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Civil Justice Reform Bill Concerns Federal Courts

While Congress should be complemented for its general interest in improving the delivery of civil justice, strong concern exists over a recently introduced bill aimed at achieving this goal, U.S. District Chief Judge Aubrey E. Robinson, Jr. (D.C.) told the Senate Judiciary Committee.

In his appearance today before the Committee, Judge Robinson cautioned that the Civil Justice Reform Act--introduced as S. 2027 by Senator Joseph Biden--could in fact impose even greater costs and burdens on the courts than do existing practices.

"There has been a strong reaction that the bill is extraordinarily intrusive into the internal workings of the Judicial Branch," Judge Robinson said.

"These are procedural matters which should be handled through the normal, congressionally-mandated Rules Enabling Act process. Many thoughtful federal judges are very, very uneasy about the signals this bill sends of legislative intrusion--albeit well-meaning--in the judicial arena and what it portends for the future," Judge Robinson told the Committee.

The Senate bill, and its companion bill H.R. 3898, were introduced in both houses on January 25. The bills call for each trial court to develop and implement a detailed "Civil Justice Expense and Delay Reduction Plan."

Judge Robinson is one of four members of a subcommittee of judges formed last month by the Executive Committee of the Judicial Conference of the United States to review and recommend a Judiciary position on the legislation. The subcommittee is chaired by Judge Robert F. Peckham (CA-N), and composed of Judges Sarah Evans Barker (IN-S), John F. Nangle (MO-E) and Robinson. All members of the group serve on the Conference, which will discuss the issue at its March 13 meeting.

"In discussions of this bill with my colleagues over the past week, two themes have emerged: the first is almost a truism--we share your goal of enhancing and perfecting the delivery of civil justice," Robinson testified. The second theme, he said, is that most federal judges fear the legislation actually may have a negative impact on the processing of civil litigation.

Judge Robinson urged Congress to recognize that the Judiciary has limited resources and each task cannot be assigned the highest priority.

He also said that the most significant step toward resolving the perceived crisis in the federal justice system would occur if Congress processed an omnibus judgeship bill. Elimination or modification of diversity jurisdiction from the federal courts also would help meet many of the goals proposed by the legislation.

The last judgeship bill was passed by Congress in 1984. Since then the workload of the courts, particularly in the drug-related criminal area, has grown by record proportions. Last October the Judicial Conference transmitted a request to Congress for 76 judgeships, 60 of which would be in the district courts. These figures already are out of date, and is likely that the actual needs of the courts are nearly 100 judgeships.

Elimination or even modification of diversity cases in the federal courts would save the government millions of dollars and allow judges to turn their attention instead to the many other pressing matters before them.

"With implementation of these two proposals, and adequate funding for education, automation and experimentation with different forms of case management developed and implemented by the Judiciary, we can meet the caseload challenges of the rest of the century," Judge Robinson said.

"We take pride in what we have done and believe that the closing of nearly one million cases in the federal courts last year and the opening of over one million new cases reflect that the Judiciary has developed and implemented many valuable tools of case administration," Judge Robinson told the Committee.

"We believe we have earned the right to continue working on their extension and implementation. If you provide the federal Judicial system with sufficient resources, manpower and money, the federal trial judges are confident that we can efficiently dispose of our cases to the satisfaction of this Committee, and more importantly, to the satisfaction of the public we both serve."

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