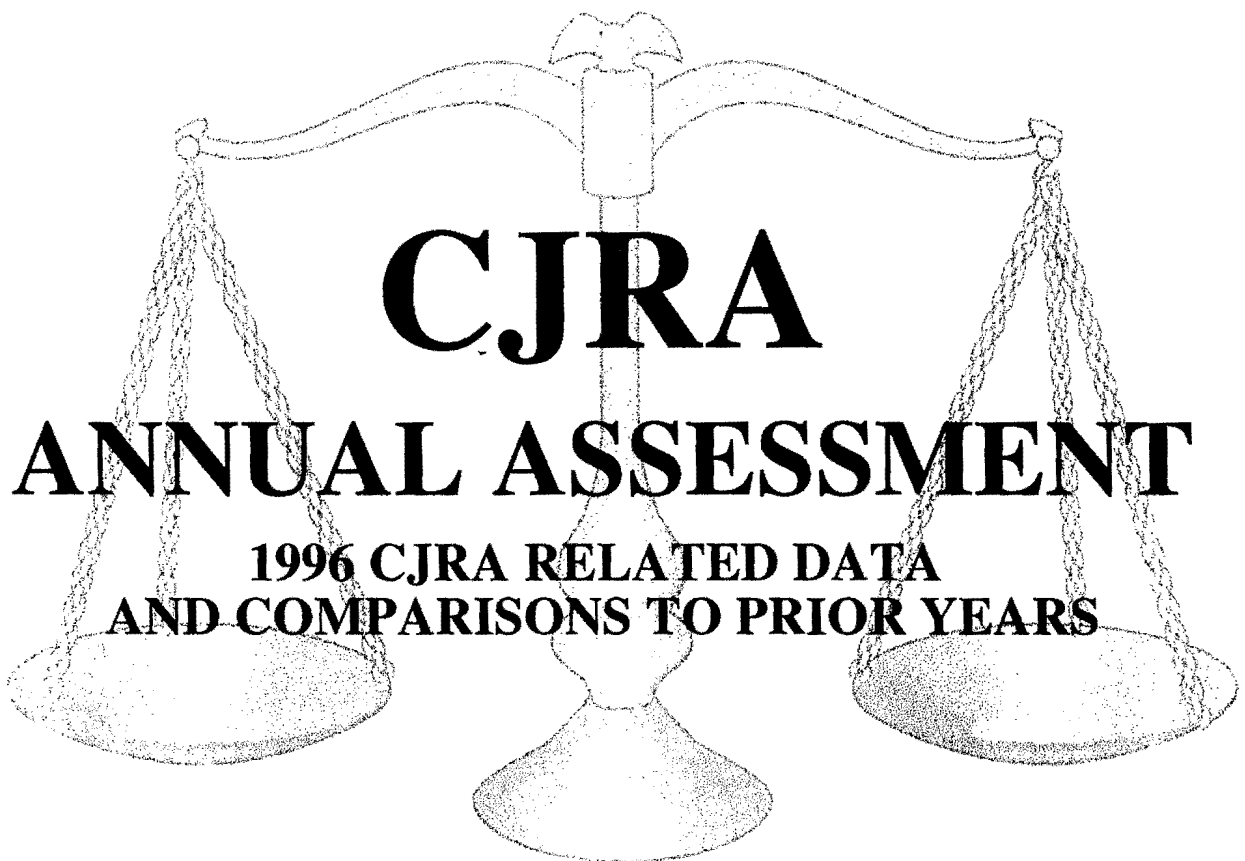


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**



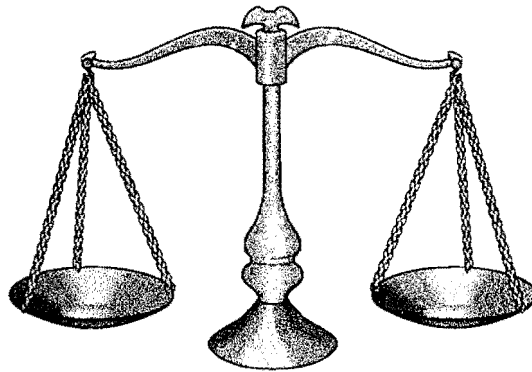
March 1997
DRAFT

**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
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Southern District of California

MARCH 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 in civil cases, 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 1995. 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. That was a settlement rate of 9.2%. The magistrate judges reported 2743 civil matters in 1991 and 3842 civil matters in 1996.

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 evaluation and management 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 officially eliminated from the plan. 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 result of the arbitration.

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. This is 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. However, the applicable statistics have been adjusted to show the caseload without this unique group of filings. 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. 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 text indicated that 9.2% of the conferences resulted in settlement at the ENE itself. Extensive research performed in prior years

resulted in findings that the settlement rate was 14.3% in calendar year 1995, and 9.3% in 1994. The ENE settlement rate appears to have returned to the rate reported for 1994. Other interesting discoveries during the review of the ENE's scheduled in 1996 include the finding that 21% of the cases where an ENE was held also held a case management conference (CMC) immediately following the ENE. There appears to be a growing use of teleconferencing. Eighteen percent of the CMC's scheduled designated that these conferences be telephonic, and four of the ENE's were held telephonically. The text of the scheduling orders also indicated that mandatory settlement conferences (MSC's) were scheduled in 12% of the cases where an ENE was held. With the continued frequent use of these conferences as essential elements of the process, indications are that the other forms of ADR available as part of the plan will continue to be utilized minimally.

DURATION FROM FILING TO DISPOSITION

Median months from filing to disposition decreased 13% for civil cases and decreased 29% for criminal felony cases during the past year. The civil filing to disposition time decreased considerably from 10 months in fiscal year 1991 to seven months in 1996. The criminal felony filing to disposition time declined by 50% from 5.8 median months in fiscal year 1991 to 2.9 months in 1996. Civil filing to trial time declined from 21 months in fiscal year 1991 to 18 months in 1996. The district continues to be on par with the U.S. Courts on the civil side of these figures (both times went down by 1 month from 1995), and continues to be considerably faster in the felony area (2.9 median months as compared to 6.8 median months).

The continued decrease could partly be attributed to the change in the composition of the criminal caseload, as shown in Chart B4. Additionally, although the district discontinued its CJRA related criminal settlement conference program in 1994, it has been utilizing other special techniques to deal with the influx of criminal cases. This has been in the form of an increased focus by the Senior Judges of the district on processing the plethora of 1326 illegal reentry cases.¹ This, combined with time limits on settlement decisions and a strict continuance policy by the U.S. Attorney's office have also perhaps contributed to control over the caseload.

¹*Los Angeles Daily Journal*, "Federal Judge Decries Case Load; Credits Bench with Keeping Pace," Friday, January 17, 1996, p. 3.

Comparing 1991 to 1996, the district experienced a dramatic 87% decrease in cases three years old or older, as compared to a 24% decline for the national figures. These cases previously took up 13% of the caseload, now they comprise less than 1%. Cases three years or older now comprise 6.4% of the civil caseload of all U.S. courts.

A computer extraction of all civil cases terminated from January 1, 1991 through December 31, 1996, Chart C1, showed that the median months from answer to termination were a steady nine months from 1991 through 1994, but declined to eight median months in calendar year 1995, and then continued at that rate in calendar year 1996. Another insight as a result of this extraction was the finding that over the last three years, three-fourths of the cases terminated (with answers) were equal to or less than two years old.

MAGISTRATE JUDGE ACTIVITY

The growth in magistrate judge civil case activity in the district seems to have stabilized. It had been hovering around four-thousand civil matters since calendar year 1993 (Chart F1), and now declined to 3842. Initially, there was a thirty-six percent increase from 1991 to 1992 with the introduction of the CJRA civil case management procedures. There was actually a decline of 2% in these matters between calendar year 1994 and 1995 and another 5% decline from 1995 to 1996.

The largest increase in the number of settlement conferences and ADR combined, 45 percent, occurred between 1991 and 1992 (Table F2). This was followed by an 8% increase the following year, a 5% decrease from 1993 through 1994, a 10% decrease from 1994 to 1995, and 8% decrease from 1995 to 1996. Considering that it generally has taken civil cases a median duration of seven to ten months from filing to disposition since 1991, we should compare these rates to the prior year filings to see how they correspond. There was a 7% increase in civil case filings from 1991 to 1992, a 1% decrease from 1992 to 1993, followed by a 7% decrease from 1993 to 1994, and a 13% increase from 1994 to 1995.

YEAR	CIVIL FILINGS	% CHANGE	YEAR	ADR	% CHANGE
1991	1965		1992	2103	
1992	2109	7%	1993	2264	8%
1993	2083	-1%	1994	2144	-5%
1994	1935	-7%	1995	1924	-10%
1995	2181*	13%	1996	1778	-8%

* adjusted filings, see Chart F2.

This method shows that the frequency of ADR seemed to roughly correspond to the frequency of prior year civil case filings up through last year. Chart G displays graphically that, in 1996, settlement conferences continued to be the fourth highest category of magistrate judge activity.

Chart F3 shows that while civil activity decreased approximately 5% for the magistrate judges, the number of additional duties continued to increase (although not as dramatically as the prior year.) The additional duties category of Motion Hearings increased the most at 41%, from 3444 in 1995 to 4869 in fiscal year 1996. Chart K gives another indication of the magistrate judge workload, the ICMS system shows that civil consent cases under 28 U.S.C. Section 636 increased from 16 in calendar year 1991, to 34 in 1996. However, they were as high as 83 in 1994, and then declined to 37 in 1995.

CRIMINAL STATISTICS

The statistics in Chart M2 were obtained from the Administrative Office charts. The chart shows that the total median months from filing to disposition for criminal defendants declined from 5.4 median months in fiscal year 1992 to 2.3 months in 1996. Most cases are resolved with a plea of guilty, and the filing to disposition times for these cases also declined from 5.4 months in 1992 to 2.0 months in 1996, a 63% decrease. This decrease was accomplished concurrent with a 74.12% increase in defendant guilty pleas from 1642 in 1992, to 2859 in 1996.

The criminal settlement conferences created and implemented as a result of the CJRA Plan were suspended in October of 1994, pending an appeal to the Ninth Circuit, and are still on hold. Chart I shows that the number of criminal trials declined 40% from statistical years 1992 to 1993. This dramatic decrease in trials occurred while felony case filings declined by only 2% from 1992 to 1993 (Chart L3). This was during the first year of implementation of the criminal settlement conference program. There was a 21% decline in criminal trials from 1993 to 1994, while felony filings decreased 16%. In 1996, criminal trials increased 20%, while felony case filings increased 28%. To summarize, the decline in trials from 1992 to 1993 substantially exceeded the rate of decline in felony case filings. The decline in trials from 1993 to 1994 was closer to the percentage decline in felony case filings. The settlement program was suspended at the end of statistical year 1994, but considering the large increase in felony case filings, this does not seem to have affected the number of trials adversely during calendar year 1996. The change in the composition of criminal case filings and other factors indicated earlier may have contributed to this relatively moderate pace.

CJRA RELATED PROCEDURAL CHANGES

General Order no. 394-J, superseding the Court's 1991 CJRA Plan, was effective May 1, 1996. It stated that "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." It also eliminated the exclusion of the district judges from the criminal draw, an element of the plan that was never officially implemented due to the continued judicial vacancies in the district. See attachment B, it is a copy of the General Order. See prior CJRA annual assessments for questionnaire results.

ADVISORY COMMITTEE

Currently, the lawyer delegates to the Ninth Circuit Judicial Conference are designated as the CJRA advisory committee, with David Noonan as Chairperson. Other than the changes resulting from General Order 394-J, there were no other official decisions made regarding the court's CJRA related procedures during 1996.

