

United States District Court
Southern District of Illinois
301 West Main Street
Benton, Illinois 62812

Court file

8/29/96

To
David
for
Fred

Chambers of
J. PHIL GILBERT
CHIEF JUDGE

August 23, 1996

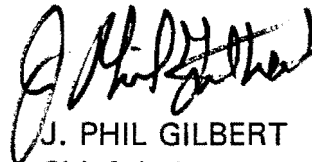
All Chief United States District Judges
of the Seventh Circuit

Re: *Civil Justice Reform Act Annual Report
Southern District of Illinois*

Dear Colleagues:

The Civil Justice Reform Act of 1990 requires each United States District Court to reassess the state of its docket annually. A copy of our 1995 annual Report of the Advisory Group is attached for your review.

Sincerely,


J. PHIL GILBERT
Chief Judge

copy: Collins Fitzpatrick, Circuit Executive
Lydia Pelegrin, Chief District Court Administration Division

JPG/ac

082396.1

**ANNUAL REPORT OF THE ADVISORY GROUP
OF THE UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

**APPOINTED UNDER THE
CIVIL JUSTICE REFORM ACT OF 1990**

DECEMBER 1995



**ANNUAL REPORT OF THE ADVISORY GROUP
OF THE UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

**APPOINTED UNDER THE
CIVIL JUSTICE REFORM ACT OF 1990**

DECEMBER 1995



TABLE OF CONTENTS

INTRODUCTION	1
A. Background	2
B. Fiscal Year Nineteen Hundred Ninety Five	2
C. Organization Of This Report	3
COURT PROFILE	4
A. Overview of the Court	5
B. Existing Judicial Resources	6
COURT STATISTICS	7
A. Sources of Information	8
B. The State of the Docket	8
1. Caseload Statistics	8
2. Delayed Disposition	10
3. Time to Disposition:	11
4. The Criminal Docket	12
CONCLUSION	13

INTRODUCTION

INTRODUCTION

A. BACKGROUND

After developing a civil justice expense and delay reduction plan, each United States District Court shall assess annually the condition of the Court's civil and criminal dockets with a view to determining appropriate additional actions that may be taken by the Court to reduce cost and delay in civil litigation and to improve the litigation management practices of the Court. In performing such assessment, the Court shall consult with an advisory group appointed in accordance with Section 478 of this title.

The Southern District Advisory Group made recommendations to the Court in calendar year 1991, and the Court adopted a Civil Justice Delay and Expense Reduction Plan effective December 31, 1991. The Plan provided that while it would be effective on December 31, 1991, it would not be implemented until May 1, 1992, and would apply to all cases filed, removed or transferred to this District on or after May 1, 1992. The Plan further provided that the Advisory Group shall periodically review Court statistics when available and any special issues submitted to it by this Court and shall, from time to time, make any recommendations it deems appropriate to the Court. Since that time, the Advisory Group has met a number of times and, in meetings with the Court, has made recommendations that have resulted in various rule changes and other action by the Court.

B. FISCAL YEAR NINETEEN HUNDRED NINETY FIVE

The Southern District of Illinois is an Early Implementation District. Notwithstanding the fact that the Plan became fully implemented on May 1, 1992, the Advisory Group concluded in meetings during 1992 and 1993 that because the CJRA Plan had been in effect for a relatively short

period of time it would not be possible to make conclusions about the impact of the Plan or the cost and speed of civil cases in the District until several fiscal years elapsed. This report has as its primary focus the fiscal year 1995 and events occurring in the Southern District through December 31, 1995, notwithstanding that the statistics used in a substantial portion of this report are the statistics through September of 1995.

C. ORGANIZATION OF THIS REPORT

This report is divided into three parts. Part I contains the Court Profile. Part II contains Court Statistics and condition of the docket, and Part III contains the Conclusion.

I.

Court Profile

I.

COURT PROFILE

A. OVERVIEW OF THE COURT

The Southern District of Illinois is a large geographical area consisting of two divisions, East St. Louis and Benton. The Court's geographic jurisdiction extends from just south of Springfield to the southernmost tip of the state, encompassing thirty-eight counties. It should be noted that outside of Cook County (the metropolitan Chicago area), the Southern District of Illinois encompasses St. Clair and Madison counties, the second most populous area of the State.

