

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS



Annual Report on the Impact of the
Civil Justice Expense and Delay Reduction Plan

October 1994

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I. EXECUTIVE SUMMARY

The Civil Justice Expense and Delay Reduction Plan was implemented July 1, 1993.

This assessment is based on a review of the following information:

- statistical data compiled by the Administrative Office of the U.S. Courts and the Clerk's Office for the U.S. District Court.
- an analysis of court resources.
- an analysis of the Alternative Dispute Resolution Program.
- surveys completed by the district judges, magistrate judges, and selected attorneys throughout the district.

A review of the statistical data from the first year of the Plan indicates that the number of criminal cases declined by over 20%. Although the number of criminal cases has declined, the Court has not seen a corresponding decrease in the number of trial hours devoted to criminal matters. In fact, after experiencing a slight decrease in criminal trial hours since the 1992 CJRA Advisory Committee Report, they are now on the upswing and once again account for 51% of the total trial hours in the district. It should also be noted that although criminal case filings have decreased, the number of civil cases increased, particularly prisoner petition filings and other civil rights actions; and the number of civil cases pending over three years is lower than at any other time during the last ten years.

Judicial resources have changed with the filling, in June 1994, of the magistrate judge position requested in 1992. However, the district judgeship, vacant since it was created in December 1990, remains vacant. The number of senior judges has not changed.

Although there are no comparative statistics, the implementation of the Alternative Dispute Resolution program appears to have been very successful during its first year. Mediation was used throughout the district, most notably in the Dallas division where 17% of the civil cases generally deemed suitable for mediation were referred. Overall, 65% of those cases referred were disposed during the first year of the implementation of the Plan.

Surveys of the district judges and magistrate judges showed that they believe it is too early to determine the impact of the Plan, and that for most of them, their level of case management has not changed since the implementation of the Plan. The majority of the district judges believe that the district's Alternative Dispute Resolution program is having a positive impact on reducing the cost/delay of civil litigation. Additionally, both the district judges and magistrate judges identified settlement conferences as a significant factor in reducing delay. Neither group suggested any changes to the Plan.

Survey results from the attorneys also show that they agree with the judges that it is too early to determine the impact of the Plan on cost/delay in civil litigation in the Northern District. Although the majority of the attorneys responding had utilized the Alternative Dispute Resolution program, most had no opinion on its impact. The attorneys were almost

equally divided on their opinion of the extent of the use of settlement conferences. The attorneys did agree that more matters are being referred to magistrate judges and that they are being used more frequently to monitor discovery disputes.

The vast majority of attorneys believe that some attorneys abuse discovery; however, most feel it only occurs occasionally. The attorney surveys also identified other factors that contribute to or inhibit cost and delay reduction in civil litigation. The most frequently cited factor was the delay of judges in ruling on dispositive or other important motions.

The majority of attorneys surveyed indicated positive experiences with the new federal discovery rules, although many found the rule involving voluntary disclosure difficult to understand and ineffective in helping reduce cost/delay. At the time the Plan was implemented these new rules had not been adopted. The Court chose to wait to see what rules were finally approved by Congress before considering inclusion of any of these provisions in the Plan.

Following the effective date for the rules of December 1, 1993, the Court adopted Special Order No. 2-12, which states in part, "the Court will not uniformly abrogate, modify or exercise an option provided by any of the newly amended Federal Rules of Civil Procedure." Furthermore, "each judge will apply the amended federal rules in the manner the judge deems appropriate and will provide the parties with appropriate notice regarding how the judge intends to apply the amended rules." The order also stated that the Court

would study the experiences of individual judges and would consult with the Civil Justice Reform Act Advisory Committee to obtain its advice and counsel concerning a permanent policy.

Based upon the results of the attorney surveys, it appears that attorneys would welcome a uniform policy concerning new discovery rules among the judges. As of the writing of this assessment no definite decision has been made. However, the Court will consider the results of this assessment in formulating a policy regarding uniform application of the new rules.

Significantly more data will be available in 1995 to provide a more complete assessment of the status of civil litigation in the Northern District of Texas since the adoption of the Plan.

II. ASSESSMENT OF THE CONDITIONS IN THE DISTRICT

A. Condition of the Docket

This report provides a considerable amount of data in assessing the impact of the first year of the implementation of the Civil Justice Expense and Delay Reduction Plan. It should be noted nonetheless, that less data was available for this analysis than was used in the 1992 CJRA Advisory Committee Report. The primary source of data used is statistics supplied by the Administrative Office of the United States Courts, which includes data only as recent as the year ending September 30, 1993. (The most recent statistical year includes data from just the first three months of operation under the Plan.) In some instances, we have supplemented this data with additional statistics compiled internally by Clerk's Office staff, to provide the latest figures on filings, terminations, pending caseload, trial hours, consent cases, and Alternative Dispute Resolution.

1. The Present State of the Docket

a. Median Times

The median time from filing to disposition for civil cases is the same as in 1989. For statistical year 1993, the median time from filing to disposition was eight months for civil cases, which ranked twenty-first (21st) among the 94 U.S. District Courts. This median disposition time for civil cases is consistent with that of comparable courts (*See Table I*).

Table I
United States District Courts
Comparable in Number of Judges and/or Number of Total Filings
Trends in Civil Median Disposition Times (Months)*
Statistical Years 1989 - 1993**

Court	1989	1990	1991	1992	1993
Texas Northern	8	8	9	8	8
Florida Middle	9	10	12	10	9
Maryland	8	9	8	8	7
Massachusetts	14	12	12	22	13
New York Eastern	10	9	10	10	9
New Jersey	9	8	8	7	8
Virginia Eastern	5	4	6	6	4

* Median disposition times (months) for civil cases, from filing to disposition.

** Ending September 30th.

Although the eight month median time from filing to disposition ranks in the upper quarter of U.S. District Courts, the delay from issue (the time when an answer is filed) to trial is considerably longer. The median time from issue to trial for civil cases in the Northern District of Texas was seventeen months in statistical year 1993, which ranked forty-seventh (47th) and is the lowest in the past five years (*See Table II*).

Table II
United States District Courts
Comparable in Number of Judges and/or Number of Total Filings
From Issue to Trial Trends in Civil Median Disposition Times (Months)
Statistical Years* 1989 - 1993

Court	1989	1990	1991	1992	1993
Texas Northern	18	18	19	18	17
Florida Middle	15	13	13	18	14
Maryland	13	11	12	10	13
Massachusetts	20	30	23	25	24
New York Eastern	17	20	24	25	23
New Jersey	26	23	20	25	23
Virginia Eastern	5	5	5	5	5

* Ending September 30th.

In criminal matters, the median disposition time for felony cases in 1993 was 5.4 months, which ranked twenty-sixth (26th) among U.S. District Courts. Although the median disposition time for felony cases has varied slightly during the past four years, the Northern District of Texas compares favorably against other courts of similar size (*See Table III*).

Table III
United States District Courts
Comparable in Number of Judges and/or Number of Total Filings
Trends in Criminal Median Disposition Times (Months)*
Statistical Years 1989 - 1993**

Court	1989	1990	1991	1992	1993
Texas Northern	4.7	5.2	5.5	5.1	5.4
Florida Middle	5.4	6.0	6.1	6.0	6.0
Maryland	6.3	6.5	6.6	7.2	7.0
Massachusetts	7.5	8.7	8.0	10.0	9.9
New York Eastern	6.8	6.8	7.1	7.8	8.1
New Jersey	6.7	6.8	7.3	7.6	8.4
Virginia Eastern	3.7	3.8	3.7	3.9	4.0

* Median Disposition times (months) for criminal felony cases, from filing to disposition.

