UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
DISTRICT OF ARIZONA

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April 25, 1995

Abel J. Mattos (OCP-CAD-CPB)
UNITES STATES COURTS
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Washington, D.C. 20544

Dear Mr. Mattos:

Pursuant to 28 U.S.C. §475 of the Civil Justice Reform Act of 1990, enclosed is the District of Arizona's Assessment of the Civil Justice Expense and Delay Reduction Plan.

Sincerely,

Richard H. Weare
District Court Executive/Clerk of Court

RHW/dl

ASSESSMENT

OF

CIVIL JUSTICE EXPENSE

AND DELAY REDUCTION

PLAN

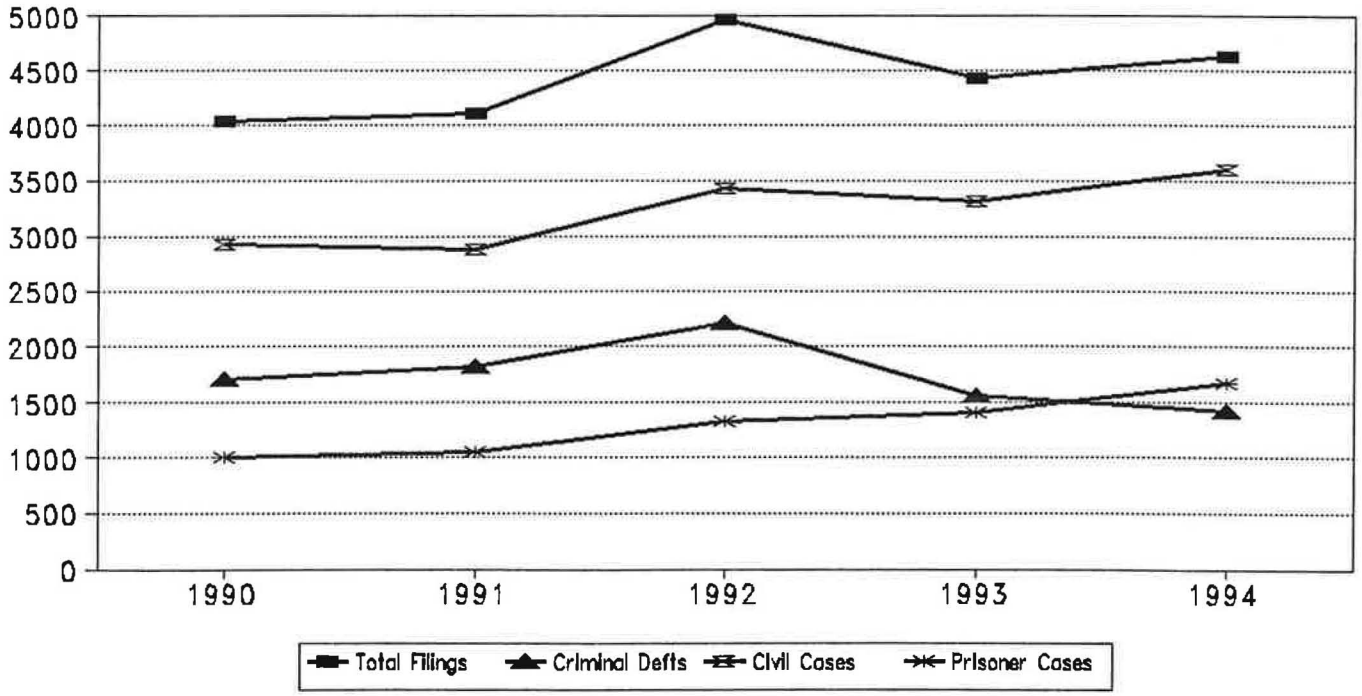
THE UNITED STATES DISTRICT COURT
FOR
THE DISTRICT OF ARIZONA

MARCH, 1995

FILING TRENDS

Since the publication of this District's Civil Justice Expense and Delay Reduction Plan in December, 1993, there has been a shift in the types of cases filed which affect civil case management. The burden has moved from the 1992 influx of criminal cases to an increasing number of prisoner pro se cases, in particular prisoner civil rights actions. With a 25% increase from 1992 to 1994, prisoner pro se cases now represent more than 45% of the total civil case filings in 1994. Table 1 demonstrates the District's filing trends.

