

DIFFERENTIATED CASE MANAGEMENT

IN THE

UNITED STATES DISTRICT COURT

FOR THE

WESTERN DISTRICT OF MICHIGAN



ANNUAL ASSESSMENT

September 1, 1994 - August 31, 1995

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DIFFERENTIATED CASE MANAGEMENT IN THE U. S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

THIRD YEAR ASSESSMENT

EXECUTIVE SUMMARY

In 1990, Congress enacted the Civil Justice Reform Act (Act) to reduce cost and delay of civil litigation in the federal courts. The Act encouraged district court experimentation with various principles and guidelines of litigation management and cost and delay reduction techniques. The United States District Court for the Western District of Michigan was specifically designated to serve as a demonstration district for differentiated case management (DCM) techniques provided for by the Act. This report presents an analysis of three years' operation of the DCM system and its impact on the civil litigation process.

The DCM Plan adopted by the Court became operational on September 1, 1992 with minimal disruption to ongoing activities. Limited statistical analyses available at the end of the first year showed the Court was achieving the goal of improving management of civil cases. Close program monitoring by the Civil Justice Advisory Group and the Court's DCM Implementation Committee and Task Force served as a basis for procedural refinements. Modifications to local rules and the DCM Plan were adopted to enhance court supervision of case progress. The judges and staff developed a common consensus on, and commitment to differentiated case management, particularly in their willingness to set aside personal preferences to operate a uniform system of case management. Standardization of court forms, orders and case management practices enabled administrative aspects of DCM to operate consistently among chambers. The Rule 16 Scheduling Conference became a viable and meaningful early case management technique.

During the second year of DCM operation, the Court developed a differentiated case management evaluation survey for attorneys as part of a comprehensive review of the efficacy of DCM. The survey revealed, among other findings, a high level of satisfaction with the DCM system. In addition, statistical analyses at the end of the second year showed an increase in both civil and criminal case terminations; a reduction in the number and age of pending civil cases and the number of pending criminal cases; and a gradual but steady decrease in the number of civil cases pending over three years. The creation and enhancement of extensive case management information and statistical reports brought concise, detailed information to judges and court staff. The clerk's office provided systemic support and coordination of ongoing procedural refinements.

The third year of DCM operation showed a continued trend in earlier disposition of civil cases even though criminal case filings increased significantly. The number of civil cases pending over three years continued to decline. The Civil Justice Advisory Group, DCM Implementation Committee and Task Force provided ongoing system analysis and recommendations for additional enhancements. Most notable was the recommendation and subsequent development of a new method of alternative dispute resolution, Voluntary Facilitative Mediation.

In order to provide greater insight into the effectiveness of DCM, the Court continued distribution of its attorney survey throughout the third year of DCM operation. The vast majority of attorneys believed DCM was equal to or better than the previous system of case management. Ninety-four percent of attorneys who indicated an opinion of the DCM system were satisfied or more than satisfied with the process. A consensus of attorneys thought DCM decreased litigation cost and delay. Only eight percent reported their clients were dissatisfied. To further assure that clients are informed about DCM and the federal court litigation process, a booklet entitled *Your Day in Court*, produced by the Civil Justice Advisory Group and court staff, is now distributed at Rule 16 Scheduling Conferences, with the request that the booklet be forwarded directly to the client. A business reply mail postcard is included with the booklet, to give litigants a means to provide feedback about their federal court experience.

Early this year, with assistance from the Federal Judicial Center (FJC) the Court undertook an extensive regression analysis to determine what impact, if any, three specific case management techniques have on disposition time: whether or not parties are required to be present at the Rule 16 Scheduling Conference, whether this conference is held in person or by telephone, and whether a district or magistrate judge conducts the conference. The analysis concluded that neither the parties' presence at the Rule 16 Scheduling Conference or holding the conference by telephone had a statistically significant effect on the time to disposition of the case. While the study suggested that having magistrate judges hold Rule 16 Scheduling Conferences may add time to disposition, it has no overall statistically significant effect when other variables are considered.

DCM is entrenched in the Court's culture. Broad consultation and involvement of judges, magistrate judges, court staff and members of the bar ensured successful implementation and early operation. Statistical analysis and information obtained from the attorney survey reveal benefits to the Court, legal community and litigants attributable to this innovative approach to case management. As a demonstration court, the judges and staff share first-hand knowledge and provide assistance to other district courts now contemplating implementation of a DCM system or assessing the effectiveness of their system's performance. The Court anticipates the experiences here will continue to serve as a model throughout the nation.

I. BACKGROUND

Congress enacted the Civil Justice Reform Act of 1990, 28 USC § 471-482, to encourage district court use of procedures and practices designed to reduce cost and delay in federal civil litigation. The Act requested each United States district court to implement a civil justice expense and delay reduction plan before December 1, 1993. In particular, the United States District Court for the Western District of Michigan (Western District) was selected to serve as a demonstration district to experiment with systems of differentiated case management (DCM) that provide specifically for the assignment of cases to appropriate processing tracks that operate under distinct and explicit rules, procedures, and time-frames for the completion of discovery and for trial.

Pursuant to the Act, the Western District appointed a Civil Justice Advisory Group (Advisory Group) to evaluate the current condition of the Court's docket and develop a civil justice expense and delay reduction plan. According to the Act, the purpose of each plan is to facilitate deliberate adjudication of civil cases on the merits, monitor discovery, improve litigation management, and ensure just, speedy, and inexpensive resolutions of civil disputes. The Advisory Group's plan, submitted to the Court in the Report of the Civil Justice Advisory Group dated November 22, 1991, contained eighteen recommendations intended to accomplish the mandate of the Act. The recommendations ranged from adopting a local rule to permit the reassignment of cases to a more geographically convenient judge, to development of a plan to determine when and how personal appearances effectively could be eliminated through video or telephonic conferences and hearings. This assessment deals with the recommendation concerning differentiated case management. Specifically, the Advisory Group recommended:

"A plan of differentiated case management should be implemented by the Court in accordance with the requirements of the Civil Justice Reform Act of 1990. The plan should be implemented initially through the use of orders in individual cases, as opposed to amendment of local rules. As the Court gains experience with its plan, and as empirical data are gathered to evaluate the effectiveness of various case management techniques, the Advisory Group may recommend revisions of the plan, including modifications of the local court rules."

Development of the Court's DCM Plan began with the Advisory Group's comprehensive assessment of the condition of the Court's civil and criminal dockets. Among other findings, the docket review revealed a median time to disposition for all civil cases of about seven months; terminations between 1980 and 1990 had increased 135% despite a 70% increase in filings; and only 4% of the pending civil caseload was over three years old. These figures suggested that modifications to the existing civil case management system should focus on simplifying the litigation process, controlling discovery and reducing cost. The Advisory Group felt case differentiation would enhance the litigation process by assuring that each case received appropriate judicial resources and case management reasonably required for a just disposition, leading to lowered cost for the Court and litigants.

In accordance with the Act, the Court considered the Advisory Group's recommendations and the principles and guidelines of litigation management and cost and delay reduction set forth in the Act. After studying the limited number of DCM systems implemented in state courts throughout the country, the Court adopted a plan for differentiated case management of all civil cases. While it incorporates key elements of case differentiation, the DCM Plan being demonstrated in the Western District is unique in at least three respects. First, it rejects the widely used three-track system in favor of finer distinctions with respect to case complexity, more appropriate to the caseload in the Western District. The Court's seven-track system reflects the view that meaningful case management for a diverse caseload requires a wider range of management options. Second, the Plan incorporates explicit guidelines on the amount and time allowed for discovery, depending upon track assignment. Finally, court forms and orders have been standardized so that administrative aspects of DCM operate uniformly among the chambers. The standardized forms and orders not only help reduce the workload for court staff, but also minimize confusion for attorneys.

The DCM system became fully operational on September 1, 1992. August 31, 1995 marked the end of the third full year of managing cases under the Plan. This report was prepared pursuant to 28 USC § 475 which requires each district court to assess annually the condition of the Court's civil and criminal dockets after developing a civil justice expense and delay reduction plan. It summarizes the Court's three year experience with DCM, describes the key features of the Court's DCM system, and assesses the current condition of the Court's dockets. In addition to satisfying the Act's requirement, this assessment should prove useful to other courts now contemplating implementation of a DCM system, or assessing the effectiveness of their expense and delay reduction plan.

II. SUMMARY OF DCM IMPLEMENTATION AND EARLY RESULTS

During the early stages of system development and implementation, the Court established the position of DCM Coordinator in the clerk's office with system oversight responsibilities. A Task Force consisting of case managers and courtroom deputies from each chamber, and representatives from the clerk's office, including the DCM Coordinator and Systems Manager, was created to provide assistance. The Court also retained the services of Maureen Solomon and Holly Bakke, court management consultants with extensive experience in fashioning and implementing case management systems, to assist the Court at all important stages of planning and implementation.

From the beginning, the Court recognized that undertaking a successful demonstration of DCM required equal attention to both the technological and personal aspects of change. To accomplish this, the Court organized a two and one-half day workshop for all judges, magistrate judges, court and clerk's staff, and members of the Advisory Group, for the purpose of introducing the preliminary system design and assuring a broad exchange of ideas before final system implementation.

Educational activities throughout the planning period and continuing into the first year of operation kept judges and staff fully informed about difficulties and progress and allowed everyone to contribute to system design and modification. The Task Force worked on detailed procedural issues and on standardized forms and orders. District judges and magistrate judges worked on policy aspects of DCM such as definition of discovery guidelines and limitations within each track. The combined efforts of the Task Force and judges produced a notable result: standardized forms, orders and a Rule 16 Scheduling Conference worksheet now used by all chambers. A "kick-off" workshop was held during the first week of DCM operation to familiarize judges and staff with the final system design.

Throughout the early stages of DCM operation, the Court conducted a public relations campaign to inform attorneys of the changes taking place. Judges and court staff wrote press releases, spoke to local bar and legal secretaries' associations, and created a DCM brochure for public distribution. The local chapter of the federal bar association worked with the Court and sponsored a seminar to introduce DCM to attorneys and their staff. The Court staff produced a packet of DCM-related materials that is given to all attorneys upon admission to practice in the Western District. The DCM Coordinator also addressed telephone inquiries and continued updating and distributing informational materials.

A DCM Implementation Committee was created to oversee the implementation process and continuously monitor the DCM system thereafter. This committee, consisting of a district judge, a magistrate judge, the Clerk of Court, the Advisory Group chair, the DCM Coordinator and the Systems Manager continues to actively monitor system operation. Finally the Court, DCM Implementation Committee and members of the Advisory Group defined measurable systems objectives against which the operations of the DCM system can be evaluated on a continuing basis.

In spite of the level of effort required to convert to a new case management system, DCM became fully operational on September 1, 1992 without disruption to court activities. Much of the successful transition is attributable to the extensive involvement of judges, magistrate judges, court staff and members of the bar. The first year of DCM was one of learning and experimentation. It was clear, however, that DCM had been institutionalized and would receive a fair demonstration in this District. DCM is uniformly applied to all eligible cases. The key to this uniformity is the manner of implementation. At the end of the first year of DCM operation, the Court held a workshop for all judges and staff to review system performance and discuss proposed modifications. Only limited statistical analyses were possible, nevertheless a pattern of earlier disposition under DCM was apparent.

Enhancement of the Court's ICMS civil/criminal software was essential to the ability to assess the DCM system performance. Extensive special programming was accomplished. Detailed information and statistics on each judge's individual caseload became readily accessible. A computerized tickler system automatically generates reminders to assist court staff with preliminary case progression and scheduling. Case managers now work with a computerized case monitoring system, standardized forms and notices, and an enhanced information system available at their convenience. Staff in the clerk's office use new forms, procedures and data entry codes. District judges and magistrate judges conduct earlier case management conferences.

During the second year of the DCM demonstration project, there were significant accomplishments as well as organizational and operational enhancements to facilitate effective case management and achieve the goals of DCM. Implicit in these changes was recognition of the additional support provided by the clerk's office. The computerized tickler system, for example, created solely for DCM purposes, was expanded to assist case managers, docket clerks and clerk's office staff with their daily activities. The DCM statistical reports were modified and improved, based upon user demands. One particular report was incorporated into the menu provided to case managers and the DCM Coordinator, and can be run individually at any time. As a result, staff more closely monitor case progression, and are more familiar with cases and involved with counsel earlier in the litigation process. Additionally, case managers are better able to assist judicial officers by receiving and reviewing more sophisticated case management reports to assist in monitoring their overall caseload.¹

The Advisory Group, DCM Implementation Committee and Task Force continued to meet regularly, monitor system performance and propose system revisions for consideration by the Court. These included: changing the timing of the Rule 16 Scheduling Conference so that it occurs within 45 days after the last defendant's first responsive pleading is filed;² adopting a standardized case management order for Non-DCM cases to assure greater uniformity of case management; abolishing the requirement of filing a Track Information Statement (TIS);³ developing a booklet entitled *Your Day in Court*, designed to familiarize clients with the litigation process; and amending the Administrative Track to include presumptive discovery limitations.

Most notable, however, was development and implementation of a DCM evaluation survey, designed to be mailed to all attorneys upon termination of their DCM case. Approximately 1620 surveys were mailed of which approximately 80% were returned.⁴ Preliminary findings were encouraging, showing a high level of satisfaction with the DCM system on the part of the bar. Interviews with judges, magistrate judges, court staff and Advisory Group attorneys revealed early intervention through the Rule 16 Scheduling Conference was one of the most beneficial aspects of the DCM system. Attorneys also praised the uniformity of case management practices and the Court's willingness to adjust the system as the need became evident.

¹A complete summary of the computerized tickler system and case management statistical reports is included in Appendix I.

²The original DCM design called for Rule 16 Scheduling Conferences to occur within thirty days of the last defendant's first responsive pleading. However, the Court determined thirty days was insufficient time to schedule and send notice of the conference and for counsel to prepare.

³The Court's experience under the plan lead the Court to conclude, after approximately 18 months of operation, that the TIS requirement is unnecessary and should be abolished.

⁴A copy of the survey instrument is included in Appendix II.

Following two years of DCM operation, it was possible to reach limited conclusions with respect to the impact of the system on the litigation process. These included: an increase in both civil and criminal terminations; a reduction in the number and age of pending civil cases; and disposition of a high percentage of motions within 60 days of the last brief filed.

The third year of DCM operation showed an impressive trend toward earlier disposition of civil cases, while the number of civil cases pending over three years continued to decline gradually. The third year DCM evaluation survey was mailed to 1552 attorneys of which approximately 76% were returned. The survey provided positive, constructive feedback, especially when coupled with the previous years' data. The Advisory Group, DCM Implementation Committee and Task Force continued to meet, although not nearly as frequently as in the early years. The balance of this report presents a description of the current DCM system and statistical analyses of the condition of the Court's civil and criminal dockets at the end of three years of DCM operation.

III. DIFFERENTIATED CASE MANAGEMENT IN THE WESTERN DISTRICT OF MICHIGAN

This section describes the DCM system, including the management tracks, discovery guidelines, case disposition goals, and the integration of alternative dispute resolution.

Based upon the recommendations of the Advisory Group, the Western District developed a seven-track system. Six tracks provide the range of management options necessary to accommodate the district's diverse caseload, while a seventh Non-DCM Track, to which filings are assigned randomly, is intended to provide a tool for comparing the results of minimal management to the results of the six managed tracks.

◆ Track I: Voluntary Expedited

The Voluntary Expedited Track provides a case management option for lawyers and litigants seeking expeditious disposition of their case. Cases assigned to this track generally involve few parties, few disputed legal or factual issues and small monetary amounts. Assignment to this track involves waiver of the right to trial by an Article III judge should the case reach trial. Voluntary exchange of discovery is encouraged. Discovery must be completed within 90 days from the date of the Rule 16 Scheduling Conference and is limited to two fact witness depositions and 15 single-part interrogatories per party without prior approval from the Court. The use of ADR on this track is unlikely given the short disposition time-frame of nine months from the date of filing. Approximately 3% of non-Administrative Track cases were assigned to this track during the first three years of DCM operation.

◆ Track II: Expedited

Cases assigned to this track generally involve few parties and few disputed factual and legal issues. This track differs from the Voluntary Expedited Track in several key respects. Parties are not required to waive their right to an Article III Judge should the case reach trial. The discovery period, at 120 days from the Rule 16 Scheduling Conference, is longer; and more discovery (four fact witness depositions and 20 single-part interrogatories) is permitted without prior approval from the Court. Further, ADR is used selectively. Finally, case disposition is expected within nine to twelve months from the date of filing. Approximately 24% of non-Administrative Track cases were assigned to this track during the first three years of DCM operation.

◆ Track III: Standard

Cases assigned to this track ordinarily involve multiple parties, third party claims, multi-count complaints or a number of disputed factual and legal issues. Discovery must be completed within 180 days from the date of the Rule 16 Scheduling Conference. Eight fact witness dispositions and 30 single-part interrogatories are allowed per party without prior approval from the Court. ADR will be used in most of these cases. Case disposition is expected within twelve to fifteen months from the date of filing. Approximately 46% of non-Administrative Track cases were assigned to this track during the first three years of DCM operation.

◆ Track IV: Complex

The Complex Track comprises cases that involve complicated legal or factual issues and a large number of parties or which otherwise require an extended time for resolution. Discovery must be completed within 270 days from the date of the Rule 16 Scheduling Conference and is limited to fifteen fact witness depositions and 50 single-part interrogatories per party without prior approval of the Court. ADR is likely to be used in cases assigned to this track. Disposition is expected within fifteen to twenty-four months from the date of filing. Cases in which it appears that a trial will be held later than 18 months after filing require certification by a judicial officer that such time is needed. Approximately 10% of non-Administrative Track cases were assigned to this track during the first three years of DCM operation.

◆ Track V: Highly Complex

Cases assigned to this track must be certified by a judicial officer that they are of such complexity that more than 24 months will be required for disposition. Because of the nature of cases assigned to this track and the need for a tailored approach to case management, there are no established guidelines for the timing or amount of discovery. Discovery limitations will be determined on a case-by-case basis at the Rule 16 Scheduling Conference. Assignment to this track contemplates multiple Rule 16 Scheduling Conferences, conducted periodically for purposes of ongoing scheduling, case management and simplification of issues. ADR will likely be very often utilized. Approximately 2% of non-Administrative Track cases were assigned to this track during the first three years of DCM operation.

◆ Track VI: Administrative

This track was created to handle a number of case categories, including social security actions, habeas corpus proceedings, bankruptcy appeals and civil rights cases filed by prisoners, which historically have been resolved on motion without the need for a case management conference or a trial. The disposition goal for cases assigned to this track is 180 days after dispositive motions are fully briefed, or the litigation is otherwise ready for resolution. In the rare event that a trial is necessary, a case may be reassigned to another track. Approximately 50% of all cases filed in this district are categorized as administrative.

◆ Track VII: Non-DCM

This track was conceived as a "control" group against which to compare the effectiveness of close judicial supervision of case progress under DCM. Approximately 10% of civil cases (excluding those assigned to the Administrative Track) are assigned at random to this track at the time of filing. Minimal court-initiated management is provided. Specifically, a case management order is generated by the Court approximately 45 days after the last defendant's first responsive pleading is filed. The case management order provides only a deadline for filing dispositive motions, a date and instructions for a final pretrial conference, and a date and instructions for trial. A tentative trial date, about one year from the date of filing the complaint, is set in every case. The parties, however, may request additional case management, including reassignment to a managed track, at any time. Approximately 19% of cases assigned to the Non-DCM Track were reassigned to a managed track during the first three years.

IV. ANALYSIS OF THREE YEARS' OPERATION OF THE DIFFERENTIATED CASE MANAGEMENT SYSTEM

During the second year of the demonstration project, the Court initiated a survey of all attorneys whose DCM case terminated by August 1994. Approximately 1620 surveys were mailed and, of those, approximately 1290 (80%) were returned. The results of the survey were positive and enlightening. Thereafter, the Court modified the survey to address specific case management practices and continued to send the survey to attorneys whose DCM case terminated between September 1994 and August 1995. Approximately 1552 third year surveys were mailed and, of those, 1179 (76%) were returned. The survey was particularly helpful in assessing overall satisfaction with DCM, the effects of Early Rule 16 Scheduling Conferences, and attorneys' opinions of the effect of DCM on litigation cost and delay. When coupled with data from the previous years' survey, the findings become even more reliable.

A. Overall Satisfaction with DCM

Over 92% of attorneys who responded to the DCM survey during the past three years indicated they were satisfied or more than satisfied with the DCM system, only 2% reported they were very dissatisfied. Positive comments and constructive suggestions far outnumbered the negative comments. According to the comments, the vast majority of attorneys believed DCM was equal to or better than the previous system of case management. They felt it was effective, efficient and kept the case moving.

During the last year alone, the level of attorney satisfaction rose from 89% (1992-1994) to 94% (1994-1995), while the level of dissatisfaction declined 4%. This suggests not only that refinements to the system were appropriate, but also the level of attorney satisfaction increases as they gain experience with the system.

Survey responses highlighted the benefits of Early Rule 16 Scheduling Conferences. Without question, this topic provoked the largest number of positive comments during the past year. Attorneys were exceptionally impressed with the judges' and magistrate judges' involvement in their case. Clearly, a meaningful, interactive conference led to an expeditious resolution of many, if not all, issues at hand.

B. Statistical Results

Previous enhancements of the Court's automated case tracking and case management information system were essential to the ability to access DCM-related data on a continuing basis. The systems staff utilized the standard ICMS software and development tools to create a user friendly system that generates reminders to case managers and courtroom deputies, and provides extensive statistical information at their convenience.

To capture all relevant information, new docketing codes and special data collection instruments were implemented. The vast majority of statistical information appearing in this section of the assessment was generated by the Court's automated information system.

1. The Overall Condition of the Docket

◆ Pre-DCM Cases

During the early stages of DCM development and implementation, there was concern that emphasis on case management under DCM, with early Rule 16 Scheduling Conferences and disposition goals for each track, might divert attention from the pre-DCM cases, i.e., cases filed before September 1, 1992. With the exception of an increase during early 1993 attributable largely to a group of consolidated environmental cases, the number of pending cases over three years old has declined steadily since the inception of DCM. During the third year of DCM operation, the remaining pre-DCM cases were reduced by two-thirds, leaving fewer than 3% of the original pre-DCM cases pending at the end of the third year. This supports the conclusion that implementation and operation of DCM has not delayed disposition of the existing caseload.