SUMMARY

During 1995, the court experienced a dramatic growth in civil case filings due in particular to the breast implant cases (Personal Injury), as well as to an increase in Prisoner Petitions. There was no one significant factor affecting the civil caseload in 1996, as in 1995. Excluding the breast implant cases and pro se reassignments, the filings increased at a 5% rate from calendar year 1995 to 1996, from 2228 to 2337. The largest percentage increases were in the categories of Prisoner Other (53%), Other Contracts (66%), and Tax Suits (31%). The statistics also confirm, as mentioned in the last two reports, that the U.S. Attorney's Office has been paying increasing attention toward illegal border activity in this district. This has led to some changes in the way the criminal caseload is managed, including the valued assistance of senior judges to manage these cases. Two judicial vacancies remain for this district. The district has performed admirably in the face of an increasing workload and shortage of judicial officers. Despite the generally disappointing results contained in the RAND study, this district has certainly benefited from the analysis, implementation, and innovative attention to its caseload and procedures. It has implemented new automated case management solutions including a system that allows multiple users to simultaneously review the same case file. The courts continue to anticipate additional direction at a national level from the Judicial Conference as well as to the future direction of federal district court case management programs. This court awaits increased resources in terms of judicial staffing to meet the growing workload with a continued attention toward quality as well as timeliness.

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Note: The preceding Chart Index indicates the source for the information contained within the charts, as well as the reporting period. Data obtained from the Administrative Office reports tends to be published on a statistical year basis. Data that is internally produced (obtained from ICMS, calendars, files, or other internal sources) focuses on the calendar year.

Definitions

Average: (or mean) The arithmetic average for a group of data.

Median: The middle item in a group of data when the data are ranked in order of magnitude.

Abbreviations

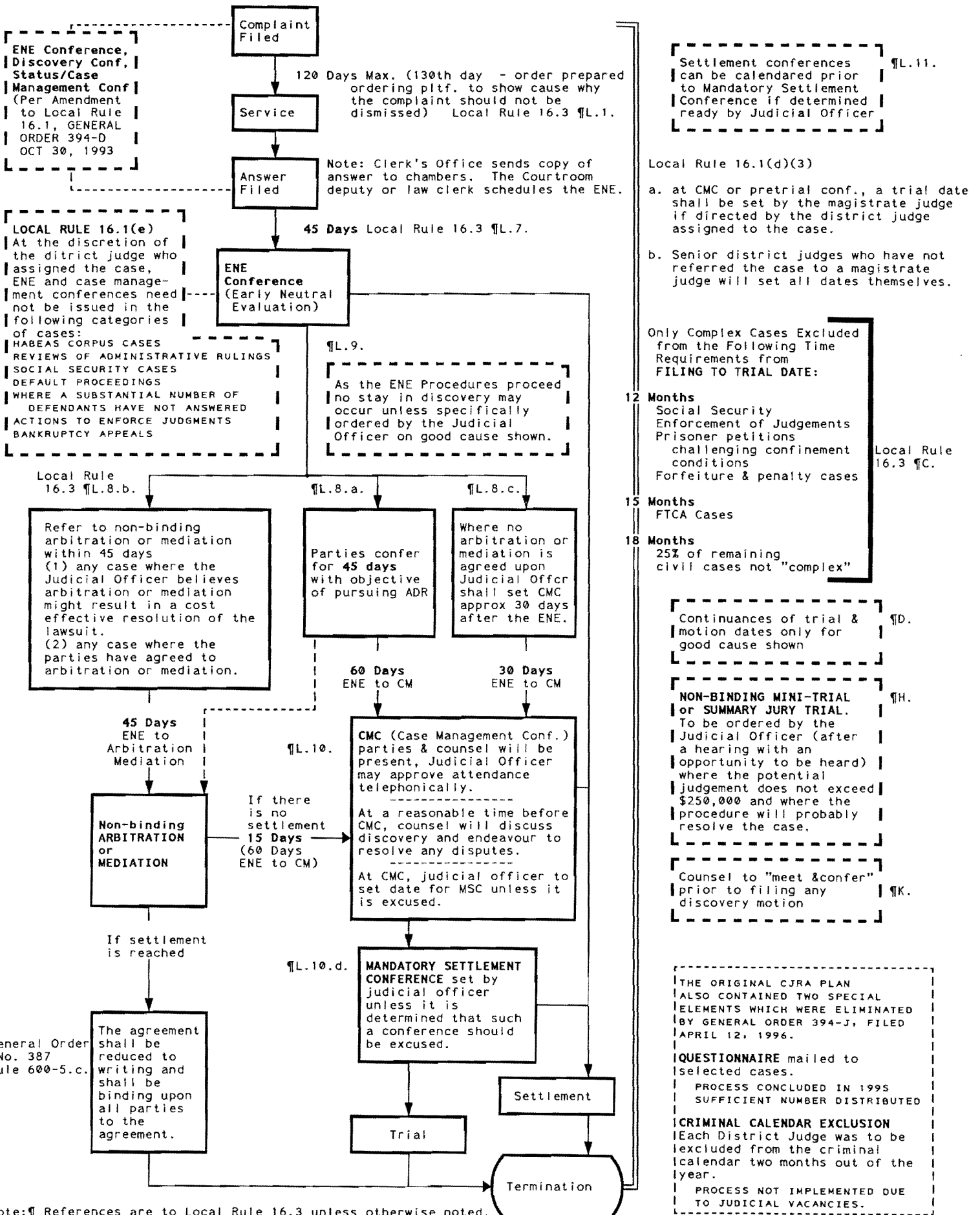
CJRA: Civil Justice Reform Act

CMC: Case Management Conference

ENE: Early Neutral Evaluation Conference

ICMS: Integrated Case Management System

MSC: Mandatory Settlement Conference



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 ENDED 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

U.S. DISTRICT COURT - JUDICIAL WORKLOAD PROFILE

**COMPARISON OF CALIFORNIA SOUTHERN TO NATIONAL
FOR 12 MONTH PERIODS ENDED 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 2.70%	35 1.00%	-43%	13,538 5.60%	16,152 6.40%	19%
	Average Number of Felony Defendants Filed Per Case		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

U.S. DISTRICT COURT - SOUTHERN DISTRICT OF CALIFORNIA

CIVIL CASE FILINGS
TWELVE MONTH PERIOD ENDED SEPTEMBER 30

NOS	1993	1994	1995	1996	% CHANGE 1995 TO 1996	1993 NOS AS	1994 NOS AS	1995 NOS AS	1996 NOS AS
						% OF TOT	% OF TOT	% OF TOT	% 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. Excluding the tort cases, Prisoner Petitions were the most frequent category of civil filing in 1995, at 604 cases. In 1996, Torts continued as most frequent, increasing to 34%. Excluding 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 ENDED SEPTEMBER 30

