

Calendar No. 768

101ST CONGRESS
2D SESSION**S. 2648****[Report No. 101-416]**

To amend title 28, United States Code, to provide for civil justice expense and delay reduction plans, authorize additional judicial positions for the courts of appeals and district courts of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17 (legislative day, APRIL 18), 1990

Mr. BIDEN (for himself and Mr. THURMOND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

AUGUST 3 (legislative day, JULY 10), 1990

Reported by Mr. BIDEN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 28, United States Code, to provide for civil justice expense and delay reduction plans, authorize additional judicial positions for the courts of appeals and district courts of the United States, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 **That this Act may be cited as the "Judicial Improvements**
- 4 **Act of 1990".**

1 **TITLE I—CIVIL JUSTICE EXPENSE**
2 **AND DELAY REDUCTION PLANS**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Civil Justice Reform Act
5 of 1990”.

6 **SEC. 102. FINDINGS.**

7 The Congress finds that:

8 (1) The problems of cost and delay in civil litigation
9 in any United States district court must be addressed
10 in the context of the full range of demands
11 made on the district court’s resources by both civil and
12 criminal matters.

13 (2) The court, the litigants, and the litigants’ attorneys
14 share responsibility for cost and delay in civil
15 litigation and its impact on access to the courts and
16 the ability of the civil justice system to provide proper
17 and timely judicial relief for aggrieved parties.

18 (3) The solutions to problems of cost and delay
19 must include significant contributions by the court, the
20 litigants, and the litigants’ attorneys.

21 (4) In identifying, developing, and implementing
22 solutions to problems of cost and delay in civil litigation,
23 it is necessary to achieve a method of consultation
24 so that individual judicial officers, litigants, and
25 litigants’ attorneys who have developed techniques for

1 litigation management and cost and delay reduction
2 can effectively and promptly communicate those tech-
3 niques to all participants in the civil justice system.

4 (5) Evidence suggests that an effective litigation
5 management and cost and delay reduction program
6 should incorporate several interrelated principles,
7 including—

8 (A) the differential treatment of cases that
9 provides for individualized and specific manage-
10 ment according to their needs and probable litiga-
11 tion careers;

12 (B) early involvement of a judicial officer in
13 planning the progress of a case, controlling the
14 discovery process, and scheduling litigation
15 events;

16 (C) regular communication between a judicial
17 officer and attorneys during the pretrial process;
18 and

19 (D) utilization of alternative dispute resolu-
20 tion programs in appropriate cases.

21 (6) Because the increasing volume and complexity
22 of civil and criminal cases imposes increasingly heavy
23 workload burdens on judicial officers, clerks of court,
24 and other court personnel, it is necessary to create an
25 effective administrative structure to ensure ongoing

1 consultation and communication regarding effective liti-
 2 gation management and cost and delay reduction prin-
 3 ciples and techniques.

4 **SEC. 102. AMENDMENTS TO TITLE 28, UNITED STATES CODE.**

5 (a) **CIVIL JUSTICE EXPENSE AND DELAY REDUCTION**
 6 **PLANS.**—Title 28, United States Code, is amended by in-
 7 serting after chapter 21 the following new chapter:

8 **“CHAPTER 23—CIVIL JUSTICE EXPENSE**
 9 **AND DELAY REDUCTION PLANS**

“Sec.

“471. Requirement for a district court civil justice expense and delay reduction plan.

“472. Development and implementation of a civil justice expense and delay reduction plan.

“473. Content of civil justice expense and delay reduction plans.

“474. Review of district court action.

“475. Periodic district court assessment.

“476. Model civil justice expense and delay reduction plan.

“477. Advisory groups.

“478. Information on litigation management and cost and delay reduction.

“479. Training programs.

“480. Automated case disposition information.

“481. Definitions.

10 **“§ 471. Requirement for a district court civil justice ex-**
 11 **pense and delay reduction plan**

12 **“There shall be implemented by each United States dis-**
 13 **trict court, in accordance with this title, a civil justice ex-**
 14 **pense and delay reduction plan. The plan may be a plan de-**
 15 **veloped by such district court or a model plan developed by**
 16 **the Judicial Conference of the United States. The purposes**
 17 **of each plan are to facilitate deliberate adjudication of civil**
 18 **cases on the merits, monitor discovery, improve litigation**

1 management, and ensure just, speedy, and inexpensive reso-
2 lutions of civil disputes.

3 **“§ 472. Development and implementation of a civil justice**
4 **expense and delay reduction plan**

5 **“(a) The civil justice expense and delay reduction plan**
6 **implemented by a district court shall be developed or select-**
7 **ed, as the case may be, after consideration of the recommen-**
8 **dations of an advisory group appointed in accordance with**
9 **section 477 of this title.**

10 **“(b) The advisory group of a United States district court**
11 **shall submit to the court a report, which shall be made avail-**
12 **able to the public and which shall include—**

13 **“(1) an assessment of the matters referred to in**
14 **subsection (c)(1);**

15 **“(2) the basis for its recommendation that the dis-**
16 **trict court develop a plan or select a model plan;**

17 **“(3) recommended measures, rules and programs;**
18 **and**

19 **“(4) an explanation of the manner in which the**
20 **recommended plan complies with section 473 of this**
21 **title.**

22 **“(e)(1) In developing its recommendations, the advisory**
23 **group of a district court shall promptly complete a thorough**
24 **assessment of the state of the court’s civil and criminal dock-**

1 ets. In performing the assessment for a district court, the
2 advisory group shall—

3 “(A) determine the condition of the civil and
4 criminal dockets;

5 “(B) identify trends in case filings and in the de-
6 mands being placed on the court’s resources; and

7 “(C) identify the principal causes of cost and
8 delay in civil litigation, giving consideration to such po-
9 tential causes as court procedures and the ways in
10 which litigants and their attorneys approach and con-
11 duct litigation.

12 “(2) In developing its recommendations, the advisory
13 group of a district court shall take into account the particular
14 needs and circumstances of the district court, litigants in such
15 court, and the litigants’ attorneys.

16 “(3) The advisory group of a district court shall ensure
17 that its recommended actions include significant contributions
18 to be made by the court, the litigants and the litigants’ attor-
19 neys toward reducing cost and delay and thereby facilitating
20 access to the courts.

21 “(d) The chief judge of the district court shall transmit a
22 copy of the plan implemented in accordance with subsection
23 (a) and the report prepared in accordance with subsection (b)
24 of this section to—

1 “(1) the Director of the Administrative Office of
2 the United States Courts;

3 “(2) the judicial council of the circuit in which the
4 district court is located; and

5 “(3) the chief judge of each of the other United
6 States district courts located in such circuit.

7 **“§ 472. Content of civil justice expense and delay reduc-**
8 **tion plans**

9 “(a) A civil justice expense and delay reduction plan
10 developed and implemented under this chapter shall include
11 provisions applying the following principles and guidelines of
12 litigation management and cost and delay reduction:

13 “(1) systematic, differential treatment of civil
14 cases that tailors the level of individualized and case
15 specific management to such criteria as case complex-
16 ity, the amount of time reasonably needed to prepare
17 the case for trial, and the judicial and other resources
18 required for the preparation and disposition of the case;

19 “(2) early and ongoing control of the pretrial
20 process through involvement of a judicial officer in—

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

23 “(B) setting early, firm trial dates, such that
24 the trial is scheduled to occur within eighteen
25 months of the filing of the complaint, unless a ju-

1 judicial officer certifies that the trial cannot reason-
2 ably be held within such time because of the com-
3 plexity of the case or the number or complexity of
4 pending criminal cases;

5 “(C) controlling the extent of discovery and
6 the time for completion of discovery, and ensuring
7 compliance with requested discovery in a timely
8 fashion; and

9 “(D) setting deadlines for the filing of mo-
10 tions and target dates for the deciding of motions;

11 “(3) for all cases that the court or an individual
12 judicial officer determines are complex and any other
13 appropriate cases, careful and deliberate monitoring
14 through a discovery-case management conference or a
15 series of such conferences at which the presiding judi-
16 cial officer—

