CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLAN

OF THE

UNITED STATE DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF FLORIDA

PURSUANT TO

THE CIVIL JUSTICE REFORM ACT OF 1990

NOVEMBER 19, 1993

CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLAN OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA

In order to better facilitate adjudication of civil cases on the merits, monitor discovery, improve litigation management, and insure just, speedy, and inexpensive resolutions of civil disputes, this court adopts and implements this Civil Justice Expense and Delay Reduction Plan. In doing so, this court has considered the recommendations of the Civil Justice Advisory Group in accordance with Title 28, United States Code, Section 472, and has expressly considered the following principles and guidelines of litigation management and cost and delay reduction, as required by Title 28, United States Code, Section 473(a):

(1) Systematic, differential treatment of civil cases that tailors the level of individualized and case specific management to such criteria as case complexity, the amount of time reasonably needed to prepare the case for trial, and the judicial and other resources required and available for the preparation and disposition of the case.

(2) Early and ongoing control of the pretrial process through involvement of a judicial officer in assessing and planning the progress of a case; setting early, firm trial dates, such that the trial is scheduled to occur within eighteen months after the filing of the complaint (unless a judicial officer certifies that the demands of the case and its complexity make such a trial date incompatible with serving the ends of justice, or the trial cannot

reasonably be held within such time because of the complexity of the case or the number or complexity of pending criminal cases); controlling the extent of discovery and the time for completion of discovery, and insuring compliance with appropriate requested discovery in a timely fashion; and setting, at the earliest practicable time, deadlines for filing motions and a time framework for their disposition.

(3) Careful and deliberate monitoring, for all cases determined to be complex or appropriate, through a discovery-case management conference or a series of such conferences at which the presiding judicial officer explores the parties' receptivity to, and the propriety of, settlement or proceeding with the litigation; identifies or formulates the principal issues in contention and, in appropriate cases, provides for the staged resolution or bifurcation of issues for trial; prepares a discovery schedule and plan consistent with any presumptive time limits that may be applicable to identify and limit the volume of discovery available so as to avoid unnecessary or unduly burdensome or expensive discovery, and phase discovery into two or more stages; and sets, at the earliest practicable time, deadlines for filing motions and a time framework for their disposition.

(4) Encouragement of cost-effective discovery through voluntary exchange of information among litigants and their attorneys and through the use of cooperative discovery devices.

(5) Conservation of judicial resources by prohibiting the consideration of discovery motions unless accompanied by a

certification that the moving party has made a reasonable and good faith effort to reach agreement with opposing counsel on the matter set forth in the motion.

(6) Authorization to refer appropriate cases to alternative dispute resolution programs that have been designated for use in a district court, or which the court may make available, including mediation, minitrial, and summary jury trial.

In formulating the provisions of this Plan, the court has, in consultation with the Civil Justice Advisory Group, also considered the following litigation management and cost and delay reduction techniques, as required by Title 28, United States Code, Section 473(b):

(A) A requirement that counsel for each party to a case jointly present a discovery-case management plan for the case at the initial pretrial conference, or explain the reasons for their failure to do so.

(B) A requirement that each party be represented at each pretrial conference by an attorney who has the authority to bind that party regarding all matters previously identified by the court for discussion at the conference and all reasonably related matters.

(C) A requirement that all requests for extensions of deadlines for completion of discovery or for postponement of the trial be signed by the attorney and the party making the request.

(D) A neutral evaluation program for the presentation of the legal and factual basis of a case to a neutral court representative

selected by the court at a nonbinding conference conducted early in the litigation.

(E) A requirement that, upon notice by the court, representatives of the parties with authority to bind them in settlement discussions be present or available by telephone during any settlement conference.

(F) Such other features as the district court considers appropriate after considering the recommendations of the advisory group.

This court's findings, conclusions, and actions with regard to each of the foregoing statutory considerations are set out hereinafter in this Plan.

(1) **Systematic, differential treatment of civil cases.**

The advisory committee concluded that systematic, differential case management practices are most appropriate when there are a large number of filings that fall into a distinct category or where there are certain types of cases, irrespective of their number, which given their nature, should be handled in a systematically different fashion from other civil filings. The committee recommended that, with the exception of prisoner and certain administrative cases, the district's civil docket did not warrant systematic, differential case management practices, and that no change was needed. The court accepts and adopts that recommendation. Since it is the current practice of the court to treat prisoner cases and certain administrative cases such as social security appeals in a distinctly different management track,

the existing procedure will be continued. The current practice of tailoring the discovery track for a particular case, either as determined by the judicial officer handling the case or by the attorneys in their reports to the court, will be continued.

