

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

ROBERT R. DI TROLIO  
CLERK OF COURT

MEMPHIS (901) 544-3315  
FAX (901) 544-4488  
JACKSON (901) 427-6586  
FAX (901) 422-3367

September 7, 1994

Mr. Duke Argetsinger  
OCP-CAPS  
Administrative Office of the  
United States Courts  
Washington, DC 20544

Ms. Donna Stienstra  
Research Division  
Federal Judicial Center  
One Columbus Circle, NE  
Washington, DC 20002-8003


Re: Annual Assessment - Western District of Tennessee  
Civil Justice Expense and Delay Reduction Plan

Dear Mr. Argetsinger and Ms. Stienstra:

Pursuant to Mr. Mattos' fax of September 1, 1994, enclosed you will find the first Annual Assessment, January 1, 1993 - January 1, 1994, of the Civil Justice Expense and Delay Reduction Plan for the United States District Court for the Western District of Tennessee.

If you have any questions about the assessment, please do not hesitate to call my office (901-544-3315).

Sincerely,



Robert R. Di Trolio  
Clerk of Court

Enclosure

## CURRENT CONDITION OF THE DOCKET

The condition of the civil and criminal docket of the United States District Court for the Western District of Tennessee has improved significantly since the adoption by the court of its Civil Justice Expense and Delay Reduction Plan (the Plan) on December 31, 1991.

Nationally, district court filings increased nine percent between 1991 and 1993, from 241,421 to 263,255 cases. However, filings in the Western District of Tennessee during the same period only increased one percent, from 1636 in 1991 to 1,652 in 1993 (1332 civil and 309 criminal). Only 93 or 9 percent of the district's current pending civil cases are over three years old, down from 12.3 percent in 1991, and down significantly from the high of 17.6 percent in 1989. As of the end of March, 1994, there were 1,384 cases pending in the district. In the years immediately preceding implementation of the plan, pending cases ranged from a low of 1,875 in 1988 to a high of 2,105 in 1985. The median time from filing to disposition in civil cases has decreased from a high of 16 months in 1991 to 11 months for the 12 month period ending December 31, 1993. The median time from issue to trial in civil cases also decreased from a peak of 34 months in 1991 to 26 months in 1993. The number of motions pending over six months decreased 65 percent from September, 1991 to September, 1993.

These improvements can be attributed to the addition of Judge Jon Phipps McCalla to the district's bench, to the fact that Senior Judge Robert McRae, until this year, received a full share of civil case assignments, to the efforts of visiting judges, and to the fact that the court has made a concerted effort to improve its civil disposition rate through implementation of the provisions of its Civil Justice Expense and Delay Reduction Plan.

Provisions of the Plan that appear to have had the greatest impact on the improved condition of the docket include the docket rotation system which allows judges more time to

devote to their civil dockets; automation in the Clerk's office which results in the court having more accurate information about the docket; more systematic, differential treatment of civil cases and control of the pretrial process by the court; increased case management duties assumed by courtroom deputies/case managers; development of specific written procedures for all clerk's office functions; stricter enforcement of time limitations; closer monitoring of the docket by the court, made possible by the greater availability of reports and information from the newly automated clerk's office and revision of the local rules.

Future improvements and innovations include construction of a new district courtroom and magistrate courtroom, third floor Memphis courthouse, construction to conclude fall, 1994; construction of a new grand jury suite on the fourth floor of the Clifford Davis Federal Building, contract projected to be awarded in 1994; relocation of the Bankruptcy Court in Jackson to provide a courtroom and chambers for Magistrate Judge Breen; use of bar code technology to automate records management; availability of PACER (Public Access to Court's Electronic Records) before June 30, 1994; networking of all chambers in 1994; availability of CHASER (Chambers Access to Electronic Records) in 1994.

When the Advisory Group submitted its report in 1991, it speculated that the recommendations were "mere tinkering". However, the court and the clerk's office have employed such good managerial skills that the results of implementing the Plan have greatly exceeded expectations. Nonetheless, in the long term, domination of the docket by the criminal cases continues to be a significant problem. Even though the court has decreased the number of pending cases, the civil cases still outnumber the criminal cases by more than two to one. Of the 1,384 cases pending in the district in March 31, 1994, 1,037 were civil and 347 were criminal. For statistical year 1993, this district is ranked 31st nationally in the number of criminal filings per judge and 12th nationally, first in the 6th circuit, in the number of trials completed per judge. Fifty-eight percent of the cases tried in the district in 1993 were criminal,

while the national average for the period was 46.4 percent.