TABLE I
TOTAL PRE-DCM CIVIL CASES PENDING

DATE	PRE-DCM CASES PENDING
September 1, 1992	1,384
December 31, 1992	974
June 30, 1993	510
August 31, 1993	470
December 31, 1993	411
June 30, 1994	241
August 31, 1994	113
December 31, 1994	71
June 30, 1995	46
August 31, 1995	38

◆ Total Civil Filings, Terminations and Pending Cases

Civil Cases Filed

Since the implementation of DCM, there has been a gradual but steady increase in the number of civil cases filed. As shown in Figures 1 and 2 on page 10, civil filings in the Western District of Michigan increased over 3% from statistical year 1994, and almost 6% from statistical year 1993. Similarly, civil filings increased in the Sixth Circuit over 3% from statistical year 1994, and almost 7% from statistical year 1993. Closer analysis reveals civil case filings are at their highest since 1990, signaling an end to the seven-year trend in declining civil filings in the Western District and Sixth Circuit.

FIGURE 1
 CIVIL CASES FILED IN THE WESTERN DISTRICT
 1980 TO 1995

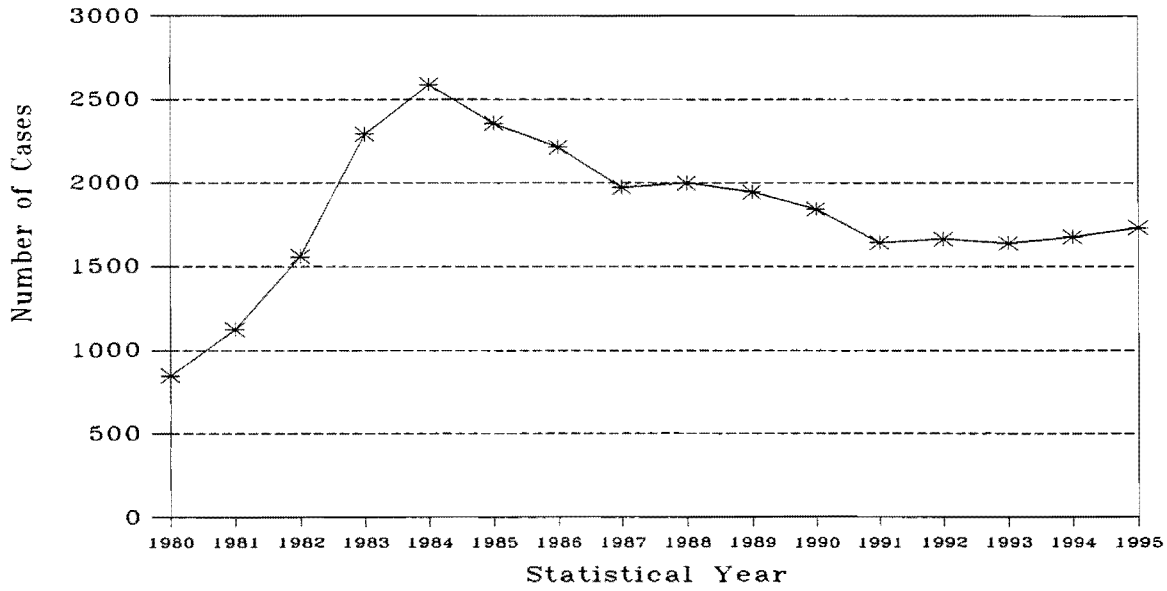
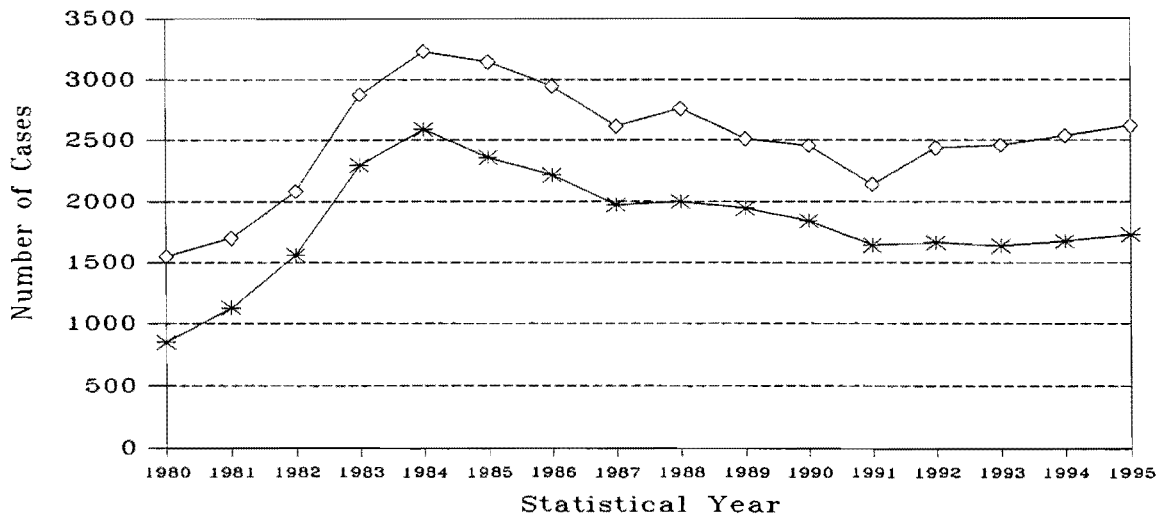


FIGURE 2
 CIVIL CASES FILED IN THE WESTERN DISTRICT
 AND THE SIXTH CIRCUIT, 1980 TO 1995



* Western District ◇ Sixth Circuit*

Sixth Circuit Cases = 1/10 Actual Number

*This figure includes all federal district courts in Kentucky, Michigan, Ohio, and Tennessee.

Civil Cases Terminated

Terminations in the Western District during 1994 - 1995 declined somewhat from 1993 - 1994 resulting in only a slight decrease in the number of civil cases pending (see Figure 5). However, since the beginning of DCM operation, the number of civil cases pending has decreased 7% (from 1366 to 1273 cases pending).

A statistic known as the Inventory Index compares pending cases to annual dispositions to predict about how long it will take to dispose of the current inventory. During 1994 - 1995 there were 1714 civil case terminations, and 1273 cases were pending at the close of the statistical year. The ratio of pending cases to annual terminations (Inventory Index) is $1273/1714 = .74$. When multiplied by 12 months, this shows that the Court currently has on hand about 8.8 months' caseload, at the present rate of terminations ($.74 \times 12 \text{ mos.} = 8.8 \text{ mos.}$).

Civil Cases Pending

Figure 3 below shows an increase in the overall average age of civil cases pending in some nature-of-suit categories in statistical year 1995. Nevertheless, the overall average age of civil cases pending has declined steadily since 1993. In addition, Figures 4 and 5 on page 12 show that the number of pending cases has not increased, maintaining its lowest level in over ten years.

FIGURE 3
AVERAGE AGE OF CIVIL CASES PENDING
ON JUNE 30, 1994 AND JUNE 30, 1995

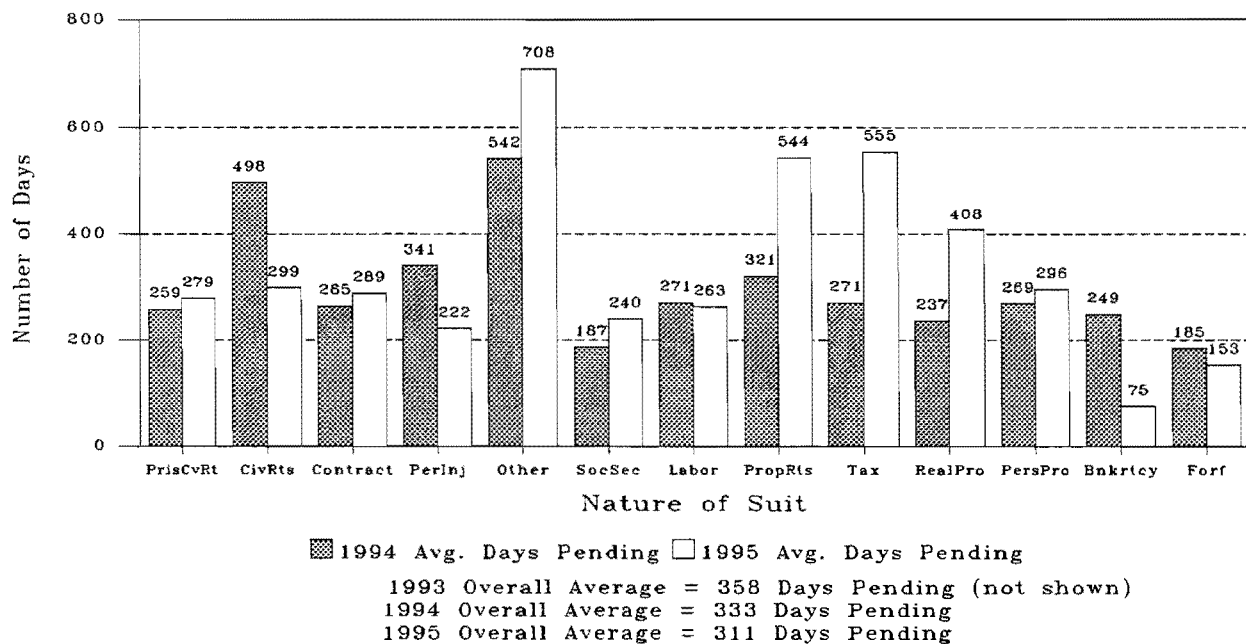


FIGURE 4
 NUMBER OF CIVIL CASES PENDING
 ON JUNE 30, 1994 AND JUNE 30, 1995

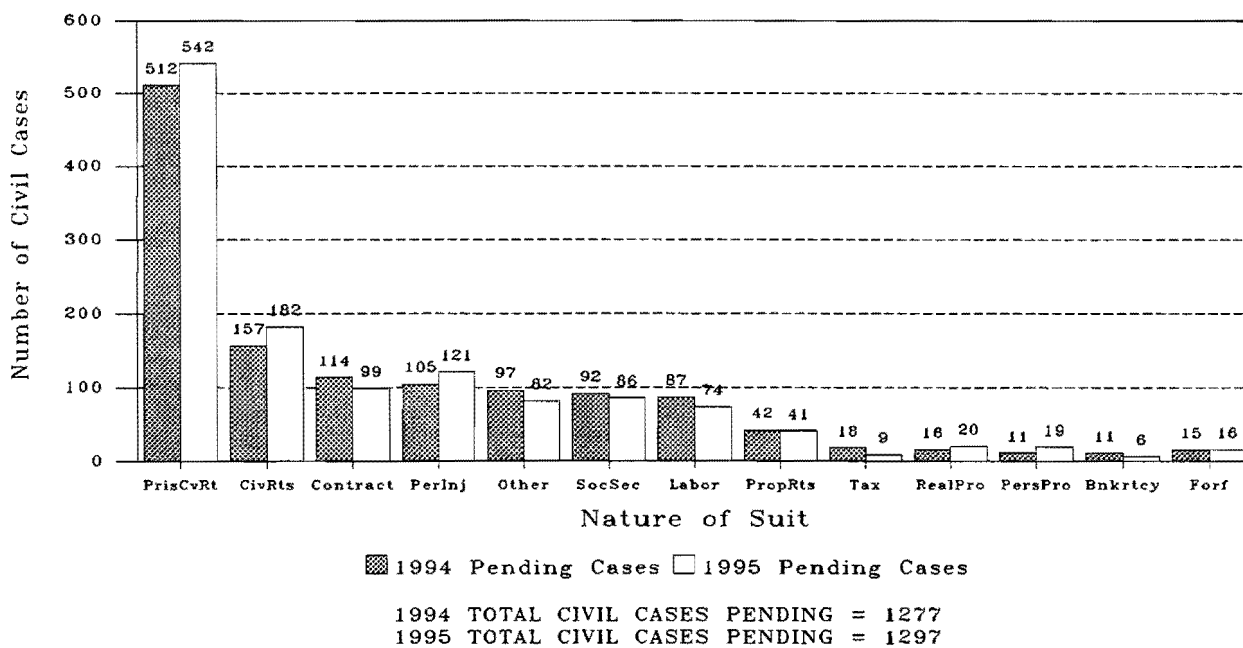
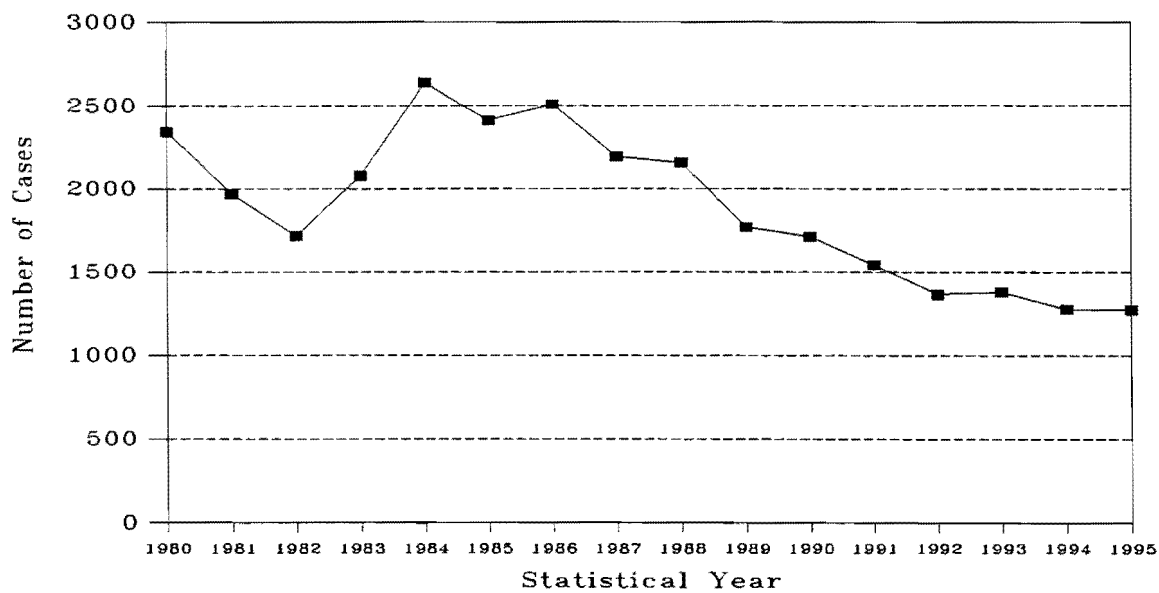


FIGURE 5
 CIVIL CASES PENDING IN THE WESTERN DISTRICT
 1980 TO 1995

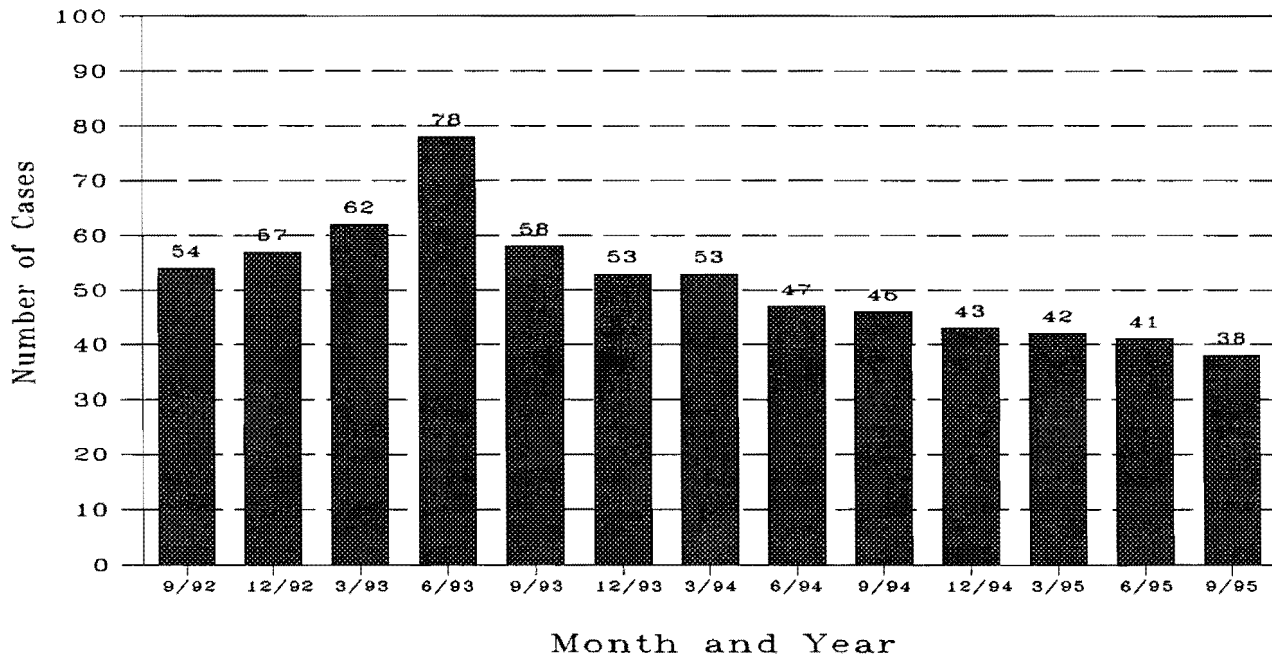


◆ Civil Cases Pending Over Three Years

The number of civil cases pending over three years fluctuated during the first year of DCM operation. However, Figure 6 below shows a steady decline for over two and one-half years. In fact, the number of civil cases pending over three years is at the lowest it has been since DCM was implemented on September 1, 1992.

An examination of the age of pending cases provides the most complete picture of case management. The Court is pleased to find that during the DCM demonstration, the number and age of its pending caseload over three years has improved significantly.

FIGURE 6
CIVIL CASES PENDING THREE YEARS AND LONGER
IN THE WESTERN DISTRICT



◆ Median Age of Civil Cases at Disposition

The median age of cases at disposition is not a particularly meaningful measurement during a time when the Court is disposing of older cases. The statistic increases with the disposition of older cases. Nevertheless, it is a measure commonly used for comparison throughout the federal court system. For that reason it is included here. An examination of the age of the cases disposed of in each month from June 1994 to August 1995 shows that the Western District was equal to or below the median average for the Sixth Circuit during the past 11 out of 14 months, and equal to or below the median average for the United States during the past 14 out of 15 months. The most recent data available, the median average for August 1995, shows the Court performing better than the Sixth Circuit and United States.

TABLE II
MEDIAN TIME IN MONTHS FROM FILING TO DISPOSITION
FOR ALL CIVIL CASES DISPOSED OF IN THE MONTHS AND YEARS SHOWN

Western District of Michigan	
June, 1994	8 months
July, 1994	5 months
August, 1994	5 months
September, 1994	9 months
October, 1994	8 months
November, 1994	6 months
December, 1994	7 months
January, 1995	7 months
February, 1995	7 months
March, 1995	6 months
April, 1995	6 months
May, 1995	5 months
June, 1995	8 months
July, 1995	6 months
August, 1995	6 months
1994 - 1995 Average	6.6 months

	1990	1991	1992	1993	1994	1995
United States	9 months	9 months	9 months	8 months	8 months	8 months
Sixth Circuit	9 months	11 months	9 months	7 months	9 months	7 months
Western District of Michigan	10 months	9 months	7.5 months	6.5 months	7 months	6.6 months

◆ Criminal Caseload

During statistical year 1995, the number of criminal cases filed increased 34%, resulting in the highest number of filings in recent history. In addition, the number of criminal defendants rose 43% and is more than double the average number of defendants in cases filed before 1992. See Table III below and Figure 7 on page 16. The dramatic increase in the number of criminal cases and criminal defendants is due largely to the unusually high number of drug prosecutions and increasing prosecutions involving petty federal offenses.

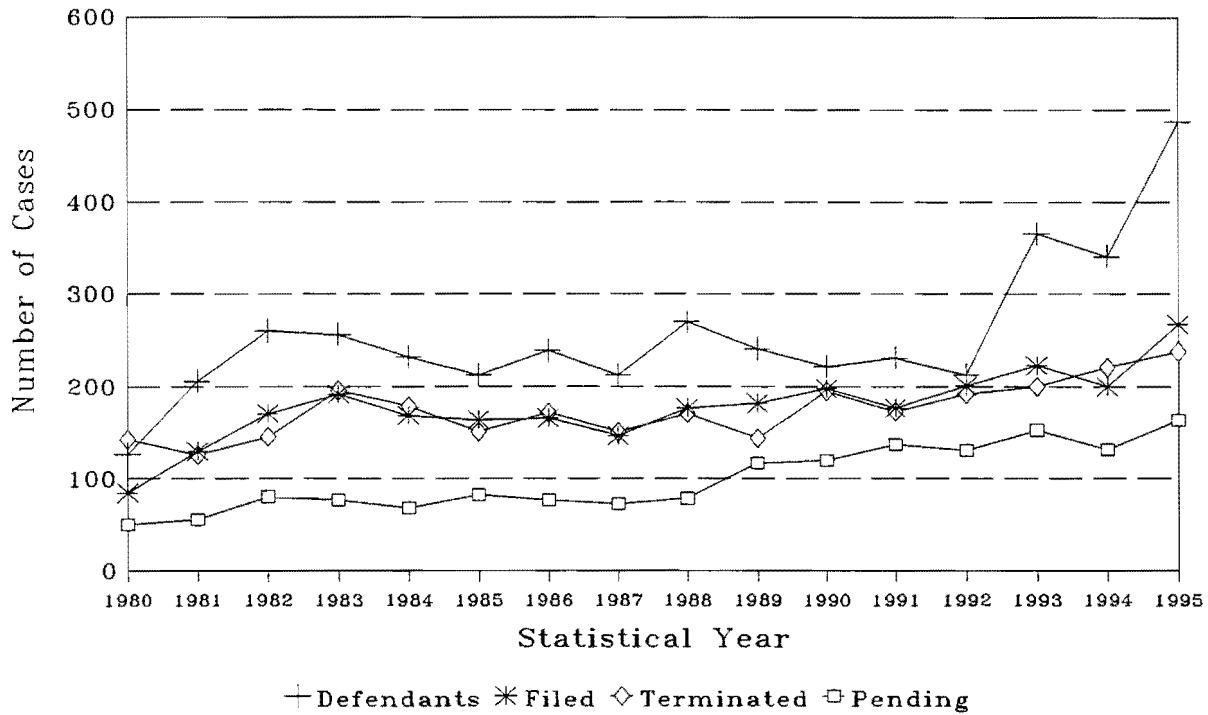
In spite of the significant increase in the number of criminal cases filed and the number of criminal defendants, the number of criminal case terminations rose 8%. Nevertheless, the number of criminal cases pending increased 22%.

TABLE III
CRIMINAL CASES FILED, TERMINATED AND PENDING

Statistical Year*	Criminal Cases Filed		Criminal Cases Terminated		Criminal Cases Pending At Year End	
	Number of Cases Filed	Percent Change	Number of Terminations	Percent Change	Number of Cases Pending	Percent Change
1991	177	N/A	173	N/A	137	N/A
1992	201	+14%	192	+11%	146	+7%
1993	223	+11%	200	+4%	154	+6%
1994	200	-10%	221	+11%	133	-14%
1995	267	+34%	238	+8%	162	+22%

*Statistical Year: July 1 - June 30

FIGURE 7
 CRIMINAL CASES FILED, TERMINATED, AND PENDING
 IN THE WESTERN DISTRICT
 1980 TO 1995



2. Activity within the DCM Caseload

Table IV on page 17 shows the distribution of cases filed among nature of suit categories since inception of the DCM program. Prisoner petitions represent the largest single category (45%) due to the number of prisons in the district. Second is civil rights cases (14%), with contract (8%), personal injury (7%), labor (6%) and social security (6%) cases following behind. This pattern has remained constant each year since the implementation of DCM. This supports the conclusion that the nature of cases filed in the Western District has not changed as a result of DCM.

Table V on page 18 shows the composition of each track since the inception of DCM. For example, approximately half of the personal injury cases assigned to a track were assigned to Track III. The second most common track assignment was Track II, and the third most common was Track IV. Tracks I and V, each represent approximately 1% of the overall caseload.

TABLE IV
DISTRIBUTION OF DCM CASES
FILED SEPTEMBER 1, 1992 THROUGH AUGUST 31, 1995

Nature of Suit	Judge Gibson	Judge Enslin	Judge Bell	Judge McKeague	Judge Quist	Sr. Judge Miles	Sr. Judge Hillman	TOTAL	Percent of Total
Contract	78	83	63	64	78	23	11	400	8%
Real Property	4	9	13	13	14	3	7	63	1%
Personal Injury	57	69	53	68	69	17	6	339	7%
Personal Property	8	8	5	8	7	0	4	40	<1%
Civil Rights	118	121	130	128	120	28	36	681	14%
Prisoner Petitions	378	365	426	394	422	119	133	2,237	45%
Forfeiture	15	21	19	21	10	4	0	90	2%
Labor	48	66	45	70	57	13	19	318	6%
Bankruptcy	22	3	18	14	12	1	0	70	1%
Property Rights	20	33	26	20	22	10	3	134	3%
Social Security	74	68	40	53	34	25	28	322	6%
Federal Tax	11	6	8	5	9	0	2	41	<1%
Other	50	50	56	46	53	13	14	282	6%
TOTAL	883	902	902	904	907	256	263	5,017	100%

TABLE V
DISTRIBUTION OF DCM CASES BY TRACK
FILED SEPTEMBER 1, 1992 THROUGH AUGUST 31, 1995

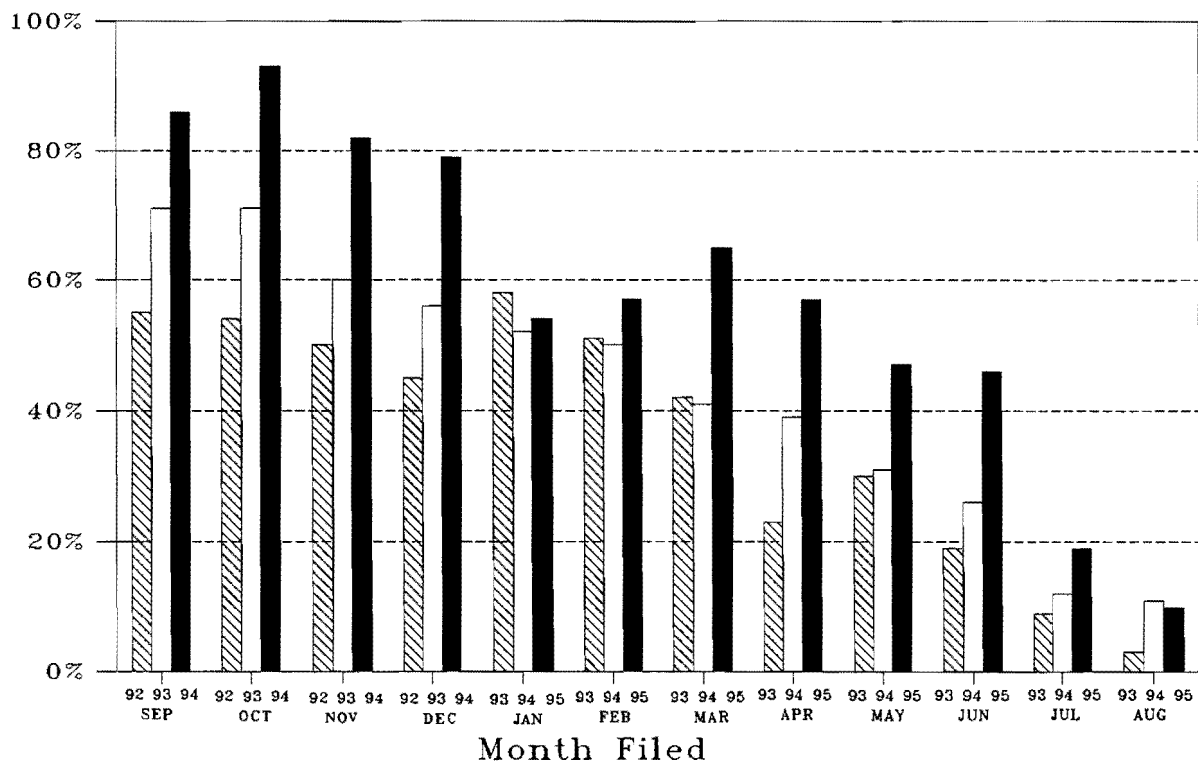
Nature of Suit	Track I	Track II	Track III	Track IV	Track V	Track VI	Track VII	No Track	TOTAL	Percent of Total
Contract	1%	15%	21%	8%	<1%	<1%	9%	45%	100%	8%
Real Property		11%	27%	2%			2%	58%	100%	1%
Personal Injury		8%	46%	11%	<1%		7%	27%	100%	7%
Personal Property		8%	38%	13%			13%	28%	100%	<1%
Civil Rights	<1%	11%	28%	3%	<1%	2%	9%	46%	100%	14%
Prisoner Petitions	<1%	<1%		<1%		97%	<1%	1%	100%	45%
Forfeiture		7%	9%	1%			6%	77%	100%	2%
Labor	3%	21%	17%	2%	<1%		6%	50%	100%	6%
Bankruptcy	1%	2%	1%			83%	2%	11%	100%	1%
Property Rights		10%	20%	7%	3%		9%	51%	100%	3%
Social Security						100%			100%	6%
Federal Tax		20%	23%	8%		13%	36%		100%	<1%
Other	3%	12%	12%	6%	4%		9%	54%	100%	6%
TOTAL	<1%	6%	12%	3%	<1%	51%	4%	23%	100%	100%
Actual Number	31	308	596	133	22	2,561	200	1,165	5,017	100%

Certain statistics are able to demonstrate whether case dispositions are occurring earlier under DCM. Figure 8 on page 19 shows the percentage of cases filed each month that were terminated by the end of the statistical year, for each year of DCM operation. For example, 55% of cases filed in September 1992 were disposed of by August 31, 1993; 71% of cases filed in September 1993 were disposed of by August 31, 1994; and 86% of cases filed in September 1994 were disposed of by August 31, 1995. Figure 8 illustrates an unmistakable trend toward earlier disposition during the third year of DCM. Previous studies showed this trend began during the fifth month of DCM operation.⁵ However, the proportion of cases filed and terminated during the third year of DCM exceeded all previous years rather dramatically. This strongly suggests that earlier judicial involvement uniformly applied to all civil cases stimulates earlier disposition. This

⁵In January 1993, the fifth month of DCM operation, 58% of cases filed were terminated by August 31, 1993; whereas 54% of cases filed in January 1992 were terminated by August 31, 1992.

is consistent with the results of previous interviews with judges and Advisory Group attorneys, as well as the DCM attorney survey. During the past year, 93% of all Rule 16 Scheduling Conferences were held at or within 45 days of filing the last responsive pleading⁶ (see Table XV on page 37). Disposition of over 97% of the pre-DCM cases also allows judicial officers more time to direct attention to their DCM cases. Clearly, DCM has established a continued trend toward earlier dispositions.

FIGURE 8
THE PERCENT OF CASES FILED FROM SEPTEMBER TO AUGUST
DURING 1992 - 1995 THAT WERE TERMINATED BY
THE FOLLOWING AUGUST 31st



◆ DCM Filings and Terminations

Table VI shows the distribution of filings among the seven program tracks during the past three years of DCM, and the percent of each track terminated by the end of the third year. During the past three years, a total of 5017 civil cases were filed. Of these, 3852 cases were

⁶During 1993, a six month study revealed 79% of all Rule 16 Scheduling Conferences were held at or within 45 days of the filing of the last responsive pleading.

assigned to one of the seven program tracks.⁷ As shown in the last column of Table VI below, 72% of all cases assigned to a track were terminated as of August 31, 1995. Seventy-three percent of all cases assigned to managed tracks had been terminated compared with 67% of the Non-DCM cases.⁸ This further supports DCM's effectiveness as a case management tool.

**TABLE VI
STATUS OF DCM CASES
FILED SEPTEMBER 1, 1992 THROUGH AUGUST 31, 1995
AND ASSIGNED TO TRACKS**

Track	Filed	Percent Pending As of 8/31/95	Percent Terminated As of 8/31/95
Voluntary Expedited	31	16%	84%
Expedited	308	26%	74%
Standard	597	34%	66%
Complex	133	51%	49%
Highly Complex	22	73%	27%
Administrative	2,561	25%	75%
Total Managed Track	3,652	27%	73%
Non-DCM	200	33%	67%
Total All Tracks	3,852	28%	72%

◆ Pending DCM Cases

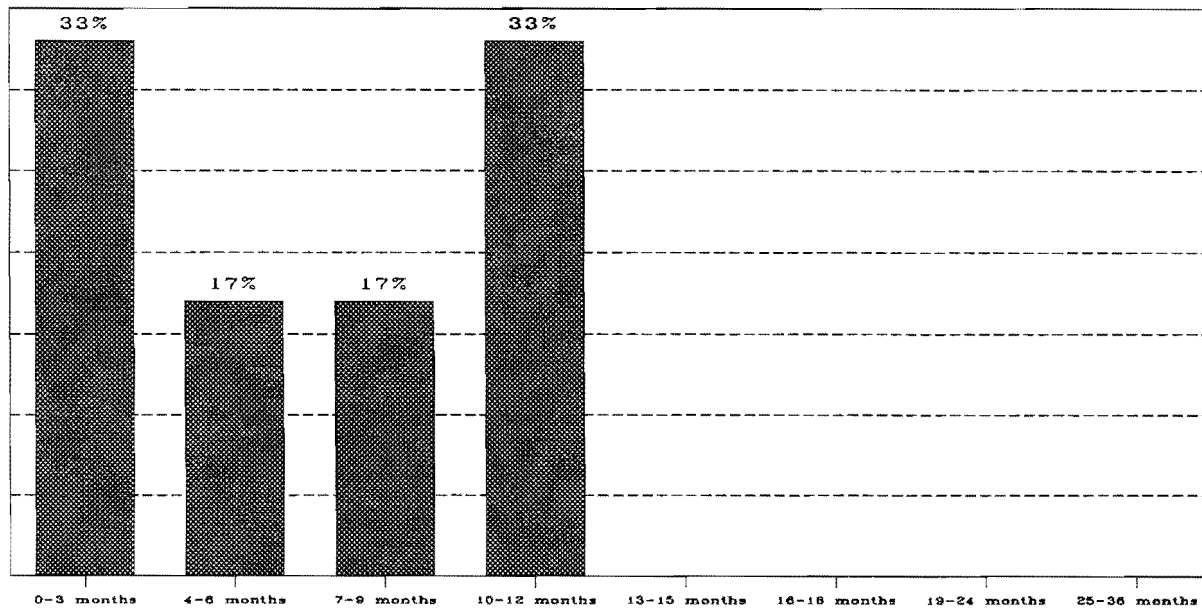
Table VII on page 25, and Figures 9 through 14 on pages 21 - 24, show the number and age of pending cases filed since the inception of DCM. On August 31, 1995, there were 1273 pending DCM cases. Of course, no DCM cases could be over 36 months old on August 31, 1995, because DCM started only three years earlier. Figure 9 shows the age of pending Track I cases as of August 31, 1995; Figure 10 shows the age of pending Track II cases; Figure 11 shows the age of pending Track III cases; Figure 12 shows the age of pending Track IV cases; Figure 13 shows the age of pending Non-DCM cases; and Figure 14 shows the distribution of all pending managed track cases (Tracks I through VI inclusive).

⁷During the past three years, 1165 cases were either disposed of prior to track assignment or were not assigned to a track as of August 31, 1995.

⁸Last year, 66% of all cases assigned to a managed track were terminated as of August 31, 1994, compared with 52% of the Non-DCM cases.

As shown in Figure 9, 67% of cases pending on Track I are within the nine month disposition goal; two cases, representing 33% of the total, were pending longer than the track disposition goal. Figure 10 shows that 86% of cases pending on Track II are within the twelve month disposition goal. Figure 11 shows that 90% of cases pending on Track III are within the fifteen month disposition goal. Figure 12 shows 92% of cases pending on Track IV are within the twenty-four month disposition goal. Figure thirteen shows that 67% of cases pending on the Non-DCM Track are within the twelve month disposition goal; twenty-one cases, representing one-third of the total, are pending longer than the disposition goal. Figure fourteen shows the distribution of all pending managed track cases since the inception of DCM. Only four percent of the cases filed have been pending 25 to 36 months.

FIGURE 9
 AGE OF TRACK I CASES PENDING
 AS OF AUGUST 31, 1995
 Disposition Goal Within 9 Months



Closer analysis of cases pending on Track II and Non-DCM cases pending on Track VII proves interesting. Both Tracks have disposition goals within twelve months from the date of filing. Cases assigned to Track II are provided court management geared toward prompt resolution; whereas cases assigned to the Non-DCM Track, composed of an assortment of cases, receive minimal court management. Eighteen percent of cases pending on Track II are pending over the disposition goal, while 33% of Non-DCM cases pending on Track VII are pending over the disposition goal. This demonstrates that deliberate assignment of cases to appropriately managed tracks results in more efficient processing of those cases.

FIGURE 10
 AGE OF TRACK II CASES PENDING
 AS OF AUGUST 31, 1995
 Disposition Goal Within 12 Months

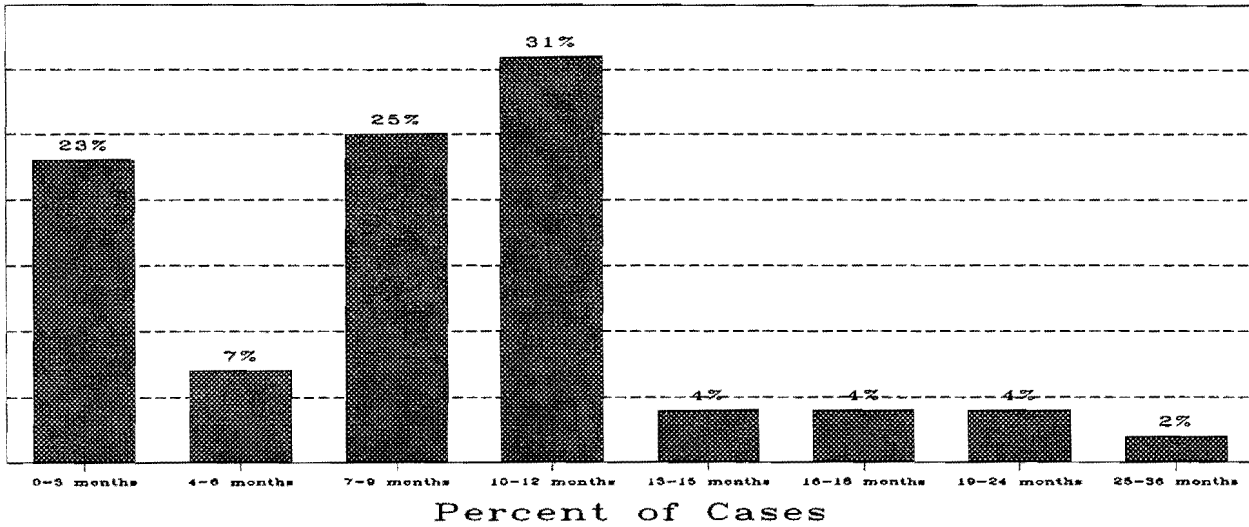


FIGURE 11
 AGE OF TRACK III CASES PENDING
 AS OF AUGUST 31, 1995
 Disposition Goal Within 15 Months

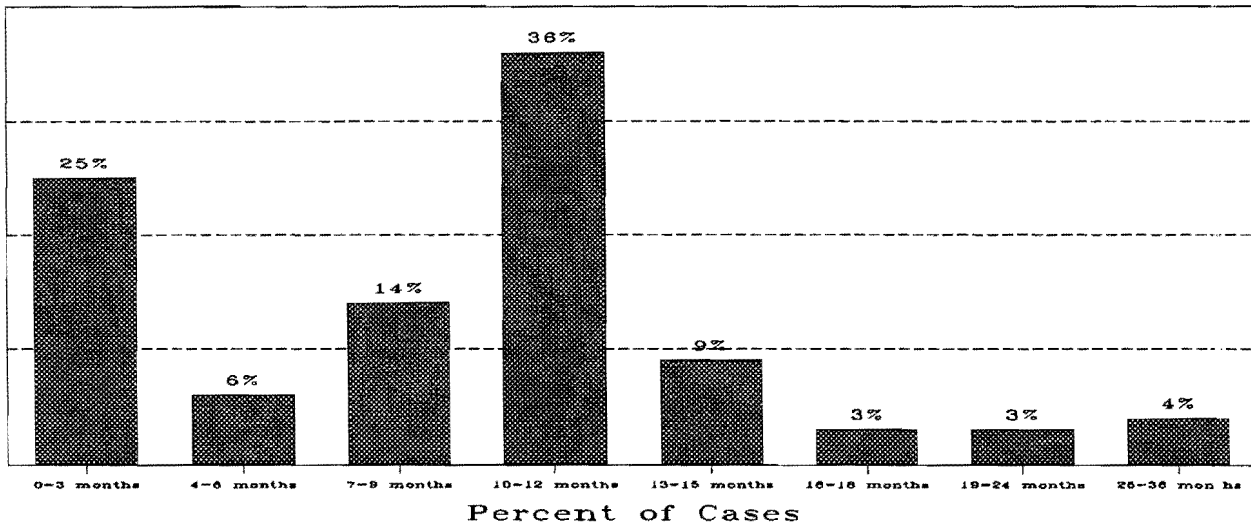


FIGURE 12
 AGE OF TRACK IV CASES PENDING
 AS OF AUGUST 31, 1995
 Disposition Goal Within 24 Months

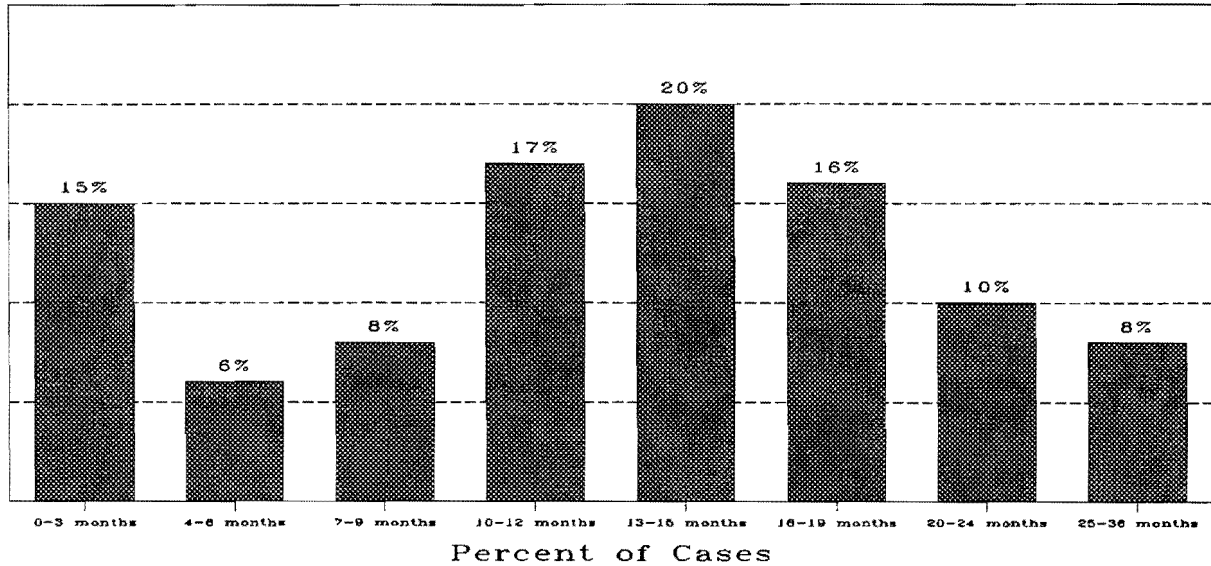


FIGURE 13
 AGE OF TRACK VII NON-DCM CASES PENDING
 AS OF AUGUST 31, 1995
 Disposition Goal Approximately 12 Months

