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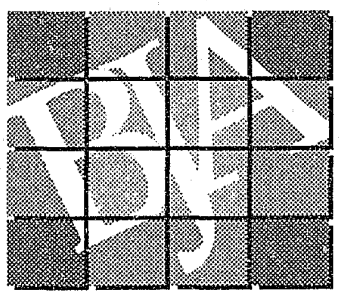
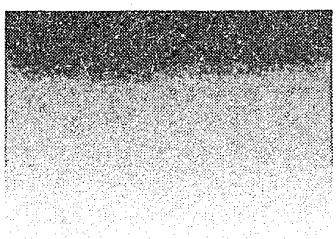
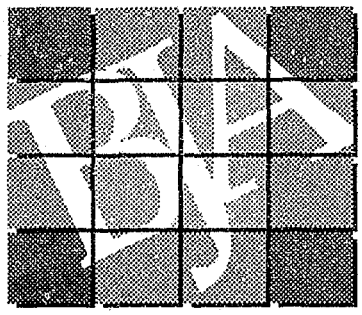




Bureau of Justice Assistance

Differentiated Case Management

IMPLEMENTATION MANUAL



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Differentiated Case Management

IMPLEMENTATION MANUAL

June 1993
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Bureau of Justice Assistance
633 Indiana Avenue NW.
Washington, DC 20531
202–514–6278

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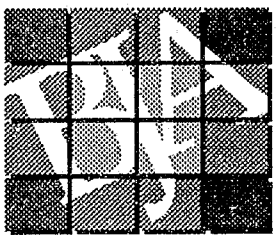

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INTRODUCTION

Differentiated case management (DCM) is a technique courts can use to tailor the case management process—and the allocation of judicial system resources—to the needs of individual cases.

A. Understanding Differentiated Case Management

The DCM premise is simple: Because cases differ substantially in the time required for a fair and timely disposition, not all cases make the same demands upon judicial system resources. Thus, they need not be subject to the same processing requirements. Some cases can be disposed of expeditiously, with little or no discovery and few intermediate events. Others require extensive court supervision over pretrial motions, scheduling of forensic testimony and expert witnesses, and settlement negotiations. The early case screening that a DCM system promotes also enables a court to prioritize cases for disposition based on other factors such as prosecutorial priorities, age or physical condition of the parties or witnesses, or local public policy issues.

Inherent in the concept of DCM is the recognition that many cases can—and should— proceed through the court system at a faster pace than others if appropriate pathways are provided. Under a DCM system, cases do not wait for disposition simply on the basis of the chronological order of their filing.

DCM synthesizes the past three decades of development in the field now known as caseflow management. As caseloads increase and more judges and administrators acknowledge the importance of active supervision of case progress, greater attention has turned to methods for reducing delay, making the courts more accessible to the public, and improving predictability and certainty in calendar management. For the most part, the many techniques developed, modified, and expanded in this process tend to be "event oriented." For example, the concept of the pretrial conference was developed as a method for narrowing issues, perhaps shortening trials, and providing an opportunity to advance settlement possibilities. Mandatory settlement conferences were also attempted. The focus was primarily on creating additional and more useful case events.

More recent research and development focus equally (if not more) on control of time intervals between events and on methods to supervise, control, and make these intervals more predictable. As part of this focus, emphasis has returned to the recognition that, although cases may be classified by broad definitions, each case is unique. Further, minimizing and making more predictable the time between case events calls for tailoring a disposition timetable to the characteristics of each case.

The premise that all cases are not the same and do not make the same demands is one that everyone accepts intuitively, but it was not broadly applied to case management until recently. In July 1987, the Bureau of Justice Assistance (BJA), Office of Justice Programs, of the U.S. Department of Justice launched a demonstration program to pilot test the application of DCM techniques to criminal and civil caseloads in the State trial courts. At the time, only one court in the country had introduced a DCM program. The Superior Court in Bergen County, New Jersey, had adopted in March 1986 a pilot DCM program designed by the New Jersey Administrative Office of the Courts. No court had yet applied DCM to criminal cases.

The demonstration program confirmed the logic and benefit of differentiated case management for the trial courts and the usefulness of such programs for courts of varying sizes and caseload composition. This guide grew out of the experiences of six jurisdictions that implemented DCM techniques for criminal and civil caseloads in courts of general jurisdiction during the 1988–1991 demonstration. A list of these pilot jurisdictions, along with the names of the local officials involved in their operation, is included in appendix A.

Although the guide is based on pilot testing in general jurisdiction courts, the DCM concept can be readily adapted to the case processing systems in courts of limited jurisdiction as well as to special classes of cases, such as domestic relations, juvenile, probate, and other matters.

B. Purpose of This Guide

This guide focuses on the issues that must be addressed by jurisdictions that plan to implement a differentiated case management program. It is designed to be used by judges, prosecutors, public defenders, members of the private bar, court administrators, and other judicial system officials involved in adapting the DCM concept to the case processing systems in their jurisdictions. Because a successful DCM program requires continual coordination among all agencies affected, it is critical that they be involved from the start in DCM planning and operation.

GOALS AND OBJECTIVES OF DIFFERENTIATED CASE MANAGEMENT

Regardless of the criteria chosen for differentiating among cases or the case assignment system in use, two goals and four resulting objectives characterize differentiated case management. The goals:

- Timely and just disposition of all cases consistent with their preparation and case management needs.
- Improved use of judicial system resources by tailoring their application to the dispositional requirements of each case.

To achieve these goals, a DCM program should have the following objectives:

- Creation of multiple tracks or paths for case disposition, with differing procedural requirements and timeframes geared to the processing requirements of the cases that will be assigned to that track.[1]
- Provision for court screening of each case shortly after filing so that each will be assigned to the proper track according to defined criteria.
- Continuous court monitoring of case progress within each track to ensure that it adheres to track deadlines and requirements.
- Procedures for changing the track assignment in the event the management characteristics of a case change during the pretrial process.

The key to developing meaningful DCM track criteria is to identify factors that determine the levels of preparation and court intervention required to achieve a just and timely resolution of each case. A variety of approaches are possible. Some courts differentiate on the basis of the seriousness of the case—the nature of the charges and sentence exposure involved, for example—or the characteristics of the claims and defenses asserted, such as the amount in controversy. Other courts estimate the time required for preparation and disposition based on the need for forensic testimony or psychiatric evaluation, the number of parties, the amount of discovery anticipated, or other such factors.

Some courts simply differentiate on the basis of case type; others use a combination of these approaches. No approach has been demonstrated to be superior as long as it permits a jurisdiction to distinguish the amount of preparation and judicial intervention needed to resolve each case fairly and expeditiously. Appendix B provides examples of criteria used by several of the DCM pilot programs.

DCM can be used with any type of case assignment system as long as it permits early, meaningful case screening and differential processing procedures and pathways. Courts using a master calendaring system will manage DCM program functions centrally. Courts that use an individual calendaring system will require some central management functions, such as defining program goals, operational policies, and procedures; monitoring system performance; and the like; but most case management tasks will be performed by the individual judges and their staffs. Hybrid calendaring systems will require a combination of these management approaches.

[1] The term "track" has become associated generically with DCM programs. However, some jurisdictions have found the term offensive to the qualitative aspects of the judicial process that a DCM program is designed to promote. Instead of "track," some jurisdictions therefore have adopted the term "plan" or "category" for their DCM classifications.

Benefits To Be Derived From a DCM Program

Seven principal areas, summarized below, are likely to be affected by a DCM program. Users of this guide may wish to contact officials in the BJA pilot sites (see appendix A) to discuss the DCM concept and its implementation in their jurisdictions in more detail.

A. Use of System Resources

DCM is designed to enable a court to make better use of judicial and staff resources. Early screening identifies cases that require substantial judicial involvement to ensure timely preparation and disposition as well as those that require less judicial intervention and preparation time. By tailoring the disposition process to the management needs of cases filed, court resources can be used more efficiently, and judges' time can be reserved for functions that require a judge's effort. For certain simpler cases, pretrial case management activities can be delegated to administrative staff. Increasing administrative staff responsibility for case management can also build a sense of organizational responsibility for case disposition and enhance job satisfaction.

This is not to say that DCM is a substitute for additional resources where these are needed. However, such a program will contribute to a more efficient use of existing resources and enable a jurisdiction to assess its staffing and judicial needs more realistically.

B. Case Disposition Time

Although DCM is a technique to enhance management of the case disposition process, it also may reduce the time to disposition. The impact of a DCM system on case processing time is particularly apparent in those cases that do not require a trial. Since 90 percent or more of cases filed are disposed of without trial, earlier attention to these cases and shorter deadlines for case completion can have a marked effect on the court's overall time to disposition.

Setting deadlines, particularly when done in consultation with counsel, can also be expected to reduce requests for continuance springing from lack of preparation. If the deadlines within the DCM tracks are realistic and counsel know the court will enforce them, compliance is far more likely.

C. Quality of the Judicial Process

By tailoring case processing time and procedures to the individual cases, DCM improves the quality of the case process. Early case screening, an essential component of DCM, promotes better attorney preparation and more informed discussion of disputed issues at each event. For the litigants, DCM provides greater certainty that their cases will receive the degree of time and attention necessary and that they will reach timely disposition. DCM also facilitates greater public access to the court process by assuring that the time and procedures allocated for the disposition process are consistent with case requirements. DCM results in greater certainty that events will be conducted when scheduled; thus, judicial system officers, including attorneys, need to prepare only once for each scheduled event.

D. Cooperation Among Agencies Involved in the Justice System

Because the planning and implementation process for a DCM program requires that all components agree collegially on priorities for case processing and resources, the DCM program—if it is to succeed—necessarily fosters increased cooperation among judicial system agencies and the recognition that they are working toward *system* goals as well as their respective institutional missions.

E. Litigation Costs

A DCM system may be expected to affect litigation costs in several areas. Earlier case disposition and deadlines for completion of key activities, such as discovery, result in fewer discovery-related motions. Limitations on the amount of discovery for cases in certain tracks or at certain pretrial stages, if explicity incorporated into the DCM system, reduce litigation costs.[2] The number of appearances resulting from continuances as well as events that do not meaningfully contribute to case disposition also are significantly decreased.

Some offsetting costs may be connected with DCM system requirements, such as completion of forms and reports by counsel relating to case screening and monitoring. A jurisdiction should assess the implications of its DCM system on litigation costs as the system is being designed.

F. Public Perception of the Court

Improving the court's public image is a related benefit of implementing a DCM system. The efficiency and predictability achieved through a well-functioning DCM program can enhance the respect and credibility of the court among the legal community and the general public.

G. Other

In most of the pilot DCM jurisdictions, the DCM programs have had an impact on numerous other aspects of judicial system operations and resources, including:

- Reducing the number of jail days for defendants in pretrial custody as a result of the reduction in case processing times for detained defendants.[3]
- Reducing the number of bench warrants issued as a result of shorter time between court events and greater certainty that scheduled events will, in fact, occur.
- Savings in clerical and postage costs by eliminating unnecessary continuances and associated notices.
- Savings in prisoner transport costs as well as in the time expended per case by judges and attorneys by eliminating unnecessary continuances and events that do not contribute to case disposition.
- Savings in witness costs, including those related to police overtime, resulting from greater certainty in the court's calendar and the elimination of events that do not contribute to case disposition.
- More efficient coordination of individuals and tasks associated with complicated cases by identifying these cases early and imposing management supervision.

[2] Some jurisdictions use a two-stage discovery process so that limited discovery is permitted for purposes of early settlement discussions which, if not successful, are then expanded for purposes of trial preparation.

[3] An essential element of all of the pilot criminal DCM programs has been the creation of separate subtracks for detained and released defendants within each major track.

Prerequisites for Implementing a DCM System

The prerequisites for implementing a DCM program are:

- The court must acknowledge its responsibility for managing case progress.
- Judicial officials must agree that all cases filed are not alike and that they need different management and processing.
- Participants must commit themselves to differentiate among cases for management and processing purposes.
- A key judge must assume leadership throughout the development and implementation process.
- An experienced administrator must be assigned to coordinate the details of the DCM development and implementation process.
- Key justice system agencies must be willing to collaborate on the design and implementation of a DCM program.
- The court and other agencies involved must be willing to reorganize existing staff to support the operation of a DCM program.
- Each agency must be willing to dedicate senior staff with expertise and credibility to evaluate cases.
- An information system must be available to support the DCM program operation, monitoring, and evaluation. Depending on case volume, automation may be necessary, although in many jurisdictions a PC-based system has been adequate.

If these prerequisites exist, a court can start to plan for a DCM program. The principal planning tasks are summarized in chapter 5.

PLANNING FOR A DCM PROGRAM

The first step in planning a DCM program is to identify the agencies and individuals integral to the caseflow process who will be affected by the changes a DCM program introduces.

A. Determining Who Should Be Involved in Planning

If a criminal DCM program is being implemented, the following officials need to play a role:

- Chief judge.
- Presiding criminal judge.
- Court administrator.
- Prosecutor.
- Indigent defense service provider.
- Representative from the private criminal bar.
- Sheriff or other agency responsible for prisoner transport and court security.
- Agency responsible for preparing pretrial release recommendations and presentence investigation reports.
- Agency responsible for probation supervision.

If a civil DCM program is being implemented, individuals who need to be involved include:

- Chief judge.
- Presiding civil judge.
- Representatives from the local bar.
- Court administrator.
- Civil case manager or assignment clerk.
- Representatives from the court clerk's office.

Once these have been identified, the directors of each agency identified should assemble a policy committee to develop the DCM overall goals and objectives. Once these have been agreed to, detailed planning can begin. This can best be accomplished by creating a task force drawn from the membership of the policy committee and supplemented by staff in key operational positions within these agencies (see chapter 7).

B. Information Gathering by the DCM Policy Committee

Before it considers the changes a DCM might achieve, the policy committee must develop a sound understanding of the court's caseload characteristics and how it presently is being disposed. Thus, the committee should obtain and analyze information on the current state of case processing, including:

- Recent trends in the number and types of case filings.
- The number, type, and age of pending cases.
- The reasons for and frequency of continuances and the types of cases in which they commonly occur.
- Current time from filing to disposition and trends over the past 5 years.
- Points and timeframes at which case disposition is occurring.

This information will provide a general picture of the pace and methods of case disposition as well as special problems occurring in the case process, as evidenced by continuances, for example. These data should then be further analyzed to indicate the percentage of cases disposed of in 30-day increments, the events at which disposition occurs, and the disposition methods used. This analysis will provide a clear picture of how time consumed by the case process is currently being employed. The results will provide a framework for gathering the data discussed below relevant to the design of the DCM program.

Primary focus should be upon identifying:

- Types of cases that can be disposed of early in the caseflow process and the events and information necessary to trigger their disposition.

- Types of cases that warrant more extended dispositional timeframes and the extent of judicial supervision or management they require.

The caseflow information described above will provide a basis for identifying problems with the existing caseflow system that the DCM program should address. Among the specific issues that should be explored to determine how cases should be differentiated and the various procedures and times applicable to each category are:

- **The stage (event) in the caseflow process at which different types of cases are being disposed and the most common types of disposition at each stage.**

In other words, what events—such as completion of discovery, conduct of a pretrial conference, omnibus hearing, motions hearing, or trial—are associated with disposition of various types of cases? What methods of case disposition—such as settlement, plea agreement, alternative dispute resolution (ADR) referral, or jury verdict—occur most frequently? Because more than 90 percent of civil and criminal cases filed are disposed of through nontrial methods, a DCM program should promote the occurrence of whatever events are needed to trigger disposition as early in the process as possible as well as identify which cases will, in fact, require trial. A sample "fallout" chart showing the events and times at which case disposition occurs and the methods of case disposition used is provided in appendixes F1 and F2.

- **The age of cases at disposition.**

A historical summary of the age of disposed cases, measured from filing to disposition, should provide a general picture of case processing time. The data should be coupled with an analysis of the events that occurred prior to disposition to determine whether these intervening events—and the elapsed time between them—contributed to case disposition. For example, on the criminal side, whether significant numbers of dispositions occurred at arraignment depends upon whether discovery was exchanged, whether the defendant was represented by counsel, and so forth. On the civil side, whether or not pretrial conferences contributed to case disposition depends upon the timing of the conference and the preparation required of attorneys for the conference.

- **The reasons for and frequency of continuances.**

In addition to reviewing the nature of activities preceding disposition, the reasons for and frequency of continuances of any of these events and the types of cases in which they commonly occur should also be assessed. Special attention should be given to identifying situations in which continuances reflect unrealistic timing of scheduled events (for example, defendant's counsel was not yet appointed), inadequacy of existing resources to accommodate scheduled events (for example, no trial judge was available), lack of coordination among participants (for example, the prisoner was not transported), or other dysfunctions. This analysis should provide a basis for identifying general management problems as well as specific issues that the DCM program should address.

C. Setting Standards or Goals for the DCM System

Goals for the DCM system serve two principal functions:

- To provide a common standard toward which all parties can direct their efforts.
- To provide a basis for measuring the system's effectiveness.

This analysis will provide a solid foundation for developing the goals and objectives of the DCM program and a framework for adapting DCM principles to local caseflow requirements. Goals should include:

- General performance objectives for the justice system as a whole as well as for the court and specific justice agencies involved.
- General case processing objectives and priorities.
- Objectives relating to judicial and other system resource allocations systemwide and within each involved agency.

The case processing goals and objectives of several of the BJA pilot DCM programs are included with the project descriptions in appendix A.

Within this framework, the operational policies and procedures for implementing the DCM program can then be developed by the DCM task force. The role and function this task force should play in designing the DCM program are discussed in chapter 6.

DESIGNING AND IMPLEMENTING A DCM PROGRAM

The DCM task force should design the program and implementation plan for the DCM to achieve the program goals and objectives developed by the policy committee and address specific caseflow problems identified during the analysis phase.

To ensure the successful design and implementation of a DCM program, a task force should assemble key policy and operational staff of the agencies and organizations necessary to implement a DCM program. The DCM policy committee members can be a valuable nucleus, but the task force also needs the operational perspective of people who can help develop requisite program procedures. Mechanisms for assembling the task force and conducting its activities will vary from one jurisdiction to another, but the court must take the leadership role in the task force.

The following outlines the principal jobs the task force should perform.

A. Developing a Common Understanding of the Existing Caseflow Process

As discussed in chapter 5, design and implementation planning should be the responsibility of task force components of the DCM policy committee. The existing case process—civil, criminal, or both—should be documented, including at least the following:

- Each key event in the caseflow process.
- The estimated time between events.
- Responsible agency or staff at each stage.
- Points at which the court exercises (or loses) control over case progress.

Sample diagrams of criminal and civil caseflow processes are provided in appendix F3.

The task force should develop a thorough understanding of present practices affecting both the civil and criminal caseflow process. The principal areas that should be addressed are summarized in exhibit 1.

This analytic process will give the task force the necessary level of understanding and common frame of reference for an effective DCM program.

B. Defining Criteria for Case Differentiation and Agreeing on DCM Track Characteristics

Chapter 1 described a variety of possible criteria for differentiating among cases. The analysis explained above should provide a framework for identifying factors that best distinguish among cases in a specific jurisdiction in terms of case management and disposition needs.

Some courts have begun their DCM systems with three tracks that represent three different speeds of case disposition; others have used as many as five or six tracks to address both speed and special categories of cases. The number and characteristics of the DCM tracks appropriate to an individual jurisdiction will depend upon the case categorization that emerges from the first-step analysis. Among the issues that need to be addressed in determining the specific tracks and track characteristics appropriate in a specific jurisdiction are:

- What cases can be reasonably expected to be disposed of earlier than others? For example, if plea agreement and probationary sentences currently dispose of most first-offender cases involving less than 3 years potential incarceration, is it possible to assign these cases to a special track that will provide an early conference at which realistic plea offers can be made and assessed and disposition can occur? Similarly, if completion of discovery triggers the disposition of certain classes of civil cases, is it

Exhibit 1. Relevant Criminal and Civil Caseflow Practices: Areas for Review by the DCM Task Force

■ *General*

a. Method for assigning cases to judges
b. Method for scheduling cases
   – formal
   – informal
c. Key intervention points or scheduled events and when they occur
d. Current procedures for case screening

■ *Criminal Case Processing System*

a. Criminal caseflow process overview: Major events and timeframes
b. Relevant statutory and rule provisions
   (1) Delay/speedy trial provisions
      – description
      – degree of compliance
   (2) Mandatory sentencing provisions and frequency of their use
   (3) Other provisions that impact on the caseflow process
c. Judicial system policies
   (1) Court policies
      – Regarding scheduling cases of detained defendants
      – Regarding continuance requests
      – Regarding case processing priorities
   (2) Prosecutorial policies
      – Regarding method (use of indictment/accusation/information, etc.)
      – Regarding plea negotiation
      – Regarding provision of discovery
   (3) Defense policies
      (a) Issues relating to indigent defense services
         – Method for providing defense services
         – Method for assigning cases to attorneys
         – Point in case at which attorneys are assigned
      (b) Issues relating to private counsel
   (4) Special issues affecting caseflow
      (a) Obtaining lab reports
      (b) Scheduling forensic experts
d. Case filing and disposition information
   (1) Historical information (last 5 years)
      – Annual case filings
      – Average and median case age at disposition by year (and type of case if available)
      – Method of disposition and average and median age for each case disposition method by year
   (2) Management information on the pending caseload
      – Volume
      – Age
      – Stage in caseflow process
e. Major problems identified by judicial system officials

■ *Civil Case Processing System*

a. Civil caseload process overview: Major events and timeframes
b. Applicable rules regarding case processing
   (1) Applicable timeframes
   (2) Applicable events
   (3) Discovery
   (4) Lack of prosecution
   (5) Sanctions for noncompliance
c. Alternative dispute resolution programs
   (1) Applicable procedures and timeframes for their use
   (2) Impact on civil case process system
d. Judicial system policies
   (1) Scheduling
   (2) Continuances
   (3) Use of sanctions
e. Case information collected
   (1) Information used to screen cases
   (2) Type of information
   (3) Point at which it is collected
   (4) Action taken as a result
f. Case filing and disposition information
   (1) Historical information (last 5 years)
      – Annual case filings
      – Average and median age at disposition by year
      – Disposition methods average/median age for each by year
   (2) Management information on pending caseload
      – Volume
      – Age
      – Stage
g. Major problems identified by judicial system officials.

possible to assign these cases to a special track that will provide for the completion of discovery at the earliest practical time, with a settlement conference scheduled shortly thereafter?

- What degree of court supervision do cases require that need more extended case disposition time? Adequate court supervision of cases with extended dispositional timeframes ensures that these cases proceed as scheduled and that the extended time promotes *disposition*—not delay.

- Do any special classes of cases present special management considerations? Management considerations of some special cases warrant assignment to a special category—or subcategory—within a track. These might include criminal cases involving foreign-speaking defendants who require interpreters for court proceedings as well as for interviews with attorneys, pretrial service, and probation officials, or cases requiring competency or psychiatric evaluations. Civil cases for special attention may include those involving multiple expert witnesses or third-party complaints.

C. Defining the Case Characteristics for Each Track

The case differentiation criteria adopted in task B above should define the characteristics of cases assigned to the various tracks.

For example, a drug case involving one defendant, a simple laboratory analysis, and minor criminal sanctions may be assigned to an expedited track. Another drug case that has similar characteristics, but also includes search-and-seizure issues and a defendant with an extensive criminal history, may be assigned to a standard or complex track. Similarly, a contract dispute involving two parties, no expert witnesses, and limited discovery may be assigned to an expedited track; another contract dispute with four parties, several expert witnesses, and extensive discovery may be assigned to a standard or complex track.

Approaches used by the pilot criminal and civil DCM sites to define case characteristics for each track are included in appendix B. Based on the track characteristics adopted, forms should be designed to capture essential case information for track assignment. Sample forms used by several of the pilot sites appear in appendix C.

D. Identifying Procedures That Need To Be Instituted or Changed

Once the basic case differentiation scheme and the characteristics for each track are agreed upon, procedures must be developed for each track. These procedures should address the entire caseflow process from filing and screening through disposition. Existing procedures that contribute to effective case management should be continued and adapted to the DCM program; where necessary, additional procedures and events should be instituted to assure adequate case screening, management, and monitoring.

Additional events may likely be needed or existing events modified to provide for earlier court intervention and a chance of earlier disposition. For example, if the flow chart developed during the planning phase indicates substantial delay before any court intervention, an early pretrial conference (that is to say, within 10 to 15 days of the filing of a criminal case and within 30 days of the filing of the answer in a civil case) may be essential to ensure that cases are disposed of as early as possible, consistent with their management needs. Examples of the track procedures and timeframes adopted by several of the pilot sites are included in appendix E.

E. Assuring That Essential DCM Functions Are Performed

The procedures developed for the DCM system should promote performance of the critical DCM functions listed in exhibit 2 and clear-cut responsibility for the tasks entailed.

F. Ensuring Interagency Coordination, Management Support, and Periodic Training

The task force also will need to:

- See that each agency affected by the DCM program develops adequate internal implementation policies and procedures.

Exhibit 2. Critical DCM Functions and Planning Issues

■ *Defining the tracks for the DCM System*

- □ What factors distinguish cases in terms of their management and disposition needs?
- □ What procedures, events, and deadlines should be established to reflect the different management and disposition requirements of the caseload?
- □ What degree of court supervision will the cases in these tracks require?

■ *Case screening*

- □ What information will be used to screen cases for track assignment, and how will that information be obtained?
- □ Who will screen the cases?
- □ When will case screening be done?

■ *Track assignment*

- □ When will the track assignment be made?
- □ Who will make the track assignment?
- □ What attorney input will be considered?
- □ How will attorneys be notified of the assignment?

■ *Case management*

- □ What management functions are needed to ensure that cases in each track are disposed of in accordance with applicable track procedures and timeframes?
- □ What management functions can staff perform?
- □ What management functions require a judge?

■ *Case monitoring*

- □ What information is needed for case monitoring?
- □ How will compliance with applicable event deadlines be monitored?
- □ How will noncompliance be addressed?

■ *Program assessment*

- □ What are the goals and objectives of the DCM program?
- □ Who will be responsible for assessing the degree to which the DCM program achieves its goals and objectives?
- □ What information will be used to perform this assessment?
- □ How will needed modifications in DCM be identified and made?

■ *Interagency coordination*

- □ Who will be responsible for assuring continuing communication and coordination among agencies involved in the DCM process?
- □ What procedures will be instituted to promote close cooperation among the agencies involved and identification and resolution of problems as they arise?

- Develop mechanisms for ongoing interagency coordination between all agencies involved.
- Secure adequate management and information support to manage and monitor individual cases as well as the overall DCM program.
- Guarantee ongoing education and training programs for all levels of staff in each agency affected by the DCM program.
- Establish mechanisms for ongoing assessment of DCM program operations, resolution of internal operational and interagency coordination problems, and periodic modification of program policies and procedures.

G. Regular Meetings To Watch Program Operation and Address Any Problems

The task force should meet regularly to review operations of the DCM program and address implementation problems as they occur. The meetings should occur at least once a month for the first 6 months of the program and no less frequently than every other month after that. Many unanticipated problems will develop. Most of them will be relatively minor, but if not addressed promptly may impede the program's success. Minutes of a task force meeting in one of the pilot sites shortly after implementation, included in appendix D, highlight the range of issues and questions that can come up once the DCM program is implemented.

H. Special Issues To Consider in Developing the DCM Program Implementation Plan

(1) Changing the rules or other provisions relating to the case process. To the extent that the DCM program changes discovery practice and timeframes for case processing, adds new events, or changes the character of old events, civil DCM programs most likely will require changes in existing court rules. Rule changes will be the most effective way of giving attorneys and the public adequate notice of the new civil case processing procedures, including case processing applicable to the various tracks. For jurisdictions without local rules, publishing special rules may be necessary. Starting the DCM program with temporary or interim rules may be desirable; these can be modified to reflect changes as the program completes its pilot test period. Examples of rules prepared for civil DCM programs are included in appendix G1.

Criminal DCM programs, on the other hand, most likely will require only minimal changes, if any, in court rules. Most of the changes brought about by the DCM program can be introduced by court administrative order or interagency agreement within existing statutory or rule provisions regarding case processing time and events in the criminal case process. As an example, appendix G2. includes the Pierce County (Washington) Superior Court's Memorandum and Supplemental Memorandum on revised criminal procedures instituted for the DCM program.

To determine whether implementing DCM requires rule changes or other action, a jurisdiction should carefully review existing rules and statutory and other provisions on time, events, and other details of case processing. Based upon this review and the "local legal culture," local officials should determine how best to proceed. In any event, the bar and the public should learn in local legal and other publications of the adoption of DCM. Appendix H has examples of publication announcements explaining the DCM program.

(2) Evaluating the pros and cons of pilot programs. Some jurisdictions may want to consider a DCM program for the entire criminal or civil docket—or for both. Benefits of this approach are that all cases go through a uniform procedure. Others may want to begin with a pilot program, focusing on only a segment of the caseload. This approach permits DCM to be tested in a limited number of cases and program procedures to be refined before the system is applied to the rest of the docket. The BJA pilot projects have used both strategies. However, those jurisdictions that phased in the DCM program found that maintaining one caseflow management system for DCM cases and a second system for non-DCM cases required added management functions and necessitated orienting agencies to the procedures of the new system while still maintaining the old. This has been a particular problem in situations in which the DCM program imposed more stringent management and preparation requirements.

(3) Assuring adequate program management and support staff. The intensive case management characteristic of a DCM program and its focus on early disposition require adequate staff and information system support. This support enables staff to perform necessary case management and monitoring functions and issue notices of applicable events for each track. In jurisdictions where a special judge is designated to handle a high volume of dispositions, such as those at arraignment or shortly thereafter, sufficient clerical and security support must be provided for the volume of cases. This does not necessarily require additional staff. Redefining existing responsibilities and duties will often suffice.

(4) Handling the current case inventory. Regardless of whether DCM is implemented on a pilot basis or extended to the full caseload, the court will need a plan to dispose of pending case inventory. Although DCM procedures will not apply to these cases, there is no reason why the court cannot informally adhere to DCM principles by tailoring the case disposition process to the needs of each case in inventory. Many jurisdictions initiated their DCM systems with an audit of all pending cases to determine their status and schedule them for disposition. For the initial period, the court will need to maintain two parallel scheduling systems. The DCM program must be designed to accommodate systems for DCM and non-DCM cases.

(5) Developing necessary forms. The DCM system will require new forms for case screening and monitoring and for notices regarding track assignment and scheduling. The design of these forms should give particular consideration to:

- The purpose of each form.
- The source from which the information will be obtained.
- How the information will be used.