17 “(A) explores the parties’ receptivity to, and
18 the propriety of, settlement or proceeding with
19 the litigation;

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

1 “(C) prepares a discovery schedule and plan
2 consistent with any presumptive time limits that a
3 district court may set for the completion of dis-
4 covery and with any procedures a district court
5 may develop to—

6 “(i) identify and limit the volume of dis-
7 covery available to avoid unnecessary or
8 unduly burdensome or expensive discovery;
9 and

10 “(ii) phase discovery into two or more
11 stages; and

12 “(D) establishes deadlines for filing motions
13 and target dates for deciding motions;

14 “(4) encouragement of cost-effective discovery
15 through voluntary exchange of information among liti-
16 gants and their attorneys and through the use of coop-
17 erative discovery devices;

18 “(5) conservation of judicial resources by prohibit-
19 ing the consideration of discovery motions unless ac-
20 companied by a statement that the moving party has
21 made a reasonable and good faith effort to reach agree-
22 ment with opposing counsel on the matters set forth in
23 the motion;

24 “(6) authorization to refer appropriate cases to al-
25 ternative dispute resolution programs that—

1 “(A) have been designated for use in a dis-
2 trict court; or

3 “(B) the court may make available, including
4 mediation, minitrial, and summary jury trial; and

5 “(7) enhancement of the accountability of each ju-
6 dicial officer in a district court through semiannual re-
7 ports, available to the public, that disclose for each ju-
8 dicial officer the number of motions that have been
9 pending for more than six months, the number of bench
10 trials that have been submitted for more than six
11 months, and the number of cases that have not been
12 terminated within three years of filing.

13 “(b) In formulating the provisions of its civil justice ex-
14 pense and delay reduction plan, each United States district
15 court, in consultation with an advisory group appointed under
16 section 477 of this title, shall consider adopting the following
17 litigation management and cost and delay reduction
18 techniques:

19 “(1) a requirement that counsel for each party to
20 a case jointly present a discovery-case management
21 plan for the case at the initial pretrial conference; or
22 explain the reasons for their failure to do so;

23 “(2) a requirement that each party be represented
24 at each pretrial conference by an attorney who has the
25 authority to bind that party regarding all matters pre-

1 viously identified by the court for discussion at the con-
2 ference and all reasonably related matters;

3 “(3) a requirement that all requests for extensions
4 of deadlines for completion of discovery or for post-
5 ponement of the trial be signed by the attorney and the
6 party making the request;

7 “(4) a neutral evaluation program for the presen-
8 tation of the legal and factual bases of a case to a neu-
9 tral court representative at a nonbinding conference
10 conducted early in the litigation;

11 “(5) a requirement that, upon notice by the court,
12 representatives of the parties with authority to bind
13 them in settlement discussions be present or available
14 by telephone during any settlement conference; and

15 “(6) such other features as the district court con-
16 siders appropriate after considering the recommenda-
17 tions of the advisory group referred to in section 472(a)
18 of this title.

19 **“§ 474. Review of district court action**

20 “(a)(1) The chief judge of a circuit court and the
21 chief judges of each district court in a circuit shall, as a
22 committee—

23 “(A) review each plan and report submitted pur-
24 suant to section 472(d) of this title; and

1 “(B) make such suggestions for additional actions
2 or modified actions of that district court as the commit-
3 tee considers appropriate for reducing cost and delay in
4 civil litigation in the district court.

5 “(2) The chief judge of a circuit court and the chief
6 judge of a district court may designate another judge of such
7 court to perform the chief judge’s responsibilities under para-
8 graph (1) of this subsection.

9 “(b) The Judicial Conference of the United States—

10 “(1) shall review each plan and report submitted
11 by a district court pursuant to section 472(d) of this
12 title; and

13 “(2) may request the district court to take addi-
14 tional action if the Judicial Conference determines that
15 such court has not adequately responded to the condi-
16 tions relevant to the civil and criminal dockets of the
17 court or to the recommendations of the district court’s
18 advisory group.

19 “§ 475. Periodic district court assessment

20 “After developing or selecting a civil justice expense
21 and delay reduction plan, each United States district court
22 shall assess, at least once every two years, the condition of
23 the court’s civil and criminal dockets with a view to deter-
24 mining appropriate additional actions that may be taken by
25 the court to reduce cost and delay in civil litigation and to

1 improve the litigation management practices of the court. In
2 performing such assessment, the court shall consult with an
3 advisory group appointed in accordance with section 477 of
4 this title.

5 **“§ 476. Model civil justice expense and delay reduction**
6 **plan**

7 “(a)(1) Based on the plans developed and implemented
8 by the United States district courts designated as Early Im-
9 plementation District Courts pursuant to section 103(e) of the
10 Civil Justice Reform Act of 1990, the Judicial Conference of
11 the United States may develop one or more model civil jus-
12 tice and expense delay reduction plans. Any such model plan
13 shall be accompanied by a report explaining the manner in
14 which the plan complies with section 473 of this title.

15 “(2) The Director of the Federal Judicial Center and
16 the Director of the Administrative Office of the United States
17 Courts may make recommendations to the Judicial Confer-
18 ence regarding the development of any model civil justice
19 expense and delay reduction plan.

20 “(b) The Director of the Administrative Office of the
21 United States Courts shall transmit to the United States dis-
22 trict courts and to the Committees on the Judiciary of the
23 Senate and the House of Representatives copies of any model
24 plan and accompanying report.

1 **“§ 477. Advisory groups**

2 “(a) Within ninety days after the date of enactment of
3 this chapter, the advisory group required in each United
4 States district court in accordance with section 472 of this
5 title shall be appointed by the chief judge of each district
6 court, after consultation with the other judges of such court.

7 “(b) The advisory group of a district court shall be bal-
8 anced and include attorneys and other persons who are rep-
9 resentative of major categories of litigants in such court, as
10 determined by the chief judge of such court.

11 “(c) In no event shall any member of the advisory group
12 serve longer than four years.

13 “(d) The chief judge of a United States district court
14 shall designate a reporter for each advisory group, who may
15 be compensated in accordance with guidelines established by
16 the Judicial Conference of the United States.

17 **“§ 478. Information on litigation management and cost**
18 **and delay reduction**

19 “(a) Within four years after the date of the enactment of
20 this chapter, the Judicial Conference of the United States
21 Courts shall prepare a comprehensive report on all plans re-
22 ceived pursuant to section 472(d) of this title. The Director of
23 the Federal Judicial Center and the Director of the Adminis-
24 trative Office of the United States Courts may make recom-
25 mendations regarding such report.

1 “(b) The Judicial Conference of the United States shall,
2 on a continuing basis—

3 “(1) study ways to improve litigation management
4 and dispute resolution services in the district courts;
5 and

6 “(2) make recommendations to the district courts
7 on ways to improve such services.

8 “(c)(1) The Judicial Conference of the United States
9 shall prepare, periodically revise, and transmit to the United
10 States district courts a Manual for Litigation Management
11 and Cost and Delay Reduction. The Director of the Federal
12 Judicial Center and the Director of the Administrative Office
13 of the United States Courts may make recommendations re-
14 garding the preparation of and any subsequent revisions to
15 the Manual.

16 “(2) The Manual shall be developed after careful evalua-
17 tion of the plans implemented under section 472 of this title
18 and the litigation management and cost and delay reduction
19 demonstration programs that the Judicial Conference shall
20 conduct under this title.

21 “(3) The Manual shall contain a description and analysis
22 of the litigation management, cost and delay reduction princi-
23 ples and techniques, and alternative dispute resolution pro-
24 grams considered most effective by the Judicial Conference;

1 the Director of the Federal Judicial Center, and the Director
2 of the Administrative Office of the United States Courts.