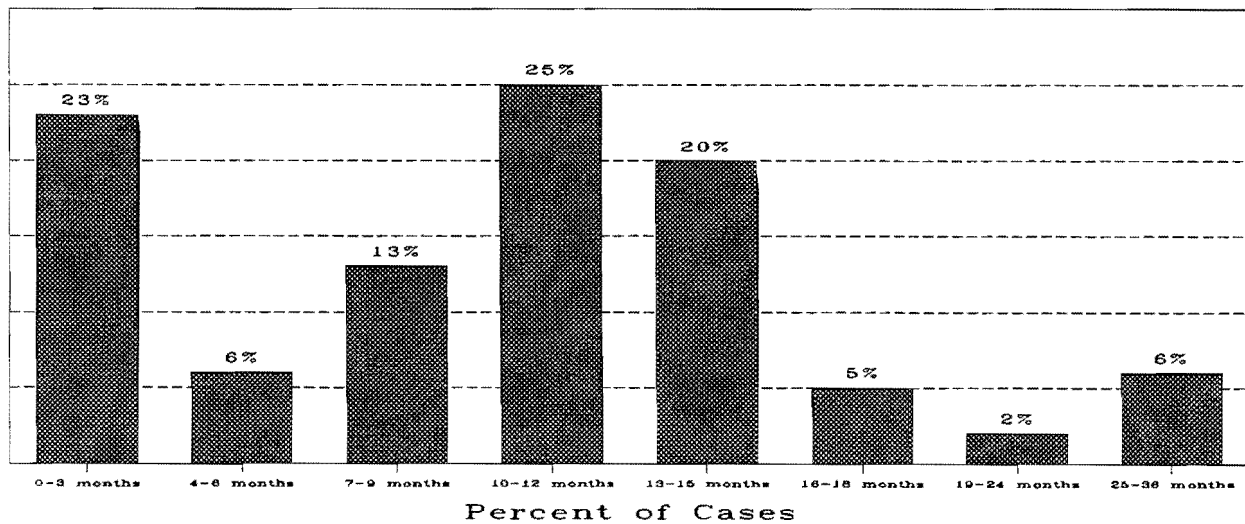
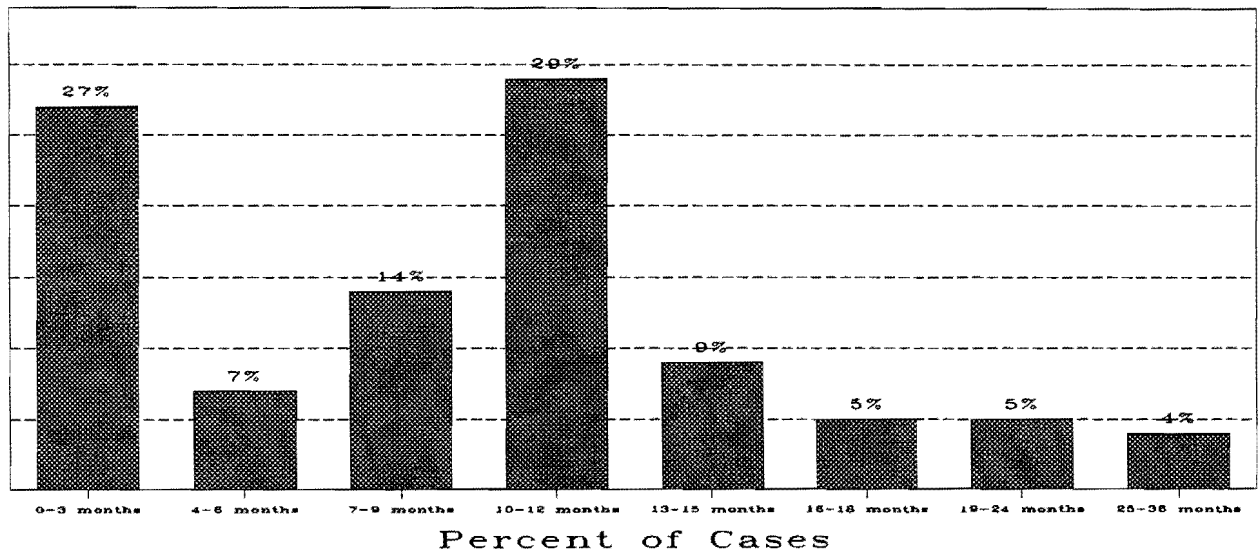


FIGURE 14
AGE OF TRACKS I THROUGH VI CASES PENDING
AS OF AUGUST 31, 1995



Cases pending on the Non-DCM Track warrant further discussion. Following the first year of DCM operation, the Court adopted a policy to provide these cases minimal case management along with a disposition goal of twelve months from the date of filing. Specifically, the Court adopted a standardized case management order for Non-DCM cases which provides a deadline for filing motions, a date and instructions for a final pretrial conference, and a trial date within one year from the date the complaint is filed. The case management order is prepared approximately 45 days after the last responsive pleading is received, similar to those cases assigned to Tracks I through V.

Figure 13 shows 33% of Non-DCM cases are pending over the disposition goal of twelve months from the date of filing, while 10% of all cases pending on Tracks I through IV are pending over their track disposition goal. Additionally, 6% of Non-DCM cases are pending 25-36 months, compared with an average of 4% of the managed track cases. Finally, after three years of operation, only 67% of all Non-DCM cases were terminated as of August 31, 1995, compared to 73% of cases assigned to all other managed tracks. This further supports differentiated case management as a method to better control the timely disposition of civil cases.

Table VII on page 25 provides a quick snapshot of the age of cases pending on each track compared to the disposition goal for each track. A black bar is drawn on each track at the point representing the track's disposition goal. Thus, one can see at a glance how many cases exceed the goal. For example, a total of six cases were over the disposition time goal on Track IV as of August 31, 1995. Depiction of information in this format is a useful management tool which encourages examination of those cases currently over goal to determine the reason and to hasten disposition where appropriate.

The number and age of cases pending on the Tracks V, VI, VII and No Track⁹ are provided as a complete picture of the condition of the Court's docket. Cases assigned to Track V are expected to take over 24 months to resolve. Cases assigned to the Administrative Track are those likely to be resolved by dispositive motion. The disposition goal for Administrative Track motions is 180 days after being fully briefed; calculated by measuring 240 days from the date the motion is filed.¹⁰ Table VII below shows the vast majority of these cases (80%) are pending one year or less from the date the complaint is filed. As stated previously, the disposition goal for cases assigned to the Non-DCM Track is one year from the date the complaint is filed. Table VII shows one-third (33%) of those cases are pending over their disposition goal, representing the largest percentage of cases pending over their disposition goal.¹¹

**TABLE VII
AGE OF ALL DCM PENDING CASES BY TRACK
AS OF AUGUST 31, 1995**

Age in Months from Date of Filing	Track I < 9 mos*	Track II 9 - 12 mos*	Track III 12 - 15 mos*	Track IV 15 - 24 mos*	Track V > 24 mos	Track VI Administrative	Track VII Non-DCM	No Track	Total
0- 3 mos	2 (33%)	20 (23%)	59 (25%)	12 (15%)	2 (11%)	198 (31%)	15 (23%)	75 (52%)	383 (30%)
4- 6 mos	1 (17%)	6 (7%)	15 (6%)	5 (6%)		43 (7%)	4 (6%)	14 (10%)	88 (7%)
7- 9 mos	1 (17%)	22 (25%)	32 (14%)	6 (8%)	1 (6%)	90 (14%)	8 (13%)	15 (10%)	175 (14%)
10-12 mos	2 (33%)	27 (31%)	84 (36%)	14 (17%)	1 (5%)	179 (28%)	16 (25%)	27 (19%)	350 (28%)
13-15 mos		3 (4%)	22 (9%)	16 (20%)	3 (17%)	48 (8%)	13 (20%)	2 (1%)	107 (8%)
16-18 mos		3 (4%)	6 (3%)	13 (16%)	1 (6%)	27 (4%)	3 (5%)	4 (3%)	57 (4%)
19-24 mos		4 (4%)	7 (3%)	8 (10%)	4 (22%)	34 (5%)	1 (2%)		58 (5%)
25-36 mos		2 (2%)	8 (4%)	6 (8%)	6 (33%)	21 (3%)	4 (6%)	8 (5%)	55 (4%)
over 36 mos									
Total Pending Cases as of 8/31/95	6	87	233	80	18	640	64	145	1,273

*Track Time Goal

⁹Since track assignments for Tracks I through V are made at the case management conference which is likely to be 45 to 225 days after filing, at any time a significant portion of the pending caseload may not have a track assignment. As of August 31, 1995 approximately 11% of all cases pending were not assigned to a track.

¹⁰This calculation was based upon the Civil Justice Advisory Group's original recommendation of 180 days; plus an additional 60 days to allow for a response, a reply to the response, and oral argument if permitted by the Court, for a total of 240 days from the date the motion is filed.

¹¹As of August 31, 1994, there were 14 Non-DCM (22%) cases pending over the twelve month disposition goal.

◆ Distribution of DCM Cases Among Tracks

As described above, cases are assigned to one of five management tracks at the time of the early Rule 16 Scheduling Conference, approximately 45 days after the last defendant's first responsive pleading. Assignment to the Administrative Track and the Non-DCM Track occurs in the clerk's office at the time of filing.

Table VIII below shows the distribution among the seven tracks of cases filed since the inception of the DCM program. Fifty-one percent of all cases were assigned to the Administrative Track. However, about one-third of cases assigned to Tracks I through V request or are assigned to the Voluntary Expedited or Expedited Track, while 55% are assigned to the Standard Track. Only two percent of cases are assigned to the Highly Complex Track. These findings are generally consistent with the previous three years' experience in the Western District.

TABLE VIII
TRACK ASSIGNMENTS FOR CASES FILED
SEPTEMBER 1, 1992 THROUGH AUGUST 31, 1995

Track	Number of Cases Filed Since September 1, 1992	Percent of Cases Assigned to Tracks I - V	Percent of Cases Assigned to Tracks Other Than Administrative	Percent of Cases Assigned to All Tracks	Percent of All Cases
I - Voluntary Expedited (Disposition within 9 mos.)	31	3%	3%	< 1%	< 1%
II - Expedited (Disposition 9 - 12 mos.)	308	28%	24%	8%	6%
III - Standard (Disposition 12 - 15 mos.)	597	55%	46%	16%	12%
IV - Complex (Disposition 15 - 24 mos.)	133	12%	10%	4%	3%
V - Highly Complex (Disposition over 24 mos.)	22	2%	2%	< 1%	< 1%
VI - Administrative (Disposition 240 days after motions filed)	2,561		-	66%	51%
VII - Non-DCM	200		15%	5%	4%
No Track Assigned	1,165		-	-	23%
TOTAL	5,017	100%	100%	100%	100%

As indicated by attorney survey responses, the vast majority of attorneys (81 %) believe track assignments were appropriate to their cases. Further, reassignment of a case to a different track is very rare. During the third year of DCM, only ten track reassignments occurred, six of which formerly were assigned to the Non-DCM Track. A total of 200 cases were assigned to the Non-DCM Track since the inception of DCM. Twenty-one of those cases (11 %) were reassigned to another management track.

V. DCM AFTER THREE YEARS OF OPERATION: ITS EFFECT ON THE LITIGATION CIVIL PROCESS

In formulating the provisions of a civil justice expense and delay reduction plan, each United States District Court was required by the Civil Justice Reform Act to consider certain case management techniques including: early and ongoing control of the pretrial process through involvement of a judicial officer in (a) assessing and planning the progress of a case; (b) setting early, firm trial dates, such that trial is scheduled to occur within 18 months after filing of the complaint; (c) controlling the extent of discovery and the time for completion of discovery; and (d) setting, at the earliest practicable time, deadlines for filing motions and a time framework for their disposition.¹² The Court studied the Advisory Group's recommendations and incorporated each of these provisions into the DCM Plan. After three years of operation, the Court is able to reach certain conclusions with respect to the impact these techniques have had on civil case management through a review of statistical data and data from the Court's attorney survey.

A. Assessing and Planning Case Progress

The DCM system incorporated an early Rule 16 Scheduling Conference to assess case management needs, including case complexity, the amount of discovery required and deadlines for completion of major events leading to case disposition. The original design called for this conference to occur within thirty days after the last defendant's first responsive pleading. After one year's experience, the Court determined that thirty days was insufficient time to schedule and send notice of the conference and for counsel to prepare. Because two weeks' notice is required, scheduling the conference thirty days after the last defendant's response gave case managers only two weeks to identify eligible cases and issue notices. Accordingly, the timing of the conference was changed to occur not later than 45 days after the last defendant's first responsive pleading. Approximately 93 % of all case management conferences occur before the 45th day.

Without question, early Rule 16 Scheduling Conferences provoked the largest number of positive comments on the attorney survey. Attorneys were impressed with the judges' and magistrate judges' involvement in their case. According to the comments, a meaningful, interactive conference led to an expeditious resolution of many, if not all, issues at hand. One attorney commented, "The matter settled because of discussions occurring at the Rule 16 conference. The Magistrate (Judge) was very helpful." Another attorney indicated, "This matter

¹²Title 28, §473.

was fairly and amicably resolved because the Court quickly scheduled a status conference requiring advance preparation that forced the parties and attorneys to realistically assess their positions. I am in full support of the procedures the Court employed. They were helpful. Note: Thanks go to the Court." The comments are similar to those from the previous years' survey as well.

B. Early, Firm Trial Dates

The Civil Justice Reform Act emphasized the importance of early, firm trial dates, such that the trial is scheduled to occur within eighteen months after the filing of the complaint. Judges in the Western District of Michigan set either a specific trial date or a trial term (month) at the initial Rule 16 Scheduling Conference. Some judges who use the trial term system specify the trial date at a final pretrial conference. Others trail several cases during the term. Since September 1, 1992, when DCM became operational, 38 civil DCM cases proceeded to trial, representing approximately 1% of all DCM cases terminated during the three-year period. Of those, thirty-two trials (approximately 84%) were scheduled to be held within 18 months from the date of filing, and twenty-six trials (approximately 68%) were in fact held within 18 months from the date of filing. Although 19 out of 38 trials commenced on the first trial date or term set (50%), case managers report the delay was usually caused by unavailability of witnesses or at the request of counsel and not the unavailability of the Court.

C. Discovery Guidelines in DCM Cases

The discovery guidelines for Tracks I through V were described in Section III on page 5 of this assessment. As part of the continuing process of evaluating the efficacy of these guidelines, Table IX on page 29 shows the extent to which the time for discovery and the number of interrogatories and depositions assigned to each case at the Rule 16 Scheduling Conference differed from the suggested guidelines since inception of the DCM program. Overall, the time limit for completion of discovery either was reduced or was not changed from the track guidelines in 75% of the cases. The limit on interrogatories was reduced or not changed in 84% of the cases and the limit on depositions was reduced or not changed in 83% of the cases. Since discovery time is enlarged in only 25% of the cases and the amount of discovery is expanded in approximately 17% of the cases for the third year in a row, this suggests that the guidelines for controlling discovery realistically reflect the time and amount of discovery needed in the vast majority of the cases. Alternatively, judges demonstrate a willingness to adjust the amounts of discovery allowed as the needs of the case prescribe. In response to the attorney survey, the majority of attorneys who offered an opinion felt limits on depositions and interrogatories decreased litigation cost (59% and 58% respectively), while over two-thirds (68%) felt limits on discovery time decreased litigation delay. However, attorneys commented emphatically that uniformly strict limitations may in fact increase, rather than decrease, litigation cost and delay. Accordingly, the Court carefully reviews each case to assure that discovery limits are tailored to the needs of the individual case.

**TABLE IX
DISCOVERY STATISTICS
FOR CASES FILED SEPTEMBER 1, 1992 THROUGH AUGUST 31, 1995**

	Case Management Orders	Days for Discovery			Number of Interrogatories			Number of Depositions		
		Increased	Decreased	No Change*	Increased	Decreased	No Change	Increased	Decreased	No Change
TRACK I Voluntary	28	4 (14%)	21 (75%)	3 (11%)	1 (4%)	4 (15%)	21 (81%)	3 (12%)	3 (12%)	20 (76%)
TRACK II Expedited	307	79 (26%)	177 (58%)	51 (16%)	68 (22%)	29 (10%)	207 (68%)	60 (20%)	33 (11%)	210 (69%)
TRACK III Standard	602	151 (25%)	314 (52%)	137 (23%)	90 (15%)	70 (12%)	430 (73%)	99 (17%)	76 (13%)	413 (70%)
TRACK IV Complex	133	34 (26%)	88 (66%)	11 (8%)	13 (10%)	35 (26%)	84 (64%)	16 (12%)	40 (31%)	75 (57%)
TRACK V Highly Complex	20	[Discretionary]			[Discretionary]			[Discretionary]		
TOTAL	1070**	268 (25%)	600 (56%)	202 (19%)	172 (16%)	138 (13%)	742 (71%)	178 (17%)	152 (14%)	718 (69%)

*The number of days for discovery is counted as no change if it is +/- 3 days of the limit.

**Excludes Track V - Highly Complex Cases

D. Timely Resolution of Motions

The Report of the Civil Justice Advisory Group emphasized the importance of timely disposition of motions. In its CJRA Plan, the Court acknowledged the goal of early resolution of motions. After some deliberation and statistical analysis, the Court adopted a goal of deciding motions 60 days or less from the date of filing the last brief.¹³ During the third year of DCM operation, 68% of motions filed in cases assigned to Tracks I through V, and cases not assigned to a track, were decided within this goal. Information obtained from attorney interviews and survey comments indicate attorneys believe early resolution of motions reduces litigation cost and delay.

E. Litigation Cost

One of the stated purposes of the Act was to reduce the cost of civil litigation. The Court recognized early in the project, however, that it did not have sufficient resources available to obtain this data from attorneys and their clients. Consequently, the Court expects studies conducted by the Federal Judicial Center and Rand Corporation will shed light on whether DCM reduces litigation cost. While available statistical information does not address this area,

¹³ Measured at 120 days from the date the motion is filed. This allows 60 days for response, reply and oral argument, if permitted by the Court, plus the 60 days recommended to decide the motion, for a total of 120 days.

information obtained from the Court's attorney survey provides insight into this important aspect of the Act. When combined with data from the previous years' survey,¹⁴ the findings become more reliable.

Table X below shows that of those attorneys who offered an opinion, most attorneys believe discovery guidelines, either voluntary or court initiated, decrease litigation cost. In addition 57% reported disposition of motions within 60 days decreased litigation costs and 51% reported early, firm trial dates decrease litigation costs. A plurality of attorneys indicated litigation costs are reduced by more contact with judges. Only 13% of attorneys reported costs are increased by early Rule 16 Scheduling Conferences; and 7% of attorneys indicated costs are increased by assignment of cases to tracks. Overall, attorneys reported 10 out of 11 case management techniques utilized in the Western District reduce litigation cost.¹⁵

TABLE X
DIFFERENTIATED CASE MANAGEMENT EVALUATION
RESULTS FOR LITIGATION COST
Three Year Study*

	Litigation Cost			
	Increase	Decrease	No Effect	Total
Early Rule 16 Conference	13%	42%	45%	100%
Parties Attendance at Rule 16 †	39%	25%	26%	100%
Track Assignments	7%	38%	55%	100%
FRCP 26(a)(1) Disclosure †	16%	43%	41%	100%
Voluntary Disclosure †	12%	54%	34%	100%
Limits on Depositions	4%	59%	37%	100%
Limits on Interrogations	9%	58%	33%	100%
Limits on Discovery Time	10%	45%	45%	100%
More Contact With Judges	18%	47%	35%	100%
Disposition of Motions within 60 Days	3%	57%	40%	100%
Early, Firm Trial Date	10%	51%	39%	100%
Cumulative Total	12%	48%	40%	100%

* Includes data from only those attorneys who offered an opinion. Depending on the question, approximately 20% to 57% of the respondents indicated no opinion or did not apply.

† Beginning September 1, 1994, the first survey was revised to include these questions. Consequently, there exists only twelve months of data on these topics.

¹⁴From September 1, 1992 through August 31, 1995, 3172 surveys were mailed. Of those, 2469 responses were received, representing 78% of the total.

¹⁵One management technique, requiring parties attendance at Rule 16 Scheduling Conference, is employed regularly by one magistrate judge. Although approximately one-third of the attorneys indicated it increases costs, approximately half believe it decreases costs or has no effect on litigation costs. The Court continues to report this data for informational purposes.

F. Litigation Delay

Another of the stated purposes of the Act was to reduce delay in the civil litigation process. Delay, defined as disposition times exceeding acceptable limits for the caseload as a whole, was not considered an issue in the Western District by the Advisory Group at the time of its study. The Court's calendar was considered current at the outset of the program and a measurable reduction in delay was not anticipated. Instead, the Court concentrated its efforts into standardizing case management practices in an attempt to be more efficient. Nevertheless, statistics show an emerging trend toward more timely resolution of civil cases.

Results of the survey show attorneys believe DCM has reduced delay. In three survey areas, the vast majority (70% or more) of the attorneys indicated a reduction in delay related to DCM: use of the early Rule 16 Scheduling Conference; disposition of motions within 60 days of the last brief filed or oral argument, if permitted; and early, firm trial dates. A majority of attorneys (51% or more) indicated a reduction in delay in five other areas: assignment of cases to tracks; Fed. Rule Civ. P. 26(a)(1) disclosure; voluntary discovery disclosure; limits on the time allowed for discovery; and more contact with judges. A plurality of attorneys believed limits on interrogatories reduces delay in litigation. It is important to note that for all DCM-related case management techniques, no more than 7% of the respondents indicated DCM had increased delay, with limitations on the number of interrogatories each party can serve, cited most frequently as the cause.¹⁶

The survey results solidify the previous years' findings: DCM, by establishing case events and time-frames based on specific case management needs, has reduced the time needed for case processing.

¹⁶Excludes requiring parties' attendance at the Rule 16 Scheduling Conference, Fed. Rule Civ. P. 26(a)(1) disclosure, and voluntary disclosure, all of which are not part of the DCM Plan.

TABLE XI
DIFFERENTIATED CASE MANAGEMENT EVALUATION
RESULTS FOR LITIGATION DELAY
Three Year Study*

	Litigation Delay			
	Increase	Decrease	No Effect	Total
Early Rule 16 Conference	3%	70%	27%	100%
Parties Attendance at Rule 16 †	7%	33%	60%	100%
Track Assignments	2%	62%	36%	100%
FRCP 26(a)(1) Disclosure †	8%	52%	40%	100%
Voluntary Disclosure †	5%	59%	36%	100%
Limits on Depositions	5%	47%	48%	100%
Limits on Interrogations	7%	48%	45%	100%
Limits on Discovery Time	3%	68%	29%	100%
More Contact With Judges	3%	67%	30%	100%
Disposition of Motions within 60 Days	3%	76%	21%	100%
Early, Firm Trial Date	2%	77%	21%	100%
Cumulative Total	4%	63%	33%	100%

* Includes data from only those attorneys who offered an opinion. Depending on the question, approximately 20% to 57% of the respondents indicated no opinion or did not apply.

† Beginning September 1, 1994, the first survey was revised to include these questions. Consequently, there exists only twelve months on these topics.

G. Litigation Satisfaction

As discussed earlier in this report, the Court does not have sufficient resources to conduct a thorough study of litigant satisfaction. The Court expects studies conducted by the Federal Judicial Center and Rand Corporation will provide in-depth analysis. The Court's attorney survey, however, provided insight into attorney and litigant satisfaction. Table XII on page 33 shows of those who offered an opinion, 92% reported they were satisfied or more than satisfied with the DCM system compared with the previous system of case management.¹⁷ The responses are almost the same for attorneys who primarily practice elsewhere. See Table XIII on page 33. Only 10% of attorneys reported their clients were dissatisfied, some of whom indicated their dissatisfaction was due to the outcome of the case, rather than the DCM process itself.

