

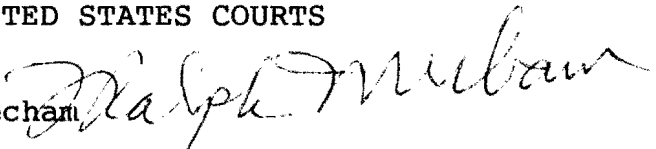
ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

WASHINGTON, D.C. 20544

August 28, 1991

TRANSMITTAL 16 VOLUME III CHAPTER XXII
FOR THE GUIDE TO JUDICIARY POLICIES AND PROCEDURES

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

FROM: L. Ralph Mecham 

SUBJECT: Instructions for Completing Form JS 56

The Civil Justice Reform Act of 1990 (CJRA) requires that the Administrative Office prepare a semi-annual report showing, by judicial officer, lists of motions pending for more than six months, bench trials submitted for more than six months and civil cases pending for more than three years in U.S. district courts. In June 1991 the Executive Committee of the Judicial Conference approved a series of recommendations related to this requirement. As a result, the Committee adjusted the current Conference reporting requirements for matters under advisement and three-year-old cases to correspond to those under the CJRA. The new Form JS 56, which replaces Form AO 413 (Judges Manual, Volume III, Chapter XXII), will be used exclusively for reporting on motions pending for more than six months and bench trials submitted for more than six months. Formats for reporting on three-year-old cases will be addressed in a separate transmittal.

Attached are copies of JS Form 56 and instructions for completing the CJRA requirements for pending motions over six months and bench trials submitted over six months. If you need additional assistance, please contact Maurice Galloway or Elizabeth McGrath of the Statistics Division at FTS or 202-633-6036.

FILING INSTRUCTIONS:

<u>Remove Previous</u>	<u>Insert Attached</u>	<u>Dated</u>
Contents Pages (i-iii) for Chapter XXII	Contents Pages (i-iii) for Chapter XXII	8/28/91
Chapter XXII, Part C (Pages 21-52)	Chapter XXII, Part C (Pages 21-31)	8/28/91

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PART I

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CHAPTER XXII. REPORTING REQUIREMENTS.

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FOREWORD

These instructions should be used in completing the Form JS 56 Report on Motions Pending Over Six Months and Bench Trials Submitted More Than Six Months in U.S. district courts. This report replaces the current report on Matters Under Advisement (Form AO 413).

The purpose of this report is to carry out the Civil Justice Reform Act (CJRA) of 1990 requirement that the Director of the Administrative Office prepare a semiannual report showing, by district judge and magistrate judge, a list of motions pending for more than six months, a list of bench trials submitted for more than six months and a list of civil cases pending for more than three years. These instructions cover motions and bench trials; three-year-old cases will be addressed separately.

The new reporting requirements under the CJRA are designed to help reduce the cost and delay of civil litigation in the U.S. district courts. This information may be used to evaluate the full range of demands made on the district court's resources by both civil and criminal matters.

A consolidated national report will be published semiannually by the Administrative Office for motions and cases pending on March 31 and September 30 and will be distributed to the Chief Justice and the circuit executives. The report, covering all judicial officers, will include listings of district judges and magistrate judges with pending motions over six months and/or bench trials submitted over six months, district judges and magistrate judges with no pending motions and/or bench trials, and district judges and magistrate judges who have not reported. The national report will be made available to the public and other interested parties through the circuit executives and the AO, in accordance with the requirements of the CJRA. To keep costs to the public at a minimum, individual circuit reports will be available through the circuit executives and individual district reports will be made available through district clerks offices.

In June 1991 the Executive Committee of the Judicial Conference of the United States approved uniform standards for reporting. As a result of this action, the "pending date" for a motion before a district judge is defined as 30 days after the

the district (e.g., New York, Southern or Southern District of New York).

