United States General Accounting Office

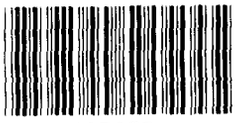
GAO

Report to the Congress

December 1987

FEDERAL COURTS

Pretrial Management of Civil Cases Varied at Selected District Courts



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GAO

United States
General Accounting Office
Washington, D.C. 20548

General Government Division

B-229341

December 31, 1987

The Honorable Peter Rodino, Chairman
Committee on the Judiciary
House of Representatives

Dear Mr. Chairman:

As you requested, this report provides information on the progress made by the federal district courts in implementing the 1983 amendments to Rule 16 of the Federal Rules of Civil Procedure which were intended to improve management of civil cases. The report addresses, among other matters, the extent to which 10 of the 94 district courts set and amended time limits for the pretrial phase of civil cases and used other provisions of amended Rule 16.

As agreed with your office, unless you publicly announce the contents of the report earlier, we plan no further distribution until 30 days from the date of the report. At that time, we will send copies to the Director of the Administrative Office of the United States Courts, the Chief Judge for the 10 district courts visited, and other interested parties and make copies available to others upon request.

Sincerely yours,

for Gaston L. Gianni

Arnold P. Jones
Senior Associate Director

Executive Summary

Purpose

According to caseload statistics prepared by the Administrative Office of the United States Courts, the number of civil cases in federal courts increased from 77,193 in 1969 to 241,842 in 1983. This increase heightened interest in developing ways to process cases through the courts as efficiently as possible. Effective August 1983, the U.S. Supreme Court amended the procedures by which the district courts manage their civil cases.

The Chairman, House Committee on the Judiciary, asked GAO to study the progress made by the federal district courts in implementing the revised procedures that were intended to improve district court management of civil cases. GAO's objective was to report on selected courts' compliance with, and obtain court officials' views on, the revised procedures. As agreed with the Chairman's office, GAO did not attempt to determine whether compliance with the revisions resulted in more efficient processing of civil cases since other factors (such as case complexity and pending caseloads) can contribute to the time required to process a case. Case processing time cannot be attributed to any single event or practice.

Background

GAO has previously examined federal court efforts to deal with the increased number of civil cases. In a 1981 report (Better Management Can Ease Federal Civil Case Backlog, GGD-81-2, Feb. 24, 1981), GAO recommended, among other things, that time limits be established for adjudicating civil cases. Rules and procedures for processing civil cases within the federal judicial system are contained in the Federal Rules of Civil Procedure. Rule 16, "Pretrial Conferences; Scheduling; Management," provides guidance on pretrial management of civil cases. The U.S. Supreme Court amended Rule 16, effective August 1, 1983, to require that each case not exempted by local court rule have a scheduling order issued which limits the time to complete certain steps during the pretrial process. (See pp. 9 to 11.)

Rule 16 was also amended in 1983 to permit, at pretrial conferences, discussions about (1) using procedures other than litigation to settle disputes and (2) having magistrates, who assist judges, rather than judges oversee the cases. The amended rule also authorizes judicial officers (judges and magistrates) to impose sanctions on disobedient or recalcitrant parties, their attorneys, or both to reinforce the rule's intention to encourage forceful judicial management. (See pp. 11 and 25.)

Results in Brief

Scheduling orders were required to be prepared for most civil cases at 9 of the 10 districts GAO visited. However, the extent that judges in these nine districts complied with the requirement varied, as did the extent that they issued scheduling orders within required time limits. Of the cases with scheduling orders that GAO reviewed at the nine districts, about half had at least one extension to the order. Virtually all of the civil cases filed in the tenth district were exempted from the scheduling requirement because the judges in that district believed that scheduling was not necessary for most of their cases.

The use of other provisions of amended Rule 16 (such as holding conferences, discussing using alternatives to litigation, and imposing sanctions for inappropriate conduct) also varied among the 10 districts GAO visited. Rule 16 was viewed by district court judges and attorneys as being beneficial in helping to improve the management of civil cases.

GAO's Analysis

To determine the extent that the provisions of Rule 16 were being followed, GAO reviewed a judgmentally selected, non-projectable sample of cases. To determine the extent that the nine districts that scheduled cases were complying with the scheduling requirement, 564 cases were reviewed. The tenth district did not require that any of the cases GAO reviewed be scheduled. To determine the extent that other provisions of amended Rule 16 were being used, GAO reviewed 601 cases—the 564 cases from the nine districts plus 37 cases from the tenth district. (See pp. 11 to 15.)