¹⁷ Approximately 30% reported don't know or no change.

TABLE XII
THE LEVEL OF ATTORNEY/CLIENT SATISFACTION COMPARED
WITH THE PREVIOUS CASE MANAGEMENT SYSTEM
1992 TO 1995

	Satisfied or Better	Dissatisfied or Less
Attorney Satisfaction	92 %	8 %
Client Satisfaction	90 %	10 %

TABLE XIII
THE LEVEL OF SATISFACTION OF ATTORNEYS WHO PRACTICE PRIMARILY
IN THE WESTERN DISTRICT OF MICHIGAN COMPARED WITH
ATTORNEYS WHO PRIMARILY PRACTICE ELSEWHERE
1992 TO 1995

	Western District of Michigan	Other Federal Court
Very Satisfied	23 %	19 %
Somewhat Satisfied	14 %	13 %
Satisfied	35 %	30 %
Somewhat Dissatisfied	4 %	4 %
Very Dissatisfied	1 %	2 %
Don't Know	15 %	28 %
No Change	8 %	4 %
TOTAL	100 %	100 %

H. Differentiated Case Management and Alternative Dispute Resolution

The Civil Justice Reform Act noted the importance of alternative dispute resolution (ADR) in the development of an effective civil litigation management program. Congress encouraged the use of ADR techniques as a means of reducing litigation cost and delay. This court has utilized various forms of ADR for over 15 years. Local Rule 42 provides for mediation, Local Rule 43 provides for court-annexed arbitration and Local Rule 44 allows appropriate cases to be referred to summary jury trial, mini-hearing or early neutral evaluation (ENE). The Advisory Group and DCM Implementation Committee reviewed statistical data on the use of each of these ADR options and, while supporting the use of ADR generally, recognized the importance of enhancing and clarifying the role of ADR in the civil litigation process.

The Plan, as implemented, reflects the Court's continued commitment to ADR. Three of the management tracks contemplate active use of ADR. The Court's role is to make these events as meaningful as possible and to make sure their benefits exceed their costs in each case. The Court's DCM system provides the mechanism to carry out this task. Through DCM, the Court obtains substantial information at an early stage in the case, thus enabling the judges to determine, with the parties, how the case should be managed and whether ADR should be a part of the process.

The Court's DCM system requires judicial officers to hold a Rule 16 Scheduling Conference in person or by telephone within 45 days of the filing of the last responsive pleading. Before the conference, the parties are required to file a joint status report, which provides preliminary information to help the assigned judge determine whether the case is suitable for ADR and what the type and timing of ADR should be. The early scheduling conferences and joint status reports permit a careful cost-benefit analysis of ADR assignment that is not possible when cases are assigned to ADR solely by nature of suit or monetary value.

The additional information about each case now available to the judge through DCM permits individual consideration in deciding whether the benefits of ADR justify the costs. As a result of this close examination, the number of cases referred to ADR during the three years of DCM operation has decreased. During the past year alone, referrals to mediation dropped from 43% to 37% of eligible cases. Referrals to arbitration dropped from 6 cases to 2 cases in 1994 - 1995. Referrals to ENE rose from 7 cases to 12. The Court's experience with DCM suggests that referrals to ADR are directly related to the anticipated length and complexity of the case. A two-year study of cases assigned to the Standard Track showed 61% are referred to ADR. See Table XIV on page 35. The percentage of cases referred to ADR decreases substantially for highly complex cases expected to take a greater time to resolve and for less complicated cases expected to resolve quickly.

**TABLE XIV
REFERRALS TO ADR BY DCM TRACK
SEPTEMBER 1, 1993 THROUGH AUGUST 31, 1995**

	Eligible Cases	Referred to Mediation	Referred to Arbitration	Referred to ENE	Total ADR Referrals	Eligible Cases Referred to ADR
Voluntary Expedited	14	2	1	0	3	21%
Expedited	182	60	0	7	67	37%
Standard	366	204	7	11	222	61%
Complex	58	28	0	1	29	50%
Highly Complex	6	0	0	0	0	0%
Non-DCM	135	11	0	0	11	8%
Total Eligible	761	305	8	19	332	44%

Mediation, as defined in Local Rule 42, warrants further discussion. The mediation process in the Western District is evaluative, rather than facilitative, in nature. Furthermore, it occurs relatively late in the litigation process after discovery has concluded. Statistical analyses showed it resolves approximately twenty-seven percent of cases, yet can be an expensive process for parties to utilize due to the amount of attorney preparation involved. Accordingly, the Court appointed a committee to study and develop a purely facilitative form of mediation, to occur early in litigation. The committee concluded facilitative mediation providing a neutral, non-coercive forum and occurring early in the case, allows for creative solutions not always available to the Court, provides a mechanism to deal with the real issues in dispute, decreases the costs to parties, increases parties' satisfaction and compliance with the results, increases the Court's ability to resolve cases within given resources, and increases the parties' ability to resolve their own dispute without court intervention. Other district courts report as much as 70% to 80% of the cases referred are settled as a result of facilitative mediation. As a result, an executive committee was formed to create a proposal for facilitative mediation for review by the Court.

The final program description for voluntary facilitative mediation (VFM) was approved by the Court on July 7, 1995.¹⁸ All civil cases except prisoner civil rights, habeas corpus and social security cases, and §2255 motions are eligible. The process is completely voluntary; all parties must agree to proceed. The mediator, who may meet jointly or separately with the parties, serves as facilitator only and does not attempt to evaluate or place a monetary value on the dispute. The mediator will act as a catalyst for dispute resolution by asking questions, defining issues, opening channels of communication and assisting with the generation of alternative settlement proposals and solutions. The mediation session will be held approximately 60 days after the initial Rule 16 Scheduling Conference, and parties or individuals with settlement authority are required to attend. The format for the session is developed by the parties and the mediator. It may involve one or more sessions and may continue throughout the life of the case.

¹⁸A copy of the program description is attached as Appendix III.

In order to implement VFM, the Court trained and certified 29 attorneys to serve as mediators, created standardized forms and orders, modified existing standardized orders, and began a public awareness campaign to alert attorneys and staff to the new procedure. Cases were assigned to VFM beginning January 1, 1996. The clerk's office will provide support to monitor the program's effectiveness and other assistance as needed.

I. DCM Statistical Measures

1. Statistical Measures

As part of our continuing evaluation of experience under the DCM plan, the Court collects certain statistical data which measure actual performance against certain goals adopted by the Court. Although such measures are a useful analytical tool, the Court does not consider any particular measure, all or combined, as giving a complete picture of the Court's "success." Ultimately, a court's performance must be judged by its success in dispensing "equal justice under law," a goal not subject to precise measurement. Table XV on page 37 shows the Court's progress in adhering to the guidelines during the previous year. It shows the Court met over half of its goals.

2. Measures of Adherence to the Case Management Order

The following measures track the level of adherence to deadlines or limitations established in the case management order entered in each case subject to DCM. Deviations from the case management order may be caused by inaccurate predictions by the Court or counsel at the time of the Rule 16 Scheduling Conference, unforeseen complications arising after the conference, unavailability of counsel or witnesses, or myriad other factors. The Advisory Group, however, expressed the opinion that setting goals in these areas could tend to rob the case management process of needed flexibility. Consequently, this information is gathered for informational purposes so the Court can determine whether adjustments in its tracking system are appropriate, but no norms will be established.¹⁹

- Discovery: the percent of cases in which discovery was completed without an extension of time was 97%.
- Discovery Limits: the percent of cases in which the number of depositions and interrogatories set at the Rule 16 Scheduling Conference was within the guidelines for the track assignment was 83%.
- Track Reassignment: the percentage of cases in which the track assignment was changed was less than one percent.

¹⁹The data covers DCM cases terminated between September 1, 1994 and August 31, 1995.

TABLE XV
DCM STATISTICAL MEASURES
SEPTEMBER 1, 1994 THROUGH AUGUST 31, 1995

	Goal	Performance
Service of process completed within 120 days of filing	85%	91%
Rule 16 Conferences held at or within 45 days of filing the last responsive pleading	70%	93%
Discovery time set at Rule 16 Conference within the track guidelines	75%	75%
Motions decided 60 days or less from the last brief filed	75%	68%
Motions pending 6 months or less	90%	93%
Track I cases disposed of within 9 months †	90%	35%*
Track II cases disposed of within 9-12 months †	80%	80%
Track III cases disposed of within 12-15 months †	80%	76%
Track IV cases disposed of within 15-24 months †	80%	92%
Trials commenced by the first trial date or term set	90%	50%**
Bench trials under submission 6 months or less	100%	100%
Cases pending 3 years or less from filing	97%	97%
Track I cases pending within 9 months	95%	67%***
Track II cases pending within 9-12 months	90%	86%
Track III cases pending within 12-15 months	90%	90%
Track IV cases pending within 15-24 months	90%	92%

* Nine cases out of 26 represents 35% of the total.

** The Civil Justice Reform Act requires trials to be scheduled to occur within eighteen months after the filing of the complaint, unless certified by a judicial officer. During the second year of DCM operation, 94% of all trials occurred within 18 months after filing. During the third year, 100% of all trials occurred within 18 months after filing.

*** Two cases out of 6 represent 33% of the total.

† Includes all cases filed since September 1, 1992, terminated as of August 31, 1995.

3. Case Management Techniques

Over the life of the DCM project, the Court has gathered statistical data relevant to three particular case management practices, to determine whether they affect disposition time: whether or not the parties are required to attend the Rule 16 Scheduling Conference, whether this conference is held in person or by telephone, and whether a district or magistrate judge conducts the conference. This information is kept for informational purposes only, and no norms are established. The Court studied all cases filed between September 1, 1992 and August 31, 1995 in which a Rule 16 Scheduling Conference was held and the case ultimately terminated. Preliminary analyses were inconclusive. To gain a better perspective, the Court requested assistance from statisticians at the Federal Judicial Center.

The Court undertook a comprehensive regression analysis to determine the impact of these three variables. The findings were enlightening. The best models explain only 22% to 30% of the variance in disposition time, leaving most of the variance unexplained. Nearly all of the

explained variance is attributable to the track to which the case is assigned and the stage of the case at the time of termination (25%). Almost none is explained by who conducts the Rule 16 Conference (2%). In other words, whether the Rule 16 Scheduling Conference was held in person and whether the parties were present do not affect disposition time. While the study suggested that having magistrate judges conduct the conference may add time to disposition, the variable has little statistical significance.

The FJC recommended exercising extreme caution in using these analyses for policy decisions. Although this study was quite extensive and included many variables such as track assignment, the stage at which the litigation terminated, the amount of discovery allowed, and the judge to which the case was assigned, a number of plausible explanations for disposition time were not included. If we were able to measure and include them, it is possible that their addition would eliminate altogether the significance of the three variables in question.

VI. CHANGING ROLES UNDER DCM: ATTORNEYS, THE CLERK'S OFFICE AND COURT STAFF

The process of implementing DCM in this court was characterized by broad consultation and involvement both within the Court (judicial officers, case managers, the clerk and the clerk's staff) and between the Court and the bar. As described in the Court's previous Annual Assessments, district judges, magistrate judges, case managers, the DCM Coordinator, and staff of the clerk's office all participated actively in planning and development activities. As a result, the transition to DCM proceeded smoothly. Certain details of the system were modified during the first and second years to assure that the system would operate as intended.

The change to differentiated case management affected everyone. The operational impact of adapting to a new system cannot be understated. Nevertheless, lawyers have accommodated to the early Rule 16 Scheduling Conferences and new requirements such as explicit limits on the nature and scope of discovery. DCM has provided a unified systemic approach to case management that established intervention points for counsel--most salient being the requirement of an early Rule 16 conference--and described what would be done at each intervention point.

This permits counsel to prepare and, thus, to engage in substantive and informed discussions about the management of their case. In their responses to the survey, 96% of attorneys who offered an opinion indicated that the Court "always," "usually," or "sometimes" takes attorneys' views into consideration in creating the disposition timetable for a case. The importance of attorney participation was further underscored by the survey responses of attorneys who were dissatisfied with the DCM system: 23% of dissatisfied attorneys indicated that the Court "rarely" or "never" takes attorneys' views into consideration. Conversely, 87% of attorneys who were satisfied or more than satisfied with the DCM system indicated that the Court "always" or "usually" took attorneys' views into consideration. It may be assumed from this that attorney satisfaction with a case management program is greater when they can participate in a meaningful manner.

The changes in the clerk's office are evident in: a) the broad involvement of the staff in the clerk's office and case managers on an ongoing Task Force to continuously monitor and propose improvements to the differentiated case management system; b) the presence in the clerk's office of a DCM Coordinator with system support and oversight responsibilities; c) enhancement of the ICMS civil/criminal software output to provide detailed information and statistics on each judge's individual caseload and the performance of the DCM system; and d) participation on the Court's DCM Implementation Committee which continuously reviews DCM operation.

Implicit in these changes was recognition of the enhanced support provided by the clerk's office. The computerized tickler system, for example, created solely for DCM purposes, has expanded to assist case managers, docket clerks, and clerk's office staff with their daily activities. The DCM statistical reports have been modified and improved; one of which has been incorporated into the menu provided to case managers and the DCM Coordinator, and can be run individually at any time.²⁰ A booklet entitled Your Day in Court, designed to familiarize clients with the litigation process, including DCM, was produced and is distributed to all attorneys at Rule 16 Scheduling Conferences who, in turn, must forward to their clients. The DCM Coordinator's role includes monitoring system performance and effectiveness; coordinating system revisions; identifying potential caseflow problems and bringing them to the attention of the clerk and Court; and serving as liaison between judicial staff, clerk's office staff and members of the bar to assure consistency and uniformity of practice and procedure where appropriate.

The district's DCM program has also assisted chambers' staff in their case management role. As a result of the automated tickler system, case managers more closely monitor case progression, and are more familiar with cases and involved with counsel earlier in the litigation process. Additionally, case managers are better able to assist judicial officers because they now receive and review more sophisticated case management reports to assist in monitoring their overall caseload to meet the various demands of the Civil Justice Reform Act. Finally, they also have become integral to the broader system through their participation on the Court's Task Force.

VII. CONCLUSION

The third year of differentiated case management showed the system is functioning in a uniform manner and providing satisfactory results, as well as reducing the cost and delay of civil litigation. It is clear that many intended and incidental benefits to the Court, legal community and litigants have attended implementation of this new approach to case management. The Court enters the fourth year of differentiated case management with positive expectations. A major focus of activity during the fourth year will be implementing and monitoring the Voluntary Facilitative Mediation program, implementing the litigant survey in the booklet Your Day in Court, continuing the attorney DCM evaluation survey, and exploring means to assist processing of criminal litigation.

²⁰Examples of the reports and case listings provided regularly are included as Appendix IV to this report.

The goals of the Civil Justice Reform Act of 1990 are being fulfilled by the DCM system demonstrated in the Western District of Michigan. The judges and staff have made evident their commitment to the goals of the DCM demonstration particularly in their willingness to set aside personal preferences to operate a uniform case management system. The Court hopes the experiences here can serve as a model for other district courts contemplating implementation of similar programs.

APPENDIX I

DCM CASE MANAGEMENT TOOLS SUMMARY

DCM CASE MANAGEMENT TOOLS SUMMARY

ASSURING EFFECTIVE CASEFLOW MANAGEMENT

- **Monitoring Case Progress from the Pleadings Stage**

In its implementation of Differentiated Case Management (DCM), the Western District of Michigan chose to implement a system that would move the Service and Answer stages of cases along as quickly as possible. To do this, a "Computerized Tickler System" was developed. The Systems Staff utilized the standard ICMS software and development tools to create a simple system that monitors certain "checkpoints" and then sends electronic mail messages to the Case Managers and the Docket Staff. These "checkpoints" may be modified to suit the needs of any court.

The "checkpoints" reviewed each night in the Western District of Michigan are:

1. The expiration of the time allotted for the plaintiff to serve the defendant(s).
 - a. On the 90th day after the case is filed, a message is sent to the Case Manager letting them know that 90 days have passed and providing them a list of defendants who have not yet been served. The message asks the Case Manager to send a Notice of Impending Dismissal to the Plaintiff.
 - b. On the 117th day after the case is filed, a message is sent to the Case Manager providing a list of unserved defendants and alerting them that the time to serve the defendants will expire in two days.
 - c. On the 126th day after the case is filed, a message is sent to the Case Manager providing a list of remaining unserved defendants asking them to do an Order of Dismissal as to those defendants.
2. The expiration of the time allotted for the defendant(s) to file an answer or responsive pleading.
 - a. On the 26th day after the defendant is served, a message is sent to the Case Manager alerting them that the defendant has failed to file an answer or responsive pleading and asking them to prepare an Order to Show Cause to the plaintiff for failure to enter a default.
 - b. On the 46th day after the defendant is served, a message is sent to the Case Manager alerting them that the defendant still has not filed an answer or responsive pleading and no default has been taken, and asks the Case Manager to prepare an Order of Dismissal.

3. The final answer or last responsive pleading by the defendant(s).

The day the final defendant's answer or responsive pleading is docketed, a message is sent to the Case Manager alerting them that the case is ready for the Rule 16 Conference and asking them to schedule the conference within 45 days.

Also when the last defendant's answer or responsive pleading is docketed, a message goes to the Docket Clerk alerting them that the case is ready for the Rule 16 Conference. This message is intended as a reminder in the event the Docket Clerk has outstanding docketing for this case that may affect the scheduling of the conference.

- Monitoring Event Deadlines, Motions, Court Control of Discovery, Credibility of Trial Dates, Continuances

Another method used in the Western District of Michigan to help assure effective caseload management, is to have various docketing events trigger electronic mail messages. The intent of these messages is to keep cases and certain event occurrences from "falling through the cracks". For example, whenever an ADR scheduling event is docketed a message is sent to the ADR clerk for their information; whenever a Non-DCM case is docketed, a message is sent to the DCM Coordinator, etc. These messages can also be modified to suit the needs of each court.

- Producing Useful Reports and Listings

1. DCM Monitoring Report

This report lists for each judge, all cases filed since September 1, 1992 (and may include both currently pending cases filed and terminated cases or only pending cases, depending on user preference). For each case, this report lists the case number, the case title, the date filed, the track assignment or UNASSIGNED if there is none, the type of ADR if any, a flag (TRM) if the case has been terminated (applicable as long as terminated cases are on the report), a flag when the case is greater than 120 days old and the following dates (if scheduled): Rule 16 Conference, Discovery Deadline, Motion Filing Deadline and the Pre-Trial Conference.

For each judge and for the Court as a whole, this report summarizes the track assignments, the number of cases on the report and the number of cases on the report which are pending, terminated and pending over 120 days without a track assignment.

Suggested Uses for this Report:

- a. To determine that Administrative Track cases are being appropriately assigned to the Administrative Track.
 - b. To identify cases that have not been assigned to a track, especially if the Rule 16 Conference has been held.
 - c. To identify the cases that have been randomly assigned to the NON-DCM Track.
 - d. To identify the type of ADR being applied in the case, if any.
 - e. To review the dates/deadlines currently set in the case.
 - f. If desired, the events monitored in this report may be changed to meet the needs of the Court.
2. **DCM Monthly Statistics Report**

Part 1 - Categorized Cases:

This part of the report contains a list of every case filed in the reporting month, categorized by nature of suit (as grouped on the JS-44 Civil Cover Sheet). Each judge will be able to identify whether the number of filings they receive exceeds the number of terminations for the month, and what type of case constitutes their greatest number of pending cases. This part of the report will allow each judge to identify positive trends and/or areas of concern in their pending caseload.

Part 2 - Service, Rule 16 Conferences & Consents:

This part of the report contains a list of all DCM cases that proceeded to a Rule 16 Scheduling Conference during the reporting month. All DCM related case management techniques, (i.e. track assignment, number of days for service of process, number of days to hold the conference, whether the conference was held in person or by telephone, by a magistrate judge, whether the parties' presence was required and discovery limitations) are identified.

Each judge will be able to identify the number of Rule 16 Scheduling Conferences held within 45 days of the last defendant's first responsive pleading, along with the number of cases referred to ADR and the type of ADR referred.

Part 3 - Case Management Changes & Dispositive Motions:

This part of the report contains a list of DCM related changes to the case management order made after the Rule 16 Scheduling Conference, for the reporting month. Specifically, it indicates whether the number of depositions, interrogatories, or days for discovery were increased or decreased; whether track assignment increased or decreased; whether the type of ADR was changed; and whether the trial date was increased.

This part of the report also indicates the number of dispositive motions decided during the reporting month and, for those motions decided, how many were decided in less than or equal to 120 days from the filing date of the motion and how many were decided greater than 120 days from the filing date of the motion. It is difficult to pinpoint when a dispositive motion is "ripe" for decision, therefore, we calculated a 120 day monitoring point based on 60 days from the filing of the motion (for responses and oral arguments) and 60 days for the judicial officer to decide on the motion.

Part 4 - Case Terminations:

This part of the report contains a list of the cases that terminated during the reporting month. For each case terminated, the number of days to disposition are indicated and, where applicable, the report indicates whether the dispositions were within track time limits. The report also provides the average number of days to disposition for all cases terminated during the reporting month.

- **How Your Systems Staff Can Help You Develop a Similar System**

The tickler system and reports described above were developed by the Systems Staff in the Western District of Michigan using existing AO software and AO supplied development tools. The data extractor used by CHASER for its Answer Report was used as the main data extractor for the tickler system and the data it generated was then filtered through the report writer supplied with the UNIFY Relational Database Management System and through basic Unix scripts. The reports were developed using the Structured Query Language supplied with UNIFY, UNIFY's report writer and Unix scripts. All of the reports described above can be modified to suit the needs of your court.

APPENDIX II

DIFFERENTIATED CASE MANAGEMENT (DCM) EVALUATION

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

**DIFFERENTIATED CASE MANAGEMENT (DCM) EVALUATION
Under the Civil Justice Reform Act of 1990**

1. Which of the following best describes your legal practice? Please check one.

¹ Private Law Firm ² Corporate Counsel (in-house) ³ Federal, State or Local Government ⁴ Legal Aid or Legal Services Organization ⁵ Other

2. Where is your principal place of federal court practice? Please check one.

¹ Western District of Michigan ² Other Federal District Court

3. About how many cases in the U. S. District Court for the Western District of Michigan have you handled that were *not subject* to the Differentiated Case Management (DCM) procedures effective on 9/1/92? _____

4. About how many cases in the U. S. District Court for the Western District of Michigan have you handled that were *subject to* the Differentiated Case Management (DCM) procedures effective on 9/1/92? _____

Questions 5 through 21 ask your views about whether the case identified above was handled effectively. Please answer all questions with reference to THIS CASE ONLY.