3 **“§ 479. Training programs**

4 **“The Director of the Federal Judicial Center and the**
5 **Director of the Administrative Office of the United States**
6 **Courts shall develop and conduct comprehensive education**
7 **and training programs to ensure that all judicial officers,**
8 **clerks of court, courtroom deputies, and other appropriate**
9 **court personnel are thoroughly familiar with the most recent**
10 **available information and analyses about litigation manage-**
11 **ment and other techniques for reducing cost and expediting**
12 **the resolution of civil litigation. The curriculum of such train-**
13 **ing programs shall be periodically revised to reflect such in-**
14 **formation and analyses.**

15 **“§ 480. Automated case disposition information**

16 **“(a) The Director of the Administrative Office of the**
17 **United States Courts shall ensure that each United States**
18 **district court has the automated capability readily to retrieve**
19 **information about the status of each case in such court.**

20 **“(b)(1) In carrying out subsection (a), the Director shall**
21 **prescribe—**

22 **“(A) the information to be recorded in district**
23 **court automated systems; and**

24 **“(B) standards for uniform categorization or char-**
25 **acterization of judicial actions for the purpose of re-**

1 eording information on judicial actions in the district
2 court automated systems.

3 “(2) The uniform standards prescribed under paragraph
4 (1)(B) of this subsection shall include a definition of what con-
5 stitutes a dismissal of a case and standards for measuring the
6 period for which a motion has been pending.

7 “(e) Each United States district court shall record infor-
8 mation as prescribed pursuant to subsection (b) of this
9 section.

10 **“§ 481. Definitions**

11 “As used in this chapter the term ‘judicial officer’ means
12 a United States district court judge or a United States
13 magistrate.”

14 (b) IMPLEMENTATION.—(1) Within three years after
15 the date of the enactment of this title, each United States
16 district court shall implement a civil justice expense and
17 delay reduction plan under section 471 of title 28, United
18 States Code, as added by subsection (a).

19 (2) The requirements set forth in sections 471 through
20 477 of title 28, United States Code, as added by subsection
21 (a), shall remain in effect for seven years after the date of the
22 enactment of this title.

23 (c) EARLY IMPLEMENTATION DISTRICT COURTS.—

24 (1) Any United States district court that, no earli-
25 er than six months and no later than twelve months

1 after the date of the enactment of this title, develops
2 and implements a civil justice expense and delay reduction
3 plan under chapter 23 of title 28, United States
4 Code, as added by subsection (a), shall be designated
5 by the Judicial Conference of the United States as an
6 Early Implementation District Court.

7 (2) The chief judge of a district so designated may
8 apply to the Judicial Conference for additional re-
9 sources, including technological and personnel support
10 and information systems, necessary to implement its
11 civil justice expense and delay reduction plan. The Ju-
12 dicial Conference may, in its discretion, provide such
13 resources out of funds appropriated pursuant to section
14 105(a).

15 (3) Within eighteen months after the date of the
16 enactment of this title, the Judicial Conference shall
17 prepare a report on the plans developed and imple-
18 mented by the Early Implementation District Courts.

19 (4) The Director of the Administrative Office of
20 the United States Courts shall transmit to the United
21 States district courts and to the Committees on the Ju-
22 diciary of the Senate and House of Representatives—

23 (A) copies of the plans developed and imple-
24 mented by the Early Implementation District
25 Courts;

1 (B) the reports submitted by such districts
2 pursuant to section 472(d) of title 28, United
3 States Code, as added by subsection (a); and

4 (C) the report prepared in accordance with
5 paragraph (3) of this subsection.

6 (d) **TECHNICAL AND CONFORMING AMENDMENT.**—The
7 table of chapters for part I of title 28, United States Code, is
8 amended by adding at the end thereof:

 "22. Civil justice expense and delay reduction plans 471".

9 **SEC. 104. DEMONSTRATION PROGRAM.**

10 (a) **IN GENERAL.**—(1) During the four-year period be-
11 ginning on January 1, 1991, the Judicial Conference of the
12 United States shall conduct a demonstration program in ac-
13 cordance with subsection (b).

14 (2) A district court participating in the demonstration
15 program may also be an Early Implementation District Court
16 under section 103(e).

17 (b) **PROGRAM REQUIREMENT.**—(1) The United States
18 District Court for the Western District of Michigan and the
19 United States District Court for the Northern District of
20 Ohio shall experiment with systems of differentiated case
21 management that provide specifically for the assignment of
22 cases to appropriate processing tracks that operate under dis-
23 tinct and explicit rules, procedures and timeframes for the
24 completion of discovery and for trial.

1 (2) The United States District Court for the Northern
2 District of California, the United States District Court for the
3 Northern District of West Virginia, and the United States
4 District Court for the Western District of Missouri shall ex-
5 periment with various methods of reducing cost and delay in
6 civil litigation, including alternative dispute resolution, that
7 such district courts and the Judicial Conference of the United
8 States shall select.

9 (c) **STUDY OF RESULTS.**—The Judicial Conference of
10 the United States, in consultation with the Director of the
11 Federal Judicial Center and the Director of the Administra-
12 tive Office of the United States Courts, shall study the expe-
13 rience of the district courts under the demonstration program.

14 (d) **REPORT.**—Not later than March 31, 1995, the Judi-
15 cial Conference of the United States shall transmit to the
16 Committees on the Judiciary of the Senate and the House of
17 Representatives a report of the results of the demonstration
18 program.

19 **SEC. 105. AUTHORIZATION.**

20 (a) **EARLY IMPLEMENTATION DISTRICT COURTS.**—
21 There is authorized to be appropriated not more than
22 \$15,000,000 for fiscal year 1990 to carry out the resource
23 and planning needs necessary for the implementation of
24 section 102(e).

1 (6) 2 additional circuit judges for the tenth circuit
2 court of appeals.

3 (b) TABLES.—In order that the table contained in sec-
4 tion 44(a) of title 28, United States Code, will, with respect
5 to each judicial circuit, reflect the changes in the total
6 number of permanent circuit judgeships authorized as a result
7 of subsection (a) of this section, such table is amended to read
8 as follows:

“Circuits	Number of Judges
District of Columbia	12
First.....	6
Second	12
Third.....	14
Fourth.....	15
Fifth.....	17
Sixth	16
Seventh.....	11
Eighth.....	11
Ninth	28
Tenth.....	12
Eleventh	12
Federal.....	12.”

9 **SEC. 203. DISTRICT JUDGES FOR THE DISTRICT COURTS.**

10 (a) IN GENERAL.—The President shall appoint, by and
11 with the advice and consent of the Senate—

12 (1) 1 additional district judge for the western dis-
13 trict of Arkansas;

14 (2) 2 additional district judges for the northern
15 district of California;

16 (3) 5 additional district judges for the central
17 district of California;

18 (4) 1 additional district judge for the southern
19 district of California;

- 1 (5) 2 additional district judges for the district of
2 Connecticut;
- 3 (6) 2 additional district judges for the middle
4 district of Florida;
- 5 (7) 1 additional district judge for the northern dis-
6 trict of Florida;
- 7 (8) 1 additional district judge for the southern
8 district of Florida;
- 9 (9) 1 additional district judge for the middle dis-
10 trict of Georgia;
- 11 (10) 1 additional district judge for the northern
12 district of Illinois;
- 13 (11) 1 additional district judge for the southern
14 district of Iowa;
- 15 (12) 1 additional district judge for the western dis-
16 trict of Louisiana;
- 17 (13) 1 additional district judge for the district of
18 Maine;
- 19 (14) 1 additional district judge for the district of
20 Massachusetts;
- 21 (15) 1 additional district judge for the southern
22 district of Mississippi;
- 23 (16) 1 additional district judge for the eastern dis-
24 trict of Missouri;

1 (17) 1 additional district judge for the district of
2 New Hampshire;

3 (18) 3 additional district judges for the district of
4 New Jersey;

5 (19) 1 additional district judge for the district of
6 New Mexico;

7 (20) 1 additional district judge for the southern
8 district of New York;

9 (21) 1 additional district judge for the eastern dis-
10 trict of New York;

11 (22) 1 additional district judge for the middle dis-
12 trict of North Carolina;

13 (23) 1 additional district judge for the northern
14 district of Oklahoma;

15 (24) 1 additional district judge for the western dis-
16 trict of Oklahoma;

17 (25) 1 additional district judge for the district of
18 Oregon;

19 (26) 3 additional district judges for the eastern
20 district of Pennsylvania;

21 (27) 1 additional district judge for the middle dis-
22 trict of Pennsylvania;

23 (28) 1 additional district judge for the district of
24 South Carolina;

1 (29) 1 additional district judge for the eastern dis-
2 trict of Tennessee;

3 (30) 1 additional district judge for the western dis-
4 trict of Tennessee;

5 (31) 1 additional district judge for the northern
6 district of Texas;

7 (32) 3 additional district judges for the southern
8 district of Texas;

9 (33) 1 additional district judge for the western dis-
10 trict of Texas;

11 (34) 1 additional district judge for the district of
12 Utah;

13 (35) 1 additional district judge for the eastern dis-
14 trict of Washington;

15 (36) 1 additional district judge for the northern
16 district of West Virginia;

17 (37) 1 additional district judge for the southern
18 district of West Virginia; and

19 (38) 1 additional district judge for the district of
20 Wyoming.