** Ending September 30th.

b. Weighted Filings

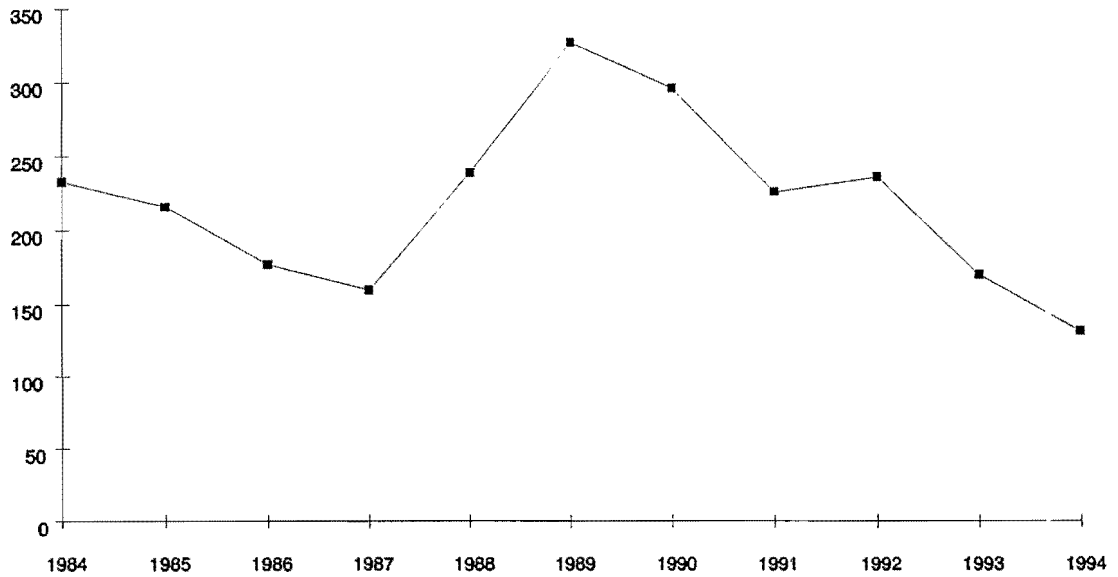
To reflect differences in complexity and difficulty, the Federal Judicial Center has developed a system in which each type of case is "weighted" against a normal or standard weight case. Therefore, districts with more complicated and time-consuming cases have higher weighted filings. For statistical year 1993, the Northern District of Texas had a weighted caseload per authorized judgeship of 496, which is down from a high of 565 in 1989. Nonetheless, this was the seventeenth (17th) highest average in the country and indicates a disproportionate share of difficult or complicated cases. The slight drop in weighted caseload may be attributed partially to a corresponding drop in criminal case filings.

c. Age of Pending Caseload

As of June 30, 1994, the Northern District of Texas had 132 pending three-year-old cases, representing 3.5% of the total pending civil caseload. Currently, there are fewer three-year-old pending civil cases than at any other time during the last ten years. Moreover, there has been a 60% decline in three-year-old pending cases since the high of 327 in 1989 and a 20% decline in just the twelve-month period comprising the first year of the Plan (*See Chart A*). This reduction in

older civil cases may have been enhanced by the corresponding implementation of the district's Civil Justice Expense and Delay Reduction Plan.

Chart A
Civil Cases Pending Over Three (3) Years
Statistical Years 1984 - 1994
As of June 30th



d. Consent Cases

Although there were more consent cases in statistical year 1994 than in 1991 and 1992, there was slight drop compared with 1993 (*See Table IV*). This data appears to evidence that the efforts of the Plan to encourage consent to trial by a magistrate judge have had minimal impact. During the first twelve months of the implementation of the Plan, the number of consent cases increased in the Dallas and Abilene divisions and remained stable in the Fort Worth division; however, there was a corresponding decline in consent cases in the Lubbock, San Angelo, and Wichita Falls divisions. It should be noted that the sudden increase during 1992 - 1993 and the subsequent sharp decline in consent cases referred in the Lubbock division can be attributed to a group of unusual cases with common witnesses that were referred to Magistrate Judge Warnick for disposition.

Table IV
Northern District of Texas
Civil Consent to Magistrate Judge Trials
Statistical Years* 1991 - 1994

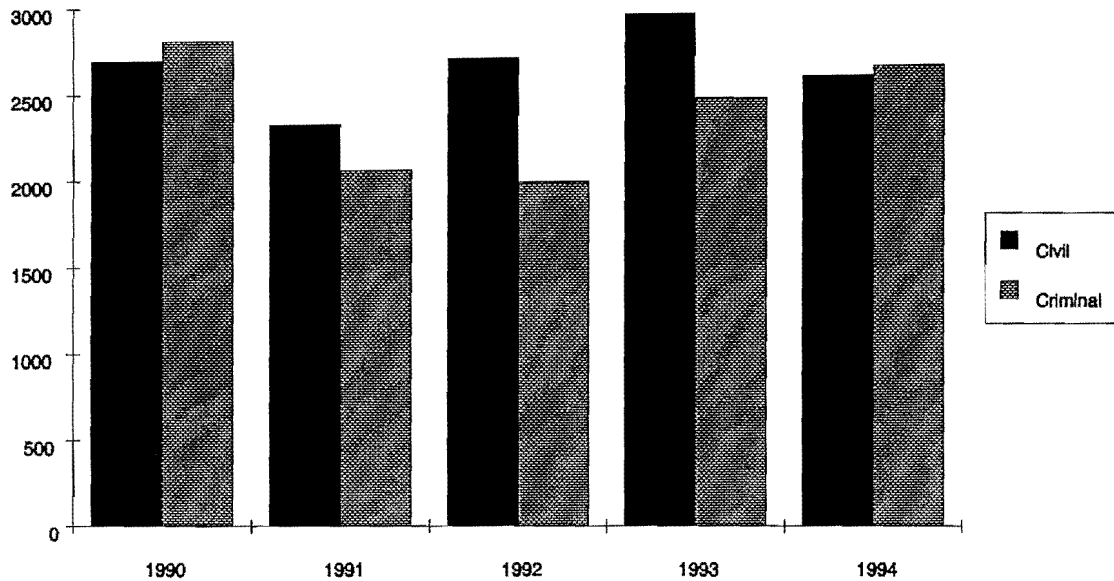
Division	1991	1992	1993	1994
Abilene	1	3	0	2
Amarillo	1	5	52	44
Dallas	75	43	47	53
Fort Worth	16	7	10	10
Lubbock	3	16	14	0
San Angelo	2	5	5	0
Wichita Falls	0	0	2	0
Total	98	79	130	109

* 12-month period ending June 30th.

e. Trial Hours

In 1990, criminal trial hours accounted for 51% and civil for 49% of total trial hours in the district. In 1994, the same is true (civil 49%, criminal 51%). In this, the first year of the Plan, civil trial hours dropped 12%; however, criminal trial hours increased by 8%. Overall, total trial hours declined by 3% during statistical year 1994 (*See Chart B*).

Chart B
Total Civil & Criminal Trial Hours
1990 - 1994

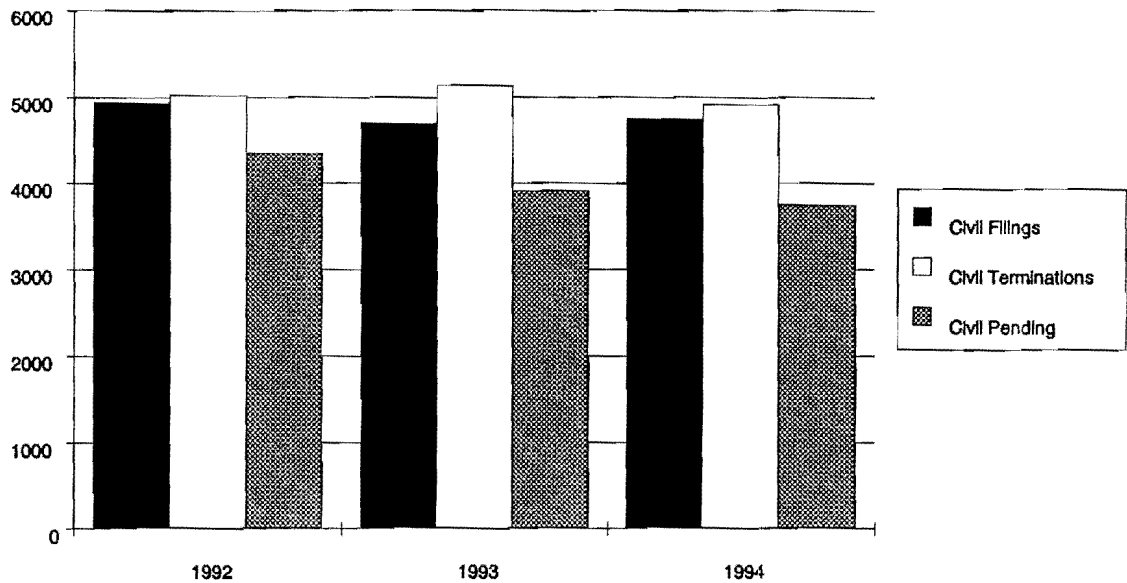


2. Trends in Case Filings

a. Civil Caseload

During the past three years, civil filings and terminations have remained relatively stable. In the twelve-month period ending June 30, 1994, civil filings increased by 54 cases and terminations decreased by 221 cases (*See Chart C*). It should be noted, that pending civil cases have steadily declined by 603 cases (a 14% decrease since 1992).

