

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN AND EASTERN DIVISIONS

CIVIL JUSTICE EXPENSE AND
DELAY REDUCTION PLAN

ORDER ADOPTING CIVIL JUSTICE
EXPENSE AND DELAY REDUCTION PLAN

The United States District Court for the Western District of Tennessee, having been designated by the Judicial conference of the United States as a “Pilot District” pursuant to Section 105(b) of the Civil Justice Reform Act of 1990, adopts the following Civil Justice Expense and Delay Reduction Plan as required by 28 U.S.C., § 471 et seq., and directs the plan be implemented in this Court as of December 31, 1991.

ORDERED this 31st day of December, 1991.

[Signed]

ODELL HORTON, JUDGE

[Signed]

JAMES D. TODD, JUDGE

[Signed]

JULIA S. GIBBONS, JUDGE

[Signed]

JEROME TURNER, JUDGE

**Civil Justice Expense
and Delay Reduction Plan
for the
United States District Court
for the
Western District of Tennessee**

Whereas requirements of the Civil Justice Reform Act of 1990, as codified at 28 U.S.C. subsections 471-478, sunset on December 1, 1997, this court continues to adhere to the case management principles described therein and reflected in this Plan.

INTRODUCTION

The goal of this plan is to achieve a speedier, less expensive disposition of civil cases in this district without forfeiting the careful and studied analysis required for the just resolution of litigants' disputes. We, the judges of this district, with the continued assistance of our Civil Justice Reform Act Advisory Group, expect to satisfy this goal:

- (1) by adopting the principles of litigation management required by 28 U.S.C. § 473(a) for pilot districts and specific procedures consistent with those principles;
- (2) by using other litigation management techniques, as outlines in this plan, which will address the particular problems of this district in managing its caseload; and
- (3) by concluding the ongoing revision of our local rules.

In developing our plan, we have considered each of the Advisory Group recommendations. We have considered each of the cost and delay reduction and litigation management techniques specified in 28 U.S.C. § 473(b). We have also received input from our Local Rules Committee. Finally, we have reviewed the suggestions of a case management audit performed a few months ago, at the district's request, by a team sent by the Administrative Office of the United States Courts, Court Administration Division.

The plan is effective December 31, 1991. It will apply to all cases filed after that date and may, in the discretion of individual judges, apply to earlier filed cases. Local rule changes required by this plan will take effect as of the date of adoption of the rule.

TABLE OF CONTENTS

- I. PROVISIONS REQUIRED BY 28 U.S.C. § 473(a)
 - A. Systematic, Differential Treatment of Civil Cases
 - B. Control of the Pretrial Process
 - C. Monitoring of Complex Cases
 - D. Encouragement of Cost-Effective Discovery
 - E. Requiring Certification of Effort to Agree on Discovery Matters
 - F. Alternative Dispute Resolution Programs

- II. LITIGATION MANAGEMENT TECHNIQUES REQUIRED TO BE CONSIDERED UNDER 28 U.S.C. § 473(b)
 - A. Discovery-Case Management Plans
 - B. Representation at Pretrial Conferences by Attorney with Authority to Bind
 - C. Requirement that Requests for Extension be Signed by Party Requesting Extension
 - D. Early Neutral Evaluation Program
 - E. Presence of Party Representatives at Settlement Conferences
 - F. Other Features

- III. OTHER FEATURES OF THE PLAN
 - A. Plan for Rotation of Criminal Docket
 - B. Broader Job Duties for Courtroom Deputies
 - C. Space and Facilities
 - D. Court Administration
 - E. Pro Se Case Procedures
 - F. General Case Management
 - G. Local Rules Revisions
 - H. Timetable for Specific Actions to Implement Plan

I.

Provisions Required by 28 U.S.C. § 473(a)

I. PROVISIONS REQUIRED BY 28 U.S.C. § 473(a)

The statute requires each pilot district to include in its plan six enumerated principles and guidelines of litigation management and cost and delay reduction. All of these principles are already utilized in this district to some degree, although their use is not uniform or documented in any formal way. Thus, the plan represents a commitment by the judges of this court to apply these six principles through uniform procedures. The statute requires that pilot districts include these principles in their plans for three years. At the end of that time the judges will review the principles to determine whether they should remain a part of the district's approach to case management. Although the court must include these principles in its plan for three years, there is no prohibition on evaluating the effectiveness of the specific procedures adopted for application of these principles before the three-year period is concluded. The judges of this court believe that the specific procedures employed to implement the principles should be reviewed on an annual basis.

