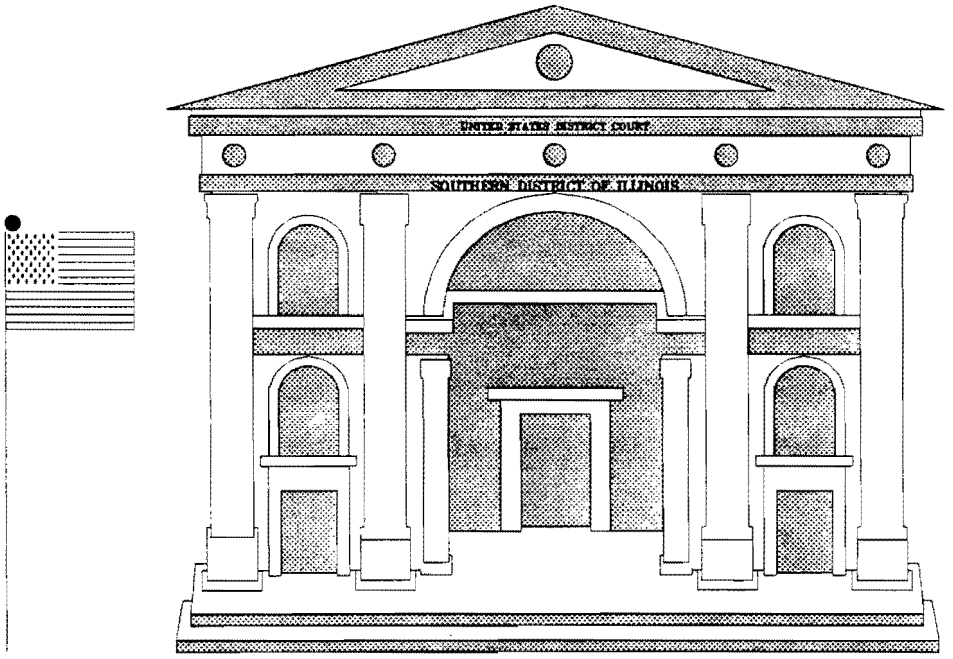
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS



Civil Justice Delay and Expense Reduction Plan

Effective December 27, 1991

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTHERN ILLINOIS

CIVIL JUSTICE DELAY AND EXPENSE REDUCTION PLAN

The District Court, after considering: (1) the Report, including the Recommendations, of the Advisory Group for this District appointed pursuant to 28 U.S.C. §478 of the Civil Justice Reform Act (CJRA), (2) the principles and guidelines of litigation management and cost and delay reduction listed in 28 U.S.C. §§ 478(a) and (b) of CJRA and (3) the Court's independent assessment of the condition of its docket, and after consultation with representatives of the Advisory Group, adopts this Civil Justice Delay and Expense Reduction Plan, as required by 28 U.S.C. §§ 471-73 of CJRA.

A. Findings

We find:

1. That the docket in the Southern District is in much better shape than many Districts, and there are at the present time no unusual cost and delay problems with respect to civil cases that are unique to this District.

2. That except as otherwise noted in this Plan, the Court is meeting its responsibility to litigants and the public to provide "just, speedy, and inexpensive resolutions of civil disputes".

3. That the Court concurs in the basic findings of the Advisory Group that uniform, more structured case management rules are desirable to reduce costs and delays in civil cases to a minimum level consistent with the complexity of the case and the requirements of justice to the litigants and the public; but the Court does not concur in all of the Recommendations of the Advisory Group, nor does the Court believe it is necessary to adopt all of the case management principles and guidelines in the CJRA.

4. That this Plan does not take into account any of the Advisory Group's Recommendations to Congress in Part VI of its Report since only the United States Congress can implement these procedures.

5. That this Plan has been adopted in an attempt to achieve a uniformity within the District and to abide by the spirit of the Advisory Group's recommendations and the results of the survey conducted by the Advisory Group of lawyers who practice before this Court.

6. That the Court intends this District to qualify as an Early Implementation District pursuant to 28 U.S.C. § 482(c)(2) of CJRA.