Chart C
Trends in Civil Caseflow
Statistical Years* 1992 - 1994

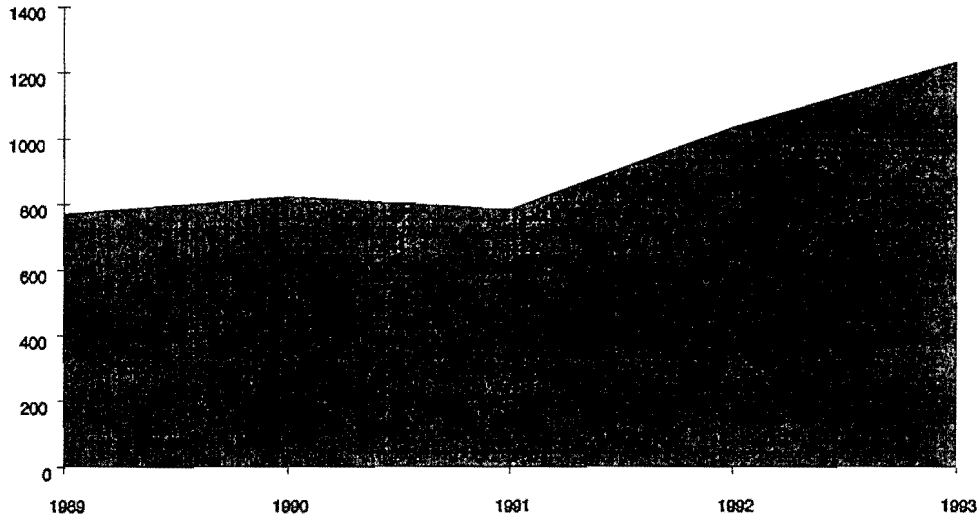


* Statistical years ending June 30th

(1) Prisoner Petition Filings

The category of Prisoner Petition Filings has grown into the largest segment of the civil caseload in the Northern District of Texas. During the six-year period from 1989 - 1993, prisoner petitions have increased from 14.4% to 26.2% of the total civil caseload (*See Chart D and Table V*). From 1989 - 1993, the district experienced an increase in prisoner petition filings of 59%. Moreover, this is a trend experienced by other comparable U.S. District Courts and is not likely to reverse anytime in the near future (*See Table VI*).

**Chart D
Trends in Prisoner Petition Filings
1989 - 1993**



**Table V
Northern District of Texas
Prisoner Petition Filings v. Total Civil Filings
Statistical Years* 1989 - 1993**

Year	Prisoner Petition Filings **	Total Civil Filings	Percentage Of Prisoner Petition Filings
1989	770	5346	14.4%
1990	822	4962	16.6%
1991	783	4586	17.1%
1992	1032	4776	21.6%
1993	1228	4690	26.2%

* Statistical years 1989-1991 are based on 12-month periods ending June 30th. Statistical years 1992 - 1993 are based on 12-month periods ending September 30th.

** There have been 1424 Prisoner Petitions filed in the 12-month period ending June 30th, 1994.

Table VI
United States District Courts
Comparable in Number of Judges and/or Number of Total Filings
Trends in Prisoner Petition Filings
Statistical Years* 1989 - 1993

Court	1989	1990	1991	1992	1993
Texas Northern**	770	822	783	1032	1228
Florida Middle	1132	1191	1439	1698	1623
Maryland	872	704	752	918	1000
Massachusetts	274	175	172	212	211
New York Eastern	482	568	608	761	1053
New Jersey	734	717	755	750	810
Virginia Eastern	1202	1020	936	1185	1307

* Statistical years 1989-1991 are based on 12-month periods ending June 30th. Statistical years 1992 - 1993 are based on 12-month periods ending September 30th.

** From 1989 - 1993, the Northern District of Texas experienced an increase in prisoner petitions of 59%.

In the twelve-month period ending June 30, 1994, there were 1,424 prisoner petitions filed in the Northern District of Texas. This reflects the highest number of prisoner filings ever experienced by the district and displays a continuation of the upward trend. Prisoner filings increased by 16% in just the first year of the implementation of the Plan and accounted for 29% of the total civil caseload.

The trend of increased prisoner petitions may be attributed, at least partially, to the construction of new prisons within the boundaries of the Northern District of Texas. For example, prison facilities have recently been constructed in Abilene, Amarillo, and Colorado City. Also, according to the Texas Department of Criminal Justice, new prison facilities are planned to be completed in 1994/1995 in Amarillo, Breckenridge, Brownfield, Brownwood, Dalhart, Dallas, Snyder, Pampa, Lubbock, Mitchell County, Plainview (2), Terry County, Venus, Wichita Falls (2) and Colorado City. This means that at least 17 additional prison facilities will be constructed within the district which are not reflected in the current prisoner filing caseload.

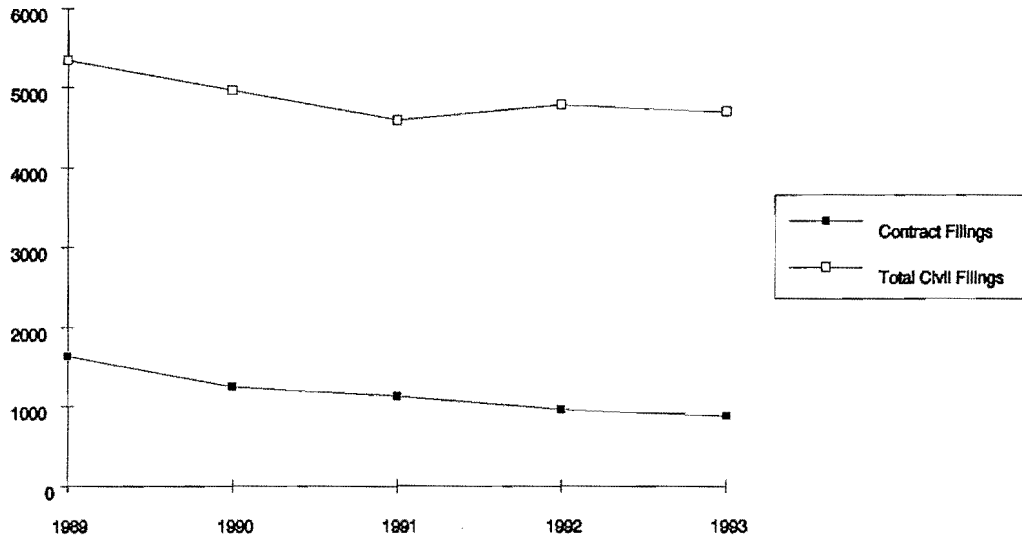
The number of prisoner petition filings may be further exacerbated by recent changes in legislation. The state of Texas, has enacted laws that will require felons convicted of violent offenses to serve longer sentences. At the federal level, the Violent Crime Control and Law Enforcement Act of 1994, contains legislative and funding changes likely to affect the federal courts; however, the impact is yet unknown. It should be noted that as part of the Violent Crime Control and Law Enforcement Act, \$433 million has been earmarked for prison construction in Texas, which may also have a significant impact on prisoner petition filings. The combination of these legislative efforts

should lead to an increased number of prisoners serving longer sentences, likely resulting in a corresponding increase in federal prisoner petition filings.

(2) Contract Filings

The category of contract filings has slipped from the largest segment of the caseload in 1990, to the second largest category of filings. Contract filings have steadily declined from 1,640 in 1989 to only 878 in 1993 (*See Chart E*). This represents a 46.5% decrease in contract filings over this five-year period. The downward trend in contract filings experienced by this district also took place in other comparable U.S. District Courts (*See Table VII*).

Chart E
Contract Filings v. Total Civil Filings
Statistical Years* 1989 - 1993



* Statistical years 1989 - 1991 are based on 12-month periods ending June 30th. Statistical years 1992 - 1993 are based on 12-month periods ending September 30th.

