

**Innovations in the Courts:**  
*A Series on Court Administration*

**The Joint Trial Calendars  
in the Western District  
of Missouri**



Federal Judicial Center

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# **THE JOINT TRIAL CALENDARS IN THE WESTERN DISTRICT OF MISSOURI**

**By Donna Stienstra**

**Federal Judicial Center  
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This publication is a product of a study undertaken in furtherance of the Center's statutory mission to conduct and stimulate research and development on matters of judicial administration. The analyses, conclusions, and points of view are those of the author. This work has been subjected to staff review within the Center, and publication signifies that it is regarded as responsible and valuable. It should be emphasized, however, that on matters of policy the Center speaks only through its Board.

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## FOREWORD

This report, the latest in the Center's *Innovations in the Courts: A Series on Court Administration*, focuses on a procedure developed by the Western District of Missouri in an effort to match the court's judicial resources to the demand for trials. It describes the criminal and civil joint *trial* calendars, which are used for a selected portion of the caseload.

A case is placed on the joint calendar only after the judge has decided that it is ready for trial. The criminal joint calendar is used for all but the complex cases, which are relatively rare in this district; the civil calendar is used for jury cases that can be tried in four days or less. The basic principle of the program is the sharing of one trial calendar among all the judges for those cases that have developed to the point of trial and that are not particularly complex or likely to be protracted.

This publication describes the steps in the operation of the criminal and civil joint trial calendars and discusses the impact of the procedures on the court's staff, the caseload, and practicing attorneys. The report is based on interviews with judges, a magistrate, court clerks, and attorneys. Orders and forms used by the court are also included.

We are aware that judgments concerning the desirability of particular procedures will vary from district to district, and that each court must assess any proposed change in the light of local conditions. It is our hope that this report will prove helpful to those concerned with these important issues.

A. Leo Levin





## INTRODUCTION

One of the widely accepted tenets of case management is that a firm trial date is the key element in moving a case to prompt disposition. Firm trial dates are meaningless, however, if they are not supported by adequate judicial resources. The challenge for case managers is to design a calendaring system that perfectly matches trials and judges. Given a number of uncertainties about cases, such as potential for settlement and length of trial, perfect matches are infrequently achieved, prompting a number of courts to develop new methods for scheduling trials.

The United States District Court for the Western District of Missouri has designed a procedure, used for a portion of the caseload, whose primary objective is a guaranteed trial for every case selected for the calendar. This procedure, called the joint trial calendar, is followed at regularly scheduled intervals each year.<sup>1</sup>

The process begins when all the judges list their trial-ready cases on a common calendar. Then, during a designated two- or three-week period, the judges suspend their other activities and try all the cases on the calendar. Each judge first tries a case that was originally assigned to him.<sup>2</sup> He then tries the next case on the calendar, regardless of its original assignment, disposes of it, tries the next case listed, and so on, until all the cases on the calendar have been tried.

This sharing of the calendar is the essential element of the procedure, the element that guarantees the certainty of trial. Because the judges are, in effect, backing each other up, parties have little

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1. Until recently the court referred to the joint trial calendar as the "accelerated joint trial docket." Note that the former name appears on several of the forms and orders included in the appendixes to this report. When other courts have used the joint calendar for specific problem caseloads, they may have called the procedure by another name, such as "crash calendar."

Several districts, including Eastern Louisiana and Western Washington, reportedly have used the calendar on occasion, either to remove old cases from the docket or to reduce a backlog. As described below, at one time Western Missouri also used the calendar for these reasons, but today the calendar is a regular component of the court's case management system. This is the only federal district court known to use the joint calendar as a standard procedure.

2. Throughout this report the judges are referred to by the male pronoun, as all the judges currently on the Western Missouri bench are men. All other court employees are referred to by the pronoun pertinent to the person currently holding the position.

## *Introduction*

reason to doubt that a judge will be available to try their case when its position on the calendar is reached. The success of sharing the calendar rests, of course, on another important feature of the procedure: cooperation among the judges. The calendar is a collective enterprise that depends on agreement among the judges about the selection of cases, the timing of the trial periods, and so on. This point was made by a number of participants in the procedure, one of whom said, "The magic in the system is agreement among the judges. The system itself is not magic; it's just an individual calendar for pretrial matters and a master calendar for trial."

Although certainty of trial is the most significant outcome of a shared calendar, it is not the only important one. The joint calendar also creates uncertainty about the identity of the trial judge, which is thought to lead to settlement because attorneys prefer not to go before an unknown judge. By combining these two elements, the court has designed a calendaring procedure that quickly and efficiently terminates—either by settlement or by trial—many civil and criminal cases.

The certainty and uncertainty built into the calendar are achieved through a well-planned and carefully executed series of steps taken by the judges, a magistrate, and the clerk's staff. The timing of each step, the necessary forms and orders, the responsibilities of each person involved—all have been worked out over the fifteen or so years the court has used the joint trial calendar. Both conceptually and procedurally, this calendar has been carefully designed; today it is an integral part of the court's operation.

Although conceptually there is only one joint calendar, operationally there are two: a criminal joint calendar and a civil joint jury calendar. They are based on the same principles and have similar goals, but the court operates them somewhat differently. Therefore, I have come to think of the court as having two joint calendars, and I will discuss them separately here.

The report begins with an account of the history of the joint calendars. Chapters 2 and 3 contain separate step-by-step descriptions of the criminal and civil calendar procedures. For the benefit of those courts that may consider adopting the joint calendars, these descriptions are quite detailed. I note the types of cases for which the calendars are used, outline the steps taken in operating the calendars, identify those offices involved in each procedure, and discuss the effect of the calendars on the general operation of the court. Chapter 4 summarizes the essential features of the joint trial calendars and lists questions that should be answered by courts considering adoption of these procedures.

This report is based on two sources: first, information obtained through interviews and discussions held at the court in December

1983 with the six active judges, two of the four senior judges, a magistrate, and members of the clerk's staff; and second, material acquired through telephone interviews in August 1984 with twenty-one attorneys who practice regularly in the federal court in the Western District of Missouri.<sup>3</sup>

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3. An initial list of attorneys was supplied by the clerk's office; interviews with these attorneys produced referrals to others. Care was taken to talk with attorneys who practice regularly in federal court and have had experience with the joint trial calendars. Both criminal and civil attorneys were interviewed, as were attorneys who represent plaintiffs and those who represent defendants. I spoke with attorneys from large and medium-size firms, and in solo practices, as well as members of the staff of the U.S. attorney's office and the public defender's office. Although the attorneys who answered my questions are not a random sample of the Kansas City bar, they are a cross-section of those who regularly try cases on the joint trial calendars.



## I. HISTORY OF THE JOINT CALENDARS

The criminal and civil joint trial calendars used by the Western District of Missouri evolved from procedures first established in the late sixties. At that time, in recognition of the court's large and growing backlog, the judges began to experiment with new procedures for both the criminal and the civil caseloads. By 1970 they had developed the joint trial calendars. Although the procedures have become more refined over time and continue to change in small ways, they were already in place fifteen years ago.

In the mid-1960s, Judges John W. Oliver and William H. Becker, now both senior judges on the court, drafted a local rule that established strict time limits for all civil pretrial matters and mandated the use of a standard pretrial order for all civil cases. This order ensured that cases met a minimum, courtwide standard for trial-readiness, a feature that became important later when the judges began sharing the trial calendar.<sup>4</sup> In addition to this rule, the four judges on the court at that time adopted a new procedure for criminal cases: an omnibus pretrial hearing analogous to an initial pretrial conference in civil cases.

On the basis of their experiences with the standardized civil pretrial order and the criminal omnibus hearings, the judges developed a standardized method for handling criminal cases. Its critical feature was firm time limits: Within thirty days after indictment all motions were to be filed, and within sixty days of indictment trial was to begin. These time limits were very effective in reducing the number of criminal cases actually tried, but the court decided to refine the procedure by adding a regular final pretrial conference, to be held a week before the scheduled trial date. At this conference, the judge discussed with counsel their lists of witnesses, voir dire questions, jury instructions, lists of exhibits, and length of trial. The court also asked the government to open its files to defendant's counsel. After the procedure had become routine, the magistrate began to assist the judges with the omnibus and pretrial hearings.

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4. A copy of this rule—local rule 20—can be obtained from the Center's Information Services Office, 1520 H Street, N.W., Washington, D.C. 20005, or can be found in 53 F.R.D. 159.

Adoption of these procedures produced dramatic results: Many fewer cases came to trial and the criminal backlog was substantially reduced. One of the judges who was on the bench at that time described the effectiveness of the procedure this way: The conferences and fixed trial date "forced attorneys to review their case and to prepare it thoroughly; consequently, many cases fell out."

Having developed a sound pretrial procedure for the criminal caseload, the judges adopted a final refinement in the processing of criminal cases: They decided to share the trial calendar. This addition was the essential ingredient needed to guarantee that the cases set for trial would be tried as scheduled. Commencement of trial was no longer contingent upon one judge being able to arrange enough time to hear a case. Under the joint calendar procedure all the judges set aside a block of time to try the cases on the calendar. As soon as a judge concluded a trial he was available to take the next case listed on the calendar. The court soon substantially reduced its backlog of criminal cases.

The concept of the joint trial calendar, once established, was easily adapted to the civil caseload. The court had already adopted local rule 20, with its time limits for pretrial matters, and the judges had been using the standard pretrial order for some time. The court's experience with the criminal joint calendar indicated that the procedure could substantially increase terminations. Thus, after deciding which types of cases would be appropriate, the court adopted a civil joint trial calendar. Over time, the criminal and civil joint trial calendars, initially developed to handle a crisis, have become an established part of the court's case management system.

## II. THE CRIMINAL JOINT TRIAL CALENDAR

### Operation of the Calendar

A two-week joint trial calendar for criminal cases is held approximately once every five weeks, for a total of ten calendars each year. The court's preparation of all criminal cases is carried out in the context of this schedule, which is set a year in advance. Nearly all criminal felony cases, both jury and non-jury, are disposed of by the joint calendar. Only large, complex felony cases, of which this court has few, and misdemeanors tried on consent by the magistrate are not placed on this calendar. A typical joint calendar will have fewer than ten cases on it. During the two-week trial period, all judges who are available for trials participate in the calendar; a judge is excused from the calendar if he is presiding over a protracted trial or if he is sitting in an outlying division, but his cases will still be placed on the calendar. Credit for termination of a case goes to the judge who tries it.