Requests for information for case screening should be unambiguous and geared to obtaining objective information that can be readily coded.

(6) Assuring adequate information system support. The experiences of the BJA pilot DCM jurisdictions made it apparent that many trial courts lack information systems that provide adequate information for day-to-day case management and monitoring as well as for managing the overall DCM program.

Efforts by the pilot DCM sites to adapt statewide court or county information systems proved unsatisfactory, and most of them developed supplemental PC-based systems to manage and monitor DCM.

A number of existing software programs can provide the capability necessary for DCM in most jurisdictions. When adapting any of these programs to the needs of a local jurisdiction, judges and administrators should meet to define the functions they need to have performed in order to manage and evaluate the new system, to supervise individual case progress, to determine the status of the caseload, and to measure the degree to which DCM goals and objectives are being achieved.

At a minimum, the DCM information system should provide:

- Information necessary to manage and monitor case progress.
- Information necessary to assess the degree to which the system's goals and objectives are being achieved.
- Flexibility to generate ad hoc reports that various users of DCM find helpful.
- Information on the DCM program and individual case progress as frequently as needed.

Sample computer screens and management reports generated by several of the pilot sites are included in appendix I.

(7) Fostering cooperation between prosecutors and public defenders. The prosecutor and public defender must cooperate to make a criminal DCM program work. Each of these offices should designate a senior-level attorney with expertise and credibility to screen each case, exchange discovery early, and conduct realistic settlement discussions. The objective is to reach the earliest possible disposition of each case consistent with the legal and management isssues presented. For example, many jurisdictions require that the early plea offer be the best offer and not be reopened after the time for acceptance has expired. In determining the range of reasonable offers to promote early disposition in a given type of case, some jurisdictions sample the types of sentences arrived at prior to the DCM program, considering case type and offender characteristics, through plea *or* trial disposition.

(8) Analyzing costs and benefits. Cost is, of course, an important consideration in designing a DCM system, and it is difficult to quantify in dollar terms the economies—or costs—that will result. Certainly a DCM program will produce significant savings by eliminating unnecessary, repetitive events and functions and by permitting more efficient use of judicial and staff time. On the other hand, a DCM program requires adequate staff, management, and information resources to be effective. It may require enhanced information system capabilities (either automated or manual) and increased staff support. However, it may simply require reorganizing existing staff and resources and redefining the functions they perform.

Most DCM pilot sites used the resources provided by BJA or local matching funds to support information system needs (primarily the purchase of personal computers); hire court staff to coordinate and monitor case progress; and perhaps hire additional prosecutors, public defenders, and paralegals to screen and handle the caseload. In many instances, however, existing staff responsibilities were reorganized, thus obviating the need for new hires solely to implement the DCM program.

In the long run, whether a DCM program results in cost savings or higher expenditures will depend upon the type and level of resources existing before DCM, the degree to which the court currently manages cases efficiently, and the capabilities of the information system in place. Regardless of whether DCM reduces costs or increases savings, it should contribute significantly to more efficient use of existing judicial system resources.

(9) Providing training. An initial orientation program is essential for judges, court staff, prosecution and defense attorneys, probation officers, sheriffs, and all their staffs. In addition, ongoing training must follow the orientation to address operational problems as they arise and reinforce DCM goals and procedures. In many jurisdictions attorneys who practice before the "DCM court" also practice in courts *not* using DCM and therefore need to be exposed regularly to the DCM program to promote compliance with its new procedures.

I. The Justice System Environment

An effective DCM program should capitalize on the organizational strengths of the local judicial system and address its weaknesses. In considering how to implement a DCM program, the following questions need to be addressed:

- What factors in the environment would support efforts to implement DCM, and how can they be utilized in the court? In other justice system agencies?
- What factors would work against DCM implementation, and how can they be overcome or counteracted in the court? In other justice system agencies?

Usually it is more effective to identify and capitalize on the facilitating factors rather than to try to make arbitrary changes. In designing a DCM program, it is important to:

- Identify specific problems that will be remedied by implementing differential case management.
- Secure the agreement of key leaders to participate in development.
- Listen carefully to objections or problems raised in your agency and in others because many will have merit and must be addressed.
- Make sure adequate resources, staff, and equipment will be available at program startup to maximize the chances of success.

Critical Elements of a DCM Program and Assessment Guidelines

Here are the essential elements of a DCM program along with the objectives they support and the criteria and guidelines for assessing the effectiveness with which they function.

A. Case Differentiation Criteria

Objective: ***Identification of the factors that determine the level of preparation and court intervention required to achieve a timely and just resolution in each case.***

Assessment Criteria:

- Policymakers have agreed on the factors that meaningfully differentiate cases.
- These factors are the basis for formal criteria used to define the number and nature of case processing tracks in the DCM system.
- Track criteria are unambiguous and easily used.
- Track criteria are clearly understood by all, including the bar.

Assessment Guidelines:

- Do the track criteria for the DCM program provide a meaningful guideline for categorizing cases according to the time and tasks required for their fair disposition?
- Are the track criteria clearly defined and capable of easy, unambiguous application?

B. Case Processing Tracks and Procedures

Objectives: ***Creation of sufficient processing tracks to facilitate timely disposition.***

Scheduling of case events consistent with the needs of each case.

Assessment Criteria:

- Each of the DCM tracks is used with sufficient frequency to justify its existence.
- No DCM track has so high a percentage of cases assigned that it defeats the purpose of case differentiation.
- Each event on the track and its timing meaningfully contributes to timely case preparation, disposition, or both.
- The time and processing characteristics of each track accommodate the range of management/ processing needs of the caseload.
- Track reassignment is easily accomplished when justified.
- Track reassignment occurs infrequently.

Assessment Guidelines:

- Do the distinguishing processing characteristics of the tracks in the DCM system reflect the range of management needs of the cases filed?
- Do the time and processing characteristics of each track permit flexibility to accommodate the range of management/processing needs of the individual cases assigned?
- Is the time between events individualized to reflect the management needs of each case?
- Are all of the tracks established being used frequently enough to make them useful?
- What percentage of cases are assigned to each track? What percentage of cases were anticipated to be assigned to each track? [If the actual percentage of cases assigned to the tracks differs significantly from the anticipated percentages, are there any special issues that need to be a addressed, such as

possible need for refinement of the track criteria? creation of subtracks? etc.]

- Are the tracks serving the purposes for which they were established?
- How are cases warranting track reassignment identified?
- What criteria are used to determine whether or not reassignment is necessary?
- What procedures are used to reassign a case to another track?

C. Case Screening Process and Track Determination

Objective: ***Screening of each case as soon as possible after filing and assignment to the appropriate track.***

Assessment Criteria:

- Suitable forms and procedures exist for obtaining necessary information about each case at the time of filing for the purpose of track determination.
- Case differentiation criteria are applied shortly after each case is filed.
- Track assignment is communicated promptly to attorneys and appropriate court staff.
- Deadlines imposed as a result of track determination are communicated promptly to those who need them.
- The track assignment and associated deadlines are recorded in the permanent case record.

Assessment Guidelines:

- Does the court review the pleadings in each case shortly after filing (i.e., after charges are filed in criminal cases and after issue is joined in civil cases), using the criteria established for each track, to determine the track assignment for each case and the timeframe appropriate for its disposition?
- Is there adequate information available to make the track assignment at the time of this review? If not, what additional information is needed for track determination and how soon can it be obtained?
- How are the results of the case review recorded and communicated to attorneys and court staff?
- How much time elapses between the time of filing and the track assignment? Can this time period reasonably be reduced? What case disposition activity is occurring during this period?

D. Court Control of Case Progress and Deadlines

Objective: ***Assurance that cases proceed to disposition in accordance with the procedures and deadlines for the track to which they have been assigned.***

Assessment Criteria:

- Hearings or other court events occur on the scheduled date.
- The court can identify cases that are in danger of exceeding deadlines and take action to assure that they stay on schedule.
- Extensions of deadlines occur infrequently and are granted by the court only for exceptional cause.
- Requests for extensions are recorded and their frequency monitored.
- Patterns of requests for continuances are examined to determine whether modifications in the DCM system may be necessary.
- Consequences are imposed for noncompliance with established deadlines.

Assessment Guidelines:

- Are cases heard when scheduled for pretrial events? For trial?
- What mechanisms are used to monitor compliance with case processing deadlines?
- Can the court identify cases in danger of noncompliance with these deadlines? Who identifies these cases? What action is taken on them?

- How and when are cases identified that have exceeded deadlines? Who identifies these cases? What action is taken on them?
- What mechanisms are used to monitor the frequency and reasons for motions to extend deadlines?
  - ☐ How frequently, by track, are such motions filed?
  - ☐ By track, what action is taken on these motions?
- Are continuance requests made for any special category of cases or for any specific events with such frequency as to suggest that existing DCM time-frames are unrealistic or that resources are not adequate to achieve case processing objectives?
- What mechanisms exist to monitor the frequency and circumstances of motions to compel compliance with discovery requests by track? By case type?
- How frequently are such motions filed by track? By case type?
- What action is taken on these motions?

E. Information Support

Objectives: ***Prompt creation of a case record to facilitate monitoring of case progress and overall system performance.***

Use of the information system to:

- *monitor case progress.*
- *generate notices, calendars, and statistical reports.*
- *permit periodic analysis of system performance.*

Assessment Criteria:

- Case information, track assignment, and deadlines are entered promptly into a data base.
- The information produced by the system enables court personnel to monitor case progress and the condition of the caseload.
- Information about the current status of each case is readily available.
- The system flags cases in danger of exceeding time standards.
- Performance of cases on each track can be evaluated, by track.
- The system can respond to ad hoc inquiries.
- The system provides information to determine whether the DCM system is meeting goals and objectives.
- Notices and calendars are generated promptly.

Assessment Guideline:

- Is the track decision promptly entered into a data base?
- Is this information subsequently used for day-to-day case management?
- Is the track assignment promptly communicated to the parties involved along with the schedule for subsequent case processing events?
- Is the information needed to manage and monitor your DCM program routinely collected?
- Is the information needed to determine whether modifications need to be made in the DCM program routinely collected and readily available?
- How is this information obtained and what is done with the information after it is obtained? (i.e., to whom is the information communicated?)
- Is the information needed to measure the success of your DCM program routinely collected and readily available?
- How is this information obtained and to whom is it communicated?
- Does the information system routinely provide information by track regarding:
  - ☐ case inventory by age, case type, and event?
  - ☐ compliance with event and track deadlines?
  - ☐ frequency, reason for, and effect of continuances?
  - ☐ case dispositions by age, track, and type of disposition?

F. Judicial System Leadership

Objectives: ***A key judge to assume responsibility for overseeing the DCM program, meet regularly with officials of the agencies involved, review case management reports, address problems disclosed by these reports, and meet periodically with the DCM policy board and implementation task force.***

The court has adopted policies that articulate the DCM goals and policies clearly.

Assessment Criteria:

- The court has published policies that clearly articulate the goals and procedures of the DCM program.
- There is evident judicial leadership of the DCM system.
- There is frequent, open consultation between the court and each agency involved with the DCM system.

Assessment Guidelines:

- Has the court clearly publicized the goals and procedures of the DCM program to attorneys and others involved in the caseflow process?
- Has one judge been designated with administrative responsibility for monitoring and managing the DCM program and assuring that goals and procedures are achieved?
- Does he or she meet regularly with other judges and officials in other agencies involved in the DCM program to address the operation of the program?
- Does he or she have authority to adopt/revise procedures to address operational problems that occur?
- Have mechanisms been established to assure that all judges adhere to DCM policies and procedures?

G. Mechanisms for Interagency Coordination

Objective: ***Establishment of mechanisms for ongoing communication among all agencies involved in the DCM process.***

Assessment Criteria:

- Representatives of the agencies involved meet regularly concerning system operation.
- Operational problems are addressed and resolved in a collegial manner.

Assessment Guidelines:

- Do representatives from each of the agencies involved in the operation of the DCM program meet regularly to discuss the DCM program from the perspective of their respective offices?
- Are operational problems relating to interagency coordination promptly identified and addressed?
- Is the information needed to measure the impact of the DCM program routinely collected?
- What actions are taken as a result of having this information?

Frequently Asked Questions About DCM

Why would a jurisdiction want to consider adopting a DCM program?

(1) To make more efficient use of justice system resources by tailoring their application to the needs of the individual cases filed.

(2) To serve the public more efficiently by providing different processing paths with different timeframes and different procedural requirements, appropriately geared to case requirements to achieve a just disposition in each case filed.

What types of cases are most appropriate for a DCM system?

All types of cases are suitable for a DCM program.

Which cases—civil or criminal—will most benefit from DCM in terms of improved case-processing time?

The case-processing time for both civil and criminal cases can be substantially improved by DCM, particularly with regard to cases not disposed of by trial—i.e., disposed of by plea or settlement, dismissal, etc.—which make up at least 90 percent of cases filed. These cases can be disposed of efficiently and fairly by obtaining whatever information or scheduling or other court events are necessary to reach their disposition as early as possible, rather than waiting until the trial date approaches. In addition, the docket time that might otherwise have been unnecessarily reserved for their trial can be freed up for those cases that will, in fact, require trial.

How do you decide on the right criteria for differentiating your caseload? For example, how do you determine and isolate those factors that truly make a difference among the cases?

The best way to determine criteria for differentiating cases is through a combination of brainstorming with officials representing various components of the judicial process (i.e., plaintiff and defense counsel, prosecutor, public defender agencies, and the court) to identify differentiating factors based on experience as well as to identify the critical information and events necessary for disposition of different classes of cases.

What resources are needed to perform the case screening for a DCM program, and how many staff are needed for the screening process? Can we get the attorneys to provide enough information to intelligently screen each case?

One experienced staff person can perform the case screening functions in most courts. This person can perform other DCM program functions as well, such as case monitoring, coordination with attorneys, etc. Experience with the pilot DCM programs has demonstrated that attorneys will provide all information necessary to screen cases intelligently, provided that the forms requesting this information are readily usable, the request for information is clear and unambiguous, and the response is capable of objective interpretation. Case screening also can occur at an early status conference conducted by a judge or magistrate, thus relieving staff of that function.

How much information needs to be collected on each case to classify it for the DCM program? How much is needed for monitoring compliance with case-processing schedules? Who should monitor compliance with the case-processing schedules developed for the DCM program?

The data needed to classify a case in a DCM program should be geared to the criteria the jurisdiction has adopted for case differentiation and the information desired to evaluate the DCM program. The various track criteria developed by the pilot DCM projects, included in appendix B, give examples of the type of information needed. In terms of monitoring case-processing schedules, the information needed would relate to the time and events scheduled and the track to which a case was assigned. Appendix I provides sample computer screens used by several of the DCM projects demonstrating the data used for monitoring purposes.

Will our existing information system be able to support the needed DCM data? If it can't, should we give any further consideration to a DCM program?

To decide whether your existing information system can support a DCM program, local officials should meet and determine the questions they will need to answer and the information they will want to maintain on a regular basis in order to manage and monitor the DCM program. They should then present these questions and information items to the director of the court's information system, asking the director whether the system can provide this information and, if not, what if anything can be done to obtain it. (Based on the experiences of the pilot sites, very few court information systems can provide the day-to-day management information that a DCM program—or any court management program, for that matter—requires.)

That the present court information system cannot support the DCM program, however, should not be a reason to abandon the program. Most of the pilot jurisdictions developed simple PC-based programs that were inexpensive, user-friendly, and adequate until such time as a more permanent system could be developed. Specific information on the development and use of these PC systems can be obtained by contacting the local officials involved in the development of these systems in Pierce County, Washington, and Ramsey County, Minnesota.

When should track assignments be made?

The track assignment should be made as soon as possible after filing—within 5 to 10 days of the filing of an answer in a civil matter and at the time of the first appearance, or very shortly thereafter, in a criminal matter.

Who should make the track assignment?

Under a master calendar, an administrator or coordinator can make the case track assignment; in an individual assignment system, the track assignment can be made by the judge to whom the case is assigned or by his or her designee. In either instance, clear criteria should be established for assignment to the various tracks established and the attorneys involved in the case should be consulted and have an opportunity to provide input to the track assignment decision.

How many tracks should there be?

Many jurisdictions have begun their DCM programs with three tracks; others, however, have used more or have subsequently developed subtracks so as to address special classes of cases. There is no magic number; the number should reflect realistic distinctions in case-processing requirements.

What should be the procedure if litigants object to the track classification? Does that add to case-processing delay?

Procedure for prompt appeal to a judicial officer should be provided. The appeal process should be simple and in no way delay case progress. The experience of the pilot DCM sites was that appeals of a track determination were extremely rare. Appeals of a track determination should be minimal if the criteria for track assignment are unambiguous and capable of objective and uniform application.

Do case screening and track assignment delay case processing in any way?

No. If anything, the information obtained at the time of case filing should accelerate case progress by forcing opposing counsel to consider much earlier the issues and tasks necessary for disposition and to provide each other this information.

Should all cases be included in the DCM program?

Yes. Some courts exclude certain types of cases initially, such as probate or domestic relations, but there is no reason to make such exclusion once a DCM system has been pilot tested.

What will be the impact of a DCM program on cases not included in the program?

Cases filed before the DCM program was implemented, and therefore not subject to DCM procedures, will need to be processed according to pre-DCM practice. It will be very important that these cases not be relegated to second-class status. Many of the pilot jurisdictions conducted an audit of these cases and were able to dispose of many of them, scheduling those remaining for trial as soon as possible. The same concerns apply to cases not subject to the DCM program because they are excluded by case type (i.e., civil cases in a court using a criminal DCM program, general criminal cases in a court using a DCM program for drug cases only, etc.). In either

situation, there is no reason why the principles underlying a DCM program—active court management of the case process and categorization and processing of cases based on their complexity—should not be applied to all of the cases, DCM or non-DCM.

Are civil cases more or less difficult to screen than criminal cases?

Civil cases are neither more nor less difficult to screen than criminal cases, as long as the criteria for case screening are clearly articulated and capable of unambiguous application.

Our individually calendared judges are randomly assigned cases of all kinds at the time of filing. How could we go about integrating a DCM program into their caseflow system?

Since differentiation can be applied to all types of cases, these judges can devise differentiated case management procedures for all cases assigned to them. Their first step should be to define the case-screening criteria that the DCM system will use. The DCM tracks and procedures should then be defined, followed by a determination on how to allocate judicial time to the events prescribed for each track. Since all types of cases might be expected to have an early conference, a judge might designate part of one day a week simply as a conference day regardless of case type.

Does DCM assume that each judge has a "specialty" calendar and gets only one type of case?

No. The DCM principles apply to all types of cases and are concerned with the complexity of cases, not the case type as such.

What agencies, departments, or entities in addition to the court are affected by a DCM program? Do they need to be involved in the decision to implement a DCM program?

Virtually every agency involved in the civil or criminal case process will be affected by a DCM program. While not all of these agencies can realistically be involved in the decision to implement a DCM program, they will certainly play a role in determining its success. Special effort should therefore be made by the DCM Task Force to coordinate development of the program with these agencies and to plan for the program's anticipated impact. On the criminal side, for example, the agency responsible for prisoner transport will be instrumental in assuring that detained defendants are brought to court when scheduled. To the extent that the criminal case process is expedited or there is any increase in the numbers of detained defendants needed to be brought before the court each day, resources must be available to guarantee that the program does not break down at this point. Similarly, the agency responsible for obtaining criminal histories and preparing presentence reports must fulfill its role in order for cases to be disposed of in accordance with the DCM timeframes. If it is difficult to obtain timely and adequate criminal history information to satisfy statutory requirements, the planning process must address this situation.

Can a DCM program have an impact on crowding in our jail?

Definitely. Not only will a DCM program give priority to cases involving detained defendants but, in addition, it should promote much earlier disposition of those cases that do not require extensive preparation. In addition, the scheduling certainty built into the DCM program should ensure that cases involving detained defendants are not continued except for a showing of very good cause.

Our prosecutor will not negotiate pleas. Would a DCM program still be useful to our jurisdiction?

Yes, because it will permit the court to manage the pace and procedures of the criminal case process from time of filing. In addition, if sentence exposure is a factor considered in track assignment, a DCM program can also contribute to earlier disposition.

Our prosecutor and public defender indicate that their heavy caseloads prevent their "screening" cases for purposes of DCM tracking until shortly before trial. How can a DCM program be useful, given this constraint?

Many prosecutors and public defenders have expressed this reaction initially, when a DCM program is first discussed. Their later experience, however, tends to be that, by disposing of those cases which can be disposed of fairly expeditiously and by ensuring that each event scheduled contributes meaningfully to the disposition process of each case, they have had more time to devote to those cases that require their attention.

Appendix A
Sources for Additional Information

1. Description of DCM Demonstration Projects and Names of Contact Officials

Six demonstration projects (four criminal and two civil) were launched under sponsorship of BJA's Differentiated Case Management Demonstration Program and began operation in July 1988. Below is a summary of each of these programs.

A. Criminal DCM Programs

- *Pierce County (Tacoma), Washington*

The Pierce County DCM project focused initially on drug cases and was expanded in June 1989 to include sexual assault cases as well. Since April 1990, the DCM system has been applied to all criminal cases, and efforts are now underway to develop a DCM system for civil cases. Implementation of the DCM program has involved transfer of case management functions for criminal cases from the prosecutor to the newly established court administrator's office. Three case processing "plans" were established: expedited, normal, and complex. Dispositional timeframe standards range from 30 to 90 days, depending upon the specific plan. A special category for complicated sexual assault cases has also been developed, the disposition of which is guided by the individual judge assigned.

Contact: Judge J. Kelley Arnold
Pierce County Superior Court
930 Tacoma Avenue S.
Tacoma, WA 98402
Tel: (206) 591–3653

Beverly Bright
Superior Court Administrator
930 Tacoma Avenue S.
Tacoma, WA 98402
Tel: (206) 591–3655

- *Camden County (Camden), New Jersey*

The Camden criminal DCM program extends the concept of the Central Judicial Processing Court (CJP), established in other New Jersey jurisdictions previously for screening purposes, and establishes a subsequent Preindictment Conference (PIC) for case review and potential disposition. Initially, four tracks were established for cases not disposed of at PIC: expedited, standard, complex, and a priority track geared to serious offenses which required expedited processing. The expedited and priority tracks have now been combined.

Contact: Judge A. Donald Bigley
Assignment Judge of the Superior Court
Superior Court of Camden County
Hall of Justice, Suite 570
Fifth Street and Mickle Boulevard
Camden, NJ 08103
Tel: (609) 757–8182

- *Berrien County (St. Joseph), Michigan*

The Berrien County criminal DCM program builds upon a civil DCM project instituted by the court on its own initiative in early 1988. Three tracks are established into which all criminal cases are assigned, based on a number of factors reflecting the complexity of the case and the priority given for its disposition.

Contact: Hon. Ronald J. Taylor
Chief Circuit Judge
Second Judicial Circuit Court
Courthouse
St. Joseph, MI 49085
Tel: (616) 983–7111 ext. 386

- *Wayne County (Detroit), Michigan*

Detroit's DCM project, unlike the other three criminal programs, is based on existing sentencing guideline data and is premised on the assumption that those cases which result in lesser guideline penalties are managerially less complex and will exit the system sooner. Five case categories with additional subtracks, each with different case processing timeframes, have been established for case assignment according to applicable guideline characteristics.

Contact: Hon. Dalton A. Roberson
Chief Judge
The Recorder's Court for Detroit
Frank Murphy Hall of Justice
1441 St. Antoine Street
Detroit, MI 48226–2384
Tel: (313) 224–2444

George Gish
Clerk/Court Administrator
The Recorder's Court for Detroit
Frank Murphy Hall of Justice
1441 St. Antoine Street
Detroit, MI 48226–2384
Tel: (313) 224–2506

B. Civil DCM Projects

Each of the two civil DCM projects establishes multiple tracks with differing provisions regarding pretrial discovery, court events, and timeframes.

- *Camden County (Camden), New Jersey*

Simultaneous with the introduction of a Criminal DCM program, Camden County launched a civil DCM project modeled initially after an earlier DCM project in Bergen County, New Jersey. Three tracks were established: expedited, standard, and complex. Assignment to the complex track required the approval of the presiding civil judge. Special subtracks have been established for certain types of cases, including medical malpractice, asbestos claims, PIP claims, and other special case classes.

Contact: Hon. Rudolph J. Rossetti
Presiding Judge, Civil Division
Superior Court of Camden County
Hall of Justice, Suite 470
Fifth Street and Mickle Boulevard
Camden, NJ 08103
Tel: (609) 757–8116

Linda Torkelsen
Civil Case Manager
Superior Court of Camden County
Hall of Justice, Suite 520
Fifth Street and Mickle Boulevard
Camden, NJ 08103
Tel: (609) 757–8164

- *Ramsey County (St. Paul), Minnesota*

The Ramsey County project developed three tracks, the dispositional timeframes for which are triggered by the filing of a Joint At Issue Memorandum (JIM) 90 days after the attorneys certify that a case is at issue: (a) expedited, to be disposed of within 90 days of the JIM; (b) standard, to be disposed of within 305 days of the JIM; and (c) complex, to be disposed of within a maximum of 2 years of the JIM. For expedited cases, the only court "event" scheduled is the trial. For standard cases, a Joint Disposition Conference of the attorneys is scheduled 45 days after track assignment, a Judicial Settlement Conference held 15 days thereafter, and trial scheduled within 30 days. Complex cases are assigned to an individual judge for a case management conference at which a schedule for requisite subsequent events and applicable timetable are established.

In 1990, the court developed a criminal DCM program modeled after the case differentiation process begun with the civil DCM program.

Contact: Hon. J. Thomas Mott
Second Judicial District Court
1621 Ramsey County Courthouse
St. Paul, MN 55102
Tel: (612) 298–4541

Lynae Olson
DCM Coordinator
Second Judicial District Court
1230 Ramsey County Courthouse
St. Paul, MN 55102
Tel: (612) 298–4500

2. BJA Contacts

The following BJA contacts also will provide DCM program support and technical assistance:

BJA Courts/Prosecution Branch
Bureau of Justice Assistance
633 Indiana Avenue, NW
Washington, DC 20531
(202) 514–5943

BJA Demonstration Project
Caroline S. Cooper, Director
The American University
3615 Wisconsin Avenue, NW
Washington, DC 20016
(202) 362–4183

3. Selected Bibliography

Alliegro, S., B. Bright, J. Chacko, C. Cooper, G. Gish, D. Lawrence, J. Rutigliano, and L. Torkelson. "Beyond Delay Reduction: Using Differentiated Case Management." First of a series of three articles in *The Court Manager,* Winter 1993 et seq.

Bakke, Holly, and Maureen Solomon. "Case Differentiation: An Approach to Individualized Case Management." *Judicature* 73, 1, June–July 1989.

Bureau of Justice Assistance. *Differentiated Case Management Program Brief.* U.S. Department of Justice, Office of Justice Programs. February 1993.

Cooper, Caroline, Maureen Solomon, Holly Bakke, and Thomas Lane. *BJA Differentiated Case Management Demonstration Program: Overview and Program Summaries.* School of Public Affairs, The American University. February 1992.

Davis, Hon. Legrome D. *Review of the Felony Case Process in the Baltimore City Circuit Court and Recommendations for Expediting Dispositions.* SJI Courts Technical Assistance Project Report No. 3–002. School of Public Affairs, The American University.

Taylor, Hon. Ronald J. *Preliminary Recommendations Regarding the Application of Differentiated Case Management Principles to the Caseload in the Circuit Court of Palm Beach County, Florida.* SJI Courts Technical Assistance Project Report No. 3–012. School of Public Affairs, The American University. September 1991.

———. *Recommendation to the Pima County (Tucson), Arizona Justice Court Regarding the Development of a Differentiated Case Management System for Civil Cases.* SJI Courts Technical Assistance Project Report No. 3–006. School of Public Affairs, The American University. April 1991.

Taylor, Hon. Ronald J., and Caroline Cooper. *Recommendations to Expedite the Management of Drug Cases in the Multnomah County (Portland), Oregon Circuit Court.* SJI Courts Technical Assistance Project Report No. 3–001. School of Public Affairs, The American University. March 1991.

Thompson, Hon. Donald H., and Beverly Bright. "Success Story: Pierce County Superior Court Filings Increase, Yet Criminal Cases Are Disposed More Rapidly." Office of the Washington State Court Administrator. *Annual Report on Caseflow Management.* 1991.

Torkelson, Linda. "Differentiated Civil Case Management: A Bench/Bar Partnership." *Court Management.* Winter 1991.

Appendix B

Sample Criteria Used by Pilot Sites for Developing Criminal DCM Tracks

1. Pierce County (Tacoma), Washington

CRITERIA FOR DETERMINING DCM PLAN A, B, OR C

DEPARTMENT OF ASSIGNED COUNSEL

CAUSE NO: _____

DEFENDANT: _____

SUGGESTED PLAN: _____

PLAN A: SIMPLE – 0–30 DAYS:

_____ UPCS - no suppression issues or pretrial motions;
_____ In custody;
_____ Single defendants;
_____ Simple analysis of drugs required;
_____ Minor criminal sanctions involved.

PLAN B: NORMAL – 60–120 DAYS:

_____ Drug cases with stop/search issues;
_____ Search warrant with small amount of drugs, no search/seizure issues or deliveries;
_____ Defendant has prior felony convictions;
_____ Out of custody.

PLAN C: COMPLEX – 60–150 DAYS:

_____ Search warrants;
_____ Multi-defendants;
_____ Conspiracies;
_____ Complex suppression issues or pretrial hearings;
_____ Ongoing related investigation;
_____ Amount of drugs which involve extensive testing;
_____ Serious potential prison sentence possible.

ATTORNEY: _____

2. Middlesex County (New Brunswick), New Jersey

SELECTION CRITERIA FOR ALLOCATION TO TRACK A	SELECTION CRITERIA FOR ALLOCATION TO TRACK B
Statutorily mandated sentences of incarceration. Offenses that entail presumptive incarceration. Recidivist defendant. (Other) Cases involving likelihood of incarceration based on case characteristics and offender profile.	Cases not involving mandatory or presumed incarceration. Cases wherein there is no likelihood of incarceration based on characteristics and offender profile.

3. Berrien County (St. Joseph), Michigan

OUTLINE

BERRIEN COUNTY (MICHIGAN) CRIMINAL DCM

The Berrien County Michigan DCM System envisions the assignment of all newly filed Circuit Court (Felony) Criminal Cases to one of three caseflow "Tracks" to allow for more individualized handling of cases based on degrees of complexity and relative priorities as established by the Court. This "Track" assignment is ultimately made by the assigned trial judge after initial evaluation by trial counsel and the original arraigning judge. The tracks, criteria, and procedure followed are described in outline form below:

Track Utilized by System

A. (Fast Track)
This track contemplates all cases having high established priorities and low to medium complexities. Time from Circuit Court Arraignment to trial should be less then 90 days.

