

United States District Court

Southern District Of California
Office Of The Clerk
Edward J. Schwartz Federal Building
880 Front Street
Room 4290
San Diego, California 92101-8900

Roberta Westdal
Clerk of Court

Phone: (619) 557-5600
Fax: (619) 702-9900

May 15, 1997

Fred Russillo, Senior Court Program Specialist
Federal Judicial Center
Thurgood Marshall Federal Building
One Columbus Circle, NE
Washington, DC 20002-8003

Re: Southern District of California Annual Assessment

Dear Mr. Russillo:

Enclosed is this court's final Annual Assessment pursuant to section 475 of the Civil Justice Reform Act. The report updates many of the charts contained in last year's issue.

Sincerely,

Roberta Westdal, Clerk



By Gina Justice, Court Support Analyst

Enc.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CJRA ANNUAL ASSESSMENT

pursuant to section 475 of P.L. 101-650

**1996 CJRA RELATED DATA
AND PRIOR YEAR COMPARISONS**



submitted by
Michael J. Koziel, M.P.A.
CJRA Analyst
U.S. District Court
Southern District of California

APRIL 1997

FOREWORD

The Civil Justice Reform Act of 1990, 28 U.S.C. §§ 471-482, § 475, requires a periodic assessment “of the court’s civil and criminal dockets with a view toward 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.” This report was created to meet the requirements of the Act and to be used as an in-house tool for the court’s advisory committee and judges. Most of the charts in the report cover the experience of the court up through the end of 1996. The data was gathered from multiple sources. Considerable effort was made to ensure the information is accurate, however given the complexity of this task, there is a possibility for discrepancies in the data. One example of this would be the number of civil cases pending over three years (CHART B1 and B2 reporting A.O. figures versus our internal numbers as shown in CHART D.) The reason for the difference is, due to certain deadlines, the A.O. publishes their report before the figures are corrected in the field. Meticulous steps were taken to corroborate and verify findings when possible.

The report is organized into four sections: 1.) An Overview, 2.) An Index of the Charts and Attachments, 3.) The Civil and Criminal Statistical Charts, and 4.) The Attachments. The report generally shows that the court has been successful in reducing the proportion of older civil cases on its docket, and in reducing the disposition time in civil and criminal cases. But along with the continued success at managing the caseload, the workload of the judges has escalated.

The Administrative Office of the U.S. Courts reports that in civil cases, in this district, time from filing to trial was 21 median months in fiscal year 1991 and 18 months in fiscal year 1996. The civil time from filing to disposition was 10 median months in 1991 and seven median months in 1996. The ICMS data shows that the magistrate judges held 629 early neutral evaluation conferences in calendar year 1996, and that 58 cases settled at these conferences; a settlement rate of 9.2%. The magistrate judges reported handling 2743 civil matters in 1991 and 3842 civil matters in 1996, a 40% increase.

Effective December of 1995, the district was no longer a pilot district and could modify its plan to exclude application of any of the six principles of litigation management and cost and delay reduction. The plan received some adjustments during the course of the year, but remains essentially intact with the primary early neutral evaluation, case management conferences, and mandatory settlement conferences continuing. This Annual Assessment is submitted to serve as a historical record of the district’s CJRA experience, and to be utilized by the court and other interested parties in planning and managing policies and procedures.

CJRA ASSESSMENT

U.S. DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

This report covers the CJRA experience of the Southern District of California up through the end of calendar year 1996. The attached tables and charts show that the implementation of the procedures has had a significant impact upon the district. At the time this report is being written, the RAND Corporation has concluded its analyses of the pilot programs, and distributed its final reports to the Judicial Conference. The reports and the resulting recommendations made to Congress will have a significant impact upon the future direction of case management procedures. The RAND reports highlight the relationship between case management and costs, while our internal data focuses on the case management. This report shows that the district's efforts have had positive results in curbing time to disposition and other critical factors. But one can also see that the workload of the organization has increased especially when reviewing the magistrate judge proceedings data.

As in the three prior assessments, this report contains details on the court's caseflow, courtesy of the Administrative Office of the U.S. Courts, as well as figures derived from internal automated and semi-automated methods. Taken together, these numbers continue to show that the court has been successful in reducing the proportion of older civil cases on its docket, and in reducing the disposition time in criminal cases. There was an initial decline in the civil median time from filing to disposition, along with a considerable increase in the workload of the magistrate judges. Since then, the civil workload of the magistrate judges has stabilized, while the criminal workload has increased.

There have been several procedural changes since the implementation of the court's original plan, but the core case management elements: early neutral evaluation conferences, case management conferences, and mandatory settlement conferences, remain. The court never reached full judicial staffing from the time the CJRA Plan was implemented, accordingly the process of rotating the district judges out of the criminal caseload for two months of the year was never put into practice and was officially eliminated from the plan.

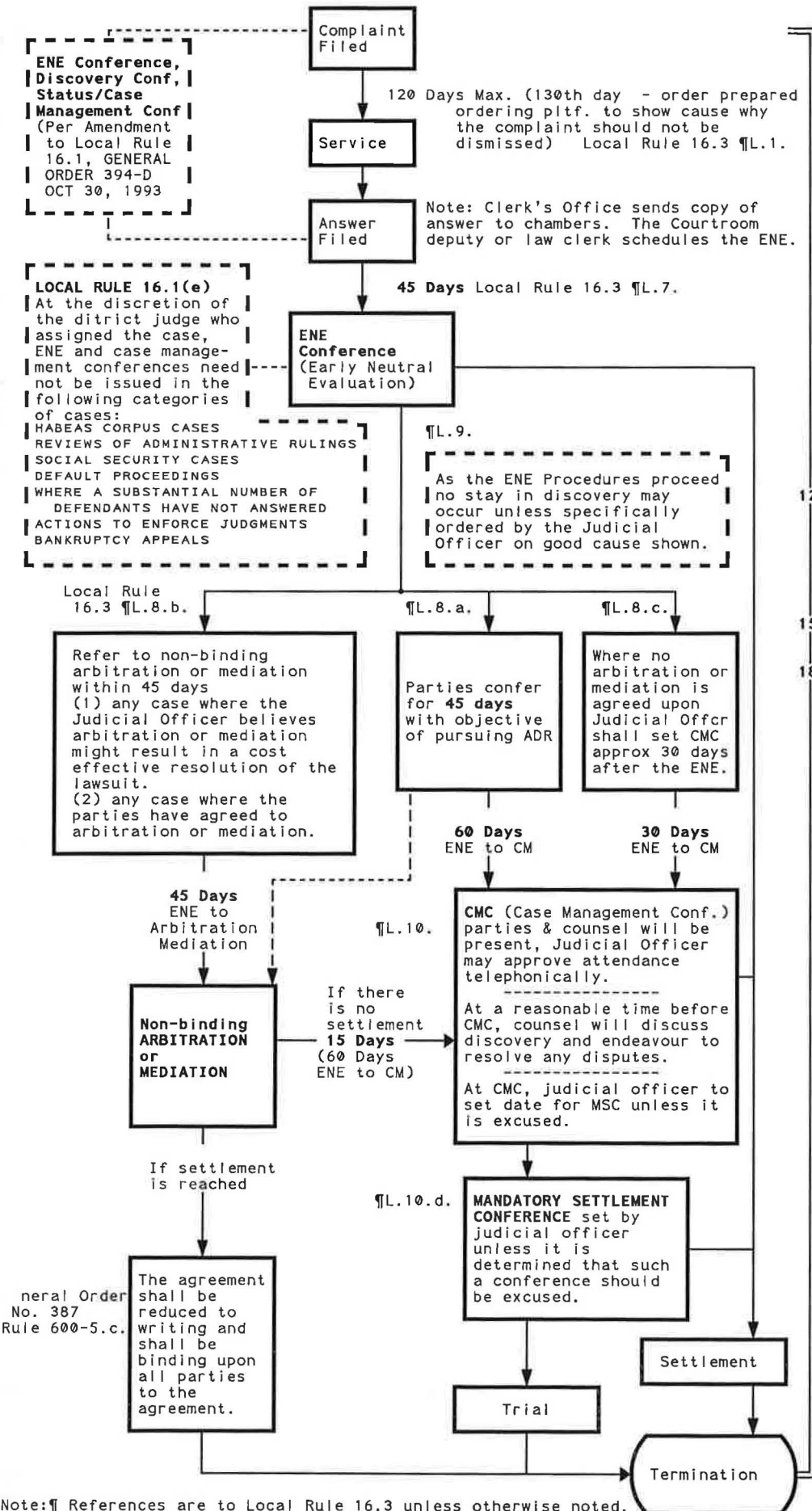
JUDICIAL WORKLOAD

Chart B1 shows that criminal felony filings have increased from 128 cases per judgeship in fiscal year 1991, to 272 in 1996: a 113% percent increase. This is more than four times the national average of 55 criminal felony filings per judgeship. The weighted filings have increased 61% from 517 in 1991 to 833 per judgeship - more than one and a half times the national average of 472 weighted filings per judgeship. As indicated earlier, the district continued to experience a vacancy in judgeships. Chart B2 shows that the increase in weighted filings from 1995 to 1996 was 15%. These statistics, combined with the continued increase in the weighted filings figure, show that, out of necessity, the district must continue to practice and pursue innovative case management techniques.

Many other details about the district are contained in the individual charts that follow. Overall, this district's numbers were impacted by the 966 breast implant filings during fiscal year 1996. The applicable statistics in Chart B3 have been adjusted to show the caseload without this unique group of filings. However, there were still some significant increases in the civil caseload despite those cases. In particular, Chart B3 shows that prisoner petition filings continue to grow tremendously. The increase was 29% during the last year alone. On the criminal caseload side, Chart B4 shows there continued to be an increasing emphasis on immigration filings by the U.S. Attorney's office from 900 cases in fiscal year 1995, to 1341 in 1996. This was again a major contributor to the growth in criminal filings.

CIVIL CASE SETTLEMENT PROGRAMS

Trials completed per judgeship in fiscal year 1996 declined by 24% over the 1991 figure, in line with the goals of the case settlement program. However, there was an increase of 13% from 1995 to 1996, slightly less than the 15% increase in weighted filings. In the court's early neutral evaluation (ENE) program, a U.S. magistrate judge meets with counsel and parties to discuss the claims and defenses and seek to settle the case. This conference is scheduled shortly after the answer is filed, and continues to be a primary component of the CJRA program. The ENE data (Chart E) reports that 749 separate ENE conferences were scheduled during calendar year 1996. Out of the conferences scheduled, 629 were held, an 84% rate. The docket



ENE Conference, Discovery Conf, Status/Case Management Conf (Per Amendment to Local Rule 16.1, GENERAL ORDER 394-D OCT 30, 1993)

LOCAL RULE 16.1(e) At the discretion of the district judge who assigned the case, ENE and case management conferences need not be issued in the following categories of cases: HABEAS CORPUS CASES, REVIEWS OF ADMINISTRATIVE RULINGS, SOCIAL SECURITY CASES, DEFAULT PROCEEDINGS, WHERE A SUBSTANTIAL NUMBER OF DEFENDANTS HAVE NOT ANSWERED, ACTIONS TO ENFORCE JUDGMENTS, BANKRUPTCY APPEALS

120 Days Max. (130th day - order prepared ordering pltf. to show cause why the complaint should not be dismissed) Local Rule 16.3 ¶L.1.

Note: Clerk's Office sends copy of answer to chambers. The Courtroom deputy or law clerk schedules the ENE.

45 Days Local Rule 16.3 ¶L.7.

¶L.9. As the ENE Procedures proceed no stay in discovery may occur unless specifically ordered by the Judicial Officer on good cause shown.

Local Rule 16.3 ¶L.8.b.

¶L.8.a.

¶L.8.c.

Refer to non-binding arbitration or mediation within 45 days (1) any case where the Judicial Officer believes arbitration or mediation might result in a cost effective resolution of the lawsuit. (2) any case where the parties have agreed to arbitration or mediation.

Parties confer for 45 days with objective of pursuing ADR

Where no arbitration or mediation is agreed upon Judicial Officer shall set CMC approx 30 days after the ENE.

60 Days ENE to CM

30 Days ENE to CM

45 Days ENE to Arbitration Mediation

¶L.10.

If there is no settlement 15 Days (60 Days ENE to CM)

CMC (Case Management Conf.) parties & counsel will be present, Judicial Officer may approve attendance telephonically.

At a reasonable time before CMC, counsel will discuss discovery and endeavour to resolve any disputes.

At CMC, judicial officer to set date for MSC unless it is excused.

¶L.10.d.

MANDATORY SETTLEMENT CONFERENCE set by judicial officer unless it is determined that such a conference should be excused.

General Order No. 387 Rule 600-5.c.

If settlement is reached

The agreement shall be reduced to writing and shall be binding upon all parties to the agreement.

