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WASHINGTON, D.C. 20544

April 10, 1991

MEMORANDUM TO ALL: CHIEF JUDGES, UNITED STATES DISTRICT COURTS
CLERKS, UNITED STATES DISTRICT COURTS

SUBJECT: Allocation of Resources for the Implementation of the
Civil Justice Reform Act of 1990

Today, the President signed into law a supplemental appropriation for the Judiciary. Included in the appropriation are funds for the implementation of the Civil Justice Reform Act of 1990 (CJRA). The purpose of this memorandum is to provide immediate authority and guidance for the expenditure of funds in conjunction with the CJRA and to solicit requests for funds for the remainder of fiscal year 1991.

Enclosed are interim guidelines for the allocation of resources, recently approved by the Executive Committee of the Judicial Conference. Expenses incurred for the implementation of the Act on or after April 10, 1991, subject to the limitations contained in these guidelines, are reimbursable.

Also enclosed are special budget call forms which should be completed and returned by all courts to the Court Administration Division by May 3, 1991. Each court's request will be used as a basis for the allocation of funds to the courts for the remainder of FY91.

If there is any additional information or guidance needed to assist you in the process, please contact Mr. James McCormack, Court Administration Division, at FTS 633-6236.

A handwritten signature in cursive script, appearing to read "L. Ralph Mecham".

L. Ralph Mecham

Enclosures

**FY91 INTERIM GUIDELINES FOR THE ALLOCATION OF RESOURCES
FOR THE IMPLEMENTATION OF
THE CIVIL JUSTICE REFORM ACT OF 1990**

**(Approved By The Executive Committee Of The
Judicial Conference On April 1, 1991)**

SECTION I. Introduction.

In accordance with the provisions of the Civil Justice Reform Act (CJRA) of 1990, the chief judge of each district court was required to have appointed an advisory group by March 1, 1991, to assist in the development of an expense and delay reduction plan for the court. Information concerning implementation of the Act has been disseminated to the courts.

These interim guidelines have been approved by the Executive Committee of the Judicial Conference and are consistent with the authority granted the Conference in 28 U.S.C. § 478(e). They address subsistence and travel expenses for advisory group members, compensation for reporters and consultants, and general personnel needs. They are intended to provide immediate resources to the courts to initiate their planning process and to ensure effective implementation of the Act pending a special budget call and the approval of a subsequent spending plan.

The chief judge may designate a reporter for the advisory group appointed pursuant to the Act. The reporter may provide two essential functions. The first is that of secretary, providing primarily administrative support to the advisory group. The second is that of an expert in case management to assist in the assessment and analysis of the court's dockets and the development of specific recommendations for the district's plan. The chief judge may utilize either the clerk of court for the performance of these functions or the services of an independent reporter who possesses the relevant expertise in civil litigation. Compensation for reporters is addressed below in Section III.

SECTION II. General Policies.

A. Allocations for expenditures will be made in accordance with a spending plan based upon information provided by the courts in a special budget call. In the interim, expenses, subject to the limitations contained in these guidelines, incurred on or after the enactment of the supplemental FY91 appropriations legislation, but prior to the allocation of funds for implementation of the CJRA are reimbursable.

B. All advisory group meetings must be approved by the chief judge and must be held within the court's judicial district.

C. Any person with the appropriate expertise in civil litigation may serve as reporter for the advisory group. The clerk of court should provide administrative support, such as secretarial and automation support, to the advisory group as needed, to the extent resources permit.

SECTION III. Reimbursable Expenses.

A. **ADVISORY GROUP MEMBERS** - Members of the advisory group will not receive any compensation for their service.

B. **REPORTERS** - Compensation for reporters, other than federal employees, is limited to \$40 per hour, with a maximum of \$200 per day. Compensation and travel expenses for reporters are initially limited to \$5,000, pending a formal allocation transmitted by the Administrative Office in response to a court's special budget call submission.

A clerk of court, or other federal employee, who is utilized as a reporter for the advisory group is not eligible for compensation.

C. **CONSULTANTS** - Consultants may be utilized by the advisory group. Compensation for consultants is limited to \$40 per hour, with a maximum of \$200 per day. Total compensation and travel expenses for consultants are initially limited to \$1,000 per district, pending a formal allocation transmitted by the Administrative Office in response to a court's budget call submission. Consultants may also be reimbursed for supplies.

D. **ADDITIONAL PERSONNEL** - Additional personnel for implementation of the Act are initially limited to the following positions with the noted salary restrictions:

For the Independent Reporter

Secretarial expenses may be reimbursed at a rate up to \$12.00 an hour with the total number of hours not to exceed one-half of the reporter's total number of reimbursable hours.

For the Clerk of Court As Reporter

When the clerk serves as advisory group reporter, although no positions will be provided initially, the clerk's office may receive special credit for temporary secretarial support and the use of either a temporary management analyst or a temporary staff attorney. The amount of additional temporary support will be

determined after information is provided by the courts following the special budget call.

- E. **TRAVEL & SUBSISTENCE** - All travel and subsistence expenses for advisory group members, reporters, and consultants are subject to the regulations that apply to court employees generally, as set forth in Volume I, Chapter VI, Part C, 1.4 of the Administrative Manual of the Guide to Judiciary Policies and Procedures. Volume III, Chapter XV, Section D, of the Guide, does not apply.
- F. **SUPPLIES & TELEPHONE** - Supplies for the advisory group and reporter should be provided whenever possible by the clerk. Reimbursable supply expenses incurred by an independent reporter shall not exceed 10% of the reporter's total compensation. Reimbursable telephone expenses are limited to long distance toll charges.

FISCAL YEAR 1991 SPECIAL BUDGET CALL FOR THE
 IMPLEMENTATION OF THE CIVIL JUSTICE REFORM ACT
 U. S. DISTRICT COURT FOR THE _____ DISTRICT OF _____

OFFICE OF THE CLERK

ESTIMATED SALARIES AND EXPENSES

Description	Estimated FY 1991 Obligations
Travel / Transportation / Subsistence	
Judges, Magistrate Judges & Staff	_____
Advisory Members	_____
Reporters (Nonclerks)	_____
Clerk & Clerks' Staff	_____
Other (Specify) _____	_____
Reporters' Compensation	Hours _____ Dollars _____
Consultants' Compensation	Hours _____ Dollars _____
Secretarial Support (Temporary)	Hours _____ Dollars _____
Management Analyst (Temporary)	Hours _____ Dollars _____
Staff Attorney (Temporary)	Hours _____ Dollars _____
Equipment (Specify) _____	_____
General Office Supplies	_____
Forms, Publications & Other Printing	_____
Postage	_____
Telephone	_____
Other Expenses (Specify)	_____

SPECIAL INSTRUCTIONS:

Please review the above FY91 Special Budget Call form and provide estimates of anticipated expenditures. In addition, please provide supporting information that will be useful in evaluating your request, including the number of advisory committee meetings expected this fiscal year. Justification should be in a format consistent with the example displayed in Appendix 1.

APPENDIX 1

U. S. DISTRICT COURT FOR THE
DISTRICT OF _____

(CJRA) SALARIES AND EXPENSES

OFFICE OF THE CLERK

JUSTIFICATION OF SUPPLEMENTAL FY91 REQUEST

Heading: