

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

L. RALPH MECHAM
DIRECTOR

JAMES E. MACKLIN, JR.
DEPUTY DIRECTOR

WASHINGTON, D.C. 20544

KAREN K. SIEGEL
CHIEF
OFFICE OF THE
JUDICIAL CONFERENCE SECRETARIAT

May 3, 1990

MEMORANDUM TO THE DIRECTOR

SUBJECT: Implementation of the 14-point Case Management Program

This is in response to your request for a proposed plan for implementation of the recently-approved 14-point Case Management Program. Since this is for your use, I have been quite frank in places. Jim has seen my comments and they generally reflect his views as well.

A. Item 8 of the 14-point program provides that "the responsibilities that have been the province of the Conference's Judicial Improvements Committee will be divided between two new committees, one on Automation and Technology and the other on Case Management and Dispute Resolution". This language contemplates two committees, one to inherit the automation jurisdiction of Improvements and the other to inherit any of Improvements' jurisdiction that would fall loosely within the framework of "case management". Judge Peckham and particularly Judge Nangle, our resident jurisdiction guru, confirm the two committee approach. A subcommittee of the latter committee will probably be necessary to deal with the substantial front-end requirements imposed by the 14-point program; after the first year or two, the maintenance role should not be as substantial.

As you might imagine, the title "Case Management and Dispute Resolution", was coined by Judge Peckham and Magistrate Brazil. I have felt all along that it was too narrow but prior to adoption of the program raised the issue only with Judge Peckham, who was disinclined to broaden the title (but amenable to including within the ambit of the new committee the miscellaneous items discussed below). I did discuss the matter with Judge Nangle yesterday, and I believe he would support a name change if we decide to bring it up.

There are many items that must go somewhere. In addition to those listed below which are specifically set out in the jurisdictional statement for Judicial Improvements, other matters come up infrequently but regularly: records management, waiver of

overpayments, peremptory challenges of judges, whether Conference meetings should be open to the public, to name just a few. Unless a third "nuts and bolts" -- a euphemism for trivia -- committee is also to be created to deal with such minor matters, the Case Management Committee will have to consider them.

There should be circuit-wide representation, as well as a bankruptcy judge and a magistrate, on each committee. The 14-point program provides for one dual appointment, on Case Management and on Rules.

B. I would recommend dividing the current jurisdiction of Improvements, as follows:

Improve automation services and make recommendations on staffing of automation personnel - **Automation**

Monitor case management activity - **Case Management**

Make recommendations on

attorney admission and discipline - **Case Management**

alternative dispute resolution - **Case Management**

library and legal research - **Case Management**

miscellaneous and filing fees - **Case Management**

places of holding court - **Case Management**

printing of opinions - **Automation**

release of and access to judicial information -
Automation

travel regulations for justices and judges - **Judicial
Branch**

Review jury matters - **Case Management**

C. Timing: Judge Bilby ought to be given the opportunity to exit gracefully. I would allow him to make his final presentation to the Conference in September, and implement the split officially on October 1. I believe there is also some value in designating the new committees within the next month or two, so that the Case Management group could begin work this summer. I am sure I will be questioned about this at the Technology Subcommittee meeting on May 10.

D. Appointments: With only one exception, I would propose that the current Improvements Committee members be reassigned to one of the two new committees. My candid thoughts are as follows:

1st Circuit - Judge Rya Zobel - either committee (but if appointed to Automation, Judge Brock Hornby or some other talented judge could be appointed to Case Management)

2d Circuit - Judge James Oakes - Case Management

3d Circuit - Judge Lee Sarokin - Case Management, because he has little interest in computers

4th Circuit - Judge Sam Ervin - either committee; he doesn't make much contribution either way

5th Circuit - Judge Robert Parker - CHAIR Case Management

6th Circuit - Judge Benjamin Gibson - Automation; Jim Higgins told me in confidence that Judge Merritt would like to see someone with more interest in case management on the new Case Management committee

7th Circuit - Judge Harold Baker - CHAIR Automation

8th Circuit - Judge Gerald Heaney - Case Management; he's not a big contributor but seems to have little interest in automation; Jack Nangle likes him and would like to see Franklin Waters appointed to Automation

9th Circuit - new appointment

10th Circuit - Judge John Moore - Automation

11th Circuit - Judge Susan Black - either committee, although my guess is she would prefer Case Management

DC Circuit - Judge Norma Johnson - release (even when she is there, she doesn't do her homework; in addition, she knows next to nothing about automation and has a real personality conflict with Parker)

Court of International Trade - Judge Jane Restani - Case Management (however, she has a background in bankruptcy; Jim is checking with Morey Sear to see whether she might be a good candidate for the Bankruptcy Committee)

BJ Beryl McGuire - Automation or release (he's had 7 years)

Magistrate John Weinberg - either committee, he's pretty sharp

This would leave the Chief with about 15 new appointments to fill.

Karen

Karen K. Siegel