Settlement

Trial

Termination

Settlement conferences can be calendared prior to Mandatory Settlement Conference if determined ready by Judicial Officer ¶L.11.

Local Rule 16.1(d)(3)

- a. at CMC or pretrial conf., a trial date shall be set by the magistrate judge if directed by the district judge assigned to the case.
- b. Senior district judges who have not referred the case to a magistrate judge will set all dates themselves.

Only Complex Cases Excluded from the Following Time Requirements from FILING TO TRIAL DATE:

- 12 Months: Social Security Enforcement of Judgements, Prisoner petitions challenging confinement conditions, Forfeiture & penalty cases
- 15 Months: FTCA Cases
- 18 Months: 25% of remaining civil cases not "complex"

Continuances of trial & motion dates only for good cause shown ¶D.

NON-BINDING MINI-TRIAL or SUMMARY JURY TRIAL. To be ordered by the Judicial Officer (after a hearing with an opportunity to be heard) where the potential judgement does not exceed \$250,000 and where the procedure will probably resolve the case. ¶H.

Counsel to "meet & confer" prior to filing any discovery motion ¶K.

THE ORIGINAL CJRA PLAN ALSO CONTAINED TWO SPECIAL ELEMENTS WHICH WERE ELIMINATED BY GENERAL ORDER 394-J, FILED APRIL 12, 1996.

QUESTIONNAIRE mailed to selected cases. PROCESS CONCLUDED IN 1995 SUFFICIENT NUMBER DISTRIBUTED

CRIMINAL CALENDAR EXCLUSION Each District Judge was to be excluded from the criminal calendar two months out of the year. PROCESS NOT IMPLEMENTED DUE TO JUDICIAL VACANCIES.

Note: ¶ References are to Local Rule 16.3 unless otherwise noted. This chart is a draft, refer to Local Rule 16.3 as Amended per General Order 394-J, or subsequent General Orders for official resource.

U.S. DISTRICT COURT - JUDICIAL WORKLOAD PROFILE

COMPARISON OF CALIFORNIA SOUTHERN TO NATIONAL
FOR 12 MONTH PERIODS ENDING SEPTEMBER 30TH
PRE VERSUS POST CJRA PLAN IMPLEMENTATION

| 12 MONTH PERIODS ENDED SEPTEMBER 30TH | | CALIFORNIA SOUTHERN | | | ALL U.S. DISTRICT COURTS | | | |
|---------------------------------------|--|------------------------------------|--------|----------|--------------------------|---------|----------|------|
| | | 1991 | 1996 | % CHANGE | 1991 | 1996 | % CHANGE | |
| OVERALL WORKLOAD STATISTICS | Filings | 2,914 | 5,674 | 95% | 244,790 | 304,535 | 24% | |
| | Terminations | 2,931 | 4,454 | 52% | 250,615 | 283,383 | 13% | |
| | Pending | 3,959 | 4,149 | 5% | 260,095 | 279,781 | 8% | |
| | Number of Judgeships | 8 | 8 | 0% | 649 | 647 | 0% | |
| | Vacant Judgeship Months | 32.00 | 27.00 | -16% | 1,228 | 572 | -53% | |
| ACTIONS PER JUDGESHIP | FILINGS | Total | 364 | 709 | 95% | 377 | 471 | 25% |
| | | * Civil | 236 | 437 | 85% | 325 | 416 | 28% |
| | | Criminal Felony | 128 | 272 | 113% | 52 | 55 | 6% |
| | Pending Cases | 495 | 519 | 5% | 401 | 432 | 8% | |
| | Weighted Filings | 517 | 833 | 61% | 384 | 472 | 23% | |
| | Terminations | 366 | 557 | 52% | 386 | 438 | 13% | |
| | Trials Completed | 46 | 35 | -24% | 31 | 27 | -13% | |
| MEDIAN MONTHS | FROM FILING TO DISPOSITION | Criminal Felony | 5.8 | 2.9 | -50% | 5.8 | 6.8 | 17% |
| | | Civil | 10 | 7 | -30% | 10 | 7 | -30% |
| | FROM FILING TO TRIAL | Civil | 21 | 18 | -14% | 15 | 18 | 20% |
| OTHER | Number and Percent of Civil Cases Over 3 Years Old | | 276 | 35 | -87% | 21,252 | 16,152 | -24% |
| | | | 13.00% | 1.00% | | 9.40% | 6.40% | |
| | Average Number of Felony Defendants Filed Per Case | | 1.50 | 1.30 | -13% | 1.50 | 1.60 | 7% |
| | JURORS | Average Present for Jury Selection | 51.07 | 38.81 | -24% | 37.43 | 36.92 | -1% |
| | | Percent Not Selected or Challenged | 45.20% | 36.50% | | 34.30% | 34.40% | |

source: A.O. Judicial Caseload Profile - Federal Court Management Statistics
* Civil filings figures for 1996 include 120.75 breast implant cases per judgeship.

U.S. DISTRICT COURT - JUDICIAL WORKLOAD PROFILE

COMPARISON OF CALIFORNIA SOUTHERN TO NATIONAL
FOR 12 MONTH PERIODS ENDING SEPTEMBER 30TH
COMPARISON OF 1995 TO 1996

| 12 MONTH PERIODS ENDED SEPTEMBER 30TH | | CALIFORNIA SOUTHERN | | | ALL U.S. DISTRICT COURTS | | | |
|---------------------------------------|--|------------------------------------|--------|----------|--------------------------|---------|----------|------|
| | | 1995 | 1996 | % CHANGE | 1995 | 1996 | % CHANGE | |
| OVERALL WORKLOAD STATISTICS | Filings | 4,584 | 5,674 | 24% | 281,681 | 304,535 | 8% | |
| | Terminations | 3,944 | 4,454 | 13% | 259,336 | 283,383 | 9% | |
| | Pending | 2,917 | 4,149 | 42% | 268,197 | 279,781 | 4% | |
| | Number of Judgeships | 8 | 8 | 0% | 649 | 647 | 0% | |
| | Vacant Judgeship Months | 21.0 | 27.00 | 29% | 642 | 572 | -11% | |
| ACTIONS PER JUDGESHIP | FILINGS | Total | 573 | 709 | 24% | 434 | 471 | 9% |
| | | * Civil | 360 | 437 | 21% | 383 | 416 | 9% |
| | | Criminal Felony | 213 | 272 | 28% | 51 | 55 | 8% |
| | Pending Cases | 365 | 519 | 42% | 413 | 432 | 5% | |
| | Weighted Filings | 726 | 833 | 15% | 448 | 472 | 5% | |
| | Terminations | 493 | 557 | 13% | 400 | 438 | 10% | |
| | Trials Completed | 31 | 35 | 13% | 27 | 27 | 0% | |
| MEDIAN MONTHS | FROM FILING TO DISPOSITION | Criminal Felony | 4.1 | 2.9 | -29% | 6.6 | 6.8 | 3% |
| | | Civil | 8 | 7 | -13% | 8 | 7 | -13% |
| | FROM FILING TO TRIAL | Civil | 18 | 18 | 0% | 18 | 18 | 0% |
| OTHER | Number and Percent of Civil Cases Over 3 Years Old | | 61 | 35 | -43% | 13,538 | 16,152 | 19% |
| | Average Number of Felony Defendants Filed Per Case | | 2.70% | 1.00% | | 5.60% | 6.40% | |
| | | | 1.30 | 1.30 | 0% | 1.60 | 1.60 | 0% |
| | JURORS | Average Present for Jury Selection | 39.35 | 38.81 | -1% | 37.90 | 36.92 | -3% |
| | | Percent Not Selected or Challenged | 35.90% | 36.50% | | 34.00% | 34.40% | |

source: A.O. Judicial Caseload Profile - Federal Court Management Statistics

* Civil filings figures for 1995 include 80.5 breast implant cases per judgeship, and for 1996 include 120.75 breast implant cases.

U.S. DISTRICT COURT - SOUTHERN DISTRICT OF CALIFORNIA

CIVIL CASE FILINGS
TWELVE MONTH PERIOD ENDING SEPTEMBER 30

| NOS | 1993 | 1994 | 1995 | 1996 | % CHANGE 1995 TO 1996 | 1993 NOS AS % OF TOT | 1994 NOS AS % OF TOT | 1995 NOS AS % OF TOT | 1996 NOS AS % OF TOT |
|---|-------------|-------------|-------------|-------------|--------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Social Security | 52 | 83 | 56 | 71 | 27% | 3% | 4% | 2% | 2% |
| Enforcement of Judgments | 33 | 4 | 6 | 27 | 350% | 2% | 0% | 0% | 1% |
| Prisoner Petitions | 388 | 333 | 604 | 778 | 29% | 19% | 16% | 21% | 22% |
| Forfeitures and Penalties and Tax Suits | 220 | 140 | 88 | 112 | 27% | 11% | 7% | 3% | 3% |
| Real Prop | 76 | 63 | 39 | 33 | -15% | 4% | 3% | 1% | 1% |
| Labor Suits | 88 | 92 | 100 | 81 | -19% | 4% | 4% | 3% | 2% |
| Contracts | 301 | 367 | 317 | 320 | 1% | 15% | 17% | 11% | 9% |
| Torts | 322 | 290 | 885 | 1203 | 36% | 16% | 14% | 31% | 34% |
| Copyright, Patent, and Trademark | 86 | 126 | 139 | 158 | 14% | 4% | 6% | 5% | 5% |
| Civil Rights | 305 | 412 | 406 | 436 | 7% | 15% | 19% | 14% | 12% |
| Antitrust | 2 | 6 | 6 | 6 | 0% | 0% | 0% | 0% | 0% |
| All Other | 182 | 200 | 235 | 273 | 16% | 9% | 9% | 8% | 8% |
| TOTAL | 2055 | 2116 | 2881 | 3498 | 21% | 100% | 100% | 100% | 100% |

SUMMARY: The A.O. indicates that civil case filings went up in this district by 21% overall from fiscal years 1995 to 1996. Some of this is due to the 966 breast implant case filings (there were 644 in FY 1995). Without the breast implant cases, either year, the increase would have been from 2237 to 2502, a 12% increase. The most frequent type of filings in 1994 were civil rights. In 1995, torts took over as the most frequent at 31% of all civil filings. After the tort cases, prisoner petitions were the most frequent category of civil filing in 1995, at 21% of the caseload. In 1996, torts continued as most frequent, increasing to 34%. After the torts (primarily breast implant cases) prisoner petitions continued to be the most frequent category at 22%.

source: A.O. Judicial Caseload Profile - Federal Court Management Statistics

U.S. DISTRICT COURT - SOUTHERN DISTRICT OF CALIFORNIA

CRIMINAL FELONY CASE FILINGS
TWELVE MONTH PERIOD ENDING SEPTEMBER 30

| OFFENSE | 1993 | 1994 | 1995 | 1996 | % CHANGE 1995 TO 1996 | 1993 NOS AS % OF TOTAL | 1994 NOS AS % OF TOTAL | 1995 NOS AS % OF TOTAL | 1996 NOS AS % OF TOTAL |
|---------------------------------|-------------|-------------|-------------|-------------|--------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Immigration | 358 | 262 | 900 | 1341 | 49% | 27% | 23% | 53% | 62% |
| Embezzlement | 9 | 11 | 8 | 9 | 13% | 1% | 1% | 0% | 0% |
| Weapons and Firearms | 31 | 13 | 30 | 24 | -20% | 2% | 1% | 2% | 1% |
| Escape | 54 | 36 | 21 | 28 | 33% | 4% | 3% | 1% | 1% |
| Burglary and Larceny | 15 | 13 | 28 | 22 | -21% | 1% | 1% | 2% | 1% |
| Drugs | 668 | 611 | 470 | 514 | 9% | 50% | 54% | 28% | 24% |
| Forgery and Counterfeiting | 11 | 10 | 8 | 7 | -13% | 1% | 1% | 0% | 0% |
| Fraud | 55 | 57 | 88 | 104 | 18% | 4% | 5% | 5% | 5% |
| Homicide and Assault | 14 | 11 | 13 | 20 | 54% | 1% | 1% | 1% | 1% |
| Robbery | 76 | 54 | 44 | 47 | 7% | 6% | 5% | 3% | 2% |
| All Other Criminal Felony Cases | 50 | 44 | 85 | 48 | -44% | 4% | 4% | 5% | 2% |
| TOTAL | 1341 | 1122 | 1695 | 2164 | 28% | 100% | 100% | 100% | 100% |