21 (b) EXISTING JUDGESHIPS.—(1) The existing district
22 judgeships for the western district of Arkansas, the northern
23 district of Illinois, the northern district of Indiana, the district
24 of Massachusetts, the western district of New York, the east-
25 ern district of North Carolina, the northern district of Ohio,

1 and the western district of Washington authorized by section
2 202(b) of the Bankruptcy Amendments and Federal Judge-
3 ship Act of 1984 (Public Law 98-353, 98 Stat. 347-348)
4 shall, as of the effective date of this title, be authorized under
5 section 133 of title 28, United States Code, and the incum-
6 bents in those offices shall hold the office under section 133
7 of title 28, United States Code, as amended by this title.

8 (2)(A) The existing two district judgeships for the east-
9 ern and western districts of Arkansas (provided by section
10 133 of title 28, United States Code, as in effect on the day
11 before the effective date of this title) shall be district judge-
12 ships for the eastern district of Arkansas only, and the in-
13 cumbents of such judgeships shall hold the offices under sec-
14 tion 133 of title 28, United States Code, as amended by this
15 title.

16 (B) The existing district judgeship for the northern and
17 southern districts of Iowa (provided by section 133 of title
18 28, United States Code, as in effect on the day before the
19 effective date of this title) shall be a district judgeship for the
20 northern district of Iowa only, and the incumbent of such
21 judgeship shall hold the office under section 133 of title 28,
22 United States Code, as amended by this title.

23 (C) The existing district judgeship for the northern,
24 eastern, and western districts of Oklahoma (provided by sec-
25 tion 133 of title 28, United States Code, as in effect on the

1 day before the effective date of this title) and the occupant of
 2 which has his official duty station at Oklahoma City on the
 3 date of enactment of this title, shall be a district judgeship for
 4 the western district of Oklahoma only, and the incumbent of
 5 such judgeship shall hold the office under section 133 of title
 6 28, United States Code, as amended by this title.

7 (e) TEMPORARY JUDGESHIPS.—The President shall ap-
 8 point, by and with the advice and consent of the Senate—

9 (1) 1 additional district judge for the northern dis-
 10 trict of Alabama;

11 (2) 1 additional district judge for the eastern dis-
 12 trict of California;

13 (3) 1 additional district judge for the district of
 14 Hawaii;

15 (4) 1 additional district judge for the central dis-
 16 trict of Illinois;

17 (5) 1 additional district judge for the southern dis-
 18 trict of Illinois;

19 (6) 1 additional district judge for the district of
 20 Kansas;

21 (7) 1 additional district judge for the western dis-
 22 trict of Michigan;

23 (8) 1 additional district judge for the eastern dis-
 24 trict of Missouri;

1 (9) 1 additional district judge for the district of
2 Nebraska;

3 (10) 1 additional district judge for the northern
4 district of New York;

5 (11) 1 additional district judge for the northern
6 district of Ohio;

7 (12) 1 additional district judge for the eastern dis-
8 trict of Pennsylvania;

9 (13) 1 additional district judge for the eastern
10 district of Texas; and

11 (14) 1 additional district judge for the eastern dis-
12 trict of Virginia.

13 The first vacancy in the office of district judge in each of the
14 judicial districts named in this subsection, occurring five
15 years or more after the effective date of this title, shall not be
16 filled.

17 (d) TABLES.—In order that the table contained in sec-
18 tion 133 of title 28, United States Code, will, with respect to
19 each judicial district, reflect the changes in the total number
20 of permanent district judgeships authorized as a result of sub-
21 sections (a) and (b) of this section, such table is amended to
22 read as follows:

"DISTRICTS	JUDGES
Alabama:	
Northern.....	7
Middle.....	3
Southern.....	3
Alaska.....	3
Arizona.....	8

Arkansas:	
Eastern	5
Western	8
California:	
Northern	14
Eastern	6
Central	27
Southern	8
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	11
Southern	16
Georgia:	
Northern	11
Middle	4
Southern	8
Hawaii	8
Idaho	9
Illinois:	
Northern	29
Central	8
Southern	8
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	9
Southern	8
Kansas	5
Kentucky:	
Eastern	4
Western	4
Eastern and Western	1
Louisiana:	
Eastern	18
Middle	9
Western	7
Maine	8
Maryland	10
Massachusetts	18
Michigan:	
Eastern	15
Western	4
Minnesota	7
Mississippi:	
Northern	8
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	9

Montana.....	3
Nebraska.....	3
Nevada.....	4
New Hampshire.....	3
New Jersey.....	17
New Mexico.....	6
New York:	
Northern.....	4
Southern.....	28
Eastern.....	13
Western.....	4
North Carolina:	
Eastern.....	4
Middle.....	4
Western.....	3
North Dakota.....	2
Ohio:	
Northern.....	11
Southern.....	7
Oklahoma:	
Northern.....	3
Eastern.....	1
Western.....	6
Northern, Eastern, and Western.....	1
Oregon.....	6
Pennsylvania:	
Eastern.....	22
Middle.....	6
Western.....	10
Puerto Rico.....	7
Rhode Island.....	3
South Carolina.....	9
South Dakota.....	3
Tennessee:	
Eastern.....	5
Middle.....	3
Western.....	5
Texas:	
Northern.....	11
Southern.....	16
Eastern.....	6
Western.....	8
Utah.....	5
Vermont.....	2
Virginia:	
Eastern.....	9
Western.....	4
Washington:	
Eastern.....	4
Western.....	7
West Virginia:	
Northern.....	3
Southern.....	5
Wisconsin:	
Eastern.....	4

Western.....	2
Wyoming	3."

1 **SEC. 204. VIRGIN ISLANDS.**

2 (a) **IN GENERAL.**—The President shall appoint, by and
 3 with the advice and consent of the Senate, one additional
 4 judge for the District Court of the Virgin Islands, who shall
 5 hold office for a term of 10 years and until a successor is
 6 chosen and qualified, unless sooner removed by the President
 7 for cause.

8 (b) **AMENDMENT TO ORGANIC ACT.**—In order to reflect
 9 the change in the total number of permanent judgeships au-
 10 thorized as a result of subsection (a) of this section, section
 11 24(a) of the Revised Organic Act of the Virgin Islands (68
 12 Stat. 506; 48 U.S.C. 1614(a)) is amended by striking "two"
 13 and inserting "three".

14 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated such sums as
 16 may be necessary to carry out the provisions of this title,
 17 including such sums as may be necessary to provide appropri-
 18 ate space and facilities for the judicial positions created by
 19 this title.

