

UNITED STATES DISTRICT COURT

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July 21, 1995

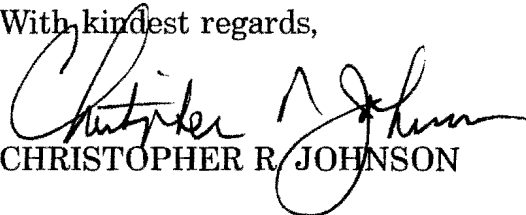
Mr. L. Ralph Mecham
Director, Administrative Office of
the United States Courts
One Columbus Circle, N.E.
Washington, D.C. 20544

Dear Mr. Mecham:

Pursuant to requirements under the Judicial Improvements Act of 1990 and the Judicial Conference of the United States I am pleased to transmit to your attention a copy of the CJRA Annual Assessment for the Western District of Arkansas.

If you or your staff have questions, please feel free to contact my office in Fort Smith.

With kindest regards,



CHRISTOPHER R. JOHNSON

Enclosure

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

**CIVIL JUSTICE REFORM ACT
ANNUAL ASSESSMENT**



JULY 14, 1995

CIVIL JUSTICE REFORM ACT
ANNUAL ASSESSMENT REPORT
FOR THE WESTERN DISTRICT OF ARKANSAS
JULY 14, 1995

Pursuant to Section 475 of the Civil Justice Reform Act, 28 U.S.C. Section 475, the United States District Court for the Western District of Arkansas has conducted its first 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 litigation management practices of the court. In performing such assessment the court has consulted with the Advisory Group appointed under the Act.

ASSESSMENT OF THE DOCKET

In order to perform the assessment the court has chosen to examine three areas. The first is a broad comparison of recent statistical data with data identified in the 1993 Report of the Advisory Group. The other two categories are median time from filing to disposition and the median time from filing to trial. These two categories are probably the most significant indicators of a court's success in processing its workload. See Appendix A, Federal Court Management Statistics, Judicial Caseload Profile, six-year look, 1989-94.

In preparing the "Condition of the Docket" in its 1993 Report, the Advisory Group relied on the September, 1992 "Federal Court Management Statistics". (See 1989-94 statistics, Appendix A attached.) For the twelve-month period ending September 30, 1992, a total of 1,159 civil and criminal actions were filed. In comparison, for the twelve-month period ending September 30, 1994, a total of 1,115 actions were filed. Weighted filings per judgeship for the period ending September 30, 1992, were 331. For the period ending September 30, 1994, weighted filings were 353 per judgeship. Terminations were 372 and 376 per judgeship, respectively. Another comparison is the number of trials per judgeship. For the period ending September 30, 1992, there were 28. For the period ending September 30, 1994, there were 36 per judgeship.

In looking at median time from filing to disposition and median time from filing to trial, you will note that the district has slipped slightly. For the twelve-month period ending September 30, 1992, the Western District's median time from filing to disposition was six months. This ranked the district first in the 8th Circuit and fourth nationally. For the twelve-month period ending September 30, 1994, the district's median time from filing to disposition was nine months. The district dropped from first to second in the circuit and to forty-fourth nationally. In the category of filing to trial, the district's median time was eight months for the twelve-

month period ending September 30, 1992 and rose to ten months for the twelve-month period ending September 30, 1994. Ranking-wise, the district was number one in the circuit in 1992 and remained so in 1994. Nationally the district ranked number five in 1992 and number 4 in 1994. (One note for clarification. The Statistical Division, beginning with the 1994 report, changed this category from "Median Time from Issue to Trial" to "Filing to Trial." Even with the reporting change the Western District continues to be successful in disposing of its civil jury actions on a timely and efficient basis.)

A final statistic which is truly indicative of this district's commitment to case management is the fact that the Western District of Arkansas has for the past three reporting periods (twelve-month statistical years ending September 30) no civil cases over three years old. In 1992 this district had the singular distinction of being the only district nationally to not have any three-year old civil actions. In 1993 and 1994 the Western District shared this distinction with only one other district, the Western District of Wisconsin. See Appendix B, State of the District Report, July 1, 1994 - June 30, 1995, Table IV.

One other statistic which underscores the case management successes which this district has enjoyed is the fact that as of June 30, 1995, there were only eight civil

actions pending over two years. This amounts to one percent of the total pending caseload.

In conclusion, the Western District of Arkansas is continuing to dispose of its civil workload in a timely and efficient manner. Delay, as defined by national court management standards, does not exist.