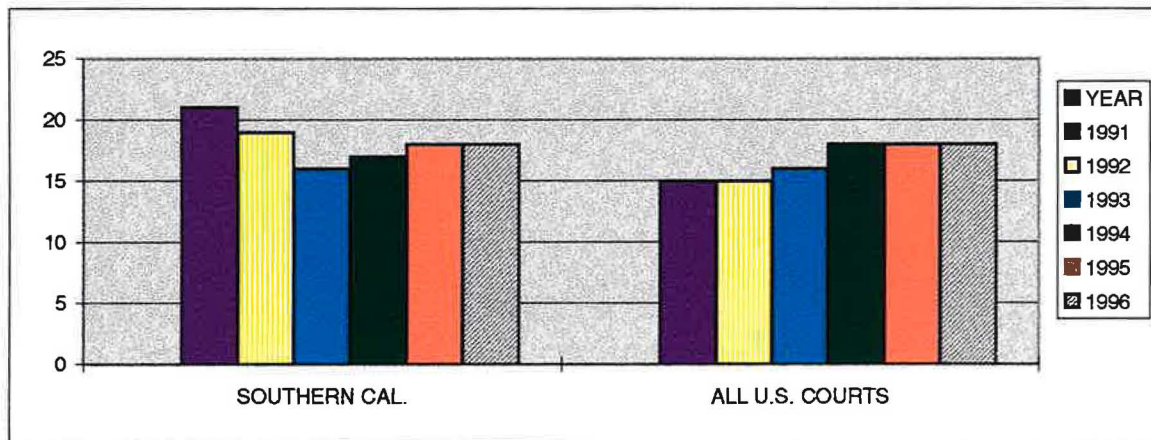
SUMMARY: Immigration cases increased 49% from fiscal year 1995 to 1996, and they are now 275% over the 1993 level. They now account for 62% of all criminal case filings. Drugs continue as the second most frequent type of criminal case at 24% of the criminal caseload. Combined, the two categories of immigration and drugs accounted for 86% of the criminal caseload, an increase of 5% from 1995. Overall, criminal case filings increased by 28% from fiscal year 1995 to 1996, due primarily to a continued increase in immigration cases.

source: A.O. Judicial Caseload Profile - Federal Court Management Statistics

**CIVIL CASES
TIME FROM FILING TO TRIAL
TWELVE MONTH PERIODS ENDING SEPTEMBER 30
COMPARISON TO NATIONAL FIGURES**

| YEAR | SOUTHERN CAL. | | ALL U.S. COURTS | |
|------|---------------|----------|-----------------|----------|
| | MEDIAN MONTHS | % CHANGE | MEDIAN MONTHS | % CHANGE |
| 1991 | 21 | | 15 | |
| 1992 | 19 | -10% | 15 | 0% |
| 1993 | 16 | -16% | 16 | 7% |
| 1994 | 17 | 6% | 18 | 13% |
| 1995 | 18 | 6% | 18 | 0% |
| 1996 | 18 | 0% | 18 | 0% |

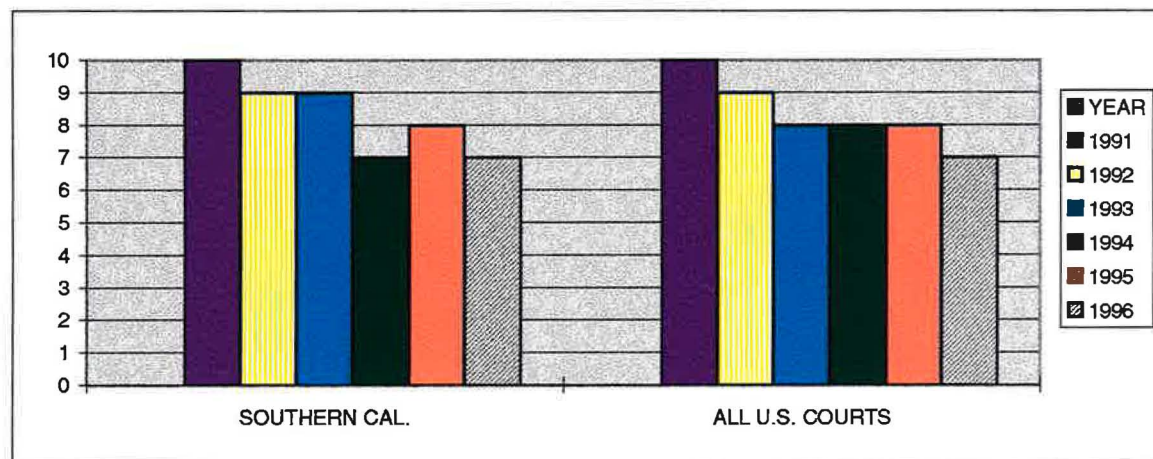
*source: A.O. Judicial Workload Profile



**CIVIL CASES
TIME FROM FILING TO DISPOSITION
TWELVE MONTH PERIODS ENDING SEPTEMBER 30
COMPARISON TO NATIONAL FIGURES**

| YEAR | SOUTHERN CAL. | | ALL U.S. COURTS | |
|------|---------------|----------|-----------------|----------|
| | MEDIAN MONTHS | % CHANGE | MEDIAN MONTHS | % CHANGE |
| 1991 | 10 | | 10 | |
| 1992 | 9 | -10% | 9 | -10% |
| 1993 | 9 | 0% | 8 | -11% |
| 1994 | 7 | -22% | 8 | 0% |
| 1995 | 8 | 14% | 8 | 0% |
| 1996 | 7 | -13% | 7 | -13% |

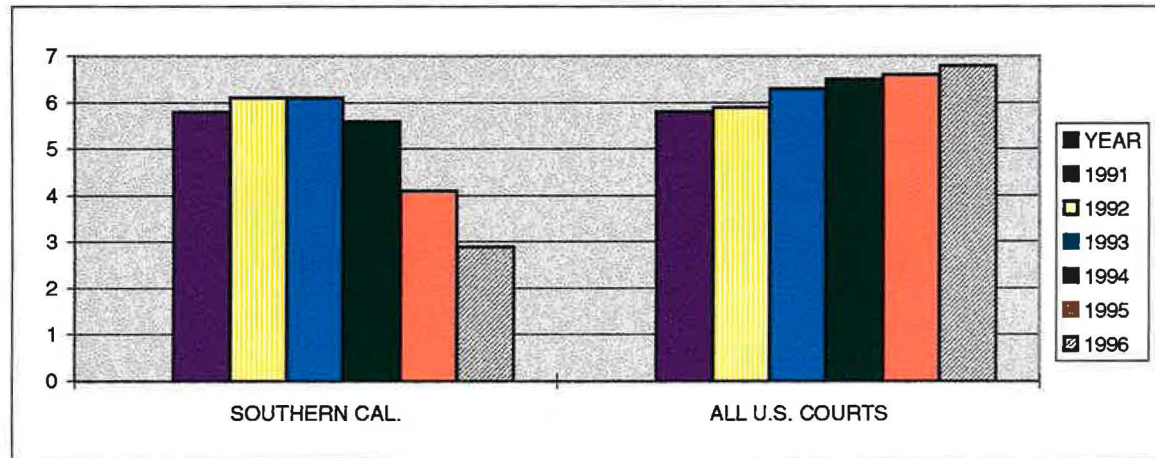
*source: A.O. Judicial Workload Profile



**CRIMINAL FELONY CASES
TIME FROM FILING TO DISPOSITION
TWELVE MONTH PERIODS ENDING SEPTEMBER 30
COMPARISON TO NATIONAL FIGURES**

| YEAR | SOUTHERN CAL. | | ALL U.S. COURTS | |
|------|---------------|----------|-----------------|----------|
| | MEDIAN MONTHS | % CHANGE | MEDIAN MONTHS | % CHANGE |
| 1991 | 5.8 | | 5.8 | |
| 1992 | 6.1 | 5% | 5.9 | 2% |
| 1993 | 6.1 | 0% | 6.3 | 7% |
| 1994 | 5.6 | -8% | 6.5 | 3% |
| 1995 | 4.1 | -27% | 6.6 | 2% |
| 1996 | 2.9 | -29% | 6.8 | 3% |

*source: A.O. Judicial Workload Profile

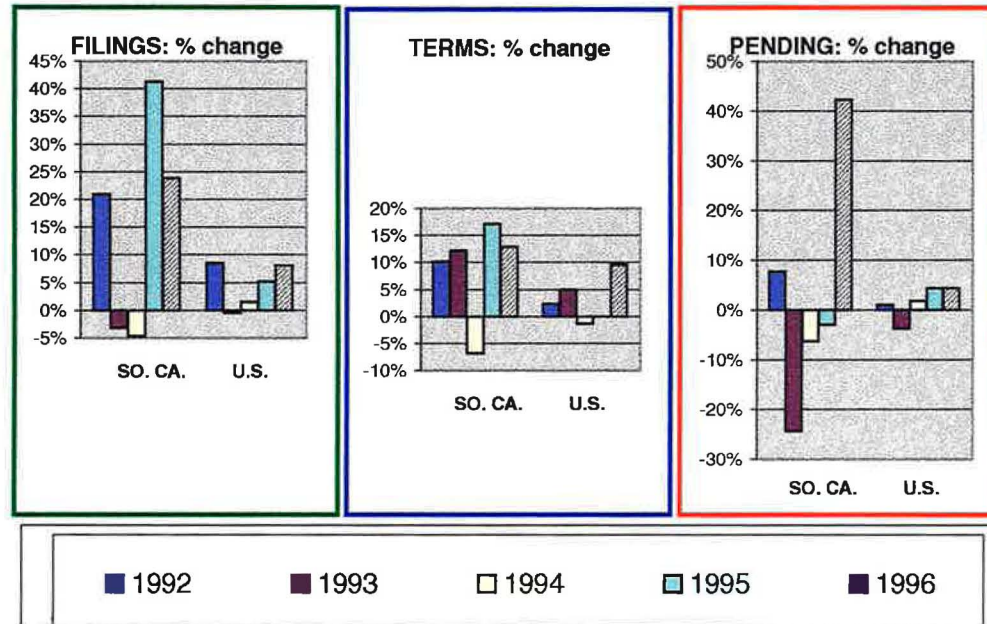


U.S. DISTRICT COURT - SOUTHERN DISTRICT OF CALIFORNIA

OVERALL CASELOAD STATISTICS
TOTAL FILINGS, TERMINATIONS, AND PENDING
 TWELVE MONTH PERIODS ENDING SEPTEMBER 30
COMPARISON TO NATIONAL FIGURES

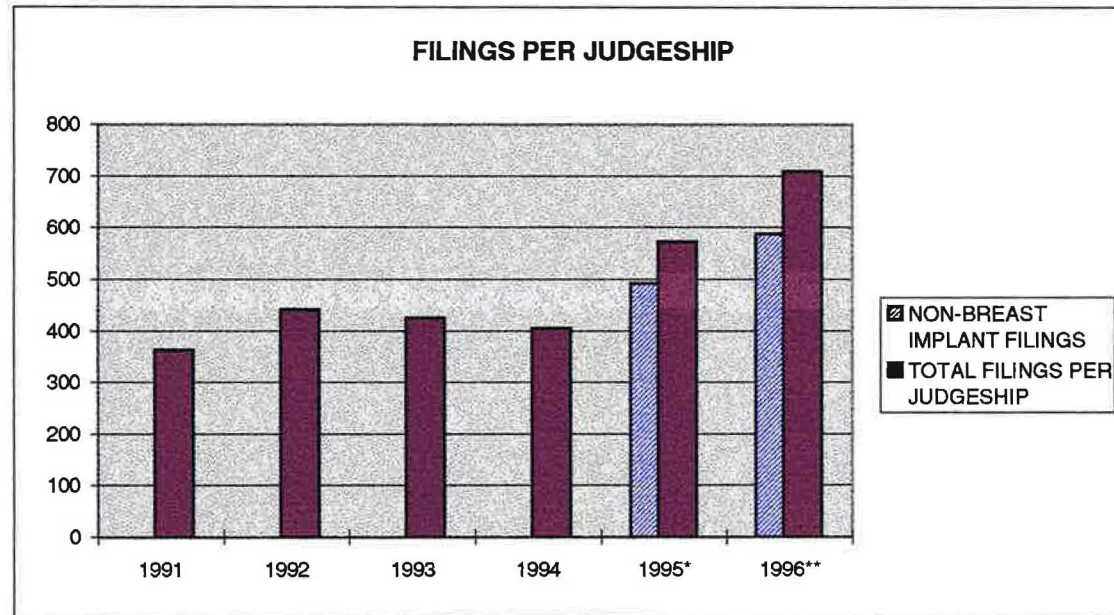
| YEAR | FILINGS | | | | TERMINATIONS | | | | PENDING | | | |
|------|---------|-----|---------|-----|--------------|-----|---------|-----|---------|------|---------|-----|
| | SO. CA | % | U.S. | % | SO. CA | % | U.S. | % | SO. CA | % | U.S. | % |
| 1991 | 2914 | | 244,790 | | 2931 | | 245,014 | | 3959 | | 260,095 | |
| 1992 | 3524 | 21% | 265,612 | 9% | 3227 | 10% | 250,615 | 2% | 4263 | 8% | 262,805 | 1% |
| 1993 | 3408 | -3% | 264,038 | -1% | 3619 | 12% | 263,034 | 5% | 3220 | -24% | 252,697 | -4% |
| 1994 | 3245 | -5% | 267,799 | 1% | 3368 | -7% | 259,238 | -1% | 3012 | -6% | 257,183 | 2% |
| 1995 | 4584 | 41% | 281,681 | 5% | 3944 | 17% | 258,712 | 0% | 2917 | -3% | 268,197 | 4% |
| 1996 | 5674 | 24% | 304,535 | 8% | 4454 | 13% | 283,383 | 10% | 4149 | 42% | 279,781 | 4% |

*source: A.O. Judicial Workload Profile



**U.S. DISTRICT COURT - SOUTHERN DISTRICT OF CALIFORNIA
 JUDGESHIPS, VACANT JUDGESHIPS, AND UNWEIGHTED FILINGS PER JUDGESHIP
 FOR TWELVE MONTH PERIODS ENDING SEPTEMBER 30**

| YEAR | 1991 | 1992 | 1993 | 1994 | 1995* | 1996** |
|-----------------------------|------|------|------|------|-------|--------|
| JUDGESHIPS | 8 | 8 | 8 | 8 | 8 | 8 |
| VACANT JUDGESHIP MONTHS | 32 | 22.8 | 17.9 | 23.6 | 21 | 27 |
| TOTAL FILINGS PER JUDGESHIP | 364 | 441 | 426 | 406 | 573 | 709 |



SUMMARY: The court continued to experience a vacancy in judgeships in 1996. Filings per judgeship were at their highest level this decade.

