

UNITED STATES DISTRICT COURT

District of Alaska

222 West 7th Avenue - No. 54

Anchorage, Alaska 99513-7545

AM
cc: Walters
Wall
Diana Lee
Duke for
CJRA
File

H. Russel Holland
Chief Judge

May 4, 1992

Honorable J. Clifford Wallace
U.S. Court of Appeals for the Ninth Circuit
4N25 U.S. Court House
940 Front Street
San Diego, California 92189

Re: Civil Justice Expense and
Delay Reduction Plan - District of Alaska

Dear Chief Judge Wallace:

As a consequence of the review of Alaska's CJRA Plan by the chief judges of the circuit, the District of Alaska has adopted an amendment to its plan which addresses the two comments made by the reviewers with respect to the Alaska plan.

As you will see by reference to the attached amendment, Alaska has at all times relevant to this matter had in place a Local General Rule which required a certification by counsel prior to the court considering discovery motions. This rule applies to all civil cases. Also in response to comments, we have prepared and have incorporated into the amendment to our plan a chart which reflects the posture of the various aspects of the plan. As reflected by this schedule, some components of Alaska's plan are in substance self-executing, some have been carried out already. Still others will require additional work by the Advisory Group; and finally, target dates are assigned to some of the most important matters having to do with the revision of our extant, automated case management system.

Sincerely yours,

H. Russel Holland

H. Russel Holland

HRH:ke

cc: All District Chief Judges of the Ninth Circuit
Greg Walters, Circuit Executive

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UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

By _____ Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In the Matter of the)
)
REPORT OF THE CIVIL JUSTICE)
REFORM ACT ADVISORY GROUP)

MISCELLANEOUS GENERAL
ORDER NO. 698
AMENDMENT NO. 1

CIVIL JUSTICE EXPENSE &
DELAY REDUCTION PLAN

By Miscellaneous General Order No. 698, this court adopted its Civil Justice and Expense Delay Reduction Plan based upon the report of the Civil Justice Reform Act Advisory Group. The court's plan has been subject to review by the chief judges of each district of the Ninth Circuit in accordance with Section 474 of the Act. The chief judges have noted two areas in which the court's plan is in need of clarification.

Firstly, the court's plan was unclear to reviewers on the subject of whether it prohibited discovery motions unless accompanied by a certification of the moving party that a good faith effort had

been made to reach agreement with opposing counsel. In fact the court's plan makes such provision; however, it was presented in a fashion which would not be recognized by those outside of the District of Alaska. At pages 14 and 17, in connection with the court's adoption of principles and guidelines of litigation management and cost and delay reduction, the court makes reference to its Local General Rule 5(E). That rule in substance provides that the court will not consider discovery motions in any civil case in the absence of a certificate that counsel have conferred with respect to the pending discovery matter and enumerating the matters remaining for determination by the court.


Secondly, the reviewers note that this district's plan does not contain a schedule for effectuating the various components of the plan. The following is a schedule which itemizes the major components of the court's plan, indicates those items which are either self-executing or done, a target date for certain other aspects of the plan and, finally, identification of those areas where additional work by the advisory group is called for by the plan.

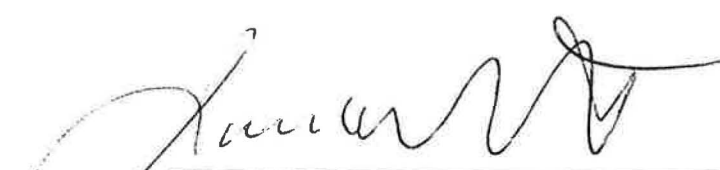
	Requires No Action Self Executing	Done	Target Date	Further Consideration by Advisory Group
I. SYSTEMIC CHANGES				
A. Fill Vacant Judgeships	X			
B. Additional District Judgeship	X			
C. Upgrade Anchorage Part-Time U.S.M.J.		X		
D. Adopt Mandatory Disclosure Rule ¹			07/01/92	

¹ Plan calls for working mandatory disclosure into differential case management pending adoption of a rule.

	Requires No Action Self <u>Executing</u>	<u>Done</u>	<u>Target Date</u>	<u>Further Consideration by Advisory Group</u>
I. SYSTEMIC CHANGES (continued)				
E. Assignment of Certain Cases to "Fast-Track" Schedules				X
F. Increased Discovery Master Utilization			07/01/92	
G. Revised Case Weighting Criteria	X			
H. Bifurcation of Issues & Staged Discovery			07/01/92	
I. Alternative Dispute Resolution				X
J. Assessment of Judicial Impact of New Legislation	X			
II. RECOMMENDATIONS FOR JUDICIAL ACTION				
A. Standardization of Procedures	X (in part)			X
B. More Aggressive Case Management			07/01/92	
C. More Rapid Resolution of Dispositive Motions	X			
D. Early Screening & Tentative Ruling Experiment				X
III. RECOMMENDATIONS FOR ACTION BY LITIGANTS AND COUNSEL				
A. Representation by Counsel with Power to Bind	X			
B. Case Management Plans			07/01/92	
C. Parties' Signature to Requests for Extension of Discovery Deadline or Trial Date			07/01/92	
D. Continuing Legal Education		X		
IV. RECOMMENDATIONS FOR ACTION BY THE CLERK'S OFFICE				
A. Automated Docketing			November, 1992	
B. Speed Up Processing of Orders		X		
C. Law Clerk Training			September, 1992	
D. File Clerk Position			F.Y. 1993	

Dated at Anchorage, Alaska, this 27 day of April, 1992.


 H. Russel Holland, Chief
 United States District Judge


 James K. Singleton
 United States District Judge