STATUS OF PLAN IMPLEMENTATION

In general, under the Civil Justice Reform Act Plan, the Western District declined to make any substantive changes to its present case management practices and policies. The court felt strongly then, as it does now, that the district's case management policies and procedures are sound, are successful, and adhere to the principles enumerated in Section 473 (a)(2) of the Act. This is evidenced by the district's workload statistics as outlined above.

There were, however, two areas in which the court agreed to experiment or to implement.

1. **Systematic, Differential Treatment of Civil Cases for Purposes of Case-Specific Management.** See Appendix C, Section II(A) of the Plan.

It was recommended by the Advisory Group that the court establish a Differentiated Case Management program (DCM) for complex civil actions. The court

declined but did agree to adopt an element of the DCM program, i.e., the case management or scheduling conference for complex actions. The court agreed that in certain cases the scheduling conference would be a useful tool. The discretion to schedule a conference rests with the trial judge. The court also agreed that counsel may request a scheduling or case management conference in such cases.

To date the district's experience with the scheduling or case management conference has been nil. The primary reason is that district-wide there have been very few complex civil actions filed. In those few cases the court has either not been requested to schedule a conference or has been able to accommodate counsel's pretrial requirements posed by a complex civil case either by delaying the issuance of the scheduling order or through flexible scheduling.

2. **Alternative Dispute Resolution.** See Appendix C, Section II(F) of the Plan.

The Advisory Group recommended to the court that ADR programs not be established in the Western District. The Advisory Group did recommend, however, and the court did agree, to identify ADR resources in the district and in the adjoining districts. To that end the court has prepared a pamphlet which lists various ADR resources available in Arkansas, Louisiana, Oklahoma and Texas. The pamphlet is available to litigants and bar members in the Western District of Arkansas.

MISCELLANEOUS

One other matter which was identified by the Advisory Group in its 1993 Report was the perceived failure of the court to promptly act on dispositive motions, particularly motions for summary judgment. Members of the bar were concerned that motions for summary judgment filed in a timely manner seemed to languish until near the time for trial. This resulted in unnecessary trial preparation costs which could have been avoided if the motions were disposed of promptly. In consulting with the Advisory Group for preparing this annual assessment, the concern was once again noted.

The court in consideration of this criticism still disagrees with the perception. Not to argue, but we would point to the fact that this district serves as a national pilot court for the automated system for CJRA reports. One of the elements of this system is the electronic tracking of pending motions. For the last two reporting periods (six months ending September, 1994 and March, 1995) this district has zero "0" motions pending over six months. (See Appendix B, "State of the District Report") Nevertheless, the court does agree to again examine its present methods and procedures for processing such motions. The court also agrees to improve its sensitivity to the prompt handling of all dispositive motions.

CONCLUSION

The court is pleased with the condition of the civil and criminal docket. The district's case management practices and procedures are sound and successful. Accordingly, there are no appropriate additional actions that may be taken to reduce cost and delay in the Western District of Arkansas.

Submitted this 19th day of July, 1995.

A handwritten signature in cursive script, reading "H. Franklin Waters", written over a horizontal line.

H. FRANKLIN WATERS

CHIEF JUDGE

APPENDICES

U.S. DISTRICT COURT -- JUDICIAL CASELOAD PROFILE

ARKANSAS WESTERN		TWELVE MONTH PERIOD ENDED SEPTEMBER 30						NUMERICAL STANDING WITHIN U.S. CIRCUIT		
		1994	1993	1992	1991	1990	1989			
OVERALL CASELOAD STATISTICS	Filings*	1,115	1,188	1,159	1,109	990	1,123			
	Terminations	1,127	1,144	1,115	1,017	1,197	1,097			
	Pending	704	717	690	646	549	754			
	Percent Change In Total Filings Current Year	Over Last Year. . .	-6.2						[78]	[9]
	Over Earlier Years. . .	-3.8		.5	12.6	-.7		[56]	[6]	
	Number of Judgeships	3	3	3	3	3	3			
	Vacant Judgeship Months**	2.0	12.0	10.8	10.0	.0	.0			
ACTIONS PER JUDGESHIP	FILINGS	Total	372	396	386	370	330	374	[60]	[7]
		Civil	321	351	343	338	298	351	[59]	[7]
		Criminal Felony	51	45	43	32	32	23	[34]	[4]
	Pending Cases	235	239	230	215	183	251	[82]	[8]	
	Weighted Filings**	353	321	331	295	267	299	[65]	[7]	
	95% Confidence	Upper	376	344	353	315	286	323		
		Lower	329	298	309	274	248	275		
	Terminations	376	381	372	339	399	366	[53]	[6]	
Trials Completed	36	35	28	37	45	35	[20]	[3]		
MEDIAN TIMES (MONTHS)	From Filing to Disposition	Criminal Felony	4.8	4.6	4.2	4.0	4.2	4.0	[12]	[2]
		Civil**	9	7	6	6	7	7	[44]	[2]
	From Filing to Trial** (Civil Only)	10	11	8	7	6	9	[4]	[1]	
OTHER	Number (and %) of Civil Cases Over 3 Years Old	.0	.0	.0	.1	.0	.1	[1]	[1]	
	Average Number of Felony Defendants Filed per Case	1.2	1.3	1.4	1.3	1.3	1.4			
	Jurors	Avg. Present for Jury Selection**	31.27	39.62	36.84	46.18	41.74	40.71	[41]	[6]
		Percent Not Selected or Challenged**	36.7	44.0	43.3	47.5	45.3	43.3	[69]	[9]