*Eliminating the breast implant cases in 1995, the filings would have been at 492.5 per judgeship.

** Eliminating the breast implant cases in 1996, the filings would have been at 588.25 per judgeship.

U.S. DISTRICT COURT - SOUTHERN DISTRICT OF CALIFORNIA

ANSWER TO TERMINATION DATA

| PERIOD OF MEASUREMENT | MONTHS FROM ANS TO TERM | | CASES TERMED |
|------------------------------------|--------------------------------|----------------|---------------------|
| | MEDIAN | AVERAGE | |
| Jan. 1, 1992 through Dec. 31, 1992 | 9 | 11 | 864 |
| Jan. 1, 1993 through Dec. 31, 1993 | 9 | 13 | 947 |
| Jan. 1, 1994 through Dec. 31, 1994 | 9 | 12 | 910 |
| Jan. 1, 1995 through Dec. 31, 1995 | 8 | 11 | 994 |
| Jan. 1, 1996 through Dec. 31, 1996 | 8 | 10 | 859 |

source: ICMS

Summary: The median time from answer to termination continued at eight months in 1996. There was a decrease in the number of cases with answers terminated from 1995 to 1996, to slightly below the 1992 level.

**U.S. DISTRICT COURT - SOUTHERN DISTRICT OF CALIFORNIA
ANSWER TO TERMINATION DATA
DISTRIBUTION BY YEAR OF CASE**

Cases Terminated from Jan. 1, 1996 through Dec. 31, 1996

| YEAR (AGE OF CASE) | NUMBER TERMED | PERCENT OF TOTAL |
|--------------------|---------------|------------------|
| 1989 (7 - 8 years) | 2 | 0% |
| 1990 (6 - 7 years) | 3 | 0% |
| 1991 (5 - 6 years) | 9 | 1% |
| 1992 (4 - 5 years) | 8 | 1% |
| 1993 (3 - 4 years) | 33 | 4% |
| 1994 (2 - 3 years) | 116 | 14% |
| 1995 (1 - 2 years) | 491 | 57% |
| 1996 (0 - 1 years) | 197 | 23% |
| Total | 859 | 100% |

Cases Terminated from Jan. 1, 1995 through Dec. 31, 1995

| YEAR (AGE OF CASE) | NUMBER TERMED | PERCENT OF TOTAL |
|--------------------|---------------|------------------|
| 1988 (7 - 8 years) | 1 | 0% |
| 1989 (6 - 7 years) | 6 | 1% |
| 1990 (5 - 6 years) | 1 | 0% |
| 1991 (4 - 5 years) | 16 | 2% |
| 1992 (3 - 4 years) | 56 | 6% |
| 1993 (2 - 3 years) | 180 | 18% |
| 1994 (1 - 2 years) | 457 | 46% |
| 1995 (0 - 1 years) | 277 | 28% |
| Total | 994 | 100% |

Cases Terminated from Jan. 1, 1994 through Dec. 31, 1994

| YEAR (AGE OF CASE) | NUMBER TERMED | PERCENT OF TOTAL |
|--------------------|---------------|------------------|
| 1988 (6 - 7 years) | 2 | 0% |
| 1989 (5 - 6 years) | 11 | 1% |
| 1990 (4 - 5 years) | 15 | 2% |
| 1991 (3 - 4 years) | 62 | 7% |
| 1992 (2 - 3 years) | 143 | 16% |
| 1993 (1 - 2 years) | 444 | 49% |
| 1994 (0 - 1 years) | 233 | 26% |
| Total | 910 | 100% |

Cases Terminated from Jan. 1, 1993 through Dec. 31, 1993

| YEAR (AGE OF CASE) | NUMBER TERMED | PERCENT OF TOTAL |
|--------------------|---------------|------------------|
| 1986 (7 - 8 years) | 1 | 0% |
| 1987 (6 - 7 years) | 4 | 0% |
| 1988 (5 - 6 years) | 9 | 1% |
| 1989 (4 - 5 years) | 38 | 4% |
| 1990 (3 - 4 years) | 87 | 9% |
| 1991 (2 - 3 years) | 178 | 19% |
| 1992 (1 - 2 years) | 427 | 45% |
| 1993 (0 - 1 years) | 203 | 21% |
| Total | 947 | 100% |

Cases Terminated from Jan. 1, 1992 through Dec. 31, 1992

| YEAR (AGE OF CASE) | NUMBER TERMED | PERCENT OF TOTAL |
|--------------------|---------------|------------------|
| 1986 (6 - 7 years) | 1 | 0% |
| 1987 (5 - 6 years) | 5 | 1% |
| 1988 (4 - 5 years) | 17 | 2% |
| 1989 (3 - 4 years) | 57 | 7% |
| 1990 (2 - 3 years) | 151 | 17% |
| 1991 (1 - 2 years) | 428 | 50% |
| 1992 (0 - 1 years) | 205 | 24% |
| Total | 864 | 100% |

note: all of the above figures are for cases with answers, as per ICMS

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
**MOTIONS PENDING AND BENCH TRIALS SUBMITTED
 OVER 6 MONTHS
 CIVIL CASES PENDING 3 YEARS OR MORE**

| REPORT DATE | MOTIONS PENDING OVER 180 DAYS | BENCH TRIALS SUBMITTED OVER 6 MONTHS | CIVIL CASES PENDING 3 YEARS OR MORE |
|-------------|-------------------------------|--------------------------------------|-------------------------------------|
| 9/30/91 | 1 | 0 | 291 |
| 3/31/92 | 0 | 0 | 165 |
| 9/30/92 | 23 | 0 | 180 |
| 3/31/93 | 24 | 0 | 146 |
| 9/30/93 | 27 | 0 | 85 |
| 3/31/94 | 7 | 0 | 63 |
| 9/30/94 | 14 | 0 | 57 |
| 3/31/95 | 15 | 0 | 48 |
| 9/30/95 | 20 | 0 | 50 |
| 3/31/96 | 39 | 0 | 42 |
| 9/30/96 | 27 | 0 | 29 |

source: JS56

Summary: There has been a 90% decline in the number of civil cases pending three or more years in this district from September of 1991 to September of 1996. Motions pending over 180 days have increased due to adjustments in the reporting process.

note: The above figures are final. They may differ from A.O. figures as in Charts B1, B2, and Attachment A because the A.O. publishes their reports before the figures are corrected in the field.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SUMMARY OF ENE ACTIVITY*
CALENDAR YEAR 1996

EARLY NEUTRAL EVALUATION CONFERENCES: SCHEDULED, HELD, AND SETTLED

| | | |
|---|-----|-----------------------------|
| ENE CONFERENCES SCHEDULED | 749 | |
| ENE CONFERENCES HELD** | 629 | 84.0% OF ENE'S SCHEDULED |
| CASES SETTLED AT ENE CONFERENCE IN 1996 | 58 | 9.2% OF THE 629 ENE'S HELD |
| CASES SETTLED AT ENE CONFERENCE IN 1995 | 83 | 14.3% OF THE 580 ENE'S HELD |
| CASES SETTLED AT ENE CONFERENCE IN 1994 | 63 | 9.3% OF THE 679 ENE'S HELD |

CASE MANAGEMENT CONFERENCES INFORMATION AS PER DOCKETED ENE RESULTS

| | | |
|---|-----|--------------------------|
| CMC'S SCHEDULED AS PER ENE MINUTE ORDER | 385 | |
| CMC'S HELD IMMEDIATELY AFTER ENE'S | 130 | 33.8% OF CMC'S SCHEDULED |
| | | 20.7% OF ENE'S HELD |
| CMC'S SCHEDULED TO BE TELEPHONIC | 69 | 17.9% OF CMC'S SCHEDULED |

MANDATORY SETTLEMENT CONFERENCES SCHEDULED AS PER DOCKETED ENE RESULTS

| | | |
|---|----|--------------------------|
| MSC'S SCHEDULED AS PER ENE MINUTE ORDER | 78 | 20.3% OF CMC'S SCHEDULED |
| | | 12.4% OF ENE'S HELD |

* AS PER ENE RESULTS REPORTED IN AUTOMATED (ICMS) CASE INFORMATION SYSTEM

** 4 ENE'S WERE HELD TELEPHONICALLY

U.S. DISTRICT COURT - SOUTHERN DISTRICT OF CALIFORNIA

**SUMMARY OF MAGISTRATE JUDGE CIVIL ACTIVITY
BY CALENDAR YEAR**

| Year | Civil Matters | Percent Change |
|-------------|----------------------|-----------------------|
| 1991 | 2743 | |
| 1992 | 3730 | +36% |
| 1993 | 4091 | +10% |
| 1994 | 4115 | +1% |
| 1995 | 4048 | -2% |
| 1996 | 3842 | -5% |

SUMMARY: After climbing 36% from 1991 to 1992, civil matters handled by the Magistrate Judges rose 10% from 1992 to 1993, increased 1% for 1994, and then decreased by 2% from calendar year 1994 to 1995, and decreased another 5% from 1995 to 1996, in line with the 4% decrease in civil case filings (without the breast implant cases.)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
CIVIL SETTLEMENT CONFERENCES AND ADR REPORTED
HELD BY MAGISTRATE JUDGES**

| CALENDAR YEAR REPORTED | SETTLEMENT CONFERENCES* | ANNUAL % CHANGE | SUMMARY JT OR OTHER ADR** | ANNUAL % CHANGE | SET. CONF. AND ADR COMBINED | ANNUAL % CHANGE | CIVIL CASES FILED*** | ANNUAL % CHANGE |
|------------------------|-------------------------|-----------------|---------------------------|-----------------|-----------------------------|-----------------|----------------------|-----------------|
| 1990 | 1284 | | | | 1284 | | 1868 | |
| 1991 | 1446 | 13% | | | 1446 | 13% | 1965 | 5% |
| 1992 | 1835 | 27% | 268 | | 2103 | 45% | 2109 | 7% |
| 1993 | 1687 | -8% | 577 | 115% | 2264 | 8% | 2083 | -1% |
| 1994 | 1526 | -10% | 618 | 7% | 2144 | -5% | 1935 | -7% |
| 1995 | 1828 | 20% | 96 | -84% | 1924 | -10% | 2181 | 13% |
| 1996 | 1778 | -3% | 0 | -100% | 1778 | -8% | 2277 | 4% |

* source: JS43 - Settlement Conferences

** Although the option of referral to non-binding arbitration or mediation remains a part of the plan, court data indicates that this took place in only one case during 1996. The case settled as a result of the arbitration.

*** source: 1990 Civil Cases Filed: Table C - 1

1991 - 1994: JS-9 Yearly Report of Civil Cases

1995: 4004 civil filings from JS-9 Yearly Report, then subtracting 1640 breast implant cases, and subtracting 183 pro se cases reassigned from miscellaneous status in 1994 = 2181 normal civil caseload in 1995

1996: JS-9 Yearly Report of Civil Cases

SUMMARY: During the last five years, civil settlement conferences and ADR experienced the largest reported increase from 1991 to 1992, at 45%. This was consistent with the advent of the CJRA civil case management program. Considering that it generally took civil cases a median duration of 7 to 10 months from filing to disposition since 1991, we should compare these rates to the prior year filings to see how they correspond. The significance of the increase is thus emphasized by the 5% increase in civil filings the prior year. The growth stabilized and then decreased by 10% from 1994 to 1995, compared to the 7% decrease in civil case filings the prior year. Comparing 1991 to 1996, settlement conferences and ADR combined increased by 23% from 1446 to 1778, whereas adjusted civil filings increased by 17% comparing the contributing years 1990 and 1995 (1868 to 2181).

