

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Memorandum

DATE: December 7, 1990
FROM: Abel Mattos 
SUBJECT: Recent Legislation Affecting Courts
TO: CAD Staff

Attached is a draft of articles discussing recent legislation affecting the courts prepared for inclusion in the Court Administration Bulletin for December. Although the articles are still being reviewed by General Counsel etc., I thought you might find it helpful to have them now if questions arise in calls from the courts.

More detailed information on all these pieces of legislation is planned. As the Subcommittee on Case Management develops more guidelines and sample materials for the courts, we will be sending out memos. We will be meeting with the Executive Office for United States Attorneys in January to work out procedures regarding the new debt collection procedures, and will send out more detailed information after that meeting. We also plan to work with the INS in the transition to the new naturalization system. It is my understanding that General Counsel is preparing memos to the field on the Federal Court Study items and the Omnibus Crime bill.

The components of each court's plan are not mandated; however, Section 473 of the Act lists six principles and six techniques of litigation management and cost and delay reduction which the courts and advisory groups must consider and may include in their plans. The principles refer to the involvement during pretrial case management of a "judicial officer," which, by definition, includes a magistrate judge.

The first principle concerns differentiated case management of civil cases based upon such factors as complexity, pretrial time required, and the availability of judicial resources. The second principle proposes that a judicial officer plan the progress of the cases. Early, firm trial dates are to be set within 18 months of filing the complaint unless the judicial officer makes a certification as to the unusual complexity of the case, the volume or complexity of the pending criminal cases, or that the "ends of justice" would not be met. It further proposes that the judicial officer control the extent and duration of discovery and establish early deadlines for motions along with a framework for their disposition. The third guideline provides that for cases determined to be complex, the judicial officer is to conduct one or more discovery-case management conferences to explore settlement, identify issues, prepare the discovery schedule and attempt to limit discovery, and set early deadlines for motions and a framework for their disposition. The fourth and fifth principles encourage the voluntary exchange of information among parties and the conservation of judicial resources by precluding the consideration of

discovery motions unless the moving party certifies that a reasonable and good faith effort to resolve the issue has been made. The last guideline suggests that a plan incorporate alternative dispute resolution programs.

The six suggested techniques for litigation management are: 1) that counsel for each party submit a discovery-case management plan at the initial pretrial conference; 2) that an attorney with binding authority for each party be present at every pretrial conference; 3) that all requests for extensions of discovery or trial deadlines be signed by the attorney and the party making the request; 4) that a neutral case-evaluation program be established; 5) that representatives of the parties with binding authority be present or available by telephone during settlement conferences; and 6) such other features as the court considers appropriate.

4. Pilot Program

The Act further requires the Judicial Conference to conduct pilot programs beginning before December 31, 1991, in ten districts to be designated by the Conference, five of which must encompass major metropolitan areas. The ten districts must include the six principles of litigation management and cost and delay reduction set forth in section 473(a) in their plans.

The Act requires that an independent organization with expertise in the area of federal court management compare the results from the ten pilot courts with ten comparable districts which were not required to adhere to the litigation management principles.

The Judicial Conference must present the results of this independent study to Congress by December 31, 1995, and recommend whether some or all courts should be required to incorporate the six principles. If the principles do not prove effective, the Judicial Conference must adopt and implement alternative cost and delay reduction programs.

5. Demonstration Program

In addition, the Conference must conduct demonstration programs in the Western District of Michigan and the Northern District of Ohio, focussing upon assignment of cases to appropriate processing tracks. Demonstration programs also must be established in the Northern District of California, the Northern District of West Virginia, and the Western District of Missouri, which must include alternative dispute resolution.

6. Early Implementation Program

Courts which implement their plans by December 31, 1991, will be "Early Implementation District Courts" and may receive additional resources, such as technological and personnel support once funds for implementation are appropriated. Early implementation may take place no sooner than June 30, 1991.

7. Statistical Reports

The Director of the Administrative Office is required to prepare a semiannual report, available to the public, that discloses certain information concerning the caseload of each federal district judge and magistrate judge, namely: 1) the number of motions pending for more than six months and the name of each case in which the motion has been pending; 2) the number and case

names of bench trials that have been submitted for more than six months; and 3) the number and names of cases that have not been terminated within three years of filing.

8. Additional Reports and Litigation Manual

In addition to the report on the pilot program, the Conference must transmit a comprehensive report on and a copy of the plans implemented in each early implementation district by June 1992. A report on the status of and copies of the plans submitted by all courts is due on December 1, 1994. A report on the demonstration program is due on December 31, 1995. The Judicial Conference is required to prepare, periodically revise, and transmit to the District Courts, a Manual for Litigation Management and Cost and Delay Reduction. The Act indicates that the Directors of the Administrative Office and the Federal Judicial Center may make recommendations regarding the preparation of the manual.