A. SYSTEMATIC, DIFFERENTIAL TREATMENT OF CIVIL CASES.

The first required principle is

systematic, differential treatment of civil cases that tailors the level of individualized and case specific management to such criteria as case complexity, the amount of time reasonably needed to prepare the case for trial, and the judicial and other resources required and available for the preparation and disposition of the case.

The court will apply this principle through use of the following procedures:

1. Civil cases will be assigned a category by the clerk at the time of filing. The categories will be pro se prisoner litigation (intended to include all prisoner litigation other than habeas cases), habeas petitions, bankruptcy appeals, United States debt cases, social security cases, and general civil litigation.

2. Initial scheduling conferences pursuant to Rule 16(b) of the Federal Rules of Civil Procedure will be set in all cases in the general civil litigation category. At this conference, the court will further categorize cases in the general civil litigation category based on complexity and required degree of judicial supervision of the progress of the case. Decisions about future status and pretrial conferences, discovery schedules, settlement techniques and other aspects of case management will be made based on the evaluation of the case at the initial scheduling conference. Within the general civil litigation category, there will be no set of predetermined case management tracks, but rather each case will be assessed individually and given the appropriate degree of supervision.

3. When a bankruptcy appeal is filed in this court, the clerk will enter an order establishing a briefing schedule consistent with the schedule contained in Bankruptcy Rule 8009.

4. When the answer in a social security case is filed, the clerk will enter an order requiring the plaintiff to file a brief in support of plaintiff's claim within thirty days of the date of the order, requiring defendant's brief in response within twenty-one days of the filing of plaintiff's brief, and requiring any reply brief to be filed within ten days of the filing of defendant's brief.

5. In pro se prisoner litigation, upon the filing of the first responsive pleading, the district judge to whom the case is assigned will enter an order requiring completion of discovery within four months of the date of the order and filing of pretrial motions within five months of the date of the order and setting a definite trial date nine to twelve months from the date of the order.

6. No case management is required for United States debt cases.

7. The court will attempt to dispose of bankruptcy appeals, habeas petitions (not including death penalty cases) and social security cases within nine months of their filing.

B. CONTROL OF THE PRETRIAL PROCESS.

The second statutory principle of litigation management requires

(2) early and ongoing control of the pretrial process through involvement of a judicial officer in –

(A) assessing and planning the progress of a case;

(B) wetting early, firm trial dates, such that the trial is scheduled to occur within eighteen months after the filing of the complaint, unless a judicial officer certifies that –

(i) the demands of the case and its complexity make such a trial date incompatible with serving the ends of justice; or

(ii) the trial cannot reasonably be held within such time because of the complexity of the case or the number or complexity of pending criminal cases;

(C) controlling the extent of discovery and the time for completion of discovery, and ensuring compliance with appropriate requested discovery in a timely fashion; and

(D) setting, at the earliest practicable time, deadlines for filing motions and a time framework for their disposition.

The court will apply this principle through participation in an early rule 16(b) conference in those categories of cases determined to be appropriate for such conferences, as described in Section I.A above. At those conferences, the court will plan with counsel the progress of the case; will set a trial date within eighteen months of the filing of the case, unless the required certification is made; will set discovery completion deadlines and enter any necessary orders concerning the scope and extent of discovery; will set deadlines for filing motions and a time framework for their disposition; will inquire about the parties' willingness to consent to trial before a magistrate judge; and will schedule any additional status or pretrial conferences. The court will ensure timely compliance with appropriate discovery requests by enforcing its overall schedules for discovery and trial, by referring motions to compel and other discovery motions to the magistrate judges for prompt judicial disposition, by informally encouraging attorneys to comply with discovery requests in a timely manner, and by imposing appropriate sanctions. The judges will further set time frames for disposition of motions through direction to their own chambers' staffs and the court's pro se staff attorney.