FOR NATIONAL PROFILE AND NATURE OF SUIT AND OFFENSE CLASSIFICATIONS
SHOWN BELOW -- OPEN FOLDOUT AT BACK COVER

1994 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	964	163	-	211	23	40	35	114	143	12	132	2	89
Criminal*	149	11	4	16	4	11	23	12	5	32	3	-	28

* Filings in the "Overall Workload Statistics" section include criminal transfers, while filings "by nature of offense" do not.
 ** See Page 167.

**STATE OF THE DISTRICT REPORT
OF THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
JULY 1, 1994 - JUNE 30, 1995**

The Western District of Arkansas experienced a decline in total criminal and civil case filings during statistical year 1995, the twelve-month period ending June 30, 1995. There was a 9.4 percent decrease in total cases filed during this period. This followed an 8.2 percent decrease in SY 1994, and represented the fewest number of total cases filed during the last 10 years.

There was also a marked increase in total case dispositions, 14.4 percent, during SY 1995. With the decrease in case filings and the increase in case dispositions, there was a 22 percent decrease in total criminal and civil cases pending as of June 30, 1995. This is the fewest number of total cases pending since the end of SY 1991.

The judges of the Western District of Arkansas continue to provide effective and efficient administration of justice. As of June 30, 1995, there were no cases pending over three years in the district. In addition, there were only eight (8) cases pending over two years, one percent of the total pending caseload.

The Western District of Arkansas continues to serve as a pilot court for the automated system for CJRA reports. During the last two reporting periods, September 1994 and March 1995, the Western District reported "0" motions pending over six months and "0" bench trials submitted more than six months.

CASE FILINGS

	<u>Criminal</u>	<u>Civil</u>	<u>Total</u>
SY 95	136	884	1,020
SY 94	112	1,014	1,126
SY 93	168	1,058	1,226
SY 92	124	1,037	1,161
SY 91	99	944	1,043
SY 90	93	976	1,069
SY 89	82	1,073	1,155
SY 88	88	967	1,055
SY 87	93	982	1,075
SY 86	93	1,040	1,133

CRIMINAL ACTIVITY

There was an increase in the number of criminal cases filed and assigned to the district judges. During SY 1995, there was a 21.4 percent increase in criminal cases filed, the second largest number of criminal cases filed in the Western District of Arkansas during the last 10 years. Criminal case filings increased in all divisions, except Hot Springs, with the most significant increase in the El Dorado Division.

Criminal case dispositions also showed a notable, 20.2 percent, increase during SY 1995. The increase in dispositions more than offset the increase in case filings, resulting in a 33.3 percent decrease in criminal cases pending at the end of the reporting period.

CIVIL ACTIVITY

The number of civil actions filed during SY 1995 continued their two year decline. Civil case filings decreased 12.8 percent in the Western District of Arkansas, following a 4.2 percent decrease during SY 1994. Civil case filings declined in all divisions, except the Fort Smith Division, with the most significant reduction in the Hot Springs Division.

Civil case dispositions increased 13.5 percent during SY 1995, resulting in a 21.2 percent decrease in civil cases pending at the end of this period.

There was a dramatic decrease in social security case filings, 59.8 percent, during the last twelve-month period. This reverses a three year increase in social security case filings, and was the fewest number of cases filed since 1991.