	TTL CASES	Criminal Cases	Criminal Defts	Cases % of total	Civil	% of total	Prisoner Cases
1990	4047	1125	1710	27.8	2922	72.2	1001
1991	4107	1234	1818	30.0	2873	70.0	1049
1992	4957	1526	2213	30.8	3431	69.2	1328
1993	4424	1107	1550	25.0	3317	75.0	1409
1994	4633	1030	1414	22.2	3603	77.8	1661



EVALUATION

DIFFERENTIATED CASE MANAGEMENT

While it may appear that the Differentiated Case Management program had no significant effect on disposition time for cases, note that the time to dispose of prisoner pro se cases has not increased, despite the increased number of cases filed. Table 2 indicates the percentage of cases which were pending within the goal established by the CJRA Plan.

TRACK	1992	1993	1994
	Percentage of cases which met disposition goal		
EXPEDITED	**80%**	**65%**	**58%**
Goal - 12 months	269 cases 8% of total	201 cases 6% of total	175 cases 5% of total
PRISONER PRO SE	**77%**	**77%**	**80%**
Goal - 18 months	1,280 cases 37% of total	1,338 cases 39% of total	1,604 cases 44% of total
STANDARD	**77%**	**79%**	**79%**
Goal - 24 months	1,936 cases 56% of total	1,918 cases 55% of total	1,882 cases 51% of total

Standard Scheduling Orders. A by-product of the DCM efforts, and coinciding with the December 1993 amendments to the Federal Rules of Civil Procedure, was development of model scheduling orders for each track. Expedited Track Scheduling Orders are generated at case opening by the Clerk's Office; Prisoner Pro Se Scheduling Orders, and Standard Track Scheduling and Pretrial Orders are generated by each Magistrate Judge or District Judge.

Standards for Professional Conduct. The brochure containing these standards are included with all applications for admission to this court, distributed at attorney admissions ceremonies, and available for attorneys when admitted by a District Judge.

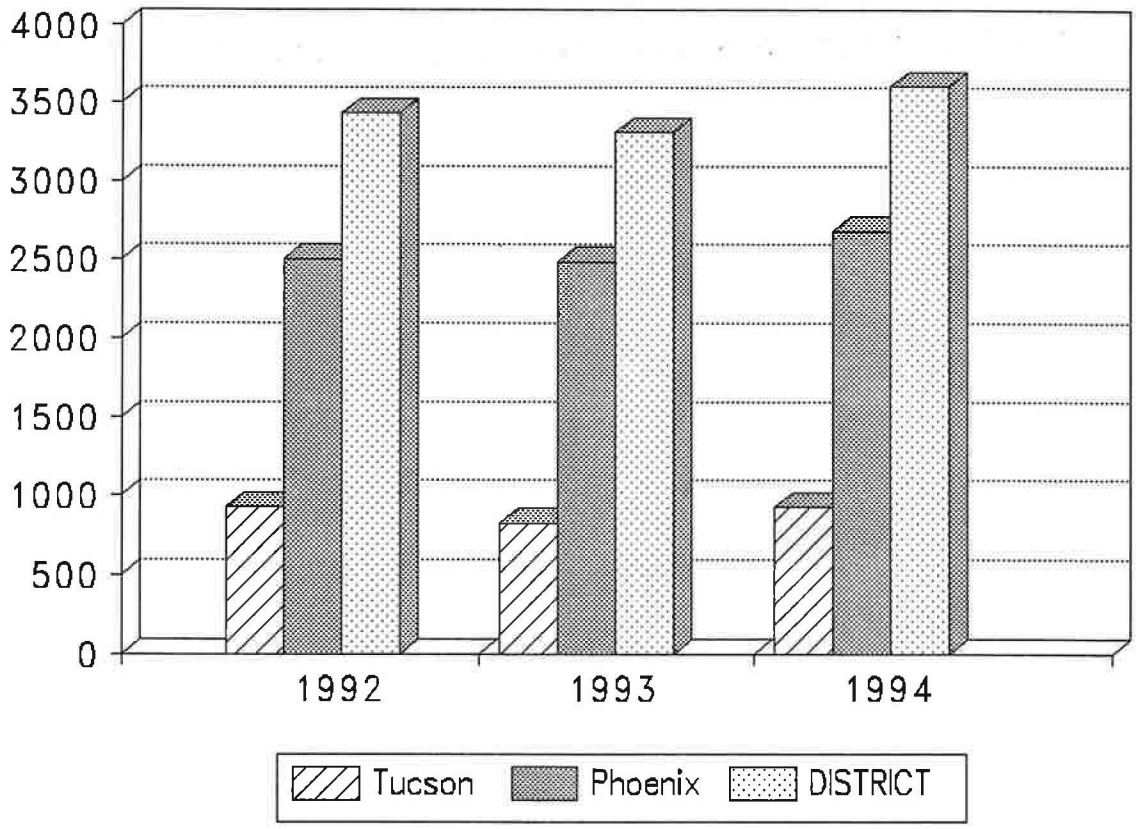
Alternative Dispute Resolution. The District's efforts have been committed to managing prisoner pro se cases, rather than developing additional alternative dispute resolution programs. This change in priorities has therefore delayed the Plan's implementation schedule.

