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MEMORANDUM TO THE COMMITTEE ON COURT ADMINISTRATION AND CASE  
MANAGEMENT

SUBJECT: Civil Justice Reform Act of 1990 National Report

The first reporting period under the Civil Justice Reform Act of 1990 (CJRA) ended on September 30, 1991. Circuit reports have been forwarded to the Administrative Office (AO) and we are now consolidating them into a national report. To expedite the processing of the initial CJRA Report, the AO requested that the Report on Motions Pending Over Six Months/Bench Trials Submitted Over Six Months (Form JS-56) be prepared by the individual district judges and magistrate judges. The Report on Civil Cases Pending Over Three Years or More was prepared by the AO with verification by the individual district clerks and judicial officers.

Since this report was a first-time requirement for the district courts, I felt that the AO should provide the Committee with a summary of the information submitted thus far. (Please note that the figures highlighted below may be modified slightly as we near finalization of the national report.)

- o Nearly all active district judges and magistrate judges reported. Only 9 district judges (3 senior judges) and 9 magistrate judges did not submit reports.
- o Most district and magistrate judges reported fewer than 20 motions pending over six months (120 district judges had more than 20 while 28 magistrate judges had more than 20).
- o There were 249 district judges reporting no motions and no bench trials pending more than six months. The number of magistrate judges with no motions and no bench trials was 207.
- o Those districts showing significantly low numbers of pending motions and bench trials combined included California, Southern (1);

Washington, Western (2); Virginia, Eastern and Minnesota (7 each); Indiana, Northern (27); California, Central (52); and California, Eastern (57).

- o The highest number of motions pending reported by a district judge was 468 (arising primarily from contract, civil rights, personal property, and banks and banking cases).
- o The highest number of motions pending reported by a magistrate judge was 243 (primarily inmate civil rights and other prisoner petitions).
- o Districts with the highest number of motions as a whole were Texas, Western (1,331), Kansas (869), and Arizona (780).
- o Most district judges and magistrate judges did not report having bench trials submitted over six months; of those that reported, two judges reported having seven each while two other reported having four apiece.
- o A number of districts (including Kansas; Texas, Western; Illinois, Southern; Alaska; Idaho; and Georgia, Northern) submitted their JS-56 reports in an automated format which accurately captured the data needed to meet the CJRA reporting requirement. Discussions between AO divisions concerning the development of reports from the Integrated Case Management System (ICMS) for CJRA reporting are now in progress.
- o Of particular note is the efficiency and timeliness in which the courts compiled the individual district reports, given the stringent timeframes for completion and submission to the AO.

Pending motions have proven to be the most difficult area for the courts to address under CJRA reporting. Last summer, reporting instructions and several memoranda were sent to the courts in an effort to facilitate the reporting process. The uniform policy adopted by the Executive Committee of the Judicial Conference for determining when motions are subject to the CJRA reporting requirements was a major source of concern for some the courts. Many felt that "30 days" after a motion is filed was an

insufficient amount of time to consider a motion as "pending". There have been just as many, if not more, individual judges who have expressed a great deal of satisfaction at having a report which is not as subject to the manipulation as the old report on matters under advisement.

A handwritten signature in cursive script, appearing to read "David L. Cook", with a long horizontal flourish extending to the right.

David L. Cook