B. (Medium or "Normal" Track)
This track encompasses all cases not covered by Track "A" or Track "C" (below). Time to trial is less then 150 days.

C. (Complex Track)
This track contemplates all cases having low priorities and/or medium to high complexities. Trial should be accomplished with 210 days after Circuit Court arraignment.

Purpose

As can be seen, the purpose of the system is to assign cases in accordance with a balance between degree of complexity as expressed by the number and length of pre-trial events and other necessary delays versus the desire for priority or expedited handling as determined by the Court and counsel. This balancing process may be best expressed in the following grid:

		Complexity		
		L	M	H
Priority	L	B	C	C
	M	B	B	B
	H	A	A	B

3. Berrien County (St. Joseph), Michigan (continued)

Thus, the ultimate "Track" to which the case is assigned is a function of the evaluation of the case against established criteria to determine whether the case is of low, medium, or high complexity and priority. As of this writing, these criteria are as described below. It should be noted, of course, that these are subject to change from time to time due to policy reasons or based upon further experience with the system.

TRACKING CRITERIA
PRIORITY CRITERIA

Low Priority Characteristics

- Defendant on Bond
- All Other Charges

Medium Priority Characteristics

- Habitual Offender (1 Prior Conviction)
- Offense Committed on Felony Probation
- Other Assault and Drug Cases (Except Marijuana)
- Multiple Charges Pending (Not same transaction as Case at Bar)

High Priority Characteristics

Charged Offense:

- Child CSC
- Delivery or Possession With Intent to Deliver - Schedule 1 or 2 Drugs
- Life Maximum Assault Offenses

Habitual Offenders (2 or more Prior Felony Convictions):

- Offense Committed while on Parole or in Correction Center

COMPLEXITY CRITERIA

Low

- Police Witnesses Only
- Simple Motions (2 or less)
- Motions requiring Evidence Hearing less than 1/2 day
- Less than Five (Six) Witnesses (Total Prosecution and Defense)

Medium

- Multiple Motions (3 or more)
- Expert Witnesses Necessary (Excl. Drug Analyst)
- Out-of-State Witnesses
- Motion(s) Requiring Evidence Hearing of 1/2 day or longer

High

- Psychiatric Defense/Competency to stand trial
- Multiple Motions involving complex Legal Issues
- Extraordinary number of Witnesses to be called
- Defendant under Interstate Complaint or in Prison

Appendix C
Sample Screening Forms

1. Berrien County, Michigan (criminal)

SCHEDULING ANALYSIS FORM (SAF)

Priority Factors

Nature of Offense

A) ☐ Habitual Offender ☐ Escape ☐ CSC-Child Victim

☐ Delivery or Possession With Intent Schedule 1 or 2

☐ Homicide ☐ Armed Robbery

☐ Other Life Assault Offenses

B) ☐ Other CSC ☐ Other Assault

☐ Other Drugs, Except Marijuana

☐ Multiple Offenses Pending

C) ☐ Other Felony Offenses:

Offense Committed While On:

1) ☐ Bond ☐ Probation

2) ☐ Bond or in Jail ☐ Parole

☐ Corrections Center

☐ Defendant Serving Prison Sentence or Under Interstate Compact on Detainers

3) ☐ Escape

1. Berrien County, Michigan (criminal) (continued)

SCHEDULING ANALYSIS FORM (SAF) Pg. 2

Complexity Factors

☐ Co-Defendant(s) Involved:

Co-Defendant Status:

☐ At Large ☐ Waived to PG ☐ Testifying

☐ Consolidated for Trial ☐ Awaiting Trial

Judge Assigned: _____

Number of Pre-Trial Motions: _____

Legal Issues Involved: _____

_____

☐ Defendant Claiming Incompetency To Stand Trial

☐ Defendant Claiming Insanity

☐ Expert Witnesses

Problems With Availability: _____

_____

☐ Out of State Witnesses

Other Witness Problems: _____

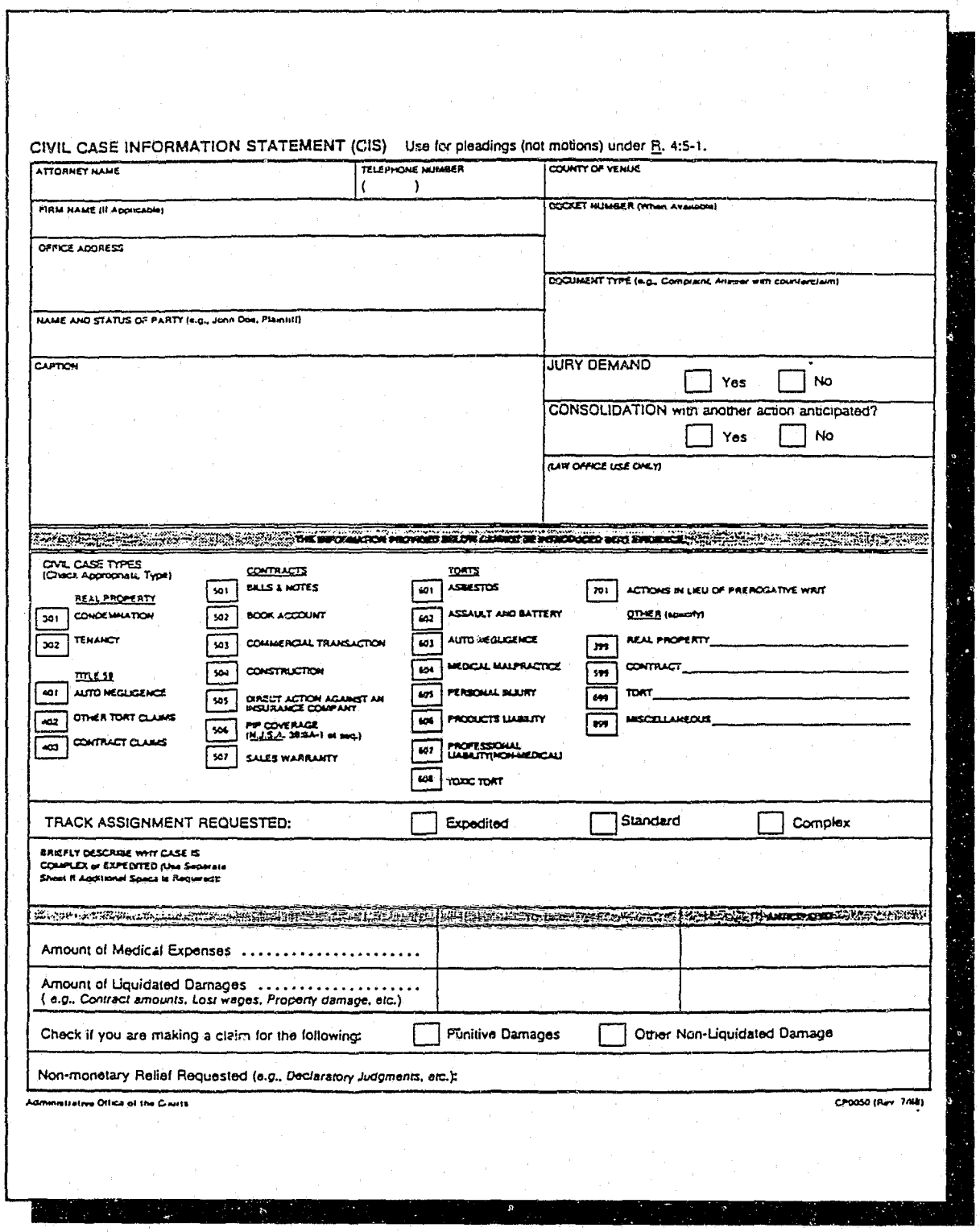
_____

Any Other Known Scheduling Problems? _____

_____

_____

2. Camden, New Jersey (civil)



CIVIL CASE INFORMATION STATEMENT (CIS) Use for pleadings (not motions) under R. 4:5-1.

ATTORNEY NAME	TELEPHONE NUMBER ( )	COUNTY OF VENUE
FIRM NAME (If Applicable)		DOCKET NUMBER (When Available)
OFFICE ADDRESS		DOCUMENT TYPE (e.g., Complaint, Answer with counterclaim)
NAME AND STATUS OF PARTY (e.g., John Doe, Plaintiff)		
CAPTION		JURY DEMAND ☐ Yes ☐ No
		CONSOLIDATION with another action anticipated? ☐ Yes ☐ No
		(LAW OFFICE USE ONLY)

CIVIL CASE TYPES (Check Appropriate Type)

REAL PROPERTY
- 301 CONDEMNATION
- 302 TENANCY

TITLE 59
- 401 AUTO NEGLIGENCE
- 402 OTHER TORT CLAIMS
- 403 CONTRACT CLAIMS

CONTRACTS
- 501 BILLS & NOTES
- 502 BOOK ACCOUNT
- 503 COMMERCIAL TRANSACTION
- 504 CONSTRUCTION
- 505 DIRECT ACTION AGAINST AN INSURANCE COMPANY
- 506 PIP COVERAGE (N.J.S.A. 39:6A-1 et seq.)
- 507 SALES WARRANTY

TORTS
- 601 ASBESTOS
- 602 ASSAULT AND BATTERY
- 603 AUTO NEGLIGENCE
- 604 MEDICAL MALPRACTICE
- 605 PERSONAL INJURY
- 606 PRODUCTS LIABILITY
- 607 PROFESSIONAL LIABILITY(NON-MEDICAL)
- 608 TOXIC TORT

- 701 ACTIONS IN LIEU OF PREROGATIVE WRIT

OTHER (specify)
- 399 REAL PROPERTY _____
- 599 CONTRACT _____
- 699 TORT _____
- 899 MISCELLANEOUS _____

TRACK ASSIGNMENT REQUESTED: ☐ Expedited ☐ Standard ☐ Complex

BRIEFLY DESCRIBE WHY CASE IS COMPLEX or EXPEDITED (Use Separate Sheet If Additional Space is Required):

	TO DATE	ANTICIPATED
Amount of Medical Expenses		
Amount of Liquidated Damages ..... (e.g., Contract amounts, Lost wages, Property damage, etc.)		

Check if you are making a claim for the following: ☐ Punitive Damages ☐ Other Non-Liquidated Damage

Non-monetary Relief Requested (e.g., Declaratory Judgments, etc.):

Administrative Office of the Courts CP0050 (Rev. 7/98)

Appendix D

Sample Minutes and Issues Addressed in a DCM Task Force Meeting

Minutes of July 7, 1988, Meeting

Attending the meeting: Judge Arnold, Judge Peterson, Judge Seinfeld, Judge Swayze, Tom Felnagle, Pat Cooper, Sue Willis, Jack Hill, Maureen Solomon, Bev Bright and Debbie Lewis

Bev opened the meeting by explaining that Maureen Solomon would like the committee to run through a step by step process of the DCM project for Criminal Division 2.

1. Police Reports

Pat Cooper explained that the Prosecutor's Office picks up the police reports first thing in the morning. Most reports are picked up through LESA, i.e. TPD, PCSO. The Prosecutor's Office calls Washington State Patrol for reports. There is a "P" number assigned to each case and a file made.

2. Charging

Next, the report is reviewed by a deputy prosecuting attorney in the Drug Unit (Steve Merrival - usually does most of the charging because of his experience). Maureen Solomon asked how many of the drug cases are screened out? Pat explained that approximately half of the cases are screened out. The deputy then fills out the paperwork for the legal assistant to type the charge. A file is made and a cause number is assigned to the case.

3. Arraignment

The Prosecutor's file is then sent down for arraignment. The defendant would enter a not guilty plea and be appointed counsel, if necessary. The defendant is then given a date to appear for Pre-Trial Hearing 10 days from the date of arraignment. If the defendant does not qualify for court appointed counsel, then at the 10 day Pre-Trial Hearing they should return with an attorney to represent them.

4. Pre-Trial Hearing

At this hearing the Prosecutor's Office and DAC should have agreed on what type of Plan the case should fall under: Plan A - simple; Plan B - standard and Plan C - complex. If there is a problem with determining what type of Plan the case should be, the court will advise based on their information.

After it is decided what type of Plan the case will be, a trial date is set using the Scheduling Conference Order Setting Trial Date form. Also other dates may be set i.e., Omnibus Hearings, Suppression Hearings, etc. Hopefully the defendant will plea before the scheduled trial date.

5. Trial Date

If the defendant does not plea before the scheduled trial date, then the case will go to trial.

Minutes of July 7, 1988, Meeting (continued)

6. Discovery

There was discussion about field tests from the Washington State Patrol Crime Lab. It is more common now to have field tests come back negative. Pat Cooper pointed out that the only trouble they are having is getting the lab analysis back in time before trial. If defense counsel raises an issue about the controlled substance, the Prosecutor's Office orders the lab report. He explained that if everyone starts asking for lab reports it might slow down cases. It was suggested that Larry Hiebert from the Crime Lab attend the next meeting so this issue could be raised. Pat explained that the Prosecutor's Office is getting lab reports three to four months down the line from the initial filing of the charge.

Pat Cooper explained that most pleas are done on the trial date. Hopefully at the Pre-Trial Hearing we can get the witness list, call the lab, talk to detectives, etc., before the trial date.

Judge Swayze suggested that an extra copy of the police report be put in the file at the time of charging. At the time of arraignment, DAC has everything they need before trial.

Judge Arnold suggested that the judge could ask DAC if they have received a copy of the police report and information as part of the arraignment procedure.

Maureen Solomon pointed out that there is nothing on the Scheduling Conference Order Setting Trial Date form for discovery process. She suggested that maybe some kind of agreements could be worked out at the time of the Pre-Trial Hearing. Judge Arnold asked if exchange was a big issue? Tom Felnagle said yes. He pointed out that he wants a date that defense is supposed to give him something by. He wants to avoid having a useless omnibus date.

7. Criminal Division 2

Jack Hill asked if it had been decided who from the Prosecutor's Office would be handling the 10 day Pre-Trial Hearings? Tom Felnagle pointed out that they would be having someone from another trial unit as the "talking head" at the Pre-Trial Hearings and would have Pat Cooper as the negotiator from the Drug Unit. Pat said that Doug Hill, Mark Treyz and himself are all responsible for the omnibus hearings, suppression hearings and trials.

Maureen Solomon asked if there would be some particular person handling each Plan? Pat said not at this time.

Tom Felnagle asked if there could be a copy machine in the restricted hall? Bev said that we could use money from the Sheriff's levy budget. She said that she would check into a machine with a key type system so that it would be limited to who can use it.

Maureen Solomon asked how many arraignments there are a day? Pat Cooper pointed out that the Prosecutor's Office charged approximately 133 cases in May, so about 6 to 7 arraignments a day.

Jack Hill explained that counsel is appointed at arraignment. Judge Swayze pointed out that if the defendant does not qualify for court appointed counsel, then the defendant should return with an attorney at the 10 day Pre-Trial Hearing. Bev pointed out that if the defendant cannot obtain an attorney at that time and they come back at the Pre-Trial Hearing, chances are a court will appoint an attorney anyway. 50% of the cases are like this of the defendants that do come back. Judge Seinfeld asked if the defendant does not come back at the 10 day Pre-Trial Hearing with an attorney what are we going to do? Judge Swayze suggested to set it as a Plan B case and set another hearing date. It was also pointed out that on the Pre-Trial Hearing form in the upper righthand corner there should be a 60 and 90 day date for cases such as these.

Maureen Solomon asked if there is not court appointed counsel, how does DAC and the Prosecutor's Office get together? Jack Hill pointed out that they would like DAC and the Prosecutor's Office to get together ahead of time to decide what type of Plan it is going to be. Judge Arnold pointed out that at the time of the Pre-Trial Hearing the judge would rely on the judgment of the attorneys to decide the different Plans. All the judge will have in front of them is the Affidavit of Probable Cause. He suggested that if it wasn't a defense, every case would be a Plan A case.

Maureen Solomon asked how will the court monitor for failure to appear dates? Tom Felnagle suggested that it would be brought by motion before the court. Judge Arnold asked what do you think could be a formula - a certain number of days before trial - for each of the three Plans. Judge Swayze suggested that moving the Omnibus Hearing date back 20–30 days from the arraignment date would help. He said defense attorneys will be very cautious and start asking for everything. Bev pointed out the Omnibus Hearings should be set early on to agree what is going to happen before the trial date. The Omnibus Hearing could be a mandatory date in a Plan C case. Judge Seinfeld suggested having all the Pre-Trial Hearings before the judge on the record. It was decided that the judge would set the trial date, not the Criminal Case Manager.

Maureen Solomon asked if there was going to be some kind of warning system if there were problems? Pat Cooper stated that hopefully the attorneys will be communicating with each other, and there won't be many problems. He stated that the Prosecutor's Office cannot try every case they have in 60 to 90 days. Judge Arnold pointed out that by setting target dates everybody will be reminded of any problems before the trial date.

Maureen Solomon asked what the policy is for pleas on trial dates? Judge Arnold stated that the judges take a lot of pleas. It would be preferable not to take the plea on the date of trial. Bev suggested that the attorneys could come in one week before the trial date and strike it. Judge Arnold stated that they could order a bench warrant if the attorney can't reach the defendant.

Appendix E

Sample Timeframes and Events for DCM Tracks

1. Berrien County, Michigan (criminal)

Berrien County DCM Project

Criminal Scheduling Order

Approximate Times From Arraignment Date

Event	A (Expedited)	B (Normal)	C (Complex)
Filing Supplemental Charges	14 days	14 days	14 days
Filing Prelim Transcript	30 days	60 days	60 days
Naming Added Witnesses	40 days	75 days	90 days
Completion of Discovery	45 days	90 days	120 days
Filing Procedural Motions	50 days	100 days	130 days
Filing Substantive Motions	60 days	125 days	150 days
Completion-Psych. Review	—	90 days	120 days
Status Conference	83 days	143 days	196 days
Trial Date	90 days	150 days	210 days

2. Camden, New Jersey (civil)

DCM Rules for Discovery

Expedited Track

R. 4:24–1(c)	1. One hundred days from Track Assignment Notice to Completion of Discovery.
R. 4:14–1(a)	2. No depositions without leave of court.
R. 4:17–6	3. Limited to one set of interrogatories with 50 single part questions. No additions or supplements. Where standard interrogatories are prescribed, they may be supplemented by no more than 25 additional questions without subparts.
R. 4:17–2	4. Interrogatories may be served until 30 days after time allowed for service of the last permissible responsive pleading.
	5. No Case Scheduling Plan required.

Standard Track

R. 4:24–1(b)	1. Two hundred days from Track Assignment Notice to Completion of Discovery.
R. 4:14–1(a)	2. Depositions taken only of a party, agent of a party, as defined by 4:16–1(b), an expert witness, or a treating physician without leave of court.
R. 4:17–6	3. Limited to one set of interrogatories, 50 single part questions. No additional or supplemental interrogatories. Where standard interrogatories are prescribed, they may be supplemented by no more than 30 additional questions without subparts.
R. 4:17–2	4. Interrogatories may be served until 30 days after time allowed for service of the last permissible responsive pleading.
R. 4:25–1(b)	5. Case Scheduling Plan filed.

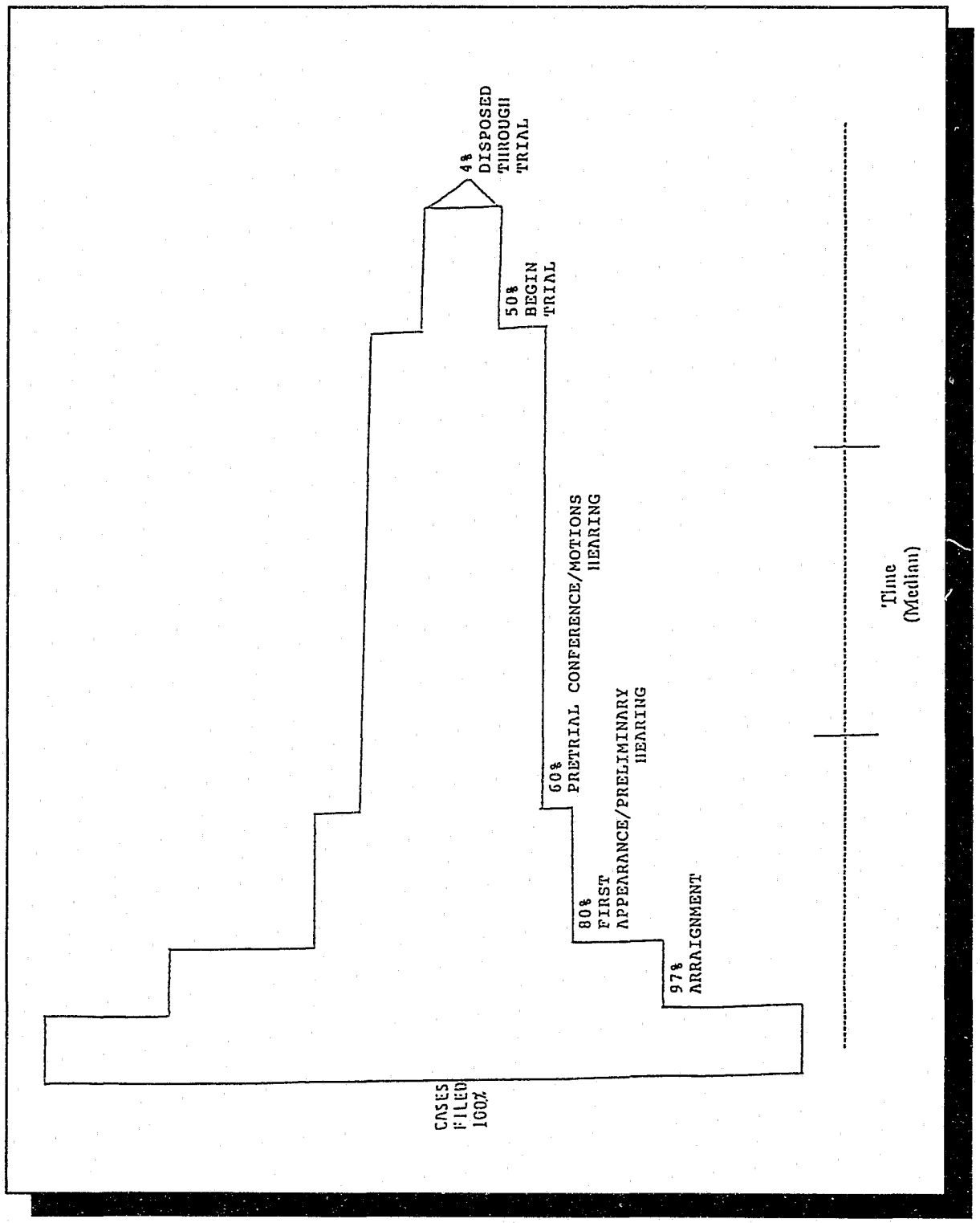
Complex Track

R. 4:25–1	1. As fixed by managing judge in conference with attorneys.

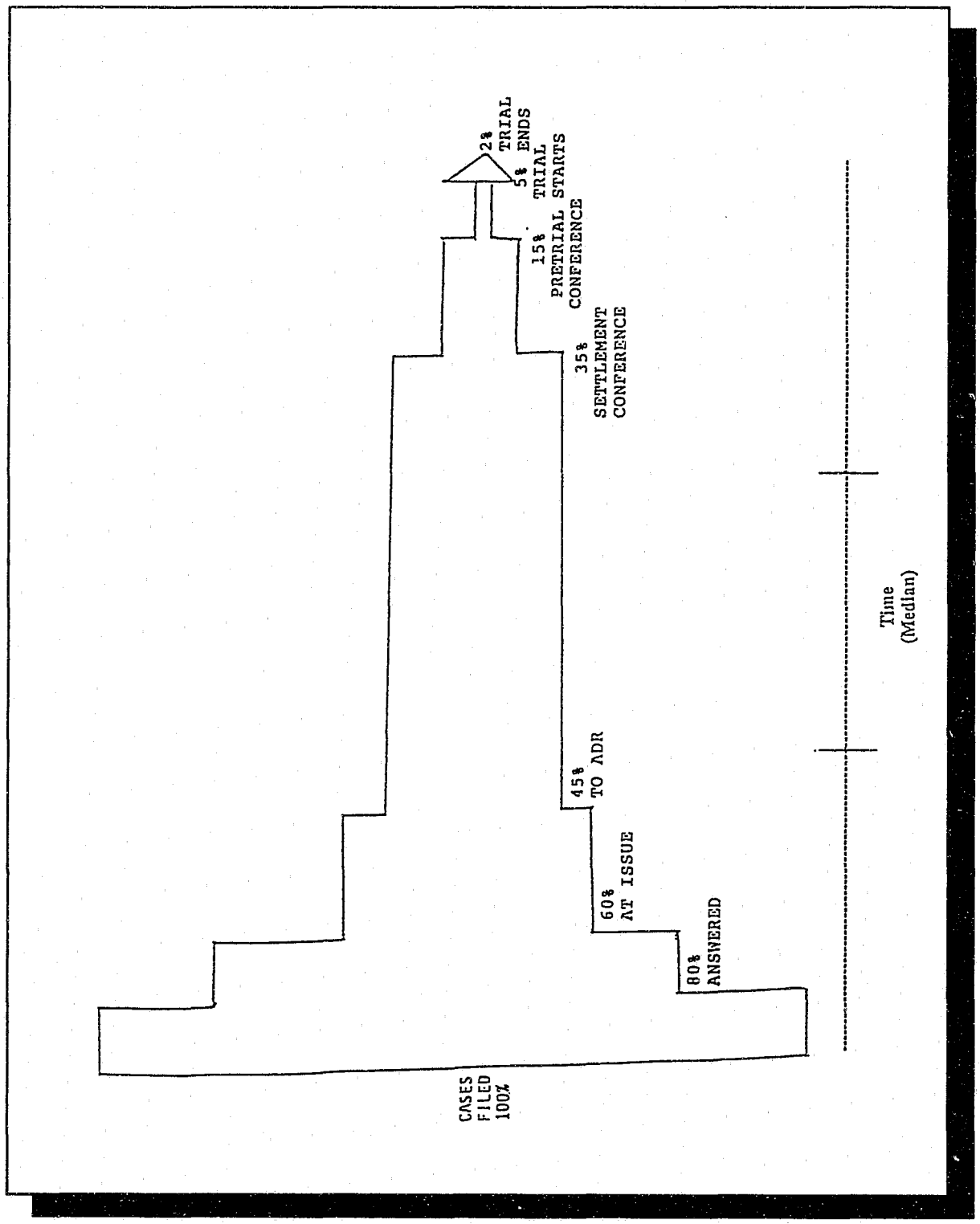
Appendix F

DCM Planning Tasks: Sample Case Disposition Analyses

1a. Sample "Fall-Out" Chart (Criminal Caseload)



1b. Sample "Fall-Out" Chart (Civil Caseload)



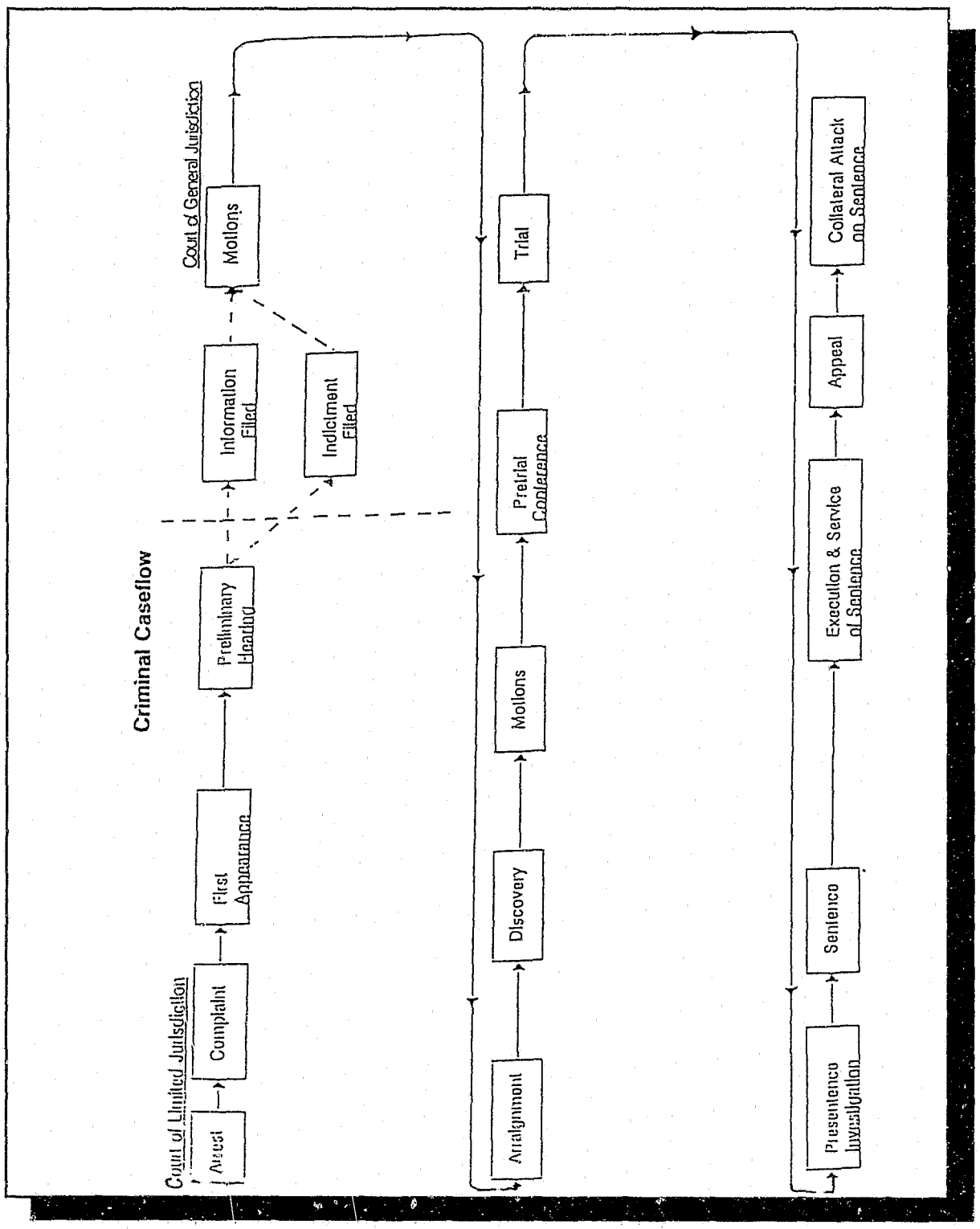
2a. Sample Case Disposition Analysis (Criminal Cases)