(2) **Increased judicial involvement in case management beginning early in the litigation.**

The committee recommended that the court become more involved in case management early in the litigation. In order to allow the court to assume a more active role in the case management process earlier in the litigation, the committee recommended that, with the exception of certain classes of cases, all attorneys of record for the parties to the litigation should be required to confer as soon as practical after the appearance of the defendant in the case to discuss a wide variety of specified matters relating to the case and to file a report with the court. The committee recommended that, after this report has been filed, the court should conduct an initial pretrial conference and thereafter enter the scheduling order. The committee recommended that the scheduling order specifically include the setting of an estimated trial date. Further, the committee recommended that any subsequent requests by the parties for changes or extensions in the deadlines or dates established in the scheduling order should be carefully considered by the court, and not simply granted because all parties have consented. The court generally agrees with these recommendations and adopts them to the extent set out subsequently in this Plan.

The committee specifically considered and rejected a

requirement that all requests for extensions of deadlines for completion of discovery or for postponement of the trial be signed by the attorney and the party making the request. It was the committee's determination, and the court agrees, that conditions in the district do not warrant such a requirement.

It was also the committee's recommendation that the district opt out of the automatic disclosure requirements set out in proposed Rule 26(a)(1), Federal Rules of Civil Procedure, if the rule should go into effect on December 1, 1993. It is the court's determination that certain automatic disclosures are very cost effective and efficient, and should be implemented, contrary to the committee's recommendation. These disclosure requirements are discussed more fully as a part of the requirements imposed under this Plan, infra.

The committee recognized that, in making its recommendations, the demands placed on the court by the district's heavy criminal docket, as well as other factors, may realistically prohibit the implementation of its recommendations. The committee felt that certain cases may be appropriate for the magistrate judges to conduct the pretrial conferences. The committee acknowledged that there were detrimental aspects to allowing the magistrate judges to conduct the pretrial conferences, since the "educational" process furthered by involving the court early in litigation could not occur if the judge was not a participant. The court agrees.

Finally, the committee felt that intermediate case management conferences conducted by the court prior to the final pretrial

conference, or additional case management conferences as requested by the parties or warranted by the pace of the litigation, would be a good idea. The court generally concurs with the committee's recommendation, subject to certain modifications that will be subsequently discussed, and will monitor cases with these procedures.

It is currently the practice of the court to utilize a uniform scheduling order for all judges throughout the district. In its present form, the court's scheduling order is comprehensive, and deals with discovery, time deadlines, specific procedures for handling discovery disputes, summary judgment motions, time records, and similar case management matters. The order is now entered and copies sent to the attorneys as soon as the case is at issue. The court believes that the standard order has been very effective and should be retained with only minor changes in the procedure. Under this revised Plan, the order will be entered as soon as at least one defendant's attorney appears, for whatever reason. The order will continue to include the same matters currently covered by the order, but a number of additional requirements will be added, applicable to both the parties' attorneys and the court, as follows:

(a) Except for certain specifically exempted classes of cases, the attorneys for the parties shall be required to meet within 30 days after entry of the order and shall:

(i) Discuss the nature and basis of their claims and defenses, and in good faith try to identify the principal factual

and legal issues in dispute.

(ii) Discuss the possibilities for prompt settlement or resolution of the matter, and whether mediation or the use of any other alternative dispute resolution process might be helpful in that regard, either now or after certain limited discovery has taken place.

(iii) Discuss proposed timetables and cutoff dates for the joinder of other parties, amendments to the pleadings, and the filings of motions and responses, and in particular, whether the initial scheduling order should be revised or amended with respect thereto.

(iv) Discuss their respective discovery requirements in the case, and if they deem the plan in the initial scheduling order to be inadequate, they shall develop a discovery plan which specifically addresses the timing and form of discovery, whether discovery should be conducted in phases or limited in any respect, and what, if any, changes should be made in the discovery procedures or time deadlines set out in the initial scheduling order, or imposed by the local rules of the district, or by the Federal Rules of Civil Procedure.

(v) Make a good faith estimate as to when the parties believe the case will be ready for trial, and address any other matters that the parties deem appropriate with regard to any particular aspect or the uniqueness of the case. The estimated month and year when the case will be ready for trial will be included in the joint report, and if it is not within 18 months

from the date of filing, an explanation must be included.