Table VII
United States District Courts
Comparable in Number of Judges and/or Number of Total Filings
Trends in Contract Suit Filings
Statistical Years* 1989 - 1993

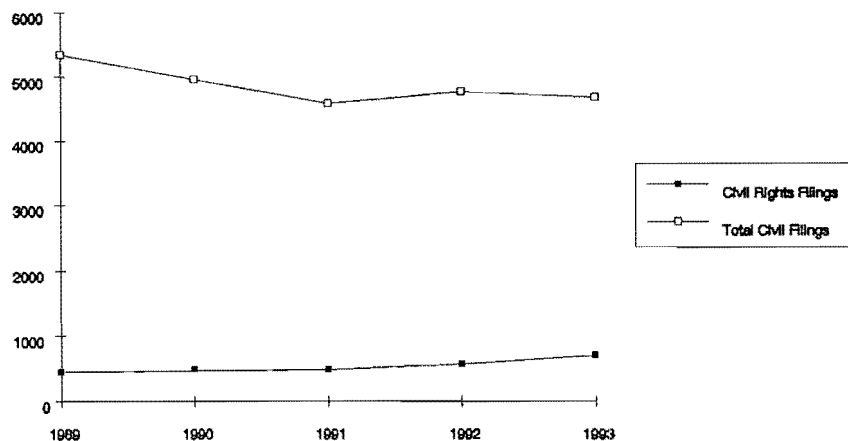
Court	1989	1990	1991	1992	1993
Texas Northern	1640	1248	1129	957	878
Florida Middle	777	744	599	635	549
Maryland	725	589	653	533	564
Massachusetts	670	628	915	761	648
New York Eastern	880	720	740	858	855
New Jersey	1497	1155	1197	1100	1268
Virginia Eastern	909	713	744	712	611

* Statistical years 1989 - 1991 are based on 12-month periods ending June 30th. Statistical years 1992 - 1993 are based on 12-month periods ending September 30th.

(3) Civil Rights Filings

The third largest category of civil cases in the Northern District of Texas has continued to be that of non-prisoner civil rights filings. Moreover, civil rights filings have progressively grown as a percentage of the caseload since 1989, from 8.3% to 14.9% of civil cases (*See Chart F*). This data reflects a 58% increase in civil rights filings in just six years. During the same period, the numbers of civil rights cases have similarly gone up in other comparable U.S. District Courts (*See Table VIII*). The growth in civil rights filings may, in part, be due to the Civil Rights Act of 1991 and a subsequent increase in employment-related suits.

Chart F
Civil Rights Filings v. Total Civil Filings
Statistical Years* 1989 - 1993



* Statistical years 1989 - 1991 are based on 12-month periods ending June 30th. Statistical years 1992 - 1993 are based on 12-month periods ending September 30th.

Table VIII
United States District Courts
Comparable in Number of Judges and/or Number of Total Filings
Trends in Civil Rights Filings
Statistical Years* 1989 - 1993

Court	1989	1990	1991	1992	1993
Texas Northern	444	480	484	568	701
Florida Middle	408	413	410	528	710
Maryland	347	322	325	413	501
Massachusetts	343	358	334	412	449
New York Eastern	326	291	328	448	503
New Jersey	562	534	574	571	660
Virginia Eastern	244	284	294	322	349

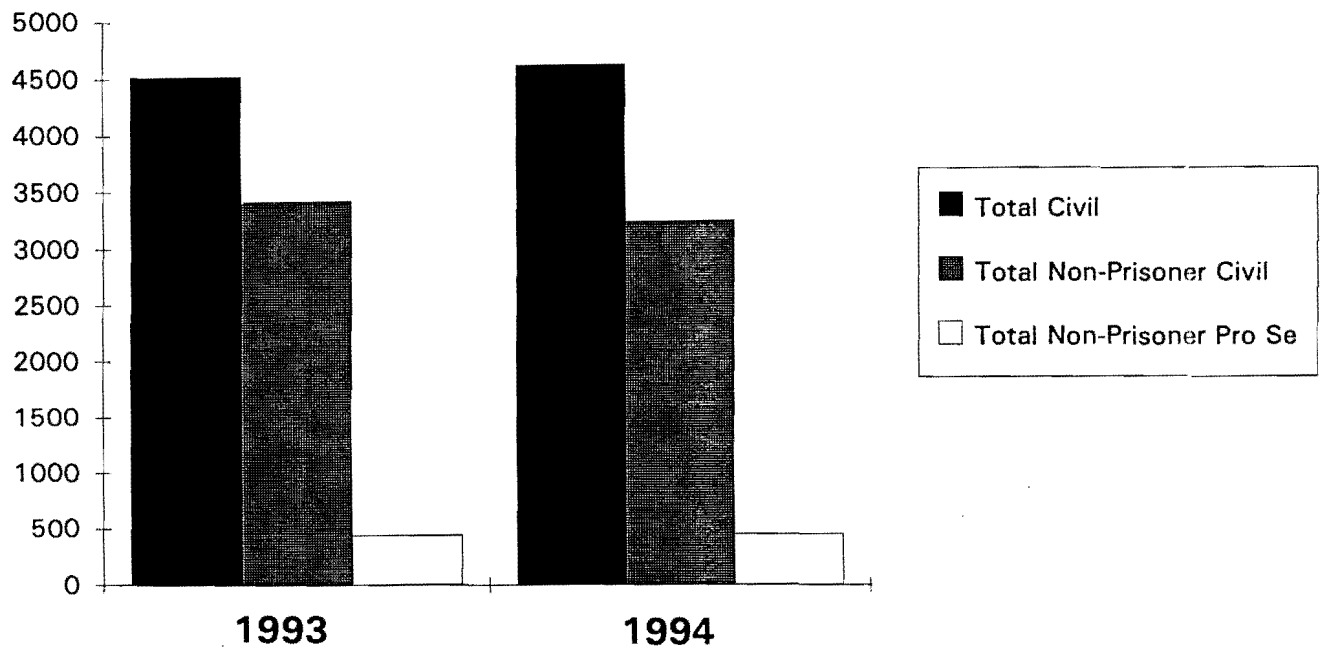
* Statistical years 1989 - 1991 are based on 12-month periods ending June 30th. Statistical years 1992 - 1993 are based on 12-month periods ending September 30th.

(4) Non-prisoner Pro Se Filings

The district has experienced an increase in non-prisoner cases filed involving pro se parties as either plaintiffs or defendants. These non-prisoner pro se filings now constitute a substantial portion of the civil caseload. During the first twelve months of implementation of the Plan, non-prisoner pro se cases accounted for 10% of total civil filings. Moreover, 14% of non-prisoner civil filings involved pro se parties during this period (*See Chart G*). Since cases involving pro se parties

often require special attention by both the Court and the Clerk's Office, an increase in these types of cases may contribute to delay in civil litigation.

Chart G
Total Non-Prisoner Pro Se v. Total Civil & Total Non-Prisoner Civil
1993 - 1994



b. Criminal Caseload

During the past three years, there has been a steady decline in criminal filings (a 26% decrease since June 30, 1992). The district also experienced a reduction in terminations of criminal cases and pending criminal cases during this same period (*See Table IX*). Concurrently, there has been a decline in criminal defendant filings, criminal defendant terminations, and pending criminal defendants. There has been a 19% decline in criminal defendant filings since 1992 (*See Chart H*).

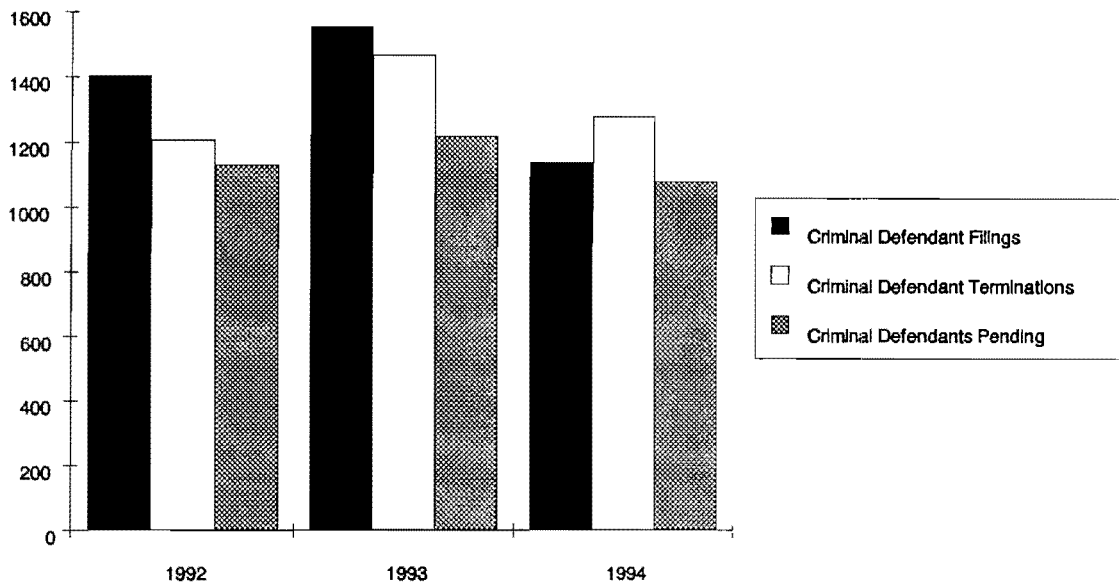
Table IX
Northern District of Texas
Trends in Criminal Caseflow
Statistical Years* 1992 - 1994

Statistical Year	Criminal Filings **	Criminal Terminations	Criminal Pending
1992	980	782	785
1993	917	933	769
1994	726	748	747
Total	2,623	2,463	N/A

* Statistical years ending June 30th.