Case Processing Stage	Percentage of Cases Disposed	
	Percent	Cum. Percent
Arraignment	3%	3%
First Appearance	27%	30%
Pretrial Conference/ Motions Hearing	60%	90%
Trial	10%	100%

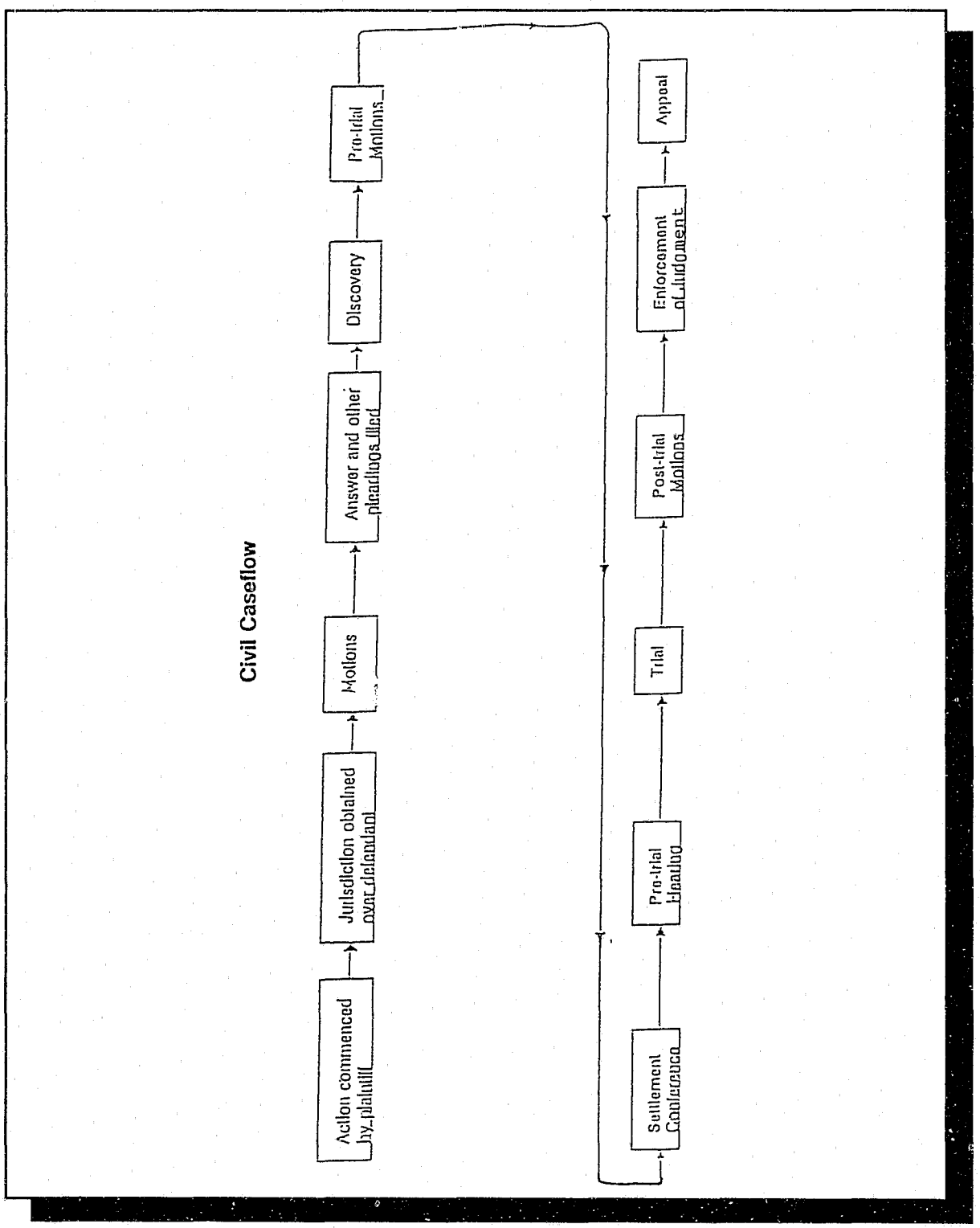
2b. Sample Case Disposition Analysis (Civil Cases)

Case Processing Stage	Percentage of Cases Disposed	
	Percent	Cum. Percent
Not Served	12%	12%
No Answer Filed	20%	32%
Settlement Conference	33%	65%
Pre-Trial Hearing	29%	94%
Trial	6%	100%

3a. Sample Diagram of the Caseflow Process (Criminal Caseflow)



3b. Sample Diagram of the Caseflow Process (Civil Caseflow)



Appendix G

DCM Implementation Authorization

1a. Sample Rules—Civil Programs (Camden, New Jersey)

Revised June 1, 1989

Underlined material represent changes and additions to the Bergen Pilot Rules that will be demonstrated in Camden County. portions in [brackets] show deletions.

1:6-2. Form of Motion; Hearing

(a) Generally. An application to the court for an order shall be by motion, or in special cases, by order to show cause. A motion, other than one made during a trial or hearing, shall be by notice of motion in writing unless the court permits it to be made orally. Every motion shall state the time and place when it is to be presented to the court, the grounds upon which it is made and the nature of the relief sought. Unless the motion is made in an action assigned to the complex track in the Law Division and is one in which oral argument is requested, it shall be accompanied by a proposed form of order in accordance with R. 3:1-4(a) or R. 4:42-1(c), as applicable [All filed motions shall be accompanied by a case information statement in the form prescribed by Appendix A to these Rules. The case information statement, which shall be served with the motion, shall not be admissible in evidence.] If the motion or response thereto relies on facts not of record or not subject of judicial notice, it shall be supported by affidavit made in compliance with R. 1.8-6. The motion shall be deemed uncontested unless responsive papers are timely filed and served stating with particularity the basis of the opposition to the relief sought.

(b) Civil Motions in Chancery Division and Specially Assigned Cases. Motions in actions pending in the Chancery Division, assigned to the complex track in the Law Division, or assigned to a pretrial [management]judge pursuant to R. 4.25-1(b)[(1)], shall be made directly to the judge assigned to the cause who shall determine the mode of scheduling of their disposition and may permit the making of motions by telephone.

- 1 -

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

Except as provided by R. 5:5-4, motions filed in causes pending in the Superior Court, the Superior Court, Chancery Division, Family part, shall
be governed by this paragraph.

(c) Civil Discovery and Calendar Motions. Every motion in a civil case not governed by paragraph (b), involving any aspect of pretrial discovery or the calendar, shall be listed for disposition only if accompanied by a certification stating that the moving party has orally conferred or has made a specifically described good faith attempt to orally confer with the opposing party in order to resolve the issues raised by the motion by agreement or consent order and that such effort at resolution has been unsuccessful. The moving papers shall also set forth the date of management conference, pretrial conference or trial date, or state that no such dates have been fixed. Discovery and calendar motions shall be disposed of on the papers unless, on at least two days notice, the court specifically directs oral argument on its own motion or, in its discretion, on a party's request. A movant's request for oral argument shall be made either in his moving papers or reply; a respondent's request for oral argument shall be made in his answering papers. A request for oral argument shall state the reasons therefor. The court may permit discovery and calendar motions to be made orally by telephone. Except in special circumstances, motions relating to pretrial discovery shall be made within the time prescribed by R. 4:42-1 for completion of discovery.

(d) Civil Motions - Waiver of Argument. In respect of all motions in civil actions to which paragraphs (b) and (c) of this rule do not apply, the moving party may state in his notice of motion that he waives oral argument and consents to disposition on the papers. The motion shall be so disposed of unless the

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

respondent in his answering papers or the movant in his reply papers requests oral argument or unless the court directs oral argument.

(e) Oral Argument.

(1) Tentative Decision. On all motions scheduled for oral argument pursuant to this Rule, the motion judge may tentatively decide the matter on the basis of the motion papers, posting his tentative decision and making it available to the attorneys on telephone inquiry prior to the scheduled motion date. Unless any attorney communicates to the court and all interested parties dissatisfaction with the tentative decision, the request for oral argument shall be deemed withdrawn and the tentative decision shall be memorialized by order. If any attorney communicates dissatisfaction with the tentative decision, the motion shall be orally argued as scheduled. The tentative decision practice herein prescribed shall be subject to the general supervision of the Assignment Judge.

(2) Mode. The court in civil matters, on its own motion or on a party's request, may direct argument of any motion by telephone conference without court appearance. A verbatim record shall be made of all such telephone arguments and the rulings thereon.

1:13-7. Dismissal of Inactive Civil Cases

(a) Three-Month Dismissal List--Law Division. Except as otherwise provided by Rule or court order, if within three months of filing of a complaint in a civil action in the Law Division no answer has been filed and plaintiff has neither requested the entry of a default nor taken any other action to prosecute the case, the complaint shall be subject to dismissal

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

for want of prosectuion in accordance with the provisions of paragraph (b) of this Rule.

(b) Six-Month Dismissal List--Law and Chancery Divisions. Except in receivership and liquidation proceedings and except as otherwise provided by paragraph (a) of this Rule, other Rule or court order, whenever any civil action shall have been pending in any court for 6 months without a required proceeding having been taken therein, the clerk of the court, or in the Superior Court, the county clerk of the county in which the venue is laid, shall give to the parties or their attorneys written notice of a motion by the court to dismiss the same for want of prosecution. The notice shall advise that unless an affidavit is filed with the court at least 5 days prior to the return date explaining the delay and why the action should not be dismissed, the action will be dismissed without call. For purposes of this Rule, adjournments, extensions of time, and applications, motions or hearings in connection therewith, shall not be considered a proceeding taken. Unless otherwise ordered by the court, a dismissal under this Rule shall be without prejudice.

(c) Sixty-Day Dismissal List--Law Division (Special Civil Part). Whenever any civil action in the Law Division, Special Civil Part, shall have been filed but not served, and where no action shall have been taken within sixty (60) days of the return of the unserved summons, the clerk of the court, without motion or further order of the court, shall place the matter on the inactive list. The clerk shall then notify the plaintiff that the matter has been marked "dismissed subject to automatic restoration within one year" and that the matter shall be restored without motion or further order of the court upon service of the summons and complaint within (1) year of the date of the dismissal.

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

4:5-1. Pleadings Allowed; Case Information Statement; Notice of Other Actions

(a) Allowable Proceedings. There shall be a complaint and an answer; an answer to a counterclaim, denominated as such; an answer to a cross-claim, if the answer contains a cross-claim, a third party complaint pursuant to R. 4:8; a third-party answer, if a third-party complaint is served; and a reply, if an affirmative defense is set forth in an answer and the pleader wished to allege any matter constituting an avoidance of the defense. No other pleading is allowed.

(b) Case Information Statement. Every [filed] pleading filed pursuant to R. 4:5-1(a) shall be accompanied by a case information statement in the form prescribed by Appendix A to these Rules. The case information statement, which shall be served with the pleading, shall not be admissible in evidence and shall not be deemed to constitute a jurisdictional requirement.

(c) Certification of Other Pleading Action. Each party shall include with the first pleading a certification as to whether the matter in controversy is the subject of any other action pending in any court or of a pending arbitration proceeding, or whether any other action or arbitration proceeding is contemplated; and, if so, the certification shall identify such actions and all parties thereto. Further, each party shall disclose in the certification the names of any other party who should be joined in the action. Each party shall have a continuing obligation during the course of the litigation to file and serve on all other parties and with the court an amended certification if there is a change in the facts stated in the original certification. The court may compel the joinder of parties in appropriate circumstances, either upon its own motion or that of a party.

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1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

RULE 4:9A. LAW DIVISION ACTIONS--ASSIGNMENT TO TRACKS

4:9A-1. Tracks; Standards for Assignment

Every action filed in the Law Division shall be assigned, as prescribed by this Rule, to the complex track[s], the standard track, or tbe expedited track in accordance with the following criteria and giving due regard to attorney requests for track assignment made pursuant to R. 4:9A-2:

(a) Complex Track. An action shall ordinarily be assigned to the complex track for individual judicial management if it appears likely that the cause will require a disproportionate expenditure of court and litigant resources in its preparation for trial and trial by reason of the number of parties involved, the number of claims and defenses raised, the legal difficulty of the issues presented, the factual difficulty of the subject matter, or a combination of these or other factors.

(b) Standard Track. An action not qualifying for assignment to the complex track or expedited track shall be assigned to the standard track. All personal injury cases shall be presumptively assigned to the standard track.

(c) Expedited Track. An action shall ordinarily be assigned to the expedited track if it appears that by its nature, it can be promptly tried with minimal pretrial discovery and other pretrial proceedings. All actions in the following categories shall be assigned to tbe expedited track subject to re-assignment as herein provided:

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

(1) commercial matters, excluding construction cases in which liquidated damages are sought, such as book accounts, collection of bills and notes, and actions involving secured transactions;

(2) actions to compel arbitration or to confirm, vacate or modify an arbitration award;

(3) actions to be tried exclusively on a record already made by a court or administrative agency, such as actions in lieu of prerogative writs;

(4) actions to recover benefits pursuant to N.J.S.A. 39:6A-1 to -23 (New Jersey Automobile Reparation Reform Act),

(5) proof cases in which default has been entered and proceedings pursuant to R. 4:44 to approve settlements[; and].

After track assignment has been made, the special procedures prescribed by these Rules for each track governing such matters as discovery, motion practice, case management and pretrial conferences and orders, and the fixing of trial dates shall apply.

4:9A-2. Procedure for Track Assignment

Track assignment shall be made by the Civil Presiding Judge as soon as practicable after expiration of the time for the last permissible responsive pleading in respect of all originally named defendants. The Civil Presiding Judge may, in his discretion, advance or delay the time of the assignment. In no event, however, shall the track assignment precede the filing of the first responsive pleading in the case. If all attorneys agree as to the appropriate track assignment, the Civil Presiding Judge shall not designate a different track except for good cause and only after giving all attorneys the

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

opportunity to object, either in writing or orally, to the proposed designation. If all attorneys do not agree, the designation shall be made by the Civil Presiding Judge. If it is not clear from an examination of the information provided which track assignment is most appropriate, the case shall be assigned to the track that affords the greater degree of management.

4:9A-3. [Notice of Track] Assignment and Scheduling Notice

Forthwith upon the making of the track assignment, the civil case manager shall send written notice thereof to all parties who have filed a[n answer] pleading in the action. If any party serves an [answer] initial pleading on plaintiff following the issuance of the [track a]Assignment and Scheduling [n]Notice, plaintiff shall forthwith furnish a copy thereof to each such [defendant] party. If the case has been assigned to the standard or expedited track, the notice shall state the date upon which discovery is required to be completed pursuant to R. 4:24-1, as well as the anticipated month and year of trial, if then determinable. The notice shall also advise that each party, including subsequently added parties, may apply for reassignment pursuant to R. 4:9A-4.

4:9A-4. Track Reassignment

An action may be reassigned to a track other than that specified in the [track a]Assignment and Scheduling [n]Notice on application of a party or on the court's own motion. The application may be made informally to the Civil Presiding Judge and shall state with specificity the reasons why the original track assignment is inappropriate. No formal motion for track reassignment is required unless the Civil Presiding Judge so directs.

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

4:10-1. Discovery Methods

Except as otherwise provided by R. 4:14-1(a) (depositions by right and by leave) and R. 5:5-1 (discovery in family actions), parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things; permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admissions. Unless the court orders otherwise under R. 4:10-B and except as otherwise provided by these Rules, the frequency of use of these methods is not limited.

4:10-4. Sequence and Timing of Discovery

Unless the court upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, available methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not, of itself, operate to delay any other party's discovery.

4:11-3. Perpetuation of Testimony

R. 4:11-1 and R. 4:11-2 do not limit the court's power to entertain an action to perpetuate testimony or to enter an order in any pending action before or during trial for the taking of a deposition to perpetuate testimony. The order may, on a party's or the court's motion, require that the deposition be taken on an abbreviated schedule and videotaped in accordance with the applicable provisions of R. 4:14-9.

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

4:14-1. When Depositions May Be Taken

(a) Depositions As of Right, By Leave. Except as may be otherwise provided by a case management order entered in the cause, every party to any action pending in the Chancery Division, General Equity, or assigned to the complex or standard track in the Law Division may, after commencement of the action, take the testimony of any person, including a party, by deposition upon oral examination. [If the action is assigned to the standard track in the Law Division, depositions without leave of court may be taken only of a party, an agent of the party as defined by R. 4:16-1(b), an expert witness, or treating physician.] If the action is assigned to the expedited track, no depositions shall be taken without leave of court. In no case may the deposition of a person confined in prison be taken except by leave of court on such terms as the court prescribed. The attendance of witnesses may be compelled by subpoena as provided by R. 4:17-7.

(b) Time of Taking Depositions. Except as otherwise provided by R. 4:14-9(a) or by a case management order, depositions may be taken at any time after commencement of the action and prior to the expiration of the discovery period prescribed by R. 4:24-1.

Note: Source -- Camden DCM Civil Rule 4:14-1 adopted August 4, 1988 to be effective September 1, 1988; paragraph (a) amended February 22, 1989 to be effective immediately; paragraph (a) amended May 8, 1989 to be effective immediately.

4:14-9. Videotaped Depositions

Videotaped depositions may be taken and used in accordance with the applicable provisions of these discovery rules subject to the following further requirements and conditions.

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

(a) Time for Taking Videotaped Depositions. Except as otherwise provided by R. 4:11-3, the provisions of R. 4:14-1 shall apply to videotaped depositions except that such a deposition of a treating physician or expert witness that is intended for use in lieu of trial testimony shall not be noticed for taking until 30 days after a written report of that witness has been furnished to all parties. Any party desiring to take a discovery deposition of that witness shall do so within such 30 day period.

(b) Notice. Except as otherwise provided by R. 4:11-3, a party intending to videotape a deposition shall serve the notice required by R. 4:14-2(a) not less than 30 days prior to the date therein fixed for the taking of the deposition. The notice shall further state that the deposition is to be videotaped.

(c) ...no change

(d) ...no change

(e) ...no change

(f) ...no change

(g) ...no change

(h) ...no change

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

4:15-1. Serving Questions; Notice

After commencement of the action and except as otherwise provided by R. 4:14-1(a), any party may take the testimony of any person, including a party, by deposition upon written questions. The attendance of witnesses may be compelled by the use of subpoena as provided in R. 4:14-7. The depositions of a person confined in prison may be taken only by leave of court on such terms as the court prescribes. A party desiring to take a deposition upon written questions shall serve them upon every other party with a notice stating:

(a) The name and address of the person who is to answer them, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs; and

(b) The name or descriptive title and address of the officer before whom the deposition is to be taken. A deposition upon written questions may be taken of a public or private corporation or a partnership or association or governmental agency in accordance with the provisions of R. 4:14-2(c).

Within 30 days after the notice and written questions are served, a party may serve cross questions upon all other parties. Within 10 days after being served with cross questions, a party may serve redirect questions upon all other parties. Within 10 days after being served with redirect questions, a party may serve recross questions upon all other parties. The court may for cause shown enlarge or shorten the time.

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

4 :17-1. Service, Scope of Interrogatories

Subject to the limitations prescribed by R. 4:17-6, any party may serve upon any other party written interrogatories relating to any matters which may be inquired into under R. 4:10-2. The interrogatories may include a request, at the propounder's expense, for a copy of any paper.

4:17-2. Time to Serve Interrogatories

In actions pending in the Chancery Division, General Equity, and actions assigned to the complex track in the Law Division, a party may, unless a case management order otherwise provides, serve interrogatories without leave of court at any time from the filing of that party's first pleading until 30 days after the expiration of the time allowed for service of the last permissible responsive pleading as to each defendant. In actions assigned to the standard and expedited tracks in the Law Division, interrogatories may be so served as of right until 30 days after the expiration of the time allowed for service of the last permissible responsive pleading. Thereafter, interrogatories may be served only by leave of court granted.

4:17-6. Limitation of Interrogatories

In actions pending in the Chancery Division, General Equity, and in actions assigned to the complex track in the Law Division, the number of interrogatories or of sets of interrogatories that may be served is not limited except as otherwise provided by a case management order or protective order. In actions assigned to the standard and expedited tracks in Law Division, each party shall be limited to one set of interrogatories. Where standard interrogatories for the cause of action or for a separable issue thereof are prescribed in an Appendix to these rules, the parties shall be limited to those questions,

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

which may be supplemented in standard track actions by no more than 30 additional questions without subparts and, in expedited actions, by no more than 25 additional questions without subparts. If no standard interrogatories are prescribed, the parties shall be limited to 50 single-part questions. No additional or supplemental interrogatories or sets of interrogatories may be propounded in standard and expedited cases without leave of court granted on good cause shown.

4:24-1. Time of Completion; Exceptions

Unless [on motion and notice, and for good cause shown,] an order is entered enlarging the time herein prescribed for discovery, all proceedings referred to in R. 4:10-1 to R. 4:23-4, inclusive, except as hereafter provided, shall be completed as follows:

(a) In actions pending in the Chancery Division, General Equity, and in actions assigned to the complex track in the Law division, discovery shall be completed in accordance with the terms of the case management order or orders entered in the cause.

(b) In actions assigned to the standard track, discovery shall be completed within 200 days after tbe date of issuance of the [track a]Assignment and Scheduling [n]Notice prescribed by R. 4:9A-3. Said period shall be modified by the Civil Presiding Judge, if necessary for the accommodation of added or impleaded defendants.

(c) In actions assigned to the expedited track, discovery shall be completed within 100 days after the date of issuance of the [track a]Assignment and Scheduling [n]Notice prescribed by R. 4:9A-3.

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

Excepted from the discovery periods herein prescribed are proceedings under R. 4:11 (depositions before action or pending appeal), R. 4:20 (impartial medical examinations), R. 4:21 (professional liability claims) and R. 4:22 (request for admissions).

RULE 4:25. Management and Pretrial Conferences; Case Scheduling Plan And Case Management Orders

4:25-1. Case Management Conferences; Case Scheduling and Case Management Orders

(a) General Equity And Complex Actions.

(1) Initial Case Management Conference. In actions pending in the Chancery Division, General Equity, and in actions assigned to the complex track in the Law Division, an initial case management conference, which may be conducted by telephone, shall be held within 30 days after expiration of the time for the last permissible responsive pleading, except that in actions assigned to the complex track in the Law Division the conference may be held within 30 days after the issuance of the Assignment and Scheduling Notice, or as soon thereafter as is practicable considering, among other factors, the number of parties, if any, added or impleaded. The attorneys responsible for the prosecution of the cause and its defense shall participate and the parties shall be available in person or by telephone. The court shall first determine whether an action assigned to the complex track requires individual management and, if it determines it does not, it shall re-assign the action to the appropriate track. If the court determines that the action has been properly assigned to the complex track, it shall enter a[n] case management order, following discussions with the representations by counsel, fixing a schedule and description

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

for initial discovery; requiring other parties to be joined if necessary; narrowing the issues in dispute if possible; and scheduling a second conference to be held after the close of the initial discovery period.

(2) Interim Case Management Conferences; Pretrial Conferences. The court shall schedule such additional case management conferences as may be necessary for the purpose of expediting discovery; limiting the issues; directing pretrial disposition of particular issues by way of summary disposition, summary judgment, or pretrial evidential hearing; and otherwise assuring the expeditious preparation of the action for trial. A case management order shall be entered following each case management conference embodying the directives of the court. The final conference shall be the pretrial conference as provided for by R. 4:25-2, 3, 5, and 5A.

(b) Complex and Standard Cases. In actions assigned to either the complex track or standard track in the Law Division, the attorneys actually responsible for the prosecution of the cause and its defense shall make a good faith attempt, within 10 days after issuance of the Assignment and Scheduling Notice, to confer, either in person or by telephone, and to agree upon a case scheduling plan, the form of which shall be prescribed by the Administrative Director of the Courts. Each attorney shall sign and file a copy of the plan, serve copies, and mail a copy to the managing judge or designated pretrial judge within 20 days of the issuance of the Assignment and Scheduling Notice. In the absence of mutual agreement by the parties, the court may set dates for interim case events provided that the overall time limits for discovery shall not be abridged.

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

(c) Standard and Expedited Cases. A case management conference may be scheduled in the discretion of the Civil Presiding Judge [pursuant to R. 4:36-2(c)(2)] in actions assigned to the standard and expedited tracks if it appears that discovery or other difficulties are delaying or may unduly delay trial. The case management conference shall be conducted by [a] the designated pretrial judge [designated by the Civil presiding Judge who shall, insofar as practicable, continue to preside over the matter for all pretrial purposes]. The conference, which may be conducted by telephone, shall be participated in by the attorneys actually responsible for the prosecution of the cause and its defense and the parties shall be available in person or by telephone. Following the conference a case management order shall be entered setting forth a discovery schedule, fixing a date for such additional case management conferences as may be required and fixing a firm trial date if then determinable. Further pretrial applications may be made to the pretrial judge by telephone provided, however, that all proceedings shall be recorded verbatim and all court directives shall be memorialized by written order.

4:25-2. Pretrial Conferences

(a) Actions to Be Pretried. Pretrial conferences shall be held in all contested actions in the Chancery Division, General Equity, in all actions assigned to the complex track in the Law Division, and in all medical malpractice actions. Pretrial conferences in other causes may be held in the discretion of the court either on its own motion or upon a party's written request. The request of a party for a pretrial conference shall include a statement of the facts and reasons supporting the request.

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

(b) Pretrial Order. The court shall make a pretrial order to be dictated in open court upon the conclusion of the conference and signed forthwith by the judge and attorneys, which shall recite specifically:

(1) A concise descriptive statement of the nature of the action.

(2) The admissions or stipulations of the parties. (3) The factual and legal contentions of each party.

(4) A specification of the issues to be determined at the trial including all special evidence problems to be determined at trial.

(5) The disposition of issues, including evidence issues, as to which there is no reasonably arguable question.

(6) The identification of issues, if any, to be determined prior to trial by motion or evidential hearing and the fixing of a schedule therefor.

(7) A list of the exhibits marked in evidence by consent or by the terms of the order itself.

(8) A briefing schedule including specification of the issues to be briefed and the time and manner of filing and service.

(9) In multi-party litigation, the order of opening and closing.

(10) Any unusual factors requiring special attention.

(11) Any directives respecting discovery.

(12) The name of the member or associate of the firm or outside trial counsel who is to try the case for each party. No change in the designated trial counsel shall be made without leave of court if such change will interfere with the trial schedule. If the name of trial counsel is not specifically set forth, the court and opposing counsel shall have the right to expect any partner or associate to proceed with the scheduled trial of the case.

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1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

(13) The trial date.
(14) The estimated length of trial.

4:25-3. Time of Conference; Notice

When the date of the pretrial conference has not been fixed by a case management order, the conference shall be scheduled to take place no less than 60 days prior to the anticipated trial date. The court shall provide the parties with at least 30 days notice by mail of the date of pretrial conference. The parties shall submit to the court and serve upon all other parties a pretrial memorandum, as prescribed by R. 4:25-5(b), at least 10 days prior to the date specified in the notice of pretrial conference or case management order unless the case management order otherwise provides.

4:25-4. Trial Information Statement, Designation of Trial Counsel

a) In all actions assigned to either the standard track or the expedited track in the Law Division, counsel shall, within ten days after the expiration date of discovery, file a trial information statement in the form prescribed by the Administrative Office of the Courts

b) [if no pretrial conference is held, counsel shall in writing, prior to the weekly call, notify the Assignment Judge that a member or associate, or outside counsel is to try the case, and set forth the name specifically.] If it has not been filed earlier, the name of the member, associate or outside counsel who is to try the case must be set forth specifically on the trial information statement. No change in such designated counsel shall be made without leave of court if such change will interfere with the trial schedule. If the name

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

of trial counsel is not specifically set forth on the trial information statement, the court and the opposing counsel shall have the right to expect any partner or associate to proceed with the trial of the case, when reached on the calendar.

Note: Source -- Camden DCM Civil Rule 4:25-4 adopted August 4, 1988 to be effective September 1, 1988; caption amended, paragraph (a) added, paragraph (b) added and text amended May 24, 1989, to be effective immediately.

4:25-5. Conference of Attorneys; Form of Pretrial Memoranda

(a) Conference. The attorneys shall confer before the date assigned for the pretrial conference to reach agreement upon as many matters as possible.

(b) Pretrial Memoranda. Pretrial memoranda shall include the 14 items enumerated in R. 4:25-2(b), set forth in the same sequence and with corresponding numbers, and the following additional items, numbered as indicated.

(15) The date the attorneys for the parties conferred and matters then agreed upon;

(16) A certification that all pretrial discovery has been completed or, in lieu thereof, a statement as to those matters of discovery remaining to be completed;

(17) A statement as to which parties, if any, have not been served and which parties, if any, have defaulted.

4:25-5A. Conduct of Pretrial Conference; Attendance

The pretrial conference may be held in court or by telephone. It shall be attended by the attorney who is to try the case if one is to be designated in the pretrial conference order pursuant to R. 4:25-2(b)(12).

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

4:36-2. Trial Calendar

All civil actions shall be listed for trial without calendar call as follows:

(a) Actions pending in the Chancery Division, General Equity, and actions assigned to the complex track of the Law Division shall be tried on the date set forth in the pretrial order.

(b) Standard and Expedited Cases.

(1) Trial Notice. In every action assigned to the standard or expedited track in the Law Division, the civil case manager shall, after termination of the discovery period as stated in the [track a]Assignment and Scheduling [n]Notice or as modified by subsequent order, send each party a trial assignment notice fixing a firm trial date no sooner than 6 weeks following the date of the notice. Unless the trial date has been adjourned in accordance with this Rule, the action shall be deemed ready for trial on the assigned trial date and all counsel shall then appear prepared to proceed. If the case cannot be reached on the morning of the trial date, it will be marked ready and the attorneys, parties and witnesses will be released subject to recall on appropriate telephone notice. Prior to such release, however, a conference with the Civil Presiding Judge or designated trial judge shall be held. If the case is not reached by [Thursday] Friday of the week of the assigned trial date, [it will be accorded a priority trial date 6 weeks hence, or at the option of the parties and by their mutual agreement, it may be either accorded an earlier firm trial date or relisted for the following Monday] the court will establish a priority trial date, after consulting with all parties.