When the trial calendar begins, each judge tries one of his own cases. After completing the first trial, he tries the next case listed on the calendar, regardless of the original assignment of the case. The judges continue in this manner until all the cases have been tried. If all the cases cannot be disposed of in the two-week period, which seldom happens, the calendar is carried over to a third week.

Cases travel a well-defined route before being placed on the joint trial calendar, beginning at the U.S. attorney's office, where grand jury sessions are coordinated with the criminal joint calendar. From this point until the case is placed on the trial calendar, the magistrate who has been given responsibility for all criminal pretrial matters manages the criminal caseload, first accepting the grand jury returns, then holding all hearings and conferences. The only pretrial matters heard by the judges are those requiring an Article III judge; a change of plea, for example, is always taken by a judge.

After receiving the grand jury returns, the magistrate notifies the pretrial services office that he will be holding a bail hearing.

That office prepares a report for the bail hearing, which the magistrate holds within twenty-four hours after indictment. Within ten days after indictment the magistrate conducts an omnibus hearing, a mandatory step in all criminal cases. At the omnibus hearing the magistrate issues an order setting a time limit for filing motions (ten days, with five additional days for the government's answer), and the parties complete an omnibus hearing report stating the charges, defining the scope of discovery, and setting a date for trial. (See appendix A for a copy of the magistrate's order. A copy of the extensive omnibus hearing report form can be obtained from the Center's Information Services Office or from the court.) The trial is then scheduled for one of the joint trial calendars, usually the next one.

Throughout the pretrial process the criminal docket clerk monitors the status of the criminal cases on the docket. Three weeks before the next scheduled joint trial calendar, the clerk compiles a list of cases ready for trial and gives the list to the magistrate. The magistrate uses this list, which will contain about twenty-five cases, to schedule final pretrial conferences. At these conferences, which are held during a two-day period about two weeks before the trial calendar begins, the magistrate and parties go over several items that the attorneys have submitted to the court prior to the conference, including voir dire questions, witness and exhibit lists, and instructions to the jury. The magistrate then prepares and gives to the criminal docket clerk a list of cases scheduled for trial; from this list the clerk prepares an order that is sent to the relevant attorneys about a week to ten days before the calendar begins. (Appendix A contains a copy of the clerk's order.)

Between the final pretrial conferences and the start of the trial calendar, many defendants enter a plea. The criminal docket clerk monitors the status of the cases, noting those in which a plea has been entered, and prepares a final trial schedule a few days before commencement of the calendar.

The final trial schedule is arranged so that the participating judges will try one of their own cases first; the remaining cases are listed according to which defendants have been in custody the longest. Whenever possible the clerk will honor requests by judges or parties that a case be "first out"—that is, the first case heard on a Monday morning. A party must address this request to a judge; if the judge grants the request, he will notify the clerk. By the time the final trial schedule is prepared, so few cases remain (usually fewer than ten) that, rather than use a written notice, the criminal docket clerk simply telephones the attorneys to notify them of their position on the calendar. He also tells the judges which cases are on the calendar and schedules the courtrooms.



When assembling the final trial schedule, the criminal docket clerk takes great care not to create scheduling conflicts for the attorneys listed on the joint calendar. The clerk makes certain they are not scheduled for two trials at the same time in federal court or expected to appear simultaneously in both federal and state court. To reduce the likelihood of such a conflict, the clerk of the federal court sends the clerk of the state trial court a copy of the joint trial calendar. If the clerks discover that an attorney listed on the joint calendar is expected to appear in both courts on the same date, the older case involving that attorney is given priority.

About two weeks before the calendar commences, the jury administrator asks the criminal docket clerk for an estimate of the number of trials likely to be scheduled. Using this estimate, she determines the number of panels she must summon. For example, if five cases are likely to go to trial she orders three panels of fifty-five jurors each. About forty-five from each panel will actually go through voir dire, and thirteen will be chosen. The jurors not chosen for the initial trials go back into a pool that is used for subsequent trials.

Once the joint trial calendar is set, a case may not, except for extraordinary reasons, be removed from the calendar. The only acceptable reason for removal is illness of an attorney, defendant, or witness. In theory, the court holds that all the judges must agree before a case is removed; in practice, the judges usually follow the recommendation of the magistrate, who rarely recommends removal. If a case is removed because of someone's illness, the trial is rescheduled for the next joint calendar; a case in which a mistrial has been declared may also be placed on the next joint calendar. If all the scheduled cases are not reached during the two-week calendar, or if a case has been severed, the court may extend the trial calendar to a third week.

Trials begin on a staggered schedule. Half the judges start trials on Monday morning of the first week, and half begin Monday afternoon. This method enables the court to use in the afternoon set of trials those jurors not chosen in the morning. During the trial period, the courtroom deputies keep the criminal docket clerk informed about the progress of the trials so he will know when to summon the next jury panel and when to call the attorneys who will next go to trial.

After the trial period is over, the criminal docket clerk, using the docket sheets of all the cases set for the joint trial calendar, summarizes the outcome of the cases in a report that he sends to the judges, the magistrate, and the pretrial services office. The summary report lists—for each case on the joint trial calendar—the type of disposition, a number of significant dates (indictment, ini-

tial appearance, disposition, and trial), and two measures of elapsed time (actual and net time from initial appearance to disposition). This report provides the court with a mechanism by which to evaluate the performance of the joint trial calendar. (An example of the summary report is provided in appendix A. Action numbers and defendants' names have been removed.)

The joint calendar, when used in conjunction with rigorous pretrial practices, becomes more than simply a device for scheduling trials. Together, the court's pretrial practices and the joint calendar provide a comprehensive procedure for scheduling all the events in an individual criminal case and for managing the felony caseload.

### **Effect of the Calendar**

Three persons in the court, in addition to the judges, play central roles in the operation of the calendar. The magistrate is responsible for all the pretrial stages of the cases; with the assistance of an imminent trial date, he is able to terminate many cases before trial. The criminal docket clerk and the jury administrator, though their responsibilities are not case related, are in charge of the administrative aspects of the calendar.

The magistrate notes that the pretrial procedures lead to at least four consequences, all of which contribute to the quick disposition of cases. First, the omnibus hearing ensures early discovery by defense counsel, shortening the pretrial period. Second, the court knows from the earliest point in the case which motions will be filed and can schedule hearings accordingly. Third, when a defendant seeks postconviction review alleging inadequate representation, the court can rule on the motion without a hearing because a complete record of the pretrial proceedings is available. The fourth, and possibly the greatest, benefit of the criminal procedure was also mentioned by others involved in its operation. Because trial is imminent, parties are forced to evaluate their case early and thoroughly; in many cases pleas are entered and a large part of the criminal caseload is disposed of quickly and without trial.

When questioned about the demands made by the procedure, the magistrate, criminal docket clerk, and jury administrator each indicated that the joint trial calendar is so much a part of the routine management of the court, and so successfully moves the criminal caseload, that it could not be evaluated in terms of cost to the court. Although they could estimate the number of hours spent on any given task, they did not view these tasks as unusually burdensome. The jury administrator reported that the last few days before

the trial period begins are somewhat hectic because of the preparation of materials for the jurors, but she added that this activity is "all part of the routine." The joint calendar, then, is not seen as an additional or extraordinary task; it is the court's standard procedure for handling the criminal felony caseload. If this procedure were not used, another would have to be devised.

The court, however, sees no need to design a different method for handling felony cases. The clerk's staff reports that the joint calendar is an efficient and successful case management tool. The procedure is streamlined; only a few people are needed to manage the calendar. Above all, the procedure is successful. The cases set on the calendar are reached and, in general, quickly terminated. The judges agree with this evaluation, describing the calendar as "an excellent idea" and as "working very well." They also note two additional benefits: First, the calendar sets the time frames for meeting the requirements of the Speedy Trial Act; and second, it gives the judges a framework within which to set their schedules for management of both criminal and civil cases.

Data from the 1983 edition of *Federal Court Management Statistics*, published by the Administrative Office of the United States Courts, provide quantitative support for the positive impressions held by the judges, magistrate, and deputy clerks. The median time from filing to disposition for criminal cases in the Western District of Missouri is 4.4 months. This disposition time gives the court a ranking of fourth (out of ten district courts) in the Eighth Circuit and twenty-second in the nation. Thus, the court's claim that the joint calendar is a method for moving criminal cases quickly through the court appears to be well-founded.

A second claim frequently made is that the number of trials held under this procedure is very low. The summary of the joint trial calendar for the week of September 26, 1983, which is shown in appendix A, indicates the method of disposition for the cases set for trial that week. Twenty cases were set on the calendar; two were tried, four were continued, and fourteen pleas were entered. Thus, 12.5 percent of the sixteen cases terminated by this particular joint calendar were terminated by trial. To determine whether this is an unusually low rate of trials, we can compare the rate for the Western District of Missouri with the average rate of trials for felony cases across all the district courts. In Western Missouri in statistical year 1983, 21.9 percent of the felony cases disposed of by all the joint calendars held that year were terminated by trial; in federal district courts as a whole, 16.9 percent of the felony cases disposed

of were terminated by trial.<sup>5</sup> From this comparison, it appears that the joint trial calendar does not significantly reduce the number of trials. Before this conclusion is reached, however, a caveat must be made. The calendaring method is only one of the factors affecting the rate at which cases go to trial. For example, the policy of the U.S. attorney's office on plea bargaining, which will partially determine the number of guilty pleas entered, may vary greatly across the districts. At this point we can only conclude that we do not know how great an effect the joint calendar has on the method of disposition for felony cases.

Because few trials are held, a two-week trial period is an adequate amount of time in which to try the felony cases that go to trial. In fact, the court frequently has only two or three cases scheduled on a given joint calendar. Faced with relatively few trials, one or two of the judges will occasionally schedule a civil trial as a backup, but this practice is not widely followed. First, it is considered unfair to attorneys in civil cases to have them prepare cases the judge may not be able to try; and second, there is too great a chance that a judge, knowing there are other judges available to try the criminal cases, will give the civil case priority.

At this time only one potential problem is perceived. Because the number of criminal cases filed has been increasing and the local criminal bar is small, conflicts in scheduling trials could develop. The Western Missouri clerk maintains, however, that such conflicts can be avoided if care is taken in setting up the trial schedule.

The attorneys interviewed for this study, while stopping short of praising the calendar, raised no serious objections to it. Many would agree with one attorney, who said, "The joint calendar is just another procedure one has to go through at the court, and it's as good as any other for meeting the Speedy Trial requirements."