** Figures include felony and misdemeanor offenses.

Chart H
Trends in Criminal Defendant Caseflow
Statistical Years* 1992 - 1994



* Statistical years ending June 30th.

The criminal caseload mix of filings has changed only slightly over the past five years. Fraud continues to constitute the largest segment of felony filings and Narcotics filings have dropped slightly (*See Table X*).

Possible explanations for the decline in criminal case filings in the Northern District of Texas include: a 13% reduction in the staff of the U.S. Attorney's Office in the beginning of calendar year 1993, and a reduction in the number of federal law enforcement agents during this same period, which resulted in fewer cases being referred to the U.S. Attorney's Office; a shift

away from simple (and statistical generating) gun and drug cases to more complex cases; and a significant decline in the number of criminal bank fraud filings associated with the savings and loan and bank failure cases in the Northern District.

Table X
Northern District of Texas
Trends in Criminal Felony Filings
Statistical Years* 1989 - 1993

Criminal Case Types	1989	1990	1991	1992	1993
Immigration	60	61	45	43	60
Embezzlement	37	30	30	36	30
Weapons/Firearms	78	113	56	157	88
Escape	44	35	20	29	15
Burglary/Larceny	47	69	44	65	48
Marijuana/Controlled Substances	52	36	79	44	75
Narcotics	84	74	66	129	62
Forgery/Counterfeiting	28	21	10	13	32
Fraud	146	169	183	213	192
Homicide/Assault**	-	3	12	8	10
Robbery**	23	19	31	28	22
All Other Criminal Felony Cases	46	53	66	101	89
Total Criminal Felony Filings	645	683	642	866	723

* Statistical years 1989 - 1991 are based on 12-month periods ending June 30th. Statistical years 1992 - 1993 are based on 12-month periods ending September 30th.

** Prior to 1990, Homicide and Assault cases were included in the Robbery category.

B. Trends in Court Resources

1. District Court Judges

In reviewing statistical information used to compile the CJRA Advisory Committee Report (May 7, 1992), it is clear that the judges in this district continue to perform at an exceptional level. Although only one of the district's two judicial vacancies was filled in 1992 (One judicial position has been vacant since December 1990), the judges in this district continue to maintain a workload that exceeds the recognized standard of 400 weighted cases per judgeship. The average weighted caseload per authorized judgeship is 496, whereas the average weighted caseload per **actual active judge is 541**. For statistical year 1993, it should be noted that the judges in this district ranked fourteenth (14th) in the country in terminations per authorized judgeship (*See Table XI*).

2. Senior Judges

The Northern District of Texas continues to have the support of three senior judges. The senior judges are responsible for 9% of the total cases terminated in statistical year 1994. This breaks down to 127 student loan cases, 281 civil cases, and 43 criminal cases.

**Table XI
Northern District of Texas
Judicial Workload Profile
Statistical Years* 1989 - 1993**

	1989		1990		1991		1992		1993	
	Per Authorized Judgeship (10)	Per Actual Active Judge	Per Authorized Judgeship (10)	Per Actual Active Judge	Per Authorized Judgeship (12)	Per Actual Active Judge	Per Authorized Judgeship (12)	Per Actual Active Judge	Per Authorized Judgeship (12)	Per Actual Active Judge
Filings Total	591	591	566	657	435	626	472	552	453	494
Civil	521	521	498	578	381	549	398	466	391	426
Criminal Felony	70	70	68	79	54	78	74	87	62	68
Defendants	105	105	102	118	81	117	126	147	105	114
Pending	565	565	567	658	407	586	402	470	377	411
Weighted Filings	565	565	542	629	431	621	528	618	496	541
Terminations	578	578	562	652	485	698	479	560	471	513
Trials Completed	40	40	38	44	35	50	36	42	39	43

* Statistical Years ending September 30th.

3. Magistrate Judges

The magistrate judges of this district serve the Court by processing petty offenses, preliminary felony matters, and certain pre-disposition civil and criminal matters; performing the initial review of in forma pauperis and pro se pleadings, including primary review of prisoner habeas corpus petitions; and trying civil cases which have been assigned to them with the consent of the parties.

In June of 1994, the district filled the magistrate judge position it had requested in 1992. It is too soon to determine the impact of this additional magistrate judge. Due to an increase in prisoner petitions in our Western divisions the district has requested an additional magistrate judgeship to serve the Abilene and San Angelo divisions. During the first twelve months of the implementation of the Plan, these two divisions had 166 prisoner petition filings.

4. Office of the Clerk of Court

The shortage of deputy clerks throughout the district has continued since publication of the original CJRA Advisory Committee Report. At that time, the Clerk estimated that her staff should be expanded by 11 positions to meet the standards of quality established for the office. Because of a hiring

freeze implemented in fiscal year 1993 and the equalization program, the Clerk's Office has operated at between 70% and 76% of its work measurement formula throughout the last two fiscal years. The net effect has been that the Clerk's Office is currently staffed with three fewer positions than two years ago. During the same period, the workload has grown due to an increase in the number of judicial officers to be served and a steady increase in the number of court documents filed. To cope with the increased demands, the Clerk implemented a district-wide Total Quality Management approach that has enabled the office to continue to meet its mission through enhanced use of teams, particularly for process improvements, the establishment of a Quality Council and Suggestions Program, and an increase in the use of incentive awards.

Only one pro se staff attorney is currently employed in the district. Even though the new work measurement formula indicates the need for additional pro se attorneys, the Clerk has not hired additional legal staff because no additional positions have been provided. The Administrative Office of the United States Courts has indicated that the allocation for this district will increase during fiscal year 1995. The Clerk anticipates hiring at least one and possibly two additional attorneys. Moreover, these positions are needed because of the large increase in the number of prisoner petitions filed during the last year (see section II.A.2.a.(1)).

5. Automation

In May of 1993, the Clerk's Office implemented the Integrated Case Management System for criminal cases (ICMS - Criminal). All information on criminal cases filed since that date is now entered electronically in the same manner as civil cases. Chambers staff can now access information on criminal cases from their personal computers. All employees of the Court now have personal computers and most have access to a local area network. The national Data Communications Network (DCN) will be installed in the spring of 1995, which will enable communication and transmission of data between our district and other federal court units. Additionally, computer training has been expanded and regular classes are held for learning and enhancing skills in various software programs.

An Opinions Retrieval System will soon be installed in the Dallas division for use by four of the Dallas judges. This system will allow judges and their staffs to electronically retrieve the indexed opinions of those judges who have entered them on the system.

PACER (Public Access to Electronic Court Records) has been expanded by adding additional modem lines and installing an 800 number for use by attorneys and others who work or live outside the Dallas area code. Currently PACER has 1,864 subscribers.

C. Alternative Dispute Resolution

As a component of the Court's Plan, Alternative Dispute Resolution (ADR) has had a positive impact on the disposition of civil cases in the Northern District of Texas. In this, the first year of the Plan, 580 cases were referred to ADR. This number represents approximately 12% of the 4,751 total civil filings or approximately 17% of the 3,327 total non-prisoner civil filings. The most significant percentage is the latter because prisoner cases are not considered suitable for mediation. Although the Court recognizes mediation, mini-trial, and summary jury trial as methods of ADR, mediation was the only form used in the past year. To tabulate and analyze the disposition of ADR proceedings the Northern District of Texas, the Clerk looked at the number of providers used, the providers' fees, referrals, and dispositions. It should be noted that some statistical information is unavailable due to incomplete ADR Summary forms or Summary forms not being filed with the District Clerk.