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

(2) Adjournments; Conferences. Within 15 days after receipt of the trial assignment notice, counsel may request trial assignment for another day within [the same week] 10 days of the assigned trial date, and such requests shall be routinely granted if all counsel consent. An adjournment may also be requested within that 15-day period upon a statement of reasons why the case cannot be tried [during the week of the assignment trial date] on the assigned trial date or within ten days thereafter. A request for adjournment made after the 15-day period may be granted only in unforeseen circumstances. In granting a request for adjournment, the Civil presiding Judge may order a case management conference to be held pursuant to R. 4:25-1[(b)](c) if the reason for the request is based on a party's difficulty in completing discovery or any other reason suggesting the necessity for or appropriateness of a case management conference. The matter shall proceed thereafter as provided by the case managment order entered upon completion of the conference.

(3) Notice of Trial Readiness. Notwithstanding the foregoing provisions, any attorney may file a notice of trial readiness or a request for a stated trial date with the civil case manager when the case is ready for trial irrespective of its age or complexity. The notice or request shall be served upon all other counsel, and if all counsel concur in writing with the terms of the notice or request within 10 days after service thereof, the matter shall be listed for trial in accordance with request.

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

RULE 4:41. REFERENCES

4:41-1. Reference

The reference by a judge of the Superior Court for the hearing of a matter or for supervision of discovery shall be made to a master only upon approval by the Chief Justice except where the reference is for the taking of a deposition, or under extraordinary circumstances. A judge making a reference to a master shall submit to the Administrative Director of the Courts, with his regular weekly report, a special report as to the status of the matter referred.

4:41-2. Compensation

... no change

4:41-3. Powers

... no change

4:41-4. Proceedings

... no change

4:41-5. Report

... no change

1a. Sample Rules—Civil Programs (Camden, New Jersey) (continued)

RULES FOR DIFFERENTIATED CASE MANAGEMENT
(CAMDEN PROJECT)

RULE 4:46. SUMMARY JUDGMENT

4:46-1. Time of Motion

A party seeking any affirmative relief, including a declaratory judgment may, at any time after the expiration of 20 days from the service of his pleading claiming such relief, or after service of a motion for summary judgment by the adverse party, move for a summary judgment or order in his favor upon all or any part thereof or as to any defense. A party against whom a claim for such affirmative relief is asserted may move at any time for a summary judgment or order in his favor as to all or any part thereof. Unless the court otherwise orders, a motion for summary judgment shall be served and filed not later than 28 days before the time specified for the return date; opposing affidavits, briefs, objections, and cross-motions, if any, shall be served and filed not later than 8 days before the return date; and answers or responses to opposing papers shall be served and filed not later than 4 days before the return date. Any motion for summary judgment must be made returnable prior to the date scheduled for trial.

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Temporary Rule (March 9, 1988)

3/9/88 Revised

New Civil Calendar Temporary Rule

Rule 19. Joint at-Issue Memorandum

a. Within 90 days of the filing of the Note of Issue, the attorneys for the parties must meet, confer, and execute a joint at-issue memorandum setting forth a statement of the case and listing their agreements and disagreements. The Plaintiff shall initiate and schedule the meeting and shall be responsible for filing the joint at-issue memorandum within these time limits.

b. The joint at-issue memorandum shall contain the following information to the extent applicable:

1. A statement that all parties have been served, that the case is at issue, and that all parties have joined in the filing of the at-issue memorandum.
2. An estimated trial time.
3. Whether a jury trial is requested, and if so, by which party.
4. Counsels' opinion whether the case should be handled as expedited, standard, or complex track case (determination to be made by the Court).
5. A concise statement of the case indicating the facts that Plaintiff(s) intend to prove and the legal basis for all claims.
6. A concise statement of the case indicating the facts that Defendant(s) intend to prove and the legal basis for all defenses and counterclaims.
7. Names and addresses of all witnesses known to the attorney or client who may be called at the trial by each party, including expert witnesses and the particular area of expertise each expert will be addressing.
8. Cases involving personal injury, a statement by each claimant, whether by complaint or counterclaim, setting forth the following:
   a. A detailed description of claimed injuries, including claims of permanent injury. If permanent injuries are claimed, the name of the doctor or doctors who will testify.
   b. An itemized list of special damages to date including, but not limited to, auto vehicle damage and method of proof thereof; hospital bills, x-ray charges, and other doctor and medical bills to date; loss of earnings to date fully itemized.
   c. Whether parties will exchange medical reports. (See R.C.P. 35.04).

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Temporary Rule (March 9, 1988) (continued)

9. Cases involving vehicle accidents, a statement setting forth the following:
   a. A description of vehicles and other instrumentalities involved with information as to ownership or other relevant facts.
   b. Name of insurance carriers involved, if any.
10. A statement acknowledging that discovery will be completed by the time of the Joint Disposition Conference (approximately six months from filing of this memorandum). Where feasible, provide a schedule for the taking of depositions, the obtaining of medical examinations, and other discovery procedures.

c. If after 90 days following the filing of the Note of Issue, no joint at-issue memorandum has been filed, the Court shall set the matter for a hearing. At the hearing , all trial counsel must be present or represented by someone completely familiar with the case. Counsel must explain to the Court why this rule has not been complied with. If the Court finds that any party has not proceeded with due diligence in preparing the case for trial and cooperating in efforts to meet and prepare this memorandum, the Court may impose sanction or take action as it deems appropriate.

Rule 20. Setting of Cases for Trial and Scheduling of Joint Disposition Conference

If it appears from the joint at-issue memorandum that the case not amenable to be set on the expedited or complex trial calendars, the case will be set on the standard case processing track. Trial dates for all civil cases will be set administratively for a day certain by the Assignment Office. At the same time that the Assignment Office notifies the parties of the trial date, a settlement conference will be scheduled not less than 30 days before the trial date.

Not less than 30 days before the settlement conference, a Joint Disposition Conference must be held between all parties' attorneys and/or unrepresented parties in the case. The parties will complete, sign and file, a Joint Disposition Conference Report in the form prescribed by the court. The plaintiff shall initiate and schedule the meeting and shall be responsible for filing the Joint Disposition Conference report within this time limit.

The Joint Disposition Conference Report must include the following:

1. An estimate of the length of time necessary for trial of the case.

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Temporary Rule (March 9, 1988) (continued)

2. A statement whether discovery has been completed as required by Rule 19 or as previously set by the court or a schedule setting forth the proposed discovery to be completed and the reasons why the discovery was not completed by the time of the Joint Disposition Conference.

3. A summary of the stipulations of fact or issues that have been resolved by the parties.

4. A statement indicating any unresolved substantive, evidentiary and procedural issues. Any memorandums of law or citations of authority upon which the parties will rely for their position on the unresolved issues must be filed with the court and served on opposing counsel 7 days before the settlement conference.

5. Counsel for each party shall prepare a list providing the names and addresses of all prospective witnesses. Only witnesses so listed shall be permitted to testify at the trial, except for good cause shown.

6. Counsel for each party shall prepare a list of all exhibits to be used as evidence at the trial, together with an indication of those agreed by the parties to be admissible and the grounds for objection to any not so agreed upon. Only exhibits so listed shall be offered in evidence at the trial except for good cause shown.

7. Counsel for each party shall advise opposing counsel of the depositions proposed to be offered in evidence, if any, and shall ascertain whether or not any of the opposing parties object to the receipt in evidence of any portion of such depositions. Counsel proposing to offer depositions at the time of trial shall prepare a list of such depositions to be offered in evidence and a statement of any objections identifying the objecting party and the grounds for the objection. Only depositions so listed shall be offered in evidence at the trial, except for good cause shown.

8. In jury cases, counsel for each party shall prepare and furnish to the Court, and serve upon opposing counsel at the Joint Disposition Conference.

If a Joint Disposition Conference Report is not filed, the Court shall set the matter for hearing. At the hearing, all counsel and any unrepresented parties must be present. Counsel must explain to the Court why this rule has not been complied with. If the Court finds that any plaintiff or defendant has not proceeded with due diligence in preparing a case or has failed to cooperate, the Court may impose sanctions or take any action which it feels appropriate.

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Temporary Rule (March 9, 1988) (continued)

Rule 21. Settlement Conference

Approximately 30 days before trial, a settlement conference will be conducted by a judge to whom the case may be assigned for trial. All motions in limine shall have been submitted in writing with service completed at least three days before the settlement conference. Counsel who will actually try the case shall attend the settlement conference and bring with them either the party represented or someone else fully authorized by the party to settle the case and make admissions, unless the attorney is so authorized. Counsel shall be prepared to deal with all of the following:

1. All matters that were required to be included in the Joint Disposition Conference Report form;
2. Any unusual evidentiary or legal issues anticipated in the trial;
3. All matters of fact believed by any party to be appropriate for stipulations;
4. The Plaintiff's demand in order to resolve the case, and the defendant's offer in order to settle the case.

At the settlement conference the Court may:

1. Rule as desired on the admissibility of all documentary evidence marked for identification and intended to be used at the trial.
2. Discuss with Counsel the issues in the case with a view to further supplication.
3. Consider other matters that may aid in the disposition of the case, such as possible agreements as to admissions of fact including, but not limited to, agreements on foundation and admissibility of documents and exhibits.
4. Explore with Counsel the prospects of settlement.

Agreements reached and orders made both at the joint disposition conference and the settlement conference shall control the subsequent course of proceedings. Witnesses not named or exhibits not identified during the settlement conference shall not be presented at the trial except to prevent manifest injustice, unless the need for or identity of witnesses or exhibits is ascertained subsequent to the settlement conference. In the latter event, opposing counsel and the Court shall be notified immediately.

At the close of the settlement conference, the Court will issue a written order setting forth matters stipulated and ordered. No depositions, interrogatories, adverse examinations, or expert evaluations will be permitted after the settlement conference except by order of the Court.

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Temporary Rule (March 9, 1988) (continued)

STATE OF MINNESOTA — DISTRICT COURT

COUNTY OR RAMSEY — SECOND JUDICIAL DISTRICT

ORDER ESTABLISHING TEMPORARY RULE REGARDING IMPLEMENTATION OF NEW CIVIL PROCEDURES — ORDER

WHEREAS, the Second Judicial District has approved the concept of implementing a civil differentiated case management program; and

WHEREAS, the proposed time frame from the filing of the Note of Issue to disposition is ten months and makes it imperative that the Second Judicial District act as expeditiously as possible to begin the implementation and thereby avoid further delays in disposing civil cases; and

WHEREAS, the Second Judicial District recognizes the need to establish rules regarding the implementation of this case management program;

IT IS HEREBY ORDERED, that the attached rule entitled "Joint at Issue Memorandum" and accompanying form be adopted as a temporary rule of the Second Judicial District and apply to all cases filed on or after April 1, 1988 until permanent rules are adopted. Said rule will be numbered Rule 19 pending completion of the Special Rules of the Second Judicial District Court.

Dated this 22 day of March 1988.

J. Jerome Plunkett

J. Jerome Plunkett, Chief Judge
Second Judicial District

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Special Rules of Practice (January 3, 1989)

SPECIAL RULES OF PRACTICE

SECOND JUDICIAL DISTRICT

Adopted Effective January 3, 1989

Table of Rules

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Special Rules of Practice (January 3, 1989) (continued)

SECOND JUDICIAL DISTRICT

STATEMENT OF POLICY PERTAINING TO CALENDAR MATTERS

This statement applies to generally all civil and criminal cases.

Differentiated Case Management. The Judges of the Second Judicial District have embraced the concept of Differentiated Case Management (DCM) for all civil cases. DCM is a case management system by which judges and case management teams employ multiple tracks to accommodate the special procedural and managerial requirements of different case types.

In the Second Judicial District, three case processing tracks have been developed: Expedited, Standard, and Complex. Based on the information contained in the Joint At-Issue Memorandum, which is set out in Rule 4 of our special rules, every case is analyzed and assigned to a case processing track. The simpler matters requiring less preparation time and discovery will be assigned to the expedited track and will be given trial dates approximately 60 to 90 days after the filing of the Joint At-Issue Memorandum. Typical cases will be assigned to the standard track and can be expected to have a trial day certain approximately 10 months after the filing of a Note of Issue. More complicated matters will be assigned to an individual judge for complex case handling.

The judges are committed to providing a trial date certain for all calendars. To assure that the integrity of the trial dates is maintained, the court will be monitoring the status of each case at several different points in the system. The failure to follow the procedural rules set forth for the Differentiated Case Management System may cause the court to impose sanctions or take other action the court deems necessary.

Dispositions and Changes of Address. It is essential to the efficient calendaring and assignment of cases that our Assignment Division be kept informed of developments which will affect the trial calendar. Therefore, counsel must notify that office of summary judgments, settlements, dismissals and anything else which will dispose of the case.

In addition, counsel are to notify the Assignment Division of any change of address and furnish a list of their cases pending on the Trial Calendar so that notices of trial will be sent to the proper address. (The Post Office forwards mail for only one year after the filing of a change of address.) Filing those items, judgment, or change of address in the Court Administrator's Office alone is not sufficient for this purpose.

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Special Rules of Practice (January 3, 1989) (continued)

Discovery and Witnesses. Prior to the trial date, there will ordinarily have been adequate opportunity for all necessary discovery, for all third-party additions, for all amendments to pleadings, and for all other pretrial matters to have been completed. There should be no need to postpone the trial to complete such items.

Since the trial of a case affects many people, it would be unusual if a time could be found that would suit entirely the convenience of all who may be involved. This fact should indicate the advisability of taking appropriate depositions, the submission of interrogatories, or the taking of depositions upon written interrogatories.

We know that counsel frequently encounter problems with their medical experts. The time when it may be necessary to testify may not always be convenient for a particular doctor. While we desire to cooperate with the medical profession, such cooperation cannot be permitted to disrupt the orderly running of the calendar. While plaintiff's counsel cannot usually determine which doctor will be the attending physician, defendant's counsel have some voice in the selection of a doctor for an independent examination, and it would appear appropriate to advise the doctor at the time of selection that the doctor may be called to testify and approximately when. Counsel who insist upon using doctors who are too busy to testify or who are out of state when the case comes on for trial may have to get along without them or take their depositions in advance.

Trial and Other Conflicts. Some counsel feel that, because they expect to be called out for trial in another court or have another trial setting close in time to our setting, they have sufficient excuse to postpone the trial of a case in this county which has been set down for a day certain. While we desire to cooperate with other courts, our calendar is as important as the calendar of any other court. When counsel begin a suit or undertake the defense of a suit in this county, they must recognize that such action carries with it the obligation to be ready for trial. The mere assignment in another court has been held not to be a sufficient reason for continuance. See *West v. Hennessy*, 63 Minn. 378, 65 N.W. 639, and *Adamek v. Plano Manufacturing Co.*, 64 Minn. 304, 66 N.W. 981. A scheduled deposition is also not a valid basis for a postponement of a trial.

Military Service. We are aware of the requirements of the Soldiers and Sailors Civil Relief Act. However, a non-military party to litigation should not be unduly delayed or deprived of the opportunity to proceed with the case which the party has instituted or which the party is defending simply because another party is now in the military service. In some instances, the fact of military service of a party or a witness is only ascertained after the case has been set for trial. If you have a witness or represent a party who is in the military service, it is essential that you keep in touch with the individual and know where he can be located.

If a party or witness serviceman is involved, every effort should be made to obtain a military leave for the purposes of the trial of the particular case or determine when the individual in service will be on leave and available. The Assignment Division can then set the case for a day certain at the time of the leave.

Depositions, interrogatories, depositions on written interrogatories and other pretrial devices should be employed as much as possible.

Where it is impossible to try a case at the scheduled time because of military service, the most satisfactory method of handling the situation is to secure a stipulation of counsel to this effect, together with agreement that the case is to be stricken from the calendar and is to be reinstated when counsel all agree that the case is ready for trial.

Venue. Cases appear on our civil calendars where it is apparent that Ramsey County is not the proper county for venue, and yet no demand or motion is made for a change of venue. While we recognize that we have jurisdiction in such cases, we are unaware of any logical basis to justify the resulting unnecessary additions to our calendars and expense to Ramsey County. When it is apparent that the venue is improper, such case will be dismissed without prejudice or, upon agreement of counsel, will be transferred to a county of proper venue.

Joinder of Parties. Occasionally, cases appear on our civil jury calendar in which all of the persons who could institute suit as plaintiffs in that lawsuit have not done so. The typical situation is an action by a wife or minor child for personal injuries where the derivative action is not brought in that case or in a separate action, although admittedly not abandoned. Under Rule 19 of the Minnesota Rules of Civil Procedure, such cases will be stricken from the calendar until such time as the companion case or cases are ready for trial and the cases will then be consolidated for trial.

Advancement. Only rarely are requests for the advancement of cases on the civil jury calendar granted. To single out any individual case or cases for advancement is to delay those cases in which notes of issue were filed earlier and in which the health, age or economic distress of the parties involved may be as great as or greater than that of the party who seeks advancements.

Implementation. It is the policy of this Court in connection with the foregoing statement to place the basic responsibility for its implementation and administration upon the Calendar Referee for the District Court. Except in very unusual circumstances, the referee's decision on calendar matters will be adhered to by the Court.

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1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Special Rules of Practice (January 3, 1989) (continued)

The foregoing statement of policy with regard to calendar matters was approved by the Judges of the District Court of the Second Judicial District at St. Paul, Minnesota, November 29, 1988, with all Rules to be effective January 3, 1989.

RULE 1. FILING OF PLEADINGS AND OTHER PAPERS

a. All parties shall file all their pleadings and other papers which have been served within ten (10) days after any party serves a Note of Issue. Pleadings and papers required by law to be served which are served thereafter shall be filed within ten (10) days after service. These ten (10) day limits for filing include weekends and holidays.

b. Pleadings and other papers which are required to be served will not be accepted for filing unless the necessary proof or affidavit of service is affixed to the original document.

c. All filed documents shall include the name, office address, telephone number and attorney identification number of the attorney.

d. The Notice of Taking Deposition shall be filed before any deposition is taken. Unless ordered by the court, depositions, interrogatories, requests to admit, and requests for production and answers and responses thereto, shall not be filed.

RULE 2. ADDITIONAL PARTIES

a. When an Order has been issued adding parties to an action, the moving party shall immediately serve a copy of the Order upon the additional parties and shall within ten (10) days, including weekends and holidays, notify the Assignment Division in writing of the names and addresses of the additional parties and, if known, their attorneys.

b. Any claimant who joins a Mechanics Lien action through an Answer or by Court Order shall immediately notify the Assignment Division in writing of the name and address of both the claimant and the claimant's attorney. If the joinder was by Court Order, the claimant shall send a copy of the Order to the Assignment Division within ten (10) days, including weekends and holidays.

RULE 3. PLACING MATTERS ON CALENDARS

a. No matter will be placed on any calendar for trial or for hearing, nor will it be heard or considered, if the pleadings or other papers required by law to be filed have not been filed as required by these rules.

b. A matter is placed on the trial calendar by serving and filing a Note of Issue. The Note of Issue shall include an estimate of the length of time necessary for trial of the case.

c. A Note of Issue shall be served and filed by the moving party when a third party has been joined and has served an answer.

d. Notes of Issue are not required in the following cases:

(1) Appeals from awards in condemnation cases instituted by government agencies.

(2) Reviews of Assessments under Minn.Stat. 429.081.

(3) Conciliation Court Removals.

e. The individual attorney responsible for trying the case shall be named on the Note of Issue. That attorney shall immediately notify the Assignment Division in writing of any change in trial responsibility.

f. Counsel are also to notify the Assignment Division, Room 1230 Courthouse, of any change in their address and furnish a list of their cases pending on the Court's Calendars so notices can be mailed to the correct address.

RULE 4. JOINT AT-ISSUE MEMORANDUM

a. Within 90 days of the filing of the Note of Issue, the attorneys for the parties must meet, confer, and execute a Joint At-Issue Memorandum setting forth a statement of the case and listing their agreements and disagreements. The Plaintiff shall initiate and schedule the meeting and shall be responsible for filing the Joint At-Issue Memorandum within these time limits.

b. The Joint At-Issue Memorandum shall contain the following information to the extent applicable:

(1) a statement that all parties have been served, that the case is at issue, and that all parties have joined in the filing of the At-Issue Memorandum.

(2) an estimated trial time.

(3) whether a jury trial is requested, and if so, by which party.

(4) counsels' opinion whether the case should be handled as expedited, standard, or complex track case (determination to be made by the Court).

(5) a concise statement of the case indicating the facts that Plaintiff(s) intend to prove and the legal basis for all claims.

(6) a concise statement of the case indicating the facts that Defendant(s) intend to prove and the legal basis for all defenses and counterclaims.

(7) names and addresses of all witnesses known to the attorney or client who may be called at the trial by each party, including expert witnesses and the particular area of expertise each expert will be addressing.

(8) cases involving personal injury, a statement by each claimant, whether by complaint or counterclaim, setting forth the following:

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Special Rules of Practice (January 3, 1989) (continued)

A. a detailed description of claimed injuries, including claims of permanent injury. If permanent injuries are claimed, the name of the doctor or doctors who will so testify.

B. an itemized list of special damages to date including, but not limited to, auto vehicle damage and method of proof thereof; hospital bills, x-ray charges, and other doctor and medical bills to date; loss of earnings to date fully itemized.

C. whether parties will exchange medical reports. (See R.C.P. 35.04).

(9) cases involving vehicle accidents, a statement setting forth the following:

A. a description of vehicles and other instrumentalities involved with information as to ownership or other relevant facts.

B. name of insurance carriers involved, if any.

(10) a statement acknowledging that discovery will be completed by the time of the Joint Disposition Conference (approximately six months from filing of this Memorandum). Where feasible, provide a schedule for the taking of depositions, the obtaining of medical examinations, and other discovery procedures. Please note that if the case is assigned to the expedited track, the trial date will be set 60–90 days from the filing of the Joint At-Issue Memorandum and discovery schedules must be adjusted accordingly.

c. If after 90 days following the filing of the Note of Issue, no Joint At-Issue Memorandum has been filed, the Court shall set the matter for a hearing. At the hearing, all trial counsel must be present or represented by someone completely familiar with the case. Counsel must explain to the Court why this rule has not been complied with. If the Court finds that any party has not proceeded with due diligence in preparing the case for trial and cooperating in efforts to meet and prepare this Memorandum, the Court may impose sanctions or take action as it deems appropriate. (See Form DCM–1).

FORM DCM–1. JOINT AT-ISSUE MEMORANDUM

STATE OF MINNESOTA — DISTRICT COURT
SECOND
COUNTY OF RAMSEY — JUDICIAL DISTRICT
CIVIL DIVISION
FILE NO. ____

_____

Plaintiff,

vs. JOINT AT-ISSUE MEMORANDUM

Defendant

_____

1. All parties have been served with process. The case is at issue and all parties have joined in the filing of this At-Issue Memorandum.

2. Estimated trial time: ___ days ___ hours (estimates less than a day must be stated in hours).

3. Jury is requested by the ___ plaintiff ___ defendant. [If this is a change from a court to a jury request, then a $30 fee must be paid when filing this document.]

4. Assignment to the ___ expedited ___ standard ___ complex track is requested. (If parties cannot agree, attach statement setting for the reasons.)

5. Concise statement of the case including facts plaintiff(s) intend to prove and legal basis for claims:

_____
_____
_____
_____
_____
_____
_____

6. Concise statement of the case indicating facts defendant(s) intend to prove and legal basis for defenses and counterclaims:

_____
_____
_____
_____
_____

7. List the names and addresses of witnesses that either party expects to call. Indicate the party who expects to call the witness and whether the party intends to qualify that witness as an expert. (Attach additional sheets if necessary.)

Party	Name/Addresses of Witnesses	Please Indicate if Expert Witness
_____	_____	_____ Yes
_____	_____	_____ Yes
_____	_____	_____ Yes
_____	_____	_____ Yes
_____	_____	_____ Yes
_____	_____	_____ Yes

8. In claims involving personal injury, attach a statement by each claimant, whether by complaint or counterclaim, setting forth a detailed description of claimed injuries and an itemized list of special damages as required by the rule. Indicate whether parties will exchange medical reports.

9. In claims involving vehicle accidents, attach a statement describing the vehicles with information

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Special Rules of Practice (January 3, 1989) (continued)

as to ownership and the name of insurance carriers, if any.

10. I understand that, if the case is assigned to the standard track, all discovery must be completed by the time of the Joint Disposition Conference (to be held approximately six months from the filing of this Memorandum). If the case is assigned to the expedited track, the trial date will be set 60–90 days from the filing of this Memorandum and discovery schedule must be adjusted accordingly.

Plaintiff _____	Defendant _____
Attorney _____	Attorney _____
Attorney Reg. # _____	Attorney Reg. # _____
Firm _____	Firm _____
Address _____	Address _____
_____	_____
Telephone _____	Telephone _____
Date _____	Date _____

Plaintiff _____	Defendant _____
Attorney _____	Attorney _____
Attorney Reg. # _____	Attorney Reg. # _____
Firm _____	Firm _____
Address _____	Address _____
_____	_____
Telephone _____	Telephone _____
Date _____	Date _____

(If more space is needed to add additional information or parties, attach a separate sheet typed in the same format.)

The undersigned counsel have met and conferred this ____ day of _____ and certify the foregoing is true and correct.

_____
Signature

_____
Signature

_____
Signature

_____
Signature

RULE 5. SETTING CASES FOR TRIAL AND SCHEDULING OF JOINT DISPOSITION CONFERENCE

If it appears from the Joint At-Issue Memorandum that the case is not amenable to be set on the expedited or complex trial calendars, the case will be set on the standard case processing track. Trial dates for all civil cases will be set administratively for a day certain by the Assignment Division. At the same time that the Assignment Division notifies the parties of the trial date, the Assignment Division will also schedule a Joint Disposition Conference and a Pretrial Conference.

Approximately 30 days before the Pretrial Conference, a Joint Disposition Conference will be scheduled between all parties in the case at the place, date and time designated by the Court. At the scheduled conference, the parties will meet in person and complete, sign and file a Joint Disposition Conference Report in the form prescribed by the Court. If the parties meet, complete, sign and file a Joint Disposition Conference Report required by this Rule before the court scheduled conference, it shall be vacated.

The Joint Disposition Conference Report must include the following:

1. The length of time estimated for trial.

2. A statement of whether discovery has been completed, as required by Rule 4, or as previously set by the court, or a schedule setting forth the proposed discovery to be completed and the reasons why the discovery was not completed by the time of the Joint Disposition Conference.

3. A summary of the stipulations of fact or issues that have been agreed to by the parties.

4. A general statement indicating any known unresolved substantive issues. Any memoranda of law or citations to authority, upon which the parties will rely for their position on the unresolved issues, must be filed and served seven (7) days before the Pretrial Conference. The parties shall attempt to identify unresolved substantive issues but the failure to identify such issues shall not constitute a waiver of the right to raise such issues at a later date, except for good cause shown.

5. A list of each party's prospective witnesses, including each witness' name and address. Only witnesses so listed shall be permitted to testify at the trial, except for good cause shown.

6. A list of each party's exhibits to be used as evidence at the trial, together with an indication of those agreed by the parties to be admissible and the grounds for objection to any not so agreed upon. Only exhibits so listed shall be offered in evidence at the trial, except for good cause shown.

7. A list of the depositions each party proposes to offer in lieu of live testimony.

8. In jury cases, each party shall prepare proposed special verdict forms.

If a Joint Disposition Conference is not held as scheduled or a report is not filed, the Court shall set the matter for hearing. At the hearing, each party must be present and explain to the Court why this

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Special Rules of Practice (January 3, 1989) (continued)

rule was not complied with. If the Court finds that any party has failed to proceed with due diligence in preparing a case or has failed to cooperate, the Court may impose sanctions or take any action which it feels appropriate. (See Form DCM–2).

Form DCM–2. Joint Disposition Conference Report

STATE OF MINNESOTA — DISTRICT COURT
SECOND
COUNTY OF RAMSEY — JUDICIAL DISTRICT
CIVIL DIVISION
FILE NO. _____

_____

Plaintiff,

vs. JOINT DISPOSITION CONFERENCE REPORT

Defendant.

_____

A time, date and place will be set for a Joint Disposition Conference. During the Conference, you are expected to discuss the issues required by Rule 5 and complete this report form. You have the option to arrange your own in-person meeting time and place so long as the report form is filed by the conference time set by the Court. The failure to comply by meeting and filing this report will require a court appearance to show cause why the report has not been filed.

1. All parties are prepared for trial which is scheduled to begin on _____ and will take ___ court days. A jury is/is not requested.

2. As required by Rule 4, or as previously set by the court, all discovery has been completed. If discovery has not been completed, attach to this form information setting forth the discovery that remains to be completed, the reason it has not been completed as required, and the estimated time needed to complete discovery. Any additional discovery must be completed by the time of the judicial pre-trial conference.

3. The parties have stipulated to the following facts or issues: _____

4. The following facts are in dispute: _____

5. As to substantive issues, plaintiff contends as follows: _____

6. As to substantive issues, defendant contends as follows: _____

7. Attached is Plaintiff's addendum 1 containing the following items:

a. Plaintiff's list of witnesses with their names and addresses. Witnesses who Plaintiff intends to qualify as expert witnesses are indicated.

intends to introduce into evidence numbered as it is anticipated to be introduced in trial. All exhibits will be made available for inspection by opposing counsel. Exhibits not agreed to as admissible are noted and opposing party(ies) has indicated the grounds for objection to the receipt of the exhibit in evidence.

c. Plaintiff's description of depositions proposed to be offered in evidence in lieu of live testimony.

8. Attached is Defendant's addendum 1 containing the following items:

a. Defendant's list of witnesses with their names and addresses. Witnesses who Defendant intends to qualify as expert witnesses are indicated.

b. Defendant's list of all exhibits which Defendant intends to introduce into evidence numbered as it is anticipated they will be introduced in trial. All exhibits will be made available for inspection by opposing counsel. Exhibits not agreed to as admissable are noted and opposing party(ies) has indicated the grounds for objection to the receipt of the exhibit in evidence.

c. Defendant's description of depositions proposed to be offered in evidence in lieu of live testimony.

9. In jury cases, each party shall attach proposed special verdict forms.

Plaintiff _____	Defendant _____
Attorney _____	Attorney _____
Attorney Reg. # _____	Attorney Reg. # _____
Firm _____	Firm _____
Address _____	Address _____
_____	_____
Telephone _____	Telephone _____
Date _____	Date _____
Plaintiff _____	Defendant _____
Attorney _____	Attorney _____
Attorney Reg. # _____	Attorney Reg. # _____

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1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Special Rules of Practice (January 3, 1989) (continued)

Firm _____	Firm _____
Address _____	Address _____
_____	_____
Telephone _____	Telephone _____
Date _____	Date _____

(If more space is needed to add additional information or parties, attach a separate sheet typed in the same format.)

The undersigned counsel have met in-person and conferred this _____ day of _____ and certify the foregoing is true and correct.