Although most attorneys with a criminal practice recognized the joint trial calendar as administratively useful for the court, they added that it moves cases faster than criminal defense attorneys generally want. One attorney pointed out, however, that the speed with which criminal cases move through the court can be attributed more to the Speedy Trial Act than to the joint calendar. The calendar is simply the mechanism by which the Speedy Trial requirements are met. This attorney also noted that the judges will give continuances where there is a genuine hardship, an especially welcome consideration for attorneys with small practices and several cases on the calendar.

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5. The figure for the Western District of Missouri was provided by the criminal docket clerk, while the average for all the district courts was calculated from the criminal/probation master tapes prepared by the Administrative Office of the U.S. Courts for statistical year 1983.

The comments of one attorney place into clear perspective the role of the joint calendar in the management of the felony caseload. This attorney pointed out that the court uses three basic procedures for felony cases. First, the magistrate handles all pretrial matters, giving these matters relatively undivided attention. Second, the U.S. attorney's office has an open-file policy, which makes discovery faster and trials shorter. And third, the joint trial calendar marshals the judicial resources needed for cases that are ready for trial. The joint trial calendar, then, is the last of several interdependent steps that lead to the disposition of a case. Together, these three procedures constitute a comprehensive case management package for the felony caseload.



### **III. THE CIVIL JOINT JURY TRIAL CALENDAR**

#### **Operation of the Calendar**

##### **Introduction**

In concept, the civil joint jury trial calendar differs little from the criminal joint trial calendar. Like the criminal calendar, the civil calendar is designed to ensure not only certainty of trial but uncertainty as to the identity of the trial judge. There are, however, significant organizational differences.

A smaller proportion of the civil caseload is placed on the joint calendar—that is, the definition of the appropriate case is narrower than for the criminal calendar. Civil cases set on the joint trial calendar must have an estimated trial length of no more than four days (recently changed from three days), and the cases must be tried before a jury. The court adopted the limit on the number of days for trial to ensure that all the scheduled cases would be tried; if one or two judges became tied up in a long trial, the calendar's principal objective—certainty of trial—would be undermined. The second prerequisite—the exclusion of nonjury cases—was adopted to avoid the burden that would result from requiring judges to write opinions in cases in which they had not handled pretrial matters. Cases in which a bifurcated trial is held, and in which the judge decides one aspect of the case and a jury the other, are also excluded by this condition.

The criminal and civil joint calendars also differ in the methods used to select and prepare cases for the calendars. There is no standardized pretrial procedure on the civil side comparable to the one followed by the magistrate on the criminal side. Instead, each judge screens his own civil caseload, determines which cases are appropriate for the joint calendar, and monitors the pretrial progress of those cases.

The two calendars differ in frequency as well, with the civil calendar held at greater intervals but for a longer duration. Since 1982 the civil joint trial calendar has been held twice a year, in April and October, for two to three weeks. (See appendix B for a

copy of local rule 18, which authorizes the civil joint trial calendar.) Between 1971 (the earliest year for which records are available) and 1982, the joint calendars were scheduled irregularly, but at least one was held each year, except in 1979 and 1981. In each of those two years several new judges were appointed, and the civil joint calendars were suspended until the new judges became acquainted with the court. The court expects to continue the present twice-a-year schedule in the future.

The court sets aside three weeks for each civil joint calendar, but the final length of the trial period is determined by the number of cases scheduled. If possible, the third week is left relatively open for cases continued from the first two weeks. If necessary, the court will extend the calendar into a fourth week to make sure that all the scheduled cases are tried. This commitment to an extension of the calendar is considered vital to maintaining certainty of trial and, consequently, the court's credibility with the bar.

As with the criminal joint calendar, all judges residing in Kansas City participate in the civil joint calendar, trying one of their own cases first and then trying cases in turn until all the scheduled trials have been held. Unlike with the criminal joint trial calendar, however, if a judge cannot be available during the trial period because he is presiding over a protracted trial or because he is temporarily sitting in an outlying division, his cases are not placed on the joint calendar. In addition to the six active judges on the court, two of the senior judges participate in the civil joint calendar. The design of the joint calendar does not prevent the participation of visiting judges as well, but because there are only eight courtrooms in the courthouse, there is a practical limit to the number of judges who can simultaneously try cases.

Several of the judges have responsibility for outlying divisions; although there is no rule against their bringing cases from these divisions to Kansas City for the joint trial calendar, they usually do not. A number of the judges consider transferal of these cases an imposition on attorneys and parties; on occasion, however, cases have been transferred to Kansas City for the joint calendar. Until recently the court had not held joint calendars in the outlying divisions because the courthouses in those locations did not have enough courtrooms. However, a jury box was recently installed in the magistrate's courtroom in Jefferson City, and a successful joint calendar has been held in that division. The calendar was used for civil cases only, a practice the division expects to continue because the criminal caseload there is quite small. A judge and a magistrate participated in the calendar; however, if the parties in the cases had not consented to trial before the magistrate, a judge from Kansas City would have had to go to Jefferson City.



### **Selection and Preparation of Cases**

Cases are chosen for the joint calendar by the judges, with the assistance of their courtroom deputies. Over time the judges or their courtroom deputies develop an ongoing list of cases considered candidates for the joint calendar. When the clerk announces approximately ninety days before the trials are to begin that he is preparing the next joint trial calendar, the courtroom deputies simply submit these lists.

Although the nature of any particular trial calendar is to some extent determined by the criteria adopted by the court en banc, the character of each calendar is also shaped by decisions made by the judges individually. The judges decide not only how many cases to submit but, more critically, which cases will be ready for trial by the time the trial period begins. The judges do not want to overload the calendar, so they must have some idea about the settlement potential of the cases they submit. They also do not want to find themselves or any other judge trying a long case, which would effectively remove him from the joint calendar; therefore, they must accurately predict the length of trial for the cases they submit. Finally, since the court has promised attorneys certainty of trial, the judges do not want to have to remove cases from the calendar because they are not ready for trial; therefore, the judges must make sure that all pretrial matters can be concluded before the trial period begins. Thus, a successful joint calendar depends to a substantial extent on the judges' familiarity with individual aspects of the cases.

When the civil joint trial calendar was first used, the four participating judges found they could submit about five cases apiece for each week of the calendar. After a number of cases dropped out because they were settled or removed, each judge usually was left with about two cases per week. Two trials per judge per week has emerged as the optimum caseload. However, since the recent addition of several judges to the bench, the court has not evolved a new standard for the maximum number of cases that may initially be submitted. Because the judges have had no difficulty trying all the scheduled cases, it is unlikely at this point that the court will adopt a new standard.

Most of the judges have been submitting for trial all the cases they feel are ready. This practice clearly has not overloaded the calendar. In fact, several judges noted that a three-week trial calendar can accommodate more cases than are currently submitted—usually by the third week few or no cases remain on the trial schedule. Two explanations for this situation were offered. First, the court has reduced its backlog. Second, the nature of the civil

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caseload has been changing; cases today take longer to try because there are more expert witnesses, discovery is more extensive, and attorneys are better trained. The reduction in the backlog and the trend toward longer trials have resulted in a decrease in the proportion of the caseload eligible for the joint trial calendar.

In order to increase the number of cases placed on the civil joint calendar, and in order to shift a larger part of the civil caseload to this calendar, the court recently decided to change the allowable trial length from three to four days. One of the calendar participants suggested that the court could also generate more cases for the calendar by conducting pretrial proceedings even more rigorously than is already done, thus streamlining more cases to the point that they could be tried in four days. A third change—shortening the calendar to two weeks—has also been proposed. Whether additional refinements will be necessary depends on the outcome of the recent decision to include four-day trials on the calendar.

A judge's most important task in selecting a case for the joint calendar is to decide whether the case can be ready for trial by the time the trial period begins. The judge must determine that discovery will have been completed, a final pretrial order will have been entered, and the trial can be conducted in no more than four days. Unlike the pretrial procedure for the criminal joint calendar, where one person (the magistrate) sets the standard for trial readiness, the civil pretrial proceedings are conducted by eight different judges, possibly with eight different standards. Despite this diversity, a fairly thorough and uniform preparation of the cases is necessary because each judge may be trying cases he has not seen before. The trial judge needs some assurance that when he begins the next trial he will not find that he first has to rule on pretrial issues that have been left unresolved. Nor does the trial judge want to find himself trying another judge's long or difficult case. These problems could undermine the certainty of trial and may damage the collegiality of the judges. Therefore, it is important that the judges agree on a minimum standard of trial-readiness.

At one time local rule 20 was the guideline for pretrial preparation; this rule has been superseded by local rules 15, 16, and 17. (Copies of these three rules can be obtained from the Center's Information Services Office or from the court.) Local rule 15 mandates the filing of a scheduling order within 120 days of the filing of the complaint and describes the discovery plan parties are to submit. The scheduling order sets a number of dates, including the date by which discovery will be completed, but it does not include a proposed trial date. The date for trial is usually established near or at the end of the discovery period. Only after the judges are confi-

dent the case is close to trial-ready (i.e., the end of discovery is near) will they submit it for inclusion on the joint trial calendar.

Local rule 16 provides for pretrial conferences, to be held as ordered by the court. The judges hold pretrial conferences for the joint calendar cases about a month before the trial period is to begin. At this conference the judges attempt to resolve any remaining problems in the cases they initially submitted. In accord with local rule 17, a final pretrial order is then entered, setting out the dates by which parties must submit the following items: lists of witnesses and exhibits, proposed voir dire questions, stipulations of facts, and trial briefs. These items will be used during the joint calendar period by the trial judge to acquaint himself with the case. A number of the judges hold an additional final pretrial conference immediately preceding trial for those cases assigned to them for trial on the joint calendar; this practice provides some insurance against unwelcome surprises in the courtroom.

Not until the last few days before trials begin are trial assignments made. The judge to whom the case is assigned for trial becomes responsible for the case at that point. This is reflected in the case information sent to the Administrative Office, where the termination of the case is credited to the judge who tried the case rather than to the judge to whom the case was originally assigned.

### **The Clerk's Office**

As with the criminal joint calendar, the clerk's office supervises the operation of the civil joint calendar through a well-defined series of events. Specialized forms have been developed for each phase and certain individuals have been designated to carry out each step. A joint calendar coordinator oversees the day-to-day activities, with assistance at various stages from the civil docket supervisor and the jury administrator.

Approximately three months before the joint trial period is to begin, the clerk sends a memorandum to the judges, asking them to submit a list of cases for the calendar. The clerk's office photocopies the first page of each of the relevant docket sheets and places these sheets together in notebooks for future reference.