This was off-set by a tremendous 66.6 percent increase in prisoner petition case filings during SY 1995. Prisoner petition case filings have fluctuated during the last five years, with the filings increasing almost 80 percent during this period.

These two types of cases continue to comprise a significant portion, over 44 percent, of the civil caseload of the Western District of Arkansas, with prisoner petition cases representing 35.6 percent.

TABLE I - DISTRICT COURT CRIMINAL CASES

	<u>FILINGS</u>			<u>DISPOSITIONS</u>			<u>TOTAL PENDING</u>		
	07/01/94 thru 06/30/95	07/01/93 thru 06/30/94	07/01/92 thru 06/30/93	07/01/94 thru 06/30/95	07/01/93 thru 06/30/94	07/01/92 thru 06/30/93	06/30/95	06/30/94	06/30/93
<u>DIVISION TOTALS</u>									
El Dorado	19	5	8	19	8	9	3	3	6
Fort Smith	44	35	39	56	39	23	9	21	25
Harrison	9	3	12	6	5	12	3	0	2
Texarkana	15	10	20	13	11	19	8	6	7
Fayetteville	24	21	74	25	46	54	4	5	30
Hot Springs	25	38	15	36	20	17	11	22	4
TOTAL	136	112	168	155	129	134	38	57	74
<u>JUDGE TOTALS*</u>									
H. Franklin Waters	32	26	100	36	57	83	6	10	34
Jimm Larry Hendren	69	76	67	86	66	48	20	37	40
Harry F. Barnes	34	9	n/a	32	6	n/a	11	9	n/a
G. Thomas Eisele	1	1	1	1	0	1	1	1	0
Other ^b	0	0	0	0	0	2	0	0	0
TOTAL	136	112	168	155	129	134	38	57	74

*does not include cases reassigned between judges

^bincludes totals for Morris S. Arnold

TABLE II - MAGISTRATE COURT MISDEMEANOR CRIMINAL CASES

	<u>FILINGS</u>			<u>DISPOSITIONS</u>			<u>TOTAL PENDING</u>		
	07/01/94 thru 06/30/95	07/01/93 thru 06/30/94	07/01/92 thru 06/30/93	07/01/94 thru 06/30/95	07/01/93 thru 06/30/94	07/01/92 thru 06/30/93	06/30/95	06/30/94	06/30/93
<u>MAGISTRATE TOTALS</u>									
Beverly R. Stites	23	28	40	27	34	31	6	10	16
Bobby E. Shepherd	4	4	n/a	4	2	n/a	2	2	n/a
Other*	0	0	4	0	0	4	0	0	0
TOTAL	27	32	44	31	36	35	8	12	16

*includes totals for Carol C. Anthony, Charles L. Attaway, and Charles G. Vaccaro

TABLE III - CIVIL CASES

DIVISION TOTALS*	<u>FILINGS</u>			<u>DISPOSITIONS</u>			<u>TOTAL PENDING</u>		
	07/01/94 thru 06/30/95	07/01/93 thru 06/30/94	07/01/92 thru 06/30/93	07/01/94 thru 06/30/95	07/01/93 thru 06/30/94	07/01/92 thru 06/30/93	06/30/95	06/30/94	06/30/93
El Dorado	128	146	175	166	152	125	119	157	163
Fort Smith	275	227	228	260	221	243	148	133	127
Harrison	66	85	96	88	68	101	49	71	54
Texarkana	123	161	177	140	158	155	103	120	117
Fayetteville	186	214	214	229	166	222	117	160	111
Hot Springs	106	181	168	166	158	155	72	132	109
TOTAL	884	1,014	1,058	1,049	923	1,001	608	773	681
JUDGE TOTALS^b									
H. Franklin Waters	313	420	508	332	344	483	181	238	292
Jimm Larry Hendren	322	403	402	304	354	339	160	229	371
Harry F. Barnes	247	190	n/a	234	158	n/a	192	266	n/a
G. Thomas Eisele	2	0	0	2	1	0	0	0	1
J. Smith Henley	0	0	0	3	0	0	0	5	0
Beverly R. Stites	0	1	0	83	34	48	40	22	17
Bobby E. Shepherd	0	0	n/a	91	26	n/a	35	13	n/a
Other ^c	0	0	148	0	6	131	0	0	0
TOTAL	884	1,014	1,058	1,049	923	1,001	608	773	681