3. No motions pending over six months/no bench trials submitted more than six months. If the judge has no civil motions pending and/or civil bench trials submitted more than six months, check the corresponding box, where appropriate.
4. Type of Proceeding. Enter the type of proceeding, whether a motion or a bench trial (list all motions first). An "M" indicates a motion; "BT" indicates bench trial.
5. Docket Number. Docket Number Format. Enter the docket number for each case where a motion or bench trial has been pending for more than six months. The docket number should consist of a two-digit number designating the calendar year followed by up to a 5-digit sequence number. Additional numbers and letters used to identify divisional offices should not be included here.
6. Nature of Case/Motion. Provide a brief description of the nature of the case/motion, e.g., copyright/motion to modify final judgment or asbestos/motion for summary judgment.
7. Case Title. Enter the short style of the case.
 - a. Individuals. Enter only the last names of the litigants.
 - b. Companies/Corporations. Abbreviate Co. or Corp.
 - c. Government Agencies.

date, whichever occurs later. If a report and recommendation or disposition of the motion has not been filed within six months of the district judge's "pending date", the motion must be listed as pending for the district judge. If a report and recommendation or disposition of the motion has not been filed within six months of the magistrate judge's pending date, the motion must be listed for both the district judge and the magistrate judge. If a pending motion is transferred to another judge, provide the referral date below the case title.

b. Bench Trials Submitted More Than Six Months.

A bench trial is considered submitted on the day when courtroom proceedings have been concluded. If no decision has been filed six months after that date, the bench trial should be reported as submitted for more than six months.

9. Status of Motion/Decision. Provide a status code to indicate the cause of delay in closing the motion or bench trial (see Exhibit 2). Judges may enter more than one status code when appropriate. If the standard status codes provided do not cover a particular situation, abbreviate the status and type the abbreviation and explanation below the standard codes on the reverse of the form.

Civil Justice Reform Act
Status Codes

Status or Reasons for Delay:

1. Awaiting decision in related or controlling cases by:
 - Supreme Court (ADSC)
 - Court of Appeals (ADCA)
 - District Court (ADDC)
2. Complexity of Case (CC)
3. Opinion in Draft (OID)
4. Settlement Pending (SP)
5. Awaiting Additional Briefs (AAB)
6. Awaiting Memos (AM)
7. Stayed Pending Bankruptcy Proceeding (SPBP)
8. Awaiting Report & Recommendation (ARR)
9. Heavy Civil and Criminal Caseload (HCCC)
10. Pending State Court Decision (PSDC)
11. Awaiting Findings of Fact and Conclusions of Law (AFCL)
12. Voluminous Briefs/Transcripts to be Read (VBT)
13. Case Transferred to Another Court (CTC)
14. Case Received From Calendar of Another Judge (CRCJ)
15. Hearing on Motion Necessary (HMN)
16. Demands of Criminal Docket (DCD)
17. Parties Given Additional Time to File Supplemental Briefs (PGTSB)
18. Counsel Asked to Withdraw (CAW)
19. No Time Due to Lengthy Trials (NTLT)

REPORT OF MOTIONS PENDING OVER 6 MONTHS/BENCH TRIALS SUBMITTED MORE THAN 6 MONTHS

DATE

Year _____

September 30

March 31

JUDICIAL OFFICER LAST NAME FIRST NAME MIDDLE INITIAL

Judge
 Magistrate Judge

CHECK IF APPROPRIATE:

I have no motions pending over 6 months.

I have no bench trials submitted more than 6 months.

DISTRICT

TYPE OF PROCEEDING ¹	DOCKET NUMBER	NATURE OF CASE/MOTION	CASE TITLE	DATE PENDING ²	STATUS OF MOTION/ DECISION ³

¹Motion (M) or Bench Trial (BT)—List all motions first.

²See instructions for definition.

³Use status codes shown on reverse of form.

TOTAL MOTIONS _____

TOTAL BENCH TRIALS _____