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ADMINISTRATIVE OFFICE
OF THE UNITED STATES COURTS
JUDICIAL ADMINISTRATION
WASHINGTON

Fred R

Shapiro

*Kel
and
John
Joyce*

digital

5 May 1992

Mr. Mark Shapiro
Administrative Office of the
United States Courts
Washington, DC 20544

Dear Mr. Shapiro:

Pursuant to your recent conversation with Jerry Joyce of our law department, enclosed please find a preliminary analysis of district court plans based on the elements and guidelines of the Civil Justice Reform Act of 1990.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Linda Casey
Linda Casey
Legal Assistant to
Ronald E. Myrick

Enc.

"PRELIMINARY"

COURT	D. Kansas	D. New Jersey	D. Wyoming	W.D. Wisconsin	N.D. California
TYPE OF COURT PLAN	EDS *	EDS *	EDS *	Pilot	EDS *
DIFFERENTIAL CASE MANAGEMENT		Arbitration/Non	Yes		
# of tracks	4	2	2		
decided by time/effort	Yes (of discovery)		Yes		
decided by type of case		Yes	Yes		
EARLY & ONGOING JUDICIAL INTERVENTION					
Judicial officer/magistrate/judge	Judge/Magistrate	Magistrate	Magistrate/Judge	Magistrate/Judge	
initial pre-trial conference	Initial Order	Yes	Yes	Yes	Yes
required to talk about ADR		Yes	Yes	Yes by clerk	Yes
case management conference					Prepare Proposal
SETTING EARLY & FIRM TRIAL DATES				Yes	Considering
CONTROL OF DISCOVERY				Set Deadlines	
plan for discovery	Possibly	Yes (Joint)	If Complex		Yes
limits on discovery		Yes			Yes
# interrogatories		Yes			Yes
# depositions		Yes			Yes
# requests for production		Yes			Yes
Voluntary exchange of discovery	Possibly	Yes		Yes	
"good faith" effort		Yes	Yes		
automatic pre-discovery disclosure			Yes		Yes
CONTROL OF MOTION PRACTICE		Possibly			
motion deadline for filing	Of Answers	Possibly			Yes
deadline for disposition				Yes	
schedule for filing motions		Possibly			Yes
ADR					Commitment to improve
mandatory		Certain cases	LR 206(d)	Authority to compel	
binding representative	Yes	Yes	Yes	Yes	
early neutral evaluation			Yes	Yes	Already in place
mediation	Yes	Experimental		Yes by Magistrate	Possibly
arbitration		By Consent		Yes	
mini-trials	Yes	Yes			
Settlement Conferences	Yes	Yes	Yes		
summary jury trials	Yes	Experimental			
Referral to Magistrate/Master					
required to talk about ADR options					
CONTROL OF TRIAL					
final pre-trial conference			Yes	Yes	Yes
SANCTIONS					
imposition of sanctions					
OTHER					
expert witness				Disclosure deadlines	Limits on cost

* Early Implementation Districts

COURT	W.D. Tennessee	N.D. West Virginia	D. Utah	W.D. Michigan	E.D. Texas
TYPE OF COURT PLAN	Pilot	EIDS *			
DIFFERENTIAL CASE MANAGEMENT	Yes	Yes	Already in place	Yes	Yes
# of tracks	6	3		6	6
decided by time/effort		Yes			Yes
decided by type of case	Yes				
EARLY & ONGOING JUDICIAL INTERVENTION			Already in Place		
Judicial officer/magistrate/judge				Judicial Officer	Judicial Officer
initial pre-trial conference	Yes				
required to talk about ADR	Yes at least twice				Tracks 3,4,5
case management conference	Yes				Tracks 3,4,5
SETTING EARLY & FIRM TRIAL DATES	Yes	Yes, if no ADR			
CONTROL OF DISCOVERY					
plan for discovery	Joint				
limits on discovery					Tracks 3,4
# interrogatories					15
# depositions					15
# requests for production					
Voluntary exchange of discovery	Yes		Yes		
"good faith" effort	Yes		Already in place		
automatic pre-discovery disclosure		Yes			Yes
CONTROL OF MOTION PRACTICE		12B & 56 & discovery			
motion deadline for filing	Yes				
deadline for disposition					Non-dispositive
schedule for filing motions					
ADR	Yes		Opposed to		
mandatory		Unsure			
binding representative	Yes				Yes
early neutral evaluation	Yes	Yes			
mediation	Yes	Yes	Experimental		Yes
arbitration	Conducting Study	Yes	Experimental		
mini-trials	Yes	Yes	Experimental		Voluntary
Settlement Conferences	Yes	Yes	Already in Place		If feasible
summary jury trials	Yes	Settlement Week	Experimental		Voluntary
Referral to Magistrate/Master		Yes		Yes	
required to talk about ADR options	Yes				Tracks 3,4,5
CONTROL OF TRIAL					
final pre-trial conference					
SANCTIONS					
imposition of sanctions		Yes			
OTHER					
expert witness					