B. Action

NOW THEREFORE, the Court hereby ORDERS or notes the following, as appropriate:

1. Case Management System

That a uniform system of differentiated case management and early judicial intervention consisting of (1) early, firm trial dates based on three tracks of cases, (2) an initial pre-trial scheduling and discovery conference to be held within thirty days after the first appearance of a defendant, (3) a settlement conference to be held within forty-five days after the cut-off date for discovery and (4) a final pre-trial conference to be held not less than seven days before the scheduled trial date be implemented and that accordingly Local Rules 8, 13 and 14 shall be amended to read as follows:

RULE 8. EARLY, FIRM TRIAL DATES
(See 28 U.S.C. § 473 (a)(2)(B)

(a) Presumptive Trial Date

At the time of the initial review by the judicial officer to whom a case is assigned for trial, the judicial officer will, in his or her discretion, assign a presumptive trial date to the case based on the following tracks of cases:

Track "A". The presumptive trial date will be set between six-eight months after the filing of the Complaint. Track "A" shall include all cases exempt from the requirements of pre-trial and settlement conferences by Local Rule 13(a).

Track "B". The presumptive trial date will be set between ten-twelve months after the filing of the Complaint. (Examples are simple tort and contract cases.)

Track "C". The presumptive trial date will be set between thirteen-sixteen months after the filing of the Complaint. (Examples are multi-party or complex issue cases including products liability, malpractice, anti-trust and patent cases.)

The presumptive trial date, which shall be for a specific month, will be communicated to the parties, and, for cases assigned to Tracks "B" and "C", shall be set forth in the notice to the parties of the date set for initial pre-trial and scheduling conference pursuant to Local Rule 13 (b) and will also be incorporated into the initial pre-trial scheduling and discovery order.

(b) Firm Trial Date for Track "A" Cases

On or before the presumptive trial date of a case assigned to Track "A", the judicial officer to whom the case is assigned shall set a firm trial date and the parties shall be informed of this date.

(c) Firm Trial Date for Track "B" and "C"

For cases in Tracks "B" and "C", a firm trial date, which shall be for a specific week, shall be set at the final pre-trial conference and incorporated into the final pre-trial conference order.

(d) Continuances After Firm Trial Date Is Set

When the demands of the Speedy Trial Act, the unanticipated length of a civil trial, or an emergency or other unanticipated situation prevent the judicial officer to whom the case is assigned for trial from adhering to the firm trial date, the case will be given priority for trial during the next month or given an accelerated trial date.

(e) Parties Informed of Case Status

The Court will, from time to time, keep the attorneys apprised of the trial date status of a case.

RULE 13. PRE-TRIAL AND SETTLEMENT CONFERENCES
(See Fed.R.Civ.P. 16 and 26 (f))

(a) General Rule

An initial pre-trial scheduling and discovery conference, a settlement conference and a final pre-trial conference shall be held in every civil action except in the following categories of cases:

(1) Prisoner habeas corpus petitions;

(2) Prisoner civil rights cases;

(3) Cases brought in which one of the parties appears pro se and is incarcerated;

(4) Cases brought by the United States for collection on defaults of governments loans, such as SBA, FHA, VA and all mortgage foreclosure default loans;

(5) Land Condemnation cases;

(6) Cases brought by the United States for condemnation or forfeiture against vehicles, airplanes, vessels, contaminated foods, drugs, cosmetics, and the like;

(7) Cases brought to review the decision of Administrative Agencies such as the Secretary of Health and Human Services;

(8) IRS enforcement actions;

(9) Freedom of Information Act cases;

(10) Cases brought to collect civil penalties under the Federal Boat Safety Act of 1971;

(11) Reviews of rulings of a Bankruptcy Judge or U.S. Magistrate Judge;

(12) Suits to quash subpoenas;

(13) Proceedings filed as a civil action for admission to citizenship or to cancel or revoke citizenship;

(14) Labor cases arising out of collective bargaining agreements;

(15) ERISA cases except where a participant is claiming benefits under a plan;

(16) Copyright cases;

Provided, however, that the judicial officer to whom the case is assigned for trial may order an initial or final pre-trial conference, or a settlement conference in a case falling in one of the excluded categories if the judicial officer determines that the complexity of the case or some unusual factor warrants more extensive pre-trial case management than is usually necessary for that type of case.