East St. Louis is the headquarters location of the District. The Honorable J. Phil Gilbert is Chief District Judge. Although officially stationed in the Benton division, he divides his time between the Benton Division and the East St. Louis Division. There are two resident active District Judges in the East St. Louis division, the Honorable William D. Stiehl and the Honorable Paul E. Riley. There are also two full-time Magistrate Judges in this division, the Honorable Gerald B. Cohn and the Honorable Clifford J. Proud. The Bankruptcy Court with one full-time Bankruptcy Judge, the Honorable Kenneth Meyers, is also located in this division.

Benton is the southernmost division in the District. The Chief Judge of the District is located in this divisional office. One full-time Magistrate Judge, the Honorable Philip M. Frazier, serves at this location, and the Bankruptcy Court also maintains an office there. The district's sole full-time Bankruptcy Judge splits his time between East St. Louis, the home office, and the Benton Divisions.

The Honorable James L. Foreman and the Honorable William L. Beatty have elected

senior status and are currently serving as senior status Judges. Their official duty stations are Benton and East St. Louis, respectively. Each has traveled to the other division to hold sessions of court.

B. EXISTING JUDICIAL RESOURCES

This district has had a significant number of vacant judgeship months since 1991. The vacant judgeship months have contributed substantially to the condition of the docket both before and subsequent to the adoption of the CJRA plan. The Honorable William D. Stiehl is expected to take senior status during the current calendar year, and this, coupled with an existing vacancy, will place additional strains on the court's docket. The lost judicial time can never be recovered; however, we are hopeful that the existing judicial vacancy will be filled in 1996, and when this vacancy is filled, there is an expectation that there will be a substantial improvement in the processing of the court's workload.

II.

Court Statistics

II.

COURT STATISTICS

A. SOURCES OF INFORMATION

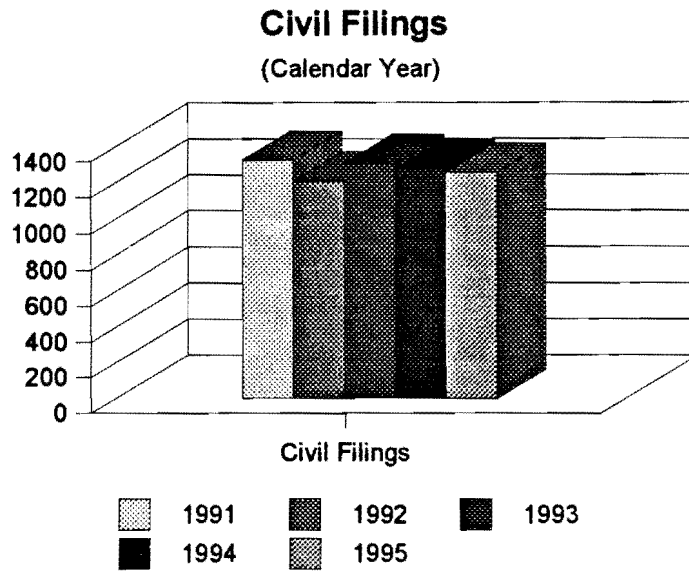
The Advisory Group had the benefit of several sources of information which kept us apprised of developments and provided the basis for our deliberations. The Clerk of Court, Stuart J. O'Hare, and his deputies have provided us with statistics relevant to the disposition of civil and criminal litigation in the Southern District of Illinois, filings and terminations, median times to disposition, motions pending more than 180 days, and non-jury cases awaiting findings of fact and conclusions of law longer than 180 days. This information has proved critical to the Advisory Group in its efforts to keep abreast of the situation in the district and in the preparation of this Annual Report.