(b) At this initial meeting of the attorneys, the parties shall, without awaiting a specific discovery request and unless otherwise stipulated, provide (or make arrangements to promptly provide) to the other parties in the case the following information or materials:

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings or in the attorneys' discussions, identifying the subject matter of the information.

(ii) A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to the disputed facts alleged with particularity in the pleadings or in the matters discussed by the attorneys.

(iii) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

(iv) Make available for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or

reimburse for payments made to satisfy the judgment.

(c) Disclosure of expert witnesses and their opinions will continue to be required as in the current scheduling order, and as otherwise required by the Federal Rules of Civil Procedure or the local rules.

(d) Within 14 days after the required meeting of the parties' attorneys, a joint report, for which the plaintiff shall be responsible, shall be filed with the court. The report shall address each of the items set forth above, and if the parties are unable to agree, set out each parties' position on the matter. The court will promptly consider the filed report, and within 14 days after its filing, will modify the initial scheduling order as necessary, or adopt the parties' submissions by separate order, or set the matter for pretrial conference, either for the attorneys' personal attendance or to be conducted by telephone. The court recognizes that a very high percentage of attorneys handling civil litigation in this court are not residents of this district, and that any court hearing may require a considerable amount of travel and travel time for such attorneys. Further, experience has indicated that it is often difficult to schedule a conference at a time that is convenient for all attorneys without incurring an extended delay. Accordingly, the court will weigh and balance all of these factors in determining whether a conference requiring the personal attendance of the attorneys is deemed to be appropriate or necessary. If the court takes no action within 14 days, the original scheduling order will continue in full force and effect,

without modification, until further order of the court. The parties' estimated trial date will be the presumptive time when the case will be set for final pretrial conference and trial, unless revised by the court by notice or order. If not firmly set by prior notice or order, the actual trial will be set, ordinarily, after discussions with the attorneys at the final pretrial conference.

(3) **Monitoring of cases, discovery schedule, and settlement.**

The committee's recommendation concerning more court involvement also suggested that the court exercise its authority as needed to keep the discovery process within the time periods set by the scheduling order, and permit exceptions only for good cause shown and in the interests of justice. The court agrees that this is the proper function of the court in monitoring the progress of the case, and particularly with regard to monitoring the parties' discovery in case management. In all other respects, the pretrial progress will be monitored to insure that deadlines for filing motions and a time framework for their disposition is well understood. It is the court's intention to require the parties to consider mediation at the earliest practical time. This may, in a few cases, be early in the litigation. In some cases, it may be only after the case is ready for trial. In most cases, it is anticipated that successful mediation will occur after the parties have had an opportunity to conduct some basic discovery. It is for this reason, among others, that the parties have been required to make the early information exchanges and disclosures described in

this Plan. Presumptive trial dates shall be within 18 months after filing.

The committee's major recommendation in this area was with regard to implementing procedures to achieve prompt rulings on motions. As the committee observed, the court's failure to promptly rule on motions, particularly dispositive motions, may impact on a party's ability to comply with certain deadlines set out in the scheduling order, and delays the time when the case will become ready for trial. In past years, these delays have been primarily caused by the court's heavy criminal trial caseload which demands so much of the judges' and the law clerks' time. For a number of years, national statistics indicate that this court's annual criminal trials per active judge have been the highest, or among the highest, of all district courts. For civil cases that have complex factual scenarios, or involve multiple legal issues in areas where the law is either unclear or rapidly changing, a great deal of time is required to deal with either a motion to dismiss or a motion for summary judgment, and this has led to delays in rulings.

With the addition of a fourth judge to the court in November of 1991, the court's ability to deal with these types of motions has been greatly improved. Consequently, the delays in rulings are being reduced. Unfortunately, the workload for the court's two fulltime magistrate judges has increased dramatically in recent years with the growing number of prisoner civil rights actions. These cases are initially assigned to the magistrate judges for

handling, and their backlog of pending motions has been gradually increasing due to the associated time demands. The addition of another pro se law clerk to the court's staffing in 1993 should provide some relief, but the only long term solution seems to be the appointment of additional magistrate judges. Needless to say, the magistrate judges currently do not have available time to deal with motions pending in the court's other civil litigation. Thus, the committee's recommendation that the court consider referring more pretrial civil motions to the magistrate judges is simply not one that can be implemented until the court is authorized additional magistrate judges.