20 **SEC. 206. EFFECTIVE DATE.**

21 This title shall take effect on the date of enactment of
 22 this title.

23 *That this Act may be cited as the "Judicial Improvements*
 24 *Act of 1990".*

1 **TITLE I—CIVIL JUSTICE EXPENSE**
2 **AND DELAY REDUCTION PLANS**

3 **SEC. 101. SHORT TITLE.**

4 *This title may be cited as the “Civil Justice Reform Act*
5 *of 1990”.*

6 **SEC. 102. FINDINGS.**

7 *The Congress finds that:*

8 *(1) The problems of cost and delay in civil litigation*
9 *in any United States district court must be ad-*
10 *dressed in the context of the full range of demands*
11 *made on the district court’s resources by both civil and*
12 *criminal matters.*

13 *(2) The courts, the litigants, the litigants’ attor-*
14 *neys, and the Congress and the executive branch, share*
15 *responsibility for cost and delay in civil litigation and*
16 *its impact on access to the courts, adjudication of cases*
17 *on the merits, and the ability of the civil justice system*
18 *to provide proper and timely judicial relief for*
19 *aggrieved parties.*

20 *(3) The solutions to problems of cost and delay*
21 *must include significant contributions by the courts,*
22 *the litigants, the litigants’ attorneys, and by the Con-*
23 *gress and the executive branch.*

24 *(4) In identifying, developing, and implementing*
25 *solutions to problems of cost and delay in civil litiga-*

1 *tion, it is necessary to achieve a method of consultation*
2 *so that individual judicial officers, litigants, and liti-*
3 *gants' attorneys who have developed techniques for liti-*
4 *gation management and cost and delay reduction can*
5 *effectively and promptly communicate those techniques*
6 *to all participants in the civil justice system.*

7 *(5) Evidence suggests that an effective litigation*
8 *management and cost and delay reduction program*
9 *should incorporate several interrelated principles,*
10 *including—*

11 *(A) the differential treatment of cases that*
12 *provides for individualized and specific manage-*
13 *ment according to their needs, complexity, dura-*
14 *tion, and probable litigation careers;*

15 *(B) early involvement of a judicial officer in*
16 *planning the progress of a case, controlling the*
17 *discovery process, and scheduling hearings, trials,*
18 *and other litigation events;*

19 *(C) regular communication between a judi-*
20 *cial officer and attorneys during the pretrial proc-*
21 *ess; and*

22 *(D) utilization of alternative dispute resolu-*
23 *tion programs in appropriate cases.*

24 *(6) Because the increasing volume and complexity*
25 *of civil and criminal cases imposes increasingly heavy*

1 *workload burdens on judicial officers, clerks of court,*
 2 *and other court personnel, it is necessary to create an*
 3 *effective administrative structure to ensure ongoing*
 4 *consultation and communication regarding effective*
 5 *litigation management and cost and delay reduction*
 6 *principles and techniques.*

7 **SEC. 103. AMENDMENTS TO TITLE 28, UNITED STATES CODE.**

8 **(a) CIVIL JUSTICE EXPENSE AND DELAY REDUC-**
 9 **TION PLANS.**—*Title 28, United States Code, is amended by*
 10 *inserting after chapter 21 the following new chapter:*

11 **“CHAPTER 23—CIVIL JUSTICE EXPENSE AND**
 12 **DELAY REDUCTION PLANS**

“Sec.

“471. *Requirement for a district court civil justice expense and delay reduction plan.*

“472. *Development and implementation of a civil justice expense and delay reduction plan.*

“473. *Content of civil justice expense and delay reduction plans.*

“474. *Review of district court action.*

“475. *Periodic district court assessment.*

“476. *Enhancement of judicial accountability through information dissemination.*

“477. *Model civil justice expense and delay reduction plan.*

“478. *Advisory groups.*

“479. *Information on litigation management and cost and delay reduction.*

“480. *Training programs.*

“481. *Automated case information.*

“482. *Definitions.*

13 **“§ 471. Requirement for a district court civil justice expense**
 14 **and delay reduction plan**

15 *“There shall be implemented by each United States dis-*
 16 *trict court, in accordance with this title, a civil justice ex-*
 17 *pense and delay reduction plan. The plan may be a plan*
 18 *developed by such district court or a model plan developed by*

1 *the Judicial Conference of the United States. The purposes of*
2 *each plan are to facilitate deliberate adjudication of civil*
3 *cases on the merits, monitor discovery, improve litigation*
4 *management, and ensure just, speedy, and inexpensive reso-*
5 *lutions of civil disputes.*

6 **“§ 472. Development and implementation of a civil justice**
7 **expense and delay reduction plan**

8 “(a) *The civil justice expense and delay reduction plan*
9 *implemented by a district court shall be developed or selected,*
10 *as the case may be, after consideration of the recommenda-*
11 *tions of an advisory group appointed in accordance with sec-*
12 *tion 478 of this title.*

13 “(b) *The advisory group of a United States district*
14 *court shall submit to the court a report, which shall be made*
15 *available to the public and which shall include—*

16 “(1) *an assessment of the matters referred to in*
17 *subsection (c)(1);*

18 “(2) *the basis for its recommendation that the dis-*
19 *trict court develop a plan or select a model plan;*

20 “(3) *recommended measures, rules and programs;*
21 *and*

22 “(4) *an explanation of the manner in which the*
23 *recommended plan complies with section 473 of this*
24 *title.*

1 “(c)(1) *In developing its recommendations, the advisory*
2 *group of a district court shall promptly complete a thorough*
3 *assessment of the state of the court’s civil and criminal dock-*
4 *ets. In performing the assessment for a district court, the ad-*
5 *visory group shall—*

6 “(A) *determine the condition of the civil and*
7 *criminal dockets;*

8 “(B) *identify trends in case filings and in the de-*
9 *mands being placed on the court’s resources; and*

10 “(C) *identify the principal causes of cost and*
11 *delay in civil litigation, giving consideration to such*
12 *potential causes as court procedures and the ways in*
13 *which litigants and their attorneys approach and con-*
14 *duct litigation.*

15 “(2) *In developing its recommendations, the advisory*
16 *group of a district court shall take into account the particular*
17 *needs and circumstances of the district court, litigants in*
18 *such court, and the litigants’ attorneys.*

19 “(3) *The advisory group of a district court shall ensure*
20 *that its recommended actions include significant contribu-*
21 *tions to be made by the court, the litigants and the litigants’*
22 *attorneys toward reducing cost and delay and thereby facili-*
23 *tating access to the courts.*

24 “(d) *The chief judge of the district court shall transmit a*
25 *copy of the plan implemented in accordance with subsection*

1 (a) and the report prepared in accordance with subsection (b)
2 of this section to—

3 “(1) the Director of the Administrative Office of
4 the United States Courts;

5 “(2) the judicial council of the circuit in which
6 the district court is located; and

7 “(3) the chief judge of each of the other United
8 States district courts located in such circuit.

9 **“§ 473. Content of civil justice expense and delay reduction**
10 **plans**

11 “(a) A civil justice expense and delay reduction plan
12 developed and implemented under this chapter shall include
13 provisions applying the following principles and guidelines of
14 litigation management and cost and delay reduction:

15 “(1) systematic, differential treatment of civil
16 cases that tailors the level of individualized and case
17 specific management to such criteria as case complex-
18 ity, the amount of time reasonably needed to prepare
19 the case for trial, and the judicial and other resources
20 required and available for the preparation and disposi-
21 tion of the case;

22 “(2) early and ongoing control of the pretrial
23 process through involvement of a judicial officer in—

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

1 “(B) setting early, firm trial dates, such that
2 the trial is scheduled to occur within eighteen
3 months of the filing of the complaint, unless a ju-
4 dicial officer certifies that the trial cannot reason-
5 ably be held within such time because of the com-
6 plexity of the case or the number or complexity of
7 pending criminal cases;

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

12 “(D) setting deadlines for the filing of mo-
13 tions and target dates for the deciding of motions;

14 “(3) for all cases that the court or an individual
15 judicial officer determines are complex and any other
16 appropriate cases, careful and deliberate monitoring
17 through a discovery-case management conference or a
18 series of such conferences at which the presiding judi-
19 cial officer—

20 “(A) explores the parties’ receptivity to, and
21 the propriety of, settlement or proceeding with the
22 litigation;

23 “(B) identifies or formulates the principal
24 issues in contention and, in appropriate cases,
25 provides for the staged resolution or bifurcation of

1 *issues for trial consistent with Rule 42(b) of the*
2 *Federal Rules of Civil Procedure;*

3 *“(C) prepares a discovery schedule and plan*
4 *consistent with any presumptive time limits that a*
5 *district court may set for the completion of discov-*
6 *ery and with any procedures a district court may*
7 *develop to—*

8 *“(i) identify and limit the volume of*
9 *discovery available to avoid unnecessary or*
10 *unduly burdensome or expensive discovery;*
11 *and*

12 *“(ii) phase discovery into two or more*
13 *stages; and*

14 *“(D) establishes deadlines for filing motions*
15 *and target dates for deciding motions;*

16 *“(4) encouragement of cost-effective discovery*
17 *through voluntary exchange of information among liti-*
18 *gants and their attorneys and through the use of coop-*
19 *erative discovery devices;*

20 *“(5) conservation of judicial resources by prohib-*
21 *iting the consideration of discovery motions unless ac-*
22 *companied by a certification that the moving party has*
23 *made a reasonable and good faith effort to reach agree-*
24 *ment with opposing counsel on the matters set forth in*
25 *the motion; and*

1 “(6) authorization to refer appropriate cases to al-
2 ternative dispute resolution programs that—

3 “(A) have been designated for use in a dis-
4 trict court; or

5 “(B) the court may make available, includ-
6 ing mediation, minitrial, and summary jury trial.