*does not include the intra-district transfer of cases between divisions

^bdoes not include cases reassigned between judges

^cincludes totals for Morris S. Arnold, Oren Harris, Eastern District Judges,
Charles L. Attaway, and Bruce M. Van Sickle

TABLE IV - CASES PENDING OVER THREE AND TWO YEARS

DIVISION TOTALS	PENDING OVER THREE YEARS			PENDING OVER TWO YEARS*		
	06/30/95	06/30/94	06/30/93	06/30/95	06/30/94	06/30/93
El Dorado	0	0	0	4	3	5
Fort Smith	0	0	0	2	1	1
Harrison	0	0	0	0	0	1
Texarkana	0	0	0	1	0	0
Fayetteville	0	0	0	1	0	0
Hot Springs	0	0	0	0	0	0
<hr/>						
TOTAL	0	0	0	8	4	7
<hr/>						
JUDGE TOTALS						
H. Franklin Waters	0	0	0	0	0	0
Jimm Larry Hendren	0	0	0	2	1	6
Harry F. Barnes	0	0	n/a	5	0	n/a
Beverly R. Stites	0	0	0	1	0	0
Other ^b	0	0	0	0	3	1
<hr/>						
TOTAL	0	0	0	8	4	7

*pending over two years, but less than three years

^bincluded totals for J. Smith Henley and G. Thomas Eisele

TABLE V - SOCIAL SECURITY CASES

DIVISION TOTALS	<u>FILINGS</u>			<u>DISPOSITIONS</u>			<u>TOTAL PENDING</u>		
	07/01/94 thru 06/30/95	07/01/93 thru 06/30/94	07/01/92 thru 06/30/93	07/01/94 thru 06/30/95	07/01/93 thru 06/30/94	07/01/92 thru 06/30/93	06/30/95	06/30/94	06/30/93
El Dorado	21	40	43	58	27	17	15	52	39
Fort Smith	6	14	17	13	11	10	7	14	11
Harrison	16	27	22	28	16	7	18	30	19
Texarkana	17	32	33	28	33	8	16	27	28
Fayetteville	5	11	21	9	13	14	9	13	15
Hot Springs	13	70	50	73	50	13	7	67	47
TOTAL	78	194	186	209	150	69	72	203	159
JUDGE TOTALS*									
H. Franklin Waters	22	69	81	28	38	28	21	41	82
Jimm Larry Hendren	18	81	58	45	71	13	7	77	77
Harry F. Barnes	38	44	n/a	39	41	n/a	5	77	n/a
Beverly R. Stites	0	0	0	34	0	0	14	4	0
Bobby E. Shepherd	0	0	n/a	63	0	n/a	25	4	n/a
Other ^b	0	0	47	0	0	28	0	0	0
TOTAL	78	194	186	209	150	69	72	203	159

*does not include cases reassigned between judges

^bincludes totals for Oren Harris

TABLE VI - PRISONER PETITION CASES

DIVISION TOTALS	<u>FILINGS</u>			<u>DISPOSITIONS</u>			<u>TOTAL PENDING</u>		
	07/01/94 thru 06/30/95	07/01/93 thru 06/30/94	07/01/92 thru 06/30/93	07/01/94 thru 06/30/95	07/01/93 thru 06/30/94	07/01/92 thru 06/30/93	06/30/95	06/30/94	06/30/93
El Dorado	20	29	34	27	30	22	7	14	20
Fort Smith	128	48	49	96	56	45	54	22	30
Harrison	16	14	20	13	19	19	7	4	9
Texarkana	40	38	47	36	46	44	16	13	26
Fayetteville	74	39	48	60	29	48	46	31	21
Hot Springs	37	21	42	35	29	38	16	12	20
TOTAL	315	189	240	267	209	216	146	96	126
JUDGE TOTALS*									
H. Franklin Waters	116	73	123	69	69	85	53	30	53
Jimm Larry Hendren	139	74	73	81	56	43	43	23	58
Harry F. Barnes	60	42	n/a	50	36	n/a	20	26	n/a
Beverly R. Stites	0	0	0	45	32	41	24	14	15
Bobby E. Shepherd	0	0	n/a	22	16	n/a	6	3	n/a
Other ^b	0	0	44	0	0	47	0	0	0
TOTAL	315	189	240	267	209	216	146	96	126

*does not include cases removed to district judges' regular civil docket or cases reassigned between judges