Referral of cases to Magistrate Judges. A pilot program referring civil cases to Magistrate Judges will be initiated in the Tucson Division and analyzed for implementation for the entire District. Proposed is the random referral of 25% of civil cases on all tracks to a Magistrate Judge to conduct pretrial proceedings. Parties will be encouraged to opt-in to having that Magistrate Judge continue through disposition of the case.

1994

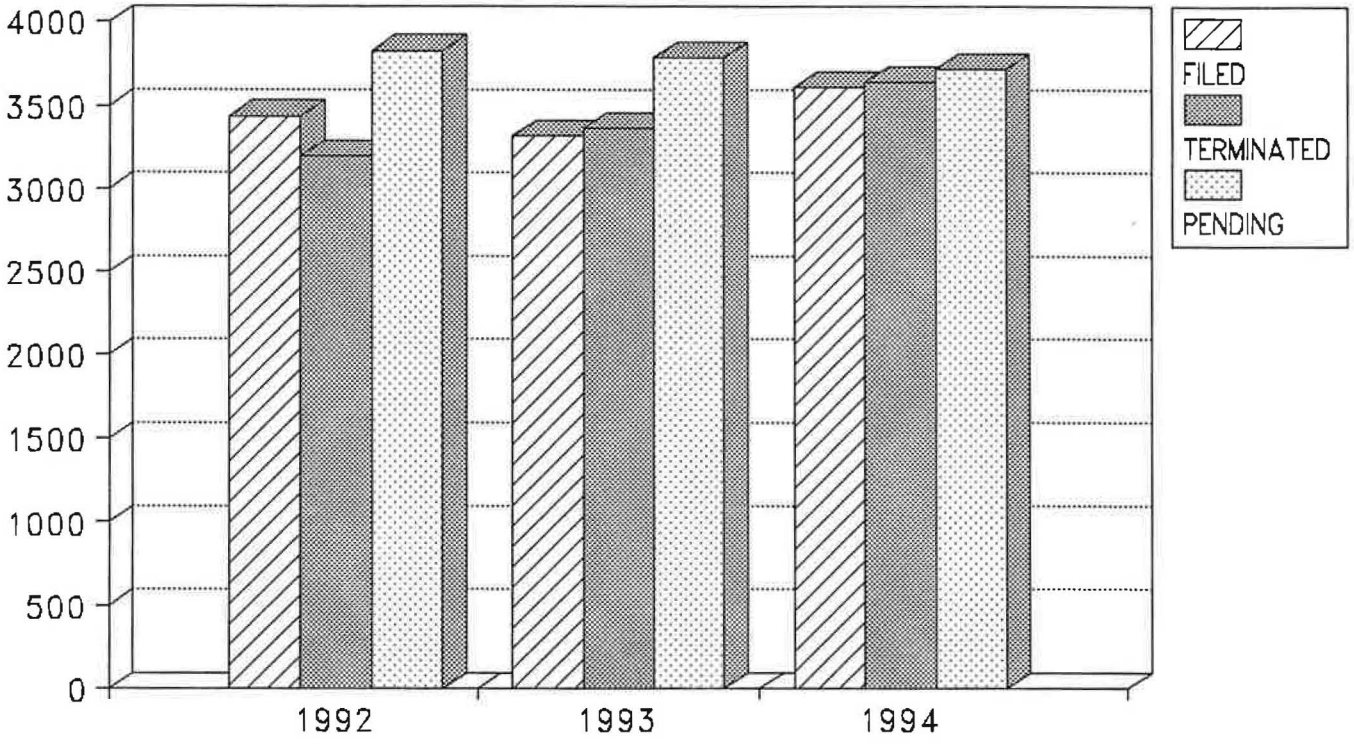
ANNUAL REPORT DATA

CIVIL FILINGS TREND



CASES FILED	1992	1993	1994	'93–'94 % Change
Tucson	927	827	922	10.3
Phoenix	2504	2490	2681	7.1
DISTRICT	3431	3317	3603	7.9

CIVIL CASE TERMINATION TREND
DISTRICT TOTALS



TERMINATED	1992	1993	1994	'93–94 % Change
Tucson	851	800	831	3.7
Phoenix	2340	2563	2806	8.7
DISTRICT	3191	3363	3637	7.5

PENDING	1992	1993	1994	'93–94 % Change
Tucson	818	866	952	9.0
Phoenix	3010	2921	2763	–5.7
DISTRICT	3828	3787	3715	–1.9