Rule 16(b) requires that the initial scheduling conference be held no later than 120 days from the filing of the complaint. The court will generally hold these conferences no later than ninety days from the filing of the complaint.

C. MONITORING OF COMPLEX CASES.

The third principle of litigation management identified in the statute is

(3) for all cases that the court or an individual judicial officer determines are complex and any other appropriate cases, careful and deliberate monitoring through a discovery-case management conference or a series of such conferences at which the presiding judicial officer –

(A) explores the parties' receptivity to, and the propriety of, settlement or proceeding with the litigation;

(B) identifies or formulates the principal issues in contention and, in appropriate cases, provides for the staged resolution or bifurcation of issues for trial consistent with Rule 42(b) of the Federal Rules of Civil Procedure;

(C) prepares a discovery schedule and plan consistent with any presumptive time limits that a district court may set for the completion of discovery and with any procedures a district court may develop to –

(i) identify and limit the volume of discovery available to avoid unnecessary or unduly burdensome or expensive discovery; and

(ii) phase discovery into two or more stages; and
(D) sets, at the earliest practicable time, deadlines for filing motions and a time framework for their disposition.

The court will carry out this principle through identifying the level and extent of monitoring needed and determining whether a case is complex at its Rule 16(b) conference. A uniform notice letter used by all judges will advise attorneys that they must be prepared to discuss with the court at the conference whether the case is complex or routine and type of case management needed. The letter will also require attorneys to present a joint discovery-case management plan at the conference. The court will then perform each function required by the third principle either at that initial conference or at subsequent discovery-case management conferences. The court will utilize the Manual on Complex Litigation as a reference for managing complex cases.

D. ENCOURAGEMENT OF COST-EFFECTIVE DISCOVERY.

The fourth principle is “encouragement of cost-effective discovery through voluntary exchange of information among litigants and their attorneys and through the use of cooperative discovery devices.” The court will encourage litigants to voluntarily exchange information and to use cooperative discovery devices through informal judicial persuasion at the initial Rule 16(b) conference and at other appropriate times. The court will also adopt a local rule incorporating the guidelines of Professional Courtesy and Conduct formulated by the Memphis Bar Association.¹ The Guidelines contain provisions stating that lawyers should make reasonable efforts to conduct all discovery by agreement, that lawyers should not engage in tactics that complicate or delay matters unnecessarily, and that lawyers should encourage methods and practices that simplify and make less expensive the rendering of legal services.

E. REQUIRING CERTIFICATION OF EFFORT TO AGREE ON DISCOVERY MATTERS.

The fifth principle is “conservation of judicial resources by prohibiting the consideration of discovery motions unless accompanied by a certification that the moving party has made a reasonable and good faith effort to reach agreement with opposing counsel on the matters set forth in the motion.” Local Rule 9(f) of the Rules of the United States District Court for the Western District of Tennessee requires that all discovery motions be accompanied by a certificate of counsel that, after consultation between the parties, they are unable to reach agreement on the motion. If the attorneys are residents of the same county, a face-to-face consultation is required. The court will carry out the fifth principle through continued enforcement of its local rule.

F. ALTERNATIVE DISPUTE RESOLUTION PROGRAMS.

The sixth litigation management principle that the plan must include is authorization to refer appropriate cases to alternative dispute resolution programs that –
(A) have been designated for use in a district court; or
(B) the court may make available, including mediation, mini trial and summary jury trial.

The court will implement this principle through a variety of methods. At the initial rule 16(b) conference the court will determine what particular method of alternative dispute resolution should be utilized in a particular case. The court policy will be to make an early effort to settle the case through

¹ Such a local rule was recommended by this court’s Local Rules Committee in late 1990, but, when this district was designated a pilot district under the Civil Justice Reform Act, action on the Committee’s recommendations was deferred pending receipt of the Civil Justice Reform Act Advisory Group’s report and adoption of this plan.

some means and, if that effort is unsuccessful, to make another effort at a later time. Thus, there will typically be at least two court-facilitated efforts to settle the case.