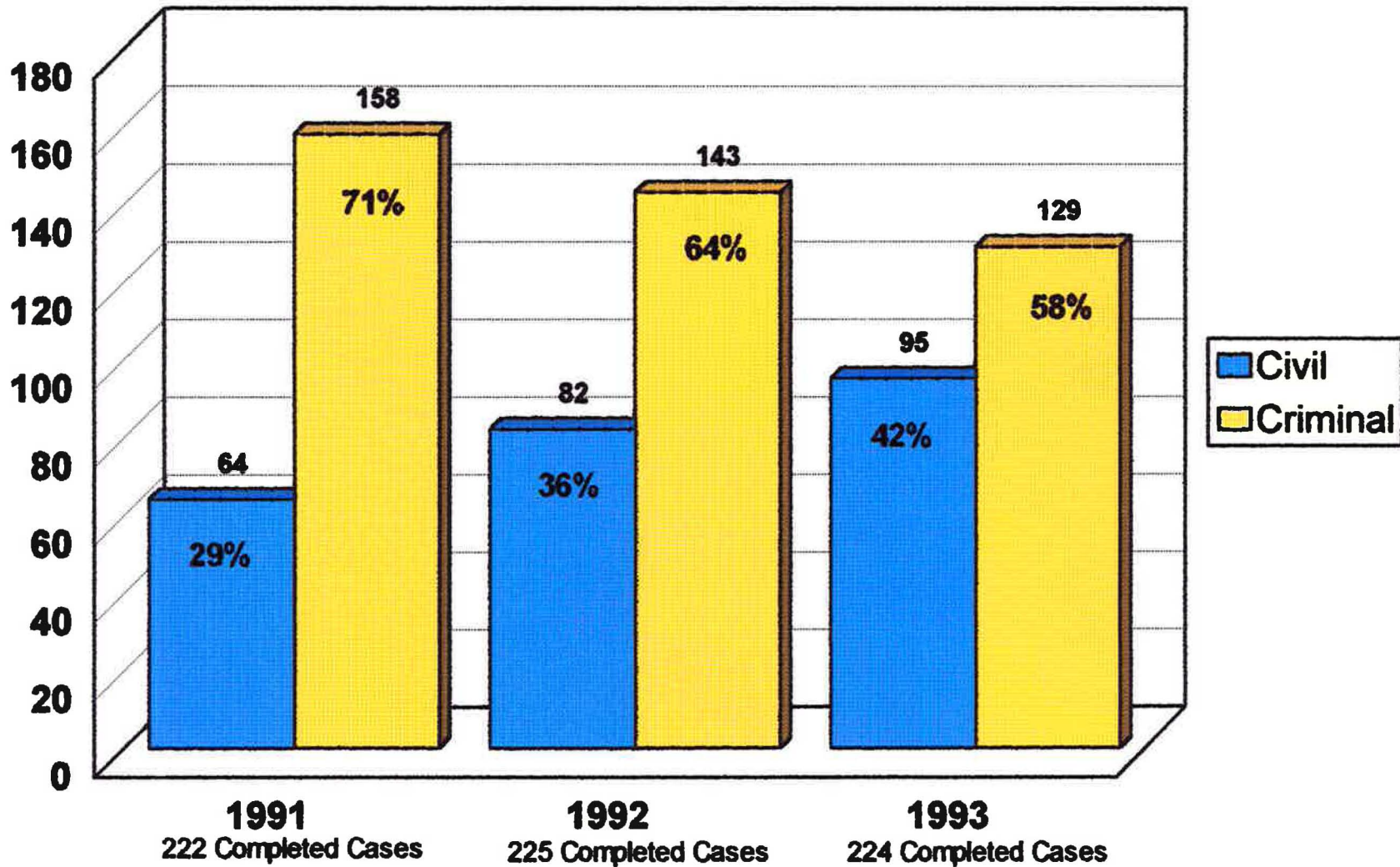
There continues to be an upward trend in the median length of time from filing to disposition in criminal felony cases; ranging from a low of 5.4 months in 1988 to a high of 10.1 months in 1993. The number of triable defendants has increased significantly from a low of 85 in 1985, to 259 in 1989, and to a current high of 372 as of March 31, 1994.