9. Training

The Directors of the Administrative Office and the Federal Judicial Center are required to develop and conduct comprehensive education and training programs to ensure that all judicial officers, clerks of court, courtroom deputies and other appropriate court personnel are thoroughly familiar with the most recent available information about litigation management and other techniques for reducing cost and expediting the resolution of civil litigation.

**FEDERAL COURT STUDY COMMITTEE
RECOMMENDATIONS INCLUDED IN JUDICIAL
IMPROVEMENTS ACT OF 1990**

In addition to containing the Civil Justice Reform Act of 1990 (the "Biden Bill") and providing for additional judgeships, the Judicial Improvements Act of 1990 enacted a number of suggestions of the Federal Court Study Committee in Title III of the legislation. The provisions of Title III are summarized below. Memoranda discussing a number of these provisions in greater detail have or will be sent to the courts in the near future. A more detailed discussion of the bankruptcy items are contained in an article in this issue entitled *Bankruptcy Administrator Program and Recent Legislation* by Judith Benderson.

Sec. 302. Study of Intercircuit Conflict and Structural Alternatives for the court of Appeals by Federal Judicial Center.

The Federal Judicial Center is to conduct a study and report to Congress by January 1, 1992 on the number and frequency of conflicts that arise between circuits in interpreting the law that remain unresolved because they are not heard by the Supreme Court.

Sec. 303. Effect of Appointment of Judge as Director of Certain Judicial Branch Agencies.

When a judge of the United States assumes the duties of a full-time office of Federal judicial administration an additional judge for the court on which that judge serves will be appointed by the President. If the judge resumes the duties of an active judge the President will not appoint

a judge to fill the first vacancy which occurs in that court.

Sec. 304. Extension of Terms of Office of Bankruptcy Judges.

A bankruptcy judge, with the approval of the judicial council of the circuit, upon expiration of their term may continue to perform the duties of that office for 180 days or the date of the appointment of a successor whichever occurs earlier.

Sec. 305. Appeals of Judgments, Orders, and Decrees of Bankruptcy Courts.

A bankruptcy appellate panel may be established, if authorized by the Judicial Conference of the United States, of 2 or more circuits.

Sec. 306. Retirement System of Claims Court Judges.

United States Claims Court Judges who attain the age and service requirements upon retirement will be entitled to an annuity equal to the salary payable to Claims Court judges in regular active service.

Sec. 307. Appointment of Director and Deputy Director of the Administrative Office.

The Director and Deputy Director will be appointed by the Chief Justice of the United States, after consultation with the Judicial Conference.

Sec. 308. Magistrates.

by President Bush on December 1, 1990, will make some important changes in the administration of a judiciary-based alternative program for supervising bankruptcy estates called the bankruptcy administrator program. This program, which operates in the six judicial districts of Alabama and North Carolina, would have expired on the sunset date of October 1, 1992, absent the enactment of this additional legislation. Section 317(a) of the Act extends the program for an additional 10 years, until October 1, 2002.

Other provisions make further important changes in this program. Section 317(b) of the Act allows bankruptcy administrators to "raise and . . . appear and be heard on any issue in any case under § 307 of the Code. This amendment should clarify the relationship between the bankruptcy judge and the bankruptcy administrator regarding case-related issues, and bring the powers and duties of the bankruptcy administrators into line with those of the United States trustees.

The intent of the standing provision is to formalize the right of bankruptcy administrators to bring matters of estate administration and issues concerning the conduct of chapter 11 cases before the court for hearing. Under this provision, the bankruptcy administrator, like the United States trustee, will have the same right to be heard as a party in interest, retaining the discretion to decide whether a matter of concern to the proper administration of the bankruptcy laws should or should not be raised. The only constraint on the matters that can be raised is that the bankruptcy administrator may not file a chapter 11 plan, a restriction also imposed on the

United States trustees under § 307 of the Code.

The new legislation establishes a uniform right of bankruptcy administrators to raise issues with the bankruptcy court formally by way of a motion. Under this legislation, the bankruptcy courts should treat the bankruptcy administrator like any other litigant in all contested matters and adversary proceedings. The bankruptcy administrator must bear his or her burden of proof like any other litigant.

Finally, § 105(a) of the Code has been amended, extending the sua sponte power of the court to the courts located in the bankruptcy administrator districts. A drafting quirk in the 1986 Bankruptcy Amendments had resulted in the expanded sua sponte powers being granted only to courts that are served by the United States trustee program.