About ninety days before the calendar commences, the clerk's office sends all attorneys involved in the cases notice of the joint trial calendar and a form on which to list lead trial counsel. (Appendix C contains copies of both the notice and the form.) Photocopies of the lead trial counsel forms are filed together in notebooks, which are retained in the clerk's office. These forms may not be removed from the notebook, regardless of what happens to the case; in effect, they constitute the trial calendar in its earliest stage. At the time the trial notice and lead counsel form are sent,

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the clerk's office also prepares, on a word processor, a list of attorneys' names and addresses; this list will be used throughout the operation of the joint calendar to prepare address labels for subsequent mailings to attorneys.

After sending the notices to counsel, the clerk's office prepares the joint trial calendar master list of all the cases submitted for the calendar. (A copy of the October 1983 master list is in appendix C.) The entries on this list are permanent: None may be deleted at any time for any reason. This rule has been established because the master list is the basis for calculating the effectiveness of the calendar. It is the record of the number of cases set for the calendar, the number tried, the number settled, and the number removed.<sup>6</sup> Those cases that do not go to trial are described, in the remarks column of the master list, as settled or removed. During the three months between notification of attorneys and start of the trial period, many cases will settle, requiring numerous changes to the master list. Each time the list is updated, the date of the change is recorded.

The first alterations in the master list are made when the lead counsel forms are received in the clerk's office. A clerk will add to the master list the attorneys' names, addresses, and telephone numbers, as well as the attorneys' estimations of trial length and any other information considered important in operating the trial calendar. In cases involving multiple plaintiffs or multiple defendants, for example, the master list identifies which attorney represents which party. If an attorney does not return the form, a second notice is sent, but the court has not had many problems with attorneys refusing or forgetting to return the form. If a form has not been completely filled out, which is not uncommon, someone in the clerk's office or a courtroom deputy contacts the attorney and obtains the missing information.

Only judges may add cases to or remove cases from the trial calendar. Each judge is given a supply of forms for this purpose (see appendix C). Cases may be added to the calendar at any time if the judge submitting the case believes it will be ready for trial by the start of the first trial week. When a case is added the clerk's office sends out the appropriate notices and forms to attorneys and files the necessary photocopies.

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6. Although a case is never deleted from the master list, it may be removed from the trial schedule; that is, the case stays on the master list for accounting purposes, but if it has settled or been deferred from trial for some other reason, it will not appear on the final list of cases actually going to trial. The term "removed" is used here only to mean that the case has been taken off the trial schedule; it does not mean the case has been taken off the master list.

The requirements for removal are stringent; cases may be removed from the trial calendar only because they have been settled, dismissed, or changed to nonjury trials. Removal for any other reason must be granted by all the judges. In no instance does a judge permit a case to be removed because the parties say they are not ready; one judge said this was "a closely observed rule." A judge will, however, remove a case if a party, an attorney, or a witness is seriously ill. The case will likely be rescheduled for the third week (if the illness arises in the first two weeks). If a case is removed from the trial schedule and is not rescheduled for the third trial week, it is reassigned to the judge who submitted it. After the master list has been updated, the add/remove forms submitted by the judges are filed in numerical sequence by judge number (for later use in compiling statistics about the calendar) and are retained in the clerk's office.

Several weeks before the trial calendar is to begin, the clerk's office prepares the schedule for the first week. The initial task is an alphabetical listing of attorneys and the cases in which they are involved. This listing also includes information about requests for special settings, such as a "first out." (A sample of this list can be found in appendix C.) These requests, which must be made to a judge, are granted whenever possible.

After the attorney list has been compiled, the clerk prepares a list of the first week's cases. The cases are listed according to the following criteria: First, each judge is given one of his own cases for his first trial; second, special scheduling requests by attorneys are satisfied, if possible; and, third, the shorter cases are scheduled before the longer ones. Care is taken to avoid scheduling one attorney in two courtrooms at the same time.

Using the list of cases the clerk has prepared, the joint calendar coordinator or the civil supervisor, in consultation with the clerk, constructs the calendar for the first week. (An example is given in appendix C.) This calendar, which includes an order to attorneys, is simply a list of the cases set for trial, given in the sequence in which they will be called. Two weeks before the trials commence, the clerk sends the calendar to the judges, the lead counsel in the scheduled cases, and the appropriate deputy clerks. It is also sent to the state trial court to determine whether any attorneys scheduled for trial in federal district court are expected at the same time in state court. If an attorney is scheduled for both courts on the same date, the older case involving that attorney takes precedence.

As cases settle during the final two weeks before the trial period, the calendar will be amended several times. The revised trial calendar is sent once each week to the judges, attorneys, and relevant personnel in the clerk's office. (The revised calendar is similar in

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format to the calendar shown in appendix C, except that it is marked "amended.") Changes in the status of the scheduled cases usually continue through the weekend before trials begin, and either the joint trial coordinator or the civil docket clerk remains available all weekend to answer calls from attorneys who settle their cases, to amend the calendar, and to notify attorneys who remain on the schedule that their status on the calendar has changed. As cases drop off the calendar, the remaining cases are moved up in a way to ensure that each judge will try one of his own cases first.

The calendars for the second and third weeks are prepared in much the same way, using the alphabetical listing of attorneys and the form for listing the cases. These weeks are to some extent shaped by the outcome of the first week's trials. Because the calendar is so frequently changed, only one week's calendar is sent out each time. One week after the first week's calendar is sent out, the first version of the second week's calendar is sent to all parties involved in the procedure, and one week after the second week's calendar has been mailed, the first version of the third week's calendar is sent out. These calendars, too, are amended several times prior to commencement of the scheduled trials.

The clerk's office has learned through experience that it is important to require attorneys to file the necessary closing papers when they have settled a case. Before the court adopted this rule, some attorneys, in order to get their cases removed from the trial calendar, would say they had settled when they had not. At one time the court had a very strict rule: Attorneys were required to file the settlement papers by the time the case came up on the trial schedule; if they did not, the case went to trial. Attorneys are now given thirty days to file the settlement papers; if they fail to meet this deadline their case is closed and they must file a motion to have it reinstated on the docket.

During the trial week the clerk's office records the outcome of every trial, using the remarks column on the master list to indicate the following: whether the case settled; whether the case was removed and why; the length of trial; the verdict; and whether the case was continued and why. The clerk's office also stays in close contact with the courtroom deputies to monitor the stage each trial has reached. This enables the clerk's office to prepare for the next trial by notifying the attorneys, calling the jurors, and telling the judges which case they will try next. The clerk's office also uses a list of actions per judge to monitor the schedule. (Appendix C contains an example of the list of actions per judge. Action numbers have been removed to protect the judges' identities.) This list informs the clerk's office which of the cases remaining on the calen-

dar were submitted by which judge and which cases have been granted a special setting.

Notice is sent to potential jurors two to four weeks before the calendar starts. On each Monday morning of the trial weeks, approximately five panels of twenty-five jurors each are sent into the courtrooms; six jurors will be chosen for each trial. Those jurors not selected will be impaneled again for the trials beginning in the afternoon. After the initial round of jury selection, the jury administrator, assisted by the courtroom deputies, carefully watches the progress of the cases and calls panels as needed. By the time a case has been sent to the jury for deliberation, the jury administrator will have called in a new panel so the judge can begin the process of selecting a jury for the next trial.

Except for selection of the cases, the clerk's office controls the operation of the calendar, including scheduling the trials themselves. Neither the judges nor the attorneys know who will try a particular case, except for those that are first out. This aspect of the procedure is quite intentional. As with the criminal joint trial calendar, the uncertainty about which judge will try a civil case is as important as the certainty of trial. There is a very strong feeling among those who administer the calendar that the procedure would lose credibility if the trial schedule were juggled in any way.

The final task in the clerk's office is preparation of a summary of the joint trial calendar. The overall statistics of the number of cases disposed of by the joint trial calendar are derived from the master list of cases. Therefore, the clerk's office continues to update this list for several months after the trials have been concluded, noting the final outcome of those cases that were removed or reported settled. After the final update of the master list has been completed, the clerk's office prepares a summary report of the outcome of the cases submitted by each judge. This report contains a set of tables summarizing, for each judge, the total number of cases disposed of, tried, and removed. (A copy of these tables for the most recent joint trial calendar is in appendix C.) The report provides the judges with an excellent device for assessing the calendar's effectiveness in disposing of the cases they have submitted.

The civil joint calendar, while similar in many respects to the criminal joint calendar, is not as comprehensive. First, the civil calendar is somewhat more limited in its application, in that it is used for only a portion of the civil caseload. Second, the civil pretrial proceedings are not as closely linked to the trial calendar as are the equivalent events in criminal cases. Unlike the procedure in criminal cases, where the date of the next trial period determines the timing of pretrial activities, pretrial events in civil cases are not fixed by the next joint calendar; civil cases are placed on the

trial calendar only after they are defined as trial-ready. Thus the civil joint calendar appears to be more a trial-scheduling device than an overall case management procedure, structuring neither the individual case nor the overall caseload as completely as does the criminal calendar.

## Effect of the Calendar

### The Clerk's Office

Those who participate in the administration of the civil joint calendar were asked to estimate the amount of time they give to the operation of the procedure. The joint trial calendar coordinator described the initial stages—sending the notices to attorneys and making up the master list—as a “high activity time” requiring substantial attention from himself and a word processor operator.<sup>7</sup> After completing the initial stage, his primary task is the regular updating of the master list. He estimated that an experienced person can do this in about an hour per day, but that an inexperienced person might need twice as much time.

The last two weeks before the calendar begins and the trial weeks themselves are also busy times for the clerk's office. Because many cases settle during the last two weeks, the staff must prepare quite a few—up to seven or eight—amended calendars, which are sent to the appropriate individuals. About a dozen copies of each updated calendar are available throughout the courthouse so staff can answer telephone calls from attorneys inquiring about their position on the calendar.<sup>8</sup> At least one staff member—usually the joint trial coordinator or the civil docket supervisor—is on duty each of the weekends before and during the trial weeks to amend the calendar as last-minute settlements occur. During the trial weeks themselves these two deputy clerks stay in close touch with judges, attorneys, the jury administrator, and the courtroom deputies to notify all the relevant parties when a trial is to begin and to schedule the courtrooms. Because the senior judges who participate do not have their own deputies, two other members of the clerk's

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7. A word processor is used for all the paperwork associated with the civil joint calendar.