One settlement method which the judges will utilize is early neutral evaluation, with the evaluation function performed by respected attorneys within the district who are willing to perform this task. A specific neutral evaluation plan will be developed for the formation of the panel of neutral evaluation attorneys in early 1992.

The court will continue to rely heavily on settlement conferences to settle cases. These will be conducted by the judge to whom the case is assigned, a magistrate judge, or by another district judge who agrees to conduct the conference at the request of the judge to whom the case is assigned.

Other methods that the court may use to facilitate settlement in appropriate cases include mini trials, summary jury trials, and mediation by respected attorneys or retired judges.

The court's approach to settlement of cases, as outlined here, will be contained in a local rule to be adopted in early 1992.

The Civil Justice Reform Act Advisory Group recommends that the court further study other means of alternative dispute resolution, such as arbitration. The court agrees that this should be done and requests the Advisory Group to conduct this study and make any additional recommendations to the court that it deems appropriate.

II.
Litigation Management Techniques
Required To Be Considered Under
28 U.S.C. § 473(b)

II. LITIGATION MANAGEMENT TECHNIQUES REQUIRED TO BE CONSIDERED UNDER 28 U.S.C. § 463(b)

In addition to the mandatory elements of the plan, the court is required to consider, in consultation with the Advisory Group, six other litigation management techniques listed in 28 U.S.C. § 473(b). The court has carried out the required consideration. All portions of this plan adopted pursuant to a consideration of the items set forth in 28 U.S.C. § 473(b) will be reviewed annually.

A. DISCOVERY-CASE MANAGEMENT PLANS.

The statute requires the court to consider a requirement that counsel for each party to a case jointly present a discovery-case management plan for the case at the initial pretrial conference, or explain the reasons for their failure to do so. The court will implement this requirement, to the extent it is not already required, by including it in a uniform notice letter for the initial Rule 16(b) conference.

B. REPRESENTATION AT PRETRIAL CONFERENCES BY ATTORNEY WITH AUTHORITY TO BIND.

The statute directs the court to consider a requirement that each party be represented at each pretrial conference by an attorney who has the authority to bind that party regarding all matters previously identified by the court for discussion at the conference and all reasonably related matters. The judges of this court generally have such a requirement for final pretrial conferences and also expect lawyers attending other conferences to be able to handle the business of the conference. The court will adopt by local rule a formal requirement for all conferences, as outlined in the statute.

C. REQUIREMENT THAT REQUESTS FOR EXTENSION BE SIGNED BY PARTY REQUESTING EXTENSION.

The statute directs the court to consider a requirement that all requests for extensions of deadlines for completion of discovery or for postponement of the trial be signed by the attorney and the party making the request. The court has no evidence to indicate that attorneys do not consult with their clients about requests for extensions and believes that such a requirement would slightly increase cost and delay. Written requests for continuances or extensions, signed by the attorney, are generally required in this district.

D. EARLY NEUTRAL EVALUATION PROGRAM.

The statute requires consideration of a neutral evaluation program for the presentation of the legal and factual basis of a case to a neutral court representative selected by the court at a nonbinding conference early in the litigation. The court will adopt a neutral evaluation program, as described in section I.F of this plan.

E. PRESENCE OF PARTY REPRESENTATIVES AT SETTLEMENT CONFERENCES.

The statute directs the court to consider a requirement that, upon notice by the court, representatives of the parties with authority to bind them in settlement discussions be present or available by telephone during any settlement conference. The court already requires the presence or availability of party representatives at settlement conferences. It will continue this practice and incorporate the requirement in a new local rule to be adopted in early 1992.

F. OTHER FEATURES.

The statute also says that the court should consider for its plan other features it deems appropriate after considering the recommendations of the Advisory Group. The court's plan includes a number of other features, which are described in section III of this plan.

III.

Other Features of The Plan

III. OTHER FEATURES OF THE PLAN

All features of the plan will be reviewed on an annual basis.