7 “(b) In formulating the provisions of its civil justice
8 expense and delay reduction plan, each United States district
9 court, in consultation with an advisory group appointed
10 under section 478 of this title, shall consider adopting the
11 following litigation management and cost and delay reduc-
12 tion techniques:

13 “(1) a requirement that counsel for each party to
14 a case jointly present a discovery-case management
15 plan for the case at the initial pretrial conference, or
16 explain the reasons for their failure to do so;

17 “(2) a requirement that each party be represented
18 at each pretrial conference by an attorney who has the
19 authority to bind that party regarding all matters pre-
20 viously identified by the court for discussion at the
21 conference and all reasonably related matters;

22 “(3) a requirement that all requests for extensions
23 of deadlines for completion of discovery or for postpone-
24 ment of the trial be signed by the attorney and the
25 party making the request;

1 “(4) a neutral evaluation program for the presen-
2 tation of the legal and factual basis of a case to a neu-
3 tral court representative selected by the court at a non-
4 binding conference conducted early in the litigation;

5 “(5) a requirement that, upon notice by the court,
6 representatives of the parties with authority to bind
7 them in settlement discussions be present or available
8 by telephone during any settlement conference; and

9 “(6) such other features as the district court con-
10 siders appropriate after considering the recommenda-
11 tions of the advisory group referred to in section 472(a)
12 of this title.

13 **“§ 474. Review of district court action**

14 “(a)(1) The chief judges of each district court in a cir-
15 cuit and the chief judge of the court of appeals for such cir-
16 cuit shall, as a committee—

17 “(A) review each plan and report submitted pur-
18 suant to section 472(d) of this title; and

19 “(B) make such suggestions for additional actions
20 or modified actions of that district court as the commit-
21 tee considers appropriate for reducing cost and delay in
22 civil litigation in the district court.

23 “(2) The chief judge of a court of appeals and the chief
24 judge of a district court may designate another judge of such

1 court to perform the chief judge's responsibilities under para-
2 graph (1) of this subsection.

3 “(b) The Judicial Conference of the United States—

4 “(1) shall review each plan and report submitted
5 by a district court pursuant to section 472(d) of this
6 title; and

7 “(2) may request the district court to take addi-
8 tional action if the Judicial Conference determines that
9 such court has not adequately responded to the condi-
10 tions relevant to the civil and criminal dockets of the
11 court or to the recommendations of the district court's
12 advisory group.

13 **“§ 475. Periodic district court assessment**

14 “After developing or selecting a civil justice expense and
15 delay reduction plan, each United States district court shall
16 assess annually the condition of the court's civil and criminal
17 dockets with a view to determining appropriate additional ac-
18 tions that may be taken by the court to reduce cost and delay
19 in civil litigation and to improve the litigation management
20 practices of the court. In performing such assessment, the
21 court shall consult with an advisory group appointed in ac-
22 cordance with section 478 of this title.

1 ***“§ 476. Enhancement of judicial accountability through in-***
2 ***formation dissemination***

3 *“(a) To enhance the accountability of each judicial offi-*
4 *cer in a district court, the Director of the Administrative*
5 *Office of the United States Courts shall prepare a semi-*
6 *annual report, available to the public, that discloses for each*
7 *judicial officer—*

8 *“(1) the number of motions that have been pend-*
9 *ing for more than six months and the name of each*
10 *case in which such motion has been pending;*

11 *“(2) the number of bench trials that have been*
12 *submitted for more than six months and the name of*
13 *each case in which such trials are under submission;*
14 *and*

15 *“(3) the number and names of cases that have not*
16 *been terminated within three years of filing.*

17 *“(b) To ensure uniformity of reporting, the standards*
18 *for categorization or characterization of judicial actions to be*
19 *prescribed in accordance with section 481 of this title shall*
20 *apply to the semiannual report prepared under subsection*
21 *(a).*

22 ***“§ 477. Model civil justice expense and delay reduction plan***

23 *“(a)(1) Based on the plans developed and implemented*
24 *by the United States district courts designated as Early Im-*
25 *plementation District Courts pursuant to section 103(c) of*
26 *the Civil Justice Reform Act of 1990, the Judicial Confer-*

1 *ence of the United States may develop one or more model*
2 *civil justice and expense delay reduction plans. Any such*
3 *model plan shall be accompanied by a report explaining the*
4 *manner in which the plan complies with section 473 of this*
5 *title.*

6 “(2) *The Director of the Federal Judicial Center and*
7 *the Director of the Administrative Office of the United States*
8 *Courts may make recommendations to the Judicial Confer-*
9 *ence regarding the development of any model civil justice ex-*
10 *pense and delay reduction plan.*

11 “(b) *The Director of the Administrative Office of the*
12 *United States Courts shall transmit to the United States dis-*
13 *trict courts and to the Committees on the Judiciary of the*
14 *Senate and the House of Representatives copies of any model*
15 *plan and accompanying report.*

16 “§ 478. **Advisory groups**

17 “(a) *Within ninety days after the date of enactment of*
18 *this chapter, the advisory group required in each United*
19 *States district court in accordance with section 472 of this*
20 *title shall be appointed by the chief judge of each district*
21 *court, after consultation with the other judges of such court.*

22 “(b) *The advisory group of a district court shall be bal-*
23 *anced and include attorneys and other persons who are repre-*
24 *sentative of major categories of litigants in such court, as*
25 *determined by the chief judge of such court.*

1 *strict courts and to the Committees on the Judiciary of the*
2 *Senate and the House of Representatives.*

3 “(b) *The Judicial Conference of the United States shall,*
4 *on a continuing basis—*

5 “(1) *study ways to improve litigation manage-*
6 *ment and dispute resolution services in the district*
7 *courts; and*

8 “(2) *make recommendations to the district courts*
9 *on ways to improve such services.*

10 “(c)(1) *The Judicial Conference of the United States*
11 *shall prepare, periodically revise, and transmit to the United*
12 *States district courts a Manual for Litigation Management*
13 *and Cost and Delay Reduction. The Director of the Federal*
14 *Judicial Center and the Director of the Administrative Office*
15 *of the United States Courts may make recommendations re-*
16 *garding the preparation of and any subsequent revisions to*
17 *the Manual.*

18 “(2) *The Manual shall be developed after careful eval-*
19 *uation of the plans implemented under section 472 of this*
20 *title and the litigation management and cost and delay reduc-*
21 *tion demonstration programs that the Judicial Conference*
22 *shall conduct under this title.*

23 “(3) *The Manual shall contain a description and analy-*
24 *sis of the litigation management, cost and delay reduction*
25 *principles and techniques, and alternative dispute resolution*

1 *programs considered most effective by the Judicial Confer-*
2 *ence, the Director of the Federal Judicial Center, and the*
3 *Director of the Administrative Office of the United States*
4 *Courts.*

5 ***“§ 480. Training programs***

6 *“The Director of the Federal Judicial Center and the*
7 *Director of the Administrative Office of the United States*
8 *Courts shall develop and conduct comprehensive education*
9 *and training programs to ensure that all judicial officers,*
10 *clerks of court, courtroom deputies and other appropriate*
11 *court personnel are thoroughly familiar with the most recent*
12 *available information and analyses about litigation manage-*
13 *ment and other techniques for reducing cost and expediting*
14 *the resolution of civil litigation. The curriculum of such*
15 *training programs shall be periodically revised to reflect such*
16 *information and analyses.*

17 ***“§ 481. Automated case information***

18 *“(a) The Director of the Administrative Office of the*
19 *United States Courts shall ensure that each United States*
20 *district court has the automated capability readily to retrieve*
21 *information about the status of each case in such court.*

22 *“(b)(1) In carrying out subsection (a), the Director*
23 *shall prescribe—*

24 *“(A) the information to be recorded in district*
25 *court automated systems; and*

1 “(B) standards for uniform categorization or
2 characterization of judicial actions for the purpose of
3 recording information on judicial actions in the district
4 court automated systems.

