

**AO Review of Reports and Plans  
For the Judicial Conference Subcommittee on Court Administration**

**District:** District of Hawaii

**Date:** December 21, 1993

Upon reviewing the Advisory Group Report and the Expense and Delay Reduction Plan for the District of Hawaii, staff has the following observations. The Advisory Group made a study of local and national court statistics and interviewed all judicial officers. Attorneys were surveyed, and the procedures of the Clerk's Office were analyzed. The court carefully considered the group's individual recommendations, and adopted them. The more expansive of these were referred to the Standing Rules Committee and the Advisory Group for further study. In addition, three of the Advisory Group's recommendations will be the subject of pilot programs and evaluations. The recommendations and the plan do address the causes of cost and delay deduced by the Advisory Group and presented in its report.

- This plan is responsive to the causes of cost and delay as deduced by the Advisory Group, and adopts nearly all of the recommendations of the Advisory Group for immediate implementation or further study. The Court provides specific reasons for its rejection of those it decided not to adopt.
- The plan specifically provides for early and firm trial dates through a number of individual measures. The Court also rejects one Advisory Group recommendation that was seen to dilute this posture (see Advisory Group recommendation #7; Appendix C, pg. 4).
- The plan does not specifically adopt presumptive limits on the amount of discovery, although the plan adopts a general posture of more intense scrutiny by Magistrate Judges under existing rules to avoid acknowledged abuse.
- The plan places a specific certification burden on counsel regarding requests for trial postponement: counsel must certify that the party has been informed of counsel's request and/or initiation of the motion.
- The court has in place rules requiring that only trial counsel with authority to bind appear at pretrial and settlement conferences.
- The plan also comported with the Advisory Group approach to ADR, deciding not to adopt a formal ADR program or initiative.

- Neither the Advisory Group nor the court considered a formal Differentiated Case Management (DCM) program to be advisable at this time, due to a shortage of resources; the use of DCM techniques by Magistrate Judges in pretrial case management, now within local rules, was encouraged.

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