Even though the court has dramatically improved the condition of the docket through implementation of the Plan, it is unlikely that improvements can keep pace with the ever increasing demands of the criminal docket.

## RECOMMENDATIONS

1. That the court explore the possibility of greater uniformity among judges concerning procedures.
2. That the court discuss Judge McCalla's experience in implementing a Motion Day and consider the possibility of uniform adoption of a Motion Day.
3. That the court consider greater use of ADR, including settlement conferences, mediation, and early neutral evaluation.

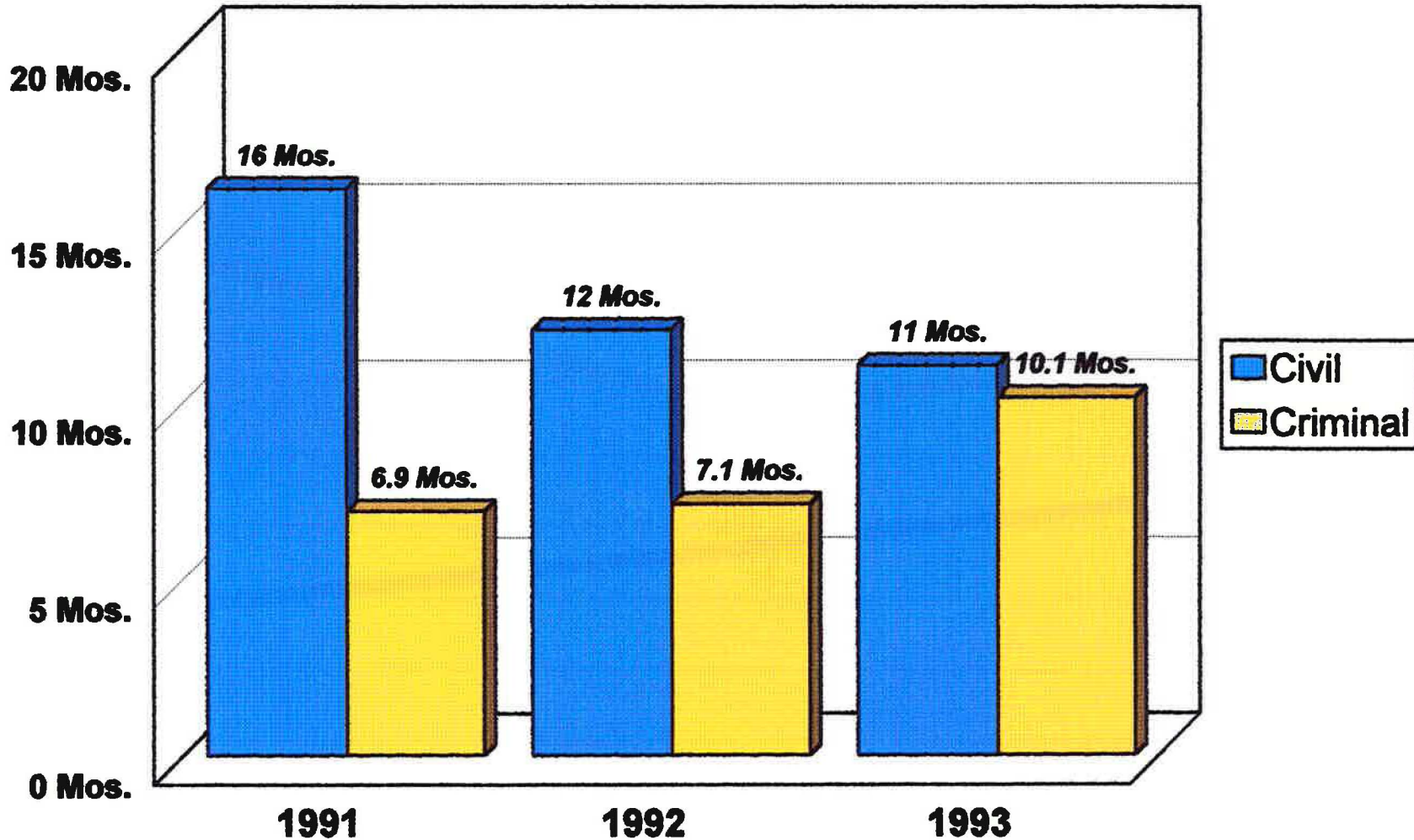
# CIVIL TRIALS COMPLETED vs. CRIMINAL TRIALS COMPLETED



