

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA



CIVIL JUSTICE REFORM ACT COST AND DELAY

REDUCTION PLAN

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INTRODUCTION

Pursuant to the Civil Justice Reform Act of 1990, a citizens' Advisory Group was appointed to study the organization and administration of this Court, assess the conditions of the civil and criminal dockets, determine whether excessive cost and delay exists in the district, and make recommendations for increased efficiency in civil litigation management. In its report to the Court, the Advisory Group stated that civil cases in this district are disposed of more rapidly than the national average and that the life expectancy of civil cases has been decreasing steadily since October, 1990. The Advisory Group concluded there is no indication of undue cost and delay in civil litigation in this district.

The Advisory Group attributed this efficiency to a great extent to litigation management practices now in effect in the judicial and administrative offices of the district. Consequently, the Advisory Group recommended the Court adopt a plan that essentially continues, formalizes, expands, and monitors the successful litigation management practices currently existing in the district.

Having reviewed and carefully considered the report of the Advisory Group, this Court adopts the recommendations set forth in Appendix C (pages 24 through 30) of that document, subject to certain considerations pertaining to Recommendations # 7 and # 8 that are set forth below. This Court further directs that the Plan be implemented as of December 31, 1993.

THE COST AND DELAY REDUCTION PLAN OF THE COURT

1. The Court will continue to utilize the Master Annual Calendar System implemented in October, 1990.

There has been a significant reduction in the average time from filing to disposition of civil cases since the Court adopted its Internal Operating Policy on Disposition of Criminal Cases. The average disposition time for criminal cases, moreover, has remained stable despite the increasing criminal caseload. Consequently, this case management strategy will be continued.

2. The Court will identify and monitor significant growth in complex case filings on a monthly basis using trend analysis techniques.

Data compiled by the Administrative Office of the United States Court System will be analyzed monthly to identify trends that may require reallocation of resources and/or scheduling adjustments to deal with increased demands on the Court.

3. The Court will continue to make maximum use of senior-status judges.

The Court acknowledges the significant positive impact of its senior judges on the overall judicial workload of the district and will continue to utilize their experience and expertise to the greatest extent possible.

4. The Court recognizes the substantial contributions of its magistrate judges in case management and will continue to utilize their services to the fullest extent allowed by law.

5. The Court will take reasonable measures to ensure that counsel and litigants comply with the Federal Rules of Civil Procedure which have the effect of improving upon and expediting the discovery process.

The Court recognizes the importance of compliance by all litigation participants with the Federal Rules of Civil Procedure and local rules designed to further reduce the time and expense in the civil discovery process.

6. The Court will consider the feasibility of adopting mediation as an alternative means of resolving disputes in appropriate cases.

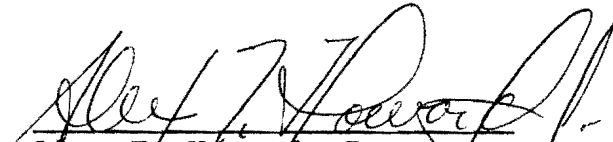
While the overall status of civil case management in the Southern District does not indicate a compelling need for extensive alternative dispute resolution measures at this time, the Court recognizes that various forms of ADR programs have been adopted in

many jurisdictions to deal with overburdened dockets. The Court, therefore, will examine mediation processes that may have a positive impact on the future cost and efficiency of caseload management in this district. In the event this Court should determine that mediation or any other form(s) of alternative dispute resolution should be implemented, it will proceed in accordance with the notice and publication requirements of Fed. R. Civ. P. Rule 83 with respect to the adoption of new local rules.


7. With respect to the Advisory Group's recommendation regarding dispositive motions and supporting documentation requirements, the Court notes that pursuant to Fed. R. Civ. P. 78 and Local Rule 23, individual judges have the discretion, on a motion-by-motion basis, to determine motions without oral argument. The Court will consider recommendations and input from the Committee on Local Rules - a body comprised of attorneys practicing in this district - regarding the most appropriate applications of the discretionary authority provided in these rules.

8. The Court acknowledges the expressed sense of the Advisory Group that quality of outcome rather than prompt disposition alone must be the overriding objective of civil litigation in the district. The Court will continue to ensure that the causes of action brought before it receive the measure of consideration and resources to which they are entitled.


The foregoing Plan is adopted and implemented by the Court
this 16th day of September, 1993.



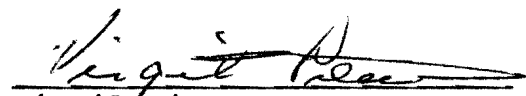
Alex T. Howard, Jr.
Chief Judge



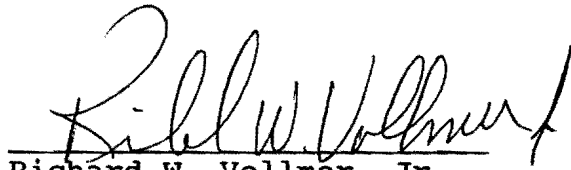
W. Brevard Hand
Senior Judge



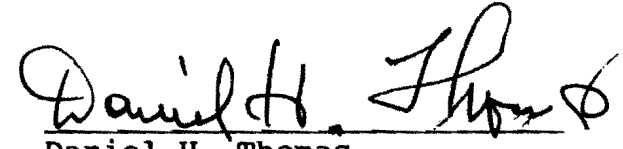
Charles R. Butler, Jr.
Judge



Virgil Pittman
Senior Judge



Richard W. Vollmer, Jr.
Judge



Daniel H. Thomas
Senior Judge