OFFENSE					% CHANGE 1995 TO 1996	1993 NOS AS	1994 NOS AS	1995 NOS AS	1996 NOS AS
	1993	1994	1995	1996		% OF TOTAL	% OF TOTAL	% OF TOTAL	% 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%

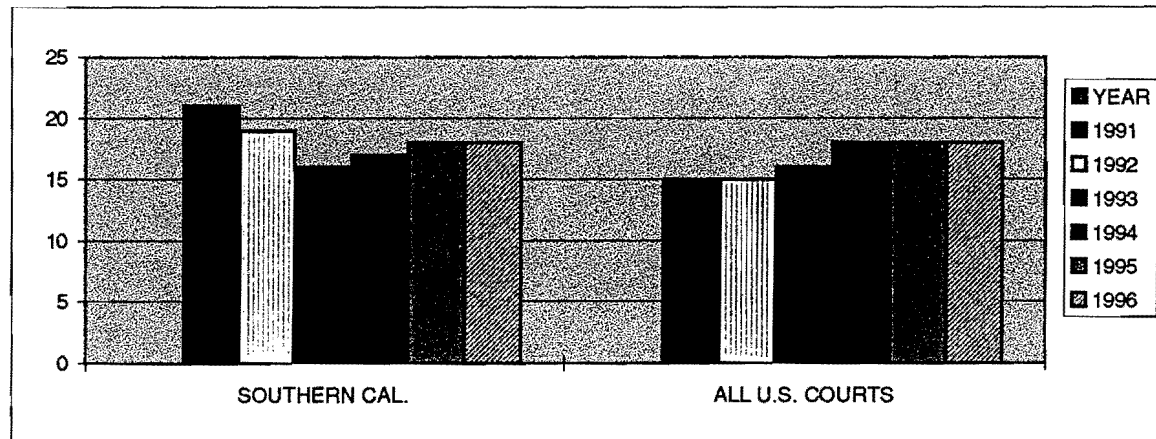
SUMMARY: Immigration cases increased 49% from fiscal year 1995 to 1996, and they are now 275% over the 1993 level. They now account for 62% of all criminal case filings. Drugs continue as the second most frequent type of criminal case at 24% of the criminal caseload. Combined, the two categories of immigration 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%