8. The court might consider using a recorded telephone message for this purpose. The message could be updated as the calendar changes. Attorneys would still be able to get the information they need, and the clerk's staff would not have to monitor the telephones as closely. Norman Sherman, manager of the Jacksonville Division of the District Court for the Middle District of Florida, reports he has successfully used a telephone message in other situations involving numerous telephone calls from attorneys.



staff spend the trial weeks inside the courtrooms as courtroom deputies.

Despite the intense activity required during the final preparation of the joint trial calendar and during the trial weeks themselves, the persons involved view the calendar as a regular aspect of civil caseload management. The calendar's operation has become routinized through the use of standard forms and word-processing equipment; the various steps of the procedure are well coordinated; and the bar is both accustomed to the procedure and cooperative. The judges and the staff also noted that the procedure makes excellent use of jurors.

The primary concern of the clerk's office staff was the credibility of the procedure as viewed by attorneys. The staff felt that credibility rests on careful maintenance of the procedure's basic elements: certainty of trial and uncertainty about the identity of the trial judge. If for some reason attorneys were able to remove their cases from the calendar or were able to predict who would preside over their trials, the calendar would lose its effectiveness. The clerk's staff feels especially responsible for maintaining the attorneys' uncertainty about the judge's identity; for this reason they very carefully control the process of scheduling the trials, making the assignments only at the last moment.

#### **The Judges and the Civil Caseload**

Recognition of several benefits was generally shared among the judges. Foremost among these are the calendar's certainty of trial and quick disposition of routine cases. Because these successes derive from the efficient matching of judges and trials, the calendar is widely praised for its economical use of judicial resources.

A secondary and somewhat unexpected benefit of the calendar is its effectiveness as a device for organizing the judges' workload. The regularly scheduled civil trial calendar can be used not only as a guide by which to manage the pretrial stages of routine cases, but also as a framework within which to plan other activities. The date of an upcoming joint calendar can, for example, be used as a reference point for scheduling the pretrial events of a case. The judges' overall workload, too, can be pegged to the joint calendar: Because the calendar periodically disposes of the short trials, the judges have large blocks of time within which to schedule long ones.

The possible inequity of the system for judges who have outlying divisions was the most widely recognized negative feature. Because cases originating in the outlying divisions are not usually placed on the joint calendar, but at the same time all the judges participate in the calendar, those judges responsible for the outlying divisions

are in effect taking on an additional caseload by sharing equally in the Kansas City docket. The judges with outlying divisions have tried to convince attorneys in those locations that they would benefit by having their cases set on the Kansas City joint calendar, pointing out that this docket tends to move faster than the outlying ones. Most attorneys are not convinced, however; they do not want to travel the substantial distance to Kansas City, and they prefer local juries.

Together, the criminal and civil joint calendars fill nearly half the weeks in the year, reducing the judges' discretion over a sizable portion of time. However, most of the judges said the somewhat tight schedule imposed by the calendar is a fair price for the benefits gained.

The forms and reports prepared in the clerk's office throughout the operation of the calendar provide the court with a ready mechanism for measuring the effectiveness of the joint calendar and its impact on the civil caseload. In effect, the court has built an evaluation component into the calendar. The reports prepared for each judge, for example, enable the judges to evaluate the outcome of the cases they submitted for the calendar. By combining the information prepared for each judge, the clerk's office can construct a profile of the overall performance of the calendar.

The profile for a recent civil joint trial calendar is given in the last table of the summary report in appendix C. The eight judges who participated in the calendar submitted sixty-four cases for trial, disposed of forty-five, and removed nineteen. Of the forty-five cases terminated by the calendar, nine were disposed of by trial. Assuming the remaining thirty-six terminated cases were disposed of by settlement, the outcome of the sixty-four cases submitted for the civil joint calendar is as follows: 14.1 percent of the cases were tried; 56.2 percent were settled; and 29.7 percent were removed. Altogether, the court disposed of 70.3 percent of the cases. If only the terminated cases are examined, the outcome is 20 percent disposed of by trial and 80 percent settled.

The following table, based on information provided by the court, gives this summary information for all the civil calendars held since 1971. This table indicates that the court has had a wide-ranging experience with the civil joint calendar. The number of cases submitted for the calendar has gone up substantially in the last few years. Other trends are less obvious, although between 1977 and 1982 there appears to have been a decline in the percentage of cases disposed of. In 1977 and 1982 unusually high numbers of cases were submitted and lower-than-average percentages of cases were disposed of.

## Summary of the Civil Joint Trial Calendars

Calendar	Cases Set on Docket	Cases Disposed of	Trials <sup>a</sup>	% Settled <sup>b</sup>	% Disposed of <sup>b</sup>	% Tried <sup>b</sup>
March 1971	24	19	7	50.0	79.2	29.2
April 1972	33	25	6	57.6	75.8	18.2
October 1972	45	37	8	64.4	82.2	17.8
June 1973	41	38	12	63.4	92.7	29.3
January 1974	54	32	6	48.1	59.3	11.1
January 1975	45	35	7	62.2	77.8	15.6
November 1975	40	30	7	57.5	75.0	17.5
September 1976	44	38	12	59.1	86.4	27.3
October 1977	96	50	9	42.7	52.1	9.4
November 1978	41	27	11	39.0	65.9	26.8
Year 1979 <sup>c</sup>	NA	NA	NA	NA	NA	NA
January 1980	45	31	13	40.0	68.9	28.9
Year 1981 <sup>c</sup>	NA	NA	NA	NA	NA	NA
October 1982	117	53	15	32.4	45.2	12.8
April 1983	98	86	14	73.4	87.7	14.3
October 1983	86	54	14	46.5	62.7	16.3
April 1984	64	45	9	56.2	70.3	14.1
Total	873	600	150			
Average %				52.8	72.1	19.2

SOURCE: This table is based on a similar table provided by the United States District Court for the Western District of Missouri.

<sup>a</sup>Included in "Cases Disposed of."

<sup>b</sup>Figures are based on the total number of cases submitted.

<sup>c</sup>Joint trial calendars not held.

It is evident from the summary statistics that the calendar does not dispose of all the cases submitted. The percentage of cases disposed of has ranged from 45.2 percent to 92.7 percent, with an average of 72.1 percent. Roughly a quarter of the cases, then, have been removed from the calendar before trial, a practice that seems to have become more prevalent since 1977. The reason for the removals and their effect on the calendar are unclear. Removal of a substantial number of cases from the calendar—which lowers both the overall disposition rate and the settlement rate—gives a somewhat negative impression of the procedure's success in disposing of the court's routine cases. This may, however, be a statistical artifact rather than a sign that the calendar has failed in some way. One respondent noted that some cases may be submitted with every reason to believe they will be ready for trial. Then unforeseen problems arise, or the case is changed to a non-jury trial, and these cases are removed from the calendar. These removals, the respondent suggested, should not reflect negatively on the calendar.

Several questions may be asked about the impact of the joint calendar on the civil caseload: What is the settlement rate of the cases placed on the calendar and how does this rate compare to that of other district courts? Is the disposition time faster for cases

placed on the joint calendar? Does the calendar dispose of all the cases eligible for this procedure? Because of problems with comparability of data, the first question can only be answered in part; the second and third, at this point, can only be asked because data that would permit valid answers are not routinely collected.

A sizable portion of the cases submitted are terminated by settlement rather than by trial. Given that the joint calendar guarantees trial, and that a guaranteed trial is thought to provoke settlement, one might expect that settlement would be the outcome for most of the cases set on the joint calendar. Many individuals have pointed to the joint calendar as an excellent settlement device. However, the summary statistics reported in the above table suggest that settlement is the outcome in only slightly more than 50 percent of the cases. (The settlement rate is 80 percent if the removed cases are not included in the calculation.) Before concluding that this is a relatively low settlement rate, one should remember that the cases on this calendar are atypical in one important sense: They have survived through the discovery and postdiscovery periods and have been calendared for trial. The settlement rate for the joint calendar, then, does not include those cases that settled or dropped out at an earlier stage. Thus, the cases that have survived to the point that they are placed on the joint calendar are probably the more difficult cases, and for these cases a settlement rate of 50 percent may be quite good. A comparison of this rate with an equivalent rate for the district courts as a whole might be revealing, but it is not possible to find a set of cases for the other districts that is comparable to the joint calendar cases in the Western District of Missouri.<sup>9</sup>

Instead of relying on a statistical evaluation, therefore, it is necessary to depend on the more qualitative assessment given by those who participate in the joint calendar. Most of those interviewed believe settlement is a more likely outcome if a case is subject to placement on the joint calendar than if it is not. One respondent was skeptical of this claim, but did believe that settlements are negotiated at an earlier stage for those cases placed, or likely to be placed, on the joint calendar. If this is true, the disposition time for cases on the calendar (and for those eligible for the calendar) should be shorter than for cases not submitted for this procedure. Unfortunately, this hypothesis cannot be tested as the court does

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9. Although one can calculate, from the data reported in the yearly *Annual Report of the Director* of the Administrative Office the percentage of cases terminated during pretrial, it cannot be said with any certainty that these cases are similar to those submitted for the joint calendar. Thus, a comparison of settlement rates for these two groups of cases would be erroneous.

not routinely gather data on the disposition times of civil joint trial calendar cases.

In addition to looking at the calendar's settlement and disposition rates, one might assess its impact by asking what proportion of the court's civil caseload is disposed of by the procedure. However, because the calendar by definition does not handle a substantial portion of the civil caseload (e.g., cases that will have long or nonjury trials), it is more correct to ask whether the calendar disposes of all the cases that are eligible for this procedure. Data are not available, however, to answer this question.

The above discussion raises two important questions: By what criteria should the calendar be evaluated, and what expectations may one fairly have for this procedure? The answers depend on the goals that have been set. Whether the removal rate, for example, is simply a meaningless statistic or whether it suggests problems with the calendar depends in part on what the calendar is designed to achieve. If the goal is to try all those cases that are ready for trial, the calendar is an unqualified success: Every case that reaches this stage is tried. In this instance the removal of cases is not noteworthy. If, however, the court also expects the calendar to function as a device for moving cases to trial-readiness or to settlement, the removal of a significant number of cases from the calendar prior to disposition suggests the calendar is only partially successful as a mechanism for achieving these goals.<sup>10</sup>

While recognizing that the joint calendar does not dispose of all the cases submitted, one should not lose sight of the success of the calendar in achieving its primary goal: When a case is set for trial, it is tried.

### **Attorneys**

Twenty-one attorneys were asked to describe their understanding of the procedures used to select and prepare cases for the joint calendar, to discuss the calendar's impact on their practices, and to give a general assessment of the calendar's advantages and disadvantages to them. For the attorneys with whom I spoke, the joint calendar procedure is a prominent feature of the management of the court, and all were able to discuss it in some detail.