(Data Source: AO Statistics)

# MEDIAN DISPOSITION TIME

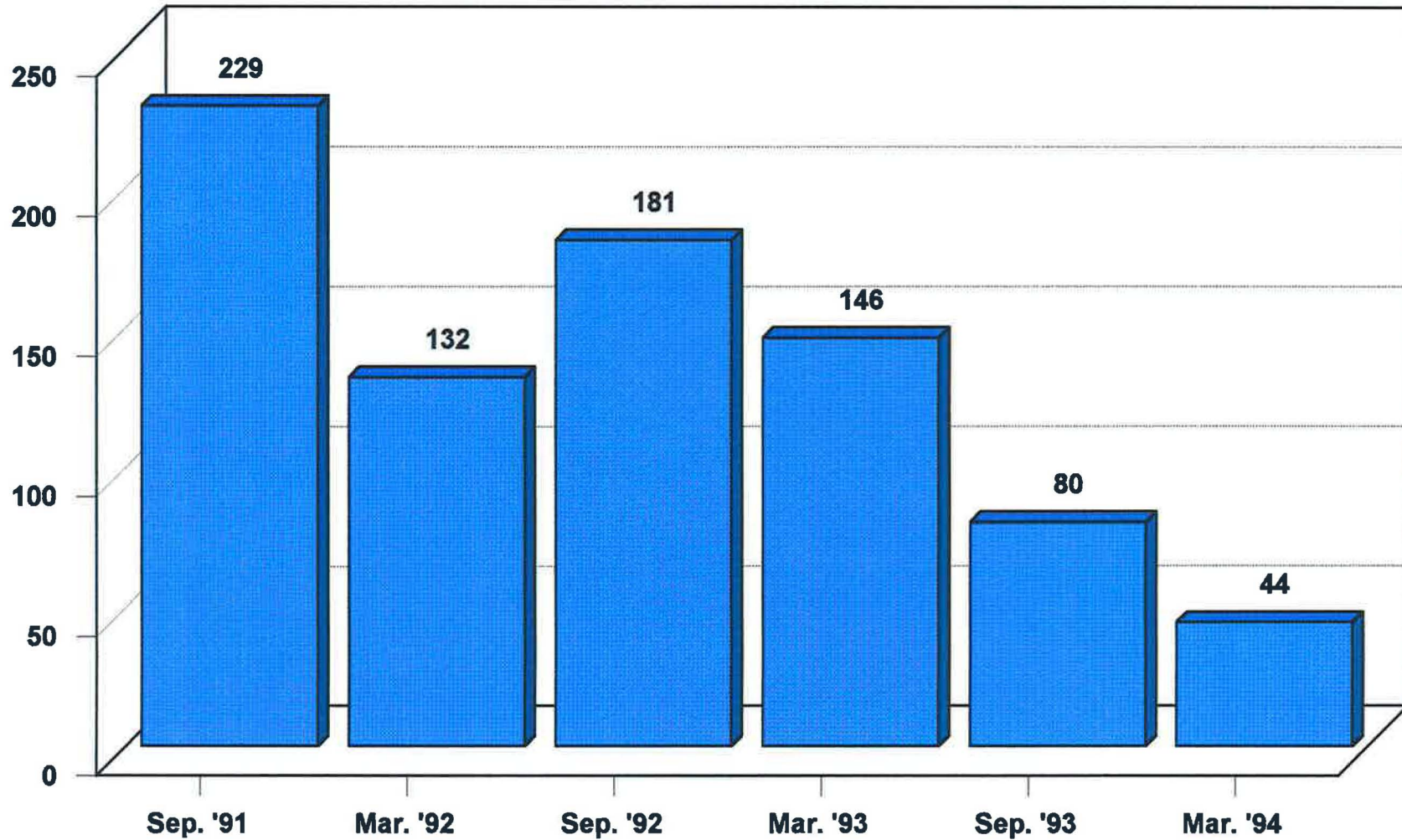
Ratio of Civil Trials to Criminal Trials (defendants)



