

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

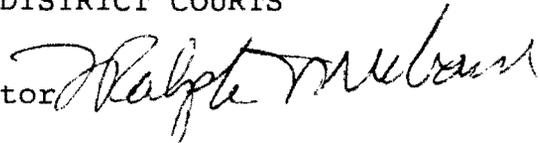
WASHINGTON, D.C. 20544

September 18, 1991

TRANSMITTAL 2 VOLUME IX CHAPTER XIX
FOR THE GUIDE TO JUDICIARY POLICIES AND PROCEDURES

TO: CHIEF JUDGES, UNITED STATES DISTRICT COURTS
UNITED STATES MAGISTRATE JUDGES
CIRCUIT EXECUTIVES
DISTRICT COURT EXECUTIVES
CLERKS, UNITED STATES DISTRICT COURTS
LIBRARIANS

FROM: L. Ralph Mecham, Director



SUBJECT: Revisions to Volume IX, Magistrate Judges' Manual

This transmittal issues Chapter XIX, Instructions for Completing the Report on Motions Pending Over Six Months and Bench Trials Submitted More Than Six Months. This chapter replaces the Quarterly Reporting Instructions for Matters Under Advisement Over 60 Days. A new tab with the appropriate chapter title has been ordered.

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. In June 1991 the Executive Committee of the Judicial Conference approved a series of recommendations related to this requirement. As a result, the Committee adjusted the current Conference reporting requirements for matters under advisement and three-year-old cases to correspond to those under the CJRA. The new instructions and Form 56 should be used exclusively for reporting on motions pending for more than six months and bench trials submitted for more than six months. Formats for reporting on three-year-old cases will be addressed in a separate transmittal.

FILING INSTRUCTIONS:

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Chapter XIX

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Questions concerning Chapter XIX should be directed to Maurice Galloway or Elizabeth McGrath of the Statistics Division at FTS or (202) 633-6036.

Note: The smaller 6" x 9" size Chapter XVI, Quarterly Reporting Instructions for Matters Under Advisement Over 60 Days, may now be discarded.

This transmittal may also be discarded after it has been logged and the attached material filed.

REQUEST FOR ADDITIONAL GUIDE MATERIAL

PART I

To obtain additional copies of this transmittal (No. 2 , Volume IX), complete this form and mail to:

Printing and Distribution Facility
8034-B Cryden Way
Forestville, Maryland 20747

No. of Copies: _____

(If possible, please enclose a self-addressed "peel-off" pressure-sensitive label. This will help us respond more quickly to your request.)

PART II

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VOLUME IX
MAGISTRATE JUDGES' MANUAL

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CHAPTER XIX. INSTRUCTIONS FOR COMPLETING THE REPORT ON MOTIONS
PENDING OVER SIX MONTHS AND BENCH TRIALS SUBMITTED
MORE THAN SIX MONTHS (MAGISTRATE JUDGES)

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Exhibits:

A-1 through A-4 -- Form JS 56, Report of Motions Pending Over 6 Months/Bench
Trials Submitted More Than 6 Months

B -- Civil Justice Reform Act Status Codes

FOREWORD

These instructions should be used in completing the Form JS 56 Report on Motions Pending Over Six Months and Bench Trials Submitted More Than Six Months in U.S. district courts. This report replaces the current report on Matters Under Advisement (Form AO 413).

The purpose of this report is to carry out the Civil Justice Reform Act (CJRA) of 1990 requirement that the Director of the Administrative Office prepare a semiannual report showing, by district judge and magistrate judge, a list of motions pending for more than six months, a list of bench trials submitted for more than six months and a list of cases pending for more than three years. These instructions cover motions and bench trials; three-year-old cases will be addressed separately.

The new reporting requirements under the CJRA are designed to help reduce the cost and delay of civil litigation in the U.S. district courts. This information may be used to evaluate the full range of demands made on the district court's resources by both civil and criminal matters.

A consolidated national report will be published semiannually by the Administrative Office for motions and cases pending on March 31 and September 30 and will be distributed to the Chief Justice and the circuit executives. The report, covering all judicial officers, will include listings of district judges and magistrate judges with pending motions over six months and/or bench trials submitted over six months, district judges and magistrate judges with no pending motions and/or bench trials, and district judges and magistrate judges who have not reported. The national report will be made available to the public and other interested parties by the circuit executives and the AO, in accordance with the requirements of the CJRA. To keep costs to the public at a minimum, individual circuit reports will be available through the offices of the respective circuit executives and district clerks.

In June 1991 the Executive Committee of the Judicial Conference of the United States approved uniform standards for reporting. As a result of this action, the "pending date" for a motion before a magistrate judge is defined as 30 days after the date of filing or on the date of referral, whichever occurs later. A bench trial is considered submitted on the day when courtroom proceedings have been concluded. More detailed information concerning motions and bench trials is contained in the instructions which follow.