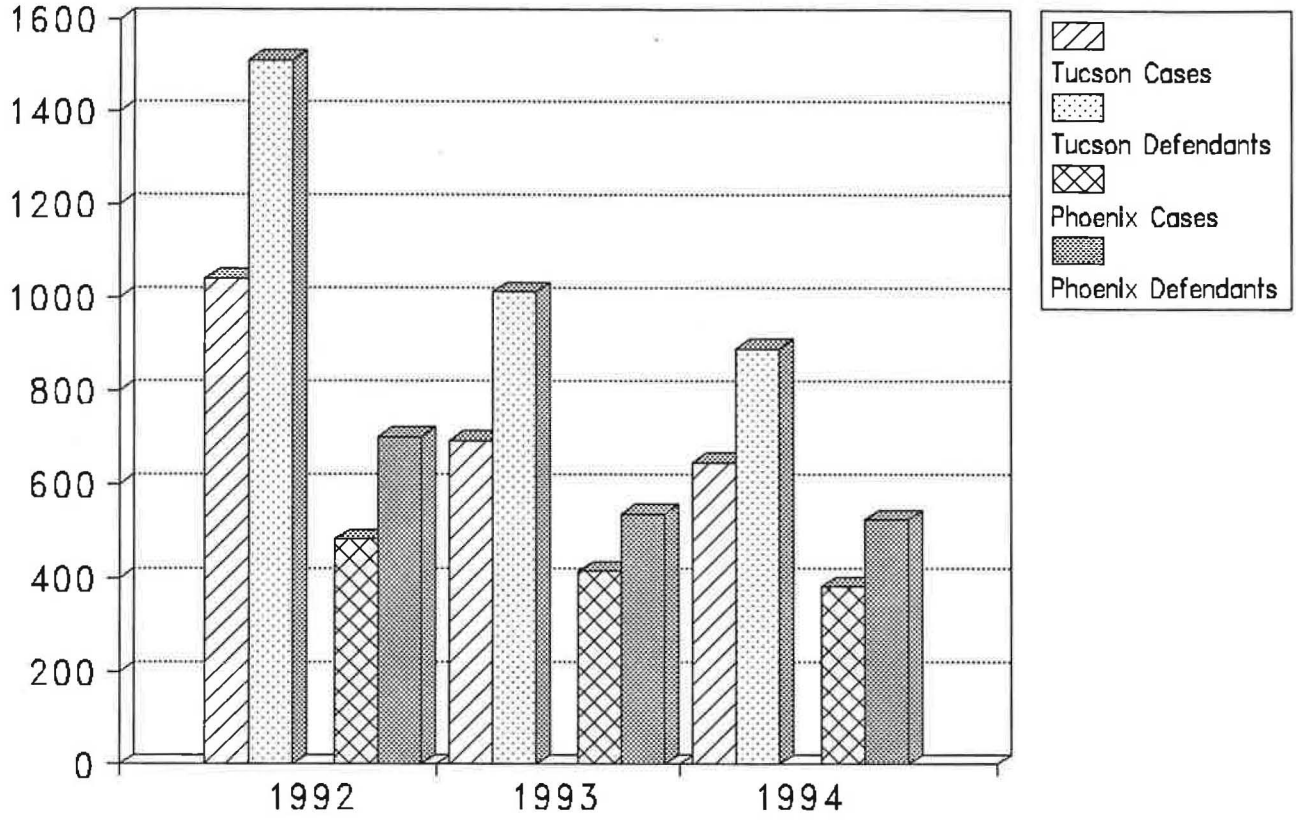
CIVIL CASE TYPE/TRACK	PHX 1992	PHX 1993	PHX 1994	TUC 1992	TUC 1993	TUC 1994	TOTAL 1994	% of TOTAL
EXPEDITED TRACK								
Contract Recovery	169	18	6	66	9	2	8	0.2
Forfeiture/Penalty	65	38	23	57	37	28	51	1.4
Bankruptcy Appeal	112	83	62	26	26	17	79	2.2
Social Security Appeal	33	20	26	6	11	19	45	1.2
Subtotal							183	5.1
PRISONER PRO SE TRACK								
Habeas Corpus*	270	262	245	173	137	93	338	9.4
Prisoner Civil Rights	635	712	944	250	298	352	1296	36.0
Subtotal							1634	45.4
STANDARD TRACK								
Contract	392	229	325	55	47	88	413	11.5
Real Property	52	63	46	23	16	19	65	1.8
Torts	227	343	244	93	82	92	336	9.3
Civil Rights	196	216	307	56	82	99	406	11.3
Labor	87	87	81	19	12	23	104	2.9
Property Rights	67	66	72	8	8	14	86	2.4
Other**	199	353	178	95	62	34	212	5.9
Other Statutes			105			32	137	3.8
Subtotal							1759	48.8
COMPLEX								
H/C Death Penalty			17			10	27	0.7
TOTAL	2504	2490	2681	927	827	922	3603	

This table was modified to conform to Differentiated Case Management Tracks

*Death Penalty cases included in 1992 and 1993 data.

