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UNITED STATES COURTS

WASHINGTON, D.C. 20544

July 17, 1991

MEMORANDUM TO: CHIEF JUDGES, UNITED STATES COURTS OF APPEALS
JUDGES, UNITED STATES DISTRICT COURTS
UNITED STATES MAGISTRATE JUDGES
CIRCUIT EXECUTIVES
DISTRICT COURT EXECUTIVES
CLERKS, UNITED STATES DISTRICT COURTS

SUBJECT: Reporting Requirements Under the Civil Justice Reform
Act of 1990

As you may be aware, the Civil Justice Reform Act of 1990 (CJRA) requires that the Administrative Office prepare a semi-annual report showing, by judicial officer, lists of motions pending for more than six months, bench trials submitted for more than six months and civil cases pending for more than three years. Recently, the Executive Committee of the Judicial Conference approved a series of recommendations related to this requirement. The Committee adopted uniform standards for determining when cases and motions will be subject to the reporting requirement, and approved a schedule for production of the first report. In addition, the Committee adjusted the current Conference reporting requirements for matters under advisement and three-year-old cases to correspond to those under the CJRA. Currently, the Statistics Division is developing reporting instructions and formats for court use in complying with the CJRA reporting requirements. These instructions will be available to the courts by September 1, 1991 to ensure that our first report can be compiled on the basis of motions, bench trials, and cases pending September 30, 1991. Thereafter, reports will be required at six month intervals.

The Executive Committee approved the following uniform standards for use in reporting:

1. Motions Pending More than Six Months. For each presiding judicial officer, the "pending date" for a motion will be 30 days after the date of filing. For motions which are referred to a magistrate judge, the "pending date" will be either 30 days after the date of filing or on the date of referral, whichever occurs later. If no decision on the motion has been entered on the docket six months after the "pending date", the motion

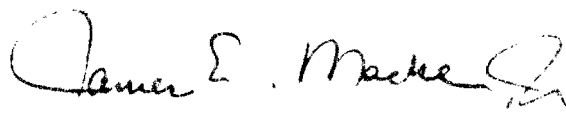
will be reported as pending before the presiding judicial officer. For motions referred to magistrate judges, if a report and recommendation or disposition of the motion has not been filed within six months of the "pending date", the motion will be listed for both the presiding judge and the magistrate judge.

2. Bench Trials Submitted More than Six Months. A bench trial will be considered submitted on the day when courtroom proceedings have been concluded. If no decision has been filed six months after that date, the bench trial will be reported as submitted for more than six months.
3. Cases Pending for Three Years. The age of a case will be determined on the basis of the filing date in the district court or the reopened date. If the case has not been closed three years after the appropriate date, the case will be reported as pending for more than three years.

As noted above, the Executive Committee also rescinded the current Judicial Conference reporting requirements related to matters under advisement over 60 days and civil cases pending three years or more for judges and magistrate judges. The report on matters under advisement for the quarter ending June 1991 is the last required by Conference resolution. This report and the three year old status reports will be replaced by the CJRA requirements.

Reports under the CJRA will be handled in the same manner as the current reports on matters under advisement. Reports of judges and magistrate judges will be forwarded to the circuit executives. A consolidated report for the courts within each circuit will then be forwarded to the Administrative Office.

Any questions you may have regarding the new reporting requirement should be addressed to David Cook, Chief, Statistics Division, on FTS 633-6094 or Maurice Galloway on FTS 633-6036.


for L. Ralph Mechem