A. PLAN FOR ROTATION OF CRIMINAL DOCKET.

The Advisory Group found that the problems with the civil docket in this district are largely caused by the heavy criminal docket. While the judges cannot control the number of indictments or criminal trials, we can try to manage the valuable resource of judicial time differently so that each judge can have some period of freedom from the responsibility of criminal trials. This should enable judges to schedule civil cases with a firm trial date and should give judges some uninterrupted time in chambers to deal with civil motions, settlement conferences and other civil case matters. In order to achieve these goals, the judges have adopted a plan for rotation of the criminal docket in the Western Division of the district, attached to this plan as Exhibit A.

B. BROADER JOB DUTIES FOR COURTROOM DEPUTIES.

Persons occupying courtroom deputy positions will assume the full range of case management and other functions described in the job description attached to this plan as Exhibit B. Within the court the title for these positions will be courtroom deputy/case manager. The occupants of these positions will be selected jointly by the clerk of the court and the judge to whom the courtroom deputy/case manager is assigned, with the judge having veto power over whether a particular courtroom deputy/case manager is assigned to that judge. The courtroom deputy/case manager will have an office near that of the judge to whom he/she is assigned, and the judge will direct his/her work. The clerk of court and chief deputy clerk will act as expeditors with general oversight for all case management functions in the court, in the manner suggested by the Advisory Group Report. Buzzer and speaker box systems will be installed in the courtrooms so that the courtroom deputies/case managers can be excused from the courtroom for periods of time to work on case management responsibilities. Courtroom deputies/case managers will be trained on the ICMS. Current occupants of these positions will be given an opportunity for on-site training in districts which currently utilize courtroom deputies in the manner described in this section.

C. SPACE AND FACILITIES.

Space and facilities problems are acute at the present time and adversely impact the district's attempts to use its judicial resources properly, directly causing delay and expense. The situation will be even worse when our new district judge takes office. The court will make every effort to obtain speedy approval and construction of the space plan for current needs recently approved by the judges of this court. The court will also participate in the long-range space planning project of the Administrative Office with a view to accommodating the district's future needs. To deal with the current space shortage, the chief deputy clerk will assume responsibility for locating additional temporary court space for trials and for coordinating the scheduling of trials and other matters in both temporary and permanent space.

D. COURT ADMINISTRATION.

The court will take a number of steps designed to improve the management of the court. While these steps have an indirect impact on cost and delay, the judges recognize that litigation moves better if the entire court functions smoothly. These general management steps are:

1. The court will make optimal use of the clerk of court as court administrator.
2. The clerk will develop specific written procedures for all clerk's office functions, and these will be followed uniformly.
3. The clerk will develop a formal written plan for cross-training of clerk's office employees.
4. The clerk will develop a job functions manual which covers the functions of all jobs.
5. The court will complete full implementation of ICMS as expeditiously as possible.
6. The court and the clerk will adopt a specific timetable for completion of items 2-5.

7. The court will continue meetings with the heads of all court units and hold these on a regular, periodic basis. The court will also meet periodically with the Federal Defender, United States Attorney and United States Marshal.

E. PRO SE CASE PROCEDURES.

The pro se staff attorney will compile a handbook for pro se litigants which will provide information on subjects of frequent inquiry or misunderstanding. The court anticipates that the handbook would reduce the need for individualized replies to many inquiries and would free more staff attorney time, thus resulting in quicker processing of pro se litigation.

The Advisory Group Report recommended that the court encourage uniform grievance procedures at county correctional facilities within the district. The court directs the pro se staff attorney to gather pertinent information for the court on this issue so that the court can consider it further.

The clerk will compile information concerning the types and sources of pro se cases filed in the district. This should assist the court in anticipating trends and requesting additional personnel to handle the pro se case-load at the earliest possible time.

The district anticipates qualifying for an additional pro se staff attorney in the near future and will request this position as soon as filings reach the required level.

F. GENERAL CASE MANAGEMENT.

1. Time Targets. The court will establish time targets for resolutions of all matters taken under advisement. Any matter under advisement for over six months will automatically be flagged and given priority over all other civil matters by the judge to whom the case is assigned.

2. Trailing Dockets. The court will continue to use a modified accelerated docket on an as-needed basis to keep the civil docket current. Generally, these dockets will be limited to two weeks in duration, and there will be a two-case limit on the number of cases one attorney will have on the same docket.

One or two judges will experiment with a trailing docket for routine civil cases.