5 “(2) The uniform standards prescribed under paragraph
6 (1)(B) of this subsection shall include a definition of what
7 constitutes a dismissal of a case and standards for measuring
8 the period for which a motion has been pending.

9 “(c) Each United States district court shall record in-
10 formation as prescribed pursuant to subsection (b) of this sec-
11 tion.

12 **“§ 482. Definitions**

13 *“As used in this chapter the term ‘judicial officer’*
14 *means a United States district court judge or a United*
15 *States magistrate.”.*

16 **(b) IMPLEMENTATION.—***(1) Within three years after*
17 *the date of the enactment of this title, each United States*
18 *district court shall implement a civil justice expense and*
19 *delay reduction plan under section 471 of title 28, United*
20 *States Code, as added by subsection (a).*

21 *(2) The requirements set forth in sections 471 through*
22 *478 of title 28, United States Code, as added by subsection*
23 *(a), shall remain in effect for seven years after the date of the*
24 *enactment of this title.*

25 **(c) EARLY IMPLEMENTATION DISTRICT COURTS.—**

1 *and planning needs necessary for the implementation of sec-*
 2 *tion 103(c).*

3 (b) *IMPLEMENTATION OF CHAPTER 23.—There is au-*
 4 *thorized to be appropriated not more than \$5,000,000 for*
 5 *fiscal year 1990 to implement chapter 23 of title 28, United*
 6 *States Code.*

7 (c) *DEMONSTRATION PROGRAM.—There is authorized*
 8 *to be appropriated not more than \$5,000,000 for fiscal year*
 9 *1990 to carry out the provisions of section 104.*

10 **TITLE II—FEDERAL JUDGESHIPS**

11 **SECTION 201. SHORT TITLE.**

12 *This title may be cited as the “Federal Judgeship Act*
 13 *of 1990”.*

14 **SEC. 202. CIRCUIT JUDGES FOR THE CIRCUIT COURT OF** 15 **APPEALS.**

16 (a) *IN GENERAL.—The President shall appoint, by*
 17 *and with the advice and consent of the Senate—*

18 (1) *2 additional circuit judges for the third circuit*
 19 *court of appeals;*

20 (2) *4 additional circuit judges for the fourth cir-*
 21 *cuit court of appeals;*

22 (3) *1 additional circuit judge for the fifth circuit*
 23 *court of appeals;*

24 (4) *1 additional circuit judge for the sixth circuit*
 25 *court of appeals;*

1 (5) 1 additional circuit judge for the eighth circuit
 2 court of appeals; and

3 (6) 2 additional circuit judges for the tenth circuit
 4 court of appeals.

5 (b) TABLES.—In order that the table contained in sec-
 6 tion 44(a) of title 28, United States Code, will, with respect
 7 to each judicial circuit, reflect the changes in the total
 8 number of permanent circuit judgeships authorized as a
 9 result of subsection (a) of this section, such table is
 10 amended to read as follows:

<i>"Circuits</i>	<i>Number of Judges</i>
<i>District of Columbia</i>	12
<i>First</i>	6
<i>Second</i>	13
<i>Third</i>	14
<i>Fourth</i>	15
<i>Fifth</i>	17
<i>Sixth</i>	16
<i>Seventh</i>	11
<i>Eighth</i>	11
<i>Ninth</i>	28
<i>Tenth</i>	12
<i>Eleventh</i>	12
<i>Federal</i>	12."

11 **SEC. 203. DISTRICT JUDGES FOR THE DISTRICT COURTS.**

12 (a) *IN GENERAL.*—The President shall appoint, by
 13 and with the advice and consent of the Senate—

14 (1) 1 additional district judge for the western
 15 district of Arkansas;

16 (2) 2 additional district judges for the northern
 17 district of California;

18 (3) 5 additional district judges for the central
 19 district of California;

1 (4) 1 additional district judge for the southern
2 *district of California;*

3 (5) 2 additional district judges for the district of
4 *Connecticut;*

5 (6) 2 additional district judges for the middle
6 *district of Florida;*

7 (7) 1 additional district judge for the northern
8 *district of Florida;*

9 (8) 1 additional district judge for the southern
10 *district of Florida;*

11 (9) 1 additional district judge for the middle
12 *district of Georgia;*

13 (10) 1 additional district judge for the northern
14 *district of Illinois;*

15 (11) 1 additional district judge for the southern
16 *district of Iowa;*

17 (12) 1 additional district judge for the western
18 *district of Louisiana;*

19 (13) 1 additional district judge for the district of
20 *Maine;*

21 (14) 1 additional district judge for the district of
22 *Massachusetts;*

23 (15) 1 additional district judge for the southern
24 *district of Mississippi;*

1 (16) 1 additional district judge for the eastern
2 district of Missouri;

3 (17) 1 additional district judge for the district of
4 New Hampshire;

5 (18) 3 additional district judges for the district of
6 New Jersey;

7 (19) 1 additional district judge for the district of
8 New Mexico;

9 (20) 1 additional district judge for the southern
10 district of New York;

11 (21) 1 additional district judge for the eastern
12 district of New York;

13 (22) 1 additional district judge for the middle
14 district of North Carolina;

15 (23) 1 additional district judge for the northern
16 district of Oklahoma;

17 (24) 1 additional district judge for the western
18 district of Oklahoma;

19 (25) 1 additional district judge for the district of
20 Oregon;

21 (26) 3 additional district judges for the eastern
22 district of Pennsylvania;

23 (27) 1 additional district judge for the middle
24 district of Pennsylvania;

1 (28) *1 additional district judge for the district of*
2 *South Carolina;*

3 (29) *1 additional district judge for the eastern*
4 *district of Tennessee;*

5 (30) *1 additional district judge for the western*
6 *district of Tennessee;*

7 (31) *1 additional district judge for the northern*
8 *district of Texas;*

9 (32) *3 additional district judges for the southern*
10 *district of Texas;*

11 (33) *1 additional district judge for the western*
12 *district of Texas;*

13 (34) *1 additional district judge for the district of*
14 *Utah;*

15 (35) *1 additional district judge for the eastern*
16 *district of Washington;*

17 (36) *1 additional district judge for the northern*
18 *district of West Virginia;*

19 (37) *1 additional district judge for the southern*
20 *district of West Virginia; and*

21 (38) *1 additional district judge for the district of*
22 *Wyoming.*

23 (b) *EXISTING JUDGESHIPS.—(1) The existing district*
24 *judgeships for the western district of Arkansas, the northern*
25 *district of Illinois, the northern district of Indiana, the dis-*

1 *trict of Massachusetts, the western district of New York, the*
2 *eastern district of North Carolina, the northern district of*
3 *Ohio, and the western district of Washington authorized by*
4 *section 202(b) of the Bankruptcy Amendments and Federal*
5 *Judgeship Act of 1984 (Public Law 98-353, 98 Stat. 347-*
6 *348) shall, as of the effective date of this title, be authorized*
7 *under section 133 of title 28, United States Code, and the*
8 *incumbents in those offices shall hold the office under section*
9 *133 of title 28, United States Code, as amended by this title.*