Background

One of the basic legislative objectives of Congress in enacting the Bankruptcy Reform Act of 1978 was to separate judicial functions from administrative functions in bankruptcy cases. Bankruptcy judges would no longer be responsible for the administration of bankruptcy cases. One example of an area in which most bankruptcy judges no longer have responsibility is in the appointment and supervision of bankruptcy trustees. Beginning in 1979 with 18 pilot districts, and later in 84 of 90 judicial districts, pursuant to the 1986 Bankruptcy Amendments, the United States trustee program took over this responsibility. In the remaining six districts, located in the states of North Carolina and

MAR 14 1991

Mr. William B. Guthrie
Clerk, U.S. District Court
P.O. Box 607
Muskogee, Oklahoma 74402-0607

Dear Mr. Guthrie:

Thank you for your letter of March 4, 1991, regarding additional funding for advisory group travel expenses under the Civil Justice Reform Act of 1991 (the "Act"). We appreciate the urgency of your court's need for funds in order to comply with the schedule of implementation contained in the Act.

Unfortunately, while funds for implementation of the Act were authorized, no funds have been appropriated by Congress to date. The Administrative Office has requested a budget supplement in order to implement the Act during the current fiscal year. It is our understanding that our request passed the House of Representatives last week and will be considered by the Senate this week. The prospects appear to be good for having funds available by early April.

Once funds for implementation of the Act become available, we will promptly prepare a budget call to obtain the courts' estimates of advisory group travel and reporter expenses.

Please let me know if I can be of any further assistance.

Sincerely,

Duane R. Lee
Chief
Court Administration Division

DARGETSINGER:mg (36221) 3-12-91
Daybook
Subject File-DF-100
Reading File

_____ Palman

_____ Mattos

March 4, 1991

MEMORANDUM TO MEL BRYSON

SUBJECT: House Appropriations Subcommittee Questions

I am responding to Mr. Heising's February 27, 1991 memorandum to Peter McCabe requesting that we prepare an answer to Mr. Mollahan's question regarding guidelines that must be met in FY 1991 under the Civil Justice Reform Act.

At your request, I am enclosing a disk which contains the following information.

Question by Mr. Mollahan:

Mr. Mollahan asked Judge Arnold what guidelines were provided in the legislation for implementation in FY 1991.

Answer:

The deadlines mandated by the CJRA require that work begin as soon as possible on implementation.

- The ten pilot courts must have a civil justice expense and delay plan implemented, not just proposed by an advisory group, by December 31, 1991.
- The advisory groups and the courts in the pilot districts must begin their work now to meet this deadline. The advisory groups need time to conduct the analysis of the dockets and prepare the report necessary before they can make recommendations to the court on a plan. (Although the plan for these courts is fixed to some extent by the Act's requirements (§473(a)), the courts are also required to do an analysis of their dockets

and must consider the adoption of the case management techniques set forth in §473(b).)

- The pilot districts will need funds for advisory group travel, reporters, training of personnel and clerk's office staff support. It is also anticipated that certain of the requirements of §473(a), e.g. differentiated case management and alternative dispute resolution programs, will require additional staff for implementation.
- The demonstration program in 5 courts commenced on January 1, 1991. These courts already have requested resources to begin implementation. They also require funds for the same type of needs as the pilot courts.
- The Act encourages courts to become "Early Implementation Districts" ("EID's") and implement a plan beginning this fiscal year. The EID's can have a plan in place as early as June 30, 1991 and only have until December 31, 1991 to implement a plan and still qualify as an EID.
- Section 103(c) of the Act provides that the chief judge of an EID can apply to the Judicial Conference for additional resources to implement its plan.
- The EID's will need to begin work on their plans as soon as possible to meet the Act's requirements. They will need resources similar to those required of the pilot courts.
- The Act requires that all districts appoint an advisory group by March 1, 1991. The Act requires that each advisory group "promptly" complete a thorough assessment of their court's dockets. Therefore, we have projected that there will be at least one meeting this fiscal year in each district to begin the assessment process.
- The Act requires training programs for all personnel in the courts. It is the view of the Administrative Office and the Federal Judicial Center that this training should be begin as soon as possible - especially for the pilot courts. We will need funds for travel and consultants to implement this training.

- Section 105(c) of the Act requires that an independent organization conduct a comparison study of the pilot courts and comparable courts which were not under the same statutory requirements. It is the view of the Committee on Court Administration and Case Management and also Congressional staff that this independent organization be involved as early as possible in designing the study and visiting the courts. Funds will be need this fiscal year if this study is to be conducted in the manner contemplated by the statute.