(b) Initial Pre-trial Scheduling and Discovery Conference

(1) Except as otherwise provided in subsection (a), an initial pre-trial, scheduling and discovery conference shall be held within thirty days after the first appearance of a defendant, or with respect to removed and transferred cases, within thirty days of the removal or transfer to this District, at a time and place set by the judicial officer to whom the conference is assigned for hearing. In the discretion of the appropriate judicial officer, the conference may be heard by means of a telephone conference call.

(2) At least one attorney of record for each party with authority to bind that party regarding all matters identified by the Court for discussion at this conference, and all reasonably related matters, shall be present. The parties, or representative of the parties, may be, but are not required to be, present at this conference.

(3) The purposes of this conference are:

(i) To discuss the possibility of settlement;

(ii) To discuss the possibility of using a voluntary alternative dispute resolution device (*e.g.*, mediation, arbitration, summary jury trial, mini-trial) to resolve the dispute;

(iii) To discuss the complexity of the case and if it is tried, the approximate number of days necessary to complete the testimony;

(iv) To confirm the presumptive date for the trial (See Local Rule 8(a));

(v) To set a cut-off date for completion of all discovery including experts' discovery (or in the case of extraordinarily complex cases, the cut-off date for completion of core discovery) which date shall be no later than 120 days before the first day of the month of the presumptive trial date;

(vi) To establish a plan for the management of discovery in the case, including any limitations on the use of the various discovery devices that may be agreed to by the parties, ordered by the judicial officer presiding over the conference, or required by Local Rule (See Rule 15 of the Local Rules of this Court restricting a party to twenty interrogatories, except by leave of Court) and requirements as to disclosures and scheduling of discovery relating to expert witnesses;

(vii) To formulate, simplify and narrow the issues;

(viii) To discuss and set deadlines for amendments to the pleadings including the filing of third party complaints,

which deadline shall be no later than ninety days following this conference;

(ix) To discuss the filing of potential motions and a schedule for their disposition, including the cut-off date for filing dispositive motions.

(x) To set the approximate date of the settlement conference (See subsection (c));

(xi) The approximate date of the final pre-trial conference (See subsection (d));

(xii) To consider the advisability of referring various matters to a Magistrate Judge or a Master;

(xiii) To discuss the advisability of one or more additional case management conferences prior to the final pre-trial conference; and

(xiv) To cover any other procedural issues that the judicial officer hearing the case determines to be appropriate for the fair and efficient management of the litigation.

A list of the issues that will be discussed at this conference will be included in the notice of the hearing sent to each party.

(4) The action taken at this conference will be incorporated into a pre-trial scheduling and discovery order which shall be modified only by order of the Court.

(5) A consent order incorporating all of the topics listed in subsection (b)(3) and signed by an attorney of record for each party shall be

deemed to satisfy the requirements of this subsection, unless otherwise ordered by the judicial officer assigned to preside over the pre-trial scheduling and discovery conference.

(c) Settlement Conference

(1) Except as otherwise provided in subsection (a), a settlement conference shall be held within forty-five days after the cut-off date for discovery (see subsection (b)(3)(v)) before a judicial officer other than the judge assigned to try the case. An earlier settlement conference may be requested by a party at any time.

(2) In addition to the lead counsel for each party, a representative of each party or the party's insurance company with authority to bind that party for settlement purpose shall be present in person.

(3) The notice of the settlement conference shall set forth the format of the conference, any requirement for information that must be submitted to the presiding judicial officer prior to the conference, and the types of documents or other information that must be brought to the conference.

(4) The statements or other communications made by any of the parties or their representatives in connection with the settlement conference shall not be admissible or used in any fashion in the trial of the case or any related case.

(d) Final Pre-trial Conference

(1) Except as otherwise provided in subsection (a), a final pre-trial conference will be held before the judicial officer assigned to try the

case not less than seven days prior to the presumptive trial date (see Local Rule 8 (a)).

(2) Lead trial counsel for each party with authority to bind the party shall be present at this conference.

(3) The following issues shall be discussed at the final pre-trial conference and shall be included in the final pre-trial order;

(i) The firm trial date (See Local Rule 8 (c));

(ii) Stipulated and uncontroverted facts;

(iii) List of issues to be tried;

(iv) Disclosure of all witnesses;

(v) Listing and exchange of copies of all exhibits;

(vi) Pre-trial rulings, where possible, on objections to evidence;

(vii) Disposition of all outstanding motions;

(viii) Elimination of unnecessary or redundant proof, including limitations on expert witnesses;

(ix) Itemized statements of all damages by all parties;

(x) Bifurcation of the trial;

(xi) Limits on the length of trial;

(xii) Jury selection issues;

(xiii) Any issue which in the Judge's opinion may facilitate and expedite the trial, for example the feasibility of presenting testimony by a summary written statement;

(xiv) The date when proposed jury instruction shall be submitted to the Court and opposing counsel, which, unless otherwise ordered, shall be the first day of the trial.