3. Visiting Judges. The court will utilize visiting judges to assist when appropriate. In the past, visiting judges have generally handled civil matters. The court believes visiting judges could be even more helpful if they handled criminal matters and thus enabled the judges in this district to devote time to the civil docket, where the ongoing management of a single judge is very important in a case's progress.

4. Time Limits. The court will enforce all time limits more strictly than generally has been the past practice. Agreement of all parties is not a sufficient basis for an extension or continuance, except as permitted by local rule.

5. Monitoring System. The clerk of court will develop a system of monitoring all due dates and immediately following up on overdue pleadings or filings. This system will include monitoring to determine when dismissal of civil cases pursuant to Rule 4(j) of the Federal Rules of Civil Procedure is appropriate. It is expected that ICMS can perform this monitoring function, if the assigned personnel are properly trained to utilize it.

G. LOCAL RULES REVISIONS.

The local rules revision process will conclude in early 1992. The new local rules will include the following provisions which should reduce cost and delay in the handling of civil cases:

1. The Guidelines of Professional Courtesy and Conduct formulated by the Memphis Bar Association will be incorporated in the local rules.

2. A local rule will set out the court's policy for facilitating settlement, as outlined in this plan.

3. Current Local rule 9(f) will be amended to apply to all motions except motions to dismiss under Federal Rules of Civil Procedure 12(b)(6) and motions for summary judgment.

4. A page limit on memoranda will be imposed.

5. Exceptions to the response time for motions will be granted only for good cause.

6. Local Rule 13 will be amended to specify the court's authority to dismiss a case for failure to prosecute.

7. Motions and responses, except motions pursuant to Rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure, will have to be accompanied by a proposed order.

8. A local rule will require each party to be represented at each pretrial conference by an attorney with the authority to bind that party, as outlined in section II.B of this plan.

9. Motions for extensions or continuances must state that the movant has consulted with opposing counsel and indicate whether opposing counsel wishes to respond to the motion.

The rules will be typeset and bound in a form that is easy to read and use.

H. TIMETABLE FOR SPECIFIC ACTIONS TO IMPLEMENT PLAN.

The clerk of court will develop an action list no later than January 10, 1992, identifying each action required to implement this plan, the individual or individuals responsible for that action, and the date by which that action is to be taken. The district judges will approve this list no later than January 24, 1992.

WESTERN DIVISION PLAN FOR ROTATION OF CRIMINAL TRIAL DOCKET

1. The four active judges in the Western Division will rotate responsibility for the Western Division criminal docket beginning April 1, 1992, or as soon thereafter as the new judge takes office. If there is unusual or unanticipated delay in the appointment of the new judge, a new rotation plan will be developed.
2. Three judges at a time will hear criminal cases. Criminal cases will be heard only in the first two full weeks of each month.
3. All report dates for criminal cases will be held on the Friday ten days before the first Monday in a month on which criminal cases are set.
4. The current assignment system will be maintained and the judge to whom the case is assigned will handle all pretrial matters concerning the case, take any guilty pleas entered prior to trial, and sentence any defendants who plead guilty before that judge. If the case is tried, however, the judge who tried the case will handle the sentencing. If a change of plea is entered the day of trial or during trial, it will be taken by the judge before whom the case is set for trial and that judge will sentence the defendant.
5. Only cases requiring five trial days or less will be placed on the rotation docket. Cases requiring longer than five trial days will be tried by the judge to whom they are originally assigned. If a judge is unable to handle his or her rotation because of an unusually protracted criminal trial, Judge Todd, Judge McRae or a visiting judge will be asked to handle the regular rotation docket.
6. Cases will be set for trial at arraignment. The setting will be for the first Monday during a criminal rotation docket that falls at least forty days after the date of the arraignment, unless the Speedy Trial Act requires an earlier setting. Continuances will be handled by the judge to whom the case is assigned.
7. On a Monday during the criminal rotation docket, the order of trial will be determined by the age of the case, whether defendants are in custody, and any speedy trial problems. The order of trial will be determined by the clerk on the Wednesday before the first Monday of a criminal rotation docket, in consultation with a designated judge-coordinator. The judges will rotate the responsibility for being the judge-coordinator.
8. Juries will be handled as they are under the current system, with a pool coming in on Monday, a staggered selection system, and such other panels as are necessary on days other than Monday during the two-week period. Judges will try to pick most juries on Monday, selecting two juries on the same day if necessary.
9. Judges will swap assignments as necessary to accommodate business trips, vacations and protracted civil trials.