Duke Argetsinger
Court Administration Division

cc: Peter McCabe

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Daybook
Subject File-PRO-8
Reading File

_____ Mattos

MAR 18 1991

Ms. Debbie Hensler
Rand Corporation
1700 Main Street
Santa Monica, California 90406

Dear Debbie:

I am writing to follow up our discussion on March 6, 1991, regarding the civil litigation comparison study mandated by the Civil Justice Reform Act of 1990 (the "Act"). Thank you for expressing interest in this project. As we discussed, I am enclosing the following material which will provide you background information on the Act and bring you up to date on actions taken by the Judicial Conference, the Administrative Office, and the Federal Judicial Center to implement the Act:

- Senate Debate on H.R. 5316 (10/27/90)
- House Debate on H.R. 5316 (10/27/90)
- Senate Report on S. 2648 (8/3/90)
- House Report on H.R. 3898 (9/1/90)
- Status Report on Implementation of the Act (3/8/91)
- Guidance for District Advisory Group under Civil Justice Reform Act of 1990 (2/91)
- Memorandum on Selection of Independent Evaluator, prepared for Subcommittee on Case Management by Douglas K. Somerlot (1/18/91)

Title I of the Act requires that civil justice expense and delay reduction plans be developed and implemented in all federal district courts within three years of enactment (December 1, 1993). Further, section 105 of the Act establishes a pilot program that includes ten "Pilot Districts", designated by the Judicial Conference, which are required to implement civil justice expense and delay reduction plans by December 31, 1991. The Pilot Districts' plans must include six specific principles and guidelines of litigation management and cost and delay reduction identified in 28 U.S.C. § 473(a). These principles and guidelines are to remain effective for a period of three years, after which the Pilot Districts may revise their plans.

Ms. Debbie Hensler
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Section 105(c)(1) of the Act requires that the Judicial Conference submit a program study report on the results of the pilot program to Congress by December 31, 1995. The section states:

(c) PROGRAM STUDY REPORT.-(1) Not later than December 31, 1995, the Judicial Conference shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the results of the pilot program under this section that includes an assessment of the extent to which costs and delays were reduced as a result of the program. The report shall compare those results to the impact of costs and delays in ten comparable judicial districts for which the application of section 473(a) of title 28, United States Code, had been discretionary. *That comparison shall be based on a study conducted by an independent organization with expertise in the area of Federal court management.*
[emphasis added]

The Judicial Conference Committee on Court Administration and Case Management has been assigned the primary responsibility for implementation of the Act. Although the Act and its legislative history do not specifically indicate when the involvement of the independent organization should begin or what the design of the study should be, the Committee has determined that the independent organization should become involved in the design of the study, and possibly the selection of comparison districts, as early as feasible.

Our research has indicated that the Rand Corporation is qualified to serve as the independent organization required by § 105(c)(1) in connection with the program study report. We are not aware of any other group more ably suited, both from experience and resources, to undertake this task on the expedited basis required by the legislation.

We have consulted with several experts in judicial studies, including Douglas K. Somerlot of the American Bar Association, regarding the design of the study and the selection of an independent organization and have concluded that there are no studies presently being conducted which include a comparison group and which focus on costs as well as delay. While the study currently underway in California regarding the delay reduction act imposed by the state legislature may be useful in some respects, and the many fine studies conducted by the National Center for State Courts are valuable, we feel that the study mandated by the Act is unique and will require the development of new models and criteria.

Ms. Debbie Hensler
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The Committee believes that in order for the study to achieve the goals and purposes set for it, its design must include data on case management success before and after both the mandatory and discretionary plans are implemented. Thus the independent organization's role should begin early in the implementation process in order to obtain preliminary statistics for comparative purposes, to coordinate statistical analyses with data currently being collected in the courts, to allow evaluators to observe the functioning of the advisory groups operating in the pilot and comparison districts, and to conduct whatever interviews and on-site visits necessary for establishing base line information and identifying comparative court sites.

The study should assist the Judicial Conference in determining whether costs and delay are more likely to be reduced if provisions that are mandated for the Pilot Districts are required of some or all courts.

It is our hope that Rand Corporation may be in a position to provide us with a constructive and detailed strategy for conducting the comparative study required by the Act and for assessing its results.

We look forward to hearing from you regarding this project after you have had an opportunity to review the material. As we discussed, the next logical step would be for a meeting, hopefully in early April, with the appropriate staff to discuss specific details of your requirements and the development of a sole source justification. In the meantime, please let us know if we can provide you with any further information.

Sincerely,

Robert Lowney
Assistant to the Chief
Court Administration Division

Enclosures

RLowney:mg (36221) 3-12-91
Daybook
Subject File-PRO-8
Reading File

_____ Lee _____ D. Seay
_____ Palman
_____ Mattos
_____ Sargol

RA
M.S.



L. RALPH MECHAM
DIRECTOR

JAMES E. MACKLIN, JR.
DEPUTY DIRECTOR

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

WASHINGTON, D.C. 20544

DUANE REX LEE
CHIEF COURT ADMINISTRATION
DIVISION

June 25, 1991

MEMORANDUM TO CLERKS, U.S. DISTRICT COURTS

SUBJECT: Special Allotment for Implementation of the Civil Justice Reform Act
of 1990

The Court Administration and Case Management Committee at its June 9 - 11 meeting approved the fiscal year 1991 proposed spending plan for the implementation of the Civil Justice Reform Act (CJRA). As a result, we are allotting all funds, except for judges' travel, under budget object code (BOC) 2529 as shown in Attachment A. These funds have been made available for (CJRA) expenses only and should be reprogrammed to other appropriate budget object codes (BOCs) as necessary. However, it is imperative that local reprogramming of this special allotment be limited to costs of CJRA implementation. Spending is restricted to the categorical limits specified in the spending plan (Attachment B). Funds listed under the "other" section in attachment B are limited to those items listed in each court's response to the special budget call.