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10. Although the calendar may not be successful in moving a portion of the caseload to settlement or trial-readiness by the time of the scheduled trial weeks, it is possible that the calendar is successful in achieving this goal shortly thereafter. Many of these cases may be terminated soon after the joint calendar is held or may be disposed of by the next joint calendar. To the extent that the practice of prematurely setting cases on the calendar does not place unnecessary burdens on judges or attorneys, it may be a useful method for moving cases toward disposition.

The attorneys recognize that the calendar is useful to the court because it clears many small cases from the docket. Both defense and plaintiffs' attorneys also said the joint calendar procedure is beneficial to them. First, it forces the parties to talk seriously with each other. Second, in those instances in which a client has been unable or unwilling to decide whether to settle or go to trial, the calendar provides the impetus needed to reach a decision. And, third, if the case does go to trial, it receives the undivided attention of the judge because there are no pressures on the judge from the criminal docket. Thus, the joint calendar is seen as a device for focusing everybody's attention on the case. Two additional advantages of the calendar, mentioned less frequently, were also noted by the attorneys: Its regular schedule for shorter trials leaves large blocks of time for the longer ones, and its predictability provides a guide by which attorneys can plan their schedules.

Despite these advantages, however, most attorneys expressed a preference for individually set trials. Attorneys with solo practices or in small firms said the trial period is very taxing if they have more than one case on the calendar. Nearly all the attorneys spoke of the difficulties inherent in being "on hold" for a trial. For a period that may last as long as three weeks, they, as well as their clients and witnesses, have to be ready to appear in court on short notice. One attorney said he felt this practice is "rude to the witnesses and indirectly rude to the attorneys who have to marshal everybody together for the trial." The attorneys also spoke of the problems that may arise in trying a case before a judge who has not been involved in it during pretrial. Although most of the cases on this trial calendar are routine and can be picked up by a judge who has not seen it before, some involve issues that are more obscure and "might sneak by" a judge who has not seen the case. At other times an attorney may come before a judge who will not admit into trial issues another judge was willing to allow during pretrial. But these negative features, according to the attorneys, do tend to induce settlement. One attorney said the "inconvenience alone" will push some cases to settlement.

When asked to describe the criteria by which cases are selected for the calendar, most attorneys recited the guidelines stated by the court—jury cases that are ready for trial and can be tried in four days or less. Several also pointed out that these guidelines are not always followed.<sup>11</sup> At times cases are placed on the calendar before they are ready for trial. These attorneys spoke of the dual purpose of the calendar: First, it is used to try those cases that are

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11. One attorney described himself as "mystified" by the selection process and suggested that the court draft a paper explaining the philosophy and procedures of the joint trial calendar.

ready for trial; but second, it is also used on occasion to move unprepared cases toward trial-readiness or to force settlement. As one attorney pointed out, many more cases than can realistically be tried in a three-week trial period are placed on the calendar, suggesting that the judges expect a substantial number to settle. Some attorneys also claimed that cases that have not been actively litigated are placed on the calendar, probably with the hope that they will be forced toward trial-readiness. Attorneys have divergent opinions of the merit of this practice. Those who believe they are conscientiously pursuing their case resent being pushed, whereas those facing a recalcitrant opponent appreciate the pressure being applied.

Although most attorneys believe the calendar is a good device for scheduling cases that are ready for trial, many do not consider it a useful method for moving cases toward trial-readiness. Other mechanisms, they said, are needed. Several attorneys commented that under the previous local rules discovery deadlines were easily extended, and many cases simply never became ready. The recently amended local rule 15 is expected to alleviate this problem. The scheduling order to which counsel must agree will have the effect, these attorneys say, of bringing a case to readiness by a specified date, at which time the case will be set for trial. If these deadlines are followed by attorneys and enforced by the court, only ready cases should be placed on the trial calendar. From the point of view of one attorney, this new rule will "protect" attorneys from the possibility of having unready cases submitted for the calendar. From the point of view of several others, it will standardize the steps leading to the joint calendar.

Regarding the process of removing cases from the trial calendar, nearly all the attorneys said it is very difficult to have a case removed at their request. The bar takes seriously the court's strict policy against removing cases of attorneys who are not prepared for trial. However, they noted, when they are in an especially difficult situation—for example, when another of their trials has unexpectedly lasted into the joint trial period—the judges are "very reasonable" about granting a removal.

Several attorneys have had experience with both the criminal and the civil joint calendars and therefore were able to compare the effectiveness of the two. The general view is that the criminal calendar is more effective than the civil calendar in disposing of the cases that are set. On the other hand, they recognize that the caseloads handled by the two calendars vary a great deal. One attorney pointed out that almost by its nature the civil caseload is harder to dispose of than the criminal caseload. As he said, there not only is more discovery on the civil side, there are also "more

### *Chapter III*

excuses.” It is instructive here to recall one criminal attorney’s comments. The criminal procedure is composed of three interrelated parts, one of which is the joint calendar. The civil procedure, in contrast, is somewhat less structured, with the pretrial steps less closely linked to upcoming trial calendars. Given that the procedures for the two calendars are dissimilar, it is not surprising that the outcomes also are different.

The attorneys’ overall evaluation of the civil calendar is that it is a useful method for moving routine cases through the court. They recognize that many of these cases might not progress if there were not a joint calendar. At the same time, several warned against the “rush to justice” they see inherent in the procedure. Sometimes attorneys have gone to trial without a major witness, for example. A hurried brand of justice is an unlikely outcome, however, if all those involved in a case make certain it is ready for trial by the time the calendar begins and if mechanisms to ensure readiness are built into the joint calendar process.



## **IV. ISSUES FOR COURTS CONSIDERING THE ADOPTION OF A JOINT TRIAL CALENDAR**

A court considering adoption of a variant of the joint trial calendar procedures may find the following summaries helpful.

### **Critical Elements of a Joint Trial Calendar**

1. To guarantee a trial, while maintaining uncertainty as to the trial judge's identity, a number of judges must participate in the calendar. The court must decide how many and which judges will be expected to participate.
2. The judges must establish the criteria for selection of cases for the calendar and then select only those cases that meet the criteria.
3. The judges must agree on a minimum standard of trial-readiness and make every effort to have the cases they submit conform to that standard. Regularized pretrial procedures are helpful in getting cases ready for trial.
4. There must be cooperation among the judges.
5. There must be a capable staff in the clerk's office to handle the daily operation of the calendar, as well as good coordination between that office and the judges' chambers.
6. If the court routinely uses a civil joint calendar it probably should also use a criminal joint calendar. This assures judges that their criminal cases are being taken care of, thus reducing the risk of nonparticipation in the civil calendar.

## Questions to Answer

1. Because the civil joint calendar is useful for only a portion of the civil caseload, does the court have enough cases of that type to make the calendar worthwhile? Can the court produce enough cases through careful screening and pretrial proceedings to have a joint calendar?
2. How many cases should be submitted? Does the court know its cases well enough—the settlement rates, the attorneys, the lengths of trial—to determine how many cases to submit for the trial calendar? If the court has more than enough cases for the calendar, what will be the maximum number that may be submitted?
3. Who will select the cases for the calendar? Who will determine that they are ready for trial? Are new rules or procedures needed for screening the cases for the calendar?
4. Does the court have enough judges for the calendar?
5. If some members of the court sit in outlying divisions, how can the judges who are responsible for these divisions share equitably in the joint calendar?
6. Can the court reach consensus on the criteria for selection of cases and the definition of a trial-ready case?
7. To operate the calendar, a substantial amount of time will be required from staff in the clerk's office. Does the court have the necessary resources?
8. Is there a role for the magistrate? For example, could the magistrate screen the cases for the calendar?
9. Should the joint calendar be used when there are new appointees on the bench?
10. How can the court avoid scheduling conflicts with the state courts?
11. Can the procedure work if the federal bar is very small?
12. How can the court build in an evaluation mechanism?

13. What steps will the court take to educate the bar when the procedure is adopted?

These questions are addressed primarily to courts considering adoption of a joint trial calendar as a standard case management device. Some of the issues raised here, such as standardized pre-trial procedures for bringing cases to trial-readiness, are probably less critical if a court wants to use a joint calendar as a one-time docket-clearing procedure. But even for such a limited use, a court must answer these questions: What are the selection criteria, which judges will participate in the calendar, and what are the standards of trial-readiness? With a combination of good will, a clearly defined purpose, and carefully designed procedures, most courts should be able to hold a successful joint trial calendar.



**APPENDIX A**  
**Criminal Joint Trial Calendar Documents**



**Magistrate's Order on the Filing  
of Pretrial Motions**

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	
Defendant.	)	

ORDER IN RESPECT TO THE FILING  
OF PRETRIAL MOTIONS AND RESPONSES

Pursuant to the direction of the Court en banc of the United States District Court for the Western District of Missouri, and unless otherwise specially ordered by the district judge to whom the case is assigned at least three days from the date the motions are due to be filed, it is

ORDERED that the defendant file all pretrial motions within ten (10) days and that the United States of America file its response to said motions within five (5) days after they are filed. It is further

ORDERED that each motion shall (1) be limited to a single subject and not request alternative relief and not, by reference, incorporate or adopt a motion filed by another defendant, and (2) be supported by suggestions specifically directed to the subject of the motion and not, by reference, incorporate or adopt the suggestions filed in support of any other motion. It is further

ORDERED that any motion that does not comply with the requirements of this order be summarily dismissed.