COURTROOM DEPUTY (ARTICLE III JUDGE)**Definition**

The courtroom deputy to an Article III judge has complete responsibility for the calendar of the Article III active or senior district judge to whom assigned. The courtroom deputy to an Article III judge is highly involved with the various assigned aspects of case and motions management and may or may not be assigned in-courtroom related functions. The courtroom deputy to an Article III judge represents the clerk in matters relating to the management of the various procedural stages cases must go through before a judicial officer from the point a complaint is filed and assigned to the judicial officer until the case is either settled or disposed of through the judicial process.

Occupational Information

A courtroom deputy to an Article III judge performs duties and responsibilities such as the following:

1. Maintains control records of all cases or case related actions assigned to the judicial officer as they are filed. Examines all papers filed in an action assigned to a judicial officer to determine that these conform with the rules of practice and/or policies and procedures of the clerk's office and the individual judicial officer's chambers. Screens motions for readiness for judicial review.
2. Assists in the management and movement of case related matters on a judicial officer's docket from filing to disposition by calendaring and regulating the movement of these case-related matters; fixing (or resetting when necessary) dates and times for conferences, hearings, and trials; and notifying counsel accordingly.
3. Assists the judge in maximizing efficient usage of court time by gauging relative trial and/or hearing times; determining if estimates of trial and hearing time are accurate; and preventing over-scheduling by setting in consultation with the judge specific dates for hearings, pretrial conferences, settlement conferences, and trials; and by scheduling appropriate back-up matters to minimize any unplanned court sessions down time.
4. Establishes and revises recordkeeping methods and procedures, including various tickler systems, to accurately track case-related matters and motions before the assigned judicial officer. Provides up-to-date information on the status of matters before the judicial officer.
5. Assists the judicial officer in the reduction of procedural delays of case-related matters by monitoring the various recordkeeping and tickler systems (either manual or automated) which reflect the status of each pertinent case event (e.g., service, answers, and brief filing dates) for compliance by all parties on all critical deadlines as set by the judicial officer or by Federal or local rules. Assists the judicial officer in enforcing a continuance policy, by reviewing requests for continuances and extensions for time. Grants those requests which the judicial officer has empowered them to review and/or forwards for the judicial officer's review those which the judge must oversee.
6. Confers with attorneys, acting as liaison between the bar, clerk's office, and the judicial officer to whom assigned. Serves as the main source of procedural information to attorneys for the scheduling

and/or rescheduling of conferences, hearings, and trials, as well as the procedures of the clerk's office and special procedures of the judicial officer.

7. Assists with compliance to Federal and local rules, as well as special procedures peculiar to the court through reminding attorneys of their procedural responsibilities, resolving procedural problems, and ensuring that all parties have been notified of scheduled hearings, conferences, and trials.

8. Coordinates with various staff members of the clerk's office and judge's office such as jury administrator, speedy trial coordinator, docket clerks, law clerks and secretaries, to ensure appropriate utilization of resources needed to support court sessions. Coordinates with other staff from the court family or offices and staff of other Governmental agencies (such as U.S. Marshal's Service, U.S. Attorney's Office, court security officers, federal public defenders, and the Federal Probation Service, etc.) concerned with court sessions. Acts as liaison with these various parties for the purposes of coordination and management of the trial and/or hearing calendar, monitoring case events, and to ensure proper courtroom administration.

9. Prepares special reports for the judicial officer on the status of case matters before the judge. Prepares statistical record of cases and special reports for the clerk, Administrative Office, and other interested parties, which provides up-to-date case-related information.

10. Evaluates case and motions management practices and recommends changes as needed. Implements and evaluates techniques for minimizing attorney schedule conflicts.

11. Arranges for the appointment of attorneys when such services are requested by defendants in criminal cases, thereby preventing late attachment of counsel.