5. Which judicial officer(s) handled this case?

¹ Gibson ² Enslin ³ Bell ⁴ McKeague ⁵ Quist ⁶ Miles
 ⁷ Hillman ⁸ Brenneman ⁹ Rowland ¹⁰ Greeley ¹¹ Scoville

6. Please rate your satisfaction with the DCM system in this case compared with the previous case management system:

¹ Very Satisfied ² Satisfied ³ Somewhat Satisfied ⁴ Somewhat Dissatisfied ⁵ Very Dissatisfied ⁶ Don't Know ⁷ No Change

7. Please rate your clients' satisfaction with the DCM system in this case compared with the previous case management system:

¹ Very Satisfied ² Satisfied ³ Somewhat Satisfied ⁴ Somewhat Dissatisfied ⁵ Very Dissatisfied ⁶ Don't Know ⁷ No Change

8. Please indicate the extent to which you believe the Court took attorneys' views into consideration when setting deadlines and discovery limits in this case:

¹ Always ² Usually ³ Sometimes ⁴ Rarely ⁵ Never ⁶ No Opinion

9. Was the track assignment appropriate to the characteristics of this case?

¹ Yes ² No ³ No Opinion

~OVER PLEASE~

03/11/96

Questions 10 through 21 below address particular elements of the Court's DCM plan along with several other aspects of the Court's case management practices. Please indicate what effect each had on litigation cost and litigation delay of this case. Using the key below, please circle one response for cost and one response for delay. If a particular case management technique was not used or did not occur in this case, please circle number 5 for both litigation cost and litigation delay.

Litigation Cost

- 1 = increases litigation cost
- 2 = decreases litigation cost
- 3 = does not affect litigation cost
- 4 = no opinion/don't know
- 5 = did not occur/does not apply

Litigation Delay

- 1 = increases litigation delay
- 2 = decreases litigation delay
- 3 = does not affect litigation delay
- 4 = no opinion/don't know
- 5 = did not occur/does not apply

10. An element of the DCM system is to have all appropriate civil cases proceed to an early Rule 16 Scheduling Conference. What effect did this have on litigation cost and delay of this case?

	<u>Litigation Cost</u>						<u>Litigation Delay</u>				
	1	2	3	4	5		1	2	3	4	5

11. An element of case management practice used by some judges is to require the attendance of the parties (or representatives with authority to bind the parties) at the Rule 16 Scheduling Conference. What effect did this have on litigation cost and delay of this case?

	<u>Litigation Cost</u>						<u>Litigation Delay</u>				
	1	2	3	4	5		1	2	3	4	5

12. An element of the DCM system is to assign cases to tracks. What effect did this have on litigation cost and delay of this case?

	<u>Litigation Cost</u>						<u>Litigation Delay</u>				
	1	2	3	4	5		1	2	3	4	5

13. An element of case management practice used by some judges is to have the parties disclose discovery material in the manner provided by Fed. Rule Civ. P. 26(a)(1). What effect did this have on litigation cost and delay of this case?

	<u>Litigation Cost</u>						<u>Litigation Delay</u>				
	1	2	3	4	5		1	2	3	4	5

14. An element of case management practice used by some judges is to ask the parties to voluntarily disclose discovery material without waiting for a formal discovery request. What effect did this have on litigation cost and delay of this case?

	<u>Litigation Cost</u>						<u>Litigation Delay</u>				
	1	2	3	4	5		1	2	3	4	5

15. An element of the DCM system is to set limitations on the number of depositions each party may take. What effect did this have on litigation cost and delay of this case?

	<u>Litigation Cost</u>						<u>Litigation Delay</u>				
	1	2	3	4	5		1	2	3	4	5

16. An element of the DCM system is to set limitations on the number of interrogatories each party may serve. What effect did this have on litigation cost and delay of this case?

	<u>Litigation Cost</u>						<u>Litigation Delay</u>				
	1	2	3	4	5		1	2	3	4	5

17. An element of the DCM system is to set limitations on the time allowed for discovery. What effect did this have on litigation cost and delay of this case?

	<u>Litigation Cost</u>						<u>Litigation Delay</u>				
	1	2	3	4	5		1	2	3	4	5

18. An element of the DCM system is to have more contact with judges and/or magistrate judges. What effect did this have on litigation cost and delay of this case?

	<u>Litigation Cost</u>						<u>Litigation Delay</u>				
	1	2	3	4	5		1	2	3	4	5

19. An element of the DCM system is disposition of motions within 60 days following oral argument or following the last responsive brief if oral argument is not heard. What effect did this have on litigation cost and delay of this case?

	<u>Litigation Cost</u>						<u>Litigation Delay</u>				
	1	2	3	4	5		1	2	3	4	5

20. An element of the DCM system is to set early, firm trial dates. What effect did this have on litigation cost and delay of this case?

	<u>Litigation Cost</u>						<u>Litigation Delay</u>				
	1	2	3	4	5		1	2	3	4	5

21. In the space below please provide any additional comments you would like to make about the Court's DCM system. Attach additional pages, if necessary:

APPENDIX III

**VOLUNTARY FACILITATIVE MEDIATION
PROGRAM DESCRIPTION**

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

**VOLUNTARY FACILITATIVE MEDIATION
PROGRAM DESCRIPTION**

Definition True mediation, as distinguished from the hybrid process known as Michigan mediation (Local Rule 42), is a "flexible, nonbinding dispute resolution process in which an impartial third party -- the mediator -- facilitates negotiations among the parties to help them reach settlement. A hallmark of mediation is its capacity to expand traditional settlement discussion and broaden resolution options, often by going beyond the legal issues in controversy."¹ The mediator, who may meet jointly or separately with the parties, serves as a facilitator only and does not decide issues or make findings of fact.

Authorization Under the Court's Differentiated Case Management Plan, effective September 1, 1992, adopted pursuant to the Civil Justice Reform Act of 1990, p. 4, No. 4; and by approval of the judges on July 7, 1995.

CASE SELECTION

Eligible Cases All civil cases except prisoner civil rights complaints, habeas corpus and social security cases, and § 2255 motions are eligible for voluntary facilitative mediation.

Referral Method and Notice to Parties In preparation for the initial Rule 16 scheduling conference, all parties are encouraged to discuss the use of alternative dispute resolution and indicate their preference in the joint status report. If the district or magistrate judge is satisfied that the selection of facilitative mediation is purely voluntary and has the full approval of all parties, he incorporates their selection in the case management order with instructions to the parties to jointly select a mediator within ten (10) days.

TIMING FOR MEDIATION PROCESS

Timing for the Mediation Referral See Referral Method and Notice to Parties above.

¹Judge's Deskbook on Court ADR, National ADR Institute for Federal Judges, Harvard Law School, November 12-13, 1993, p. 3.

Selection of Mediator

The parties jointly choose one mediator from the list of court certified mediators within ten (10) calendar days of the issuance of the case management order. Plaintiff is responsible for notifying the ADR clerk of the name of the selected mediator. If the parties are unable to reach agreement, they notify the ADR clerk, who then selects a mediator for them. The ADR clerk notifies the mediator of his or her selection, and requests a check for potential conflicts of interest. If a conflict is found to exist, the mediator notifies the ADR clerk, who either selects an alternate mediator or requests the parties make a new selection. Once a mediator's selection is finalized, the ADR clerk notifies the judge assigned to the case, who issues an order of referral for facilitative mediation.

**Timing for the
Mediation Session**

Within 14 days of the issuance of the order of referral, the mediator consults with the parties and sets a time and place for the mediation session. The initial session is held within 60 days of the order of referral.² The mediator sends a notice of hearing as soon as practicable to all parties and the ADR clerk.

**Timing and Nature of
Submissions Required
Before the Mediation
Session**

Not less than seven (7) calendar days prior to the initial mediation session, each party provides the mediator with a concise memorandum, no more than 10 double-spaced pages in length, setting forth the party's position concerning the issues to be resolved through mediation, including issues relative to both liability and damages. The mediator may circulate the parties' memoranda.

**Duration of the
Mediation Process**

The format for the session is developed by the parties and the mediator. The developed format may involve one session or several sessions.

KEY PROGRAM FEATURES**Status of Discovery
and Motions During
Mediation Process**

Any case referred to mediation continues to be subject to management by the judge to whom it is assigned. Unless otherwise ordered, parties are not precluded from filing pretrial motions or pursuing discovery.

²This section is not intended to impose any time limitations on the mediation process, but to encourage its prompt initiation. If the parties and the mediator agree, mediation may continue throughout the life of the case.

Party Responsibilities

Parties or individuals with settlement authority are required to attend the mediation session(s).

**Mediation Logistics
and Location**

The mediator establishes the time and place of the mediation session(s). Mediations may take place at the Courthouse, the mediator's office or at any other location the parties consent to. The mediator determines the length and timing of the sessions and the order in which issues are presented, and sends a notice of the agreed upon time and place to all participating parties.

**Filing of Mediation
Outcome**

At the conclusion of mediation, if settlement is reached, the mediator helps the parties draft a settlement agreement along with a stipulation and proposed order to dismiss, which is then filed with the Court. If settlement is not reached, the parties have seven (7) calendar days to inform the mediator whether they desire to continue with the mediation process. Within ten (10) calendar days of the completion of mediation, the mediator files a brief report with the ADR clerk, with copies to all parties. The report indicates only who participated in the mediation session, and whether settlement was reached. The ADR clerk is responsible for keeping the Court informed of the status of the mediation process.

Confidentiality

Information disclosed during any mediation session may not be disclosed to any other party without consent of the party disclosing the information. All mediation proceedings are considered to be compromise negotiations within the meaning of Fed. R. of Evid. 408.

THE MEDIATORS**List of Mediators**

The Court has certified mediators who have received training sponsored by the Court, or its equivalent. The ADR clerk maintains a current list of mediators which discloses the hourly rate charged by each mediator.

**Mediator Certification
Fee**

Each mediator is assessed an initial fee of \$100.00 (one hundred dollars) for certification, and thereafter, an annual fee of \$25.00 (twenty-five dollars) for re-certification. The monies are held by the Court in a separate, interest-bearing fund for training of mediators, court personnel, and judicial staff and for the education of the public and bar.

Mediator**Qualifications**

To be considered for certification, an attorney has a minimum of five (5) years of practice experience, is an active member of this court's bar, has general peer recognition for his or her expertise, demonstrates an interest in the program, and displays attributes which make it likely he or she will be successful, such as:

- 1) Ability to listen actively;
- 2) Ability to analyze problems, identify and separate the issues involved, and frame these issues for resolution or decision making;
- 3) Ability to use clear, neutral language;
- 4) Sensitivity to strongly felt values of the disputants;
- 5) Ability to deal with complex factual materials;
- 6) Presence and persistence, i.e., an overt commitment to honesty, dignified behavior, respect for the parties, and an ability to create and maintain control of a diverse group of disputants;
- 7) Ability to identify and to separate the neutral's personal values from issues under consideration; and
- 8) Ability to understand power imbalances.

Steering Committee

A Steering Committee composed of attorneys has been appointed by the Court to assist the Court in the selection and certification of mediators.

Training

The Court sponsors periodic training sessions for new mediators, and refresher training for currently certified mediators. Certified mediators have completed at least 16 hours of training either sponsored or approved by the Court and served as a co-mediator in at least one case. The Court may also request mediators attend periodic refresher seminars sponsored by the Court.

**Selection of a Mediator
for the Case**

The ADR clerk maintains a list of qualified mediators, from which parties select a mediator. If the parties cannot agree, they notify the ADR clerk who takes the next available name from the mediator list. A mediator may decline to serve after completing five (5) or more mediations in a given calendar year.

***Pro Bono* Assignments**

The Court may reasonably expect a mediator to serve in a *pro bono* capacity once each calendar year. Any further requests for *pro bono* appointment may be declined.

Disqualification Rules

No person serves as a mediator in any action in which any of the circumstances specified in 28 U.S.C. § 455 exist, or, in good faith, are believed to exist.

Mediation Assessment

The Court assesses a fee of \$50.00 (fifty dollars) per referral of which \$25.00 (twenty-five dollars) is paid by the plaintiff(s) and \$25.00 (twenty-five dollars) is paid by the defendant(s). The monies are deposited into the Voluntary Facilitative Mediation Training Fund. In the instance of a *pro bono* mediation, the assessment is waived.

Fees

Mediators are paid their normal hourly rate divided equally by the parties. The mediator is responsible for billing the parties. In the event of noncompliance, the mediator may petition the district or magistrate judge for an order directing payment of his or her fees.

Immunity

Certified mediators are entitled to quasi-judicial immunity as officers of the Court.

COURT ADMINISTRATION OF THE MEDIATION PROGRAM**Administrative
Structure**

The mediation program is administered by the clerk's office. Problems are initially handled by the ADR clerk.

**Evaluation of the
Program**

The ADR clerk gathers data relevant to a careful, in-depth analysis of the efficacy of the program, and reports to the Court on a regular basis. In an effort to gather information, the Court may develop questionnaires for participants, counsel and mediators, to be completed and returned at the close of the mediation process. Responses will be kept confidential and not divulged to the Court, the attorneys or the parties. Only aggregate information about the program will be reported.

APPENDIX IV

EXAMPLES OF

CASE MANAGEMENT REPORTS AND STATISTICS

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 1

Categorized Cases -- 08/01/95 thru 08/31/95

	Civil Rights	Contr.	Fed. Tax	Forf.	Pers. Labor	Pers. Injury	Pers. Prop.	Prop. Rights	Real Prop.	Other	2255 Cases	Habeas Corpus	Pris. Rights	Social Secur.	Student Loan	Bankr.	Total	Prev Total
Chief Judge Richard A. Enslin																		
Previous Pending::	36	21	2	3	15	19	2	9	1	16	0	2	73	13	0	1	213	218
Filings:	4	3	0	0	2	3	0	0	0	5	3	0	12	2	0	0	34	27
Terminations:	3	5	1	0	0	2	0	0	0	2	3	0	13	0	0	0	29	32
Current Pending:	37	19	1	3	17	20	2	9	1	19	0	2	72	15	0	1	218	213
Judge Benjamin F. Gibson																		
Previous Pending::	21	22	2	3	13	30	6	6	3	17	5	36	60	23	0	3	250	249
Filings:	7	1	0	1	2	1	0	0	0	0	1	2	9	5	0	0	29	24
Terminations:	1	1	0	0	1	4	0	0	0	3	0	1	9	0	0	0	20	23
Current Pending:	27	22	2	4	14	27	6	6	3	14	6	37	60	28	0	3	259	250
Judge Robert Holmes Bell																		
Previous Pending::	30	16	1	2	9	18	2	6	4	20	6	30	60	12	0	2	218	207
Filings:	3	2	0	0	3	0	0	1	0	0	2	2	11	0	0	1	25	28
Terminations:	1	1	0	0	2	1	0	1	0	2	1	2	5	0	0	0	16	17
Current Pending:	32	17	1	2	10	17	2	6	4	18	7	30	66	12	0	3	227	218
Judge David W. McKeague																		
Previous Pending::	34	17	2	8	18	22	3	5	3	7	1	22	64	13	0	1	220	229
Filings:	3	4	1	0	1	1	0	0	1	2	1	5	10	0	0	0	29	27
Terminations:	5	0	0	0	5	4	1	0	0	2	0	1	5	2	0	0	25	36
Current Pending:	32	21	3	8	14	19	2	5	4	7	2	26	69	11	0	1	224	220
Judge Gordon J. Quist																		
Previous Pending::	31	18	1	2	11	23	4	7	4	19	3	18	84	4	0	1	230	237
Filings:	5	4	0	0	1	0	0	0	0	0	0	5	10	1	0	1	27	30
Terminations:	6	1	0	1	1	2	0	0	0	1	0	0	5	0	0	0	17	37
Current Pending:	30	21	1	1	11	21	4	7	4	18	3	23	89	5	0	2	240	230

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 1

Categorized Cases -- 08/01/95 thru 08/31/95

	Civil Rights	Contr.	Fed. Tax	Forf.	Labor	Pers. Injury	Pers. Prop.	Prop. Rights	Real Prop.	Other	2255 Cases	Habeas Corpus	Pris. Rights	Social Secur.	Student Loan	Bankr.	Total	Prev Total
Senior Judge Wendell A. Miles																		
Previous Pending::	11	7	0	0	3	3	0	3	0	1	0	14	26	9	0	0	77	80
Filings:	0	0	0	0	1	2	0	0	0	1	0	0	4	1	0	0	9	6
Terminations:	2	0	0	0	2	0	0	0	0	0	0	0	6	0	0	0	10	9
Current Pending:	9	7	0	0	2	5	0	3	0	2	0	14	24	10	0	0	76	77
Senior Judge Douglas W. Hillman																		
Previous Pending::	12	2	1	0	1	2	3	3	5	7	0	19	17	9	0	0	81	78
Filings:	1	0	0	0	2	0	0	0	0	1	0	3	1	1	0	0	9	7
Terminations:	1	0	0	0	0	0	1	1	0	1	0	2	3	2	0	0	11	4
Current Pending:	12	2	1	0	3	2	2	2	5	7	0	20	15	8	0	0	79	81
District Totals:																		
Previous Pending:	176	103	9	18	70	117	20	39	20	87	15	141	384	83	0	8	1290	1299
Filed:	23	14	1	1	12	7	0	1	1	9	7	17	57	10	0	2	162	149
Terminated:	19	8	1	1	11	13	2	2	0	11	4	6	46	4	0	0	128	158
Current Pending:	179	109	9	18	71	111	18	38	21	85	18	152	395	89	0	10	1323	1289

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 2

Service, Rule 16 Conference & Consents Statistics -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE FILED	SERVICE TRACK	SERV DATE	LAST RESPONSE	RESP DAYS	CONF DATE	CONF DAYS	CONF TYPE	CONF BEFORE	PRES REQD	DISC DAYS	DISC VAR	NUM DEPS	DEPS VAR	INTS INTS	ADR VAR	1ST ART3?	MAG CONS?	GEO CONV?

Chief Judge Richard A. Enslen																				
4:95-cv-0088	Martinez v. Kalina	05/22/95	NONE	**/**/**	N/A	06/30/95	39	08/24/95	55	PERS	MAG	NO	0	N/A						
1:95-cv-0236	James v. Ladd Furniture, Inc.	04/17/95	III	**/**/**	N/A	**/**/**	****	08/24/95	****	PERS	MAG	YES	246	INC	14	INC	100	INC	MED	
1:95-cv-0285	USA v. 1035 Benjamin, S.E.	05/09/95	III	**/**/**	N/A	**/**/**	****	08/31/95	****	PERS	MAG	NO	162	DEC	8	NC	20	DEC		
1:95-cv-0315	Hornung v. JJP Corporation	05/19/95	III	**/**/**	N/A	06/28/95	40	08/21/95	54	PERS	MAG	NO	181	NC	6	DEC	50	INC	MED	
1:95-cv-0380	Kennedy v. Inco Dev Corp	06/09/95	III	**/**/**	N/A	**/**/**	****	08/24/95	****	PERS	MAG	YES	180	NC	8	NC	25	DEC	MED	
4:95-cv-0110	Rawls v. Kalamazoo, City of	06/08/95	III	**/**/**	N/A	**/**/**	****	08/10/95	****	TEL	MAG	NO	161	DEC	12	INC	40	INC		
5:95-cv-0083	Maki v. Olin Corporation	06/15/95	III	**/**/**	N/A	10/05/95	112	08/10/95	????	TEL	MAG	NO	221	INC	8	NC	30	NC	MED	
1:95-cv-0369	Stewart v. H. J. Heinz Company	06/07/95	IV	**/**/**	N/A	09/21/95	106	08/21/95	????	PERS	MAG	NO	0	DEC	50	INC	50	NC		
5:95-cv-0090	Page v. General Motors Corp	06/23/95	IV	**/**/**	N/A	07/21/95	28	08/21/95	31	TEL	MAG	NO	250	DEC	30	INC	75	INC		

Summary for Chief Judge Richard A. Enslen

RULE 16 CONFERENCES:

- 7 held within 45 days of last answer/response
- 2 held greater than 45 days after last answer/response
- 6 in person
- 3 via telephone
- 0 before Article III Judge
- 9 before Magistrate Judge
- 2 with parties presence required
- 7 with parties presence not required
- 2 cases where standard discovery length was followed
- 2 cases where standard discovery length was increased
- 4 cases where standard discovery length was decreased
- 3 cases where standard discovery limits were followed
- 4 cases where discovery limits were increased
- 2 cases where discovery limits were decreased

ADR SUMMARY:

- 0 ENE
- 0 Special Master
- 4 Mediation
- 0 Arbitration
- 0 Summary Bench
- 0 Summary Jury
- 0 Other

CONSENTS:

- 0 consents to first available Article III Judge
- 0 consents to proceed before a Magistrate Judge
- 0 requests for geographic reassignment

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 2

Service, Rule 16 Conference & Consents Statistics -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE FILED	SERVICE TRACK	SERV DATE	LAST RESPONSE	RESP DAYS	CONF DATE	CONF DAYS	CONF TYPE	CONF BEFORE	PRES REQD	DISC DAYS	DISC VAR	NUM DEPS	DEPS VAR	NUM INTS	INTS VAR	ADR TYPE	1ST ART3?	MAG CONS?	GEO CONV?