With regard to the presumptive time periods within which motions should be ruled upon, the court agrees with the committee's recommendation. For non-dispositive motions, the court should rule no later than 60 days after the opposing party's response has been filed and the motion is ripe. For dispositive motions, a ruling should be rendered no later than 120 days after the opposing party's response has been filed and the motion is ripe for disposition. On motions for which oral argument is granted and held, a ruling should be rendered within the foregoing time limits, or within 30 days after the oral argument, whichever may be longer.

The court also accepts the committee's recommendation that the clerk of the court monitor the progress of pending motions, as it currently does, and notify each district judge on a monthly (or more frequent) basis of the status of the judge's cases. Finally, as the committee has recommended, the local rules and the

scheduling order will be amended to incorporate the recommendations for which the court will be implementing.

(4) **Cost-effective discovery**.

The committee concluded that the discovery rules and procedures presently utilized in the Northern District of Florida allow for the free exchange of documents and relevant information among and between the parties. Therefore, the committee had no major recommendations regarding changes in the existing discovery practice, as controlled by the current scheduling order utilized by the court. It was the committee's specific recommendation that the present limitation on the number of interrogatories and requests for admissions to 50, as set out by local rule and in the scheduling order, is more realistic than the more restrictive limitation set out in the proposed changes to the rules of civil procedure. The court agrees with the committee that this limitation seems to be working well, and will remain in effect. The committee also recommended that the court not implement the deposition limitation of proposed Rule 30(a)(2)(4), if it should go into effect. The court will consider doing that after it has some experience operating under the change, but will take no action at this time on that recommendation.

In its review of the discovery process, the committee recommended that the court should **not** implement the new core information disclosure procedure required by proposed Rule 26(a)(1) of the Federal Rules of Civil Procedure. Instead, the committee recommended that the court opt-out of this rule, if it should take

effect. As discussed earlier in this Plan, it is the court's intention to implement these early disclosures, which appear to be cost effective and which should reduce much of the delay in the discovery process, even if the proposed rule does not go into effect. It is also the court's feeling that these disclosures will allow the parties to analyze the strengths and weaknesses of their cases earlier in the discovery period, and allow them to settle the case, by mediation or otherwise, before extensive costs have been incurred. Therefore, the court does not accept the committee's recommendation regarding opting out of proposed Rule 26(a)(1).

The committee did recommend implementation of proposed Rule 26(a)(2), proposed Rule 26(a)(3), and proposed Rule 26(b)(4). The court agrees, since the court has long utilized disclosure of expert testimony in the manner now contemplated by proposed Rule 26(a)(2), and the other disclosures have long been a part of this court's pretrial requirements.

(5) **Prohibiting the consideration of discovery motions unless accompanied by a certification that the moving party has made a reasonable and good faith effort to reach agreement with the opposing counsel on the matters set forth in the motion.**

This court has had a long-standing requirement for this type of certification of consultation with opposing counsel regarding motions filed, and it has worked very effectively. It will be continued, and the committee has recommended no change in that procedure.

As in other areas, the committee recommended greater

utilization of the magistrate judges to resolve discovery disputes. However, as discussed earlier in this Plan, the workload of the magistrate judges in this court is already very heavy, and they appear to have no available time to handle additional duties involving discovery disputes in civil cases in which they are not the assigned judicial officer. The court will utilize the magistrate judges if it appears to be a realistic and practical alternative.

Finally, the committee recommended greater utilization of the sanctions presently authorized when judicial involvement is required to resolve discovery disputes. The court's existing scheduling order makes clear that, ordinarily, the losing party in a discovery dispute will be required to pay the prevailing party's expenses and attorney's fees in the preparation and filing (and, if necessary, arguing) the motion or the response in opposition. The Federal Rules of Civil Procedure authorize these sanctions, and they have been effective in eliminating the number of discovery disputes, particularly when coupled with the requirement for pre-filing consultation and a good faith attempt to resolve them without judicial involvement. The committee recommended that all the judges of the court should consistently apply the sanctions as a deterrent to having these discovery disputes filed for judicial resolution, and that regular awards of attorneys' fees to the prevailing side serve a useful function. In this regard, the amount of the attorney's fees sometimes creates additional litigation, as does the general topic of awarding attorney's fees

at the end of a case, adding to the cost of litigation. These are considered as a part of this Plan, in accordance with the committee's recommendation.