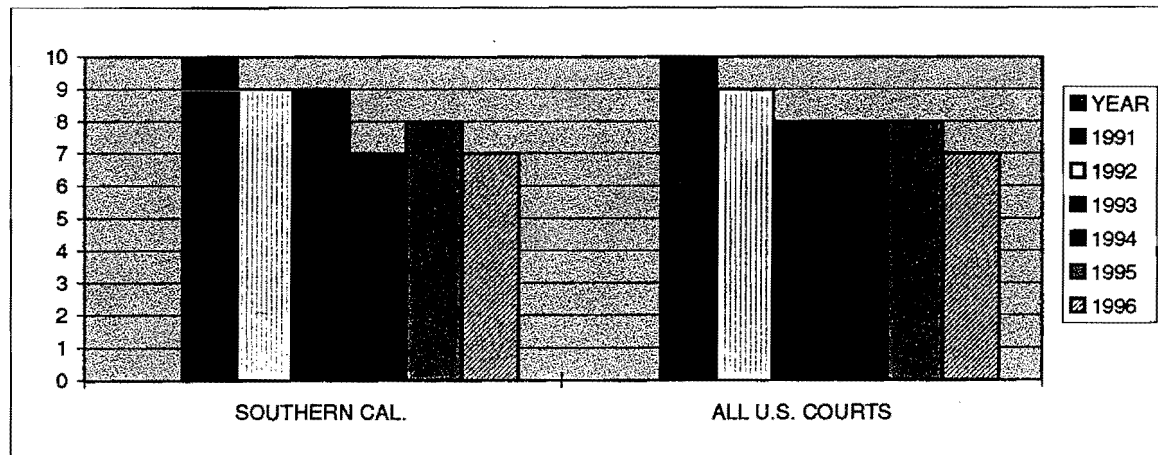
*source: A.O. Judicial Workload Profile



**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%

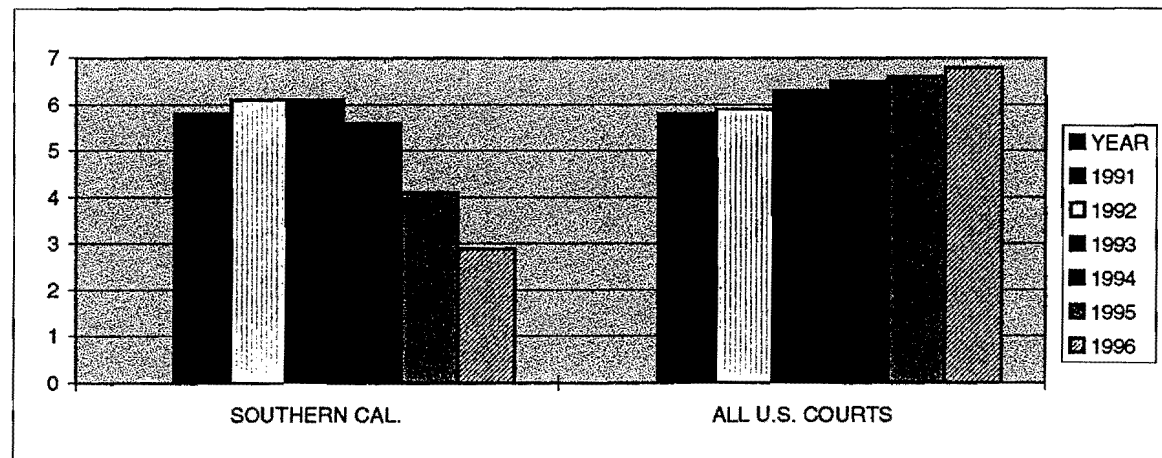
*source: A.O. Judicial Workload Profile



**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

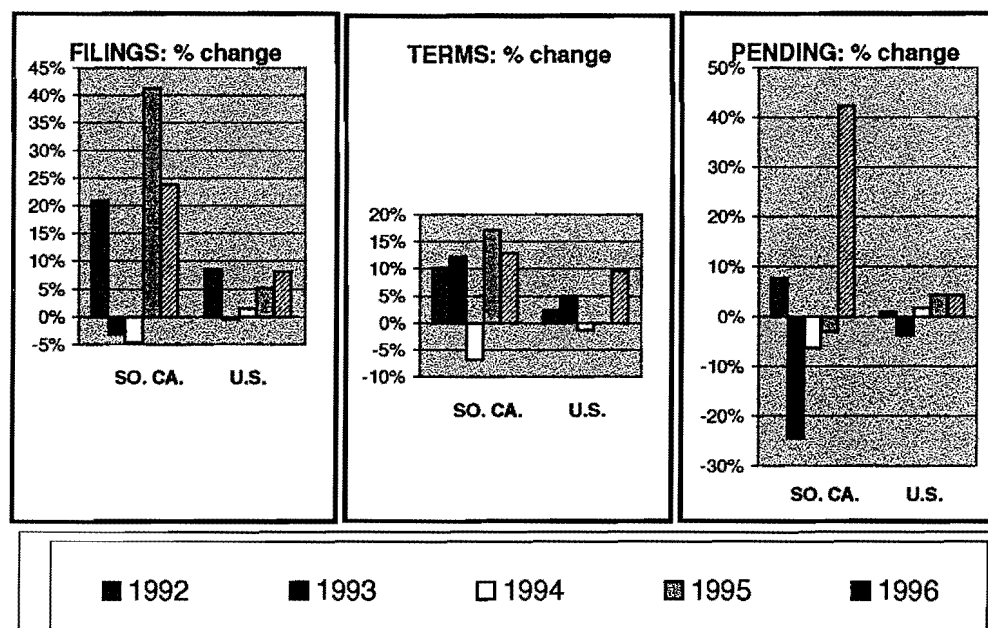
**OVERALL CASELOAD STATISTICS
TOTAL FILINGS, TERMINATIONS, AND PENDING**

TWELVE MONTH PERIODS ENDING SEPTEMBER 30

COMPARISON TO NATIONAL FIGURES

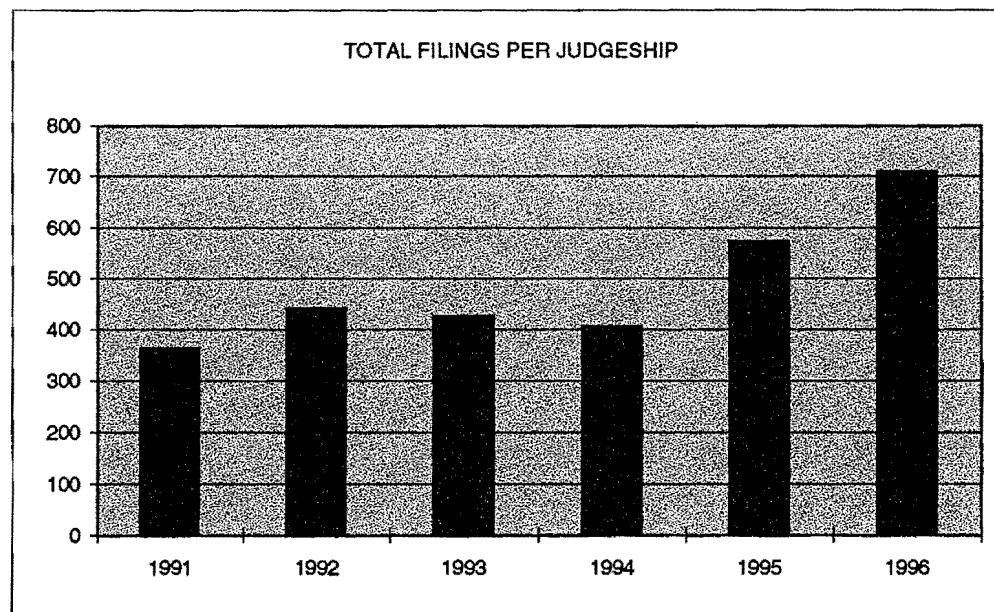
YEAR	FILINGS				TERMINATIONS				PENDING			
	SO. CA	%	U.S.	%	SO. CA	%	U.S.	%	SO. CA	%	U.S.	%
1991	2914		244,790		2931		245,014		3959		260,095	
1992	3524	21%	265,612	9%	3227	10%	250,615	2%	4263	8%	262,805	1%
1993	3408	-3%	264,038	-1%	3619	12%	263,034	5%	3220	-24%	252,697	-4%
1994	3245	-5%	267,799	1%	3368	-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 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.

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.

