

Memorandum

To: Abel Mattos

From: Mark D. Shapiro

Date: April 27, 1992

Re: Circuit Committee Review of CJRA Plans

- First Circuit: The committee reviewed MA and had no suggestions. The advisory group provide the review committee with a supplement to the original report and plan. This supplement was used in the review process and is now an addendum to the report and plan.
- Second Circuit: The committee reviewed NY(S) and NY(E) and had no suggestions. It should be noted the Second Circuit's committee did not use the forms developed by FJC because the review was completed prior to distribution of the forms.
- Third Circuit: The committee reviewed PA(E), NJ, VI, and DE and made no suggestions.
- Fourth Circuit: The committee reviewed VA(E), WV(N), and WV(S) and made no suggestions.
- Fifth Circuit: The committee reviewed TX(E) and TX(S). No formal suggestions were made. Texas(S)'s failure to address non-statutory contingent fees was discussed. Texas(S)'s plan was amended to specify a controlling limit on discovery as a consequence of the discussions of the members of the circuit review committee during the course of its review. Texas(E)'s provision that the plan takes precedence over the Federal Rules of Civil Procedure was also discussed.
- Sixth Circuit: The committee reviewed TN(W), MI(W), and OH(N). No formal suggestions were made to any of the three courts. The review did discuss in detail any section of the report form checklist that was marked "no" or "unclear".
- Seventh Circuit: The committee reviewed IL(S), IN(N), IN(S), WI(E), and WI(W). The committee suggested Indiana(N) reconsider the advisory group's recommendation the Court establish a simple uniform order governing trial. The committee also suggested the Judicial

Conference consider adopting an admission fee to fund reimbursement of court appointed attorneys.

Eighth Circuit: The committee reviewed AR(E) and made no suggestions.

Ninth Circuit: The committee reviewed AK, CA(E), CA(N), CA(S), ID, MT, and OR. The committee made the following suggestions and comments:

- A. CA(E)
 - 1. Should specifically state the plan considered and rejected Differential Case Management (DCM).
 - 2. A time table for implementation has been prepared and will be attached to the plan.
- B. CA(N)
 - 1. Append to the plan details of its aggressive early intervention program scheduled to begin on July 1, 1992
- C. CA(S)
 - 1. Decision to give judicial officer authority to place limits on discovery will be included in an addendum to the plan.
 - 2. Clarify how magistrate judges will be able to assist in early judicial intervention when the JRI Report indicates magistrates are used to capacity in criminal cases.
 - 3. The plan does not contain a certification of discovery motions requirement. Current rules have a "meet and confer" requirement.
- D. MT
 - 1. Questions the automatic referral to magistrate judges provision of the plan.
 - 2. Suggest the peer review provision be clarified.

It should be noted the circuit review committee did not use the forms developed by the FJC.

Tenth Circuit: The committee reviewed KA, UT, Okla(W), and WY. The committee made no suggestions.

Eleventh Circuit: The committee reviewed Fla(S) and GA(N). The committee made the following suggestions and comments:

A. Fla(S)

1. Consider proposed limits on the length and number of depositions.
2. Provide for greater use of early pretrial scheduling conferences to narrow issues and schedule and limit discovery.

B. GA(N)

1. Reexamine for consistency Local Rule 201-1 focusing on document disclosure.
2. Questioned whether the district's treatment of ADR met the statutory mandate.
3. Questioned whether setting a trial for a month certain meets the statutory mandate of early firm trial dates.