MAGISTRATE JUDGE ACTIVITY - SAN DIEGO
CALENDAR YEARS 1995 & 1996

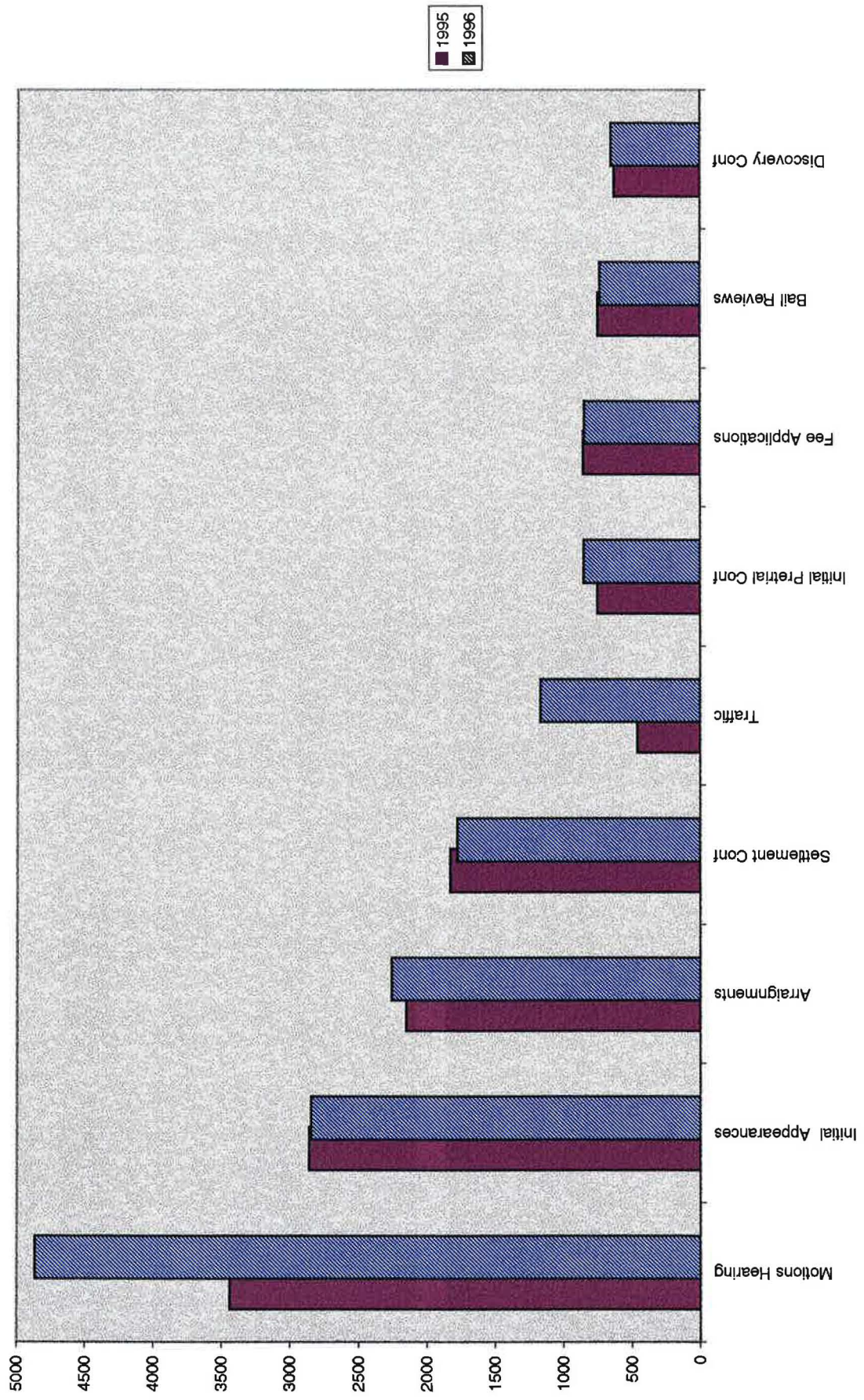
| Magistrate Judge | 1995 | 1996 | % change |
|---------------------------|-------------|-------------|----------------|
| PETTY OFFENSES | | | |
| Immigration | 1133 | 86 | -92.41% |
| Traffic | 460 | 1168 | 153.91% |
| Other | 245 | 454 | 85.31% |
| TOTAL | 1838 | 1708 | -7.07% |
| MISC. MATTERS | | | |
| Ser/Warrants | 337 | 287 | -14.84% |
| Arr/Warrants | 225 | 338 | 50.22% |
| Initial Appearances | 2861 | 2847 | -0.49% |
| Attorney Appt. Hrg. | 728 | 551 | -24.31% |
| Mat. Witness Hrg. | 259 | 419 | 61.78% |
| Detention Hearing | 526 | 330 | -37.26% |
| Bail Reviews | 748 | 736 | -1.60% |
| Nebbia Hearing | 47 | 66 | 40.43% |
| Preliminary Exams | 143 | 207 | 44.76% |
| Arraignments | 2153 | 2260 | 4.97% |
| G/J | 62 | 114 | 83.87% |
| Other | 134 | 79 | -41.04% |
| Seizure Warrants | 79 | 44 | -44.30% |
| Admin. Inspect. Warrants | 0 | 2 | |
| IRS Enforcement | 0 | 0 | |
| Orders of Entry | 0 | 0 | |
| Judgment Debtor Exams | 6 | 16 | 166.67% |
| Extradition Hearing | 17 | 8 | -52.94% |
| Contempt Proceedings | 0 | 0 | 0.00% |
| Fee Applications | 856 | 849 | -0.82% |
| TOTAL | 9181 | 9153 | -0.30% |
| ADDIT. DUTIES | | | |
| Motion 636(b)(1)(A) | 4 | 9 | 125.00% |
| Motion 636(b)(1)(B) | 80 | 2 | -97.50% |
| Dispositive Mot.(b)(1)(B) | 8 | 11 | 37.50% |
| Evidentiary Hearing | 8 | 3 | -62.50% |
| P/T Conferences | 7 | 0 | |
| Calendar Calls | 0 | 0 | |
| Status Calls | 0 | 4 | |
| Mental Competency Hrg | 26 | 18 | -30.77% |
| Probation/Supervised | 17 | 30 | 76.47% |
| Voir Dire | 2 | 0 | |
| Other Jury Matters | 0 | 1 | |
| Writs | 6 | 0 | |
| Motions Hrg | 3444 | 4869 | 41.38% |
| Other | 48 | 6 | -87.50% |
| TOTAL | 3650 | 4953 | 35.70% |
| PRISONER CASES | | | |
| 28:2254 | 71 | 45 | -36.62% |
| 28:2255 | 2 | 4 | 100.00% |
| 42:1983 | 2 | 0 | |
| TOTAL | 75 | 49 | -34.67% |

| Magistrate Judge | 1995 | 1996 | % change |
|----------------------------------|---------------|---------------|----------------|
| SUPPLE INFO PRIS | | | |
| P/T Conferences | 0 | 34 | |
| Contested Nondispositive | 0 | 0 | |
| UnContested Nondispositive | 0 | 8 | |
| In Forma Pauperis | 0 | 6 | |
| Fee Application | 0 | 2 | |
| Other | 0 | 87 | |
| TOTAL | 0 | 137 | |
| CIVIL CASES | | | |
| Motion (b)(1)(A) Contested | na | 95 | |
| Motion (b)(1)(A) Uncontested | na | 36 | |
| Motion (b)(1)(A) | 137 | | |
| Dispositive Motion (b)(1)(B) | 74 | 1 | -98.65% |
| Evidentiary Hrg | 3 | 4 | 33.33% |
| Fee Application | 2 | 3 | 50.00% |
| Social Security Appeals | 40 | 0 | |
| Initial Pretrial Conf | 753 | 854 | 13.41% |
| Discovery Conf | 629 | 652 | 3.66% |
| Settlement Conf | 1828 | 1778 | -2.74% |
| Summary Jury Trials or Other ADR | 96 | 0 | |
| Final P/T Conf | 3 | 4 | 33.33% |
| Calendar Calls | 5 | 1 | -80.00% |
| Motion Hrg | 195 | 108 | -44.62% |
| Voir Dire | 0 | 1 | |
| Other Jury Matters | 0 | 1 | |
| IRS Enforcement Orders | 1 | 0 | |
| Naturalization Proceed | 35 | 57 | 62.86% |
| Status Conf | 204 | 195 | -4.41% |
| Other | 43 | 52 | 20.93% |
| TOTAL | 4048 | 3842 | -5.09% |
| CONSENT CASES | | | |
| Without Trial | 15 | 9 | -40.00% |
| Jury Trial | 2 | 0 | |
| Non Jury Trial | 5 | 4 | -20.00% |
| TOTAL | 22 | 13 | -40.91% |
| GRAND TOTAL | 18,814 | 19,855 | 5.53% |

SUMMARY: Magistrate judge activity, as reported on the JS43, increased by 5.53% from 1995 to 1996. The largest numerical increase was a 1425 proceeding increase in Motion Hearings, followed by the increase of 708 in Traffic Petty Offenses. The largest numerical decrease was the decline of 1047 in Immigration Petty Offenses. The top category in 1996 was once again Additional Duties: Motion Hearings, which experienced a 41% increase to 4869. The CJRA related category of settlement conferences declined by 3% from 1828 to 1778. The category of Summary Jury Trials and Other ADR declined to 0 from 96 due to an adjustment in definition.

CHART G

Magistrate Judge Activity: Top Ten Categories for 1996 (and Change from 1995)



U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA
COMPARISON OF CIVIL CASE ACTIVITY BY NATURE OF SUIT: CALENDAR YEARS 1993 THROUGH 1996

OPENINGS

| | | PRISONER | | | | | | | TORTS | | | | | | | TOTAL | |
|------------------------------|------------|--------------|--------------|-------|----------------|-----------------|------------|---------------|------------|-------------|-----------|---------|-----------|-------------|-----------------|-----------|-------|
| | | SOCIAL SECUR | CIVIL RIGHTS | OTHER | OTH CIV RIGHTS | STUDENT/VA LOAN | OTHER CONT | PROPTY RIGHTS | REAL PROP. | PER INJURY* | PER PROP. | BK APP. | TAX SUITS | LABOR SUITS | FORFEIT PENALTY | ALL OTHER | TOTAL |
| | 1993 | 58 | 110 | 262 | 354 | 186 | 154 | 98 | 71 | 271 | 48 | 16 | 11 | 89 | 210 | 145 | 2083 |
| | 1994 | 71 | 98 | 216 | 344 | 177 | 173 | 129 | 62 | 225 | 31 | 34 | 14 | 82 | 95 | 184 | 1935 |
| | 1995 | 53 | 434 | 249 | 412 | 148 | 176 | 138 | 29 | 1851 | 31 | 33 | 26 | 97 | 72 | 255 | 4004 |
| | 1996 | 64 | 319 | 380 | 360 | 27 | 293 | 145 | 28 | 216 | 28 | 33 | 34 | 71 | 66 | 213 | 2277 |
| ANNUAL PERCENT CHANGE | '93 to '94 | 22% | -11% | -18% | -3% | -5% | 12% | 32% | -13% | -17% | -35% | 113% | 27% | -8% | -55% | 27% | -7% |
| | '94 to '95 | -25% | 343% | 15% | 20% | -16% | 2% | 7% | -53% | 723% | 0% | -3% | 86% | 18% | -24% | 39% | 107% |
| | '95 to '96 | 21% | -26% | 53% | -13% | -82% | 66% | 5% | -3% | -88% | -10% | 0% | 31% | -27% | -8% | -16% | -43% |
| average % change | | 6% | 102% | 17% | 1% | -34% | 27% | 15% | -23% | 206% | -15% | 37% | 48% | -5% | -29% | 16% | 19% |