The amount of funds each court requested for travel of judges for CJRA implementation activities has been authorized. These travel expenses should be charged to the judges' general travel authorization using Budget Organization Code OXXBBCX, together with the appropriate court organization code for each judge as the Cost Organization Code.

Requests for temporary positions in the special budget call for secretaries, analysts, and attorneys, which have been approved and shown on Attachment A, will be automatically processed by the Court Administration Division. To further the purposes of the Act and to enhance case management capabilities, additional temporary positions are available to all courts that require assistance in setting up or updating their ICMS databases. The court's regional administrator is authorized to act on all subsequent requests for temporary positions.

The clerk's office may use the funds allotted for secretarial support to reimburse the reporter of the advisory group for secretarial expenses or to contract with a local

temporary help service firm to provide additional secretarial support to the clerk's office. To meet additional secretarial needs the clerk's office may request a temporary secretarial position from the Court Administration Division.

The purchase of any supplies or equipment from these funds shall be in accordance with Chapter VIII, Procurement, Contracting & Property Management of the Guide to Judiciary Policies and Procedures.

Compensation rates for advisory group reporters, other than federal employees, have been revised and are now limited to \$75 per hour, with a maximum of \$416 per day. Each district is restricted to one compensable reporter and all reporters must account for their work on an hourly basis. Compensation rates for consultants have also been similarly adjusted and are now restricted to \$75 per hour, with a maximum of \$416 per day. Courts wishing supplemental funds based upon the new compensation rates may direct their request to their regional administrator.

The Court Administration and Case Management Committee deferred approving several funding requests. These districts have been asked to provide additional justification to support their request. Once the additional documentation has been received the request will be resubmitted to the Committee or Subcommittee for reconsideration. Shortly, the Administrative Office will contact you about a (CJRA) budget submission for fiscal year 1992.

Please note, all courts which received an advanced authorization of funds for expenses related to the Civil Justice Reform Act have had their special allotment reduced by the amount of the advance.

If you have any questions regarding the special allotments to your court, please contact your regional administrator in the Court Administration Division.


DUANE R. LEE

Attachments

cc: Chief Judges, United States
Courts of Appeals
Chief Judges, United States
District Courts
Circuit Executives
District Court Executives

ATTACHMENT A

FY91 SPECIAL ALLOTMENT FOR CIVIL JUSTICE REFORM ACT

Fiscal Year/Fund: 91-092030

Budget Organization: D/Circuit/District/X e.g. (D08M0W1) Decentralized Courts (D08M0WC)

Cost Organization: E/Circuit/District/C e.g. (D08M0WC)

AMOUNT IN BOC 2529 POSITIONS			AMOUNT IN BOC 2529 POSITIONS		
ALABAMA (W)	2,394		MONTANA	10,300	1
ALABAMA (M)	3,750		NEBRASKA	27,700	2
ALABAMA (S)	0		NEVADA	6,440	2
ALASKA	72,800	2	NEW HAMPSHIRE	1,540	
ARIZONA	8,400	1	NEW JERSEY	4,000	
ARKANSAS (E)	19,000	1	NEW MEXICO	24,810	
ARKANSAS (W)	4,996	1	NEW YORK (N)	21,030	2
CALIFORNIA (N)	80,500	4	NEW YORK (E)	60,100	
CALIFORNIA (E)	49,800	2	NEW YORK (S)	55,834	2
CALIFORNIA (C)	7,824		NEW YORK (W)	20,000	
CALIFORNIA (S)	32,200	1	N. CAROLINA (E)	5,000	2
COLORADO	9,950		N. CAROLINA (M)	10,650	1
CONNECTICUT	1,680		N. CAROLINA (W)	18,795	
DELAWARE	29,660	3	NORTH DAKOTA	2,350	
D. C.	8,625	1	OHIO (N)	93,400	3
FLORIDA (W)	13,550		OHIO (S)	11,440	
FLORIDA (M)	12,900	2	OKLAHOMA (N)	14,090	
FLORIDA (S)	11,700	1	OKLAHOMA (E)	8,400	1
GEORGIA (N)	22,750	1	OKLAHOMA (W)	11,300	
GEORGIA (M)	14,250		OREGON	10,300	2
GEORGIA (S)	56,990		PENN (E)	94,170	2
HAWAII	2,000		PENN (M)	5,215	1
IDAHO	26,860	1	PENN (W)	5,115	
ILLINOIS (W)	390	2	PUERTO RICO	39,300	1
ILLINOIS (S)	11,000	1	RHODE ISLAND	29,750	2
ILLINOIS (C)	5,700		S. CAROLINA	24,060	
INDIANA (N)	10,950		SOUTH DAKOTA	24,380	
INDIANA (S)	9,020		TENN (E)	7,565	
IOWA (W)	16,200		TENN (M)	1,500	1
IOWA (S)	2,236	1	TENN (W)	26,350	
KANSAS	35,150	2	TEXAS (N)	7,200	
KENTUCKY (E)	10,865		TEXAS (E)	35,700	2
KENTUCKY (W)	21,460	1	TEXAS (S)	56,868	2
LOUISIANA (E)	7,300		TEXAS (W)	24,900	1
LOUISIANA (M)	3,990		UTAH	35,050	1
LOUISIANA (W)	22,537	1	VERMONT	5,650	
MAINE	2,400		VIRGINIA (E)	11,200	
MARYLAND	14,000		VIRGINIA (W)	23,480	
MASS.	28,750		VIRGIN ISLANDS	63,000	1
MICHIGAN (E)	1,000		WASHINGTON (E)	9,992	
MICHIGAN (W)	96,280	4	WASHINGTON (W)	4,645	
MINNESOTA	7,550		W. VIRGINIA (N)	12,180	
MISS (W)	3,000		W. VIRGINIA (S)	23,250	1
MISS (S)	7,780		WISCONSIN (E)	30,600	1
MISSOURI (E)	6,894	1	WISCONSIN (W)	1,700	
MISSOURI (W)	22,040	3	WYOMING	50,966	1
TOTALS	839,071	37	TOTALS	1,071,265	35
GRAND TOTALS	1,910,336	72			