1. Providers

Of the 580 cases referred to ADR, the Judges used a considerable variety of providers. Information compiled from ADR Summary forms and other documents filed with the Clerk's Office identify the use of at least 82 different providers district-wide (*See Table XII*).

Table XII
Northern District of Texas
Alternative Dispute Resolution Providers
July 1, 1993 - June 30, 1994

Judge	# of Cases Referred to ADR	# of Different Providers Per Judge	# Unknown Providers
Sanders	56	25	0
Robinson	56	19	16
Buchmeyer	45	13	8
Fish	76	14	0
Maloney	13	1	12
Fitzwater	58	17	37
Cummings	12	9	0
McBryde	2	1	1
Solis	21	16	1
Means	69	22	35
Kendall	168	19	0
Woodward	0	0	0
Mahon	1	0	1
Belew	0	0	0
McGlinchey	0	0	0
Sanderson	1	1	0
Tolle	1	1	0
Warnick	0	0	0
Averitte	0	0	0
Boyle	1	0	1
TOTAL	580	158*	112**

* The total number of different providers district wide is 82.

** Provider not identified by ADR Summary or other documents filed in the case record.

2. Providers' Fees

Of those cases referred to ADR, only 27% supplied providers' fee information to the District Clerk. Based on information provided on the ADR Summary, the average fee of a provider in the Northern District of Texas was \$1,082 (See Table XIII).

Table XIII
Northern District of Texas
Alternative Dispute Resolution Providers' Fees
July 1, 1993 - June 30, 1994

Judge	# of Cases Referred to ADR	# of Cases Fee Unknown	# of Cases Fee Reported	Average Total Fee
Sanders	56	45	11	\$1,214
Robinson	56	27	29	\$760
Buchmeyer	45	36	9	\$1,050
Fish	76	48	28	\$995
Maloney	13	13	0	N/A
Fitzwater	58	42	16	\$1,044
Cummings	12	7	5	\$1,033
McBryde	2	2	0	0
Solis	21	16	5	\$1,690
Means	69	51	18	\$1,472
Kendall	168	137	31	\$1,312
Woodward	0	0	0	0
Mahon	1	1	0	0
Belew	0	0	0	0
McGlinchey	0	0	0	0
Sanderson	1	0	1	0
Tolle	1	0	1	\$250
Warnick	0	0	0	0
Averitte	0	0	0	0
Boyle	1	1	0	N/A
TOTAL	580	426	154	\$1,082

3. Referrals

Of the 580 cases referred to ADR in the first year of the Plan, 491 cases (85%) were referred by the Court, 67 cases (12%) by joint motion, 14 cases (2%) by the plaintiff, and 8 cases (1%) by the defendant (See Table XIV).

Table XIV
Northern District of Texas
Alternative Dispute Resolution Referrals
July 1, 1993 - June 30, 1994

Judge	# of Cases Referred to ADR	Referred By			
		Court	Joint	Plaintiff	Defendant
Sanders	56	41	13	1	1
Robinson	56	54	0	1	1
Buchmeyer	45	34	6	4	1
Fish	76	72	3	0	1
Maloney	13	11	0	0	2
Fitzwater	58	39	15	4	0
Cummings	12	9	1	2	0
McBryde	2	0	1	0	1
Solis	21	16	5	0	0
Means	69	47	20	1	1
Kendall	168	164	3	1	0
Woodward	0	0	0	0	0
Mahon	1	1	0	0	0
Belew	0	0	0	0	0
McGlinchey	0	0	0	0	0
Sanderson	1	1	0	0	0
Tolle	1	1	0	0	0
Warnick	0	0	0	0	0
Averitte	0	0	0	0	0
Boyle	1	1	0	0	0
TOTAL	580	491	67	14	8

4. Disposition

Approximately sixty-five percent (65%) of the 580 cases referred to ADR were disposed and 35% are still pending as of June 30, 1994. It should also be noted that with a rate of approximately 50 cases per month being referred to ADR, many of the 204 pending cases were likely referred in the last few months of the statistical year (See Table XV).

Table XV
Northern District of Texas
Alternative Dispute Resolution Disposition
July 1, 1993 - June 30, 1994

Judge	# of Cases Referred to ADR	Settled			Judgment	Other**	Total Disposed	Pending
		Before ADR	During ADR	Unknown*				
Sanders	56	3	15	15	5	0	38	18
Robinson	56	0	10	21	10	1	42	14
Buchmeyer	45	1	6	16	2	2	27	18
Fish	76	6	14	15	7	3	45	31
Maloney	13	0	0	10	1	0	11	2
Fitzwater	58	1	11	20	3	2	37	21
Cummings	12	0	2	4	2	0	8	4
McBryde	2	0	0	0	1	0	1	1
Solis	21	0	7	7	2	1	17	4
Means	69	0	12	21	5	2	40	29
Kendall	168	22	18	50	17	3	110	58
Woodward	0	0	0	0	0	0	0	0
Mahon	1	0	0	0	0	0	0	1
Belew	0	0	0	0	0	0	0	0
McGlinchey	0	0	0	0	0	0	0	0
Sanderson	1	0	0	0	0	0	0	1
Tolle	1	0	0	0	0	0	0	1
Warnick	0	0	0	0	0	0	0	0
Averitte	0	0	0	0	0	0	0	0
Boyle	1	0	0	0	0	0	0	1
Total	580	33	95	179	55	14	376	204

* Includes cases in which no ADR Summary was filed with the Clerk's Office - Closed by Stipulation of Dismissal, Agreed Order, or Administratively. Also includes 22 cases that were reported as not settling on the ADR Summary, but were subsequently closed in the same manner.

** Includes cases transferred to another district, remanded to another court, or dismissed.

Although no data from previous years is available to determine how the use of mediation has increased with the implementation of the Plan, it is apparent that the first year of a formal mediation program has been very successful, both in terms of the number of cases referred to mediation and the number of cases disposed of through mediation. The district will be better able to determine the impact of the mediation program on reducing delay in the next assessment because statistical data including the entire first year of the Plan will be available from the Administrative Office of the U.S. Courts.

III. DISTRICT JUDGE, MAGISTRATE JUDGE AND ATTORNEY SURVEYS

Three separate surveys were developed to elicit district judge, magistrate judge and attorney opinions regarding the effect of the Plan on reducing cost/delay and its impact in specific areas such as discovery, use of magistrate judges, and alternative dispute resolution. Each survey also provided an opportunity for comments. The survey questions and percentage responses are located in the Appendix.

The number of questions on each survey varied. Attorneys were asked additional questions, primarily in the area of discovery. The additional questions were included because of the concern expressed in the Advisory Committee Report about the impact of discovery on cost and delay.

Surveys were provided to all eleven district judges, three senior district judges, the seven full-time and three part-time magistrate judges, and to all members of the district's three CJRA Advisory Committees. Attorneys were asked to distribute additional copies to other attorneys who regularly practice in the district. Altogether 62 attorneys responded to the survey.

Responses from each of the survey groups have been summarized so that, where appropriate, answers to the same or similar question can be compared and analyzed. For ease of discussion, responses are grouped according to specific headings in the survey: 1) Impact of the Plan, 2) Alternative Dispute Resolution, 3) Settlement Conferences, 4) Magistrate Judges, 5) Scheduling Orders, 6) Discovery, 7) Miscellaneous.

A. Impact of the Plan

In response to the question of whether the district's Civil Justice Expense and Delay Reduction Plan had been successful in reducing cost/delay in civil litigation, three-fourths of the district judges believed it is too early to assess the impact of the Plan. Although one-fourth of the magistrate judges believed that the Plan had been successful in reducing cost/delay, the remainder either had no opinion or felt it was too early to determine its impact. More than half of the attorneys (53%), agreed that it was too early to determine the effect the Plan has had on civil litigation.

The district judges and magistrate judges were also asked about their level of case management since the implementation of the Plan. Three-fourths of the district judges believed that their level of case management has remained unchanged since the implementation; however, one-fourth stated their level of case management has increased. One judge expressed, "I engaged in fairly intensive case management

before implementation of the Plan. If there has been a change since the adoption of the Plan, it has been that the attorneys are more responsive to case management techniques." One-half of the magistrate judges believed that their level of case management has remained the same since the implementation of the Plan. A magistrate judge responded, "My level of case management on cases covered by the Plan has remained about the same. The level of case management on prisoner petitions, not covered by the Plan, has increased."