Judge Benjamin F. Gibson																					
1:95-cv-0420	Jennings v. World Rio Corp	06/22/95	NONE	**/**/**	N/A	07/28/95	36	08/31/95	34	PERS	MAG	NO	0	N/A							
1:95-cv-0421	Morton v. World Rio Corp	06/22/95	NONE	**/**/**	N/A	07/28/95	36	08/31/95	34	PERS	MAG	NO	0	N/A							
1:95-cv-0422	Green v. World Rio Corp	06/22/95	NONE	**/**/**	N/A	07/28/95	36	08/31/95	34	PERS	MAG	NO	0	N/A							
1:95-cv-0424	Hollman v. World Rio Corp	06/22/95	NONE	**/**/**	N/A	07/28/95	36	08/31/95	34	PERS	MAG	NO	0	N/A							
5:95-cv-0067	Sidhu v. Jenifer	05/16/95	I	**/**/**	N/A	08/24/95	100	08/09/95	????	PERS	MAG	NO	0	DEC		DEC					
1:95-cv-0274	Kime v. USA	05/03/95	III	**/**/**	N/A	09/18/95	138	08/09/95	????	PERS	MAG	NO	130	DEC	8	NC	30	NC	MED		
1:95-cv-0341	Kelly v. Loucks	05/30/95	III	**/**/**	N/A	**/**/**	****	08/09/95	****	PERS	MAG	NO	156	DEC	8	NC	30	NC			
1:95-cv-0419	Moore v. World Rio Corp.	06/22/95	III	**/**/**	N/A	07/28/95	36	08/31/95	34	PERS	MAG	NO	0	DEC		DEC					
1:95-cv-0423	Jennings v. World Rio Corp	06/22/95	III	**/**/**	N/A	07/28/95	36	08/31/95	34	PERS	MAG	NO	0	DEC		DEC					
5:95-cv-0098	Professional Air v. Dresser Industr	06/30/95	III	**/**/**	N/A	**/**/**	****	08/11/95	****	PERS	MAG	NO	155	DEC	8	NC	30	NC	ENE		
1:95-cv-0268	Leslie Metal Arts Co v. Wickes Mfg	04/28/95	IV	**/**/**	N/A	**/**/**	****	08/11/95	****	TEL	MAG	NO	119	DEC	15	NC	50	NC			

Summary for Judge Benjamin F. Gibson

RULE 16 CONFERENCES:

11 held within 45 days of last answer/response
 0 held greater than 45 days after last answer/response
 10 in person
 1 via telephone
 0 before Article III Judge
 11 before Magistrate Judge
 0 with parties presence required
 11 with parties presence not required
 0 cases where standard discovery length was followed
 0 cases where standard discovery length was increased
 7 cases where standard discovery length was decreased
 4 cases where standard discovery limits were followed
 0 cases where discovery limits were increased
 3 cases where discovery limits were decreased

ADR SUMMARY:

1 ENE
 0 Special Master
 1 Mediation
 0 Arbitration
 0 Summary Bench
 0 Summary Jury
 0 Other

CONSENTS:

0 consents to first available Article III Judge
 0 consents to proceed before a Magistrate Judge
 0 requests for geographic reassignment

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DOM STATISTICAL REPORT -- PART 2

Service, Rule 16 Conference & Consents Statistics -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE FILED	SERVICE TRACK	SERV DATE	LAST DAYS	RESP RESPONSE DAYS	CONF DATE	CONF DAYS	CONF TYPE	CONF BEFORE	PRES REQD	DISC DAYS	DISC VAR	NUM DEPS	DEPS VAR	INTS INTS	INTS VAR	ADR TYPE	1ST ART3?	MAG CONS?	GEO CONV?

Judge Robert Holmes Bell																					
1:95-cv-0310	Amera Tel Communictn v. Sprint Comm	05/17/95	NONE	**/**/**	N/A	**/**/**	****	08/11/95	****	PERS	JUDGE	NO	0	N/A							
1:95-cv-0361	Medendorp v. Medendorp	06/06/95	NONE	**/**/**	N/A	07/10/95	34	08/11/95	32	PERS	JUDGE	NO	0	N/A							
1:95-cv-0489	Kurth v. Walt Disney World	07/17/95	NONE	**/**/**	N/A	07/17/95	0	08/28/95	42	PERS	JUDGE	NO	0	N/A							
1:95-cv-0371	Callahan v. Rain Without Thunder	06/08/95	II	**/**/**	N/A	**/**/**	****	08/17/95	****	PERS	JUDGE	NO	184	INC	8	INC	30	INC			
1:95-cv-0469	Secura Insurance v. Cohl Stoker & T07	10/09/95	II	**/**/**	N/A	**/**/**	****	08/11/95	****	TEL	JUDGE	NO	112	DEC	4	NC	20	NC			
1:95-cv-0250	Wolf v. CSX Transportation	04/21/95	III	**/**/**	N/A	06/30/95	70	08/16/95	47	TEL	JUDGE	NO	164	DEC	8	NC	30	NC	MED		
1:95-cv-0431	Carlson v. Whale	06/26/95	III	**/**/**	N/A	**/**/**	****	08/17/95	****	TEL	JUDGE	NO	197	INC	8	NC	30	NC	MED		
2:94-cv-0293	Smith v. Brown	10/28/94	III	**/**/**	N/A	07/26/95	271	08/24/95	29	PERS	MAG	NO	185	INC	10	INC	30	NC	MED	YES	
2:95-cv-0191	Whetstone Village v. State Farm Fir06	06/30/95	III	**/**/**	N/A	07/10/95	10	08/14/95	35	PERS	MAG	NO	148	DEC		DEC	DEC				
2:95-cv-0230	Haywood v. Schwan's Sales Ent	08/01/95	III	**/**/**	N/A	08/01/95	0	08/30/95	29	PERS	MAG	YES	153	DEC	6	DEC	30	NC	MED		

Summary for Judge Robert Holmes Bell

RULE 16 CONFERENCES:

- 9 held within 45 days of last answer/response
- 1 held greater than 45 days after last answer/response
- 7 in person
- 3 via telephone
- 7 before Article III Judge
- 3 before Magistrate Judge
- 1 with parties presence required
- 9 with parties presence not required
- 1 cases where standard discovery length was followed
- 2 cases where standard discovery length was increased
- 4 cases where standard discovery length was decreased
- 5 cases where standard discovery limits were followed
- 2 cases where discovery limits were increased
- 1 cases where discovery limits were decreased

ADR SUMMARY:

- 0 ENE
- 0 Special Master
- 4 Mediation
- 0 Arbitration
- 0 Summary Bench
- 0 Summary Jury
- 0 Other

CONSENTS:

- 0 consents to first available Article III Judge
- 1 consents to proceed before a Magistrate Judge
- 0 requests for geographic reassignment

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 2

Service, Rule 16 Conference & Consents Statistics -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE FILED	TRACK	SERVICE DATE	SERV DAYS	LAST RESPONSE	RESP DAYS	CONF DATE	CONF DAYS	CONF TYPE	CONF BEFORE	PRES REQD	DISC DAYS	DISC VAR	NUM DEPS	DEPS VAR	NUM INTS	INTS VAR	ADR TYPE	1ST ART3?	MAG CONS?	GEO CONV?

Judge David W. McKeague																						
1:95-cv-0169	Dickson v. Credit Bur Lansing	03/20/95	II	**/**/**	N/A	**/**/**	****	08/17/95	****	PERS	JUDGE	NO	118	NC	5	INC	25	INC	MED			
2:95-cv-0079	Ford v. Gogebic Medical Care	03/09/95	II	**/**/**	N/A	**/**/**	****	08/14/95	****	TEL	MAG	NO	32	DEC	2	DEC		DEC	MED			
1:95-cv-0057	Progressive Tech Inc v. Computer Po	01/31/95.	III	**/**/**	N/A	**/**/**	****	08/07/95	****	PERS	JUDGE	NO	131	DEC	12	INC	30	NC			YES	
1:95-cv-0247	USA v. Haught	04/20/95	III	**/**/**	N/A	**/**/**	****	08/04/95	****	PERS	JUDGE	NO	195	INC	8	NC	30	NC			YES	
1:95-cv-0478	Book v. Paul Revere Life Ins	07/14/95	III	**/**/**	N/A	**/**/**	****	08/23/95	****	PERS	JUDGE	NO	191	INC	8	NC	30	NC				
2:95-cv-0196	Bonetti v. West Iron Co Fire De	07/12/95	III	**/**/**	N/A	**/**/**	****	08/22/95	****	PERS	MAG	NO	275	INC	10	INC	30	NC	MED			

Summary for Judge David W. McKeague

RULE 16 CONFERENCES:

- 6 held within 45 days of last answer/response
- 0 held greater than 45 days after last answer/response
- 5 in person
- 1 via telephone
- 4 before Article III Judge
- 2 before Magistrate Judge
- 0 with parties presence required
- 6 with parties presence not required
- 1 cases where standard discovery length was followed
- 3 cases where standard discovery length was increased
- 2 cases where standard discovery length was decreased
- 4 cases where standard discovery limits were followed
- 3 cases where discovery limits were increased
- 1 cases where discovery limits were decreased

ADR SUMMARY:

- 0 ENE
- 0 Special Master
- 3 Mediation
- 0 Arbitration
- 0 Summary Bench
- 0 Summary Jury
- 0 Other

CONSENTS:

- 0 consents to first available Article III Judge
- 2 consents to proceed before a Magistrate Judge
- 0 requests for geographic reassignment

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 2

Service, Rule 16 Conference & Consents Statistics -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE FILED	SERVICE TRACK	SERV DATE	LAST DAYS	RESP RESPONSE DAYS	CONF DATE	CONF DAYS	CONF TYPE	CONF BEFORE	PRES REQD	DISC DAYS	DISC VAR	NUM DEPS	DEPS NUM	INTS NUM	ADR TYPE	1ST ART3?	MAG CONS?	GEO CONV?
Judge Gordon J. Quist																				
4:95-cv-0116	Garcia v. Berrybrook Enterpris	06/19/95	NONE	**/**/**	N/A	07/17/95	28	08/21/95	35	PERS	JUDGE	NO	0	N/A						
5:95-cv-0089	North Central Indus v. Delta Townsh	06/22/95	NONE	**/**/**	N/A	**/**/**	****	08/14/95	****	PERS	JUDGE	NO	0	N/A						
1:95-cv-0229	Verschueren v. TRAN	04/14/95	II	**/**/**	N/A	**/**/**	****	08/09/95	****	PERS	JUDGE	NO	107	DEC	4	NC	20	NC	MED	YES
1:95-cv-0325	Alton v. Boyne City Pub Sch	05/23/95	II	**/**/**	N/A	07/17/95	55	08/15/95	29	TEL	JUDGE	NO	80	DEC	4	NC	20	NC		YES
1:95-cv-0345	Salomon v. McMillan Miles Inc	06/02/95	II	**/**/**	N/A	06/23/95	21	08/07/95	45	PERS	JUDGE	NO	121	NC	4	NC	20	NC		
5:95-cv-0062	Rice v. Hastings Mfg Company	05/08/95	III	**/**/**	N/A	07/14/95	67	08/17/95	34	PERS	JUDGE	NO	197	INC	8	NC	30	NC	MED	

Summary for Judge Gordon J. Quist

RULE 16 CONFERENCES:

6 held within 45 days of last answer/response
 0 held greater than 45 days after last answer/response
 5 in person
 1 via telephone
 6 before Article III Judge
 0 before Magistrate Judge
 0 with parties presence required
 6 with parties presence not required
 1 cases where standard discovery length was followed
 1 cases where standard discovery length was increased
 2 cases where standard discovery length was decreased
 4 cases where standard discovery limits were followed
 0 cases where discovery limits were increased
 0 cases where discovery limits were decreased

ADR SUMMARY:

0 ENE
 0 Special Master
 2 Mediation
 0 Arbitration
 0 Summary Bench
 0 Summary Jury
 0 Other

CONSENTS:

0 consents to first available Article III Judge
 2 consents to proceed before a Magistrate Judge
 0 requests for geographic reassignment

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 2

Service, Rule 16 Conference & Consents Statistics -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE FILED	SERVICE TRACK	SERV DATE	LAST DAYS	RESP RESPONSE DAYS	CONF DATE	CONF DAYS	CONF TYPE	CONF BEFORE	PRES REQD	DISC DAYS	DISC VAR	NUM DEPS	NUM VAR	INTS VAR	ADR TYPE	1ST ART3?	MAG CONS?	GEO CONV?

Senior Judge Wendell A. Miles																				
1:95-cv-0412	Koern v. Pentek Corporation	06/21/95	III	**/**/**	N/A	07/27/95	36	08/28/95	32	PERS	MAG	NO	184	INC	12	INC	60	INC	MED	

Summary for Senior Judge Wendell A. Miles

RULE 16 CONFERENCES:

- 1 held within 45 days of last answer/response
- 0 held greater than 45 days after last answer/response
- 1 in person
- 0 via telephone
- 0 before Article III Judge
- 1 before Magistrate Judge
- 0 with parties presence required
- 1 with parties presence not required
- 1 cases where standard discovery length was followed
- 0 cases where standard discovery length was increased
- 0 cases where standard discovery length was decreased
- 0 cases where standard discovery limits were followed
- 1 cases where discovery limits were increased
- 0 cases where discovery limits were decreased

ADR SUMMARY:

- 0 ENE
- 0 Special Master
- 1 Mediation
- 0 Arbitration
- 0 Summary Bench
- 0 Summary Jury
- 0 Other

CONSENTS:

- 0 consents to first available Article III Judge
- 0 consents to proceed before a Magistrate Judge
- 0 requests for geographic reassignment

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 2

Service, Rule 16 Conference & Consents Statistics -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE FILED	SERVICE TRACK	SERV DATE	LAST DAYS	RESP RESPONSE DAYS	CONF DATE	CONF DAYS	CONF TYPE	CONF BEFORE	PRES REQD	DISC DAYS	DISC VAR	NUM DEPS	NUM DEPS VAR	INTS VAR	ADR TYPE	1ST ART3?	MAG CONS?	GEO CONV?

Senior Judge Douglas W. Hillman																				
1:95-cv-0386	USA v. MI, State of	06/12/95	NONE	**/**/**	N/A	**/**/**	****	08/03/95	****	PERS	MAG	NO	0	N/A						
5:95-cv-0071	Martin v. Denniston	05/26/95	III	**/**/**	N/A	**/**/**	****	08/21/95	****	PERS	MAG	NO	182	NC	8	NC	30	NC		
5:95-cv-0103	Donovan v. Heberlein	07/24/95	III	**/**/**	N/A	08/10/95	17	08/28/95	18	PERS	MAG	NO	149	DEC	8	NC	30	NC		

Summary for Senior Judge Douglas W. Hillman

RULE 16 CONFERENCES:

3 held within 45 days of last answer/response
 0 held greater than 45 days after last answer/response
 3 in person
 0 via telephone
 0 before Article III Judge
 3 before Magistrate Judge
 0 with parties presence required
 3 with parties presence not required
 1 cases where standard discovery length was followed
 0 cases where standard discovery length was increased
 1 cases where standard discovery length was decreased
 2 cases where standard discovery limits were followed
 0 cases where discovery limits were increased
 0 cases where discovery limits were decreased

ADR SUMMARY:

0 ENE
 0 Special Master
 0 Mediation
 0 Arbitration
 0 Summary Bench
 0 Summary Jury
 0 Other

CONSENTS:

0 consents to first available Article III Judge
 0 consents to proceed before a Magistrate Judge
 0 requests for geographic reassignment

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 2

Service, Rule 16 Conference & Consents Statistics -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE FILED	SERVICE TRACK	SERV DATE	LAST RESP	RESP DAYS	CONF DATE	CONF DAYS	CONF TYPE	CONF BEFORE	CONF REQD	PRES DISC	DISC NUM	DEPS NUM	INTS ADR	1ST MAG	GEO
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DISTRICT SUMMARY

RULE 16 CONFERENCES:

43 held within 45 days of last answer/response
 3 held greater than 45 days after last answer/response
 37 in person
 9 via telephone
 17 before Article III Judge
 29 before Magistrate Judge
 3 with parties presence required
 43 with parties presence not required
 7 cases where standard discovery length was followed
 8 cases where standard discovery length was increased
 20 cases where standard discovery length was decreased
 21 cases where standard discovery limits were followed
 10 cases where discovery limits were increased
 7 cases where discovery limits were decreased

ADR SUMMARY:

1 ENE
 0 Special Master
 15 Mediation
 0 Arbitration
 0 Summary Bench
 0 Summary Jury
 0 Other

CONSENTS:

0 consents to first available Article III Judge
 5 consents to proceed before a Magistrate Judge
 0 requests for geographic reassignment

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF MICHIGAN -- MONTHLY DCM STATISTICAL REPORT

JUDGE NAME or INFO TYPE	VOL TRACK	EXP TRACK	STAND TRACK	COMPLEX TRACK	H COMP TRACK	TOTAL DCM CASES	NON-DCM TRACK	NO TRACK	TOTAL ALL CASES	ADMIN* TRACK
Chief Judge Enslin										
Changes in Discovery Limits	0	0	0	0	0	0	0	0	0	0
Changes in Track Assignment	0	0	0	0	0	0	0	0	0	0
Suspension of Discovery	0	0	0	0	0	0	0	0	0	0
Changes in Trial Date	0	0	0	0	0	0	0	0	0	0
Dispositive Motions Decided within 120 days after filing	1	1	2	0	0	4	4	5	13	11
Percentage of Dispositive Motions Decided within 120 days	100%	50%	67%	0%	0%	36%	50%	56%	46%	100%
Dispositive Motions NOT Decided within 120 days after filing	0	1	1	0	5	7	4	4	15	0
Percentage of Dispositive Motions NOT Decided within 120 days	0%	50%	33%	0%	100%	64%	50%	44%	54%	0%

* For the Administrative Track, a cutoff of 240 days is used instead of the usual 120 days for deciding dispositive motions.

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF MICHIGAN -- MONTHLY DCM STATISTICAL REPORT

JUDGE NAME or INFO TYPE	VOL TRACK	EXP TRACK	STAND TRACK	COMPLEX TRACK	H COMP TRACK	TOTAL DCM CASES	NON-DCM TRACK	NO TRACK	TOTAL ALL CASES	ADMIN* TRACK
Judge Gibson										
Changes in Discovery Limits	0	0	0	0	0	0	0	0	0	0
Changes in Track Assignment	0	0	0	0	0	0	2	0	2	0
Suspension of Discovery	0	0	4	3	0	7	0	1	8	0
Changes in Trial Date	0	0	6	1	0	7	0	1	8	0
Dispositive Motions Decided within 120 days after filing	0	2	2	0	0	4	0	0	4	6
Percentage of Dispositive Motions Decided within 120 days	0%	100%	100%	0%	0%	100%	0%	0%	100%	60%
Dispositive Motions NOT Decided within 120 days after filing	0	0	0	0	0	0	0	0	0	4
Percentage of Dispositive Motions NOT Decided within 120 days	0%	0%	0%	0%	0%	0%	0%	0%	0%	40%

* For the Administrative Track, a cutoff of 240 days is used instead of the usual 120 days for deciding dispositive motions.

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF MICHIGAN -- MONTHLY DCM STATISTICAL REPORT

JUDGE NAME or INFO TYPE	VOL TRACK	EXP TRACK	STAND TRACK	COMPLEX TRACK	H COMP TRACK	TOTAL DCM CASES	NON-DCM TRACK	NO TRACK	TOTAL ALL CASES	ADMIN* TRACK
Judge Bell										
Changes in Discovery Limits	0	0	0	0	0	0	0	0	0	0
Changes in Track Assignment	0	0	0	0	0	0	0	0	0	0
Suspension of Discovery	0	0	1	3	0	4	0	1	5	0
Changes in Trial Date	0	0	1	3	0	4	0	1	5	0
Dispositive Motions Decided within 120 days after filing	0	0	0	3	0	3	0	2	5	2
Percentage of Dispositive Motions Decided within 120 days	0%	0%	0%	60%	0%	60%	0%	50%	56%	100%
Dispositive Motions NOT Decided within 120 days after filing	0	0	0	2	0	2	0	2	4	0
Percentage of Dispositive Motions NOT Decided within 120 days	0%	0%	0%	40%	0%	40%	0%	50%	44%	0%

* For the Administrative Track, a cutoff of 240 days is used instead of the usual 120 days for deciding dispositive motions.

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF MICHIGAN -- MONTHLY DCM STATISTICAL REPORT

JUDGE NAME or INFO TYPE	VOL TRACK	EXP TRACK	STAND TRACK	COMPLEX TRACK	H COMP TRACK	TOTAL DCM CASES	NON-DCM TRACK	NO TRACK	TOTAL ALL CASES	ADMIN* TRACK
Judge McKeague										
Changes in Discovery Limits	0	0	0	0	0	0	0	0	0	0
Changes in Track Assignment	0	0	0	0	0	0	0	0	0	0
Suspension of Discovery	0	1	1	0	0	2	0	1	3	0
Changes in Trial Date	0	1	1	0	0	2	0	1	3	0
Dispositive Motions Decided within 120 days after filing	0	1	4	0	0	5	1	1	7	3
Percentage of Dispositive Motions Decided within 120 days	0%	33%	36%	0%	0%	33%	100%	50%	39%	38%
Dispositive Motions NOT Decided within 120 days after filing	0	2	7	1	0	10	0	1	11	5
Percentage of Dispositive Motions NOT Decided within 120 days	0%	67%	64%	100%	0%	67%	0%	50%	61%	63%

* For the Administrative Track, a cutoff of 240 days is used instead of the usual 120 days for deciding dispositive motions.

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF MICHIGAN -- MONTHLY DCM STATISTICAL REPORT

JUDGE NAME or INFO TYPE	VOL TRACK	EXP TRACK	STAND TRACK	COMPLEX TRACK	H COMP TRACK	TOTAL DCM CASES	NON-DCM TRACK	NO TRACK	TOTAL ALL CASES	ADMIN*
Judge Quist										
Changes in Discovery Limits	0	0	0	0	0	0	0	0	0	0
Changes in Track Assignment	0	0	0	0	0	0	0	0	0	0
Suspension of Discovery	0	0	0	1	0	1	0	0	1	0
Changes in Trial Date	0	0	0	1	0	1	0	1	2	0
Dispositive Motions Decided within 120 days after filing	0	4	3	0	0	7	0	7	14	5
Percentage of Dispositive Motions Decided within 120 days	0%	100%	60%	0%	0%	70%	0%	78%	74%	100%
Dispositive Motions NOT Decided within 120 days after filing	0	0	2	1	0	3	0	2	5	0
Percentage of Dispositive Motions NOT Decided within 120 days	0%	0%	40%	100%	0%	30%	0%	22%	26%	0%

* For the Administrative Track, a cutoff of 240 days is used instead of the usual 120 days for deciding dispositive motions.

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF MICHIGAN -- MONTHLY DCM STATISTICAL REPORT

JUDGE NAME or INFO TYPE	VOL TRACK	EXP TRACK	STAND TRACK	COMPLEX TRACK	H COMP TRACK	TOTAL DCM CASES	NON-DCM TRACK	NO TRACK	TOTAL ALL CASES	ADMIN* TRACK
Senior Judge Miles										
Changes in Discovery Limits	0	0	0	0	0	0	0	0	0	0
Changes in Track Assignment	0	0	0	0	0	0	0	0	0	0
Suspension of Discovery	0	0	0	0	0	0	0	0	0	0
Changes in Trial Date	0	0	0	0	0	0	0	0	0	0
Dispositive Motions Decided within 120 days after filing	0	1	0	0	0	1	0	2	3	6
Percentage of Dispositive Motions Decided within 120 days	0%	100%	0%	0%	0%	33%	0%	100%	60%	43%
Dispositive Motions NOT Decided within 120 days after filing	0	0	2	0	0	2	0	0	2	8
Percentage of Dispositive Motions NOT Decided within 120 days	0%	0%	100%	0%	0%	67%	0%	0%	40%	57%

* For the Administrative Track, a cutoff of 240 days is used instead of the usual 120 days for deciding dispositive motions.