FY91 CJRA SPENDING LIMITS BY CATEGORY

ATTACHMENT B

	Travel	Reporter	Consultant	Secretary	Equip.	Office	Forms &	Postage	Phone	Other	Subtotal	Less	Total
	Comp.	Comp.	Comp.	Support		Supplies	Printing					Advance	
DC CIRCUIT													

D. OF COLUMBIA	3,600	2,400	800	360	0	215	850	300	100	0	8,625	0	8,625
1ST CIRCUIT													

MAINE	2,150	0	0	0	0	50	350	50	300	0	2,900	500	2,400
MASSACHUSETTS	750	25,000	2,000	0	0	200	100	50	50	600	28,750	0	28,750
NEW HAMPSHIRE	900	0	0	240	0	0	400	0	0	0	1,540	0	1,540
RHODE ISLAND	7,500	0	20,000	0	0	500	1,000	500	250	0	29,750	0	29,750
PURTO RICO	1,000	22,000	9,000	2,700	700	2,200	300	200	200	1,000	39,300	0	39,300
2ND CIRCUIT													

CONNECTICUT	1,680	0	0	0	0	0	0	0	0	0	1,680	0	1,680
NEW YORK (N)	2,700	6,400	4,000	700	6,400	400	0	100	50	1,230	21,980	950	21,030
NEW YORK (E)	19,700	18,000	8,000	3,900	0	2,500	5,000	1,500	1,000	500	60,100	0	60,100
NEW YORK (S) *	3,900	5,000	20,000	500	5,479	2,000	7,500	2,000	1,200	8,255	55,834	0	55,834
NEW YORK (W)	2,000	6,000	10,000	0	0	500	500	500	200	300	20,000	0	20,000
VERMONT	750	4,000	0	500	0	100	100	100	100	0	5,650	0	5,650
3RD CIRCUIT													

DELAWARE *	900	17,600	7,400	1,200	0	100	2,000	100	360	0	29,660	0	29,660
NEW JERSEY	4,000	0	0	0	0	0	0	0	0	0	4,000	0	4,000
PENN (E) *	31,500	10,000	25,000	1,500	6,000	10,000	10,000	4,000	1,000	0	99,000	4,830	94,170
PENN (N)	7,000	0	0	0	0	300	0	25	200	0	7,525	2,310	5,215
PENN (W)	2,000	2,400	0	400	0	240	0	0	75	0	5,115	0	5,115
VIRGIN ISLANDS	21,500	8,000	25,000	0	0	2,000	5,000	1,500	0	0	63,000	0	63,000

FY91 CJRA SPENDING LIMITS BY CATEGORY

	Travel Reporter Comp.	Consultant Comp.	Secretary Support	Equip.	Office Supplies	Forms & Printing	Postage	Phone	Other	Subtotal	Less Advance	Total	
4TH CIRCUIT													