**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

** 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	16,814	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)

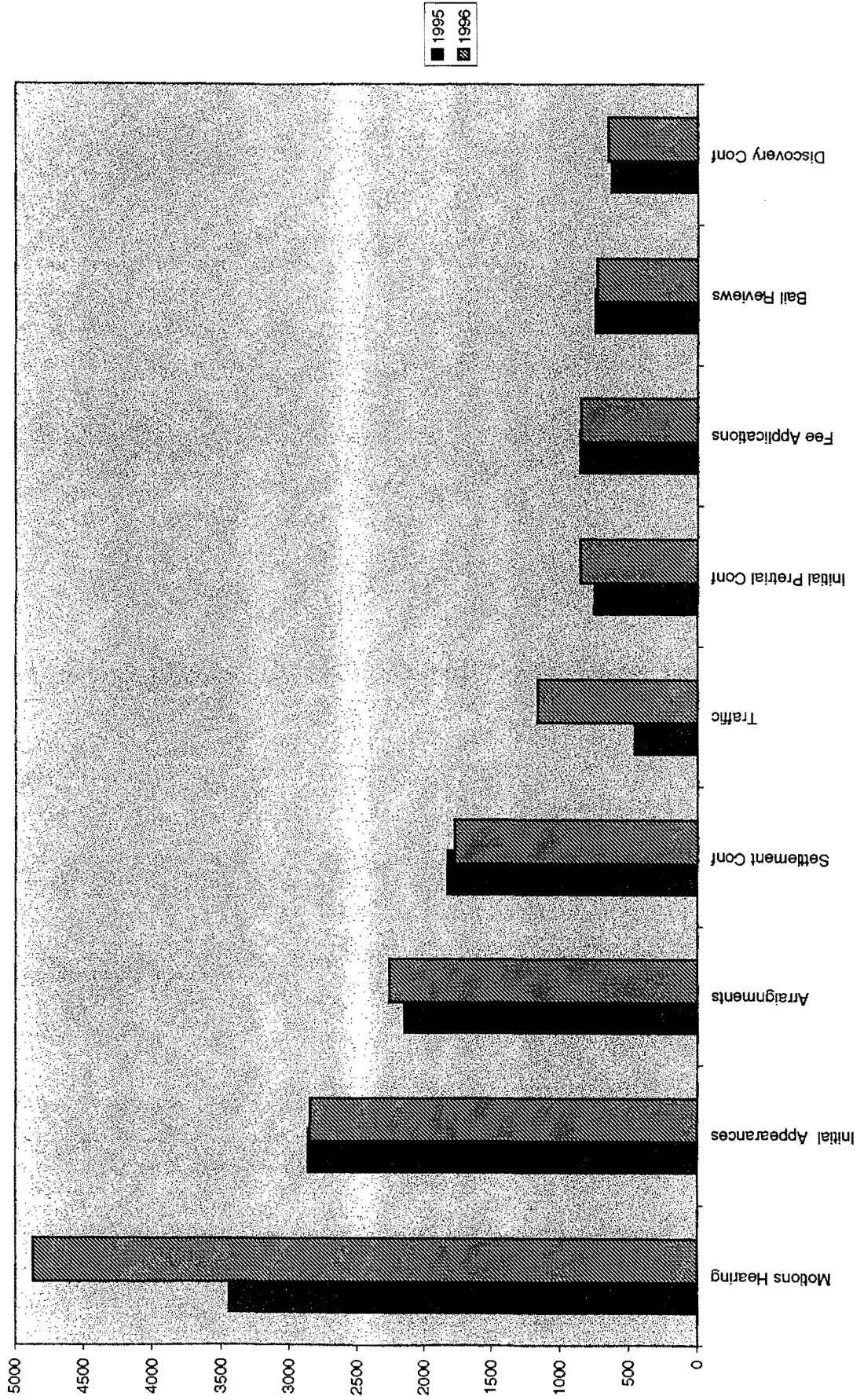


CHART H

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%

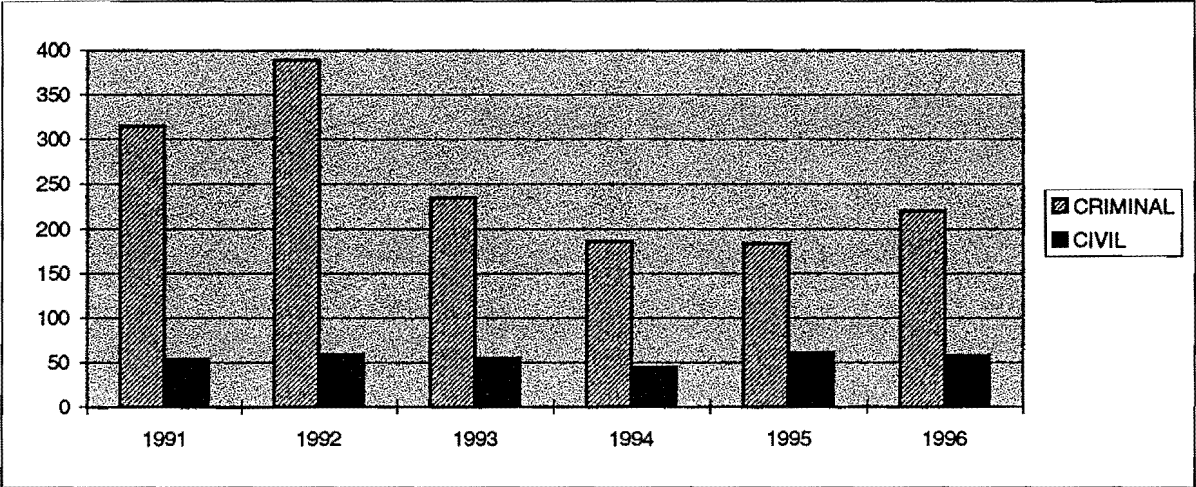
PENDINGS

		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

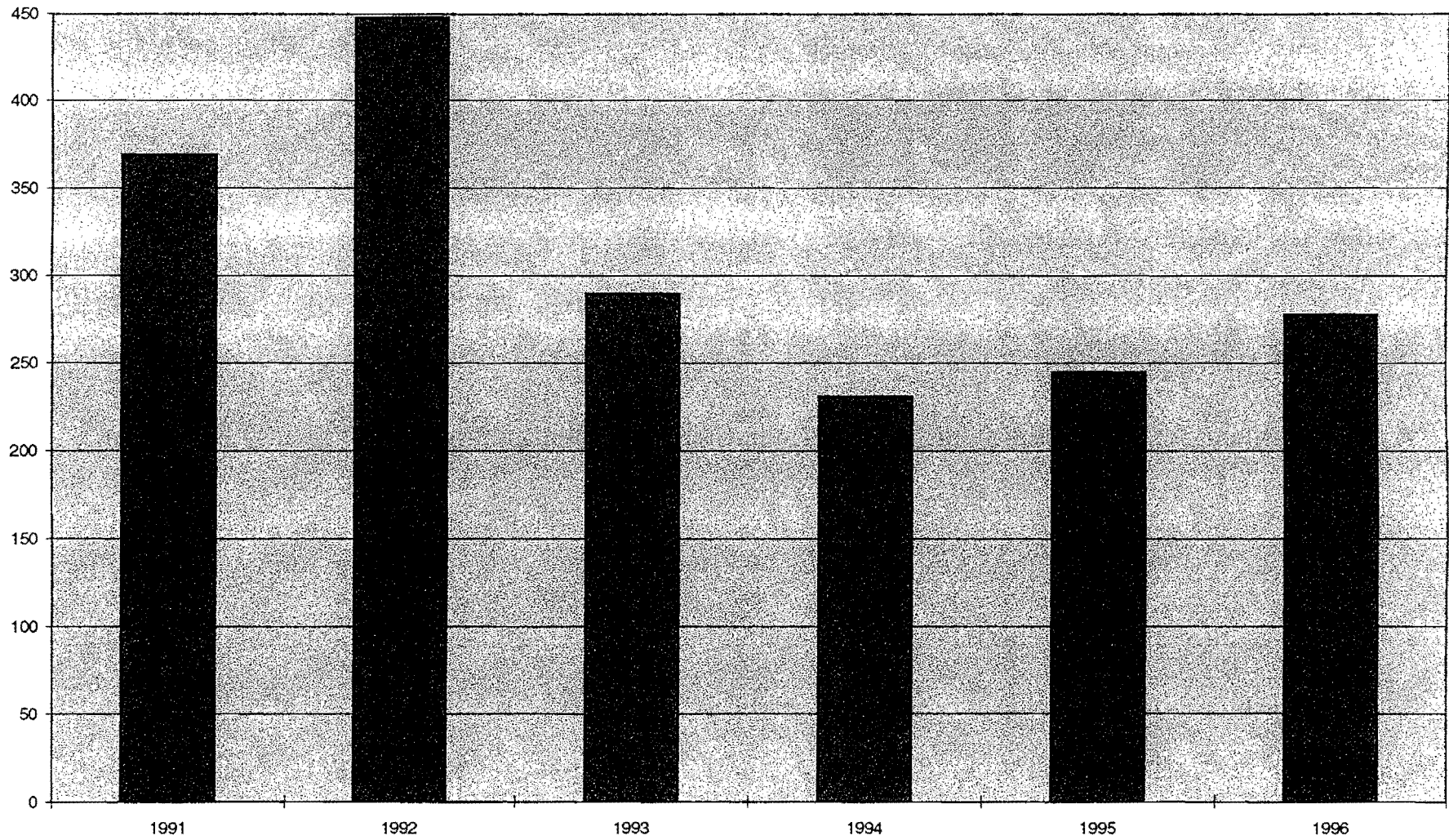
U.S. District Court - Southern District of California
TRIALS: 1991 THROUGH 1996