Counsel are reminded that in the order filed November 26, 1968, providing for an omnibus hearing in each criminal action, the Court en banc stated that the purposes of the omnibus hearing procedure are to encourage voluntary disclosure and *to eliminate written motion practice except where absolutely necessary.*

\_\_\_\_\_  
Chief United States Magistrate

Kansas City, Missouri

Copy to: United States Attorney, Counsel for Defendant

## Clerk's Order Setting the Calendar

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

NOTICE AND ORDER SETTING  
ACCELERATED CRIMINAL TRIAL DOCKET

- I. By order of the Court en banc, the following accelerated criminal trial docket is set before the Honorable Chief Judge Russell G. Clark and Judges Scott O. Wright, Howard F. Sachs, Senior Judges John W. Oliver and Elmo B. Hunter.
- II. The trial of the cases will begin in all divisions at 9:30 a.m., \_\_\_\_\_, 19\_\_\_\_. The trial of the cases will continue during the period commencing \_\_\_\_\_, 19\_\_\_\_, and continuing to and including \_\_\_\_\_, 19\_\_\_\_. *Unless otherwise noted all cases will be tried in the order they are listed on the amended docket which will be published by or before \_\_\_\_\_, 19\_\_\_\_.* Trial of the next case on the docket will commence when the trial of a preceding case is concluded and will, at that time, be assigned to the first open division.
- III. Counsel are requested to arrange their schedules for this period so that no request for postponement will be made. None of the cases set for trial during this period will be continued because of conflicting engagements.
- IV. Counsel are directed to follow the progress of the preceding cases. It is absolutely necessary that the Clerk be notified if a change of plea is to be tendered so that counsel in other cases may be kept advised when their case(s) is expected to be reached for trial.
- V. A change of plea tendered prior to the time the case is assigned to a judge for trial will be taken and sentence will be imposed by the judge to whom the case was assigned by random selection when the indictment or information was filed. A change of plea tendered after the case is assigned to a judge for trial will be taken and sentence will be imposed by that judge.
- VI. After \_\_\_\_\_, 19\_\_\_\_, a plea bargain agreement, including dismissal of counts, will not be considered or accepted, in the absence of exceptional circumstances or for good cause shown or appearing.



- VII. If not previously filed, counsel for each party is requested to file, in writing, with the Clerk, not later than Noon on \_\_\_\_\_, 19\_\_\_\_:
- A. Requests in regard to the Court's instructions to the jury that can be anticipated; and
  - B. Requests in regard to any questions they would like the Court to ask on voir dire examination of the jury.
- VIII. Counsel for each party is directed to file such requests for instructions to be included in the charge not later than the time the plaintiff is given the opportunity to make an opening statement.

## Summary Report of the Joint Trial Calendar

Monday, September 26, 1983

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Appendix A

ACTION NUMBER	NAME OF DEF.	DATE OF INDICTMENT	DATE OF INITIAL APPEARANCE	DATE OF DISPOSITION*	TYPE OF DISPOSITION	ACTUAL TIME FROM INITIAL APP. TO DISPOSITION	NET TIME FROM INITIAL APP. TO DISPOSITION	FINAL DATE FOR TRIAL (if applicable)	REMARKS
		06-15-82	08-24-83	09-23-83	PLEA	29	29		
		05-09-83	05-10-83	09-23-83	TRIAL/GUILTY-ct.1				
					ACQUITTED-ct.3	136	47		
		05-09-83	05-16-83	09-28-83	PLEA	135	46		
		05-09-83	05-12-83	09-14-83	PLEA	125	63		
		06-21-83	06-27-83	09-29-83	PLEA	94	39		
		06-22-83	07-20-83		CONTINUANCE			12-25-83	
		06-22-83	07-20-83		CONTINUANCE			12-25-83	
		08-01-83	08-02-83	09-28-83	TRIAL/GUILTY	56	56		
		08-01-83	08-02-83	09-23-83	PLEA	51	51		
		08-01-83	08-02-83	09-22-83	PLEA	50	50		
		08-01-83	08-03-83	09-16-83	PLEA	43	43		
		08-01-83	08-02-83		CONTINUANCE			12-14-83	
		08-01-83	08-02-83		CONTINUANCE			12-25-83	
		08-02-83	08-29-83	09-19-83	PLEA	20	20		
		08-02-83	08-03-83	09-23-83	PLEA	50	50		
		08-02-83	08-05-83	09-19-83	PLEA	44	44		
		08-04-83	07-27-83	09-26-83	PLEA	52	52		
		09-16-83	08-03-83	09-16-83	PLEA	43	43		Date of indictment is date of superseding information.
		09-16-83	08-03-83	09-16-83	PLEA	43	43		Date of indictment is date of superseding information.
		09-14-83	08-05-83	09-14-83	PLEA	39	39		Date of indictment is date of superseding information.

\*Disposition is commencement of trial, plea, or dismissal.

**APPENDIX B**  
**Local Rule 18**



## **Local Rule 18 Trial Settings**

Whenever possible, trial settings will be closely coordinated with the completion of post discovery pretrial procedures pursuant to Rule 17. In addition to trial settings in each division, a minimum of two joint civil jury trial dockets will be scheduled, one in April and one in October, each year in the Western Division of the Western District of Missouri.

Adopted July 20, 1982, eff. Jan. 1, 1983.



**APPENDIX C**  
**Civil Joint Jury Trial Calendar Documents**





## Notice to Attorneys

UNITED STATES DISTRICT COURT

Office of the Clerk

WESTERN DISTRICT OF MISSOURI

201 United States Courthouse

Kansas City, Missouri 64106

Date: September 14, 1983

### IMPORTANT NOTICE TO ATTORNEYS CONCERNING ACCELERATED JOINT CIVIL JURY TRIAL DOCKET

The United States District Court for the Western District of Missouri, en banc, has directed me to inform you that between October 11, 1983 and October 28, 1983 inclusive, eight divisions of this Court will be in continuous session at Kansas City for the purpose of trying civil jury cases presently pending on the docket in the Western District of Missouri.

You are listed as counsel in one or more jury cases on this docket. You are hereby notified that each jury case (except complex cases) that is on our docket may be set for trial during the period mentioned above.

You are hereby requested to arrange your schedule for this period so that no request for postponement will be made. *None of the cases set for trial during this period will be continued because of conflicting engagements.*

On the reverse of this notice is a form requesting you to list lead trial counsel in a particular case. Please designate *only one attorney* as lead trial counsel. Your early reply will be appreciated in order that the trial docket may be arranged with the fewest possible conflicting engagements of counsel.

A list of cases and the order in which they will be called for trial will be furnished you at a later date.

---

R. F. CONNOR, Clerk

Lead Trial Counsel Form

UNITED STATES DISTRICT COURT

Office of the Clerk

WESTERN DISTRICT OF MISSOURI

201 United States Courthouse  
Kansas City, Missouri 64106

Agristor Leasing, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	CIVIL ACTION NO.
	)	
Stiles S9 Ranch, Inc.,	)	82-0688-CV-W-4
	)	
Defendants.	)	

Please advise me in the space below, the name of the *lead trial counsel* in the above action. Since this information is used for docket scheduling purposes, IT IS IMPERATIVE that you notify the Clerk of the Court of any change in lead trial counsel. Please designate only *one* attorney as lead trial counsel. Said attorney will receive all notices regarding the docket.

\_\_\_\_\_  
R. F. CONNOR, Clerk of Court

-----  
The lead trial counsel in the above action is:

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Attorney for: \_\_\_\_\_

Plaintiff ( )

Defendant ( )

ESTIMATED TRIAL DAYS \_\_\_\_\_

HOME PHONE # \_\_\_\_\_

## Joint Trial Calendar Master List

							October 1983
CASE NUMBER	CODE	EST. DAYS	STYLE	PLTF. ATTORNEY	DEF. ATTORNEY	REMARKS	
82-1090-CV-W-1	153		United States of America v. Edrick P. McDonald			REMOVED Settled	
82-1100-CV-W-1	130		United States of America v. Reiz-Morris Construction Co., et al.			REMOVED Settled	
83-0004-CV-W-1	110		Albert F. Jay v. General American Life Insurance Co.			REMOVED Non-Jury	
83-0029-CV-W-1	190		United States of America v. Bill E. Gouch, et al.			REMOVED Non-Jury	
83-0171-CV-W-1	442-7		Fred Poindexter v. Kansas City MO-Water Dept., et al.			REMOVED Non-Jury	
83-0274-CV-W-1	442-7	3-P 3-D	Terri Sherman v. City of Lee's Summit	Catalina M. Alvarez 111 S. Bemiston, Ste. 214 St. Louis, Mo. 63105 314/721-0202 Business	Stanley Craven 1000 Power & Light Bldg. K.C., Mo. 474-8100 Business	Specially Set Week of 10/15/83 Avoid last 2 weeks of Acc Doc	
83-0281-CV-W-1	190	3-P 4-D	Harold W. Kuebler v. Systronics, Inc.	Werner A. Moentmann 121 East Lexington St. Richmond, Mo. 64085 776-5416 Business	David M. Harding 515 Commerce Bk. Bldg. K.C., Mo. 64106 421-0644 Business		
78-0115-CV-W-4	350		Martha Gay Kochheim, et al. v. Milton F. Barr, et al.			After jury selection SETTLED	
81-0992-CV-W-4	360		William H. Soban, et al. v. Burlington Northern Railroad Co., et al.			REMOVED Dismissed	

October 27, 1983    3:55 p.m.

**Judge's Request Form**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CIVIL ACCELERATED JOINT JURY TRIAL DOCKET  
OCTOBER 1983

REQUEST TO REMOVE, ADD, OR SPECIALLY SET, ACTION

To: L. V. Barry

Please ADD REMOVE SPECIALLY SET (Circle One)  
the below listed action:

No.: \_\_\_\_\_

Style: \_\_\_\_\_

v.  
\_\_\_\_\_

IF REMOVAL — Please give the reason for such removal below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IF SPECIAL SETTING — Enter appropriate information:

Week of docket: \_\_\_\_\_

or

Particular date setting: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## List of Attorneys

### CIVIL ACCELERATED JOINT JURY TRIAL DOCKET OCTOBER 1983\*

#### ATTORNEY ROLL

September 28, 1983

ADELMAN, R.I.	82-0330-5	SPL SET 2ND WK
ALVAREZ, C.M.	83-0274-1	SPL SET 1ST WK
AMICK, J.W.	81-0318-1	
	83-0261-9	
BAKER, T.O.	82-0330-5	SPL SET 2ND WK
BANDY, J.	82-4092-C	
BENJAMIN, J.W.	82-0624-8	SPL SET 1ST OUT 3RD WK
BERKOWITZ, L.M.	83-0204-6	
BRANDT, W.P.	80-0587-0	
	81-0560-0	
BROWN, S.J.	81-0353-0	
BUCHER, D.E.	82-0674-8	
CARLSON, R.B.	83-0070-4	
COLEMAN, L.	80-0871-8	
COUGHLIN, G.P.	80-0929-9	
CRAVEN, S.	83-0274-1	SPL SET 1ST WK
DAVIS, L.K.	82-0982-4	SPL SET 2ND WK 1ST OUT
DEES, S.P.	82-0219-5	SPL SET 2ND WK 2ND OUT
DOERHOFF, D.C.	82-4235-C	
	82-4375-C	
DOMINIQUE, P.P.	82-4237-C	SPL SET 1ST WK
	82-4275-C	SPL SET 2ND WK
FOUST, N.W.	81-0992-4	SPL SET 1ST OUT 1ST WK
GALLAHER, J.W.	82-4306-C	SPL SET 1ST WK, CONFLICT 2ND WK
GOODDEN, D.D.	82-0836-8	1ST OR 2ND WK ONLY

\*This list is for the October 1983 civil joint trial calendar. The information in this list will not correspond to any in the following documents, which are for other joint calendars.