TERMINATIONS

| | | PRISONER | | | | | | | TORTS | | | | | | | TOTAL | |
|------------------------------|------------|--------------|--------------|-------|----------------|-----------------|------------|---------------|------------|------------|-----------|---------|-----------|-------------|-----------------|-----------|-------|
| | | SOCIAL SECUR | CIVIL RIGHTS | OTHER | OTH CIV RIGHTS | STUDENT/VA LOAN | OTHER CONT | PROPTY RIGHTS | REAL PROP. | PER INJURY | PER PROP. | BK APP. | TAX SUITS | LABOR SUITS | FORFEIT PENALTY | ALL OTHER | TOTAL |
| | 1993 | 71 | 107 | 266 | 306 | 234 | 171 | 92 | 71 | 285 | 56 | 24 | 23 | 94 | 226 | 175 | 2201 |
| | 1994 | 55 | 114 | 221 | 351 | 188 | 177 | 100 | 76 | 287 | 35 | 28 | 16 | 84 | 178 | 188 | 2098 |
| | 1995 | 71 | 368 | 204 | 404 | 167 | 181 | 121 | 53 | 332 | 34 | 32 | 17 | 108 | 105 | 262 | 2459 |
| | 1996 | 71 | 364 | 415 | 325 | 24 | 330 | 158 | 36 | 218 | 35 | 35 | 37 | 79 | 73 | 240 | 2440 |
| ANNUAL PERCENT CHANGE | '93 to '94 | -23% | 7% | -17% | 15% | -20% | 4% | 9% | 7% | 1% | -38% | 17% | -30% | -11% | -21% | 7% | -5% |
| | '94 to '95 | 29% | 223% | -8% | 15% | -11% | 2% | 21% | -30% | 16% | -3% | 14% | 6% | 29% | -41% | 39% | 17% |
| | '95 to '96 | 0% | -1% | 103% | -20% | -86% | 82% | 31% | -32% | -34% | 3% | 9% | 118% | -27% | -30% | -8% | -1% |
| average % change | | 2% | 76% | 26% | 3% | -39% | 29% | 20% | -18% | -6% | -12% | 13% | 31% | -3% | -31% | 13% | 4% |

PENDINGS

| | | PRISONER | | | | | | | TORTS | | | | | | | TOTAL | |
|------------------------------|------------|--------------|--------------|-------|----------------|-----------------|------------|---------------|------------|------------|-----------|---------|-----------|-------------|-----------------|-----------|-------|
| | | SOCIAL SECUR | CIVIL RIGHTS | OTHER | OTH CIV RIGHTS | STUDENT/VA LOAN | OTHER CONT | PROPTY RIGHTS | REAL PROP. | PER INJURY | PER PROP. | BK APP. | TAX SUITS | LABOR SUITS | FORFEIT PENALTY | ALL OTHER | TOTAL |
| | 1993 | 47 | 74 | 142 | 290 | 158 | 155 | 84 | 60 | 222 | 33 | 29 | 11 | 78 | 156 | 224 | 1763 |
| | 1994 | 71 | 74 | 136 | 319 | 143 | 158 | 117 | 49 | 170 | 31 | 36 | 10 | 82 | 76 | 238 | 1710 |
| | 1995 | 57 | 220 | 182 | 316 | 129 | 162 | 140 | 27 | 1704 | 29 | 37 | 20 | 76 | 44 | 233 | 3376 |
| | 1996 | 59 | 262 | 163 | 349 | 3 | 272 | 134 | 22 | 1711 | 26 | 38 | 18 | 71 | 36 | 211 | 3375 |
| ANNUAL PERCENT CHANGE | '93 to '94 | 51% | 0% | -4% | 10% | -9% | 2% | 39% | -18% | -23% | -6% | 24% | -9% | 5% | -51% | 6% | -3% |
| | '94 to '95 | -20% | 197% | 34% | -1% | -10% | 3% | 20% | -45% | 902% | -6% | 3% | 100% | -7% | -42% | -2% | 97% |
| | '95 to '96 | 4% | 19% | -10% | 10% | -98% | 68% | -4% | -19% | 0% | -10% | 3% | -10% | -7% | -18% | -9% | 0% |
| average % change | | 12% | 72% | 6% | 7% | -39% | 24% | 18% | -27% | 293% | -8% | 10% | 27% | -3% | -37% | -2% | 31% |

* includes 1640 breast implant cases filed in calendar year 1995

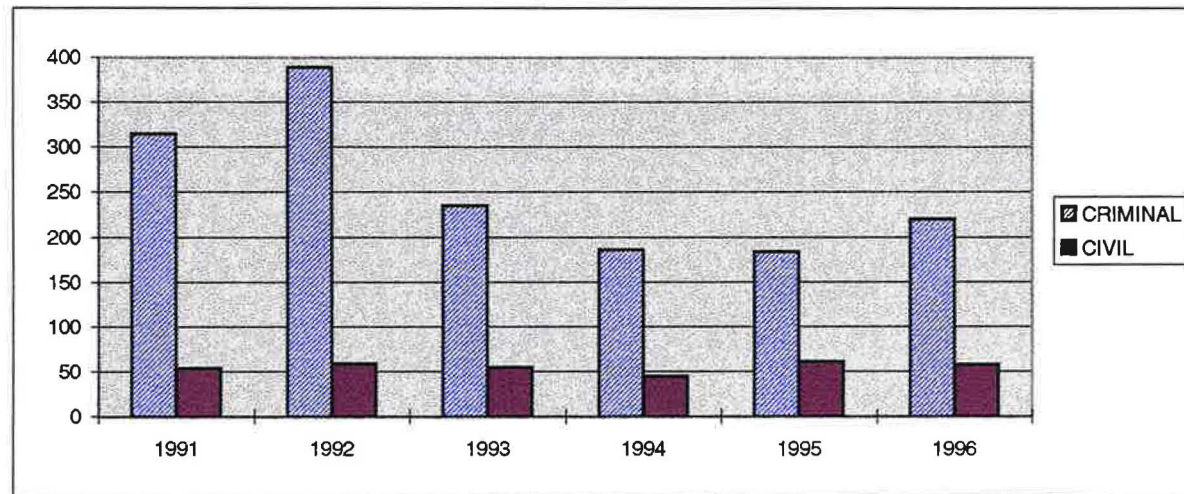
** excluding the 1640 breast implant cases, the 1995 total would have been 2364. There would have been a 4% decline in total civil filings from 1995 to 1996.

U.S. District Court - Southern District of California

TRIALS: 1991 THROUGH 1996

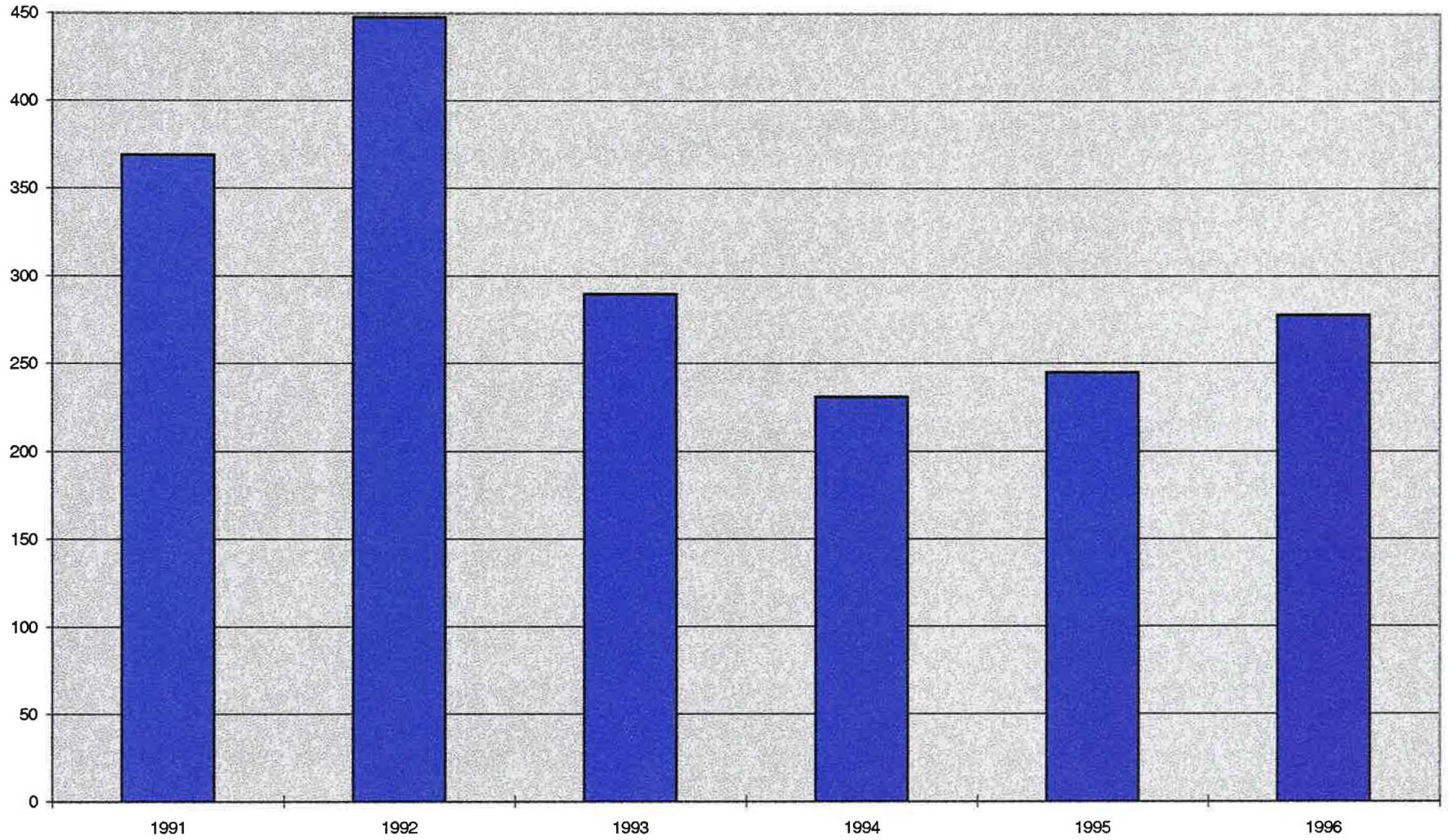
FOR TWELVE MONTH PERIODS ENDING SEPTEMBER 30

| YEAR | CRIMINAL | % CHANGE | CIVIL | % CHANGE | TOTAL | % CHANGE |
|------|----------|----------|-------|----------|-------|----------|
| 1991 | 315 | | 54 | | 369 | |
| 1992 | 389 | 23% | 59 | 9% | 448 | 21% |
| 1993 | 235 | -40% | 55 | -7% | 290 | -35% |
| 1994 | 186 | -21% | 45 | -18% | 231 | -20% |
| 1995 | 184 | -1% | 61 | 36% | 245 | 6% |
| 1996 | 220 | 20% | 58 | -5% | 278 | 13% |



SUMMARY: Criminal trials completed increased by 20% from 1995 to 1996. The number of civil trials decreased 5%. Combined, these figures resulted in a 13% increase in trials for 1996.

TOTAL TRIALS: 1991 THROUGH 1996



CIVIL CONSENT CASES
Cases Sent to Magistrate Judge
Under 28 U.S.C. Section 636(c)

| YEAR ORDERED | NUMBER SENT | PERCENT CHANGE |
|-------------------------|------------------------|---------------------------|
| 1991 | 16 | |
| 1992 | 44 | 175% |
| 1993 | 58 | 32% |
| 1994 | 83 | 43% |
| 1995 | 37 | -55% |
| 1996 | 34 | -8% |

| | |
|---------------------------------|-------------|
| CHANGE FROM 1991 TO 1996 | 113% |
|---------------------------------|-------------|

source: ICMS system

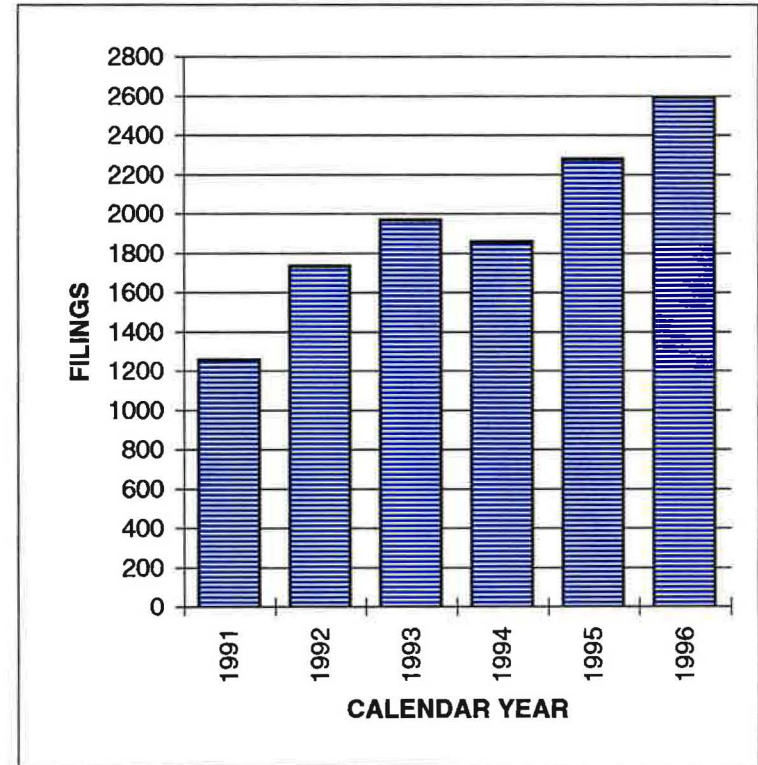
U.S. District Court - Southern District of California

