

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

District: Middle District of Alabama

Date: December 28, 1993

Upon reviewing the Advisory Group Report and the Expense and Delay Reduction Plan for the Middle District of Alabama, 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 three public forums were held. Two special case samples were drawn for further analysis. The court carefully considered the group's individual recommendations, and adopted almost all of them. The recommendations and the plan do not address specific causes of cost and delay; no specific systemic or system-wide causes were found after a detailed case-related search by the Advisory Group. This district's performance statistics would lend reasonable support to this conclusion on the issue of delay, although the opinion of the bench on excessive costs was unanimously opposed to that of the Advisory Group and attorneys surveyed. While the court in many instances merely formalized existing informal policies, it did directly address all guidelines, principles and techniques of the Act, in addition to the Advisory Group's recommendations.

- This plan is responsive to the tenor of the report of the Advisory Group, and adopts nearly all of its recommendations for immediate implementation. The Court provides specific reasons for its rejection of those it decided not to adopt, and has added others not suggested by the Advisory Group..
- The plan specifically provides for early and firm trial dates.
- The plan specifically rejects presumptive limits on the amount of discovery in favor of judicial discretion, although the plan adopts a general posture of greater scrutiny by all judges. This approach was taken despite judicial acknowledgement of excessive costs in this area.
- The plan rejects specific certification burdens on counsel regarding requests for trial postponement, but does formalize existing policy regarding the certification of discovery motions.
- The court has formalized rules in place 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, The court did formalize existing informal initiatives regarding mediation through senior and magistrate judges, and will begin offering a judicially staffed early neutral evaluation program.

- Neither the Advisory Group nor the court considered a formal Differentiated Case Management (DCM) program to be advisable at this time.

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