CHAPTER XIX. INSTRUCTIONS FOR COMPLETING THE REPORT ON MOTIONS
PENDING OVER SIX MONTHS AND BENCH TRIALS SUBMITTED
MORE THAN SIX MONTHS (MAGISTRATE JUDGES)

A. Introduction.

At the end of March and September, each full-time, part-time, and recalled U.S. magistrate judge is required to provide the circuit executive with a list of civil motions pending over 6 months and civil bench trials submitted over 6 months. This list should be reported on the Form JS 56 and should include the type of proceeding (motion or bench trial), the docket number, nature of the motion/case, case title, date pending, status of the motion/decision, and total numbers of motions and bench trials reported. For courts with automated systems, reports containing this information which are generated from the system can be used to replace Form JS 56.

B. Obtaining Copies of the Form JS 56.

Copies of the form may be obtained by submitting a requisition for forms (Form AO 15F, sheet 6) to GSA National Forms and Publications Center in Fort Worth, Texas.

C. Instructions to U.S. Magistrate Judges.

Type the Form JS 56 (Exhibits A-1 and A-2) according to the following instructions and mail it according to the timetable of due dates on page 4. Magistrate judges with motions pending over six months and/or bench trials submitted over six months should submit a separate report to the circuit executive in the circuit in which they provided services. Work handled outside of one's assigned circuit will require a separate report. Each category on the form is explained below.

1. Judicial Officer.

Enter the magistrate judge's full name.

2. District.

Enter the full name of the district (e.g., New York, Southern or Southern District of New York).

3. No motions pending over six months/no bench trials submitted more than six months.

If the magistrate judge has no civil motions pending and/or civil bench trials submitted more than six months, check the corresponding box, where appropriate.

4. Type of Proceeding.

Enter the type of proceeding, whether a motion or a bench trial (list all motions first). An "M" indicates a motion; "BT" indicates bench trial.

5. Docket Number.

Enter the docket number for each case where a motion or bench trial has been pending for more than six months. The docket number should consist of a two-digit number designating the calendar year followed by up to a 5-digit sequence number. Additional numbers and letters used to identify divisional offices should not be included here.

6. Nature of Case/Motion.

Provide a brief description of the nature of the case/motion, e.g., copyright/motion to modify final judgment or asbestos/motion for summary judgment.

7. Case Title.

Enter the short style of the case.

- a. Individuals.

Enter only the last names of the litigants.

- b. Companies/Corporations.

Abbreviate as Co. or Corp.

- c. Government Agencies.

Abbreviate the names of agencies, e.g., IRS or FDIC.

d. Optional Information for Pending Motions.

Below the style of the case enter the date that the response to the motion was filed, e.g., Response filed: 7/1/91. Magistrate judges, especially recently appointed magistrate judges, may enter the date the motion was reassigned to them. E.g., motion reassigned to (new magistrate judge) 8/1/91. See Exhibits A-3 and A-4.

8. Date Pending.

a. Motions.

(1) For cases where the parties have consented to the jurisdiction of a magistrate judge, the "pending date" for a motion in these cases is 30 days after the date of filing of the motion.

(2) A motion referred to a magistrate judge from a district judge is subject to this reporting requirement by both the district judge and the magistrate judge. In this situation, the "pending date" for the district judge is 30 days after the filing date; for the magistrate judge, the "pending date" is 30 days after the filing date or on the referral date, whichever occurs later. If a report and recommendation or disposition of the motion has not been filed within six months of the magistrate judge's "pending date", the motion must be listed by both the district judge and the magistrate judge.

b. Bench Trials Submitted More Than Six Months.

A bench trial is 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 should be reported as submitted for more than six months.

9. Status of Motion/Decision.

Provide a status code to indicate the cause of delay in closing the motion or bench trial (see Exhibit B). Magistrate judges may enter more than one status code, when appropriate. If the standard status codes provided

do not cover a particular situation, abbreviate the status and type the abbreviation and explanation below the standard codes on the reverse of the form.

10. Total Motions.

Indicate the total number of motions listed by the magistrate judge.

11. Total Bench Trials.

Indicate the total number of bench trials listed by the magistrate judge.

D. Timetable of Due Dates for Reports from U.S. Magistrate Judges.

1. In order to meet publication deadlines, individual reporting forms received after the following due dates will not be included in the published report.

<u>For Semiannual Periods Ending:</u>	<u>Magistrate Judges' Reports Should Be Received by the Circuit Executive No Later Than:</u>
March 31	April 15
September 30	October 15

2. Names of the magistrate judges who fail to meet the reporting deadlines will be listed in the published report as having failed to report. Provide the clerk of your court with a copy of your report which can be made available to the public through the clerk's office.

E. Mailing Instructions.

Mail the report (in duplicate) to the circuit executive according to the timetable above. Do not include a cover letter. Use the following attention line on the envelope:

Circuit Executive
ATTN: Report on Motions and Bench Trials.