CRIMINAL CASE FILINGS
FELONIES AND MISDEMEANORS
12 MONTHS ENDING SEPTEMBER 30TH

| YEAR | TOTAL | % CHANGE |
|-------------|--------------|-----------------|
| 1991 | 1260 | |
| 1992 | 1735 | 38% |
| 1993 | 1971 | 14% |
| 1994 | 1861 | -6% |
| 1995 | 2281 | 23% |
| 1996 | 2595 | 14% |

| | |
|---------------------------------|-------------|
| CHANGE FROM 1991 TO 1996 | 106% |
|---------------------------------|-------------|

Source: A.O. Workload Statistics Table D-1



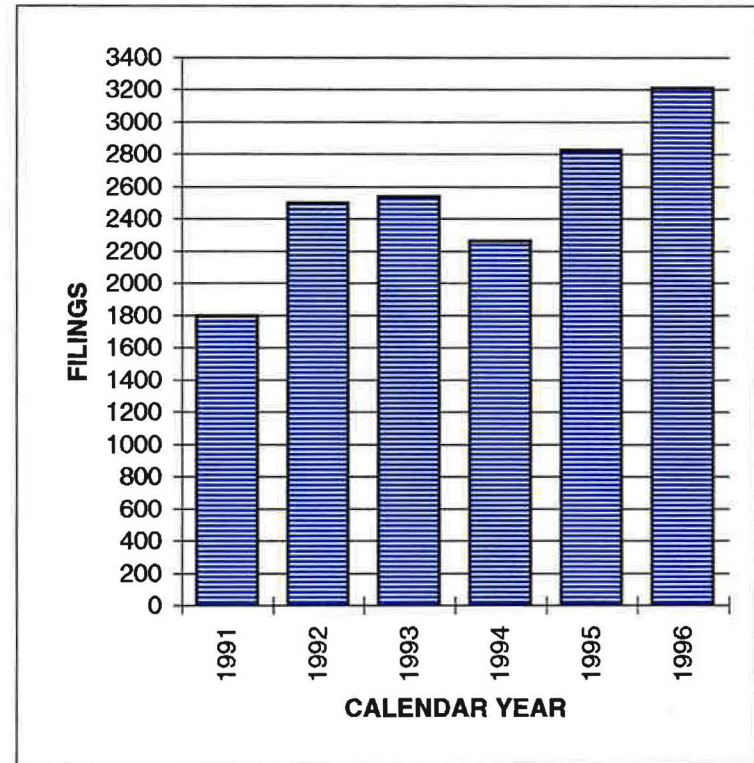
U.S. District Court - Southern District of California

CRIMINAL CASE FILINGS, BY DEFENDANT
 FELONIES AND MISDEMEANORS
 12 MONTHS ENDING SEPTEMBER 30TH

| YEAR | TOTAL | % CHANGE |
|------|-------|----------|
| 1991 | 1801 | |
| 1992 | 2499 | 39% |
| 1993 | 2540 | 2% |
| 1994 | 2266 | -11% |
| 1995 | 2831 | 25% |
| 1996 | 3212 | 13% |

| | |
|---------------------------------|------------|
| CHANGE FROM 1991 TO 1996 | 78% |
|---------------------------------|------------|

Source: A.O. Workload Statistics Table D-1



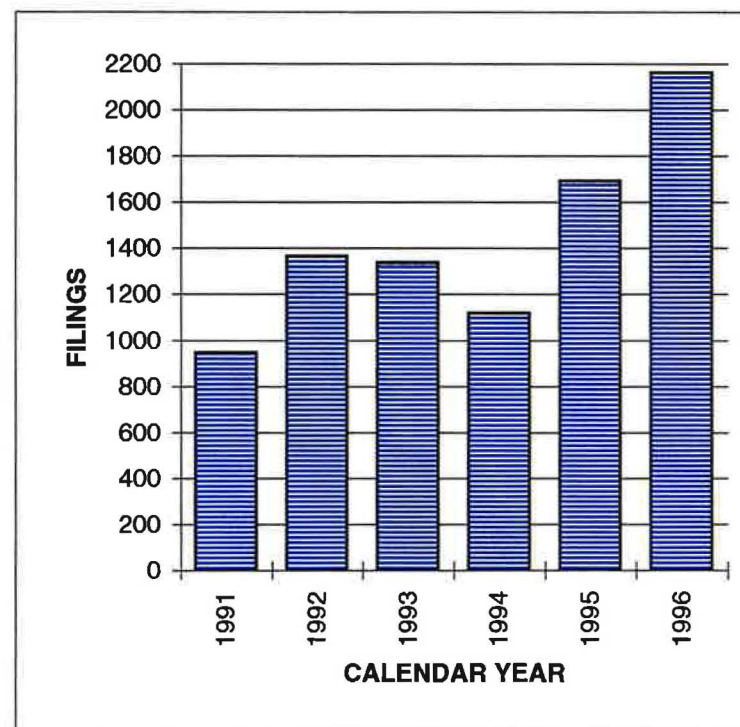
U.S. District Court - Southern District of California

CRIMINAL FELONY CASE FILINGS
12 MONTHS ENDING SEPTEMBER 30TH

| YEAR | TOTAL | % CHANGE |
|------|-------|----------|
| 1991 | 949 | |
| 1992 | 1369 | 44% |
| 1993 | 1340 | -2% |
| 1994 | 1122 | -16% |
| 1995 | 1694 | 51% |
| 1996 | 2163 | 28% |

| | |
|---------------------------------|-------------|
| CHANGE FROM 1991 TO 1996 | 128% |
|---------------------------------|-------------|

Source: A.O. Workload Statistics Table D-1



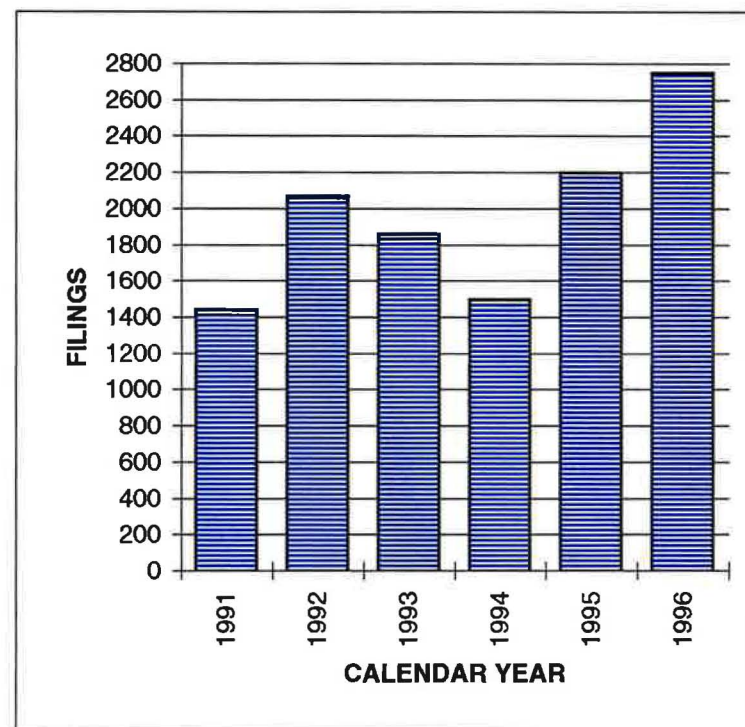
U.S. District Court - Southern District of California

CRIMINAL FELONY FILINGS, BY DEFENDANT
12 MONTHS ENDING SEPTEMBER 30TH

| YEAR | TOTAL | % CHANGE |
|------|-------|----------|
| 1991 | 1444 | |
| 1992 | 2070 | 43% |
| 1993 | 1861 | -10% |
| 1994 | 1498 | -20% |
| 1995 | 2199 | 47% |
| 1996 | 2752 | 25% |

| | |
|---------------------------------|------------|
| CHANGE FROM 1991 TO 1996 | 91% |
|---------------------------------|------------|

Source: A.O. Workload Statistics Table D-1



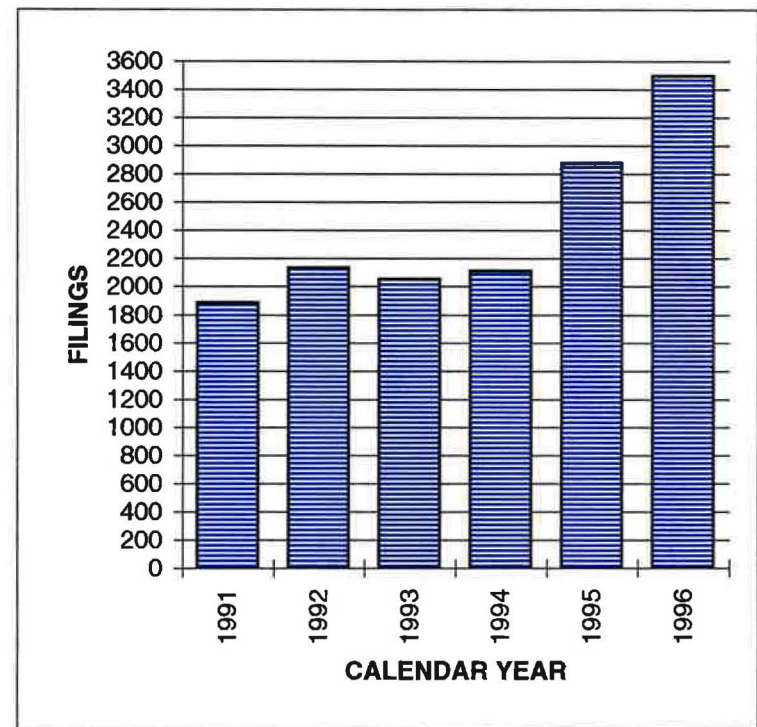
U.S. District Court - Southern District of California

CIVIL CASE FILINGS
12 MONTHS ENDING SEPTEMBER 30TH

| YEAR | TOTAL | % CHANGE |
|------|-------|----------|
| 1991 | 1890 | |
| 1992 | 2137 | 13% |
| 1993 | 2055 | -4% |
| 1994 | 2116 | 3% |
| 1995 | 2881 | 36% |
| 1996 | 3498 | 21% |

| | |
|---------------------------------|------------|
| CHANGE FROM 1991 TO 1996 | 85% |
|---------------------------------|------------|

Source: A.O. Workload Statistics Table C



U.S. District Court - Southern District of California

CIVIL TIME TABLES

12 MONTHS ENDING SEPTEMBER 30TH

TIME INTERVALS FROM FILING TO DISPOSITION OF CIVIL CASES

| YEAR | TOTAL CASES | | NO COURT ACTION | | COURT ACTION | | | | | |
|------|-------------|---------------|-----------------|---------------|-----------------|---------------|--------------------------|---------------|--------|---------------|
| | NUMBER | MEDIAN MONTHS | NUMBER | MEDIAN MONTHS | BEFORE PRETRIAL | | DURING OR AFTER PRETRIAL | | TRIAL | |
| | | | | | NUMBER | MEDIAN MONTHS | NUMBER | MEDIAN MONTHS | NUMBER | MEDIAN MONTHS |
| 1992 | 2037 | 8 | 147 | 3 | 1786 | 8 | 35 | 24 | 69 | 17 |
| 1993 | 1888 | 8 | 112 | 5 | 1660 | 8 | 65 | 22 | 51 | 23 |
| 1994 | 1819 | 7 | 177 | 5 | 1503 | 7 | 89 | 23 | 50 | 20 |
| 1995 | 1825 | 8 | 80 | 3 | 1648 | 7 | 60 | 20 | 37 | 21 |
| 1996 | 1740 | 7 | 135 | 4 | 1522 | 7 | 41 | 24 | 42 | 19 |

Source: A.O. Workload Statistics Table C-5 (Note: Some of the above number and median figures differ from those derived from the Judicial Workload Profile. The A.O. indicates that the Filing to Trial times above do not compare to similarly labeled data in Charts B6, B8, and B13 contained within this report due to differences in the type and the amount of data included in their computations. The B charts exclude more data than the chart above.)

SUMMARY: The civil time from filing to disposition has returned to 7 median months, after an increase to 8 median months in 1995. However, the median months increased within the categories of During or After Pretrial and No Court Action. The time started out at 17 months for cases which went to trial in 1992, then increased to 23 months in 1993, and decreased to 19 months in 1996. Cases which dispo'd Before Pretrial with Court Action stayed stable at 7 median months from 1994 through 1996.