## Calendar for the First Week

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

April 18, 1983

NOTICE AND ORDER SETTING  
ACCELERATED CIVIL JOINT JURY TRIAL DOCKET

By order of the Court en banc, the following Civil Trial Docket is set before the Honorable Judges Russell G. Clark, Scott O. Wright, Howard F. Sachs, Joseph E. Stevens, Jr., D. Brook Bartlett, Ross T. Roberts, John W. Oliver, and Elmo B. Hunter.

The trial of the cases will begin at 9:30 a.m., Monday, April 18, 1983, and will continue until all cases have been tried. All cases on this docket will be tried in the order they are listed. Trial of the next case on the docket will commence when the trial of a preceding case is concluded and will, at that time, be assigned to the first open division.

It is absolutely necessary that the Clerk be immediately notified if any case is settled so that counsel may be kept advised of when their cases will be tried.

PLEASE NOTE:

RULE 14.1C Six Member Juries:

Unless otherwise specially ordered by the court in a designated civil action or consolidated actions, juries shall consist of six members in all civil cases, including but not limited to complex cases.

CASE NUMBER	STYLE OF CASE	LEAD TRIAL COUNSEL
81-0946-CV-W-5	URS Co., Kansas City v. Board of Trustees of Campbell Memorial Hosp.	A. Thomson K. Glynn
81-0347-CV-W-8	Jerry Lempe v. Mural Trans. Co., Inc., et al	W.H. Pickett J.W. Benjamin
81-0909-CV-W-4	Wm. R. Johnson v. Yellow Freight System, Inc.	S.I. McHenry D.L. Hornbeck

Civil Calendar Documents

CASE NUMBER	STYLE OF CASE	LEAD TRIAL COUNSEL
81-4131-CV-C-5	N. Ferren, et al v.	C.F. Sapp
81-1021-CV-W-5	Richards Mfg. Co., et al Stewart Cassidy v.	M.A. Dallmeyer D.M. Killoughey
82-0119-CV-W-8	Stan Bowlin, et al Richard F. Harrington v.	G.O. Grounds S.A.J. Bukaty
82-0302-CV-W-9	Ecology & Environmental, Inc. The Fuller Brush Co. v.	D.C. Laub A.H. Gernstein
82-0174-CV-W-0	Walter E. Blakey Adam G. Paoni v.	D. Achtenberg H.M. Swafford
82-0291-CV-W-5	Pep Services, Inc. Berbiglia, Inc., et al v.	W.R. Simpson R.E. McFadin
81-0753-CV-W-5	Domaine Chandon Molly Riley v.	L.A. Rouse W.P. Whitaker
81-0685-CV-W-2	Crown Center Redevelopment Corp., et al Sandra A. Goodrick v.	L.M. Berkowitz J. Aisenbrey R.L. Colbert
81-0945-A-CV-W-5	Crown Center Redevelopment Corp., et al IN RE FEDERAL SKYWALK (Class Member GILBERT) — For Defendants	P. Donnelly J. Aisenbrey A. Speers  M. Waldeck J. Aisenbrey A. Stoup
81-0945-A-CV-W-5	IN RE FEDERAL SKYWALK (Class Member BERLAU) — For Defendants	D. Everson J. Aisenbrey

List of Actions Per Judge

CIVIL ACCELERATED JOINT JURY TRIAL DOCKET  
 OCTOBER 1983  
 WESTERN DIVISION

No.	JUDGE	CODE	EST. DAYS	ACTION NUMBER*	ACTION ON CASE			
1.	I	360	3		REMOVED			
2.					REMOVED			
3.					REMOVED			
4.					REMOVED			
5.					REMOVED			
6.					REMOVED			
7.					REMOVED			
8.					REMOVED			
9.					REMOVED			
10.	II	442.7	3		SPL SET 10/11-15			
11.					REMOVED			
1.	II	350	3/4					
2.		360	4		1ST OUT 10/12/83			
3.					REMOVED			
4.					REMOVED			
5.					REMOVED			
6.					REMOVED			
7.					REMOVED			
8.					REMOVED			
9.			385		2/3	1ST OUT - 2ND WK		
10.				REMOVED				
11.	III	720	1		REMOVED			
12.					REMOVED			
13.					REMOVED			
1.					REMOVED			
2.					REMOVED			
3.					REMOVED			
4.					REMOVED			
5.					REMOVED			
6.					REMOVED			
7.					REMOVED			
8.						890	2/3	SPL SET 2ND WK- 2ND OUT
9.						190	2/5	1ST WK SETTING
10.						365	4	2ND WK SETTING
11.				REMOVED				
12.				REMOVED				
13.				REMOVED				
14.				REMOVED				
15.				REMOVED				
16.				REMOVED				
17.				REMOVED				



Civil Calendar Documents

No.	JUDGE	CODE	EST. DAYS	ACTION NUMBER*	ACTION ON CASE
18.					REMOVED
1.	IV				REMOVED
2.		720	3/8		
3.		330	4		
4.		190	2/3		
5.		190	2/3		
1.	V	380	2/3		
2.		440	3/5		SPL SET 1ST OUT 2ND WK
3.		360	4/5		
4.					REMOVED
5.		442	3		SPL SET 3RD WK
6.		365	3/10		SPL SET 1ST OUT 3RD WK
7.		440	2/3		
8.		190	2/3		
9.					REMOVED
10.		365	4		NOT FOR 3RD WK
11.		330	3		
12.		440	3		
13.					REMOVED
1.	VI				REMOVED
2.					REMOVED
3.		440	4/7		SPL SET 1ST OUT 2ND WK
4.					REMOVED
5.					REMOVED
6.					REMOVED
7.		440	3		
8.					REMOVED
9.		365	2/3		
10.					REMOVED
11.					REMOVED
12.					REMOVED
13.					REMOVED
14.		350	3		
15.		791	2/4		
1.	VII	890	3		REMOVED
2.		370	3		
3.		365	6/10		
4.		360	2		
5.		190	3		REMOVED
6.					REMOVED
7.					REMOVED

\*Docket number.

## Summary Report of the Joint Trial Calendar

April 1984

<u>JUDGE</u>	<u>DISPOSED OF</u>	<u>TRIED*</u>	<u>REMOVED</u>
<u>I</u>	A	0	0
	B	0	0
	C	2	2
	D	5	1
<b>TOTAL</b>	<u>8</u>	<u>1</u>	<u>4</u>

<u>JUDGE</u>	<u>DISPOSED OF</u>	<u>TRIED*</u>	<u>REMOVED</u>
<u>II</u>	A	0	0
	B	0	0
	C	0	0
	D	0	1
<b>TOTAL</b>	<u>1</u>	<u>0</u>	<u>1</u>

<u>JUDGE</u>	<u>DISPOSED OF</u>	<u>TRIED*</u>	<u>REMOVED</u>
<u>III</u>	A	0	0
	B	0	0
	C	1	0
	D	0	0
<b>TOTAL</b>	<u>1</u>	<u>0</u>	<u>2</u>

<u>JUDGE</u>	<u>DISPOSED OF</u>	<u>TRIED*</u>	<u>REMOVED</u>
<u>IV</u>	A	0	0
	B	0	0
	C	0	0
	D	0	1
<b>TOTAL</b>	<u>1</u>	<u>0</u>	<u>1</u>

<u>JUDGE</u>	<u>DISPOSED OF</u>	<u>TRIED*</u>	<u>REMOVED</u>
<u>V</u>	A	1	0
	B	0	1
	C	7	1**
	D	1	0
<b>TOTAL</b>	<u>12</u>	<u>1</u>	<u>1</u>

<u>JUDGE</u>	<u>DISPOSED OF</u>	<u>TRIED*</u>	<u>REMOVED</u>
<u>VI</u>	A	0	0
Outlying Division	B	0	0
	C	4	0
	D	2	1
<b>TOTAL</b>	<u>7</u>	<u>0</u>	<u>1</u>

(Continued)

JUDGE	DISPOSED			JUDGE	DISPOSED			JUDGE	DISPOSED		
	OF	TRIED*	REMOVED		OF	TRIED*	REMOVED		OF	TRIED*	REMOVED
VII	A	0	0	VIII	A	0	0	VI	A	0	0
	B	0	0		B	0	0		B	0	0
	C	2	1		C	0	0		C	5	1
	D	6	0		D	0	0		D	0	0
TOTAL		9	3	TOTAL		0	3	TOTAL		6	0

TOTAL	GRAND TOTAL	TOTAL REMOVED	TOTAL DISPOSED OF	NUMBER* OF TRIALS
A = 3 Years +	= 1	0	1	0
B = 2 Years - 3 Years	= 2	1	1	1
C = 1 Year - 2 Years	= 39	14	25	3**
D = Less than 1 Year	= 22	4	18	4
TOTALS	64	19	45	9

\*Included in "Disposed Of" total.

\*\*One trial included two consolidated civil actions.







## THE FEDERAL JUDICIAL CENTER

The Federal Judicial Center is the research, development, and training arm of the federal judicial system. It was established by Congress in 1967 (28 U.S.C. §§ 620-629), on the recommendation of the Judicial Conference of the United States.

By statute, the Chief Justice of the United States is chairman of the Center's Board, which also includes the Director of the Administrative Office of the United States Courts and six judges elected by the Judicial Conference.

The Center's **Continuing Education and Training Division** provides educational programs and services for all third branch personnel. These include orientation seminars, programs on recent developments in law and law-related areas, on-site management training for support personnel, publications and audiovisual resources, and tuition support.

The **Research Division** undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, usually at the request of the Judicial Conference and its committees, the courts themselves, or other groups in the federal court system.

The **Innovations and Systems Development Division** designs and tests new technologies, especially computer systems, that are useful for case management and court administration. The division also contributes to the training required for the successful implementation of technology in the courts.

The **Inter-Judicial Affairs and Information Services Division** prepares several periodic reports and bulletins for the courts and maintains liaison with state and foreign judges and related judicial administration organizations. The Center's library, which specializes in judicial administration materials, is located within this division.

The Center's main facility is the historic Dolley Madison House, located on Lafayette Square in Washington, D.C.

Copies of Center publications can be obtained from the Center's Information Services Office, 1520 H Street, N.W., Washington, D.C. 20005.



**Federal Judicial Center**

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