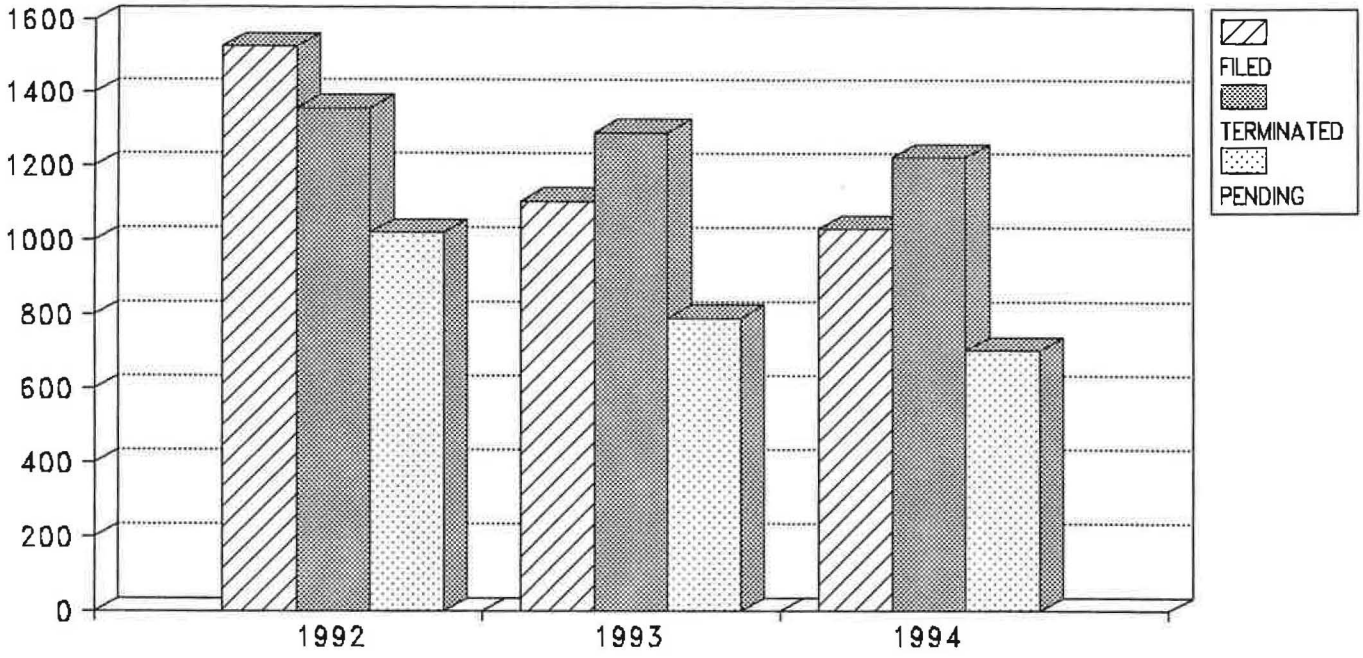
**Other statutes included in "Other" category in 1992 and 1993.

CRIMINAL FILINGS TREND



FILINGS CASES/DEFENDANTS	1992	1993	1994	'93–'94 % Change
Tucson Cases	1042	692	647	–7.0
Defendants	1511	1013	889	–13.9
Phoenix Cases	484	415	383	–8.4
Defendants	702	537	525	–2.3
DISTRICT Cases	1526	1107	1030	–7.5
Defendants	2213	1550	1414	–9.6