CIVIL CASES PENDING AND LENGTH OF TIME PENDING

| YEAR | LENGTH OF TIME PENDING | | | | | | | | |
|------|------------------------|------------------|----------------|--------------|----------------|--------------|----------------|------------------|----------------|
| | TOTAL NUMBER | LESS THAN 1 YEAR | PERCENT OF TOT | 1 TO 2 YEARS | PERCENT OF TOT | 2 TO 3 YEARS | PERCENT OF TOT | 3 YEARS AND OVER | PERCENT OF TOT |
| 1992 | 1998 | 1212 | 60.7% | 413 | 20.7% | 193 | 9.7% | 180 | 9.0% |
| 1993 | 1754 | 1138 | 64.9% | 384 | 21.9% | 147 | 8.4% | 85 | 4.8% |
| 1994 | 1737 | 1238 | 71.3% | 317 | 18.2% | 125 | 7.2% | 57 | 3.3% |
| 1995 | 2295 | 1843 | 80.3% | 309 | 13.5% | 82 | 3.6% | 61 | 2.7% |
| 1996 | 3438 | 2455 | 71.4% | 859 | 25.0% | 89 | 2.6% | 35 | 1.0% |

Source: A.O. Workload Statistics Table C-6

Summary: The proportion of older cases on the courts docket fell dramatically from 9% in 1992 to 1% of the total caseload in 1996, and the proportion of cases between 2 and 3 years old went down as well. Cases 2 to 3 years old comprised 9.7% of the docket in 1992, by 1996 they were at 2.6%. Cases 1 to 2 years old increased from 20.7% to 25% of the caseload. The number and proportion of cases less than 1 year old has also increased. In 1992, there were 1212 such cases comprising 60.7% of the court's docket, in 1996 there were 2455 comprising 71.4% of the caseload.

U.S. District Court - Southern District of California

**MEDIAN TIME INTERVALS FROM FILING TO DISPO OF CRIMINAL DEFENDANTS
12 MONTHS ENDING SEPTEMBER 30TH**

| YEAR | TOTAL | | DISMISSED | | PLEA OF GUILTY | | COURT TRIAL | | JURY TRIAL | |
|------|--------|---------------|-----------|---------------|----------------|---------------|-------------|---------------|------------|---------------|
| | NUMBER | MEDIAN MONTHS | NUMBER | MEDIAN MONTHS | NUMBER | MEDIAN MONTHS | NUMBER | MEDIAN MONTHS | NUMBER | MEDIAN MONTHS |
| 1992 | 1770 | 5.4 | 93 | 4.7 | 1642 | 5.4 | 3 | - | 32 | 9.8 |
| 1993 | 2407 | 4.9 | 131 | 4.2 | 2250 | 4.9 | 5 | - | 21 | 9.0 |
| 1994 | 2512 | 4.2 | 155 | 6.2 | 2325 | 4.1 | 5 | - | 27 | 8.4 |
| 1995 | 2634 | 2.7 | 140 | 8.8 | 2465 | 2.5 | 1 | - | 28 | 8.8 |
| 1996 | 3080 | 2.3 | 174 | 7.5 | 2859 | 2.0 | 4 | - | 43 | 9.2 |

Source: A.O. Workload Statistics Table D-6

SUMMARY: Although the number of criminal defendant dispositions increased from 1770 to 3080 between 1992 and 1996, the overall time from filing to disposition decreased from 5.4 to 2.3 median months. Most cases are resolved with a plea of guilty, the median time for these closely matched the overall total. The median time from filing to disposition in jury trials has decreased from 9.8 to 9.2 months. The category of dismissed cases experienced an increase in filing to disposition time from 4.7 months in 1991 to 7.5 median months in 1996, after being as low as 4.2 months in 1993.

ATTACHMENT A

U.S. DISTRICT COURT -- JUDICIAL CASELOAD PROFILE

| CALIFORNIA SOUTHERN | | TWELVE MONTH PERIOD ENDED SEPTEMBER 30 | | | | | | NUMERICAL STANDING WITHIN U.S. CIRCUIT | | |
|-----------------------------------|--|--|-------|-------|-------|-------|-------|---|--------|--------|
| | | 1996 | 1995 | 1994 | 1993 | 1992 | 1991 | | | |
| OVERALL CASELOAD STATISTICS | Filings* | 5,674 | 4,584 | 3,245 | 3,408 | 3,524 | 2,914 | | | |
| | Terminations | 4,454 | 3,944 | 3,368 | 3,619 | 3,227 | 2,931 | | | |
| | Pending | 4,149 | 2,917 | 3,012 | 3,220 | 4,263 | 3,959 | | | |
| | Percent Change In Total Filings Current Year | Over Last Year. | 23.8 | | | | | | 6 4 | 2 1 |
| | Over Earlier Years. | 74.9 | | 66.5 | 61.0 | 94.7 | | | | |
| | Number of Judgeships | 8 | 8 | 8 | 8 | 8 | 8 | | | |
| | Vacant Judgeship Months** | 27.0 | 21.0 | 23.6 | 17.9 | 22.8 | 32.0 | | | |
| ACTIONS PER JUDGESHIP | FILINGS | Total | 709 | 573 | 406 | 426 | 441 | 364 | 4 | 1 |
| | | Civil | 437 | 360 | 265 | 257 | 267 | 236 | 26 | 5 |
| | | Criminal Felony | 272 | 213 | 141 | 169 | 174 | 128 | 1 | 1 |
| | Pending Cases | 519 | 365 | 377 | 403 | 533 | 495 | 14 | 4 | |
| | Weighted Filings** | 833 | 726 | 560 | 602 | 677 | 517 | 2 | 1 | |
| | 95% Confidence | Upper | 936 | 804 | 600 | 647 | 731 | 554 | | |
| | | Lower | 729 | 649 | 519 | 557 | 622 | 480 | | |
| | Terminations | 557 | 493 | 421 | 452 | 403 | 366 | 12 | 3 | |
| Trials Completed | 35 | 31 | 29 | 36 | 56 | 46 | 23 | 1 | | |
| MEDIAN TIMES (MONTHS) | From Filing to Disposition | Criminal Felony | 2.9 | 4.1 | 5.6 | 6.1 | 6.1 | 5.8 | 1 | 1 |
| | | Civil** | 7 | 8 | 7 | 9 | 9 | 10 | 14 | 3 |
| | From Filing to Trial** (Civil Only) | 18 | 18 | 17 | 16 | 19 | 21 | 40 | 5 | |
| OTHER | Number (and %) of Civil Cases Over 3 Years Old | | 35 | 61 | 57 | 85 | 180 | 276 | 8 | 1 |
| | | | 1.0 | 2.7 | 3.3 | 4.8 | 9.0 | 13.0 | | |
| | Average Number of Felony Defendants Filed per Case | 1.3 | 1.3 | 1.3 | 1.4 | 1.5 | 1.5 | | | |
| Jurors | Avg. Present for Jury Selection | 38.81 | 39.35 | 39.34 | 44.80 | 35.91 | 51.07 | 65 | 6 | |
| | Percent Not Selected or Challenged | 36.5 | 35.9 | 34.2 | 40.8 | 33.0 | 45.2 | 68 | 10 | |

**FOR NATIONAL PROFILE AND NATURE OF SUIT AND OFFENSE CLASSIFICATIONS
SHOWN BELOW -- OPEN THE FOLD-OUT PAGE AT THE BACK COVER**

| 1996 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 | 3498 | 71 | 27 | 778 | 112 | 33 | 81 | 320 | 1203 | 158 | 436 | 6 | 273 |
| Criminal* | 2164 | 1341 | 9 | 24 | 28 | 22 | 514 | ** | 7 | 104 | 20 | 47 | 48 |

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.
** See "Explanation of Selected Terms."

APR 12 1996

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *R. Tessile* DEPL

In the matter of)
)
Amendment to Local Rule 16.3)
and Amendment to CJRA Plan)
_____)

General Order No. 394-J

Rule 16.3 of the Local Rules and the Civil Justice Reform Act Plan of this court required the distribution of questionnaires to debrief parties and their counsel at the close of each civil case. A sufficient number of questionnaires have been distributed to gather opinions on the effectiveness of the system, and the court hereby eliminates this requirement of the CJRA plan.

Rule 16.3 of the Local Rules and the CJRA Plan also required that each district judge be excluded on a rotating basis from the criminal draw, and that at the conclusion of a case, judicial officers debrief the parties and counsel and prepare a confidential report to the Chief Judge.

Based upon a recommendation of the Advisory Group and after full discussion by all judicial officers, IT IS ORDERED that Local Rule 16.3 and the court's CJRA plan are amended as follows:

Rule 16.3 Plan for Reducing Cost and Delay

- a. ~~Exclusion from Criminal Draw.~~ Each district judge shall be excluded on a rotating basis from the criminal draw for a two month period each year so that the judge will be afforded two full months of uninterrupted civil case management time.
- b. **Visiting Judges.** The Chief Judge will invite visiting judges to come to this District to preside over criminal trials.
- c. **Settlement Procedures Committee.** The Chief Judge will appoint a committee whose membership will include the U.S. Attorney, a representative of Federal Defenders and a representative of the private criminal defense bar, to recommend settlement procedures in criminal cases.
- d. **Trial Dates.** Early trial dates shall be set in certain cases. In Social Security matters, enforcement of judgments, prisoner petitions challenging conditions of confinement, and forfeiture and penalty cases, a trial date which falls within twelve (12) months of the filing of the complaint should be set. In Federal Tort Claims Act cases, a trial date shall be set that falls within fifteen (15) months of the filing of the FTCA.

- h.j.** **Statistics.** Accurate information shall be generated about the civil caseload and how it is processed through the courts. An administrator shall be employed to implement and supervise this statistical monitoring system implemented in accordance to recommendations in the Advisory Group Report.
- m.k.** **Meeting of Counsel.** Counsel shall "meet and confer" prior to filing any discovery motion and shall seek to resolve the matter informally. If counsel are in the same county, they are to meet in person; if counsel practice in different counties, they are to confer by telephone. However, under no circumstances may counsel satisfy the "meet and confer" obligation by written correspondence.
- n.l.** **Pretrial Program.** A comprehensive pretrial program shall include the following:
1. **Complaints.** All complaints shall be served within one hundred and twenty (120) days. Any extension shall be granted only upon good cause shown.
 2. **Proof of Service Required.** On the one hundred and thirtieth (130th) day following the filing of the complaint, or on the tenth (10th) day following an extension of time to serve, if proof of service has not yet been filed, the clerk shall prepare an order for filing by the assigned judge directing the plaintiff to show cause why the complaint should not be dismissed without prejudice and submit it to the assigned district judge for signature.
 3. **Extensions of Time.** Extensions of time for answering or moving to dismiss a complaint shall only be secured by obtaining the approval of a Judicial Officer, who shall base his or her decision on a showing of good cause.
 4. **Default.** If an answer, or motion to dismiss, is not filed within the original or extended time, the clerk shall enter a default and serve notice thereof on the parties. If plaintiff(s) fail(s) to move for default judgment within thirty (30) days, the clerk shall promptly prepare an order for filing by the assigned judge directing the plaintiff to show cause why the complaint should not be dismissed without prejudice.
 5. **Motions.** A motion for summary judgment, or other non-emergency motion may be displaced to facilitate a hearing of a motion to dismiss within sixty (60) days of its filing.
 6. **Answer.** When an answer has been filed, the clerk shall notify the assigned district and magistrate judge.
 7. **Early Neutral Evaluation ("ENE") Conference:** Within forty-five (45) days of the filing of an answer, counsel and the parties shall appear before the assigned Judicial Officer supervising discovery for an ENE Conference; this appearance shall be made with authority to discuss and enter into settlement.

- b. At the Conference, the Judicial Officer will (1) discuss the complexity of the case; (2) encourage a cooperative discovery schedule; (3) discuss the likelihood for further motions; (4) discuss the number of anticipated percipient and expert witnesses; (5) evaluate the case and the need for early supervision of settlement discussions; (6) discuss the availability of ADR alternatives; and (7) discuss any other special factors applicable to the progress of the case.
 - c. At the end of the Conference, the Judicial Officer shall prepare a Case Management Order which will:
 - 1. include a discovery schedule;
 - 2. set a time for a further Case Management Conference if necessary; and
 - 3. If appropriate, set a time for the proponent of each issue to identify expert witnesses; set a time for the responding party to identify expert witnesses in reply; set a time for the depositions of the experts; set a time for the supplementation of such expert designation depending on the circumstances;
 - 4. set a deadline for filing pretrial motions;
 - 5. set a firm pretrial conference date.
 - d. At the Case Management Conference, the Judicial Officer will set a date for a Mandatory Settlement conference, unless it is determined that such a conference should be excused.
11. **Settlement Conference Setting.** If at any time prior to the Mandatory Settlement Conference, a particular case is determined ready for settlement by a Judicial Officer, it may be calendared for a settlement conference, even over the objection of one or more parties or their counsel. In this regard:
- a. The Judicial Officer handling settlement will be disqualified from trying the case unless there is agreement by the parties to waive this restriction;
 - b. The Judicial Officer handling settlement may receive communications in camera from each party and its counsel, and shall maintain such in confidence unless there is a stipulation to the contrary;