(Data Source: AO Statistics)

# PENDING MOTIONS 6 MONTHS OR OLDER

Since Adoption of CJRA Plan

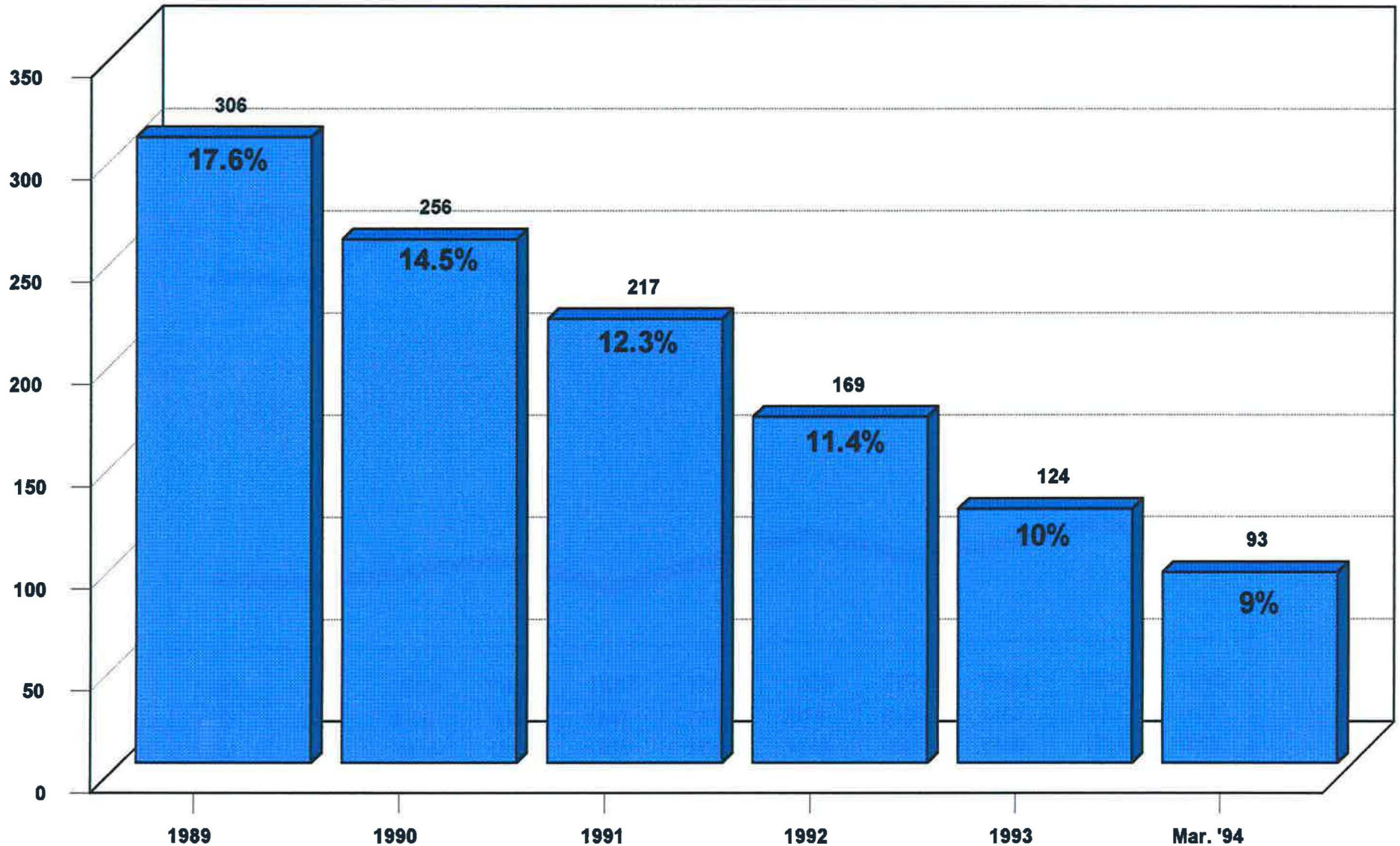


(Data Source: AO Statistics)