_____	_____
Signature	Signature
_____	_____
Signature	Signature

RULE 6. JUDICIAL PRETRIAL CONFERENCE

Approximately 30 days before trial, the Court will conduct a Pretrial Conference. All motions in limine must be filed and served at least seven (7) days before the Pretrial Conference. Responsive memoranda must be presented at the Pretrial Conference in order to be heard on the motion. Counsel who will actually try the case shall attend the Pretrial Conference and bring with them either the party represented or a person fully authorized by the party to settle the case and make admissions, unless leave of the court is granted. All parties shall be prepared to discuss all of the following:

1. All matters that were required to be included in the Joint Disposition Conference Report.

2. Any unusual evidentiary, substantive or procedural issues anticipated in the trial.

3. All factual matters believed by any party to be appropriate for stipulation.

4. The plaintiff's demand in order to resolve the case, and defendant's offer in order to settle the case.

At the Pretrial Conference the Court may:

1. Rule as desired on the admissibility of all documentary evidence marked for identification and intended to be used at the trial.

2. Discuss with parties the issues in the case with a view to further simplification.

3. Consider other matters that may aid in the disposition of the case, such as agreements as to admissions of fact including, but not limited to, agreements on foundation and admissibility of documents and exhibits.

4. Explore with the parties the prospects of settlement.

Agreements reached and orders made both at the Joint Disposition Conference and the Pretrial Conference shall control the subsequent course of proceedings. Witnesses not named and exhibits not identified during the Pretrial Conference shall not be allowed at the trial except for good cause shown. No depositions, interrogatories, adverse examinations, or expert evaluations will be permitted after the Pretrial Conference except by order of the pretrial judge.

Settlements reached at the Pretrial Conference will be placed on the record. At the close of the Pretrial Conference, if the case has not settled, the Court will issue a written order setting forth matters stipulated and ordered. The pretrial order will govern the conduct of the trial.

RULE 7. CALENDAR REFEREE

All calendar and scheduling problems are to be resolved through the Calendar Referee. No motions with respect to such problems will be heard by the Calendar Judge or a Judge at the time of trial unless relief has been sought beforehand through the Calendar Referee. That decision will not be modified or reversed except for extraordinary and compelling reasons.

RULE 8. SPECIAL TERM

a. Days Held. Special Term will be held every day except Saturdays, Sundays, and holidays.

b. Length of Hearing. Any Special Term matter which will last longer than one-half day will be transferred to the Court Calendar for hearing. Only the matter noticed for Special Term is so transferred. Trial of the case on the merits will be placed upon the calendar according to the normal procedure under the R.C.P. and these rules.

c. Adherence to Time Schedule. Special Term matters are scheduled for hearing on a time certain basis. A matter may be stricken from the hearing calendar if counsel does not appear at the scheduled time. Oral argument may be waived by agreement of counsel and with the consent of the judge before whom the matter is scheduled.

d. Scheduling of Motions. The date and time for hearing all motions shall be obtained by the moving party from the Special Term Clerk. Only one case will be scheduled for hearing at any specific date and time. Additional motions (motions germane to the case, but not included in the subject matter of the noticed matter), not scheduled, will not be heard at the time scheduled for the original matter, but must be scheduled separately.

e. Telephone Conference. Hearing and argument may be by telephone conference call if all

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Special Rules of Practice (January 3, 1989) (continued)

counsel and the judge agree. It is the responsibility of counsel for the moving party to initiate such call at the time scheduled for the hearing.

f. Motion Papers.

(1) All moving papers shall include the motion and notice of motion required by Rule 7.02 of the R.C.P. and shall be accompanied by a proposed order.

(2) Any party opposing a motion shall submit a proposed order.

(3) Parties may submit, in addition to the papers described in paragraphs (1) and (2) above, affidavits, memoranda, briefs or any other appropriate papers.

g. Service and Filing; Requirements: Sanctions.

The Court shall strike from the calendar any motion for which the moving party has not served and filed papers in compliance with this rule. When a responding party, or a party making a reply, fails to comply with this rule, the Court may refuse to permit oral argument, may refuse to consider untimely papers, may allow reasonable costs and attorney's fees against such party or may take such other action as is deemed appropriate.

(1) *Dispositive Motions.* At least thirty (30) calendar days prior to the date of the scheduled hearing, a party making a dispositive motion which includes, but is not limited to, summary judgment, judgment on the pleadings or dismissal, shall serve, and shall file with the Court Administrator, all papers required by paragraph f(1) and any papers allowed by paragraph f(3).

(2) *Non-Dispositive Motions.* At least fourteen (14) calendar days prior to the date of the scheduled hearing, a party making a non-dispositive motion which includes, but is not limited to, discovery, third party practice, intervention or pleading amendment, shall serve, and shall file with the Court Administrator, all papers required by paragraph f(1) and any papers allowed by paragraph f(3).

(3) *All Responses.* At least seven (7) calendar days prior to the date of the scheduled hearing, a party opposing any motion shall serve, and shall file with the Court Administrator, the proposed order required by paragraph f(2) and any papers allowed by paragraph f(3).

(4) *All Reply Papers.* At least three (3) calendar days prior to the date of the scheduled hearing, a moving party shall serve, and shall file with the Court Administrator, any papers allowed by paragraph f(3) for the purpose of replying to a response to the motion. Reply is not required.

(5) *Application.* The requirements of Rule 8g govern all applications to the Court for an order except those made during a hearing or trial and those requests for extraordinary relief in the form of an order to show cause, an application for a temporary restraining order or other such action.

h. Discovery Motions: Prerequisites.

(1) No motion relating to any discovery matter will be heard unless the parties have conferred orally or in writing in an attempt to resolve their differences prior to the hearing. The moving party shall initiate such conference.

(2) At least three (3) calendar days prior to the date scheduled for the hearing, the moving party shall serve, and shall file with the Court Administrator, a statement that the parties have conferred and list the matters upon which the parties have been unable to agree.

(3) If the moving party fails to file the statement and list required by paragraph h(2), the motion will be stricken from the calendar by the Court. Further, if any party fails to participate in the conference, the Court will assess penalties or sanctions against the party unless special circumstances make assessment of such penalties or sanctions unfair or unjust.

i. Dispositive Motions. No dispositive motion, as defined in Rule 8g.(1) of this section will be heard after the case had been scheduled for trial on a date certain unless prior approval has been secured from the Calendar Referee.

j. Injunctive Relief.

(1) No applications for temporary restraining orders against any city, county, state, or governmental agency will be granted without prior oral or written notice to the adverse party. The applications shall be accompanied by a written statement describing the manner of notice.

(2) Motions for temporary injunctions may be scheduled on the Special Term calendar for up to a one-half day hearing. If more time is needed, the hearing must be scheduled on the Court Calendar by the Assignment Supervisor.

RULE 9. NOTICE OF SETTLEMENT OR OTHER DISPOSITIONS

a. Notice. When a matter is disposed of prior to the time set for hearing or trial, counsel shall immediately notify the Assignment Division or the Special Term Clerk.

b. Minor Settlements. Minor settlement orders should include a paragraph substantially as follows:

IT IS FURTHER ORDERED that the deposit shall remain with said financial institution until (date) at which time the minor shall reach eighteen (18) years of age, and time deposits should be established with a maturity date on or by that date. On the date of maturity the financial insti-

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Amended Rule (October 11, 1989)

District Court. Except in very unusual circumstances, the referee's decision on calendar matters will be adhered to by the Court.

The foregoing statement of policy with regard to calendar matters was approved by the Judges of the District Court of the Second Judicial District at St. Paul, Minnesota, November 29, 1988, with all Rules to be effective January 3, 1989.

RULE 1. FILING OF PLEADINGS AND OTHER PAPERS

a. All parties shall file all their pleadings and other papers which have been served within ten (10) days after any party serves a Note of Issue. Pleadings and papers required by law to be served which are served thereafter shall be filed within ten (10) days after service. These ten (10) day limits for filing include weekends and holidays. An attorney or pro se party who fails to comply with these filing requirements shall pay a sanction fee of $50.00 in order to file pleadings or other papers.

b. Pleadings and other papers which are required to be served will not be accepted for filing unless the necessary proof or affidavit of service is affixed to the original document.

c. All filed documents shall include the name, office address, telephone number and attorney identification number of the attorney.

d. The Notice of Taking Deposition shall be filed before any deposition is taken. Unless ordered by the court, depositions, interrogatories, requests to admit, and requests for production and answers and responses thereto, shall not be filed.

Amended October 11, 1989, effective January 1, 1990.

RULE 2. ADDITIONAL PARTIES

a. When an Order has been issued adding parties to an action, the moving party shall immediately serve a copy of the Order upon the additional parties and shall within ten (10) days, including weekends and holidays, notify the Assignment Division in writing of the names and addresses of the additional parties and, if known, their attorneys.

b. Any claimant who joins a Mechanics Lien action through an Answer or by Court Order shall immediately notify the Assignment Division in writing of the name and address of both the claimant and the claimant's attorney. If the joinder was by Court Order, the claimant shall send a copy of the Order to the Assignment Division within ten (10) days, including weekends and holidays.

RULE 3. PLACING MATTERS ON CALENDARS

a. No matter will be placed on any calendar for trial or for hearing, nor will it be heard or considered, if the pleadings or other papers required by law to be filed have not been filed as required by these rules.

b. A matter is placed on the trial calendar by serving and filing a Note of Issue. The Note of Issue shall include an estimate of the length of time necessary for trial of the case.

c. A Note of Issue shall be served and filed by the moving party when a third party has been joined and has served an answer.

d. Notes of Issue are not required in the following cases:

(1) Appeals from awards in condemnation cases instituted by government agencies.

(2) Reviews of Assessments under Minn.Stat. 429.081.

(3) Conciliation Court Removals.

(4) Petitions for Judicial Determination pursuant to Minn.Stat. 609.5314, Sub. 3.

e. The individual attorney responsible for trying the case shall be named on the Note of Issue. That attorney shall immediately notify the Assignment Division in writing of any change in trial responsibility.

f. Counsel are also to notify the Assignment Division, Room 1230 Courthouse, of any change in their address and furnish a list of their cases pending on the Court's Calendars so notices can be mailed to the correct address.

Amended October 11, 1989, effective January 1, 1990.

RULE 4. JOINT AT-ISSUE MEMORANDUM

a. Within 90 days of the filing of the Note of Issue, the attorneys for the parties must meet, confer, and execute a Joint At-Issue Memorandum setting forth a statement of the case and listing their agreements and disagreements. The Plaintiff shall initiate and schedule the meeting and shall be responsible for filing the Joint At-Issue Memorandum within these time limits.

b. The Joint At-Issue Memorandum shall contain the following information to the extent applicable:

(1) a statement that all parties have been served, that the case is at issue, and that all parties have joined in the filing of the At-Issue Memorandum.

(2) an estimated trial time.

(3) whether a jury trial is requested, and if so, by which party.

(4) counsels' opinion whether the case should be handled as expedited, standard, or complex track case (determination to be made by the Court).

1b. Sample Rules—Civil Programs (Ramsey County, Minnesota) Amended Rule (October 11, 1989) (continued)

(5) a concise statement of the case indicating the facts that Plaintiff(s) intend to prove and the legal basis for all claims.

(6) a concise statement of the case indicating the facts that Defendant(s) intend to prove and the legal basis for all defenses and counterclaims.

(7) cases involving personal injury, a statement by each claimant, whether by complaint or counterclaim, setting forth the following:

A. a detailed description of claimed injuries, including claims of permanent injury. If permanent injuries are claimed, the name of the doctor or doctors who will so testify.

B. an itemized list of special damages to date including, but not limited to, auto vehicle damage and method of proof thereof; hospital bills, x-ray charges, and other doctor and medical bills to date; loss of earnings to date; fully itemized.

C. whether parties will exchange medical reports. (See R.C.P. 35.04).

(8) cases involving vehicle accidents, a statement setting forth the following:

A. a description of vehicles and other instrumentalities involved with information as to ownership or other relevant facts.

B. name of insurance carriers involved, if any.

(9) a statement acknowledging that discovery will be completed by the time of the Joint Disposition Conference (approximately six months from filing of this Memorandum). Where feasible, provide a schedule for the taking of depositions, the obtaining of medical examinations, and other discovery procedures. Please note that if the case is assigned to the expedited track, the trial date will be set 60–90 days from the filing of the Joint At-Issue Memorandum and discovery schedules must be adjusted accordingly.

c. If after 90 days following the filing of the Note of Issue, no Joint At-Issue Memorandum has been filed or a Memorandum has been submitted but rejected by the DCM coordinator for being incomplete, the Court shall set the matter for a hearing. At the hearing, all trial counsel must be present or represented by someone completely familiar with the case. Counsel must explain to the Court why this rule has not been complied with. If the Court finds that any party has not proceeded with due diligence in preparing the case for trial and cooperating in efforts to meet and prepare this Memorandum, the Court may impose sanctions or take action as it deems appropriate. The hearing will be vacated upon filing of a complete Joint At-Issue Memorandum one (1) full day prior to the hearing and payment of a $50.00 sanction by each of the attorneys of record or pro se party. (See Form DCM-1).

Amended October 11, 1989, effective January 1, 1990.

FORM DCM-1. JOINT AT-ISSUE MEMORANDUM

STATE OF MINNESOTA — DISTRICT COURT SECOND
COUNTY OF RAMSEY — JUDICIAL DISTRICT
CIVIL DIVISION
FILE NO. ____

Plaintiff,

vs

JOINT AT-ISSUE MEMORANDUM

Defendant

1. All parties have been served with process. The case is at issue and all parties have joined in the filing of this At-Issue Memorandum.

2. Estimated trial time: ___ days ___ hours (estimates less than a day must be stated in hours).

3. Jury is requested by the ___ plaintiff ___ defendant. [If this is a change from a court to a jury request, then a $30 fee must be paid when filing this document.]

4. Assignment to the ___ expedited ___ standard ___ complex track is requested. (If parties cannot agree, attach statement setting for the reasons.)

5. Concise statement of the case including facts plaintiff(s) intend to prove and legal basis for claims:

_____
_____
_____
_____
_____
_____

6. Concise statement of the case indicating facts defendant(s) intend to prove and legal basis for defenses and counterclaims:

_____
_____
_____
_____
_____

7. List the names and addresses of witnesses that either party expects to call. Indicate the party who expects to call the witness and whether the

2a. Memorandum of Revised Criminal Procedures: Pierce County, Washington Initial Memorandum

Pierce County Superior Court
MEMORANDUM

TO : ALL SUPERIOR COURT JUDGES, COMMISSIONERS AND COURT PERSONNEL; PIERCE COUNTY PROSECUTING ATTORNEY; DIRECTOR, DEPARTMENT OF ASSIGNED COUNSEL; PIERCE COUNTY SHERIFF; DEPARTMENT OF CORRECTIONS, DIVISION OF PROBATION AND PAROLE; PIERCE COUNTY EXECUTIVE; AND PIERCE COUNTY COUNCIL

FROM : JUDGE THOMAS A. SWAYZE, JR., CHAIRMAN, CRIMINAL DIVISION TASK FORCE

DATE : JUNE 21, 1988

RE : REVISED CRIMINAL DIVISION PROCEDURES

Pursuant to the direction of the Superior Court Judges and the federal grant requirements, the Superior Court Task Force on Revision of Procedures in the Criminal Division submits this report.

The members of the task force consisted of: Judge Swayze, Chairman, and Judges Thompson, Aubrey, Seinfeld, Cohoe and Arnold, ex-officio, Chairman of Superior Court Executive Committee.

Effective July 5, 1988, or as soon thereafter as temporary remodeling of Courtroom 550 is accomplished, but no later than July 15, 1988, the one judge Criminal Presiding Department of the Pierce County Superior Court shall be renamed "Criminal Divisions 1 and 2 of the Pierce County Superior Court." Two (2) judges shall be designated, one serving in each division. Criminal Division 1 shall be located in Courtroom 560. Criminal Division 2 shall be located in Courtroom 550. Implementation of this procedure no later than July 15, 1988 is mandated under the terms of the federal grant previously received by Pierce County to institute a differentiated case management system (DCM) for cases involving one or more violations of the Controlled Substance Laws of the State of Washington occurring in Pierce County.

2a. Memorandum of Revised Criminal Procedures: Pierce County, Washington Initial Memorandum (continued)

Criminal Division 2 is designated as the court to manage the DCM system. Upon the effective date of these procedures, all new criminal felony filings in Pierce County, where one or more counts involve controlled substance charges, will be processed in Criminal Division 2. All other criminal felony cases will be administered in Criminal Division 1. The responsibilities of the two criminal division judges will include all matters in connection with those criminal cases, except trials and pretrial hearings where testimony is to be taken. These matters will continue to be referred to available superior court judges.

Any matters pertaining to criminal cases already assigned to other judges, such as sentencings, violation hearings, revocation hearings, restitution hearings, or review hearings set by such judge, shall continue to be heard in each department of the Superior Court. Thereafter, any such matters, except those set by the judge himself, shall be scheduled and heard in the applicable criminal division. Judges who try a criminal case will be the sentencing judge, if a guilty finding results.

The judge in Criminal Division 1 shall be in accordance with the current Presiding Judge Schedule of the Superior Court, until such schedule is changed by action of the Superior Court Judges upon recommendation of its Task Force on Congestion and Delay. Such judge in Criminal Division 1 shall designate, on a daily, weekly or other basis, another Superior Court Judge to sit in Criminal Division 2.

After the effective date of the two criminal divisions, all matters involving sentencings, violation hearings, restitution hearings and review hearings will be scheduled for 9:00 A.M. in the criminal divisions. All other judges are encouraged to schedule such matters in which they have continuing jurisdiction, such as review hearings or Presentencing Reform Act revocation hearings for 9:00 A.M. in their respective departments. It is the intent of the task force, once the current sentencing referral procedures are phased out, that other departments need not reserve one afternoon per week for these miscellaneous criminal matters and that such may, once again, be heard in the mornings before trials commence.

The Offices of the Pierce County Prosecuting Attorney and the Department of Assigned Counsel have revised their own procedures and policies and have increased their efficiency to the point where the vast majority of sentencings are done upon a waiver of presentence report at the time of entry of plea. For those sentencings that are delayed for the purpose of a presentence investigation, most of which are sex offenses, the criminal division will set a sentencing date

2a. Memorandum of Revised Criminal Procedures: Pierce County, Washington Initial Memorandum (continued)

seven (7) calendar weeks away, on the same day of the week that the plea is taken, to effectively spread out these sentencings so as not to overburden either criminal division judge. The criminal divisions are also urged to dispose of matters of violation of terms of community supervision as expeditiously as possible, perhaps at the time of the preliminary hearing, if they involve routine matters of failure to report or failure to pay. This may involve a review of current procedures, both in the Prosecutor's and Assigned Counsel's Departments, for securing sufficient information for rapid disposition hearings. Review of these procedures will be ongoing.

Attached to this memorandum are the actual revised schedules for the two criminal divisions by day of week and time each type of matter is to be heard. The task force spent several meetings in figuring out what it believed would be an equitable division of the workload between two judges. As you know, felony filings have increased substantially over the last two years and continue to rise at an alarming rate. Many months ago, the administrative workload surpassed what one judge has been able to handle and dockets have been split on a random, emergency basis. Sharing these responsibilities between two judges on an organized, predictable basis has long been necessary. It is hoped that these procedures and these schedules will accomplish that purpose. Only experience will tell us if we have accomplished that task. Alterations in days and times for types of proceedings can be expected. Even the basic premise of division of responsibilities may need to be altered.

The designation of Criminal Division 2 as the location for handling of all felony cases where at least one count involves controlled substances fits well within the current administrative organization of the Pierce County Prosecuting Attorney and the Superior Court. It allows the administration of the DCM in one place and with one staff. This was strenuously opposed by the Department of Assigned Counsel. That department is administered on a responsibility-to-client basis and has nothing to do with type of charge. The task force realizes the inconvenience to the Department of Assigned Counsel from an administrative standpoint of this new plan. However, we hope that the eventual elimination of 15 separate criminal motion dockets will more than offset this administrative inconvenience. In addition, the sharing of responsibilities between the two criminal divisions will also be a matter of continuing review and may eventually be shared on a different basis.

In any event, both the Office of the Prosecuting Attorney and

2a. Memorandum of Revised Criminal Procedures: Pierce County, Washington Initial Memorandum (continued)

the Department of Assigned Counsel will be expected to provide staff to the two criminal divisions on the effective date and to provide necessary services for each of the functions contained on the attached schedule.

TAS:dlb
Attachment
462188b

cc Judge Verharen
Judge Stone
Judge Thompson
Judge Healy
Judge Buckner
Judge Morrison
Judge Brown
Judge Arnold
Judge Steiner
Judge Sauriol
Judge Peterson
Judge Aubrey
Judge Cohoe
Judge Seinfeld
Commissioner Boyle
Commissioner Krilich
Commissioner Johnson
Bev Bright, Superior Court Administrator
Office of Administrative Staff
Pierce County Prosecuting Attorney
Director, Department of Assigned Counsel
Pirece County Sheriff
Department of Corrections, Div. of Probation & Parole
Pierce County Executive
Barbara Skinner, Pierce County Council
Bill Stoner, Pierce County Council
Barbara Gelman, Pierce County Council
Dennis Flannigan, Pierce County Council
Wendell Brown, Pierce County Council
C.F. "Chuck" Gordon, Pierce County Council
Paul Cyr, Pirece County Council

2b. Memorandum of Revised Criminal Procedures: Pierce County, Washington Supplemental Memorandum

Pierce County Superior Court
MEMORANDUM

TO: ALL SUPERIOR COURT JUDGES, COMMISSIONERS AND COURT PERSONNEL; PIERCE COUNTY PROSECUTING ATTORNEY; DIRECTOR, DEPARTMENT OF ASSIGNED COUNSEL; PIERCE COUNTY SHERIFF; DEPARTMENT OF CORRECTIONS, DIVISION OF PROBATION AND PAROLE; and PIERCE COUNTY EXECUTIVE

FROM: JUDGE THOMAS A. SWAYZE, JR., CHAIRMAN, CRIMINAL DIVISION TASK FORCE

DATE: July 12, 1988

RE: SECOND SUPPLEMENTAL MEMORANDUM ON PROCEDURES

This memorandum supplements my prior communications on procedure in Criminal Divisions I and II, which are now fully operative. This memorandum will address the matters of multiple charges or multiple case numbers for the same individual, some of which involve drug violations and some of which do not.

Before discussing specific situations, it is time to remind everyone that the main purposes for two criminal divisions were to eliminate the lengthy and burdensome dockets in Criminal Presiding Court and the sentencing afternoon dockets for all superior court judges. Designating Criminal Division II as the location for drug cases was for administrative handling of the differentiated case management system (DCM) under the federal grant.

Please be assured that both criminal divisions must be equipped to handle any phase of any criminal matter, whether drug related or not. An individual defendant should not be shifted back and forth from one division to another for the purpose of proceedings on different counts or different case numbers. If one count or one cause number deals with drugs, then all proceedings pertaining to that individual will be held in Criminal Division II. This is necessary to make an even division of workload and avoid duplication of effort and proceedings.

2b. Memorandum of Revised Criminal Procedures: Pierce County, Washington Supplemental Memorandum (continued)

With this basic philosophy in mind, the procedure in specific circumstances is as follows:

1) A new charge is filed against one individual with multiple counts. One or more counts involve drug violations and one or more counts involve non-drug violations. Criminal Division II takes the case and hears all matters pertaining to it.

2) A new cause number is filed with multiple defendants. Only one defendant is charged with a drug violation. Other defendants are charged only with non-drug violations. Criminal Division II hears all matters in connection with the case, since it must be processed under the DCM system.

3) That filing remains in Criminal Division II even if the drug charges or counts are later dismissed, since it is necessary to follow that case for statistical purposes under the administration of the DCM system.

4) One or more individuals are arrested on drug or other charges. The drug charges are not filed (NCF) when the information is prepared for the arraignment. These cases will be heard in Criminal Division I.

5) A new drug charge is filed against an individual. There is also a warrant outstanding for nonappearance in another pending criminal proceeding or for an SRA violation. That individual appears in Criminal Division II only. Criminal Division II hears all matters, including new trial setting and bail on the pending charge and preliminary hearing and revocation hearing, if necessary, on the violation charges, even if they are not drug related. Each criminal division will maintain a separate sentencing and revocation hearing docket for this purpose. This docket will also be maintained in each division for scheduling sentencing dates after pleas are taken and presentence reports ordered.

This memorandum will also serve to advise all the recipients that the new bench warrant system, ordered by the superior court judges several months ago, is now in full operation. In either criminal division or individual court, bench warrants will no longer be authorized orally. New forms have been prepared. One is for the use of the prosecuting attorney to make a motion for a bench warrant and to specify the reason therefor. The second form, which must be signed immediately by the judge, is the order for the bench warrant. The clerk of the court shall immediately file the original copy of the motion and the last copy of the order for bench warrant. The prosecuting attorney will receive the original order for bench warrant and will file it when the bench warrant itself is filed.

2b. Memorandum of Revised Criminal Procedures: Pierce County, Washington Supplemental Memorandum (continued)

When an individual judge receives a recommendation for issuance of a bench warrant or order to show cause from the Department of Corrections, the judge shall indicate on the report form the action which he or she desires. Unless it is a pre-SRA case, the prosecutor's office shall prepare the order to show cause or motion for bench warrant and bench warrant. These shall be presented and signed by the applicable criminal division judge. All further proceedings will be heard in the applicable criminal division.

A few matters will continue to be scheduled as criminal motions in individual departments, such as pre-SRA cases where revocation is an option. It has previously been suggested that we return to 9:00 a.m. hearings to eliminate interference with trials. Each department should keep the same day of the week that they currently have for their 1:30 p.m. criminal docket. Those judges who have a docket on Friday afternoon should utilize Monday morning, rather than interfere with their civil motion docket. Monday is not now used for criminal motions, so this should not overburden jail staff.

I wish to thank everyone for their high level of cooperation in the implementation of two criminal courts. They have brought to our attention all uncertain situations for clarification, many of which have been addressed in this memorandum. I would encourage everyone to continue to bring new situations to our attention so that the procedures can be clarified.

On August 1, Judge Peterson takes over presiding in Criminal Division 1. Judge Thompson is hereby designated for Criminal Division 2. Judge Peterson will designate who follows in that division.

TAS:mb
471288

cc: Judge Verharen
Judge Stone
Judge Thompson
Judge Healy
Judge Buckner
Judge Morrison
Judge Brown
Judge Arnold
Judge Steiner
Judge Sauriol
Judge Peterson
Judge Aubrey
Judge Cohoe
Judge Seinfeld
Commissioner Boyle
Commissioner Krilich
Commissioner Johnson
Bev Bright, Superior Court Administrator
Office of Administrative Staff
Pierce County Prosecuting Attorney
Director, Department of Assigned Counsel
Pierce County Sheriff
Department of Corrections Division of Probation & Parole
Pierce County Executive

Appendix H

Sample Publication Announcements

1. Camden, New Jersey: Notice to the Bar

NOTICE TO THE BAR

Re: Camden County Implementation of Differentiated Case Management In the Civil and Criminal Divisions

The Supreme Court's approval of the concept of Differentiated Case Management and its decision to implement it in Camden County was reported in the June 9, 1988 issue of the Law Journal (121 N.J.L.J.1233). As reported, the assessment of the Bergen County experience under Differentiated Case Management endorsed the concept of Differentiated Case Management and recommended further development and refinement of certain features for development beyond the Bergen project. The assessment, prepared by an independent consultant and the Administrative Office of the Courts, has been endorsed by court and bar representatives both in Bergen County and at the State level.

To provide for the expansion and continued refinement of Differentiated Case Management in the Civil Division, court rules have been drafted for use in the Camden implementation phase. These Camden County Differentiated Case Management Rules, and the Supreme Court Order effectuating them, appear below.

Besides this implementation of Differentiated Case Management, with refinements, in the Civil Division in Camden County, the Supreme Court Order below also approves a project in the Criminal Division in Camden County to test the application of Differentiated Case Management principles in criminal cases, as a natural evolution of case management principles implemented in Camden County since 1981 under a local delay reduction plan. The Supreme Court Order effectuates the Camden County Criminal Division Differentiated Case Management Plan as an amendment to the local delay reduction plan. The Camden County Criminal Division Differentiated Case Management Plan appears below.

Please note that the Camden Civil Division Rules differ in certain aspects from the rules being used in the Bergen Pilot. This is so that a local test of recommended refinements can be assessed before more general application. Meanwhile, until the Court determines whether these amendments should be incorporated into Differentiated Case Management on a statewide basis, or until the Bergen Rules are otherwise amended, the Bergen Pilot Rules shall continue as in the past without being affected by the Camden changes. Of course, once the Court has sufficient data to define these features of Differentiated Case Management more precisely, uniform rules will be developed that will become applicable in all vicinages throughout the State.

1. Camden, New Jersey: Notice to the Bar (continued)

NOTICE TO THE BAR
Re: Differentiated Civil Case Management Pilot—Camden County
Page 2

Please note that the Civil Division Rules for Camden County will apply to all civil Law Division cases, other than Special Civil Part cases, filed after September 1, 1988. The Camden Rules are drafted as amendments to existing Rules of Court and supersede current rules where the latter are inconsistent or in conflict with the Camden rules. Where no such conflict or inconsistency exists, the current Rules of Court continue to govern.

A Case Information Statement (CIS) will be used in Camden and is published as Appendix A. The CIS must be attached to all pleadings, not including motions, in all Camden County Law Division cases (excluding Special Civil Part cases) filed on or after September 1, 1988. The content and format of the CIS will continue to be evaluated during the course of the Camden project.

Multiple copies of the Camden Civil Division Rules and the Camden County Criminal Division Differentiated Case Management Plan are being provided to the Camden County Bar Association for distribution to its members. Copies are also being provided to the State Bar Association and to all county bar associations. Additional single or multiple copies of the Camden Civil Division Rules and the Camden County Criminal Division Differentiated Case Management Plan may be obtained by writing to:

Robert D. Lipscher, Director
Administrative Office of the Courts
R.J. Hughes Justice Complex
CN–037
Trenton, NJ 08625

Copies may also be obtained from the appropriate Case Manager's Office in the Camden County Courthouse.