If you need additional assistance, please contact Maurice Galloway or Elizabeth McGrath of the Statistics Division at FTS or 202-633-6036. The Statistics Division will be keeping a regular log regarding issues related to these instructions. Updates of these instructions will be prepared as necessary.

JS 56 (8/91)				REPORT OF MOTIONS PENDING OVER 6 MONTHS/BENCH TRIALS SUBMITTED MORE THAN 6 MONTHS			DATE Year <u>1991</u> <input checked="" type="checkbox"/> September 30 <input type="checkbox"/> March 31	
JUDICIAL OFFICER LAST NAME FIRST NAME MIDDLE INITIAL		<input type="checkbox"/> Judge <input checked="" type="checkbox"/> Magistrate Judge		CHECK IF APPROPRIATE. <input type="checkbox"/> I have no motions pending over 6 months. <input type="checkbox"/> I have no bench trials submitted more than 6 months.				
DISTRICT <u>Wyoming</u>								
TYPE OF PROCEEDING ¹	DOCKET NUMBER	NATURE OF CASE/MOTION	CASE TITLE	DATE PENDING ²	STATUS OF MOTION/ DECISION ³			
M	90-002	Insurance Contract -Motion for Summary Judgment	Cunningham v. GEICO -Response filed: 10/25/90	10/15/90	VBT			
M	90-366	Motor Vehicle -Motion to Add Third Party	Lockett v. National Car Rental -Referred 08/20/90 -Response filed: 08/15/90	08/24/90	HCCC			
				TOTAL MOTIONS <u>2</u>				
				TOTAL BENCH TRIALS _____				
¹ Motion (M) or Bench Trial (BT)—List all motions first. ² See instructions for definition. ³ Use status codes shown on reverse of form.								

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EXHIBIT A-1

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REPORT OF MOTIONS PENDING OVER 6 MONTHS/BENCH TRIALS SUBMITTED MORE THAN 6 MONTHS					DATE Year 1991 <input checked="" type="checkbox"/> September 30 <input type="checkbox"/> March 31	
JUDICIAL OFFICER LAST NAME FIRST NAME MIDDLE INITIAL				CHECK IF APPROPRIATE		
District Judge				<input checked="" type="checkbox"/> Judge <input type="checkbox"/> Magistrate Judge		
DISTRICT				I have no motions pending over 6 months. I have no bench trials submitted more than 6 months.		
Pennsylvania, Eastern						
TYPE OF PROCEEDING ¹	DOCKET NUMBER	NATURE OF CASE/MOTION	CASE TITLE	DATE PENDING ²	STATUS OF MOTION/ DECISION ³	
M	90-808	Civil Rights -Motions for Summary Judgment	Webb v. FBI -Response filed: 12/27/90 -Motion referred to Magistrate Judge 02/14/91	01/02/91	CC	
JUDICIAL OFFICER LAST NAME FIRST NAME MIDDLE INITIAL				CHECK IF APPROPRIATE		
Magistrate Judge				<input type="checkbox"/> Judge <input checked="" type="checkbox"/> Magistrate Judge		
DISTRICT				I have no motions pending over 6 months. I have no bench trials submitted more than 6 months.		
Pennsylvania, Eastern						
TYPE OF PROCEEDING ¹	DOCKET NUMBER	NATURE OF CASE/MOTION	CASE TITLE	DATE PENDING ²	STATUS OF MOTION/ DECISION ³	
M	90-808	Civil Rights -Motions for Summary Judgment	Webb v. FBI	02/14/91	IINS	

¹Motion (M) or Bench Trial (BT)—List all motions first
²See instructions for definition
³Use status codes shown on reverse of form

TOTAL MOTIONS 1
TOTAL BENCH TRIALS _____

EXHIBIT A-3
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EXHIBIT B

CIVIL JUSTICE REFORM ACT STATUS CODES

1. Awaiting decision in related or controlling cases by:
 - Supreme Court (ADSC)
 - Court of Appeals (ADCA)
 - District Court (ADDC)
2. Complexity of Case (CC)
3. Opinion in Draft (OID)
4. Settlement Pending (SP)
5. Awaiting Additional Briefs (AAB)
6. Awaiting Memos (AM)
7. Stayed Pending Bankruptcy Proceeding (SPBP)
8. Awaiting Report & Recommendation (ARR)
9. Heavy Civil and Criminal Caseload (HCCC)
10. Pending State Court Decision (PSDC)
11. Awaiting Findings of Fact and Conclusions of Law (AFCL)
12. Voluminous Briefs/Transcripts to be Read (VBT)
13. Case Transferred to Another Court (CTC)
14. Case Received From Calendar of Another Judge (CRCJ)
15. Hearing on Motions Necessary (HMN)
16. Demands of Criminal Docket (DCD)
17. Parties Given Additional Time to File Supplemental Briefs (PGTSB)
18. Counsel Asked to Withdraw (CAW)
19. No Time Due to Lengthy Trials (NTLT)