A large majority of attorneys characterize the level of case management in the district as either high (23%) or moderate (61%). Comments varied considerably and may be reflective of experiences with only specific judges rather than the entire Court.

B. Alternative Dispute Resolution

The district judges and attorneys were asked several questions about the district's Alternative Dispute Resolution program. At least one-half of the district judges believe that the district's Alternative Dispute Resolution program is having a positive impact in reducing cost/delay in civil litigation and three-fourths are referring at least as many or more cases to mediation since the implementation of the Plan. There was a mixture of responses concerning the point in which the judges refer

cases to mediation, but in most cases the referral is made after at least some discovery has taken place.

More than half (58%) of the attorneys who responded indicated that they had used ADR. Of those who had used ADR, 36% stated that it had a positive impact on reducing cost/delay, while the remainder either had no opinion (41%), or felt it had no impact (24%). Comments by the attorneys include: "In general ADR has been helpful in resolving cases"; "The most effective tool would be for prompt rulings on dispositive motions, which would cut down unnecessary trial preparation costs, and be very helpful in realistic settlement of cases"; and "cases which are amenable to mediation have usually been satisfactory settled."

C. Settlement Conferences

In response to the questions the attorneys were asked regarding settlement conferences reactions were polarized. One half (50%), said that the extent of the use of settlement conferences had not changed, while 44% felt that they were used more often. "Forcing the parties to meet early in the life of the case and discuss settlement promotes cooperation between attorneys and allows clients to make early economic assessments of the value/cost of long-term litigation." Only 30% of attorneys indicated that judicial settlement conferences were effective. Over 50% had no

opinion and 20% did not think they were effective. When asked if they had not participated in a settlement conference since the implementation of the Plan, had they considered it an option, 52% indicated that they had, and 48% said they had not. "This option is needed only when you want to settle but the other side is being totally unrealistic in their damage claim. This doesn't happen that often."

D. Magistrate Judges

Although the district judges felt that they refer more matters to magistrate judges than before the Plan, only half of the magistrate judges felt they are getting more referrals. District judges indicated that they are not using the magistrate judges to monitor discovery more than before, but slightly over one-half of the magistrate judges felt that they were being used more frequently. When the attorneys were asked if they felt more matters were being referred to the magistrate judges, 44% responded that they believe this was so; 70% stated that they felt that magistrate judges were more frequently being authorized to monitor all aspects of discovery. As one attorney commented, "Magistrates effectively and timely resolve most discovery disputes."

E. Scheduling Orders

The district judges and attorneys were asked several questions addressing scheduling orders. All of the district judges said that they routinely issue scheduling orders within 90 days after the issue has been joined (except for exempt cases); only 5% of the attorneys did not agree. All of the district judges also stated that they routinely set deadlines as identified in the Plan in their scheduling orders; 67% of the attorneys agree and 30% had no opinion.

A majority (57%) of attorneys observed that Rule 26(f), Fed. R. Civ. P., conferences and proposed discovery plans are normally required prior to the issuance of scheduling orders. One attorney commented, "Some courts will issue a scheduling order and at the same time order a Rule 26(f) conference. Other courts are ordering a 26(f) conference and requiring a proposed scheduling order be submitted to the court thereafter." The attorneys strongly agree that they favor 26(f) conferences and proposed discovery plans prior to the issuance of scheduling orders. One attorney commented that, "I believe that anytime you force the lawyers to begin planning the pretrial aspects of the case, the case unfolds more smoothly and settles early in many cases."

F. Discovery

The judges felt that the Plan had either no impact on discovery; or that it was too early to tell if there has been an impact; or the magistrate judges would be in a better position to answer that question. Also, nearly three-fourths (72%), of the judges stated that in complex cases they set early scheduling orders, at least some of the time.

The attorneys agree that judges are establishing firm deadlines for discovery. Eighty percent of the attorneys say that in either most or at least some of their cases, the new Rule 26, Fed. R. Civ. P., has been applied. Nevertheless, many attorneys felt that voluntary disclosure has not assisted in early the evaluation or resolution of cases. One attorney stated, "it is submitted that voluntary disclosure prior to the resolution of a dispositive motion is of no value," while another said, "requiring the plaintiff to calculate and support his/her damages in the early stages of litigation provides useful information for a defendant willing to analyze the case from an economic standpoint."

In response to the question of whether or not the parties made voluntary disclosure in good faith, 40% said that they had, 43% had no opinion. More than half of those attorneys responding said that the voluntary disclosure requirement did not reduce the cost of civil litigation. Some comments provided include; "Increased costs

have been experienced. Instead of giving the other side what it asked for, now we have to provide EVERYTHING. This is much more time-consuming and much more expensive," and "It just adds another level to the discovery process." Most of the attorneys (61%), say that the voluntary disclosure required by the new Rule 26, Fed. R. Civ. P., is difficult to understand. One attorney stated, "It is still somewhat unclear what the differences are, judge by judge in the Northern District, how and to what extent the new rules will be implemented."

The vast majority of attorneys surveyed agreed that some attorneys abuse discovery. Of the 82% who stated that attorneys abuse discovery, 92% said that it only occurs "sometimes." As one attorney put it, "As in everything else, you are going to have attorneys, that for different reasons, abuse the process. However, as a general rule, I think most of us are too busy and too ethical to promote unnecessary discovery."

The attorneys were equally divided as to whether or not the new limitations on interrogatories and depositions had any effect on their practice. When asked if attorneys felt that the district judges and magistrate judges administered discovery sanctions appropriately, slightly more said that they did (46% compared to 37%). One attorney commented, "Discovery sanctions in my practice are rare. And that's the way it ought to be."

G. Miscellaneous

It should be noted that over one-half of the judges found helpful Section VII of the Plan, pertaining to a judge's discretion in limiting the length of trial, the number of witnesses each party may present, the number of exhibits each party may have admitted into evidence, and the amount of time each party may have to examine witnesses. The majority of the magistrate judges also found Section VII of the Plan helpful.

Settlement conferences and the exchange of ideas with other judges were identified by the district judges and magistrate judges as significant factors in the Plan that have helped reduce cost/delay. But neither the district judges or magistrate judges had any suggestions for improving the Plan at this time.

The general consensus among the attorneys is that the requirement that motions for a continuance be signed by the party as well as the attorney of record has not had an impact on reducing delay and/or cost. As one attorney put it, "It increases the paperwork. A continuance would normally not be requested unless the lawyer had consulted with his client. It also increases the cost of litigation." Of those who had an opinion, attorneys were almost equally divided as to whether or not relaxing the standard for appointing a special master under Rule 53, Fed. R. Civ. P., would assist in the resolution of their cases. Almost half had no opinion.

Although the attorneys agree that for the most part there are no Clerk's Office procedures or Local Rules that delay proceedings or increase the cost of civil litigation, a few suggested that the Court should accept faxed documents. Several comments indicate that attorneys may not be aware of the change in Rule 5, Fed. R. Civ. P., which basically prohibits the Clerk from refusing to accept filings because they are not presented in proper form. In general filings are returned or "unfiled" only upon instructions from a judicial officer or his/her representative.

Numerous comments were received from attorneys identifying factors that contribute to or inhibit the reduction of costs and delay in civil litigation. The most commonly referred to problems were delays in judges ruling on dispositive and other important motions. Others include too rigid adherence to procedural formalities; inaccessibility of judges; too little management of cases by the Court; too many depositions and other discovery items; mediation should be mandatory, used earlier, prior to depositions; attorneys should be able to talk to briefing clerks; inability to get a civil case to trial, which causes delay and, in turn, increases expenses; and uniformity of rules would help.

IV. CONCLUSION

No substantial changes should be made to the Plan at this time. The data available indicates that cases are being processed more rapidly than before adoption of the Plan and the number of cases pending over three years has been substantially reduced. However, more time is needed to fully document and assess how it has impacted cost and delay in civil litigation.

The initial success of the Alternative Dispute Resolution program indicates that it should be expanded as much as possible throughout the district. Also, judges should order mediation at the earliest feasible stage of the proceedings in order to reduce the cost of discovery.

