

CIVIL JUSTICE REFORM ACT

Annual Assessment Report for the Western District of Wisconsin

August 28, 1996

Pursuant to § 475 of the Civil Justice Reform Act, 28 U.S.C. § 475, the U.S. District Court for the Western District of Wisconsin has conducted the fourth annual assessment of its docket 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 making its assessment the court has consulted with and considered the comments of the advisory group for the Western District of Wisconsin appointed pursuant to § 478 of the Act.

Assessment of the Docket

The court's civil and criminal dockets are in substantially the same condition as the preceding year, though weighted civil filings increased slightly during 1995. Virtually all of the pending cases in the Western District of Wisconsin are less than one year old and no case is older than two years. The average time from filing to disposition of a civil case is five months. The most recent docket analysis reveals 339 pending civil cases. Approximately 1057 cases were filed in the most current year for which statistics are available. Accordingly, no change in the docket condition suggests the need for amendment to the existing plan.

Impact of Changes in Courtroom Technology

In 1995 a system for the video display of evidence was installed in courtroom 250 in the Madison, Wisconsin federal courthouse. The system permits the electronic display of documents, objects or video tape via monitors visible to the judge, jury, witnesses and counsel. Anecdotal evidence suggests that the system has facilitated efficient trials.

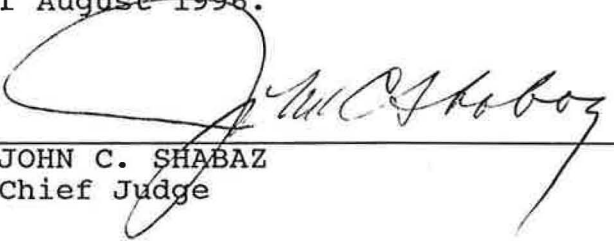
The Advisory Group for the Western District of Wisconsin has expressed concern, however, that uncertainty concerning when the equipment may be used has caused added expense and inefficiency in case preparation. Particularly, the Advisory Group is concerned that costly trial preparation in anticipation of using the new technology will be wasted in the event that litigants are later denied the use of the equipment at trial. It recommends that the court adopt rules specifying circumstances under which the equipment may be used.

While the court is sympathetic to these concerns it continues to believe that ad hoc determinations on the extent of use is the best policy until experience demonstrates the circumstances under which the system advances efficiency and the interests of justice. Furthermore, because factors such as the relative resources and abilities of counsel and litigants, the nature of the particular evidence in the case and the availability of the equipment at time of trial are inherently unpredictable, predetermined rules tend to be inappropriate. Until experience permits a greater degree of certainty expenses may be minimized by a timely motion in the specific case.

Conclusion

The docket for the Western District of Wisconsin remains current and the provisions of the plan, as well as the 1993 amendments to the Federal Rules of Civil Procedure, are being fully implemented. No additional action is appropriate.

Submitted this 28th day of August 1996.



JOHN C. SHABAZ
Chief Judge