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF MICHIGAN -- MONTHLY DCM STATISTICAL REPORT

JUDGE NAME or INFO TYPE	VOL TRACK	EXP TRACK	STAND TRACK	COMPLEX TRACK	H COMP TRACK	TOTAL DCM CASES	NON-DCM TRACK	NO TRACK	TOTAL ALL CASES	ADMIN*
Senior Judge Hillman										
Changes in Discovery Limits	0	0	0	0	0	0	0	0	0	0
Changes in Track Assignment	0	0	0	0	0	0	0	0	0	0
Suspension of Discovery	0	0	0	0	0	0	0	0	0	0
Changes in Trial Date	0	0	0	0	0	0	0	0	0	0
Dispositive Motions Decided within 120 days after filing	0	0	0	0	0	0	0	3	3	0
Percentage of Dispositive Motions Decided within 120 days	0%	0%	0%	0%	0%	0%	0%	100%	100%	0%
Dispositive Motions NOT Decided within 120 days after filing	0	0	0	0	0	0	0	0	0	0
Percentage of Dispositive Motions NOT Decided within 120 days	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* For the Administrative Track, a cutoff of 240 days is used instead of the usual 120 days for deciding dispositive motions.

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF MICHIGAN -- MONTHLY DCM STATISTICAL REPORT

JUDGE NAME or INFO TYPE	VOL TRACK	EXP TRACK	STAND TRACK	COMPLEX TRACK	H COMP TRACK	TOTAL DCM CASES	NON-DCM TRACK	NO TRACK	TOTAL ALL CASES	ADMIN* TRACK
DISTRICT TOTALS										
Changes in Discovery Limits	0	0	0	0	0	0	0	0	0	0
Changes in Track Assignment	0	0	0	0	0	0	2	0	2	0
Suspension of Discovery	0	1	6	7	0	14	0	3	17	0
Changes in Trial Date	0	1	8	5	0	14	0	4	18	0
Dispositive Motions Decided within 120 days after filing	1	9	11	3	0	24	5	20	49	33
Percentage of Dispositive Motions Decided within 120 days	100%	75%	48%	43%	0%	50%	56%	69%	57%	66%
Dispositive Motions NOT Decided within 120 days after filing	0	3	12	4	5	24	4	9	37	17
Percentage of Dispositive Motions NOT Decided within 120 days	0%	25%	52%	57%	100%	50%	44%	31%	43%	34%

* For the Administrative Track, a cutoff of 240 days is used instead of the usual 120 days for deciding dispositive motions.

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME
Chief Judge Richard Enslen									
No Track:									
1:95-cv-0105	Roberson vs Rosenbaum	08/30/95	190	NO	NO	NO	YES	Other Dismissal	N/A
1:95-cv-0128	Hanafin vs USA	08/14/95	165	NO	NO	NO	YES	Lack of Jurisdiction	N/A
1:95-cv-0251	Comtel Services, Inc vs G.E. Comm. Serv.	08/14/95	115	YES	NO	NO	NO		N/A
1:95-cv-0486	Tinsley vs Wyoming Police Dept	08/30/95	47	NO	NO	NO	YES	Other Dismissal	N/A
5:94-cv-0066	Freeman vs Hastings	08/30/95	477	NO	NO	NO	YES	Other Dismissal	N/A
5:94-cv-0186	Parmelee vs Jacobson	08/01/95	225	NO	NO	NO	YES	Transfer to Other District	N/A
5:95-cv-0078	Sale vs Criscuolo	08/30/95	83	NO	NO	NO	YES	Other Dismissal	N/A
Expedited Track:									
1:94-cv-0766	Cincinnati Ins Co vs Transnat'l Agronomy	08/14/95	280	NO	YES	NO	NO		YES
5:93-cv-0025	Lansing Mercy Ambul vs Tri-Cty Emg Med Cntl	08/01/95	887	NO	NO	NO	YES	Other Judgment	NO
Standard Track:									
1:94-cv-0177	Bell vs Naylor	08/17/95	512	YES	NO	NO	NO		NO
1:94-cv-0616	Merrill Lynch vs Burhans	08/01/95	322	NO	YES	NO	NO		YES
Administrative Track:									
1:94-cv-0711	Kimbrough vs Withrow	08/14/95	301	NO	YES	NO	NO		N/A
1:94-cv-0802	Hintz vs McKee	08/16/95	268	NO	YES	NO	NO		N/A
1:94-cv-0817	Valero vs Withrow	08/14/95	256	NO	NO	YES	NO	Other Dismissal	N/A
1:95-cv-0029	Holloway vs Toombs	08/14/95	209	NO	YES	NO	NO		N/A
1:95-cv-0231	Sales vs Owen	08/01/95	109	NO	NO	YES	NO	Other Dismissal	N/A
1:95-cv-0333	Parker vs Johnson	08/01/95	68	NO	NO	YES	NO	Other Dismissal	N/A
1:95-cv-0367	Martin vs Kimmerly	08/01/95	55	NO	NO	YES	NO	Other Dismissal	N/A
1:95-cv-0416	Bullock vs Toombs	08/14/95	53	NO	NO	YES	NO	Other Dismissal	N/A
1:95-cv-0417	Bullock vs Toombs	08/14/95	53	NO	NO	YES	NO	Other Dismissal	N/A
1:95-cv-0433	Cage vs Kent Cty Corr Fac	08/14/95	49	NO	NO	NO	YES	Other Dismissal	N/A
1:95-cv-0434	Wallace vs Kent Cty Corr Fac	08/14/95	49	NO	NO	YES	NO	Other Dismissal	N/A
4:95-cv-0118	Wright vs Huff	08/30/95	71	NO	NO	NO	YES	Other Dismissal	N/A
4:95-cv-0145	Robert Scheidel, Jr. vs USA	08/14/95	7	NO	NO	NO	YES	Other Dismissal	N/A
4:95-cv-0146	Robert Eiko vs USA	08/14/95	5	NO	NO	NO	YES	Other Dismissal	N/A
4:95-cv-0149	Eugene Scheidel vs USA	08/30/95	13	NO	NO	NO	YES	Other Dismissal	N/A
NON-DCM Track:									
1:94-cv-0597	McBeth Corporation vs Hooper Holmes Health	08/14/95	347	NO	YES	NO	NO		N/A
1:94-cv-0740	Napier vs Haines	08/14/95	290	NO	YES	NO	NO		N/A

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION	SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME
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Summary for Chief Judge Richard Enslen

2 settled
7 dismissed by granting a dispositive motion
0 trials held
7 dismissed as frivolous or as habeas rule 4
12 other dispositions
2 cases disposed within track limits
2 cases NOT disposed within track limits

197 days on average to disposition

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME
Judge Benjamin Gibson									
No Track:									
1:95-cv-0099	TMTTHWF vs Reichenbach Ceiling	08/24/95	189	YES	NO	NO	NO		N/A
1:95-cv-0167	Robinson vs World Rio Corp.	08/07/95	140	NO	NO	NO	YES	MDL Transfer	N/A
1:95-cv-0485	Peoples vs Indiana, State of	08/02/95	19	NO	NO	NO	YES	Transfer to Other District	N/A
4:95-cv-0053	WATS Intl Corp vs Trans Natl Communctn	08/01/95	118	NO	NO	NO	YES	Transfer to Other District	N/A
5:95-cv-0091	Fishell vs Howard	08/01/95	39	NO	NO	NO	YES	Other Dismissal	N/A
Expedited Track:									
4:94-cv-0122	Klinge vs Internal Revenue	08/01/95	358	NO	YES	NO	NO		YES
5:95-cv-0025	Huggler vs Miles, Inc.	08/21/95	167	NO	NO	NO	YES	MDL Transfer	YES
Standard Track:									
4:94-cv-0053	Miller vs Amer Motorist Ins Co	08/08/95	483	YES	NO	NO	NO		NO
5:94-cv-0113	Allen vs Jacobson Mfg Co Inc	08/15/95	378	YES	NO	NO	NO		YES
Administrative Track:									
1:92-cv-0681	Clark-X vs Isom	08/24/95	1064	NO	NO	NO	YES	Other Dismissal	N/A
1:94-cv-0382	Wade vs Payne	08/02/95	415	NO	YES	NO	NO		N/A
1:94-cv-0491	Harris vs Bria	08/02/95	377	NO	YES	NO	NO		N/A
1:95-cv-0289	Mont vs Kinney	08/02/95	84	NO	NO	NO	YES	Want of Prosecution	N/A
1:95-cv-0358	Reeves-El vs Prelesnik	08/02/95	58	NO	NO	NO	YES	Want of Prosecution	N/A
1:95-cv-0360	Spencer vs Gneiting	08/01/95	57	NO	NO	NO	YES	Other Dismissal	N/A
1:95-cv-0461	Smith vs Withrow	08/01/95	22	NO	NO	NO	YES	Other Dismissal	N/A
1:95-cv-0462	Tinsley vs Dougan	08/01/95	22	NO	NO	NO	YES	Other Dismissal	N/A
1:95-cv-0538	Milton-El vs Culler	08/09/95	7	NO	NO	NO	YES	Transfer to Other District	N/A
4:94-cv-0187	Jabaar vs Young	08/02/95	266	NO	YES	NO	NO		N/A

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION	DISPOSITIVE SETTLED	TRIAL MOTION	FRIVOLOUS/ HELD	OTHER HC RULE 4	DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME
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Summary for Judge Benjamin Gibson

3 settled
4 dismissed by granting a dispositive motion
0 trials held
2 dismissed as frivolous or as habeas rule 4
10 other dispositions
3 cases disposed within track limits
1 cases NOT disposed within track limits

224 days on average to disposition

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME	
Judge Robert Holmes Bell										
No Track:										
1:95-cv-0344	Computer Design Inc vs Premiere Vision Inc.	08/04/95	63	NO	NO	NO	NO	YES	Default	N/A
1:95-cv-0543	Scholten vs Care Choices HMO	08/07/95	3	NO	NO	NO	NO	YES	Voluntarily	N/A
4:95-cv-0012	Battle-El vs USA	08/28/95	217	NO	YES	NO	NO	NO		N/A
5:95-cv-0061	Gao vs Jenifer	08/07/95	94	YES	NO	NO	NO	NO		N/A
Expedited Track:										
1:94-cv-0360	USA vs Insulation & Env Svc	08/07/95	425	NO	NO	NO	NO	YES	Other Dismissal	NO
Standard Track:										
1:95-cv-0023	OEHCP vs Hess Constr Co Inc	08/17/95	217	YES	NO	NO	NO	NO		YES
1:95-cv-0194	Eaglewood Constr Co vs Schafer	08/10/95	134	YES	NO	NO	NO	NO		YES
2:93-cv-0275	Carter vs Dickinson Cty Hosp	08/14/95	619	YES	NO	NO	NO	NO		NO
Administrative Track:										
1:93-cv-0686	Neff vs Abramajtys	08/01/95	706	NO	NO	NO	NO	YES	Other Dismissal	N/A
1:95-cv-0447	Jones vs Johnson	08/07/95	33	NO	NO	NO	NO	YES	Other Dismissal	N/A
2:95-cv-0125	Hanley vs USA	08/07/95	119	NO	NO	NO	NO	YES	Other Dismissal	N/A
2:95-cv-0192	Davis vs Mayer	08/07/95	33	NO	NO	NO	NO	YES	Other Dismissal	N/A
2:95-cv-0225	Ljuljduraj vs McGinnis	08/16/95	21	NO	NO	NO	NO	YES	Voluntarily	N/A
5:95-cv-0094	Barton vs Bria	08/01/95	35	NO	NO	NO	YES	NO	Other Dismissal	N/A
5:95-cv-0106	Cage vs Kent Cty Corr Fac	08/28/95	34	NO	NO	NO	YES	NO	Other Dismissal	N/A
5:95-cv-0108	McCullough vs Holben	08/02/95	5	NO	NO	NO	NO	YES	Transfer to Other District	N/A

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION	SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME
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Summary for Judge Robert Holmes Bell

4 settled
1 dismissed by granting a dispositive motion
0 trials held
2 dismissed as frivolous or as habeas rule 4
9 other dispositions
2 cases disposed within track limits
2 cases NOT disposed within track limits

172 days on average to disposition

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME

Judge David McKeague									
No Track:									
1:95-cv-0111	Sudman vs Lamina Inc.	08/03/95	161	YES	NO	NO	NO		N/A
1:95-cv-0265	Czlapinski vs Knouse Foods Coop	08/21/95	115	NO	NO	NO	YES	Voluntarily	N/A
1:95-cv-0474	Corder vs Nestle Brands Food	08/28/95	47	NO	NO	YES	NO	Other Dismissal	N/A
1:95-cv-0558	Huffman vs Scott	08/30/95	21	NO	NO	NO	YES	Remanded to State Court	N/A
2:95-cv-0135	Eis vs Chicago and NW Trans	08/23/95	126	YES	NO	NO	NO		N/A
4:95-cv-0068	Hamlin vs James River Paper Co	08/07/95	116	YES	NO	NO	NO		N/A
5:95-cv-0101	Granger Land Dev Co vs Waste Management MI	08/29/95	39	NO	NO	NO	YES	Remanded to State Court	N/A
Expedited Track:									
2:94-cv-0055	Haider vs Michigan Tech Univ	08/11/95	532	NO	YES	NO	NO		NO
5:94-cv-0091	Malkewitz vs Rite Aid Corporation	08/21/95	409	YES	NO	NO	NO		NO
Standard Track:									
1:94-cv-0466	Boersema vs Harvest Ins Agcy Inc	08/31/95	416	NO	YES	NO	NO		YES
1:94-cv-0560	Wilson vs Wells Aluminum Corp	08/23/95	370	NO	YES	NO	NO		YES
4:94-cv-0043	Yeoman vs Anderson	08/01/95	503	NO	YES	NO	NO		NO
4:94-cv-0067	Javetz vs Grand Valley St Univ	08/21/95	480	NO	YES	NO	NO		NO
Complex Track:									
1:93-cv-0812	Thinnes-Tavener vs Thinnes	08/21/95	682	NO	NO	NO	YES		YES
1:94-cv-0778	Thompson vs Plante & Moran	08/21/95	284	NO	YES	NO	NO		YES
1:94-cv-0841	Williams vs Balemaster Mfg Inc	08/25/95	259	NO	NO	NO	YES	Remanded to State Court	YES
Administrative Track:									
1:92-cv-0670	Campbell vs Jerome	08/07/95	1047	NO	NO	YES	NO		N/A
1:94-cv-0713	Inman vs Secy of HHS	08/23/95	310	NO	NO	NO	YES	Appeal Affirmed	N/A
2:94-cv-0048	Jackson vs Kantola	08/21/95	544	NO	YES	NO	NO		N/A
2:95-cv-0091	Hasan El G.S. vs Hawley	08/23/95	161	NO	NO	NO	YES	Want of Prosecution	N/A
4:94-cv-0089	Wigfall vs Horndasch	08/08/95	427	NO	YES	NO	NO		N/A
4:94-cv-0125	Royle vs McGinnis	08/01/95	357	NO	NO	NO	YES	Other Dismissal	N/A
4:95-cv-0138	Manning vs Bolden	08/29/95	33	NO	NO	YES	NO	Other Dismissal	N/A
5:94-cv-0055	Wagner vs HHS	08/21/95	494	NO	NO	NO	YES	Appeal Affirmed	N/A
NON-DCM Track:									
1:94-cv-0763	Hamlin vs James River Paper Co	08/07/95	276	YES	NO	NO	NO		N/A

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION	SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME
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Summary for Judge David McKeague

5 settled
8 dismissed by granting a dispositive motion
1 trials held
2 dismissed as frivolous or as habeas rule 4
9 other dispositions
5 cases disposed within track limits
4 cases NOT disposed within track limits

328 days on average to disposition

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME

Judge Gordon Quist									
No Track:									
1:94-cv-0366	Smith vs McGinnis	08/18/95	435	NO	NO	NO	YES	Other Dismissal	N/A
1:94-cv-0649	Mathis vs Ziegler	08/04/95	311	NO	NO	NO	YES	Transfer to Other District	N/A
1:95-cv-0316	Natl Fruit Prod Co vs Nelson	08/10/95	83	NO	YES	NO	NO		N/A
1:95-cv-0327	USA vs \$492500 US Currency	08/21/95	89	NO	NO	NO	YES	Default	N/A
5:94-cv-0142	Serna vs Ymker	08/18/95	319	NO	YES	NO	NO		N/A
Expedited Track:									
1:94-cv-0601	Teichman vs Espy	08/18/95	350	NO	YES	NO	NO		YES
2:94-cv-0176	State Farm Fire vs Tossava	08/15/95	404	YES	NO	NO	NO		NO
2:95-cv-0075	DeGrave vs Chicago and NW Trans	08/31/95	176	YES	NO	NO	NO		YES
5:95-cv-0052	Metropolitan Life vs Anderson	08/08/95	113	NO	YES	NO	NO		YES
Standard Track:									
1:94-cv-0098	Porsoska vs Leach Company	08/11/95	540	YES	NO	NO	NO		NO
1:94-cv-0458	Waleson vs American Seating	08/10/95	398	NO	YES	NO	NO		YES
1:94-cv-0637	Shropshire vs Wal-Mart Stores, Inc	08/25/95	333	NO	NO	NO	YES	Judgment of Arbitrator	YES
Administrative Track:									
1:95-cv-0406	Cobb vs Rider	08/21/95	63	NO	NO	NO	YES	Other Dismissal	N/A
1:95-cv-0464	Beck vs Abramajtys	08/21/95	42	NO	NO	NO	YES	Other Dismissal	N/A
2:95-cv-0188	Hyena vs Wright	08/21/95	60	NO	NO	NO	YES	Other Judgment	N/A
4:94-cv-0189	Jabaar vs Palmer	08/10/95	274	NO	YES	NO	NO		N/A

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION	DISPOSITIVE SETTLED	TRIAL MOTION	FRIVOLOUS/ HELD	OTHER HC RULE 4	DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME
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Summary for Judge Gordon Quist

3 settled
6 dismissed by granting a dispositive motion
0 trials held
2 dismissed as frivolous or as habeas rule 4
5 other dispositions
5 cases disposed within track limits
2 cases NOT disposed within track limits

249 days on average to disposition

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION	SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME

Senior Judge Wendell Miles										
No Track:										
1:95-cv-0071	Jeffries vs Lozer	08/10/95	189	NO	YES	NO	NO	NO		N/A
1:95-cv-0574	TMLHCF vs Indiana Constr Corp	08/31/95	14	NO	NO	NO	NO	YES	Voluntarily	N/A
4:94-cv-0215	TMCCPF vs Carpentry Contr Inc	08/10/95	238	NO	NO	NO	NO	YES	Default	N/A
Expedited Track:										
1:94-cv-0706	Boyd vs Occidental Dev Ltd	08/18/95	305	NO	NO	NO	NO	YES	Other Dismissal	YES
Administrative Track:										
1:94-cv-0405	Scott vs Odmark	08/07/95	413	NO	YES	NO	NO	NO		N/A
1:94-cv-0506	Hopkins vs Toombs	08/28/95	397	NO	YES	NO	NO	NO		N/A
1:94-cv-0593	Burnett vs Stephens	08/23/95	357	NO	YES	NO	NO	NO		N/A
1:94-cv-0748	Mont vs Vidor	08/08/95	281	NO	YES	NO	NO	NO		N/A
1:95-cv-0551	Jones vs Green	08/23/95	15	NO	NO	NO	NO	YES	Transfer to Other District	N/A
5:94-cv-0070	Benson vs Westra	08/28/95	468	NO	YES	NO	NO	NO		N/A

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION	SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME
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Summary for Senior Judge Wendell Miles

0 settled
6 dismissed by granting a dispositive motion
0 trials held
0 dismissed as frivolous or as habeas rule 4
4 other dispositions
1 cases disposed within track limits
0 cases NOT disposed within track limits

268 days on average to disposition

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION	SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME

Senior Judge Douglas Hillman										
No Track:										
4:95-cv-0127	Wabeke vs Mulder	08/25/95	39	NO	NO	NO	NO	YES	Other Dismissal	N/A
Standard Track:										
4:95-cv-0011	Pro Shot Aerosol vs MI Bulb Company	08/31/95	225	YES	NO	NO	NO	NO		YES
Administrative Track:										
1:94-cv-0175	Vargas vs Secy of HHS	08/22/95	518	NO	NO	NO	NO	YES	Appeal Affirmed	N/A
1:95-cv-0453	Langley vs Haik	08/03/95	28	NO	NO	NO	YES	NO	Other Dismissal	N/A
1:95-cv-0571	Scott vs Churchill	08/31/95	15	NO	NO	NO	YES	NO	Other Dismissal	N/A
4:95-cv-0144	Clincy vs Toombs	08/24/95	21	NO	NO	NO	YES	NO	Other Dismissal	N/A
5:94-cv-0102	Gutierrez vs Secy of HHS	08/17/95	392	NO	NO	NO	NO	YES	Appeal Affirmed	N/A
5:95-cv-0092	Watts vs Keeler	08/29/95	67	NO	NO	NO	NO	YES	Other Dismissal	N/A

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION	SETTLED	DISPOSITIVE MOTION	TRIAL HELD	FRIVOLOUS/ HC RULE 4	OTHER DISPOSITION	TYPE OF OTHER DISPOSITION	DISPOSED IN TIME
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Summary for Senior Judge Douglas Hillman

1 settled
0 dismissed by granting a dispositive motion
0 trials held
3 dismissed as frivolous or as habeas rule 4
4 other dispositions
1 cases disposed within track limits
0 cases NOT disposed within track limits

163 days on average to disposition

UNITED STATES DISTRICT COURT -- WESTERN DISTRICT OF MICHIGAN

MONTHLY DCM STATISTICAL REPORT -- PART 4

Case Terminations -- 08/01/95 thru 08/31/95

CASE NUMBER	CASE CAPTION	DATE CLOSED	DAYS TO DISPOSITION	DISPOSITIVE TRIAL SETTLED	FRIVOLOUS/ MOTION	OTHER HELD	HC RULE 4 DISPOSITION	OTHER DISPOSITION	DISPOSED IN TIME
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District Summary

18 settled
32 dismissed by granting a dispositive motion
2 trials held
18 dismissed as frivolous or as habeas rule 4
53 other dispositions
19 cases disposed within track limits
12 cases NOT disposed within track limits

238 days on average to disposition