The Court is strongly encouraged to adopt a uniform policy regarding the application of the new federal discovery rules, particularly Rule 26. Also, the Court should study the factors identified in the attorney surveys that contribute to cost and delay in civil litigation, specifically the delays in ruling on dispositive and other important motions, to determine if any additional rules and/or changes to the Plan are needed.

APPENDIX

*District Judge Survey Responses
(Including Senior Judges)*

Appendix A

1. In your experience has the district's Civil Justice Expense and Delay Reduction Plan been successful in reducing cost/delay in civil litigation?

Yes - 17%
No - 0%
Too early to tell - 75%
No Opinion - 8%

2. Has your level of case management changed since the implementation of the Plan?

Increased - 25%
About the same - 75%
Other - 0%

3. Do you routinely issue scheduling orders within 90 days after the issue has been joined?

Yes, except for exempt cases - 100%
No - 0%
Other - 0%

4. Do your scheduling orders routinely set deadlines as identified in the Plan (Section VI), except when clearly exempted?

Yes - 100%
No - 0%

5. How has the Plan affected the number of discovery disputes?
- Increased - 0%
 - Decreased - 0%
 - No Change - 100%
6. In complex cases, do you set early conferences to develop a discovery scheduling order?
- Yes - 28%
 - No - 36%
 - Some of the time - 36%
7. Has Section VII of the Plan proved helpful to you?
- Yes - 55%
 - No - 45%
8. Do you refer more matters to magistrate judges than before implementation of the Plan?
- Yes - 100%
 - No - 0%
9. Do you use magistrate judges more frequently to monitor all aspects of discovery now than before implementation of the Plan?
- Yes - 0%
 - No - 100%
10. Do you believe that the district's Alternative Dispute Resolution program has had an impact in reducing cost/delay in resolving civil litigation?
- Yes - 50%
 - No - 8%
 - Somewhat - 25%
 - No Opinion - 17%

11. Do you refer cases to ADR (mediation) more frequently than before implementation of the Plan?

Yes - 42%

No - 25%

About the same - 33%

12. At what point do you most often refer cases to mediation?

13. Are there other factors in the Plan that have helped reduce cost/delay?

Settlement conferences - 56%

Exchange of ideas with other judges - 44%

Other - 0%

14. Do you have any suggestions for improving the Plan?

Magistrate Judge Survey Responses
(Including Part-Time)

Appendix B

1. In your experience has the district's Civil Justice Expense and Delay Reduction Plan been successful in reducing cost/delay in civil litigation?

Yes - 25%

No - 0%

Too early to tell - 25%

No Opinion - 50%

2. Has your level of case management changed since the implementation of the Plan?

Increased - 25%

About the same - 50%

Other - 25%

3. How has the Plan affected the number of discovery disputes?

Increased - 0%

Decreased - 29%

No Change - 71%

4. Has Section VII of the Plan proved helpful to you?

Yes - 60%

No - 40%

5. Are more matters referred to magistrate judges than before implementation of the Plan?

Yes - 50%

No - 50%

6. Are magistrate judges used more frequently to monitor all aspects of discovery now than before implementation of the Plan?

Yes - 57%

No - 43%

7. Are there other factors in the Plan that have helped reduce cost/delay?

Settlement conferences - 88%

Exchange of ideas with other judges - 0%

Other - 12%

8. Do you have any suggestions for improving the Plan?

Attorney Survey Responses

Appendix C

1. In your experience has the district's Civil Justice Expense and Delay Reduction Plan been successful in reducing cost/delay in civil litigation?

Yes - 6%

No - 27%

Too early to tell - 53%

No Opinion - 13%

2. Since the implementation of the Civil Justice Expense and Delay Reduction Plan on July 1, 1993, have you utilized Alternative Dispute Resolution in this district?

Yes - 58%

No - 42%

- a. Which ADR techniques have you used?

Mediation - 100%

Mini Trial - 0%

Summary Jury Trial - 0%

- b. Overall were you satisfied with the manner in which the mediator(s)/ provider(s) conducted the proceedings?

Yes - 82%

No - 18%

- c. Overall how would you evaluate the skill and effectiveness of the mediator(s)/provider(s)?

Excellent - 9%

Satisfactory - 82%

Unsatisfactory - 9%

d. Had the mediator/provider received training in providing the ADR techniques you used?

Yes - 65%

No - 3%

Unknown - 32%

e. Did the use of ADR facilitate the settlement of the case(s)?

Yes - 26%

No - 41%

Somewhat - 29%

No Opinion - 3%

3. Do you believe that the district's Alternative Dispute Resolution program has reduced cost/delay in resolving civil litigation?

Yes - 19%

No - 24%

Somewhat - 17%

No Opinion - 41%

4. To what extent has the use of settlement conferences changed?

Used more often - 44%

Used less often - 6%

Has not changed - 50%

5. If you participated in a judicial settlement conference since July 1, 1993, was it effective?

Yes - 10%

No - 20%

Somewhat - 20%

No Opinion - 51%

6. If you have not participated in a judicial settlement conference since July 1, 1993, did you consider it an option?
- Yes - 52 %
No - 48%
7. In your opinion are more matters being referred to magistrate judges?
- Yes - 44 %
No - 25 %
Somewhat - 15 %
No Opinion - 16%
8. Do you feel that magistrate judges are more frequently being authorized to monitor all aspects of discovery?
- Yes - 57 %
No - 17 %
Somewhat - 13 %
No Opinion - 13%
9. Have you observed that Rule 26(f), Federal Rules of Civil Procedure, conferences and proposed discovery plans are normally required prior to the issuance of scheduling orders?
- Yes - 51 %
No - 33 %
No Opinion - 16%
10. Have scheduling orders routinely been issued within 90 days after the issue has been joined?
- Yes - 74 %
No - 5 %
No Opinion - 21%

11. Have you observed that scheduling orders routinely set deadlines as identified in the Plan, except when clearly exempted?

Yes - 67%

No - 3%

No Opinion - 30%

12. Do you favor 26(f) conferences and proposed discovery plans prior to the issuance of scheduling orders?

Yes - 73%

No - 22%

No Opinion - 5%

13. Have you observed firm deadlines being established for discovery?

Yes - 85%

No - 15%

14. In complex cases were early conferences set to develop a discovery scheduling order?

Yes - 19%

No - 22%

No Opinion - 59%

Was the core discovery information exchanged?

Yes - 22%

No - 78%

15. To what extent has the new Rule 26, Federal Rules of Civil Procedure, been applied to your cases that were filed since 12/1/93?

Most - 41%

Some - 39%

None - 20%

a. Has the voluntary disclosure assisted in early evaluation or resolution of your cases?

Yes - 19%
No - 47%
No Opinion 34%

b. Have the parties made voluntary disclosure in good faith?

Yes - 40%
No - 17%
No Opinion - 43%

c. Has the voluntary disclosure requirement reduced the cost of litigation?

Yes - 13%
No - 60%
No Opinion - 27%

d. Have you found it easy or difficult to understand the voluntary disclosure required by the new Rule 26, Federal Rules of Civil Procedure?

Easy - 25%
Difficult - 61%
No Opinion - 14%

16. Do you believe attorneys abuse discovery?

Yes - 84%
No - 16%
No Opinion - 0%

If yes.....

Always - 2%
Sometimes - 92%
Seldom - 6%

17. Have the new limitations on interrogatories and depositions had any effect on your practice?

Yes - 38%

No - 38%

No Opinion - 25%

18. Do the Judges and Magistrate Judges administer discovery sanctions appropriately?

Yes - 46%

No - 37%

No Opinion - 17%

19. In your opinion has the requirement that motions for a continuance be signed by the party as well as the attorney of record had an impact on reducing delay and/or cost?

Yes - 8%

No - 62%

No Opinion - 30%

20. Would a relaxing of the Rule 53, Federal Rules of Civil Procedure, standard for appointing a Special Master assist in the resolution of your cases?

Yes - 28%

No - 26%

No Opinion - 46%

21. Are judges releasing cases scheduled for trial when it appears certain that such cases will not be reached for trial?

Yes - 28%

No - 33%

No Opinion - 39%

22. Are there Clerk's Office procedures or Local Rules which delay proceedings or increase the cost of civil litigation?

Clerk's Office procedures:	Yes - 26%	No - 74%
Local Rules:	Yes - 31%	No - 69%

23. How would you characterize the level of case management by the Judges in this district?

High - 23%
Moderate - 61%
Minimal - 14%
No Opinion - 2%

24. Please identify any factors that contribute to or inhibit the reduction of costs and delay in civil litigation?