Robert D. Lipscher
Administrative Director

/lb

1. Camden, New Jersey: Notice to the Bar (continued)

SUPREME COURT ORDER

Supreme Court of New Jersey

WHEREAS an assessment of the Bergen Vicinage experience under Differentiated Case Management has recommended the implementation of Differentiated Case Management with certain refinements, beyond the Bergen Vicinage Pilot; and

WHEREAS the Court has approved that Differentiated Case Management be tested in both the Civil and Criminal Divisions of the Camden Vicinage;

THEREFORE, pursuant to N.J. Const. (1947), Art VI, §2, par. 3, it is

ORDERED that the Rules of Court be relaxed and supplemented so as to permit the expansion of Differentiated Case Management to the Camden Vicinage; and it is further

ORDERED that the attached Camden Vicinage Civil Division Rules, approved by the Court be used in the Camden Vicinage; and it is further

ORDERED that the attached Camden County Criminal Division Differentiated Case Management Plan, approved by the Court be used in the Camden Vicinage as an amendment to the local delay reduction plan; and it is further

ORDERED that the terms of this Order become effective on July 15, 1988 in the Criminal Division and September 1, 1988 in the Civil Division and until further order of the Court.

For the Court,

Robert N. Wilentz, Chief Justice

Dated: June 21, 1988

2. Ramsey County, Minnesota: *Ramsey County Barrister*

STATE OF MINNESOTA
DISTRICT COURT
SECOND JUDICIAL DISTRICT
FOR THE RAMSEY COUNTY BARRISTER

COURT IMPLEMENTS DCM PROGRAM

The Second Judicial District's Differentiated Case Management Program (DCM), which applies to all cases in which a Note of Issue was filed on or after April 1, 1988, is now in its fifth month of operation. Under the DCM Program, a Joint At-Issue Memorandum is required to be filed 90 days after the filing of the Note of Issue, according to Rule 19. Order to show cause hearings, called Joint Issue Hearings, have been scheduled for those parties who have failed to comply with Rule 19. The joint issue hearings are set before Chief Judge Plunkett, who examines why attorneys have not filed the Joint Issue Memorandum. Appropriate sanctions, including the award of appearance fees against the non-cooperating attorney, will be imposed by Judge Plunkett. Failure to appear at the hearings can result in a default judgment being entered or dismissal of the case. No continuances of the Joint Issue Hearings are allowed once set.

The information required in the Joint Issue Memorandum includes a concise statement of the case, a list of witnesses, information on medical expenses and dates, if applicable, and related case information. It is used to analyze the case in order to assign it to one of three cases processing tracks--expedited, standard, or complex. Lynae K.E. Olson, the DCM Civil Case Coordinator, reports that, while the Court is only in the beginning stages of the project, the information provided on the Joint Issue Memorandum has been helpful in evaluating the case. Exact figures are yet unavailable but a majority of the cases are being set on the "standard track" which means that these cases will be set for trial approximately 8 months from the filing of the Joint At-Issue Memorandum.

Inquiries have been made concerning the applicability of the Rule 19 procedure to pro se parties. The Rule does apply equally to pro se litigants and they are being held to the same standard of cooperation and responsibility as attorneys. The Rule also requires the attorneys to "meet and confer and execute" the Joint Issue Memorandum document. Memorandums submitted in which it is apparent the attorneys have not met are being rejected and sent back to the attorneys. The importance of this meeting was stressed by the judges when the procedures were established. The Court is committed to the belief that personal interaction early in the case will encourage prompt preparation of the case including the establishment of a discovery schedule and will also increase the likelihood of settlement. Some attorneys, claiming that the other side has refused to meet, have filed individual At-Issue Memorandums. In these instances, an Order to Show Cause hearing will still be set requiring the appearance of all attorneys, and the noncooperative party will be asked to explain why they refused to meet.

2. Ramsey County, Minnesota: *Ramsey County Barrister* (continued)

The Court is also addressing its backlog of old cases. Beginning in August, cases filed prior to April 1, 1988 and due to be tried this Fall and Winter will be pre-tried by the Court. The purpose of the conference is to facilitate settlement of the case, or in the alternative, simplify the issues to be tried, address remaining discovery questions and facilitate final preparations for trial within 60-90 days. All pleadings must be filed prior to the date of the conference. In the event that the case does not settle at the settlement conference, counsel must be prepared to set the case for trial. Counsel will be expected to know their availability and the availability of any key witnesses at the time of the settlement conferences. No continuances of the trial date will be allowed once the trial date is set at the settlement conference.

Chief Judge Plunkett has issued an Order for cases scheduled for a pre-trial directing that the settlement conference be attended by the designated trial attorney and the party or representative of each party who has authority to represent that party in settlement negotiations.

Questions regarding the DCM Program or the settlement conference procedure may be directed to Lynae Olson at 292-6500 or Mike Moriarity at 298-4377. Copies of Rule 19 are available in Room 1215 or by calling 298-5211.

The Court has also implemented a new automated record system for all civil cases. The system, called Trial Court Information System (TCIS), generates a case number indicating an alpha and one digit indentifier, the year filed and case number, i.e. C1-88-1234. All pending cases will be converted to the new numbering system. Please use the complete number on all court correspondence and pleadings.

In other news, Chief Judge Plunkett has appointed Michael Moriarity the calendar referee for the Second Judicial District. With the cooperation of the judges' calendar committee, Mr. Moriarity will establish all calendars of matters, civil and criminal, within the Second District. With the advice of the Chief Judge, he will assign all Judges to various calendars and cases. Moriarity will also decide all requests for continuances of civil matters. Attorneys or parties may appeal his continuance decisions to the Chief Judge; however, those requests must be in writing. Continuances of cases scheduled for the criminal calendar will be decided by the Assignment Judge for the weekly criminal jury calendar.

2. Ramsey County, Minnesota: *Ramsey County Barrister* (continued)

Chief Judge Plunkett has also announced that Judge Gordon Shumaker has been named the Chairman of the Judges Calendar Committee replacing Judge James Lynch, who will remain a member of the committee.

3. Pierce County, Washington: Memorandum to the Bar

Pierce County Superior Court

MEMORANDUM

MEMO TO MEMBERS OF THE BAR

Pierce County Superior Court has been given a one-year grant, in the amount of $97,500 for the purposes of targeting felony drug cases for special attention with the goal of meeting speedy trial guidelines by allocating court resources based upon the characteristics of individual cases rather than treating all cases alike. The grant, from the Bureau of Justice Assistance, is awarded to courts who are willing to develop and test the implementation of differentiated case management (DCM) at the local court level. The majority of the money has been given to the Prosecutor and Department of Assigned Counsel for additional staff to meet the goals of this project.

Some of the goals of the Pierce County project include transferring the responsibility for the criminal calendar from the prosecutor to the court, promoting the speedy disposition of cases, making the hearing and trial schedules more certain, and reducing continuances.

Representatives of the Superior Court, Prosecutor and Department of Assigned Counsel have been meeting to discuss methodology which will assist in meeting our goals. It appears that drug cases fall into three general categories: Simple cases which rarely go to trial and do not raise complex legal issues, standard cases, and complex cases which need special attention.

Although the details of the project are not completely finalized, current plans call for a mandatory scheduling conference to be held approximately ten days after arraignment, at which time a scheduling order will be entered setting future court appearances. Once that order is entered, continuances will only be granted by the court where exigent circumstances exist. It is the intention of the Superior Court to insure the availability of sufficient judicial and court resources to meet the goals of this project.

Unless a waiver has been granted, Washington State requires that all criminal cases be heard within 60-90 days from arraignment. The DCM project assumes that simple cases can reach a final hearing within 30 days after arraignment, standard cases will be heard within the 60-90 day rule unless a waiver is requested in

3. Pierce County, Washington: Memorandum to the Bar (continued)

which case the final hearing shall be no later than 120 days after arraignment. In more complex cases, a scheduling order reflecting the actual case concerns will be entered, but it is anticipated that these cases can be resolved within 150 days after arraignment.

Should you be assigned a felony drug case after July 5, 1988, you can be assured that special attention will be given these cases. To that end, a second criminal court has been set aside to process drug cases, new forms have been developed and staff will be monitoring these cases closely for compliance with the adopted standards. The success of the project depends on the cooperation of all parties in this effort which we believe will improve the quality of justice in Pierce County. The lessons we learn through this experimental project can be applied to other criminal and civil cases in the future.

If you have comments or concerns, you may comment in writing to the Administrator for the Superior Court, Room 534, County-City Building, Tacoma, Washington 98402.

4. Berrien County News Release

Second Judicial Circuit of Michigan

St. Joseph, Michigan

FOR AUTOMATIC RELEASE MAY 26, 1988

The Berrien County Circuit Court is one of five Courts in the United States that has been selected by the U.S. Department of Justice's Bureau of Justice (BJA), through a national competition, to undertake a special program for expediting the processing of criminal cases. The new program will involve early coordination by the Court with local justice agencies and attorneys to identify an appropriate disposition schedule for each case filed, commensurate with case complexity.

Normally, cases are scheduled in the order of filing and proceed according to statutory or Court Rule provisions for time periods between case processing stages. The new system will differ in that cases will proceed at a pace appropriate to their complexity and will be monitored throughout this process by the Court to assure adherence to the initially determined schedule.

The Program is part of BJA's National differentiated Case Management Project which is being conducted under a Cooperative Agreement between BJA and The EMT Group, Inc. The Director of the Project in Berrien County is Chief Circuit Judge Ronald J. Taylor.

If the one-year pilot project is successful in the participating jurisdictions, it will be expanded to orther Courts.

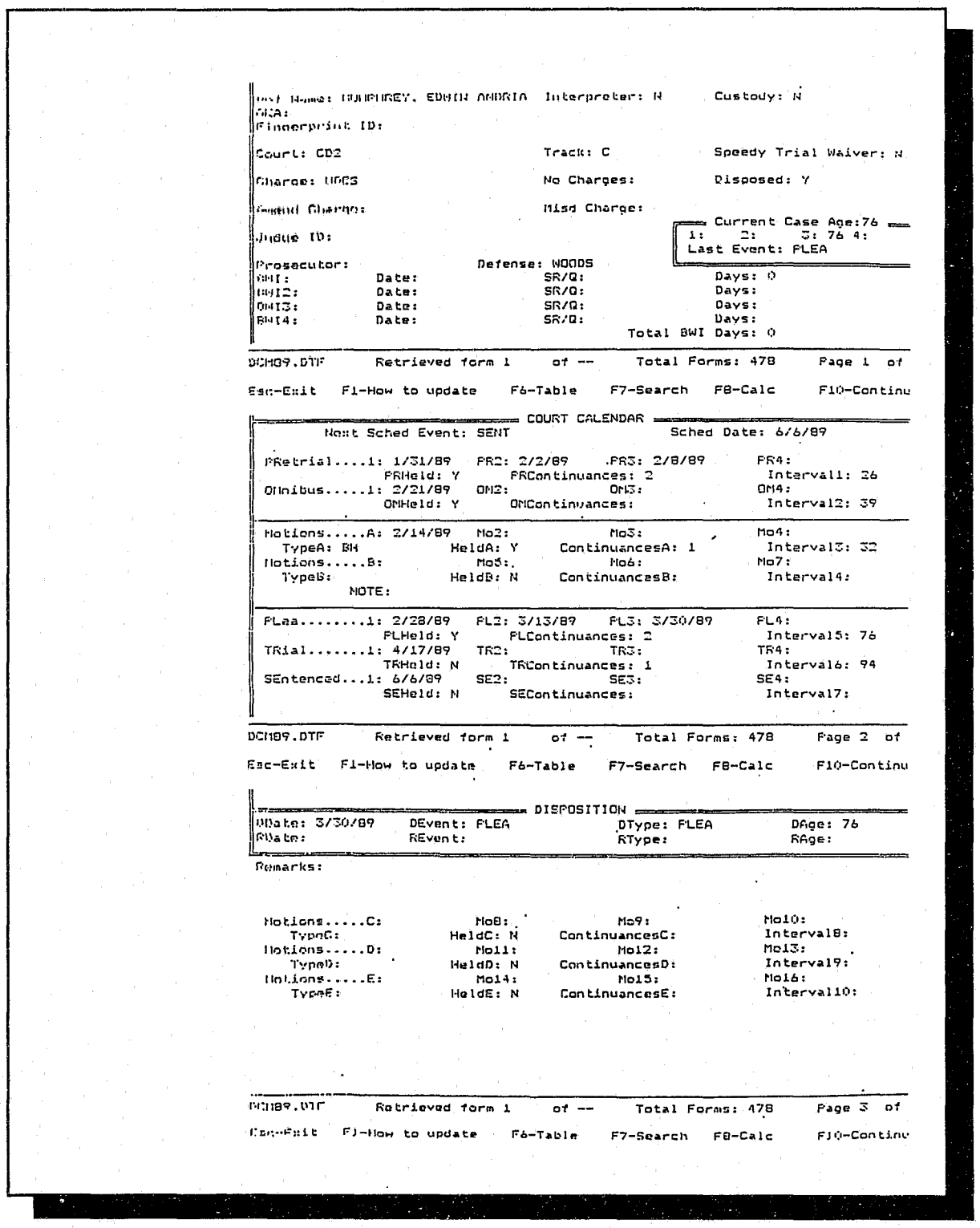
NOTE TO MEDIA:

For further information contact Chief Judge Ronald J. Taylor

Appendix I

Sample Computer Screens and Management Reports

1. Pierce County, Washington (criminal)



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Def Name: HUMPHREY, EDWIN ANDRIA  Interpreter: N        Custody: N
AKA:
Fingerprint ID:

Court: CD2                        Track: C              Speedy Trial Waiver: N

Charge: UDCS                      No Charges:           Disposed: Y

Found Guilty:                     Misd Charge:
                                                  Current Case Age:76
Judge ID:                                         1:    2:    3: 76 4:
                                                  Last Event: PLEA
Prosecutor:                 Defense: WOODS
BWI1:          Date:                SR/O:                 Days: 0
BWI2:          Date:                SR/O:                 Days:
BWI3:          Date:                SR/O:                 Days:
BWI4:          Date:                SR/O:                 Days:
                                                Total BWI Days: 0
DCH09.DTF      Retrieved form 1     of --     Total Forms: 478      Page 1  of

Esc-Exit   F1-How to update    F6-Table    F7-Search    F8-Calc      F10-Continu

                              COURT CALENDAR
        Next Sched Event: SENT                    Sched Date: 6/6/89

 PRetrial....1: 1/31/89   PR2: 2/2/89     PR3: 2/8/89       PR4:
              PRHeld: Y       PRContinuances: 2             Interval1: 36
 Omnibus.....1: 2/21/89   OM2:            OM3:              OM4:
              OMHeld: Y       OMContinuances:               Interval2: 39

 Motions.....A: 2/14/89   Mo2:            Mo3:              Mo4:
   TypeA: BH          HeldA: Y     ContinuancesA: 1          Interval3: 32
 Motions.....B:           Mo5:            Mo6:              Mo7:
   TypeB:             HeldB: N     ContinuancesB:            Interval4:
          NOTE:

 PLea........1: 2/28/89   PL2: 3/13/89    PL3: 3/30/89      PL4:
              PLHeld: Y       PLContinuances: 2             Interval5: 76
 TRial.......1: 4/17/89   TR2:            TR3:              TR4:
              TRHeld: N       TRContinuances: 1             Interval6: 94
 SEntenced...1: 6/6/89    SE2:            SE3:              SE4:
              SEHeld: N       SEContinuances:               Interval7:

DCH09.DTF      Retrieved form 1     of --     Total Forms: 478      Page 2  of

Esc-Exit   F1-How to update    F6-Table    F7-Search    F8-Calc      F10-Continu

                              DISPOSITION
 DDate: 3/30/89    DEvent: PLEA          DType: PLEA          DAge: 76
 RDate:            REvent:               RType:               RAge:

 Remarks:


 Motions.....C:           Mo8:            Mo9:              Mo10:
   TypeC:             HeldC: N     ContinuancesC:            Interval8:
 Motions.....D:           Mo11:           Mo12:             Mo13:
   TypeD:             HeldD: N     ContinuancesD:            Interval9:
 Motions.....E:           Mo14:           Mo15:             Mo16:
   TypeE:             HeldE: N     ContinuancesE:            Interval10:

DCH09.DTF      Retrieved form 1     of --     Total Forms: 478      Page 3  of

Esc-Exit   F1-How to update    F6-Table    F7-Search    F8-Calc      F10-Continu
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CRIMINAL DOCKET - DIVISION 2
MONDAY, JUNE 26, 1989

60 DAYS - AUGUST 25, 1989
90 DAYS - SEPTEMBER 24, 1989

Crt	Dpt	Def Name	Alias	Case No	IC	Int	Charge	Event	Case Age	Trk	Trial Date	DPA	Defense
2				89-1-01663-1	I	I	UPCSKID(2)	PLEA	21	A	7/19/89	PC	SINKITT
2				89-1-01629-1	I	I	UPCSKID(2)	PLEA	22	A	7/26/89	PC	SINKITT
2				89-1-01616-0A	I	I	UDCS, UPCSKID	PLEA	26	B	7/24/89	PC	DICELNSON
2				86-1-03355-4	I	N	FEL POSS SHORT FIREARM	SENT					MICHELMAN
D2				89-1-01830-8	N	N	UPCS	PRE-TRIAL	7				
D2				89-1-01826-0A	N	N	UPCS	PRE-TRIAL	8				
D2				89-1-01789-1	N	N	CHILD RAPE 1ST DEGREE(2)	PRE-TRIAL	6				
D2				89-1-01800-6	N	N	UPCS	PRE-TRIAL	8				
D2				89-1-01744-1B	N	N	UPCS	PLEA	14	A	8/30/89	PC	MCNEARNEY
D2				89-1-01744-1A	N	N	UPCS	PLEA	14	A	8/30/89	PC	MCNEARNEY
D2				89-1-00533-3A	N	N	UPCSKID, UDCS	PLEA/TD	88	C	6/26/89	PL	HALSTEAD
D2				89-1-00748-7A	N	N	UPCSKID(2)	PLEA	98	B	9/11/89		MCNEARNEY
CD2				89-1-01658-8	N	N	CHILD RAPE 2ND DEGREE(2)	PRE-TRIAL	6				
CD2				89-1-01356-0	N	N	UPCS	PRE-TRIAL	-7				
CD2				89-1-00792-6	N	N	ATT UPCS	RNA	99	C	9/11/89	PC	MCNEARNEY
CD2				89-1-01747-6	N	N	UPCS	PLEA	14	A	8/30/89	PC	MCNEARNEY
CD2				89-1-01857-0	N	N	CHILD MOLEST. THIRD DEG.	PRE-TRIAL	6				
CD2				89-1-01812-0	I	N	UPCSKID	PLEA	12	A	8/7/89	PC	TOFTS
CD2				89-1-01824-3	I	N	UPCS	PRE-TRIAL	8				
CD2				89-1-01616-0B	N	I	UDCS, UPCSKID	PLEA	26	B	7/24/89	PC	BESLOP
CD2				89-1-01826-0B	N	N	UPCS	PRE-TRIAL	8				

1. Pierce County, Washington (criminal) (continued)

DISPOSED CASE DATA - 4/5/90

Track	Case No	Multi Def Code	Current Case Age	0-30	31-60	61-90	91-ON	Charge
A	89-1-04012-5A		51.00		51.00			UPCSWID, UPCS
	89-1-04012-5B		10.00	10.00				UPCSWID, UPCS
	89-1-04012-5D		51.00		51.00			UPCSWID, UPCS
	89-1-04048-6		58.00		58.00			UPCSWID
	89-1-04050-8		42.00		42.00			UPCS
	89-1-04051-6A		66.00			66.00		UMCS
	89-1-04051-6B		66.00			66.00		UMCS
	89-1-04070-2A		55.00		55.00			UPCSWID
	89-1-04070-2B		29.00	29.00				UPCSWID
	89-1-04123-7		42.00		42.00			UPCS
	90-1-00163-8	11	12.00	12.00				UMCS; THEFT 1ST DEGREE
	90-1-00170-1		28.00	28.00				UPCS
	90-1-00183-2		16.00	16.00				UDOMILOCS
	90-1-00194-8		20.00	20.00				UPCS
	90-1-00195-6		8.00	8.00				UPCSWID(2)
	90-1-00201-4		20.00	20.00				UPCS
	90-1-00202-2		16.00	16.00				UPCSWID
	90-1-00237-5		5.00	5.00				UPCSWID
	90-1-00283-9		31.00		31.00			PAT JUVENILE PROSTITUTE
	90-1-00284-7		58.00		58.00			UDOMILOCS
	90-1-00305-3		58.00		58.00			UPCSWID
	90-1-00309-6	15	57.00		57.00			UPCS
	90-1-00351-7	19	20.00	20.00				UPCS
	90-1-00447-5		29.00	29.00				UDCS
	90-1-00496-3	30	12.00	12.00				UMCS; UPCSWID
	90-1-00532-3	34	10.00	10.00				UDCS
	90-1-00719-9	40	12.00	12.00				UPCS
	90-1-00768-7		1.00	1.00				UPCS
	90-1-00783-1		19.00	19.00				UPCSWID; ASLT 2; POSS EXP
	90-1-00785-7		19.00	19.00				UUBDP
	90-1-00907-8		20.00	20.00				UPCSWID
	90-1-00910-8		20.00	20.00				UPCSWID
	90-1-00972-8	66	1.00	1.00				UPCS; UPCSWID
	90-1-01038-6	57	14.00	14.00				UPCSWID
	90-1-01134-0	65	16.00	16.00				UPCSWID
	90-1-01373-3		1.00	1.00				UDCS
Average:			8.30	12.40	49.08	74.83	149.17	
Count:	92			43	25	18	6	
B	86-1-02221-1		-790.00	***				UPCSWID
	87-1-01018-1		-355.00	***				UPCS
	88-1-00260-8		58.00		58.00			UPCS
	88-1-00715-4		254.00				254.00	UPCS, UPCSWID
	88-1-01184-4		-451.00	***				UPCS, ASSAULT 3RD DEGREE
	88-1-01717-6		-217.00	***				PROMOTING PROSTITUTION 1
	88-1-02307-9		79.00			79.00		UPCSWID
	88-1-02331-1		-486.00	***				UPCS
	88-1-02350-8		85.00			85.00		UPCS
	89-1-00102-2A		98.00				98.00	UPCS
	89-1-00102-2C		121.00				121.00	UPCS
	89-1-00102-2D		186.00				186.00	UPCS
	89-1-00257-6A		308.00				308.00	UDCS(3), UPCSWID
	89-1-00380-7		82.00			82.00		UPCSWID, UPCS(2)
	89-1-00398-0		58.00		58.00			UPCSWID
	89-1-00477-3A		65.00			65.00		UPCSWID

1. Pierce County, Washington (criminal) (continued)

PENDING CASE STATUS - 4/5/90

Track	Case No	Multi Def Code	Current Case Age	0-30	31-60	61-90	91-OH	Charge
	89-1-02715-3		1.00	1.00				UPCS
	89-1-03180-1		1.00	1.00				UPCSWID
	89-1-03463-0B		14.00	14.00				UPCS(2)
	89-1-03519-9		1.00	1.00				UPCSWID
	90-1-00443-2		1.00	1.00				UDMILCS
	90-1-00471-8	27	57.00		57.00			UPCS
	90-1-00488-2		11.00	11.00				UPCS
	90-1-00544-7	74	1.00	1.00				UPCSWID
	90-1-00725-3		1.00	1.00				UPCS
	90-1-01006-8	56	3.00	3.00				UDCS
	90-1-01050-5		25.00	25.00				UDCS(5)
	90-1-01125-1		1.00	1.00				UPCS
	90-1-01126-9		1.00	1.00				UHCS
	90-1-01148-0		1.00	1.00				UPCS; UPICSWID
	90-1-01149-8		1.00	1.00				UPCS
	90-1-01150-1		1.00	1.00				UPCS
	90-1-01152-8		1.00	1.00				UPCS
	90-1-01173-1		1.00	1.00				UPCS
	90-1-01184-6	86	1.00	1.00				UHCS
	90-1-01190-1		1.00	1.00				UPCS
	90-1-01293-1	71	1.00	1.00				UPCS
	90-1-01294-0	71	1.00	1.00				UPCS
	90-1-01311-3		1.00	1.00				UPCSWID(2)
	90-1-01312-1		1.00	1.00				THVWOP; UPICSWID
	90-1-01313-0		1.00	1.00				UPCS
	90-1-01314-8		1.00	1.00				UPCS
	90-1-01316-4		1.00	1.00				UPCS
	90-1-01320-2	72	1.00	1.00				ATT UPCS; UDOMILCS; UPCS
	90-1-01321-1	72	41.00		41.00			ATT UPCS; UDOMILCS; UPCS
	90-1-01327-0		1.00	1.00				UPCS
	90-1-01328-8	73	1.00	1.00				UPCS; UPCSWID
	90-1-01329-6	73	1.00	1.00				UPCS; UPCSWID
	90-1-01337-7		1.00	1.00				UPICSWID
	90-1-01339-3		1.00	1.00				UPCS
	90-1-01343-1		1.00	1.00				UPCS
	90-1-01349-1		1.00	1.00				UPCS
	90-1-01365-2		1.00	1.00				OAOCSBFDM
	90-1-01366-1		1.00	1.00				UPCSWID
	90-1-01367-9		1.00	1.00				UDCS
	90-1-01378-4		1.00	1.00				UPCS(2)
	90-1-01379-2		1.00	1.00				UPICSWID
	90-1-01390-3		1.00	1.00				UPCSWID
	90-1-01394-6		1.00	1.00				UPCS
	90-1-01395-4	75	1.00	1.00				UPICSWID
	90-1-01396-2	75	3.00	3.00				UPICSWID
	90-1-01397-1	75	1.00	1.00				UPICSWID(2)
	90-1-01401-2	76	1.00	1.00				UPCSWID
	90-1-01402-1	76	6.00	6.00				UPCSWID
	90-1-01404-7	77	1.00	1.00				UPCSWID
	90-1-01405-5	77	1.00	1.00				UPCSWID
	90-1-01408-0		3.00	3.00				UPCSWID
	90-1-01410-1		3.00	3.00				UDCS; UPCSWID
	90-1-01411-0	78	3.00	3.00				UDCS; UPCSWID
	90-1-01412-8	78	3.00	3.00				UDCS; UPCSWID
	90-1-01413-6	78	3.00	3.00				UDCS; UPCSWID
	90-1-01416-1		3.00	3.00				UDCS

1. Pierce County, Washington (criminal) (continued)

PENDING CASE STATUS - 4/5/90

Track	Case No	Multi Def Code	Current Case Age	0-30	31-60	61-90	91-ON	Charge
	90-1-01418-7	79	3.00	3.00				UHCS
	90-1-01419-5		3.00	3.00				UPCS(2)
	90-1-01422-5		3.00	3.00				UPCS
	90-1-01428-4		1.00	1.00				UPCS(2)
	90-1-01437-3		1.00	1.00				UPCSWID
	90-1-01438-1		1.00	1.00				UPCSWID; UDCS
	90-1-01443-8		1.00	1.00				UPICSWID(2)
	90-1-01444-6	81	1.00	1.00				UPCSWID(2)
	90-1-01447-1		1.00	1.00				UDMILCS; UPICSWID(2)
	90-1-01448-9		1.00	1.00				UPCS
	90-1-01453-5		1.00	1.00				UDCS; UPCSWID
	90-1-01454-3		1.00	1.00				UPCS
	90-1-01455-1		1.00	1.00				UPCSWID
	90-1-01464-1	83	1.00	1.00				UPCSWID
	90-1-01465-9	83	1.00	1.00				UPCSWID
	90-1-01466-7	84	1.00	1.00				UPSF; UPCS
	90-1-01469-1		1.00	1.00				UPCS
	90-1-01472-1	81	1.00	1.00				UPCSWID(2)
	90-1-01475-6		1.00	1.00				UPCS
	90-1-01477-2		1.00	1.00				UPCS
	90-1-01479-9		1.00	1.00				UPCS
	90-1-1417-9	79	3.00	3.00				UHCS
Average:			3.21					
Count:	78			76	2	0	0	
A	89-1-03351-0		63.00			63.00		UPCS
	89-1-03726-4		56.00		56.00			UPCS, UPOFGOLOH
	89-1-04124-5A		99.00				99.00	UPCS, UUOB
	89-1-04124-5B		136.00				136.00	UUOB
	89-1-04124-5C		78.00			78.00		UPCSWID
	90-1-00042-9		114.00				114.00	UPICSWID
	90-1-00655-9	37	51.00		51.00			UPCSWID
	90-1-00658-3	37	51.00		51.00			UPCSWID
	90-1-00693-1		27.00	27.00				UPCSWID
	90-1-00695-8		38.00		38.00			UPCS
	90-1-01071-8		14.00	14.00				UPCSWID
	90-1-01080-7		15.00	15.00				UPCS
	90-1-01235-4		14.00	14.00				UPICSWID
	90-1-01240-1		14.00	14.00				UDCS
Average:			55.00					
Count:	14			5	4	2	3	
B	88-1-01715-0		14.00	14.00				UPCS
	88-1-02280-3		72.00			72.00		UHCS
	88-1-03744-4		102.00				102.00	UPCS
	89-1-00825-6		113.00				113.00	UPCS
	89-1-01095-1A		348.00				348.00	UPCSWID
	89-1-01095-1B		349.00				349.00	UPCSWID
	89-1-01095-1C		349.00				349.00	UPCSWID
	89-1-01291-1		121.00				121.00	UPCS
	89-1-02011-6		183.00				183.00	UPCS
	89-1-02033-7		167.00				167.00	UPCS
	89-1-02052-3		14.00	14.00				UPCSWID
	89-1-02052-5		271.00				271.00	UPCSWID