12. Serves as relief courtroom deputy to an Article III judge to visiting judicial officers as requested.

13. Confers with the bar and other officials regarding particular cases and case-related matters.

14. Calls the court calendar. Notes appearance of counsel in matters before the court. Informs the judge that all parties are present, and opens court.

15. Swears witnesses and interpreters as well as other parties before the court; and, as appropriate, impanels the jury, administers oaths to jurors, and keeps juror attendance records.

16. Assists in the conduct of sessions, conferences, and hearings held in a courtroom setting before a judicial officer.

17. Records proceedings and rulings for minutes of the court and takes, marks, files or stores, and returns exhibits during open sessions before the court.

18. Prepares verdict forms, judgments, and copies, as well as composes minute orders, as required by the judicial officer.

19. Coordinates with other clerk's office staff such as courtroom deputies, docket clerks, etc., to ensure judgments and other actions of the court are entered in the dockets, order books, and other court records.

20. Assists in the preparation of statistical reports related to court sessions.

21. Coordinates with and advises the financial section of the clerk's office of matters affecting that section's records, such as the imposition of fines, orders of restitution, confirmation of sales, conditions of bond, etc.

22. Ensures that the equipment to be used for any scheduled court session is properly set up and operational. Ensures that the judicial officer, counsel and, as appropriate, parties and the jury are properly supplied with pens, pencils, paper, and any other appropriate supplies necessary for the conduct of court sessions. Sets up courtroom for sessions, ensuring proper temperature settings and lighting are maintained.

23. Performs other duties as assigned.

Organizational Relationship

A courtroom deputy to an Article III judge position is typically located in the operations section of a court and reports to the supervisor responsible for that unit.

Qualifications

To qualify for a position of courtroom deputy to an Article III judge, a person must be a high school graduate or equivalent and must have the following experience:

<u>JSP Grade Level</u>	<u>Year of General Experience</u>	<u>Years of Specialized Experience</u>	<u>Total Years of Experience</u>
4	1	0	1
5	2	0	2
6	2	1	3
7	2	2	4
8	2	3	5
9	2	4*	6
10	2	5*	7
11	2	6*	8

NOTE: One year of the required experience (specialized if that is required at the grade level) must have been at or equivalent to the next lower grade in the Federal service.

General Experience

Responsible clerical or administrative experience which provided a knowledge of office clerical practices such as filing, telephone usage, typing, recordkeeping, sorting and distributing mail. Sales, stockroom, office machine operation, and similar types of experience are not creditable, unless the experience involved as a regular and routine part of the job the use of clerical practices outlined above.

* For positions at grade 9 or above, the specialized experience required is subject matter specific and must, therefore, provide legal-related work experience as described under part B of the specialized experience definition.

Specialized Experience

A. For qualification purposes, up to JSP-8, specialized experience is any progressively responsible clerical or administrative experience which involved the regular and recurring application of clerical procedures: use of specialized terminology; and demonstration of an ability to apply a body of rules, regulations, directives, or laws. Such experience is commonly encountered in law firms, legal counsel offices, banking and credit firms, educational institutions, social service organizations, insurance companies, real estate and title offices, corporate headquarters, or personnel/payroll operations, as well as others.

B. The years of additional specialized experience required above the JSP-8 level, in addition to being progressively responsible, must have been more subject-matter specific and provided a knowledge of legal procedure and/or legal pleadings, such as might be found in a law office or a clerk's office of a federal, state, or local court.

Educational Substitutions

Education above the high school level in accredited institutions may be substituted for the general experience on the basis of one academic year (30 semester or 45 quarter hours) equals nine months of experience.

Completion of one academic year (30 semester or 45 quarter hours) of graduate study in an accredited university in such fields as business or public administration, political science, criminal justice, law, or related field is considered qualifying for grade 7.

Completion of a master's degree or two years (60 semester or 90 quarter hours) of graduate study in an accredited university in such fields as business or public administration, political science, criminal justice, law, or related field – or completion of a Juris Doctor (JD) degree – is considered qualifying for grade 9.

f:\users\rd\policy\civil justice expense and delay reduction plan