(4) Trial briefs on any difficult, controverted factual or legal issue, including anticipated objections to evidence, shall be submitted to the Court at or before the final pre-trial hearing.

RULE 14. AUTOMATIC DISCLOSURE PRIOR TO DISCOVERY; COOPERATIVE DISCOVERY; GOOD FAITH EFFORTS TO SETTLE DISCOVERY DISPUTES

(See 28 U.S.C. 473(a) (4), (5), Fed.R.Civ.P. 37)

(a) Automatic Disclosure Prior to Discovery

(1) Duty of Self-Executing Disclosure

Unless otherwise directed by the Court, each party shall, without awaiting a discovery request, disclose to all other parties:

(i) the name and last known address of each person reasonably likely to have information that bears significantly on the claims and defenses, identifying the subjects of the information;

(ii) a general description, including location, of all documents, data, compilations, and tangible things in the possession, custody, or control of that party that are likely to bear significantly on the claims and defenses;

(iii) the existence and contents of any insurance agreement under which any person or entity carrying on an

insurance business may be liable to satisfy part or all of the judgment that may be entered in the action, or indemnify or reimburse for payments made to satisfy the judgment, making available such agreement for inspection and copy.

(2) Timing of Disclosures

Unless the Court otherwise directs, the disclosures required by subsection (a)(1) shall be made (i) by each plaintiff within twenty days after a defendant enters an appearance; (ii) by each defendant within twenty days after entering an appearance; and, in any event (iii) by any party that has appeared in the case within twenty days after receiving from another party a written demand for early disclosure accompanied by the demanding party's disclosures. A party is not excused from the disclosures required by subsection (a)(1) because it has not fully completed its investigation of the case, or because it challenges the sufficiency of another party's disclosure, or, except with respect to the obligation under subsection (a)(2)(iii), because another party has not made its disclosures.

(3) Disclosure Prerequisite to Discovery

Except by leave of the Court, or upon agreement of the parties, a party may not seek discovery from any source before making the disclosures under subsection (a)(1), and may not seek discovery from another party before such disclosures have been made by, or are due from, such other party.

(4) Supplementation of Disclosures

A party who has made a disclosure under subsection (a)(1) is under a duty to reasonably supplement or correct its disclosures if the party

obtains information on the basis of which it knows that the information disclosed was either incomplete or incorrect when made, or is no longer complete or true.

(5) Signing of Disclosures

Every disclosure or supplement made pursuant to subsection (a)(1) or (a)(4) by a party represented by an attorney shall be signed by at least one attorney of record. A party who is not represented by an attorney shall sign the disclosure. The signature of the attorney or party constitutes a certification under, and is consequently governed by, the provisions of the Federal Rules of Civil Procedure, and, in addition, constitutes a certification that the signer has read the disclosure, and to the best of signer's knowledge, information, and belief, formed after reasonable inquiry, the disclosure is complete as of the time it was made.

(6) Duplicative Disclosure

At the time the duty to disclose arises, it may cover matters that have already been fully disclosed in the same civil action pursuant to an order of the Court, to a requirement of law, or otherwise. In that event, duplicative disclosure is not required, and a statement that disclosure has already been made discharges the obligation imposed under this section.

(7) Removed and Transferred Actions

In all actions removed to this Court from a state court, or transferred to this Court from another federal court, the disclosures required by paragraph (1) of subsection (a) shall be made as prescribed in that paragraph, and if discovery was initiated prior to the action being removed or

transferred to this Court, then the disclosures required by paragraph (1) of subsection (a) shall be made by all parties within twenty days of the date of removal or transfer.

(b) Cooperative Discovery Arrangements

(1) Cooperative discovery arrangements in the interest of reducing delay and expense are mandated.

(2) The parties may, by stipulation, expand the scope of the obligation for self-executing discovery required by subsection (a)(1).

