7	806	787	726	52	9	4	15
LA, N....	52	49	2	1	54	53	50	1	2	-	1
LA, W....	285	232	37	16	386	381	308	46	27	1	4
MS, N....	82	77	4	1	202	201	199	2	-	-	1
MS, S....	240	232	8	-	446	438	393	44	1	5	3
TX, N....	956	937	15	4	1,334	1,304	1,185	31	88	2	28
TX, E....	230	220	10	-	479	476	452	24	-	1	2
TX, S....	3,643	3,234	402	7	2,469	2,410	2,223	174	13	6	53
TX, W....	1,763	1,527	228	8	2,286	2,249	1,813	425	11	3	34
6TH...	4,036	3,761	253	22	5,431	5,322	4,648	661	13	18	91
KY, E....	290	286	4	-	407	385	379	5	1	2	20
KY, W....	400	270	128	2	629	625	309	314	2	-	4
MI, E....	1,027	991	30	6	974	958	888	68	2	9	7
MI, W....	227	210	7	10	296	290	274	16	-	1	5
OH, N....	492	482	9	1	732	726	714	10	2	-	6
OH, S....	473	453	20	-	662	636	562	71	3	1	25
TN, E....	253	244	9	-	567	550	505	43	2	-	17
TN, N....	293	252	38	3	404	394	274	120	-	5	5
TN, W....	581	573	8	-	760	758	743	14	1	-	2

APPENDIX A (continued)

TABLE D-1 DEFENDANTS. U.S. DISTRICT COURTS
CRIMINAL DEFENDANTS COMMENCED AND TERMINATED DURING THE TWELVE MONTH PERIOD ENDED JUNE 30, 1992

TOTAL TERMI- NATED	TERMINATED						PENDING JUNE 30, 1992				CIRCUIT AND DISTRICT
	ORIGINAL PROCEEDINGS				RE- OPENED	TRANS- FERS	TOTAL	FELONY	MISDE- MEANOR	OTHER*	
	TOTAL	FELONY	MISDE- MEANOR	OTHER*							
61,243	59,870	45,483	13,937	450	346	1,027	64,318	57,651	6,344	323	...TOTAL
586	569	492	76	1	11	6	991	913	78	-	.....DC
1,608	1,585	1,536	44	5	11	12	1,560	1,529	27	4	...1ST
205	198	182	13	3	3	4	178	168	10	-	.....ME
515	508	488	19	1	3	4	646	635	7	4	.....MA
119	114	109	5	-	1	4	89	88	1	-	.....MN
190	189	186	3	-	1	-	164	156	8	-	.....RI
579	576	571	4	1	3	-	483	482	1	-	.....PR
4,275	4,226	3,554	656	16	12	37	8,540	7,943	560	37	...2ND
357	352	337	14	1	2	3	395	387	8	-	.....CT
771	760	384	373	3	3	8	508	392	114	2	.....NY, M
1,450	1,440	1,352	85	3	3	7	3,396	3,249	142	5	.....NY, E
1,144	1,125	1,036	80	9	4	15	3,437	3,169	260	28	.....NY, S
408	406	316	90	-	-	2	593	545	46	2	.....VT, W
145	143	129	14	-	-	2	211	201	10	-	.....VT
3,201	3,162	2,934	222	6	5	34	3,545	3,363	180	2	...3RD
142	139	117	21	1	-	3	81	79	2	-	.....DE
979	964	812	151	1	3	12	1,164	1,023	139	2	.....NJ
1,093	1,084	1,078	3	3	1	8	1,357	1,348	9	-	.....PA, E
352	345	310	35	-	-	7	298	289	9	-	.....PA, M
336	331	327	3	1	1	4	303	301	2	-	.....PA, W
299	299	290	9	-	-	-	342	323	19	-	.....VI
8,545	8,297	4,865	3,376	56	53	195	6,091	4,876	1,200	15	...4TH
863	839	537	286	16	9	15	707	576	124	7	.....MD
1,359	1,337	438	894	5	7	15	399	377	22	-	.....NC, E
458	427	420	7	-	20	11	321	311	10	-	.....NC, M
735	723	617	104	2	1	11	910	894	15	1	.....NC, W
866	828	710	112	6	6	32	1,003	948	53	2	.....SC
3,041	2,999	1,050	1,928	21	5	37	1,724	766	956	2	.....VA, E
419	417	399	18	-	-	2	452	435	14	3	.....VA, W
246	244	242	2	-	2	-	307	305	2	-	.....WV, N
558	483	452	25	6	3	72	268	264	4	-	.....WV, S
8,079	7,919	6,718	1,081	120	37	123	8,091	7,449	548	94	...5TH
718	703	636	56	11	9	6	545	526	11	8	.....LA, E
62	62	59	2	1	-	-	44	41	1	2	.....LA, M
373	370	284	53	33	1	2	298	257	31	10	.....LA, W
159	154	147	6	1	-	5	125	125	-	-	.....MS, M
335	330	298	31	1	1	4	331	329	21	1	.....MS, S
1,178	1,131	1,041	51	39	8	39	1,112	1,047	8	57	.....TX, M
416	405	376	29	-	3	8	293	283	10	-	.....TX, E
2,538	2,498	2,083	393	22	10	30	3,574	3,302	262	10	.....TX, S
2,300	2,266	1,794	460	12	5	29	1,749	1,539	204	6	.....TX, W
5,251	5,110	4,356	721	33	36	105	4,216	3,938	266	12	...6TH
459	443	425	17	1	6	10	238	236	2	-	.....KY, E
595	583	263	316	4	3	9	434	299	132	3	.....KY, W
944	926	859	61	6	8	10	1,057	1,010	44	3	.....MI, E
310	301	266	23	12	1	8	213	206	7	-	.....MI, M
671	660	633	23	4	1	10	553	545	6	2	.....OH, W
639	619	558	61	-	5	15	496	461	32	3	.....OH, S
498	484	417	66	1	-	14	322	314	8	-	.....TN, E
476	451	310	137	4	12	13	221	194	26	1	.....TN, M
659	643	625	17	1	-	16	682	673	9	-	.....TN, W