# CIVIL CASES 3 YEARS OR OLDER

June 30, 1989 - March 31, 1994

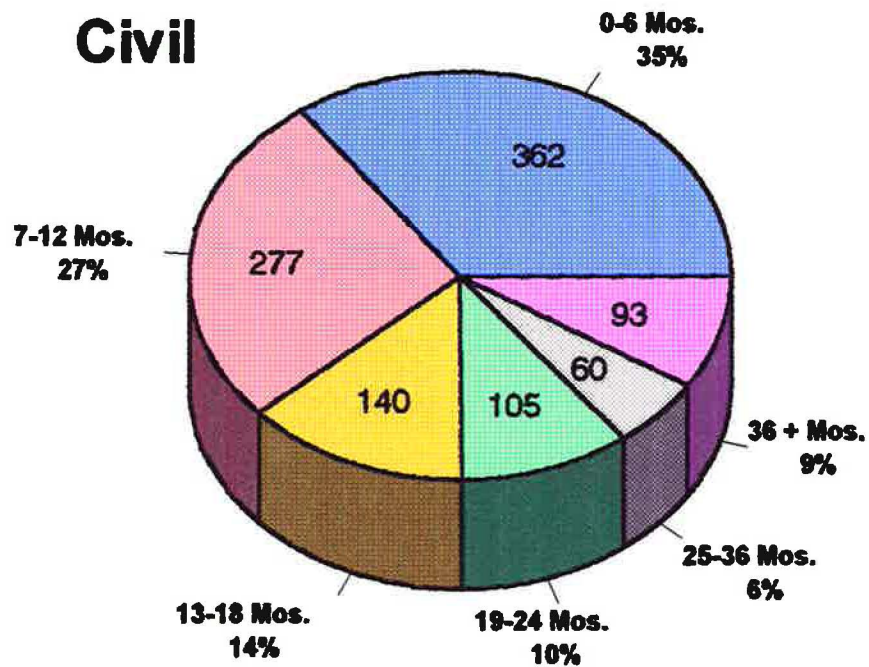


(Data Source: AO Statistics & ICMS Database)

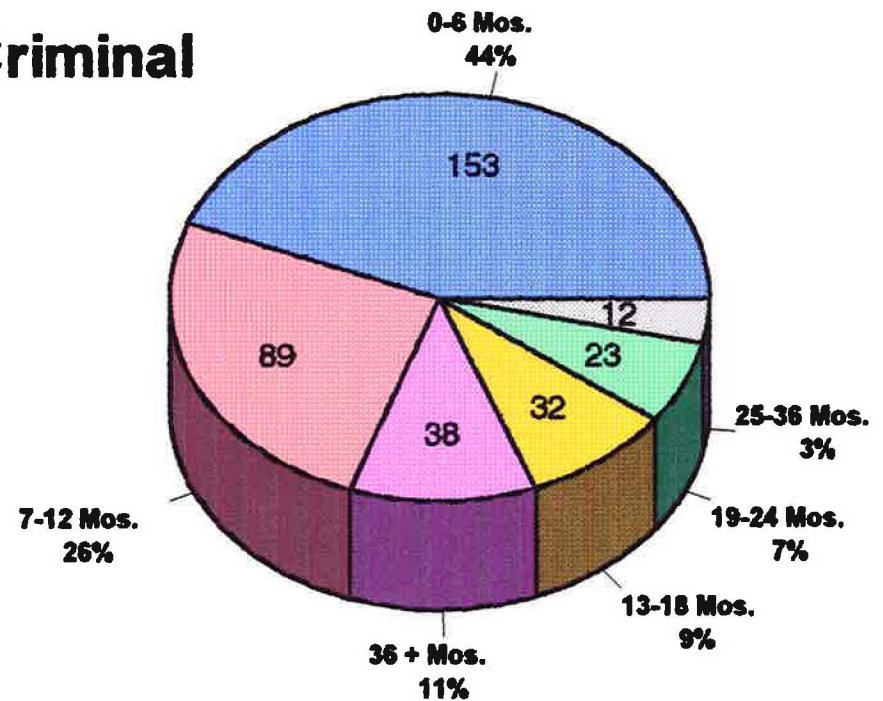
# AGE OF ALL CASES PENDING

As of March 31, 1994

## Civil



## Criminal



(Data Source: I.C.M.S. - 1,384 cases pending, not including probation violations.)