(c) Good Faith Efforts to Settle Discovery Dispute

To curtail undue delay in the administration of justice, the Court shall refuse to rule on any and all motions having to do with discovery under Rules 26 through 37 of the Federal Rules of Civil Procedure, unless moving counsel shall advise the Court in their motion that after personal consultation and a good faith effort to resolve differences, they are unable to reach an accord. This statement shall recite, in addition, the date, time, and place of such conference, and the names of all parties participating therein. If counsel for any party advises the Court in writing that opposing counsel has refused or delayed meeting and discussion of the problems covered in this Rule, then the Court may take such action as is appropriate to avoid delay.

Notes

1. This case management system incorporates the essence of Recommendations Nos. 1-6 and 8-10 of the Advisory Group Report. There are some minor differences, however.

First, new Local Rule 8 dealing with trial dates differs somewhat from Recommendation No. 2 of the Advisory Group Report which in essence would require the Court to set a day certain for civil trials. The Court concluded that the Advisory Group Recommendation would be unworkable because of the Speedy Trial Act priority given to criminal trials and that new Local Rule 8 is as close as the Court can come to meeting the Advisory Group's basic objective.

Second, the Court concluded that it would not be appropriate to require that the parties or their representatives be present at the initial pre-trial scheduling and discovery conference as recommended by the Advisory Group. This conference deals for the most part with technical matters and generally lasts no longer than 20-30 minutes. Having the parties present might unreasonably lengthen the conference. Moreover, new Rule 13(b) authorizes consent orders in lieu of a formal pre-trial conference. Finally, the judicial officer who is assigned to preside at the initial pre-trial scheduling and discovery conference can require the parties, or representatives of the parties with binding authority, to be present at this conference if he or she believes their presence would be beneficial in a particular case.

Third, the Court has concluded that its existing practices with respect to discovery of expert witnesses incorporates the essence of Illinois Supreme Court Rule 220. Therefore the Court feels it is unnecessary to adopt a Local Rule similar to Rule 220, as recommended by the Advisory Group.

Fourth, the Court has determined that a Local Rule requiring automatic disclosure of certain documents and other information as a prerequisite to discovery will help to reduce the cost and delay of discovery and therefore has included such a provision in the amendments to Local Rule 14. This is one of the recommended ways to reduce costs and delays in CJRA. See 28 U.S.C. § 473(a)(4). A pre-discovery disclosure rule is also incorporated into Proposed Rule 26 (a) of the Federal Rules of Civil Procedure. See Committee on Rules and Procedure of the Judicial Conference of the United States, Preliminary Draft of Proposed Amendments to the Federal Rules of Civil Procedure and the Federal Rules of Evidence (August, 1991). The Advisory Group Report does not contain any recommendations on this issue.

Fifth, the timing of various requirements for the pretrial scheduling and discovery conference, the settlement conference and the cut-off date for discovery differ from the Advisory Group's recommendations. The Court determined that the pretrial scheduling and discovery conference should be held within thirty days after the appearance of a defendant rather than sixty days; that the settlement conference should be held within forty-five days after the cut-off date for discovery rather then sixty days; and that the cut-off date for discovery should be 120 days before the presumptive trial date rather than ninety days.

2. The "A", "B" and "C" tracks for cases used to set the trial dates in new Local Rule 8 are based essentially on the complexity of the typical case in

each category. In this connection, 28 U.S.C. § 473 (a)(2)(B) requires that all civil trials be:

> *. . . scheduled to occur within eighteen months after the filing of the complaint, unless a judicial officer certifies that -*
> *(i) the demands of the case and its complexity make such a trial date incompatible with serving the ends of justice; or*
> *(ii) the trial cannot reasonably be held within such time because of the complexity of the case or the number or complexity of pending criminal cases.*

The Court believes that new Local Rule 8 will be in compliance with this mandate.

The Track "A" cases are exempt from the pre-trial and settlement conference requirements in revised Local Rule 13, because, in the Court's judgment, most of these cases are relatively simple and do not require extensive judicial case management. Those that do can be made subject to the pre-trial and settlement conference requirements by Order of the Court. The Court estimates that approximately 40% of all civil case filings will be classified as Track "A" exempt cases under new Local Rule 8(a) and revised Local Rule 13(a). The Track "A" cases must, however, make the pre-discovery disclosures required by new Local Rule 14(a).