APPENDIX B

QUESTIONNAIRE ON DISCOVERY IN FEDERAL COURT

The Advisory Committee for the Civil Justice Reform Act for the Middle District of Louisiana (a list of whose members are attached) would like your thoughts on how to speed the administration of justice in the Middle District. In particular, we would like your thoughts on discovery.

It would be helpful to us if you could send us a letter concerning each of the items listed below. In addition, we would like to call upon you to come to one of our Committee meetings and discuss these issues with us. Your views will be held in confidence.

1. What are the problems you find with the discovery process in federal court?
 - a. Is there a problem with the expense of discovery?
 - b. Is there a problem with the time that discovery takes?
 - c. Is there a problem with the way the law is being applied or interpreted?
 - d. Are there any other problems you would like to address?
2. Are the judges and magistrates addressing discovery issues early enough and effectively?
3. Is there a problem with the judges and magistrates failing to limit discovery or failing to address issues early on that might narrow the scope of discovery?
4. Is there a problem with the judges and magistrates controlling discovery too much or not controlling it sufficiently?

Please Mail your Responses to:

Michael H. Rubin
Rubin, Curry, Colvin & Joseph
One American Place, Ninth Floor
Baton Rouge, LA 70825

APPENDIX C
ATTORNEY QUESTIONNAIRE

IS THE TIME REQUIRED TO DISPOSE OF CIVIL CASES?

- Reasonable
- Too long to reach disposition
- Too short/moved to disposition too quickly moved

HOW SOON WOULD YOU LIKE TO SEE A CIVIL CASE SCHEDULED FOR TRIAL?

- Months (Estimated)

WHAT IS YOUR VIEW OF COST IN FEDERAL COURT?

- Excessive
- Reasonable

APPENDIX D
U.S. DISTRICT COURT -- JUDICIAL WORKLOAD PROFILE

LOUISIANA MIDDLE		TWELVE MONTH PERIOD ENDED JUNE 30						NUMERICAL STANDING WITHIN U.S. CIRCUIT		
		1991	1990	1989	1988	1987	1986			
ER ALL WORK LOAD	Filings*	1,363	1,178	1,079	1,283	1,145	1,104			
	Terminations	1,219	1,016	1,253	1,159	1,156	1,351			
	Pending	1,524	1,471	1,413	1,588	1,464	1,476			
	Percent Change In Total Filings Current Year	Over Last Year...	15.7						4	1
STATIS TICS		Over Earlier Years	26.3		6.2	19.0	23.5	2	1	
Number of Judgeships		2	2	2	2	2	2			
Vacant Judgeship Months		.0	.0	.0	.0	.0	.0			
ACTIONS PER JUDGE- SHIP	FILINGS	Total	682	589	540	642	573	552	1	1
		Civil	648	563	517	615	540	511	1	1
		Criminal Felony	34	26	23	27	33	41	73	7
	Pending Cases		762	736	707	794	732	738	4	2
	Weighted Filings**		561	481	488	574	564	489	2	1
	Terminations		610	508	627	580	578	676	2	1
	Trials Completed		26	26	26	29	39	44	61	8
MEDIAN TIMES MONTHS	From Filing to Disposi- tion	Criminal Felony	3.0	2.5	3.2	4.8	3.2	3.3	3	1
		Civil**	12	15	14	11	12	11	71	5
OTHER	From Issue to Trial (Civil Only)		31	26	24	33	29	23	88	9
	Number (and %) of Civil Cases Over 3 Years Old		172 11.6	154 10.7	114 8.2	150 9.6	140 9.8	130 9.1	71	6
	Average Number of Felony Defendants Filed per Case		1.2	1.2	1.1	1.2	1.3	1.3		
	Jurors	Avg. Present for Jury election	21.26	15.11	15.75	20.84	22.83	19.39	9	2
		Percent Not Selected or Challenged	15.6	14.7	8.1	16.3	13.4	15.5	11	1

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

1991 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	1296	33	23	614	7	53	42	133	266	5	66	4	50
Crimi- nal*	64	-	2	1	1	2	8	18	1	21	-	-	10

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

**See Page 167.

1 **APPENDIX C**

2 **ATTORNEY QUESTIONNAIRE**

3 IS THE TIME REQUIRED TO DISPOSE OF CIVIL CASES?

4 Reasonable

5 Too long to reach disposition

6 Too short/moved to disposition too quickly moved

7 HOW SOON WOULD YOU LIKE TO SEE A CIVIL CASE SCHEDULED FOR TRIAL?

8 Months (Estimated)

9 WHAT IS YOUR VIEW OF COST IN FEDERAL COURT?

10 Excessive

11 Reasonable