 FOR TWELVE MONTH PERIODS ENDED SEPTEMBER 30

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%
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source: ICMS system

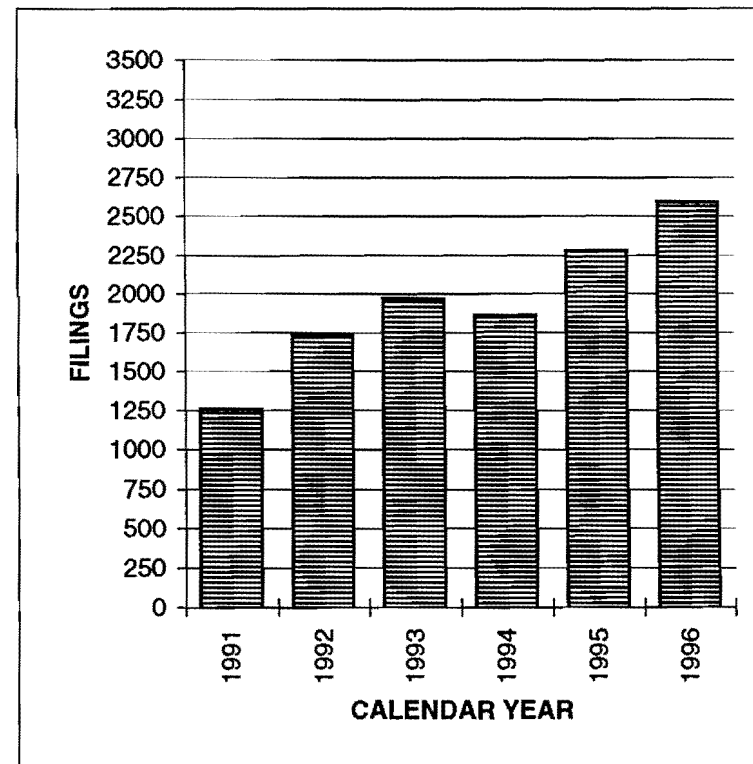
U.S. District Court - Southern District of California

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%

AVERAGE CHANGE 1991 THROUGH 1996 **16%**

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



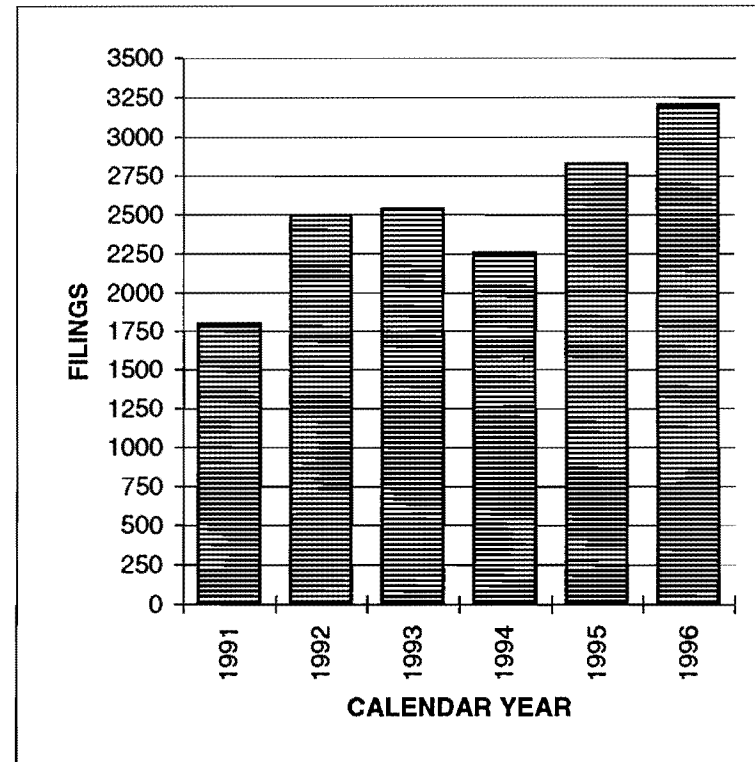
U.S. District Court - Southern District of California