B. THE STATE OF THE DOCKET

1. CASELOAD STATISTICS

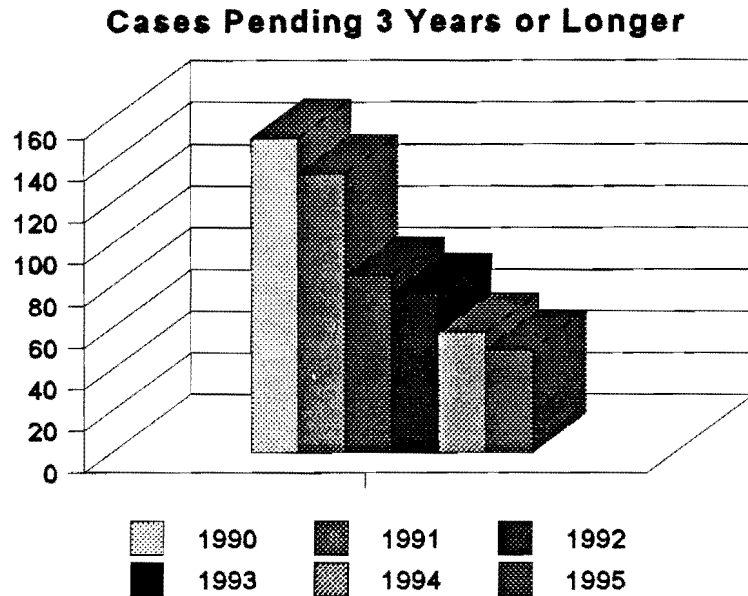
For purposes of this assessment, all statistics are for the twelve month period ending December 31, 1995, unless otherwise stated.

Civil case filings remained static during calendar year 1995, while terminations increased slightly. The end result is an overall decrease in pending civil cases. There have been no abnormalities via massive filings or dispositions in select case types, i.e., asbestos or student loans. Prisoner litigation remains at approximately 30-35% of all civil filings.



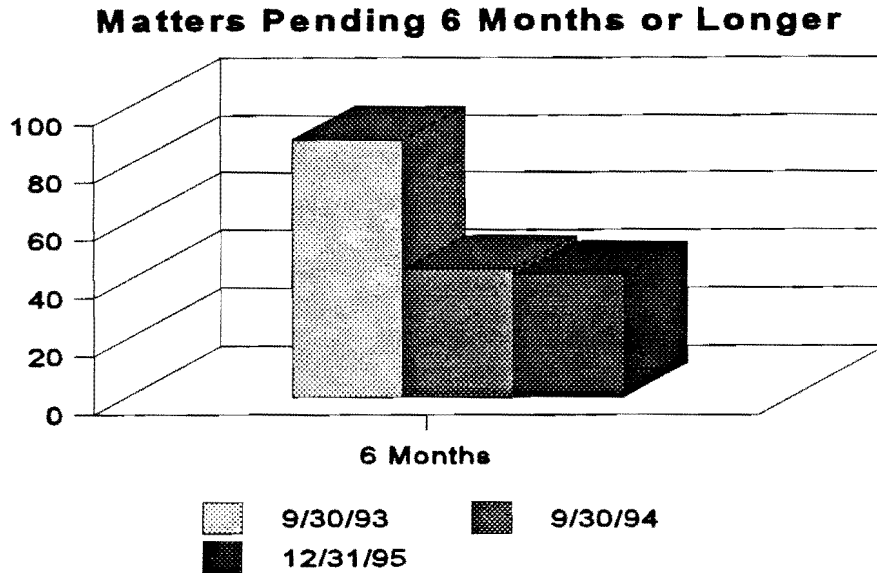
The latest Court management statistics (September 30, 1995) reflect the average civil filings per judge in this district to be 340. However, when computing the average caseload, the Statistical Division of the Administrative Office of the United States Courts bases its calculations on the total authorized component of the court. When existing judicial manpower is used, i.e., three active judges, and excluding the 25% workload of each of the district's two senior judges, the three active judges would have the equivalent of 453 civil filings per judge for an overall total filings (civil and criminal) of 525 per active judge, far above the national average of 430.

2. DELAYED DISPOSITION



The above chart reflects that the Southern District of Illinois has steadily improved in the disposition of cases pending three years or longer. In 1990 this district had 151 such cases, or almost 10% of all pending civil cases; the Clerk of Court advises that for the reporting period ended 12/31/95 there were 50 cases, or 4% of all pending civil cases.

Matters/Motions Pending Six Months or longer continues its downward trend although the December 31, 1995, decrease is only slightly less than the September 30, 1994, figure.