COURT	E.D. Pennsylvania	S.D. Illinois	S.D. New York	N.D. Georgia	E.D. New York
TYPE OF COURT PLAN	Pilot	EDS *	EDS *	Pilot	EDS **
DIFFERENTIAL CASE MANAGEMENT	Yes	Yes	Yes	Yes	No Revisions
# of tracks	6	3	3	3	Currently 4
decided by time/effort	Yes		Yes	Yes	
decided by type of case				Yes	
EARLY & ONGOING JUDICIAL INTERVENTION					
Judicial officer/magistrate/judge	Judicial Officer	Judicial officer	Judge/Magistrate	Judicial Officer	Judicial Officer
initial pre-trial conference	Most Cases	Yes			Yes
required to talk about ADR		Yes	Yes		Yes
case management conference			Yes		
SETTING EARLY & FIRM TRIAL DATES	w/ 12 Months	Yes	Yes	Yes	
CONTROL OF DISCOVERY					
plan for discovery	Joint	Yes	Yes	Joint	Setting Deadlines
limits on discovery		Yes			Yes
# interrogatories		20		40(LR225-4a)	15
# depositions					10
# requests for production					
Voluntary exchange of discovery	Cooperative	Cooperative		Yes	
"good faith" effort	Yes	Yes	Yes	Yes(LR225-4a)	
automatic pre-discovery disclosure	Yes	Yes	Expedited Cases		Yes
CONTROL OF MOTION PRACTICE					
motion deadline for filing	Of dispositive			Yes	
deadline for disposition		45 Days	Reasonable Promptness	Guidelines	Reasonable Time
schedule for filing motions					Yes
ADR					
mandatory				Certain Cases	Money Claims <\$100,000
binding representative	Yes	Yes		Yes	
early neutral evaluation					Non-binding
mediation	Yes	Yes	Yes	Yes	Experimental
arbitration	Non-binding	Yes	Yes	Non-binding	Yes
mini-trials		Yes			
Settlement Conferences		Yes		Yes	Yes
summary jury trials		Yes			
Referral to Magistrate/Master	Yes	Yes			Yes
required to talk about ADR options		Yes	Yes		Yes
CONTROL OF TRIAL					
final pre-trial conference	Yes	Yes			Yes
SANCTIONS					
imposition of sanctions			Yes		Yes
OTHER					
expert witness					Yes

COURT	D. Delaware	S. D. Texas	Massachusetts	S. D. Florida	S. D. California
TYPE OF COURT PLAN	Pilot	Pilot	EDS *	EDS *	Pilot
DIFFERENTIAL CASE MANAGEMENT	Yes	Yes	Yes	Modified Form	
# of tracks	3	6		3	
decided by time/effort			Yes	Yes	
decided by type of case	Yes	Yes	Yes	Yes	
EARLY & ONGOING JUDICIAL INTERVENTION					
Judicial officer/magistrate/judge	Judge/Magistrate	Judge/Magistrate	Judicial Officer	Judge/Magistrate	Judicial Officer
initial pre-trial conference		Yes	Yes	If Necessary	
required to talk about ADR	Yes	Yes	Or Settlement		Yes
case management conference			Yes		Yes
SETTING EARLY & FIRM TRIAL DATES			Yes	Yes	Certain Cases
CONTROL OF DISCOVERY					
plan for discovery		Yes	Joint	Schedule	Schedule
limits on discovery	Yes		Yes		
# interrogatories			30		
# depositions			5		
# requests for production			2		
Voluntary exchange of discovery		Yes	Cooperative	Local Rule 14	Cooperative
"good faith" effort			Local Rule 37	Yes	Yes
automatic prediscovery disclosure	Yes		Yes		
CONTROL OF MOTION PRACTICE					
motion deadline for filing	Yes		Yes		Yes
deadline for disposition			Yes	Yes	
schedule for filing motions			Yes	Yes	
ADR					
mandatory					In certain cases
binding representative		Yes	Yes		Yes
early neutral evaluation					Yes
mediation	Voluntary	Yes	Yes	Voluntary	Non-binding
arbitration	Binding	Yes			Non-binding
mini-trials		Yes	Non-binding		Non-binding
Settlement Conferences			Yes		Mandatory
summary jury trials		Yes	Non-binding		Yes
Referral to Magistrate/Master	For Discovery	Yes	Yes		Yes
required to talk about ADR options	Yes	Yes	Or Settlement		Yes
CONTROL OF TRIAL					
final pre-trial conference	If Appropriate		Yes	Yes	Yes
SANCTIONS					
imposition of sanctions		Applicable to ADR	Yes		Yes
OTHER					
expert witness		Yes	Yes		Yes

COURT	E. D. Arkansas	S. D. West Virginia
TYPE OF COURT PLAN	EDS *	EDS *
DIFFERENTIAL CASE MANAGEMENT		
# of tracks		3
decided by time/effort		Yes
decided by type of case		
EARLY & ONGOING JUDICIAL INTERVENTION		
Judicial officer/magistrate/judge	Judge/Magistrate	Judicial Officer
initial pre-trial conference	Yes	
required to talk about ADR		Complex Cases
case management conference		
SETTING EARLY & FIRM TRIAL DATES	Yes	
CONTROL OF DISCOVERY		
plan for discovery		Binding Schedule
limits on discovery		
# interrogatories		
# depositions		
# requests for production		
Voluntary exchange of discovery		Yes
"good faith" effort		Yes
automatic prediscovery disclosure	Yes	
CONTROL OF MOTION PRACTICE		
motion deadline for filing		Time Frame Order
deadline for disposition	Yes	Time Frame Order
schedule for filing motions		
ADR		
mandatory		When Appropriate
binding representative		Yes
early neutral evaluation		Non-binding
mediation		When Appropriate
arbitration		
mini-trials		
Settlement Conferences		Yes
summary jury trials		
Referral to Magistrate/Master		Yes
required to talk about ADR options	Yes	Complex Cases
CONTROL OF TRIAL		
final pre-trial conference	Yes	Yes
SANCTIONS		
imposition of sanctions	As Needed	Yes
OTHER		
expert witness		