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%

AVERAGE CHANGE 1991 THROUGH 1996 14%

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



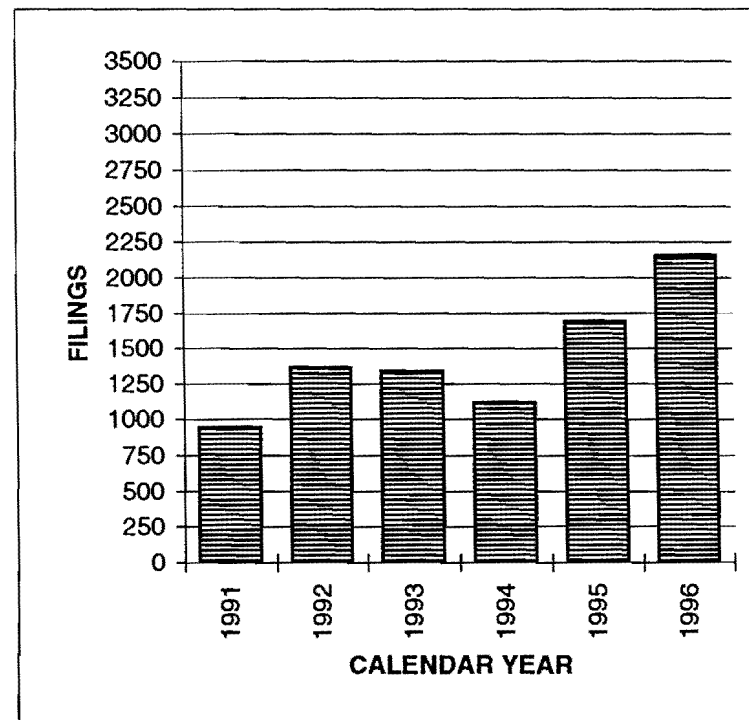
U.S. District Court - Southern District of California

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%

AVERAGE CHANGE 1991 THROUGH 1996 **21%**

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



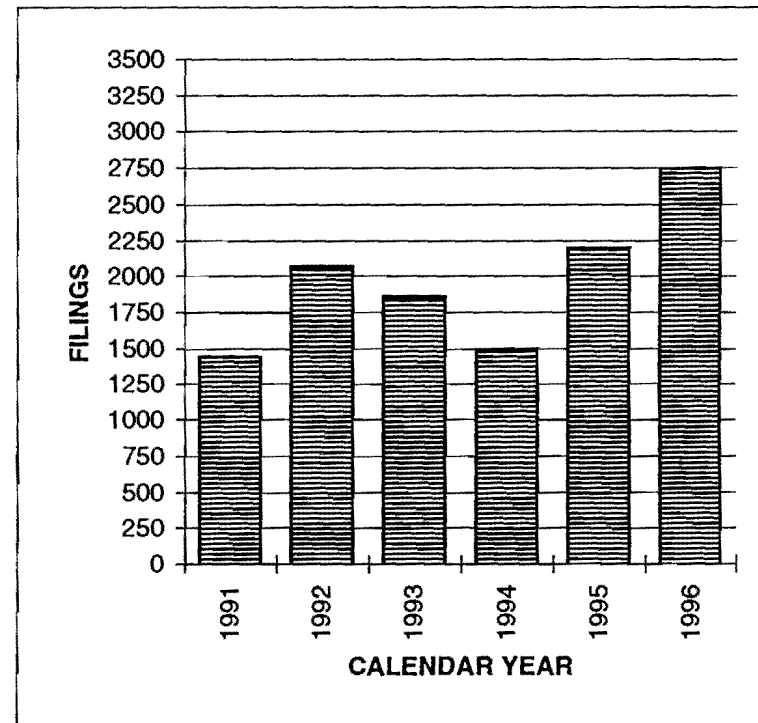
U.S. District Court - Southern District of California

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%

AVERAGE CHANGE 1991 THROUGH 1996	17%
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Source: A.O. Workload Statistics Table D-1



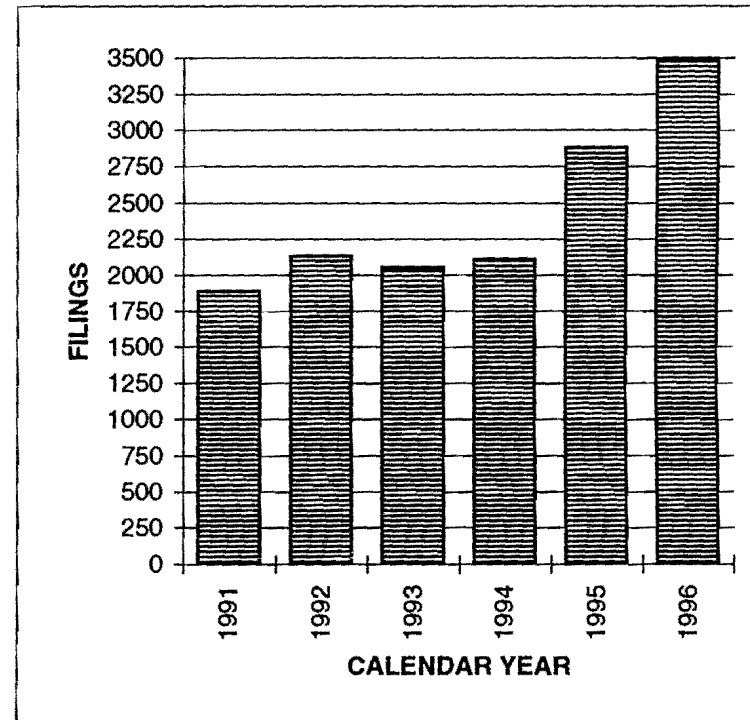
U.S. District Court - Southern District of California

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%

AVERAGE CHANGE 1991 THROUGH 1996	14%
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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	TOTAL NUMBER	LENGTH OF TIME PENDING							
		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 disposition 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 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		74.9	66.5	61.0	94.7	[6] [2]	
	Over Earlier Years . . .							[4] [1]		
	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 1.0	61 2.7	57 3.3	85 4.8	180 9.0	276 13.0	[8] [1]	
	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."

ATTACHMENT B

FILED

APR 12 1996

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *R. Tessier* DEPI

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. 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. 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. 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;