10 (2)(A) *The existing two district judgeships for the east-*
11 *ern and western districts of Arkansas (provided by section*
12 *133 of title 28, United States Code, as in effect on the day*
13 *before the effective date of this title) shall be district judge-*
14 *ships for the eastern district of Arkansas only, and the in-*
15 *cumbents of such judgeships shall hold the offices under sec-*
16 *tion 133 of title 28, United States Code, as amended by this*
17 *title.*

18 (B) *The existing district judgeship for the northern and*
19 *southern districts of Iowa (provided by section 133 of title*
20 *28, United States Code, as in effect on the day before the*
21 *effective date of this title) shall be a district judgeship for the*
22 *northern district of Iowa only, and the incumbent of such*
23 *judgeship shall hold the office under section 133 of title 28,*
24 *United States Code, as amended by this title.*

1 (C) *The existing district judgeship for the northern,*
2 *eastern, and western districts of Oklahoma (provided by sec-*
3 *tion 133 of title 28, United States Code, as in effect on the*
4 *day before the effective date of this title) and the occupant of*
5 *which has his official duty station at Oklahoma City on the*
6 *date of enactment of this title, shall be a district judgeship for*
7 *the western district of Oklahoma only, and the incumbent of*
8 *such judgeship shall hold the office under section 133 of title*
9 *28, United States Code, as amended by this title.*

10 (c) *TEMPORARY JUDGESHIPS.—The President shall*
11 *appoint, by and with the advice and consent of the Senate—*

12 (1) *1 additional district judge for the northern*
13 *district of Alabama;*

14 (2) *1 additional district judge for the eastern*
15 *district of California;*

16 (3) *1 additional district judge for the district of*
17 *Hawaii;*

18 (4) *1 additional district judge for the central dis-*
19 *trict of Illinois;*

20 (5) *1 additional district judge for the southern*
21 *district of Illinois;*

22 (6) *1 additional district judge for the district of*
23 *Kansas;*

24 (7) *1 additional district judge for the western*
25 *district of Michigan;*

1 (8) 1 additional district judge for the eastern
2 district of Missouri;

3 (9) 1 additional district judge for the district of
4 Nebraska;

5 (10) 1 additional district judge for the northern
6 district of New York;

7 (11) 1 additional district judge for the northern
8 district of Ohio;

9 (12) 1 additional district judge for the eastern
10 district of Pennsylvania;

11 (13) 1 additional district judge for the eastern
12 district of Texas; and

13 (14) 1 additional district judge for the eastern
14 district of Virginia.

15 *The first vacancy in the office of district judge in each of the*
16 *judicial districts named in this subsection, occurring five*
17 *years or more after the effective date of this title, shall not be*
18 *filled.*

19 (d) TABLES.—*In order that the table contained in sec-*
20 *tion 133 of title 28, United States Code, will, with respect to*
21 *each judicial district, reflect the changes in the total number*
22 *of permanent district judgeships authorized as a result of sub-*
23 *sections (a) and (b) of this section, such table is amended to*
24 *read as follows:*

<i>"DISTRICTS</i>	<i>JUDGES</i>
<i>Alabama:</i>	
<i>Northern</i>	7

<i>Middle</i>	3
<i>Southern</i>	3
<i>Alaska</i>	3
<i>Arizona</i>	8
<i>Arkansas:</i>	
<i>Eastern</i>	5
<i>Western</i>	3
<i>California:</i>	
<i>Northern</i>	14
<i>Eastern</i>	6
<i>Central</i>	27
<i>Southern</i>	8
<i>Colorado</i>	7
<i>Connecticut</i>	8
<i>Delaware</i>	4
<i>District of Columbia</i>	15
<i>Florida:</i>	
<i>Northern</i>	4
<i>Middle</i>	11
<i>Southern</i>	16
<i>Georgia:</i>	
<i>Northern</i>	11
<i>Middle</i>	4
<i>Southern</i>	3
<i>Hawaii</i>	3
<i>Idaho</i>	2
<i>Illinois:</i>	
<i>Northern</i>	22
<i>Central</i>	3
<i>Southern</i>	3
<i>Indiana:</i>	
<i>Northern</i>	5
<i>Southern</i>	5
<i>Iowa:</i>	
<i>Northern</i>	2
<i>Southern</i>	3
<i>Kansas</i>	5
<i>Kentucky:</i>	
<i>Eastern</i>	4
<i>Western</i>	4
<i>Eastern and Western</i>	1
<i>Louisiana:</i>	
<i>Eastern</i>	13
<i>Middle</i>	2
<i>Western</i>	7
<i>Maine</i>	3
<i>Maryland</i>	10
<i>Massachusetts</i>	13
<i>Michigan:</i>	
<i>Eastern</i>	15
<i>Western</i>	4
<i>Minnesota</i>	7
<i>Mississippi:</i>	
<i>Northern</i>	3
<i>Southern</i>	6

<i>Missouri:</i>	
<i>Eastern</i>	6
<i>Western</i>	5
<i>Eastern and Western</i>	2
<i>Montana</i>	3
<i>Nebraska</i>	3
<i>Nevada</i>	4
<i>New Hampshire</i>	3
<i>New Jersey</i>	17
<i>New Mexico</i>	5
<i>New York:</i>	
<i>Northern</i>	4
<i>Southern</i>	28
<i>Eastern</i>	13
<i>Western</i>	4
<i>North Carolina:</i>	
<i>Eastern</i>	4
<i>Middle</i>	4
<i>Western</i>	3
<i>North Dakota</i>	2
<i>Ohio:</i>	
<i>Northern</i>	11
<i>Southern</i>	7
<i>Oklahoma:</i>	
<i>Northern</i>	3
<i>Eastern</i>	1
<i>Western</i>	6
<i>Northern, Eastern, and Western</i>	1
<i>Oregon</i>	6
<i>Pennsylvania:</i>	
<i>Eastern</i>	22
<i>Middle</i>	6
<i>Western</i>	10
<i>Puerto Rico</i>	7
<i>Rhode Island</i>	3
<i>South Carolina</i>	9
<i>South Dakota</i>	3
<i>Tennessee:</i>	
<i>Eastern</i>	5
<i>Middle</i>	3
<i>Western</i>	5
<i>Texas:</i>	
<i>Northern</i>	11
<i>Southern</i>	16
<i>Eastern</i>	6
<i>Western</i>	8
<i>Utah</i>	5
<i>Vermont</i>	2
<i>Virginia:</i>	
<i>Eastern</i>	9
<i>Western</i>	4
<i>Washington:</i>	
<i>Eastern</i>	4
<i>Western</i>	7
<i>West Virginia:</i>	

Northern	3
Southern	5
Wisconsin:	
Eastern	4
Western	2
Wyoming	3."

1 **SEC. 204. VIRGIN ISLANDS.**

2 (a) *IN GENERAL.*—*The President shall appoint, by*
3 *and with the advice and consent of the Senate, one additional*
4 *judge for the District Court of the Virgin Islands, who shall*
5 *hold office for a term of 10 years and until a successor is*
6 *chosen and qualified, unless sooner removed by the President*
7 *for cause.*

8 (b) *AMENDMENT TO ORGANIC ACT.*—*In order to re-*
9 *flect the change in the total number of permanent judgeships*
10 *authorized as a result of subsection (a) of this section, section*
11 *24(a) of the Revised Organic Act of the Virgin Islands (68*
12 *Stat. 506; 48 U.S.C. 1614(a)) is amended by striking "two"*
13 *and inserting "three".*

14 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

15 *There are authorized to be appropriated such sums as*
16 *may be necessary to carry out the provisions of this title,*
17 *including such sums as may be necessary to provide appro-*
18 *priate space and facilities for the judicial positions created by*
19 *this title.*

20 **SEC. 206. EFFECTIVE DATE.**

21 *This title shall take effect on the date of enactment of*
22 *this title.*

Calendar No. 768

101ST CONGRESS
2^D SESSION

S. 2648

[Report No. 101-416]

A BILL

To amend title 28, United States Code, to provide for civil justice expense and delay reduction plans, authorize additional judicial positions for the courts of appeals and district courts of the United States, and for other purposes.

AUGUST 3 (legislative day, JULY 10), 1990

Reported with an amendment