



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

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MEMORANDUM TO: JUDGES, UNITED STATES DISTRICT COURTS
JUDGES, UNITED STATES BANKRUPTCY COURTS
UNITED STATES MAGISTRATE JUDGES
CIRCUIT EXECUTIVES
DISTRICT COURT EXECUTIVES
CLERKS, UNITED STATES DISTRICT COURTS
CLERKS, UNITED STATES BANKRUPTCY COURTS

SUBJECT: Reporting Requirements Under the Civil Justice Reform
Act of 1990 (CJRA)

Recently you received new reporting instructions, including Form JS 56 for use in complying with the CJRA reporting requirements. These instructions address the reporting of motions pending over six months and bench trials submitted over six months. Instructions concerning reporting requirements for cases pending over three years will be forwarded to you shortly. As a result of recent discussions with some of you and your staffs concerning CJRA issues, primarily related to the reporting of motions, the Statistics Division has identified a list of areas which require additional clarification.

With the exception of the circumstances listed below, the pending date for all types of motions, both dispositive and non-dispositive,

- 1) for district judges is 30 days after the date of filing; and
- 2) for magistrate judges is 30 days after the date of filing or on the referral date, whichever is later.

The reporting requirements for Bankruptcy Judges on matters under advisement over 60 days have not changed. Bankruptcy Judges should continue to report matters under advisement over 60 days on the AO 413 form to the circuit executives at the end of each quarter.

1. Motions to Vacate Sentence (28 USC Section 2255)

Even though these motions are counted for statistical purposes as civil cases, they are docketed on the criminal docket and should be excluded from the report.

2. Social Security Appeals/Prisoner Petitions--2254
(Habeas Corpus)

Although Social Security appeals and prisoner petitions (habeas corpus) are normally filed as "motions", "petitions" or "complaints", these cases should not be treated as reportable motions when they are initially docketed. If an additional or secondary motion is filed, i.e., if some decision is being required of the court, these should be included in the report. Examples of these types would be a "motion for summary judgment" or a "motion to dismiss". The pending date for these motions should be determined in the same manner as it is for all other motions.

3. Bankruptcy Appeals

Bankruptcy appeals are normally commenced when the clerk of the bankruptcy court transmits the notice of appeal and the record to the clerk of the district court for docketing. The parties are then required to brief the appeal in accordance with Bankruptcy Rule 8009 or applicable local rule. Occasionally, procedural motions will be filed in a bankruptcy appeal. See Bankruptcy Rule 8011. These motions should be treated as any other for reporting purposes. Do not report a bankruptcy appeal unless a motion has been filed; report it like any other motion.

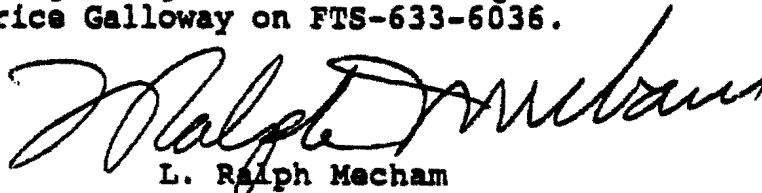
4. Asbestos

Any district court cases which have been transferred to the Eastern District of Pennsylvania (Judge Charles R. Weiner) as a result of the Multi-District Litigation Order Number 875 should be excluded from the report.

5. Automated Reporting

Any court with the capability to prepare the motions/bench trials report by automated means may do so; however, these reports must include information which addresses each area of the Form JS 56.

Hopefully, the clarification of these issues will help to facilitate the reporting of pending motions and bench trials. Any questions you may have regarding the new CJRA requirements should be addressed to Maurice Galloway on FTS-633-6036.


L. Ralph Mecham