MARYLAND	5,000	0	8,000	0	500	0	500	0	0	14,000	0	14,000	
N CAROLINA (E)	5,000	0	0	0	0	0	0	0	0	5,000	0	5,000	
N CAROLINA (N)	2,100	5,000	1,900	700	1,000	150	350	350	0	10,650	0	10,650	
N CAROLINA (W)	12,000	5,000	1,000	300	100	200	145	50	0	18,795	0	18,795	
SOUTH CAROLINA	5,500	3,200	3,500	960	6,000	1,000	1,500	1,200	1,200	24,060	0	24,060	
VIRGINIA (E)	6,100	4,000	0	600	100	0	200	200	0	11,200	0	11,200	
VIRGINIA (W)	10,700	3,200	1,600	480	3,000	2,000	500	1,000	1,000	23,480	0	23,480	
WEST VIR. (W) d	4,450	5,000	0	480	0	500	1,000	500	250	12,180	0	12,180	
WEST VIR. (S)	5,500	4,000	0	600	0	500	1,000	250	400	11,000	23,250	0	23,250

5TH CIRCUIT

LOUISIANA (E)	200	4,000	800	600	1,500	100	0	0	100	0	7,300	0	7,300
LOUISIANA (N)	2,700	400	400	240	0	50	100	50	50	0	3,990	0	3,990
LOUISIANA (W)	21,000	0	0	0	700	0	0	0	0	837	22,537	0	22,537
MISS (N)	3,000	0	0	0	0	0	0	0	0	0	3,000	0	3,000
MISS (S)	3,750	2,520	500	360	0	200	250	100	100	0	7,780	0	7,780
TEXAS (N)	4,600	0	0	1,500	0	300	500	300	0	0	7,200	0	7,200
TEXAS (E)	30,000	0	4,000	0	0	1,000	500	100	100	0	35,700	0	35,700
TEXAS (S) *	30,500	0	20,000	0	3,500	0	0	578	3,790	0	58,368	1,500	56,868
TEXAS (W)	13,500	5,000	0	1,200	0	300	4,000	4,000	1,000	0	29,000	4,100	24,900

1991 CJRA SPENDING LIMITS BY CATEGORY

	Travel Reporter Comp.	Consultant Comp.	Secretary Support	Equip.	Office Supplies	Forms & Printing	Postage	Phone	Other	Subtotal	Less Advance	Total	
6TH CIRCUIT													
KENTUCKY (K)	9,600	1,000	0	0	100	75	50	40	0	10,865	0	10,865	
KENTUCKY (W)	14,000	4,000	2,000	960	0	200	200	0	100	0	21,460	0	21,460
MICHIGAN (K)	1,000	0	0	0	0	0	0	0	0	1,000	0	1,000	
MICHIGAN (W) e	13,000	11,680	25,000	1,600	0	7,500	8,000	3,000	6,500	25,000	101,280	5,000	96,280
OHIO (W) d	35,000	8,000	8,000	1,200	0	2,000	5,000	10,000	5,000	25,000	99,200	5,800	93,400
OHIO (S)	8,000	0	800	960	0	500	500	200	480	0	11,440	0	11,440
TENN (W) *	4,000	18,400	2,000	600	0	600	500	0	250	0	26,350	0	26,350
TENN (W)	1,300	0	0	0	0	0	0	0	200	0	1,500	0	1,500
TENN (K)	1,950	4,000	0	600	0	50	705	130	130	0	7,565	0	7,565

7TH CIRCUIT

ILLINOIS (W)	390	0	0	0	0	0	0	0	0	0	390	0	390
ILLINOIS (C)	3,750	0	1,000	0	0	0	500	200	250	0	5,700	0	5,700
ILLINOIS (S)	1,600	4,800	1,000	0	2,700	400	250	250	0	0	11,000	0	11,000
INDIANA (W)	3,500	5,000	1,000	750	0	0	500	0	200	0	10,950	0	10,950
INDIANA (S)	1,100	5,000	0	1,920	0	500	0	0	500	0	9,020	0	9,020
WISCON (E) *	10,000	4,000	800	1,800	10,000	1,500	1,000	500	1,000	0	30,600	0	30,600
WISCON (W)	1,700	0	0	0	0	0	0	0	0	0	1,700	0	1,700

FY91 CJRA SPENDING LIMITS BY CATEGORY

	Travel	Reporter	Consultant	Secretary	Equip.	Office	Forms &	Postage	Phone	Other	Subtotal	Less	Total
	Comp.	Comp.	Comp.	Support		Supplies	Printing					Advance	
10TH CIRCUIT													
COLORADO	3,750	4,000	1,000	300	0	0	500	150	250	0	9,950	0	9,950
KANSAS	16,700	6,000	5,000	600	5,500	200	500	300	350	0	35,150	0	35,150
NEW MEXICO	15,500	1,600	1,600	800	3,600	160	1,000	300	250	0	24,810	0	24,810
OKLAHOMA (N)	2,700	4,300	840	650	600	1,000	1,000	500	1,500	1,000	14,090	0	14,090
OKLAHOMA (E)	2,900	0	0	0	2,500	1,000	500	0	500	1,000	8,400	0	8,400
OKLAHOMA (W) *	600	0	4,500	0	0	200	4,000	2,000	0	0	11,300	0	11,300
UTAH *	6,000	0	21,200	2,500	4,000	750	500	0	100	0	35,050	0	35,050
WYOMING	46,100	0	966	1,500	3,900	500	500	500	1,000	2,000	50,966	0	50,966

