

Dennis  
FXT  
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IMPLEMENTATION OF THE CIVIL JUSTICE REFORM ACT OF 1990

Since the passage of the Civil Justice Reform Act, the Judicial Conference, The Administrative Office of United States Courts and the Federal Judicial Center have devoted significant levels of resources to ensure effective implementation of the Act. The Judicial Conference assigned primary responsibility for implementation of the Act to its Committee on Court Administration and Case Management. The Committee is chaired by Judge Robert M. Parker of the Eastern District of Texas. Judge Parker appointed a subcommittee on case management which met in October 1990, and again in November 1990 to develop a plan of action for implementation of the Act and to provide specific advice and guidance to districts in the early stages of implementation.

The following is intended to provide a general outline of the action taken, to date, by the Committee on Court Administration and Case Management, its subcommittee on case management, the Administrative Office and the Federal Judicial Center.

I. Memoranda to District Courts:

A. November 19, 1990: Signed by the Director of the Administrative Office and sent before the Act was signed by the president, this memorandum notified judges of the impending legislation. The Judicial Conference's plan to address implementation of the Act was outlined, noting the role of the Subcommittee on Case Management. Judges were told that memoranda on the selection of advisory groups would be forthcoming and the plan for obtaining funding for implementation of the Act was discussed.

B. December 20, 1990: Signed by the Director of the Administrative Office, this memorandum provided judges with a complete overview and analysis of the effects of the Act. The Memorandum included a specific discussion and advice on the appointment of advisory groups based on the conclusions of the Subcommittee on Case Management at their 11/19/90 meeting.

C. January 16, 1991: Signed by the Director of the Administrative Office, this memorandum provided more specific advice from the full Committee based on their January 3-4, 1991 meeting. The memorandum included an update on funding, specific information and advice on advisory group composition and size, the use of reporters and the selection of pilot courts.

D. January 16, 1991: Signed by the Director of the Federal Judicial Center with concurrence by the Administrative Office,

this memorandum provided a detailed analysis of the Act and its requirements.

## II. Video on Implementation of the Act:

The Federal Judicial Center has produced a 45 minute video dealing with several aspects of the implementation of the Act. The video presents a round table discussion including the Chairman of the Executive Committee of the Judicial Conference, a member of the Court Administration and Case Management Committee, the Director of the Federal Judicial Center and the Assistant Director for Program Management of the Administrative Office. The discussion covers several areas, reiterating much of the material included in memorandum to the courts and outlining what courts can expect in the way of support and resources from the Administrative Office and Federal Judicial Center. The video emphasizes a positive approach to the Act.

## III. Presentations to Clerks and Judges:

The Administrative Office has expended significant resources to provide as much information and assistance to courts as possible. Court Administration Division staff has addressed Judicial Conference Committees, circuit council meetings, circuit clerks meetings, clerk's advisory committees, Federal Judicial Center clerk seminars and Administrative Office user groups on all aspects of implementation of the Act. The division addresses questions from judges and clerks on a daily basis and in-house training has been provided to appropriate staff to assist courts.

## IV. Task Force on the Civil Justice Reform Act:

The Assistant Director for Program Management has developed a task force consisting of Administrative Office and Federal Judicial Center Personnel to perform the tasks necessary for the implementation of the Act. The task force involves personnel from several Administrative Office Divisions and has required intensive contact and coordination with the Federal Judicial Center. The Task Force consists of the following committees.

### A. CJRA Plans Committee:

This committee will assist the Judicial Conference in the development of model plans and report formats, review and evaluation of plans and reports, and preparation of reports to Congress required by the legislation.

B. ICMS Changes - Standardization of Dictionary:

This committee will assess the impact that the implementation of CJRA would have on the ICMS systems and develop the definitional changes and dictionary standardization that will be required to implement § 481 of the Act.

C. Allocation of Resources and Compensation Guidelines:

This committee will develop staffing plans for the courts to meet the staffing needs which arise from the plans, develop new classifications if necessary, assess the courts' need for other types of resources and recommend guidelines to the Judicial Conference for the compensation of advisory group reporters.

D. Training Programs:

This committee will work with the Federal Judicial Center in developing case management education and training programs and any related automation training for the courts.

E. Case Management Information and Preparation of Manual:

This committee will assist the Judicial Conference in studying ways to improve litigation management and dispute resolution services in the district courts and in developing a Manual for litigation Management and Cost and Delay Reduction.

F. Selection of an Independent Organization Pursuant to Section 105 of the Act:

This committee will assist the Judicial Conference in contracting the services of an organization independent of the federal judiciary to assist in the evaluation of the pilot program mandated by the Act.

V. Training for Judicial Officers and Clerk's Office Personnel:

1) Federal Judicial Center seminar for district court clerks in April 1991 will devote a significant portion of the program to training related to the Act. The Court Administration

Division is working with the Federal Judicial Center to develop the agenda and will participate in the seminar.

2) Federal Judicial Center seminar for Chief Judges in May, 1991 will devote a significant portion of the program to the Act.

#### VI. Court Administration and Case Management Committee:

The Committee's subcommittee on case management met on October 11, 1990 and again on November 19, 1990 to address the early stages of implementation of the Act. These meetings produced critical advice and guidance on areas such as appointment of advisory groups and the use of reporters in the early stages of the implementation of the Act.

The subcommittee developed criteria for the selection of pilot courts and analyzed statistical data and other information to identify 10 potential pilot courts.

The full Committee met on January 3-4, 1991 and approved the subcommittee's recommendation for pilot courts. The Conference will consider the recommendation at its March 1991 session.

#### VII. Development of a Supplemental Budget Request:

The Administrative Office has finalized a supplemental budget request for FY 1991 to fund the implementation of the Act. A request for funds for FY 1992 has also been drafted.

#### VIII. Development of Packet for Advisory Groups:

A joint Administrative Office and Federal Judicial Center task force has developed a packet to assist advisory groups in the assessment of the court's dockets. The packet contains a statistical analysis for each district as well as general case management information. Further materials and assistance to courts and advisory groups will be disseminated in the months ahead.