^bincludes totals for Oren Harris and Jerry W. Cavaneau

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

**CIVIL JUSTICE
EXPENSE AND DELAY REDUCTION PLAN**



EFFECTIVE JANUARY 1, 1994

A. Systematic, Differential Treatment of Civil Cases for Purposes of Case-Specific Management²

The Advisory Group recommended to the court that a Differentiated Case Management Program be established in the Western District. (See Appendix B.) This would be limited to "complex" cases. The Court, after careful consideration of the recommendation, respectfully disagrees that a DCM program be established. The Court believes that only a relatively few cases filed in this district would qualify as complex. Thus, it seems unlikely that there would be sufficient justification to warrant the procedural changes necessary to administer such a program. The Court will, however, on an experimental basis, be willing to adopt an element of the DCM program: the case management or scheduling conference. The Court agrees that in certain cases, those generally having "complex" characteristics, e.g. numerous and possible unique legal issues, extensive discovery and greater than usual number of expert witnesses, large number of parties and extended trial days, the scheduling conference would be a useful case management tool.

The ultimate discretion for determining whether a case would benefit from a scheduling conference rests with the Court. In such cases a scheduling conference shall be scheduled by the presiding judge within thirty (30) days after the appearance of the defendant or from the date of the last responsive pleading. The conference may be

²28 U.S.C. Section 473(a)(1)

conducted either telephonically or with counsel in person. Prior to the conference the attorneys shall confer and develop a proposed scheduling plan. The plan shall be submitted to the court seven (7) days prior to the scheduling conference. Within seven (7) days after the scheduling conference, a scheduling order shall be prepared and entered by the Court. The order shall establish the following key intervals:

1. Disclosure of witnesses, including experts;
2. Discovery cut-off date;
3. Amendment of pleadings and joinder of parties;
4. Trial date and estimated length of trial;
5. Settlement conference date, if directed by Court;
6. Pretrial conference date, if deemed necessary by Court.

The scheduling conference may also serve as an opportunity to discuss the appropriateness of consenting to a magistrate judge. Additionally, the conference may serve as a means to discuss other matters relevant to a just determination of the action.

B. Early and Ongoing Control of the Pretrial Process Through Involvement of a Judicial Officer³

The Advisory Group did not make a specific recommendation for this principle.

The Court, after careful consideration of the principles outlined in 28 U.S.C. §473(a)(2)(A)(B)(C)(D) of the Act, declines to make any specific changes to the case management policies and procedures of this court. The one exception, however, is the

³28 U.S.C. §473(a)(2)

The Court, after careful consideration of the Advisory Group's recommendation and the principle set out in §473(a)(5), declines to establish any new procedures and policies which would address issues of discovery disputes. The Court believes that at this time Local Rule C-7(f)(g) Motions contains sufficient authority for the Court to enforce and resolve discovery disputes in this district. (See Appendix C.) Local Rule C-7 requires a moving party to file a statement that the parties have conferred in good faith and that they are unable to resolve their disagreement without court intervention. Further, the Court reaffirms its commitment to the bar and litigants of its sensitivity to discovery disputes, and, in particular, to the issue of the high cost of deposing expert witnesses.

F. Alternative Dispute Resolution⁷

The Advisory Group recommended to the Court that ADR programs not be established in this district. (See Appendix B.) The Advisory Group did recommend, however, that the Court should identify ADR resources in the district or adjacent districts, and make available, if requested, sufficient time to explore ADR options.

The Court, after careful consideration of the recommendations of the Advisory Group, the ADR options enumerated in §473(a)(6)(B) of the Act, and a review of existing ADR programs in place in state and federal courts, concurs with the recommendation and

⁷28 U.S.C. §473(a)(6)

declines to establish court-annexed ADR programs in the Western District of Arkansas. The Court, will, as recommended by the Advisory Group, prepare a pamphlet listing the various ADR resources and options available in this district and in adjoining districts.

III.

**CJRA LITIGATION MANAGEMENT AND COST AND DELAY REDUCTION
TECHNIQUES AND OTHER APPROPRIATE MATTERS⁸**

Section 473(b) of the Act requires each district court, in consultation with its Advisory Group, to consider certain techniques of litigation management and cost and delay reduction. These techniques are as follows:

A. Joint Discovery-Case Management Plan⁹

The Court, after careful consideration of this technique, declines to adopt any new procedures or rules to address this issue. The Court believes that our present case management procedures and policies are sound. Additional requirements to the parties would only increase costs and would be counterproductive.

⁸28 U.S.C. §473(b)

⁹28 U.S.C. §473(b)(1)