CRIMINAL CASE TERMINATION TREND
DISTRICT TOTALS



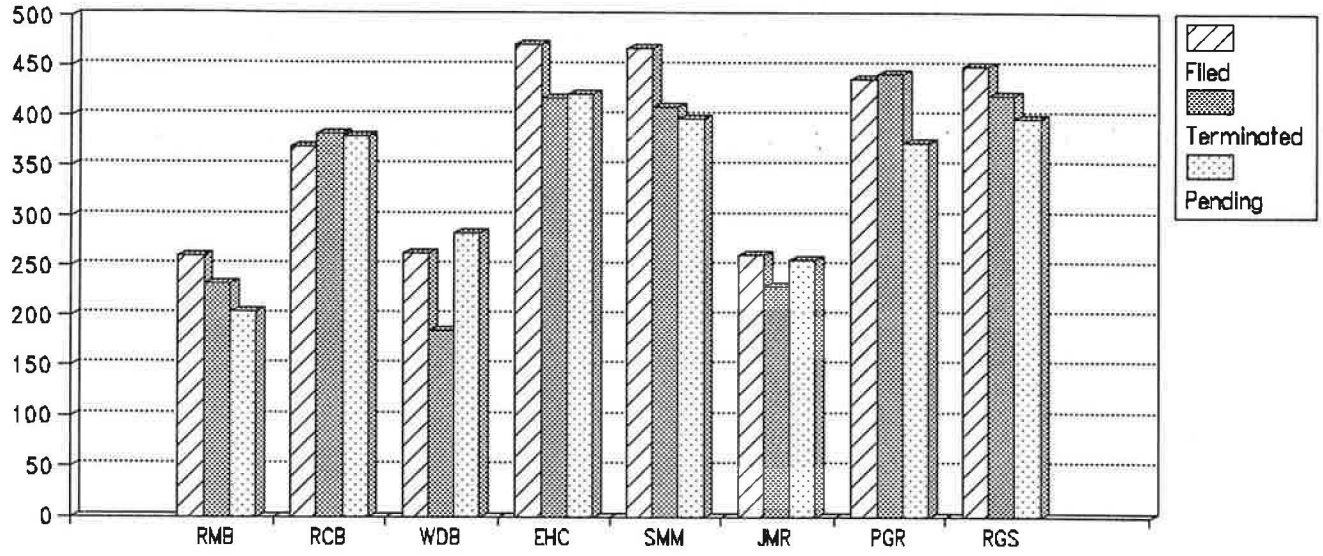
TERMINATED	1992	1993	1994	'93–'94 % Change
Tucson Cases	850	782	742	-5.4
Defendants	1159	1186	1069	-10.9
Phoenix Cases	509	509	484	-5.2
Defendants	708	744	544	-36.8
DISTRICT Cases	1359	1291	1226	-5.3
Defendants	1867	1930	1613	-19.7

PENDING	1992	1993	1994	'93–'94 % Change
Tucson Cases	688	457	326	-40.2
Defendants	1115	753	504	-49.4
Phoenix Cases	335	335	378	11.4
Defendants	837	478	429	-11.4
DISTRICT Cases	1023	792	704	-12.5
Defendants	1952	1231	933	-31.9

CRIMINAL CASE TYPE	PHX 1992	PHX 1993	PHX 1994	TUC 1992	TUC 1993	TUC 1994	TTL 1994	% OF TOTAL
Marijuana	16	6	6	486	253	242	248	24.1
Narcotics	42	22	24	65	37	44	68	6.6
Other drug related*	77	56	53	40	23	35	88	8.5
Embezzlement	29	13	22	8	5	11	33	3.2
Fraud	109	114	120	152	114	88	208	20.2
Forgery/Counterfeit	8	8	2	11	3	1	3	0.3
Immigration	44	22	28	97	129	142	170	16.5
Robbery, Burglary, Larceny	67	68	58	20	10	10	68	6.6
Assault	19	24	14	15	19	16	30	2.9
Weapons/Firearms	39	42	23	66	59	33	56	5.4
Homicide	15	23	20	8	9	5	25	2.4
Other*	19	18	13	78	31	20	33	3.2
TOTAL	484	416	383	1046	692	647	1030	