Reducing the cost of attorneys' fees in litigation is one of the major goals of this Plan, and the committee recognized that if there were fewer contentious matters to be resolved and less delay involved in getting resolution of those matters submitted to the court, then the attorneys should spend less time on litigation and, consequently, the parties should experience reduced attorneys' fees. The committee also generally recognized and approved the current practice of this court in requiring parties who may be seeking a court award of attorneys' fees to file monthly summaries of the time spent on a particular case, with the understanding that a failure to file such records during a given month would mean the inability to be compensated for work done during that period. The court agrees that this has proven to be a useful and beneficial practice, and it will be continued as a part of the requirements in the standard scheduling order. Not only does it add integrity to the attorneys' fee award process, but it alerts all parties to the amount of fees being run up as costs - - - a good incentive to settle.

The committee was also in favor of the proposed changes incorporated into proposed Rule 54 of the Federal Rules of Civil Procedure, and recommended the adoption of a bifurcation of the attorneys' fee issue: to address the question of liability for fees before dealing with the issue of appropriate rates and hours.

The court agrees and will implement this procedure.

Perhaps more importantly, the committee was concerned that evidentiary hearings involving attorneys' fees disputes are costly and time consuming for all the attorneys involved, the parties, and the court. Further, the "lodestar" methodology and the Eleventh Circuit have added to the court's evidentiary hearing burden by seemingly requiring evidentiary hearings and detailed factual findings in cases where the attorney's fee issue is disputed and, frequently, referring the determination of the amount of attorneys' fees for appellate counsel incurred on an appeal to the district court for resolution. To do this is a heavy burden upon everyone involved, and particularly upon the court. It takes time that could better be spent on the merits of other cases, so a goal of this Plan is to reduce such collateral delays. It was the committee's recommendation that ancillary litigation and evidentiary hearings involving attorneys' fees should be minimized or avoided, if possible. The court strongly agrees. Therefore, the standard scheduling order will be modified to minimize the need for evidentiary hearings. The precise methodology and procedure for accomplishing this will be developed and implemented as quickly as possible, but it may include presumptive fees for routine matters and a Rule 68 type procedure to be applied to such fee disputes.

Finally, the committee noted that the proposed rule changes call for any motions seeking fees to be filed within 14 days after entry of judgment, unless otherwise provided by statute or order of

the court. The committee felt that this time period was not sufficient, and the court agrees. By local rule, the parties are now required to file motions to tax costs within 30 days after termination of the action or proceeding. This seems to be a more realistic time, and the court will apply the 30-days' limitation to both the filing of motions to tax costs and of motions to award attorneys' fees.

(6) **Alternative dispute resolution.**

Over the past few years, this court has had very good results from referring cases to mediation as an alternative dispute resolution device. The committee has recognized the important role that mediation has played, and continues to play, in the successful settlement of cases in this court and in other courts throughout the state of Florida. It strongly recommended the continuation and expansion of mediation as an alternative dispute resolution device, and the court accepts that recommendation.

At the present time, cases are referred to mediation by some of the judges of this court in one of four ways:

(a) Upon the completion of discovery, when the parties are directed to prepare for the final pretrial conference. The parties are advised by order that, in lieu of filing the extensive pretrial stipulation and attachments, the parties may elect to mediate. A large percentage of cases do voluntarily submit to mediation at this point, resulting in settlement of a majority of the cases submitted to mediation at that time.

(b) At the time of the pretrial conference, after the court

has had an opportunity to discuss the matter thoroughly with the attorneys, and to analyze the differences that keep the parties from settling the matter themselves. Cases deemed to be appropriate for mediation are ordered to mediation by the court, with or without the parties' approval.

(c) When the parties themselves suggest or request, at any time prior to trial, that the matter be referred to mediation.

(d) Whenever the court, in its discretion, determines that a case seems to be appropriate for mediation. Usually, this occurs from a review of the file and an analysis of any pending disputes. At the present, there is no set system for the court to ascertain whether a case is a good candidate for mediation, but experience has shown that it can save hundreds of thousands of dollars in litigation costs in major cases if implemented soon after the case is at issue. The court believes this should be pursued.

Under this Plan, the court will be able to better determine from the joint report filed by the attorneys at the beginning of the discovery period whether mediation is a good alternative at that time, or after some basic discovery has been conducted, or perhaps later. It is the intent of the court to utilize mediation at the most opportune time, and in all cases in which there is a reasonable likelihood that mediation will be successful.