1. Pierce County, Washington (criminal) (continued)

PENDING CASE STATUS - 4/5/90

Track	Case No	Multi Def Code	Current Case Age	0-30	31-60	61-90	91-OH	Charge
B	90-1-01037-8	57	27.00	27.00				UPCSWID
	90-1-01039-4	58	14.00	14.00				UPCSWID
	90-1-01040-8	58	13.00	13.00				UPCSWID
	90-1-01046-7	59	14.00	14.00				UPCSWID
	90-1-01049-1	60	27.00	27.00				UPCSWID
	90-1-01059-9		26.00	26.00				UPCS
	90-1-01062-9	61	27.00	27.00				UPCSWID; UDCS
	90-1-01063-7	61	27.00	27.00				UPCSWID; UDCS
	90-1-01067-0	62	26.00	26.00				UPCS
	90-1-01068-8	62	26.00	26.00				UPCSWID(2)
	90-1-01069-6	62	26.00	26.00				UPCSWID(2)
	90-1-01083-1		11.00	11.00				UPCS
	90-1-01085-8		11.00	11.00				UPCS
	90-1-01087-4		11.00	11.00				UPCS
	90-1-01106-4	63	23.00	23.00				UPCSWID
	90-1-01108-1	70	16.00	16.00				UPCSWID
	90-1-01112-9		14.00	14.00				UPCS
	90-1-01115-3	64	14.00	14.00				UPCSWID
	90-1-01116-1	64	15.00	15.00				UPCSWID
	90-1-01117-0	64	14.00	14.00				UPCSWID
	90-1-01118-8	70	14.00	14.00				UDCS(2)
	90-1-01143-9		21.00	21.00				UPCS
	90-1-01189-7		12.00	12.00				UPCS
	90-1-01196-0		1.00	1.00				UPCSWID
	90-1-01199-4		11.00	11.00				UPCS
	90-1-01200-1	67	11.00	11.00				UPCSWID
	90-1-01201-0	67	11.00	11.00				UPCSWID
	90-1-01202-8		11.00	11.00				UPCS
	90-1-01206-1		11.00	11.00				UPCS; ATT ELUDE; UPSF
	90-1-01216-8		11.00	11.00				UPCSWID
	90-1-01226-5	69	11.00	11.00				UDCHILOCS
	90-1-01227-3	69	11.00	11.00				UDCHILOCS
	90-1-01228-1		11.00	11.00				UDCS
	90-1-01239-7		14.00	14.00				UPCSWID
	90-1-01246-0		13.00	13.00				UPCS
	90-1-01253-2		13.00	13.00				UPCS
	90-1-01275-3		13.00	13.00				UPCS
	90-1-01288-5		12.00	12.00				THWOP; UPCS
	90-1-01292-3		12.00	12.00				UPCSWID(2)
Average:			45.37					
Count:	219			117	57	21	24	
C	88-1-02336-2B		503.00				503.00	UPCSWID(2)
	89-1-00643-1D		382.00				382.00	UDCS
	89-1-01219-9A		252.00				252.00	UDCS, UPCSWID
	89-1-02194-5A		246.00				246.00	UDCS
	89-1-02802-8B		217.00				217.00	UDCS(7), CDCS(2)
	89-1-03106-1		176.00				176.00	RAPE 2ND DEGREE
	89-1-03331-5		40.00		40.00			UPCSWID
	89-1-03370-6A		162.00				162.00	UPCSWID
	89-1-03395-1		49.00		49.00			UPCS
	89-1-03604-7		96.00				96.00	UPCSWID
	89-1-03981-0		45.00		45.00			RAPE 2ND DEGREE
	90-1-00110-7	9	74.00			74.00		UPCSWID
	90-1-00111-5	9	78.00			78.00		UPCSWID

1. Pierce County, Washington (criminal) (continued)

PENDING CASE STATUS - 4/5/90

Track	Case No	Multi Def Code	Current Case Age	0-30	31-60	61-90	91-ON	Charge
C	90-1-00397-5		59.00		59.00			UPCSWID
	90-1-00403-3		37.00		37.00			UPCSWID; UPCS
	90-1-00497-1	30	38.00		38.00			UHCS; UPCSWID
	90-1-00582-0		14.00	14.00				UPCSWID; UPCS
	90-1-00588-9		54.00		54.00			UDCS
	90-1-00650-8	36	51.00		51.00			UPCSWID
	90-1-00651-6	36	51.00		51.00			UPCSWID
	90-1-00656-7	37	67.00			67.00		UPCSWID
	90-1-00736-9		30.00	30.00				UDCS
	90-1-00774-1	42	21.00	21.00				UPCSWID
	90-1-00787-3	43	41.00		41.00			UDCS(5);UPCSWID(2);PSP 2
	90-1-00788-1	43	41.00		41.00			UDCS(5)
	90-1-00789-0	43	34.00		34.00			UDCS(5)
	90-1-00796-2		40.00		40.00			UDCS(7)
	90-1-00802-1		40.00		40.00			UPCSWID; UDCS(6)
	90-1-00804-7		36.00		36.00			UDCS
	90-1-00811-0		32.00		32.00			UDCS(3); UPCSWID
	90-1-00818-7		36.00		36.00			UDCS(6)
	90-1-00821-7		9.00	9.00				UDCS
	90-1-00823-3		25.00	25.00				UDCS
	90-1-00873-0	47	13.00	13.00				UDCS(7)
	90-1-00874-8	47	14.00	14.00				UDCS(7)
	90-1-00875-6	47	13.00	13.00				UDCS(7)
	90-1-00876-4	47	14.00	14.00				UDCS(7)
	90-1-00975-2		32.00		32.00			UDCS(5)
	90-1-00984-1		30.00	30.00				UDCS(3)
	90-1-01081-5		18.00	18.00				UPCS
	90-1-01107-2	63	23.00	23.00				UPCSWID(2)
	90-1-01223-1	68	11.00	11.00				UHCS(3); UPCSWID(3)
	90-1-01245-1		12.00	12.00				UDCS(5)
	90-1-01277-0		12.00	12.00				UDCS(3)
Average:			74.27					
Count:	44			15	18	3	8	
Average:			40.07	11.72	44.19	74.58	177.43	
Count:	355			213	81	26	35	

1. Pierce County, Washington (criminal) (continued)

PENDING CASE STATUS - 4/5/90

Track	Case No	Multi Def Code	Current Case Age	0-30	31-60	61-90	91-ON	Charge
	89-1-01757-3		266.00				266.00	BURGLARY 1ST, RAPE 1ST
	89-1-02237-2		210.00				210.00	RAPE 2ND DEGREE
	89-1-02986-5		1.00	1.00				CH RAPE 1ST
	90-1-00366-5		1.00	1.00				ASSAULT 2ND DEGREE
	90-1-00934-5		1.00	1.00				CHILD RAPE FIRST(2)
	90-1-00993-1		1.00	1.00				
	90-1-01121-8		1.00	1.00				CH MOL 1ST DEGREE
	90-1-01123-4		1.00	1.00				CH MOL 1ST DEGREE
	90-1-01147-1		1.00	1.00				RAPE 2ND DEGREE
	90-1-01322-9		1.00	1.00				CH MOL 1ST; CH RAPE 1ST
	90-1-01326-1		1.00	1.00				RAPE 2ND DEGREE
	90-1-01385-7		1.00	1.00				RAPE 2ND DEGREE
	90-1-01415-2		3.00	3.00				CHILD RAPE 1ST DEGREE
	90-1-01421-7		3.00	3.00				BURGLARY 1ST DEGREE
	90-1-01500-1		1.00	1.00				CH RAPE 1ST; CH MOL 1ST
	90-1-1423-3		3.00	3.00				ASSAULT 2ND DEGREE
Average:			31.00					
Count:	16			14	0	0	2	
B	89-1-00846-9		139.00				139.00	STAT RAPE 2ND DEGREE
	90-1-00364-9		41.00		41.00			RAPE 2ND DEGREE
	90-1-00743-1		36.00		36.00			ASSAULT 2ND DEGREE
	90-1-00837-3		37.00		37.00			ASSAULT 2ND DEGREE
	90-1-01078-5		26.00	26.00				ASSAULT 2ND DEGREE(2)
Average:			55.80					
Count:	5			1	3	0	1	
C	88-1-01635-8		13.00	13.00				IND LIB(2); STAT RAPE 1ST
	88-1-02341-9		63.00			63.00		INDECENT LIBERTIES
	89-1-01689-5		238.00				238.00	CHILD MOLEST 1ST DEGREE
	89-1-02046-9		132.00				132.00	CHILD RAPE, 1ST DEGREE
	89-1-02670-0		148.00				148.00	PUBLIC INDECENCY
	89-1-03054-5		92.00				92.00	INCEST 1ST DEGREE(2)
	89-1-03554-7		128.00				128.00	IND LIBS, STAT RAPE 1ST
	89-1-03583-1		116.00				116.00	INCEST 2ND(3), INCEST 1ST
	89-1-03754-0		127.00				127.00	ROBBERY 1ST, RAPE 1ST
	89-1-03842-2		84.00			84.00		ST RAPE 1(2), IND LIBS*
	89-1-03947-0		22.00	22.00				ASSAULT 2ND DEGREE
	89-1-03956-9		113.00				113.00	CH RAPE 1, CH MOLEST 1(2)
	89-1-04046-0		48.00		48.00			ASSAULT 2ND DEGREE
	89-1-04102-4		56.00		56.00			INDECENT LIBERTIES
	90-1-00041-1		53.00		53.00			CHILD RAPE 1ST(3)
	90-1-00174-3		114.00				114.00	ROB1;KID1(2);BRG1;RAPE 1
	90-1-00181-6		56.00		56.00			RAPE OF CHILD 1ST DEGREE
	90-1-00206-5		73.00			73.00		STAT RAPE 1; CH MOL 1(2)*
	90-1-00267-7		69.00			69.00		RAPE 2ND, IND LIBERTIES
	90-1-00326-6	17	58.00		58.00			RAPE 2ND DEGREE
	90-1-00365-7		13.00	13.00				CHILD MOLESTATION 2ND
	90-1-00367-3		17.00	17.00				COMMUNICATION WITH MINOR
	90-1-00376-2		30.00	30.00				INDECENT LIBERTIES
	90-1-00453-0		42.00		42.00			ASSAULT 2ND DEGREE
	90-1-00543-9		58.00		58.00			CH RAPE 1ST; CH RAPE 2ND
	90-1-00567-6		52.00		52.00			ASSAULT 2ND DEGREE
	90-1-00586-2		42.00		42.00			ASSAULT 2ND DEGREE(2)

1. Pierce County, Washington (criminal) (continued)

PENDING CASE STATUS - 4/5/90

Track	Case No	Multi Def Code	Current Case Age	0-30	31-60	61-90	91-ON	Charge
C	90-1-00593-5		55.00		55.00			CHILD RAPE 3RD DEGREE
	90-1-00739-3		13.00	13.00				STAT RAPE 2;CH RAPE 2ND;
	90-1-00754-7		9.00	9.00				RAPE 2ND DEGREE
	90-1-00769-5		40.00		40.00			BURGLARY 1ST, RAPE 1ST
	90-1-00791-1		13.00	13.00				CH MOL 1ST; ATT CH RAPE1;
	90-1-00808-0		23.00	23.00				CH RAPE 1ST; CH RAPE 2ND;
	90-1-00828-4		9.00	9.00				ASSAULT 2ND DEGREE
	90-1-00881-1		12.00	12.00				CHILD MOL 2ND DEGREE
	90-1-00932-9		12.00	12.00				CHILD MOL 1ST DEGREE
	90-1-00933-7		14.00	14.00				CH MOL 1ST
	90-1-00936-1		14.00	14.00				ASSAULT 2ND
	90-1-00948-5		11.00	11.00				CHILD RAPE 1ST DEGREE(2)
	90-1-00964-7		29.00	29.00				CH MOL 2ND; CH RAPE 2ND*
	90-1-01018-1		12.00	12.00				STAT RAPE 1; CH MOL(2)
	90-1-01019-0		14.00	14.00				CH MOL 1ST; ASSAULT 3RD*
	90-1-01020-3		15.00	15.00				ASSAULT 1ST DEGREE
	90-1-01060-2		14.00	14.00				RAPE 1ST DEGREE
	90-1-01064-5		14.00	14.00				INCEST 2ND DEGREE
	90-1-01075-1		14.00	14.00				MURDER 1ST DEGREE
	90-1-01079-3		11.00	11.00				INCEST 1ST DEGREE
	90-1-01146-3		12.00	12.00				RAPE 2ND DEGREE
	90-1-01164-1		18.00	18.00				RAPE 2ND DEGREE
	90-1-01218-4		11.00	11.00				ASSAULT 2ND DEGREE
	90-1-01220-6		16.00	16.00				CH MOL 1ST; ASSAULT 2ND
	90-1-01236-2		14.00	14.00				INCEST 2ND; INCEST 1ST
Average:			47.62					
Count:	52			28	11	4	9	
D	89-1-02263-1		204.00				204.00	CHILD RAPE 2ND DEGREE
	89-1-02610-6		34.00		34.00			CUST INTERFERENCE 1ST
	89-1-03031-6A		179.00				179.00	STAT RAPE 1ST DEGREE
	89-1-03031-6B		179.00				179.00	STAT RAPE 1ST DEGREE
	89-1-03118-5		168.00				168.00	CHILD RAPE 2ND DEGREE (3)
	89-1-03346-3		201.00				201.00	CHILD MOLESTATION 1ST(2)
	89-1-03367-6		141.00				141.00	CHILD MOLESTATION 1ST
	89-1-03824-4		106.00				106.00	CH MOL 1(2), SEX EXP(36)
	89-1-03945-3		99.00				99.00	CHILD MOLESTATION 1ST
	89-1-03960-7		117.00				117.00	RAPE 1ST DEGREE
	90-1-00299-5		72.00			72.00		MURDER 2ND DEGREE
	90-1-00323-1	20	56.00		56.00			RAPE 2ND DEGREE
	90-1-00325-8	20	45.00		45.00			RAPE 2ND DEGREE
	90-1-00373-8		50.00		50.00			MURDER 2ND DEGREE
	90-1-00374-6		14.00	14.00				CH MOL 1; CH RAPE 1(2)
Average:			111.00					
Count:	15			1	4	1	9	
Average:			55.86	10.89	47.72	72.20	153.19	
Count:	88			44	18	5	21	

1. Pierce County, Washington (criminal) (continued)

DISPOSED CASE DATA - 4/5/90

Track	Case No	Multi Def Code	Current Case Age	0-30	31-60	61-90	91-ON	Charge
A	81-1-00002-1		-2760.00	***				UDCS
	82-1-02243-0		82.00			82.00		UPCS
	86-1-01312-3		243.00				243.00	ASSAULT 2ND
	88-1-01737-1B		70.00			70.00		UDCS
	88-1-02336-2C		-356.00	***				UDCS(5)
	88-1-03745-2		41.00		41.00			UPCSWID(2)
	89-1-01060-9		-20.00	-20.00				UPCS(2)
	89-1-01202-4A		60.00		60.00			UPCS
	89-1-01289-0		37.00		37.00			UPCS
	89-1-01488-4		42.00		42.00			UPCS(2)
	89-1-01583-0		-122.00	***				UPCSWID(2)
	89-1-01630-5		188.00				188.00	UPCS
	89-1-01733-6		45.00		45.00			UPCS
	89-1-02016-7		50.00		50.00			UPCS
	89-1-02078-7A		136.00				136.00	UPCS
	89-1-02234-8B		22.00	22.00				UPICSWID
	89-1-02288-7		94.00				94.00	UPCSWID
	89-1-02435-9		19.00	19.00				UPCS
	89-1-02494-4A		69.00			69.00		UPCS, UPCSWID
	89-1-02717-0		76.00			76.00		UPCSWID(2)
	89-1-02791-9		13.00	13.00				UPCSWID
	89-1-02862-1		84.00			84.00		UDCS
	89-1-02911-3B		19.00	19.00				UPCS
	89-1-02911-3C		19.00	19.00				UPCS
	89-1-02914-8		89.00			89.00		UPCS
	89-1-02938-5		40.00		40.00			UPCS
	89-1-02942-3B		9.00	9.00				UPCSWID
	89-1-02968-7		15.00	15.00				UPCS
	89-1-03077-4A		12.00	12.00				UPCSWID(2)
	89-1-03141-0		76.00			76.00		UPCS
	89-1-03187-8		66.00			66.00		UPCS
	89-1-03211-4A		48.00		48.00			UHCS
	89-1-03234-3		-12.00	-12.00				UPCS
	89-1-03249-1		-14.00	-14.00				UPCS(2)
	89-1-03329-3		68.00			68.00		UPCS
	89-1-03334-0		141.00				141.00	UPCS
	89-1-03360-9		14.00	14.00				UPCS
	89-1-03436-2		37.00		37.00			UPCS
	89-1-03518-1		70.00			70.00		UPCS
	89-1-03520-2		15.00	15.00				UPCS
	89-1-03544-0		22.00	22.00				UPCS(2)
	89-1-03605-5C		25.00	25.00				UPCS
	89-1-03649-7		60.00		60.00			UPCS
	89-1-03674-8		88.00			88.00		UPCSWID
	89-1-03681-1		58.00		58.00			UPCS
	89-1-03732-9		58.00		58.00			UPCS
	89-1-03745-1		75.00			75.00		UPCS
	89-1-03789-2B		78.00			78.00		UPCS
	89-1-03801-5		73.00			73.00		UPCSWID
	89-1-03808-2		57.00		57.00			UPCS
	89-1-03816-3		86.00			86.00		UPCSWID
	89-1-03892-9		93.00				93.00	UPCSWID
	89-1-03902-0		17.00	17.00				UPCS
	89-1-03934-8		50.00		50.00			UPCS
	89-1-03968-2A		41.00		41.00			UPCSWID
	89-1-03970-4B		65.00			65.00		UPCSWID

1. Pierce County, Washington (criminal) (continued)

DISPOSED CASE DATA - 4/5/90

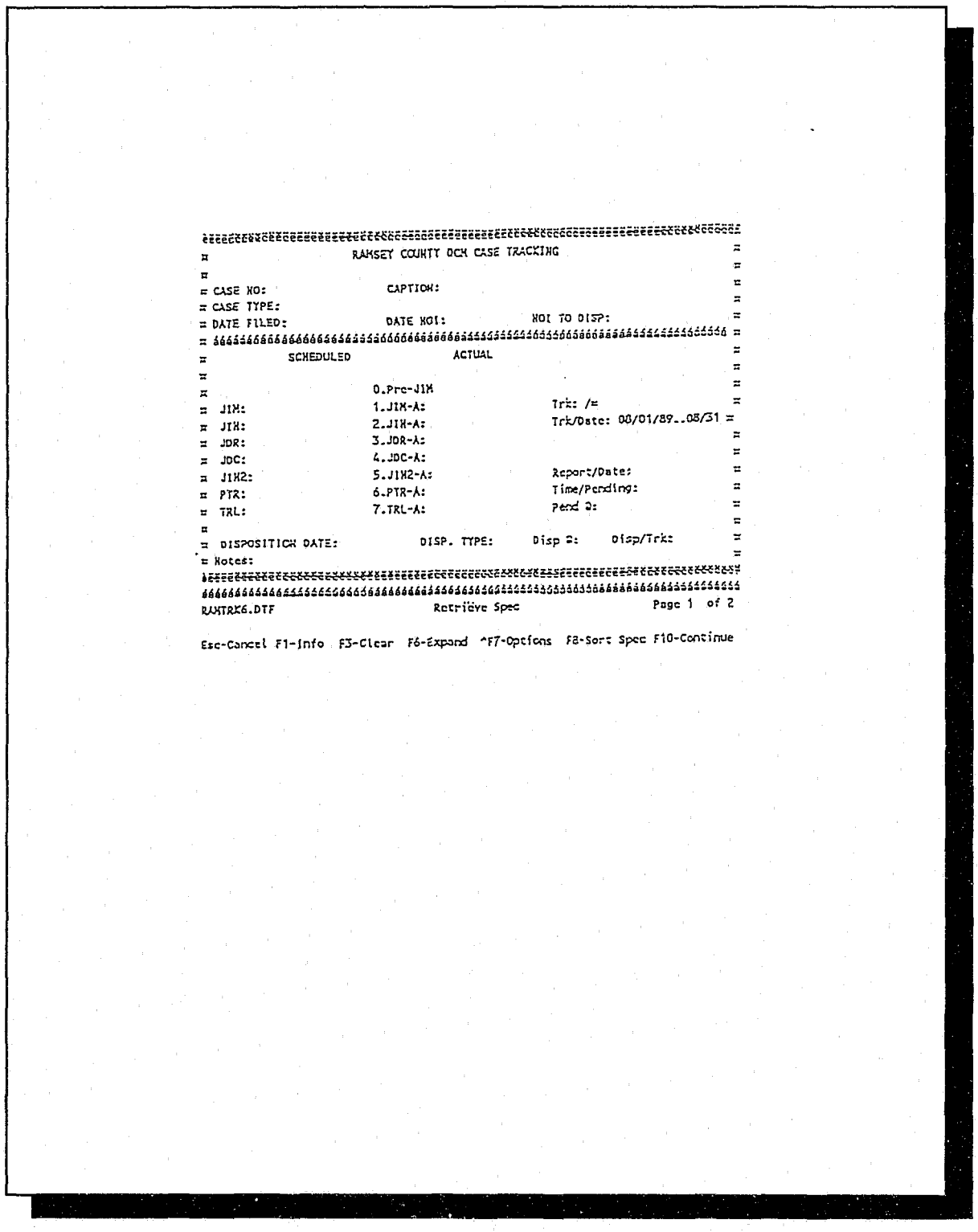
Track	Case No	Multi Def Code	Current Case Age	0-30	31-60	61-90	91-ON	Charge
B	90-1-00534-0		58.00		58.00			UDCS
	90-1-00594-3		47.00		47.00			UPCSWID
	90-1-00611-7	35	52.00		52.00			UPCSWID
	90-1-00613-3		46.00		46.00			ASSAULT 2ND DEGREE
	90-1-00614-1		26.00	26.00				ASSAULT 2ND DEGREE
	90-1-00644-3		44.00		44.00			UPCS
	90-1-00682-6		38.00		38.00			UPCS
	90-1-00683-4		38.00		38.00			UPCS
	90-1-00720-2	40	35.00		35.00			UPCS
	90-1-00741-5		23.00	23.00				UPCS
	90-1-00746-6		27.00	27.00				UPCS
	90-1-00751-2		29.00	29.00				UDCHILCS
	90-1-00831-4		36.00		36.00			UPICSWID
	90-1-00838-1		20.00	20.00				UPICSWID
	90-1-00866-7		29.00	29.00				UPCS(2)
	90-1-00872-1	46	20.00	20.00				UPCSWID(2)
	90-1-00877-2	48	23.00	23.00				UHCS
	90-1-00878-1	48	27.00	27.00				UHCS
	90-1-00888-8		35.00		35.00			UPCS
	90-1-00890-0		29.00	29.00				UPCSWID(2)
	90-1-00962-1		31.00		31.00			UDCS PERSON UNDER 18
	90-1-00978-7		16.00	16.00				UPCSWID
	90-1-00982-5		16.00	16.00				UPCS
	90-1-00998-1		14.00	14.00				UPCSWID
	90-1-01003-3		20.00	20.00				UPCSWID
	90-1-01041-6		18.00	18.00				UDCS
	90-1-01084-0		16.00	16.00				UDCS
	90-1-01105-6	63	21.00	21.00				UPCSWID
	90-1-01138-2	65	14.00	14.00				UPCSWID
	90-1-01139-1	65	15.00	15.00				UPCSWID
	90-1-01140-4	65	21.00	21.00				UPCSWID
	90-1-01155-2		14.00	14.00				UPCS
	90-1-01222-2		14.00	14.00				UDCS
Average:			59.87	17.09	48.62	76.96	142.88	
Count:	385			53	187	79	66	
C	86-1-01746-3		-832.00	***				STAT RAPE 1ST DEGREE
	88-1-00813-4		53.00		53.00			STAT RAPE 1, STAT RAPE 2
	88-1-02026-6		56.00		56.00			CH HOL 1ST, IND LIBS(2)
	88-1-02178-5		84.00			84.00		RAPE 1ST DEGREE
	88-1-02211-1		135.00				135.00	UPCSWID
	88-1-02839-9		262.00				262.00	INDECENT LIBERTIES
	88-1-03805-0		244.00				244.00	UPCSWID, ASSAULT 2ND
	89-1-00500-1A		330.00				330.00	UPCSWID(2)
	89-1-00500-1B		330.00				330.00	UPCSWID(2)
	89-1-00670-9		84.00			84.00		STAT RAPE 2, IND LIBS
	89-1-00849-3A		116.00				116.00	UPCSWID(2)
	89-1-00861-2A		351.00				351.00	UHCS
	89-1-00861-2B		353.00				353.00	UHCS
	89-1-01075-7		27.00	27.00				UDCS(2)
	89-1-01147-8		192.00				192.00	UPCSWID, UPCS
	89-1-01219-9B		197.00				197.00	UHCS, UPCSWID
	89-1-01422-1		67.00			67.00		RAPE 2ND DEGREE
	89-1-01463-9		274.00				274.00	CHILD RAPE 3RD DEGREE
	89-1-01617-8		230.00				230.00	UPCS

1. Pierce County, Washington (criminal) (continued)

DISPOSED CASE DATA - 4/5/90

Track	Case No	Multi Def Code	Current Case Age	0-30	31-60	61-90	91-ON	Charge
C	90-1-00775-0	42	29.00	29.00				UPCSWID
	90-1-00826-8		29.00	29.00				RAPE 1ST DEGREE
Average:			91.56	21.18	49.89	75.37	164.77	
Count:	189			11	66	43	69	
D	88-1-01878-4		68.00			68.00		CUSTODY INTERFERENCE 1ST
	89-1-01896-1		185.00				185.00	CHILD RAPE 1ST DEGREE
	89-1-02057-4		42.00		42.00			ASSAULT 2ND DEGREE
	89-1-02142-28		197.00				197.00	CRIM MISTREATMENT 2ND
	89-1-03241-6		50.00		50.00			CHILD RAPE 1ST DEGREE
	89-1-03682-9		99.00				99.00	CHILD MOLESTATION 1ST
	89-1-03721-3		85.00			85.00		HOMICIDE BY ABUSE/MUR 2ND
	89-1-03757-4		93.00				93.00	MURDER 2ND DEGREE
Average:			102.38	0.00	46.00	76.50	143.50	
Count:	8			0	2	2	4	
Average:			62.22	15.63	48.94	76.20	153.57	
Count:	674			107	280	142	145	

2. Ramsey County, Minnesota (civil)



```
                    RAMSEY COUNTY DCN CASE TRACKING

 CASE NO:                  CAPTION:
 CASE TYPE:
 DATE FILED:               DATE NOI:          NOI TO DISP:

            SCHEDULED                ACTUAL

                        0.Pre-JIM
 JIM:                   1.JIM-A:                Trk: /=
 JIM:                   2.JIM-A:                Trk/Date: 00/01/89..08/31
 JDR:                   3.JDR-A:
 JDC:                   4.JDC-A:
 JIM2:                  5.JIM2-A:               Report/Date:
 PTR:                   6.PTR-A:                Time/Pending:
 TRL:                   7.TRL-A:                Pend 2:

 DISPOSITION DATE:          DISP. TYPE:     Disp 2:     Disp/Trk:
 Notes:
RAMTRK6.DTF                    Retrieve Spec                    Page 1  of 2

Esc-Cancel F1-Info  F3-Clear  F6-Expand  ^F7-Options  F8-Sort Spec F10-Continue
```

2. Ramsey County, Minnesota (civil) (continued)

DISPOSED CASE REPORT By Event
For Period 08/01/89 to 08/31/89

Trk	# Disp #	DATE NOI	NOI/DISP	D/Trk	DISP/DATE	CASE NO
CPX	3	03/24/89	140.00	CPX	08/11/89	C6835567
	Total:		140.00			
	Average:		140.00			
	Maximum:		140.00			
	Minimum:		140.00			
T:			140.00			
Av:			140.00			
Ct:	1					
Mx:			140.00			
Mn:			140.00			
PRE	0	03/30/88	519.00	PRE	08/31/89	C485475519
PRE		07/25/89	21.00	PRE	08/15/89	C5895329
PRE		04/27/89	98.00	PRE	08/03/89	CX893573
PRE		05/05/89	105.00	PRE	08/18/89	C087481655
PRE		04/14/89	117.00	PRE	08/09/89	C9892327
PRE		05/22/89	91.00	PRE	08/21/89	C585470877
PRE		05/17/89	77.00	PRE	08/02/89	C9894216
	Total:		1028.00			
	Average:		146.86			
	Maximum:		519.00			
	Minimum:		21.00			
T:			1028.00			
Av:			146.86			
Ct:	7					
Mx:			519.00			
Mn:			21.00			
STD	1	11/18/88	269.00	STD	08/14/89	C1887276
STD		02/02/89	208.00	STD	08/29/89	C7891282
STD		03/16/89	139.00	STD	08/02/89	C9892997
STD		11/15/88	261.00	STD	08/03/89	CX882982
STD		06/06/89	71.00	STD	08/16/89	CX896377
STD		02/27/89	172.00	STD	08/18/89	C287489911
STD		10/10/88	324.00	STD	08/30/89	C3885559
STD		01/09/89	227.00	STD	08/24/89	C789200
STD		09/16/88	327.00	STD	08/09/89	C1884197
STD		08/24/88	357.00	STD	08/16/89	C7883877
STD		11/16/88	268.00	STD	08/11/89	C7886702
STD		02/03/89	200.00	STD	08/22/89	C588498922
STD		11/30/88	264.00	STD	08/21/89	C4887286
13	Total:		3087.00			
	Average:		237.46			
	Maximum:		357.00			
	Minimum:		71.00			
STD	2	11/30/88	268.00	STD	08/25/89	C4887563
STD		12/23/88	248.00	STD	08/28/89	C9884657
STD		11/10/88	288.00	STD	08/25/89	CX87493950
STD		07/13/88	394.00	STD	08/11/89	C288496643
STD		10/03/88	319.00	STD	08/18/89	C7885273

2. Ramsey County, Minnesota (civil) (continued)

DISPOSED CASE REPORT by Event
For Period 08/01/89 to 08/31/89

Trk	Disp #	DATE NOI	NOI/DISP	D/Trk	DISP/DATE	CASE NO
XPO	1	12/20/88	245.00	XPO	08/22/89	C387484949
XPO		01/23/89	200.00	XPO	08/11/89	C389878
XPO		03/20/89	134.00	XPO	08/01/89	C289699
XPO		01/12/89	201.00	XPO	08/01/89	C589437
XPO		08/08/88	373.00	XPO	08/16/89	C5893053
	Total:		2990.00			
	Average:		199.33			
	Maximum:		373.00			
	Minimum:		134.00			
XPO	4	04/03/89	149.00	XPO	08/30/89	C3891330
XPO		03/21/89	160.00	XPO	08/28/89	C4893104
XPO		02/15/89	183.00	XPO	08/17/89	C6891810
XPO		03/30/89	154.00	XPO	08/31/89	C4592717
XPO		03/09/89	174.00	XPO	08/30/89	C0835261
XPO		01/23/89	220.00	XPO	08/31/89	C987487427
XPO		02/21/89	185.00	XPO	08/25/89	C587490406
XPO		01/06/89	224.00	XPO	08/18/89	C188496889
XPO		02/21/89	189.00	XPO	08/29/89	C6892052
	Total:		1638.00			
	Average:		182.00			
	Maximum:		224.00			
	Minimum:		149.00			
T:			4628.00			
Av:			192.83			
Ct:	24					
Mx:			373.00			
Mn:			134.00			
***			17692.00			
Average:			242.36			
Count:	73	73				
Maximum:			519.00			
Minimum:			21.00			