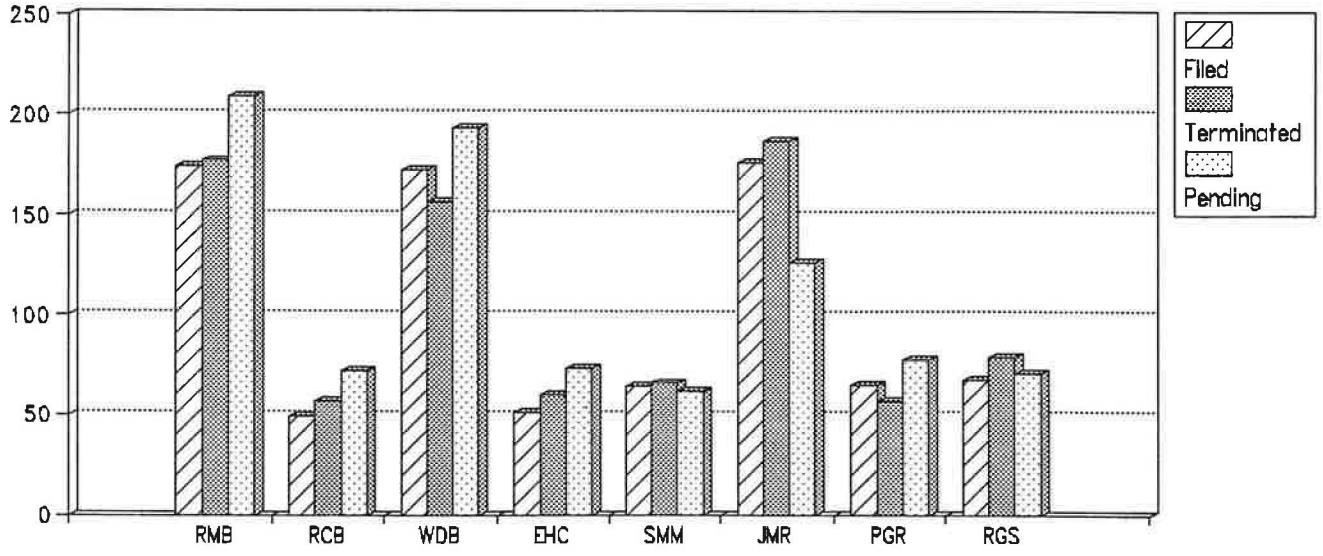
*"Other drug related" and "Other" categories conform to reports from the Administrative Office

Civil Caseload Per Judge
1994

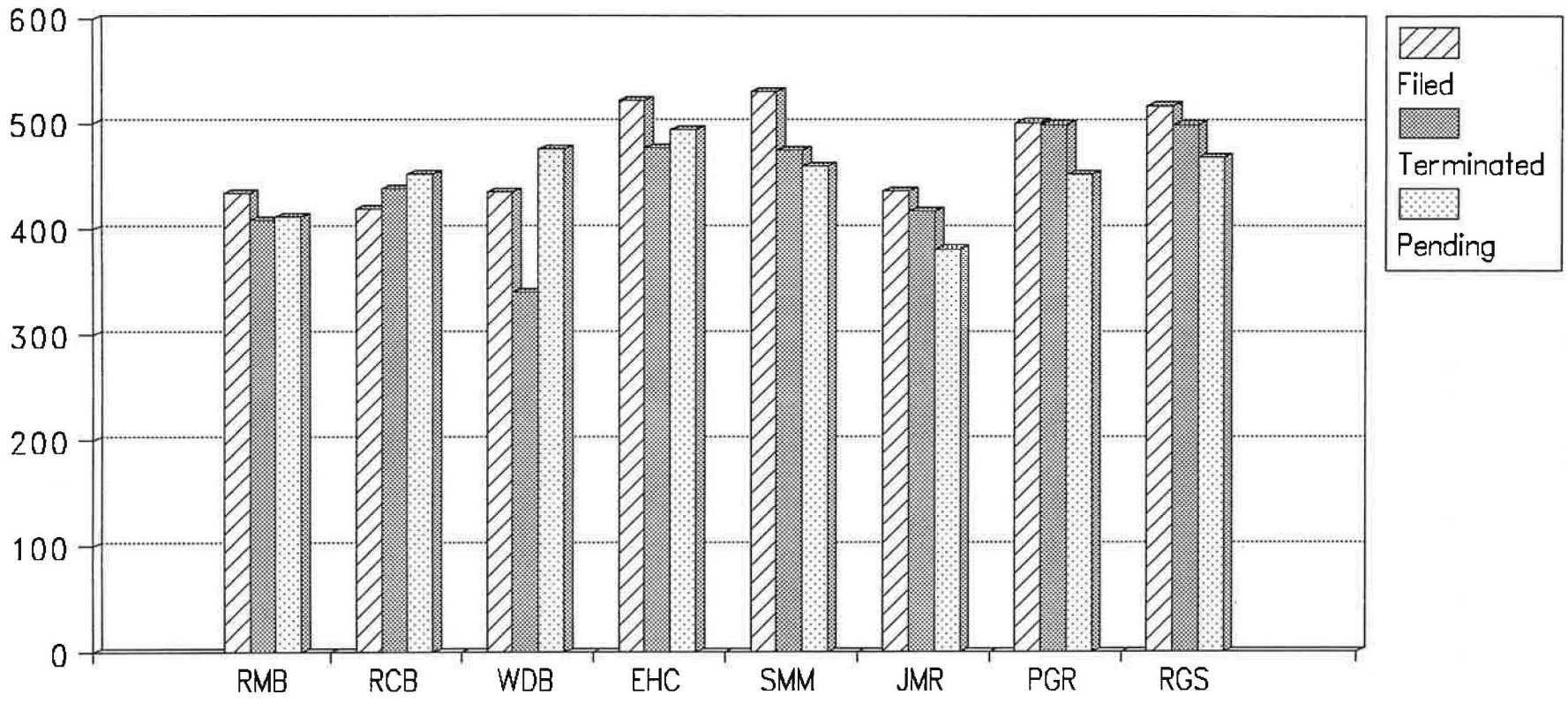


Senior Judge Carroll's data are included, as he did not take senior status until late in 1994.