The committee has recommended that, in addition to mediation, a program of early neutral evaluation be adopted by the court. Further, the entire alternative dispute resolution program involving early neutral evaluation and mediation should, in the

committee's recommendation, be coordinated by a district alternative dispute resolution administrator. Although the court recognizes that early neutral evaluators can, in certain instances, serve as a catalyst for resolving cases, a required program for early neutral evaluation in most cases does not appear to be warranted. There are inherent difficulties in getting a pool of qualified neutral evaluators in the widely different categories of cases filed in this court, in fairly administering the program, and in mandating that the parties participate. It is an additional cost and will necessarily add delay, and it is questionable at this point whether the results would offset these disadvantages. Experienced attorneys and attorneys in group practice are generally capable of making a reasonably objective evaluation of their cases. Therefore, the court declines to implement such a program as a part of this Plan.

Similarly, the court feels that the court's existing mediation program, which is simple and requires almost no administration, has proven to be very effective and efficient. Therefore, the formalized alternative dispute resolution program submitted by the committee does not appear to be necessary. The court will continue to monitor the mediation results, and, if necessary, institute changes consistent with the committee's recommendation if deemed to be appropriate.

(7) **Techniques for litigation management and cost and delay reduction.**

In considering the recommendations made by the committee, and

in consultation with the committee, this court has considered the litigation management and cost and delay reduction techniques specified in Title 28, United States Code, Section 473(b). This Plan has included a requirement that counsel submit a joint report to the court regarding discovery and case management, following a meeting of counsel and after discussion of a wide variety of subjects concerning the case. The parties' joint report will be utilized by the court in framing the parties' pretrial activity and in setting the trial, if it requires tailored procedures outside the norm. At all pretrial conferences, settlement conferences, and mediation conferences, each party must be represented by an attorney or representative who has the authority to bind that party regarding all matters, including settlement. These techniques are incorporated into this Plan.

The committee has recommended, and the court concurs, that requests for extensions of deadlines for completion of discovery or for postponement of the trial, should not have to be signed by both the attorney and the party making the request. This technique has been considered, therefore, but rejected.

A neutral evaluation program was fully considered by the committee, and submitted as a part of its report. Upon full consideration, the court has elected not to implement the technique of formalized neutral evaluation, but has determined that its mediation program should be continued and expanded.

Finally, the committee has strongly recommended that the court's magistrate judges be more fully utilized in the civil

litigation process. It was clear to the committee, however, that the existing workload of the fulltime magistrate judges in the district effectively precludes such further utilization of them in other civil matters. This court has a high criminal caseload, relative to most district courts, and the magistrate judges, both fulltime and part time, have the responsibility for initial appearances and detention matters. The fulltime magistrates also consider the large number of prisoner cases, involving both civil rights and habeas corpus, from the many state and federal prisons located within the district. As the committee observed, this district has more federal prisoners than any other district in the nation. Similarly, the large number of military bases in the district, coupled with the national forests and national seashore parks, create an unusually heavy caseload of criminal misdemeanor and non-criminal petty offense cases for the magistrate judges to handle. Therefore, the committee concluded that this district needs at least one more fulltime magistrate judge and, preferably, two more fulltime magistrate judges. Perhaps another part time magistrate judge to handle some of the caseload at Eglin Air Force Base (the largest Air Force base in the United States) may be a partial solution. The court agrees with the committee's recommendation, and believes that the availability of additional magistrate judges, either full time or part time, will be the single most important improvement in this court's implementation of this Plan and in meeting the goals set out by Congress for civil justice expense and delay reduction.

(8) **Conflicts**.

In the event that any provision of this Plan conflicts with the local rules of this court, then this Plan shall prevail. Conflicts with the Federal Rules of Civil Procedure shall be determined in favor of this Plan if the federal rules allow opting out or local exceptions; otherwise, the federal rules shall prevail. Any subsequent order of this court shall prevail over this Plan.

(9) **Review and Amendments**. This Plan shall generally be implemented by revisions to this court's uniform orders, by amendments to the local rules of this court, and by specific orders entered from time to time. As required by Title 28, United States Code, Section 475, this court will annually assess the conditions of the court's civil and criminal dockets in order to determine whether additional appropriate action may be taken to meet the goals of this Plan, and will consult with an advisory group in doing so. This Plan may be amended at any time by the judges of this court.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

ORDER

The judges of this Court, having considered the "Report of the Civil Justice Reform Act Advisory Committee of the Northern District of Florida," dated October 12, 1993, and having considered all of the committee's excellent recommendations, adopt the foregoing Civil Justice Expense and Delay Reduction Plan for this Court, effective January 1, 1994.

DONE AND SO ORDERED for the Court this 19th day of November, 1993.

MAURICE M. PAUL, CHIEF JUDGE