3. The Court has concluded that other than the restrictions in Local Rules 13-16, as amended, and the Court's current practices, no further restrictions on discovery are necessary at this time. In this connection, the Court concurs in the Advisory Group's Report conclusion that requiring the signature of the parties for extension of the discovery deadline and postponement of the trial date as recommended by 28 U.S.C. § 473(b)(3) of CJRA is not necessary or desirable.

The Court wants to make it clear, however, that it regards excessive and abusive discovery as the principal cause of excessive cost and delay in civil cases and that it will not tolerate any such behavior. The Court also intends rigorously to enforce all discovery cut-off, final pre-trial and trial dates.

4. The settlement conference required for Track "B" and "C" cases by revised Local Rule 13(c) will, in essence, be conducted as a mediation conference. The format will be that currently used by Magistrate Judge Ferguson in settlement conferences held before him. At the present time a settlement conference is only held in a few cases whereas under revised Rule 13(c), it will be held in all Track "B" and "C" cases.

The Court, as did the Advisory Group, considered but rejected the concept of mandated neutral evaluation programs under which a third party would make a nonbinding evaluation of the merits and settlement value of a case. This is one of the recommended case management techniques in CJRA. See 28 U.S.C. § 473

(b)(4). The Court does not feel that this concept is needed in this District at this time.

The Court will continue to order summary jury trials in cases where the judicial officer assigned to hear the case determines it would be appropriate to do so. The Advisory Group also recommends the continued use of summary jury trials. See Recommendation No. 9.

2. Motion Practice

That the Court's motion practice should be uniform and rulings on all motions should be issued within forty-five days after submission of the response, or if a hearing is held, forty-five days after the hearing. Accordingly, Local Rule 6 is amended to read as follows:

RULE 6. MOTION PRACTICE
(See Fed.R.Civ.P. 7, 56, 78)

(a) All motions shall state with particularity the ground therefor, and shall set forth the relief or order sought. All motions shall be accompanied by a proposed order on a separate sheet of paper, with the full style of the case.

(b) Each motion shall include or have attached to it a certification that a copy has been properly served upon each necessary party to such action as required by the Federal Rules of Civil Procedure and the Rules of Criminal Procedure.

(c) Motions to dismiss, to strike, to make more definite, for judgment on the pleadings, for summary judgment, and all post-trial motions shall be supported by a separate brief filed with the motion. Failure to file a brief with the motion constitutes grounds for denial of the motion. All briefs shall contain a short, concise statement of the party's position, together

with citations of authority, if any. No brief shall be submitted which is longer than twenty (20) typewritten pages without special leave of the Court. An adverse party shall have ten (10) days after the service of the movant's brief in which to serve and file an answering brief. Failure to timely file an answering brief to a motion may, in the Court's discretion, be considered an admission of the merits of the motion. Each party shall serve a copy of his brief upon the adverse party and file proof of such service at the time of the filing of his brief.

(d) Any party opposing a motion for summary judgment shall, within ten (10) days from service of the motion, serve and file any affidavits or documentary material designated pursuant to the Federal Rules of Civil Procedure 56 controverting the movant's position, together with an answering brief containing a concise statement of the genuine issues, setting forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated.

(e) Oral argument on motions in civil cases will be set only if ordered by the judicial officer to whom the motion is referred. If an oral argument is set, the judicial officer may, at the request of one of the parties, authorize a telephone hearing.

Rulings on all motions will be issued within forty-five days after due date of any answering brief, except that in a case where oral argument is ordered, the ruling will be issued within forty-five days after the hearing.

Notes

1. Revised Local Rule 6, with two exceptions, incorporates the suggestions made in Recommendation No. 7 of the Advisory Group Report. First, the Court concluded that oral arguments on motions should only be heard if the judicial officer assigned to rule on the motion determines that a hearing would be beneficial. The Advisory Group, on the other hand, recommended that an oral argument be held if one of the parties requested a hearing. Second, the Advisory Group recommended that the revised Local Rule on motions require rulings on motions to be filed within thirty days after the filing of the response or oral argument. The Court determined that forty-five days is a more realistic deadline.

2. The provisions in subsection (c) of revised Local Rule 6 concerning the potential adverse effect of failing to file a brief with a motion or response were added by the Court in order to explicitly bring to the bar's attention the Court's practice with respect to this issue.