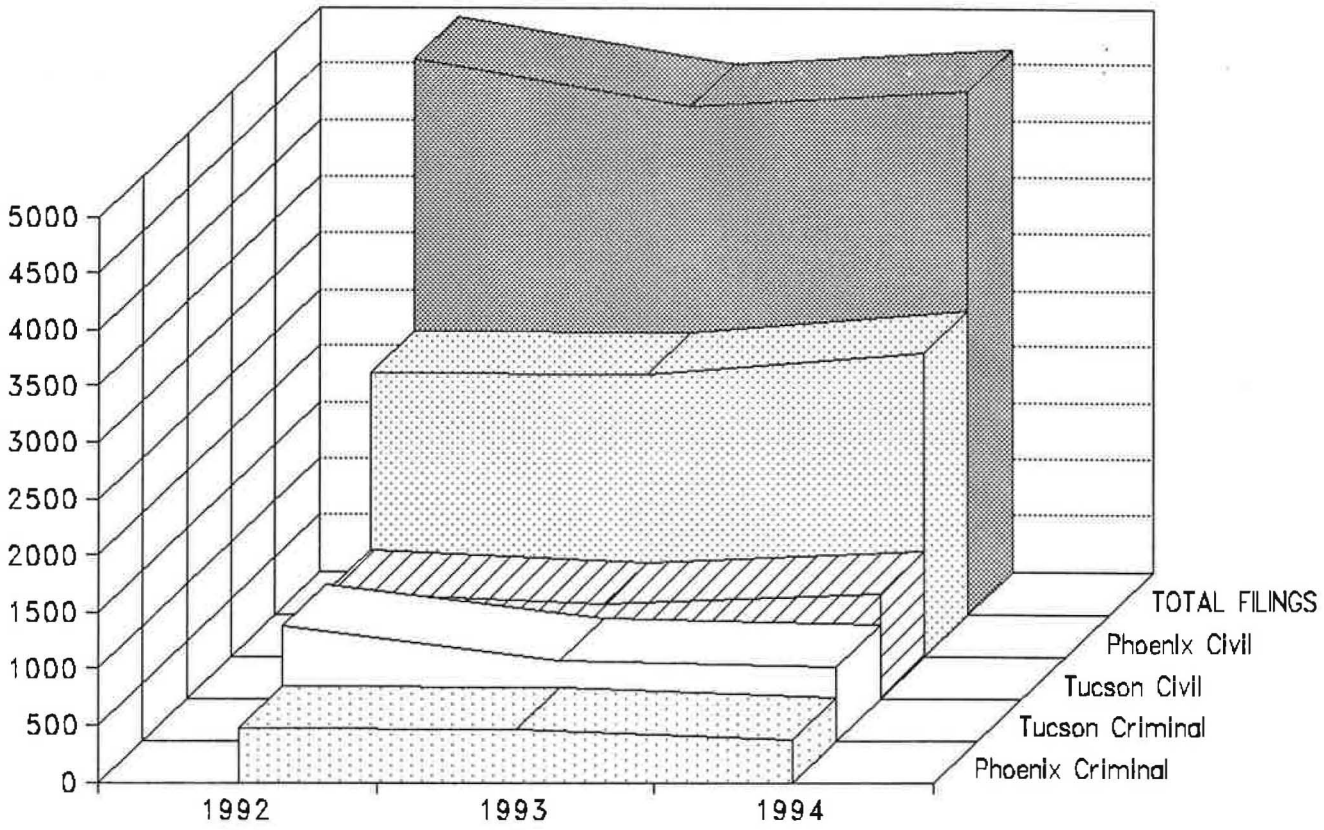
Criminal Caseload Per Judge
1994



Total Caseload Per Judge
1994



ANNUAL FILINGS
LAST 3 YEARS



	1992	1993	1994
Phoenix	2504	2490	2681
Tucson	927	827	922
CIVIL TTL	3431	3317	3603
Phoenix	470	468	383
Tucson	1008	702	647
CRIMINAL TTL	1478	1170	1030
Phoenix	2974	2958	3064
Tucson	1935	1529	1569
GRAND TOTAL	4909	4487	4633