3. TIME TO DISPOSITION:

The two most significant figures in assessing the state of the civil docket are the median time from filing to disposition and the median time from issue to trial. We reviewed the median times beginning with statistical year 1990. The median from filing to disposition for civil cases in the Southern District was fourteen months. Under current practices of the Administrative Office of the United States Courts, this figure excludes all recovery of overpayments and enforcement of judgments (primarily student loans and veterans' overpayments) because these cases are typically processed so much faster than other types of cases that their inclusion would unfairly lower the median. The median time from issue to trial was shorter - ten months.

In reviewing the statistical years from 1990 through 1995, the median time for disposition of a civil case has steadily fallen to the current low of eight months. However, during the same period of time, the median time from filing to trial has fluctuated from the 1990 low of ten months to the current high of thirty months. The Clerk of Court advises that the thirty month figure

for the statistical period ending September 30, 1995, is skewed because the court has made a concentrated effort to reduce the number of cases pending three years or longer and because many old multi-district cases were disposed of by the Panel on Multidistrict Litigation. By terminating a large volume of old cases, the median period from issue to trial went up to twenty-one months. Since it is the age of the case at termination that is used to determine the median age at termination, the greater the number of "old" cases terminated, the higher the median. Eliminating the MDL cases from the calculations, the Administrative Office advises that the median time from filing to trial was eighteen months.

4. THE CRIMINAL DOCKET

The Advisory Group recognizes that the criminal caseload limits the judicial resources available for the court's civil caseload. The Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which will, in the Advisory Group's opinion, impact upon the prompt disposition of civil matters.

Although over the past four years, the criminal filings per judgeship have fluctuated between a low of 38 to a high of 58, there has been a dramatic increase in the past two years of criminal prosecutions for violations of federal drug laws. In reviewing the categories of offenses, the district's drug cases/defendants have risen substantially. As an example this district experienced a 74% increase in criminal defendant drug filings for the statistical period from 1994-1995.

The median time from filing to disposition in criminal felony cases reached a high of 7.4 months in September 30, 1994. The current median time is 6.4, however, with the tremendous filing increase this past reporting period, and with one judgeship still vacant and with another vacancy expected this calendar year, the Advisory Group expects this median time to increase.

III.

Conclusion

III.

CONCLUSION

The Southern District of Illinois has implemented a civil justice expense and delay reduction plan that would facilitate deliberate adjudication of civil cases on the merits, monitor discovery, improve litigation management, and ensure just, speedy, and inexpensive resolution of civil disputes. The Advisory Group believes that the CJRA Plan that is in place continues to have an impact on civil litigation in this district with more noticeable benefits as the Plan continues. It remains to be seen whether the benefits currently believed to be attributable to the Plan are in fact due to the Plan. The new Federal Rules appear to have caused the voluntary exchange of information among litigants to the end that far fewer discovery motions are being filed. Motions with respect to experts have noticeably declined, and experts' discovery is being more efficiently handled by litigants.

The Advisory Group has determined that early and ongoing control of the pretrial process through an ongoing effort by the district court judges, the magistrate judges, and the bankruptcy judge has encouraged attorneys to have more productive contact with each other earlier in most cases and this benefit is the result of both new legislation impacting the court as well as the Plan. The Advisory Group is looking forward to the existing vacancy being filled to provide more manpower in the processing of the court's workload. As more manpower is available it is expected that it will be possible to trace more closely the effect of the Plan and distinguish the benefits of the Plan from other factors that impact the management of the Court's docket.

The statistics and analysis in this Annual Report have been provided by the Hon. Stuart J. O'Hare, Clerk of Court. His assistance has been invaluable to the Advisory Group, and

without his guidance and efforts this report would not have been possible. Once again it is with special thanks for his assistance that this report concludes.

With this Report, the Advisory Group completes the report phase of the 1995 year and its statutory responsibility for that period. We once again thank the judges for their continuing support and contribution to the work of the Advisory Group and look forward to being available to provide assistance in any manner they request to seek a fair resolution of claims and disputes in the Southern District in a speedy and inexpensive manner.

Respectfully submitted,

May 15, 1996