11TH CIRCUIT

ALABAMA (N)	1,900	0	0	120	0	300	0	44	30	0	2,394	0	2,394
ALABAMA (N)	750	2,400	0	360	0	50	50	40	100	0	3,750	0	3,750
ALABAMA (S)	0	0	0	0	0	No Request	0	0	0	0	0	0	0
FLORIDA (N)	8,150	0	600	900	2,500	200	250	400	250	300	13,550	0	13,550
FLORIDA (N)	20,000	0	800	600	0	200	250	150	200	200	22,400	9,500	12,900
FLORIDA (S)	1,300	7,000	1,000	1,050	0	200	700	250	200	0	11,700	0	11,700
GEORGIA (N) *	6,000	16,800	0	1,700	0	0	0	0	0	0	24,500	1,750	22,750
GEORGIA (N)	10,000	4,800	0	600	0	500	0	0	0	0	15,900	1,650	14,250
GEORGIA (S)	51,500	2,400	800	540	0	500	500	500	250	0	56,990	0	56,990
TOTAL ALL DISTRICTS	745,620	380,620	339,456	54,123	130,979	59,425	86,020	43,576	38,265	91,132	1,969,216	58,880	1,910,336

* - denotes pilot court
d - denotes demonstration court

GUIDELINES FOR CJRA IN REVIEWING FY96 BUDGET SUBMISSIONS

JUDGES TRAVEL: \$0 - Funding for judges' travel will be transferred to the judges general travel authorization. All courts should charge judges' travel to the general authorization. Therefore individual allotments for judges' travel were not made.

ADVISORY COMMITTEE TRAVEL: Advisory Committee should not travel outside district. Court staff should act as experts to committee. ~~1 trip outside of district if requested.~~
Compensation rates for advisory group reports other than Federal employees, are limited to \$75 per hour, with a maximum of \$416 per day.

REPORTER COMPENSATION: Annual assessments should be performed by existing staff. This is a court function, not a committee function. The primary role of the Reporter is to write the CJRA report. Reporter may also be assisting with the courts annual assessment. Reporter is paid at a maximum rate of \$75 an hour; a maximum rate of \$416 per day; and a maximum rate of \$35,000 per year.

SECRETARIAL SUPPORT OF REPORTER: Secretarial support to the reporter held to 10% of the reporter's total compensation.

CLERK TRAVEL: \$0 for trips outside of district. This is a justified expense if the purpose of the trip is to monitor another court's program. When court has a firm trip planned, we'll provide a supplemental.

CONSULTANT COMPENSATION: Carefully scrutinize these requests. All justifications should include the following information: a complete description of services rendered; length of time it will take the consultant to complete those services; and an itemized estimate for the required services. Compensation rates for consultants are restricted \$75 per hour, with a maximum of \$416 per day and maximum rate of \$35,000 per year.

→ (a) **TRAINING:** If pro bono work by Mediators or Neutrals provide training funds. Arbitrators, who charge for their services, should be responsible for their own training.

(b) **STATISTICIANS:** No evaluative work should be performed by staff.

GENERAL OFFICE EQUIPMENT/AUTOMATION EQUIPMENT: \$0 all requests. Funding for automation equipment should have been provided in previous years. General office equipment must be real good justification since most equipment has already been provided.

GENERAL OFFICE SUPPLIES/AUTOMATION SUPPLIES: Use the following benchmarks for automation supplies: Large courts (\$600); Medium courts (\$400); and Small courts (\$200). General office supplies, use your judgment in this category.

FORMS AND PRINTING : Use the following benchmarks: Large courts (\$10,000); Medium courts (\$6,500); Small courts (\$4,000). All plans have been submitted. some courts may be surveying lawyers, litigants, etc., Local Rule Printing is allowed, but should be within the range. Judge Pointer stated "CJRA should be incorporated in a court's local rules".

Only provide for one years worth of material. *should be necessary they will try to use for...*

POSTAGE: \$3.00 the maximum per unit cost of mailing a report.

TELEPHONE: limited to long-distance toll charges. funding should not be used to off set shortages in telephone allotments.

- ICMS can not support desktop & line
management

- court judicial involvement +

- Russell Jordan - ...

- ADL = A Alternative Dispute Resolution

- Appellate - ...

- Pro bono: not be paid for services
but will provide training

- ~~for fee~~ If they don't provide training
for court training

* Department - ...

* ...