ADMINISTRATIVE ORDER NO. 92-034

FILED
U.S. District Court
Dale Hynek Clerk
SEP 01 1992
By
Western Michigan
Serial No. F03

DIFFERENTIATED CASE MANAGEMENT

OF THE

UNITED STATES DISTRICT COURT

FOR THE

WESTERN DISTRICT OF MICHIGAN

PURSUANT TO

THE CIVIL JUSTICE REFORM ACT OF 1990

DECEMBER 18, 1991

AMENDED SEPTEMBER 1, 1992

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
AMENDED ORDER

The Civil Justice Expense and Delay Reduction Plan adopted by the District Court on December 18, 1991, outlines policies and procedures for effectuating the goals and requirements of the Civil Justice Reform Act of 1990. Further to assure the uniformity and efficiency of the plan, and to create and implement the differentiated case management system (DCM) specified in the statute, the court hereby amends its order of December 18, 1991, as follows.

1. *Findings*: Based upon further analysis and review of the court's plan, we find:

   a. That the court continues to be satisfied with its original plan.

   b. That a need exists to modify and delineate specific court procedures prior to implementing the DCM system.

2. *Actions*: The court hereby ORDERS, ADOPTS, and IMPLEMENTS: That the Civil Justice Expense and Delay Reduction Plan enacted on December 18, 1991, be amended to include a revised and detailed case management system together with recommendations for standardized court procedures and the creation of new local court rules to help facilitate its implementation.

FURTHER ORDERED: That the court also adopts and implements the following amendments to its differentiated case management plan to become effective September 1, 1992.

1. Commencing September 1, 1992, all civil litigation filed in this district will be assigned to one of six differentiated case management (DCM) tracks, or be randomly assigned to a seventh, Non-DCM track. The tracks, as described in the report prepared by the Advisory Group, are amended as follows:

   a. Voluntary Expedited - The parties who agree to be assigned to this track must waive their right to have their case tried by an Article III judge in order to assure an early, firm, trial date. Disposition will occur less than nine months from the date the complaint is filed. Discovery must be completed within ninety (90) days from the date of the case management conference. Interrogatories will be limited to fifteen (15) single-part questions and no more than two (2) fact witness depositions per party without prior approval of the court.

b. Expedited - Cases assigned to this track will be disposed of nine to twelve months from the date the complaint is filed. Discovery must be completed within 120 days from the date of the case management conference. Interrogatories will be limited to twenty (20) single-part questions and no more than four (4) fact witness depositions per party without prior approval of the court.

c. Standard - Cases assigned to this track will be disposed of twelve to fifteen months from the date the complaint is filed. Discovery must be completed within 180 days from the date of the case management conference. Interrogatories will be limited to thirty (30) single-part questions and no more than eight (8) fact witness depositions per party without prior approval of the court.

d. Complex - Cases assigned to this track will be disposed of fifteen to twenty-four months from the date the complaint is filed. Discovery must be completed within 270 days from the date of the case management conference. Interrogatories will be limited to fifty (50) single-part questions and no more than fifteen (15) fact witness depositions per party without prior approval of the court.

e. Highly Complex - Cases assigned to this track will be disposed of at some time after twenty-four months from the date the complaint is filed. Discovery guidelines and limitations are at the discretion of the court.

f. Administrative - Assignment to this track will be made by the clerk's office upon review of the initial pleadings. Social security actions, habeas corpus proceedings,

bankruptcy and administrative appeals, and civil rights cases filed by prisoners generally will be included in this track. After dispositive motions are fully briefed, or the litigation is otherwise ready for resolution, it will be decided within 180 days unless unusual circumstances exist. If the court determines that a trial is necessary, the case may be assigned to another track.

g. Non-DCM - Ten percent of all civil cases will be selected randomly for this control track, designed to gather data for comparative analysis. Judicial involvement will be minimal. The case may be placed on a DCM track upon motion and by approval of the court.

2. A new local court rule has been adopted requiring all parties in civil actions to file a Western District of Michigan Track Information Statement (TIS) with their

complaint, first responsive pleading or motion. This will allow the judicial officer assigned to the case to make a preliminary assessment of case management procedures and track assignment.

3. Except in Non-DCM cases, a case management scheduling conference held pursuant to Rule 16 of the Federal Rules of Civil Procedure shall be held no later than thirty (30) days after receipt of the last defendant's first responsive pleading. The conference may be conducted by telephone or in person, according to judicial preference.

4. A computerized reporting system shall be utilized to monitor DCM case management deadlines to assure the timely disposition of each case.

5. Court orders, notices, and other forms shall be standardized as much as possible throughout the district to promote uniformity and increase the efficiency and accuracy of docketing procedures.

6. The court has adopted a local rule allowing a judicial officer to issue an order to show cause why a case

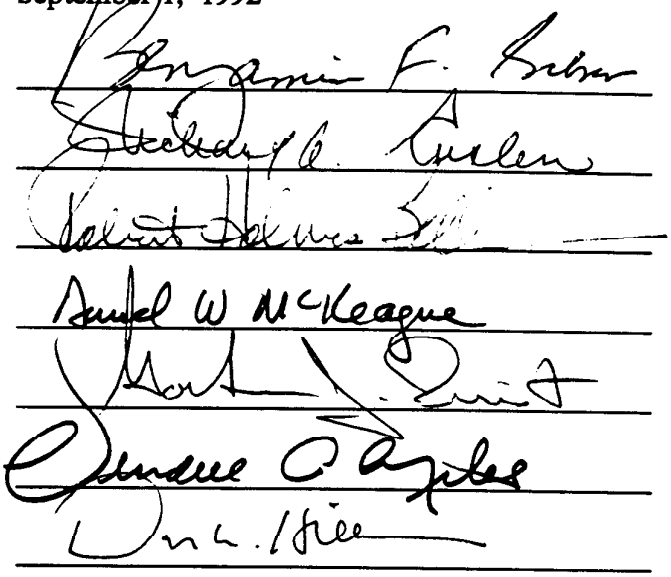
should not be dismissed for lack of prosecution or for failure to comply with local rules, the Federal Rules of Civil Procedure, or any court order. If good cause is not shown within the time set in the show cause order, a district judge may dismiss the case either with or without prejudice.

3. *Disposition of the Plan.*

a. Pending further action by the court, this amended plan will be in effect for the longest period of time permitted by the Civil Justice Reform Act of 1990, and is intended to supplement the plan adopted on December 18, 1991. The court may continue to revise its plan from time to time as it sees fit, subject to statutory requirements.

b. Pursuant to Title 28, United States Code, section 474(a), the court hereby ORDERS that this amended plan be submitted by the Chief Judge of this district for distribution to (1) the Director of the Administrative Office of the United States Courts; (2) the Judicial Council of the United States Sixth Circuit Court; (3) the Chief Judge of all other United States district courts located within the Sixth Circuit; (4) the Chief Judge of the United States Court of

Appeals for the Sixth Circuit; and (5) the Judicial Conference of the United States.

Adopted and Implemented by the Court,

September 1, 1992