3. Recommendation No. 7 of the Advisory Group Report recommends that the Judges of this Court set aside a minimum of two days per month for motion hearings and also a specific time each week for informal conferences on routine motions.

Because the number of oral arguments on motions will vary from judge to judge, the Court does not feel that it will be necessary to set aside two full days each month for motion hearings. Instead, each judge will schedule oral arguments on an as needed basis.

With respect to motions customarily considered to be routine, such as motions for extension of time, to compel answers to interrogatories or for completion of production, the Court wishes to advise the bar that the preferable practice is to submit these motions by mail, accompanied by an appropriate order on a separate letter-sized sheet, with an appropriate case caption and case number and with sufficient copies to permit the Clerk, after signature, to mail a copy to all attorneys of record. Conferences on these and other informal motions can be scheduled through the Courtroom Deputy or the Secretary of the appropriate judicial officer. This is a long-standing policy of the Court, but apparently not all lawyers who practice before the Court are aware of this practice. Any informal conference would, of course, be subject to the ethical restrictions on ex parte communications with judges in the Illinois Rules of Professional Conduct and the Code of Judicial Conduct.

3. Effective Date; Implementation Date

That this Plan will be effective as of December 31, 1991, but will not be implemented until May 1, 1992. It will apply to all cases filed, removed or transferred to this District on or after May 1, 1992.

Notes

To qualify as an Early Implementation District, which is desirable in order to qualify for extra funding authorized by the United States Congress, this District's Civil Justice Expense and delay Reduction Plan must be effective by no later than December 31, 1991. See 28 U.S.C. §482 (c). Delayed implementation, however, is authorized. The Court has determined that a four month delay in implementing this Plan is desirable in order to allow the lawyers who practice in this District time to familiarize themselves with the changes in the Local rules made by the Plan. The court has also determined that the Plan should only apply to cases filed after the implementation date. Cases filed prior to that date will be governed by the current Local Rules and practices.

4. Educational Seminars on the Plan

That the Court will sponsor and schedule two seminars in the District between January 1, 1992 and May 1, 1992 to familiarize the lawyers who practice in this District with the changes in Local Rules and practices made by this Plan.

Notes

See the Notes to Paragraph 3.

5. Annual Review of this Plan by the Advisory Group

That after the FY 92 Court statistics are available in the Fall of 1992, the Advisory Group shall review those statistics and any special issues submitted to it by this Court and shall, on or before December 31, 1992, make any recommendations it deems appropriate to the Court.

Notes

CJRA requires annual review of the Civil Justice Expense and Delay Reduction Plan by the Advisory Group. See 28 U.S.C. § 475.

6. Early Implementation Grant Request

That the Court will apply to the Federal Judicial Conference for a grant to purchase computers and other technological and information support systems recommended in the Advisory Report Recommendation No. 13.

Notes

Pursuant to 28 U.,S.C. § 482 (c), early implementation Districts are entitled to special grants to fund support systems that will help to implement the District's civil justice expense reduction and delay plan.

7. Alternative Dispute Resolution Pamphlet

That the Court requests the Advisory Group to prepare a pamphlet on the various alternative dispute resolution techniques for distribution to lawyers and litigants who have cases in this District.

Notes

Increased use of alternative dispute resolutions (ADR) is one of the principal means of cost and delay reduction devices suggested by CJRA. See 28 U.S.C. § 473 (a)(6). As the Advisory Group points out in its Report, however, many of the lawyers in this area are not familiar with the various ADR techniques and therefore may be reluctant to recommend their use to clients. The proposed pamphlet should help to educate the bar about these techniques.

C. Disposition of the Plan

1. This plan will be in effect until amended by the Court. The Court may revise the plan as it sees fit, subject to statutory requirements, and will provide due notice of any such revisions.

2. Pursuant to 28 U.S.C. §§ 472(d) and 474, the Court hereby ORDERS that this plan, and the Report of the Civil Justice Reform Advisory Group, be submitted to (1) the Director of the Administrative Office of the United States Courts; (2) the Judicial Council of the Court of Appeals for the Seventh Judicial Circuit; and (3) the Chief Judge of each District Court in the Seventh Judicial Circuit.

Dated this 27th day of December, 1991.