Use of Scheduling Orders Varied at Districts Visited

Amended Rule 16 requires a scheduling order for all civil cases not exempted by local rule. A scheduling order establishes deadlines for completing certain steps of the pretrial process. About 69 percent of the cases reviewed at 9 of the 10 districts had scheduling orders, and the percentage of these cases per district ranged from 56 to 100 percent. The variance reflected differences in the way each district and judge managed cases. One district, for example, had a policy of scheduling all cases at the time they were filed. In the remaining eight districts, the judges interviewed issued scheduling orders for 13 to 100 percent of the cases reviewed. Based on interviews with court personnel and examinations of case files, one of the major reasons why scheduling orders were not issued was because the participants were actively considering settling the case. (See pp. 16 to 19.)

A scheduling order is supposed to be issued within 120 days from the date a suit is filed. About 59 percent of the scheduled cases reviewed at the nine districts met the 120-day requirement. One of the major reasons cited by court officials for not meeting the time requirement was because the defendants had not been notified of and/or had not responded to the complaint within the 120-day time frame. (See pp. 19 to 21.)

Scheduling Orders Often Extended

Rule 16 provides that a schedule may be modified by the court upon showing of good cause. About half of the scheduled cases reviewed at the nine districts had at least one extension. Per district, the percentage of cases with extensions ranged from 22 to 82 percent. (See p. 21.)

The degree to which judges within the nine districts granted extensions also varied. For example, 12 judges indicated they usually granted all requests for extensions, while 7 judges indicated they rarely or never granted extensions. The remaining 17 judges' opinions on granting extensions were somewhere between these two views. (See pp. 21 to 24.)

Use of Pretrial Conferences Varied

Rule 16 also allows judicial officers to hold status conferences and final pretrial conferences as a way to expedite settlement of cases. The use of conferences varied from district to district and from judge to judge. Status conferences were used in about half of the cases reviewed in the 10 districts, final pretrial conferences were used in about 11 percent of the cases, and about 5 percent of the cases sampled actually went to trial. District court judges indicated that their use of conferences varied from using them on only complex cases to using multiple conferences during the pretrial phase. (See pp. 25 and 26.)

Alternatives to Litigation and Sanctions Under Rule 16 Rarely Used

Amended Rule 16 allows judicial officers to discuss using alternatives to litigation (such as mediation or arbitration) to settle disputes. Alternative settlement procedures were used in about 10 percent of the cases sampled. (See pp. 26 and 27.)

Rule 16 allows judicial officers to use sanctions against attorneys or parties to a dispute when their conduct delays the progress of a case. About half of the judges interviewed said that they did impose sanctions. However, they said they imposed sanctions authorized under other sections of the Federal Rules of Civil Procedure rather than using Rule 16. Of the

cases reviewed at the 10 districts, sanctions of any type had been imposed in about 3 percent of the cases. (See pp. 27 and 29.)

Judges and Attorneys Interviewed Support Rule 16

District court judges and attorneys interviewed were supportive of amended Rule 16, saying the rule was beneficial in helping to improve the management of civil cases and/or in expediting cases through the federal system. A frequent complaint from the attorneys, however, was that the time limits established were too short. (See pp. 31 to 32.)

Recommendations

This report provides information about how selected federal district courts are following amended Rule 16 of the Federal Rules of Civil Procedure, and therefore GAO is making no recommendations.

Agency Comments

GAO did not obtain official agency comments on this report. However, the results of the review were discussed with officials from the Administrative Office of the United States Courts and the federal districts reviewed and they generally agreed with the information reported.

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Introduction

Administrative Structure of the Judiciary

The judicial branch has three levels of administration—the Judicial Conference of the United States, the judicial councils of circuit courts of appeals, and the district courts. The United States is divided into 13 judicial circuits: 12 regional circuits, each containing a court of appeals (circuit court) and from 1 to 15 district courts, and 1 circuit with national jurisdiction (Court of Appeals for the Federal Circuit). The Judicial Conference of the United States is the policymaking body of the Judiciary. It is composed of the Chief Justice of the United States (the Chairman), the Chief Judge of the Court of Appeals for the Federal Circuit, the chief judges of the other 12 courts of appeals, and 12 district court judges. Meeting at least annually, the Judicial Conference considers administrative matters in all circuits and, when necessary, makes recommendations to Congress concerning rules, procedures, and legislation affecting the judiciary.

Each of the 12 regional circuits has a council. The council consists of the Chief Judge of the circuit, a fixed number of other circuit court judges, and at least two district court judges from the circuit. The councils, which are required to meet at least twice a year, are responsible for overseeing the administrative operations of the district courts within their circuit.

Within the 12 regional judicial circuits, there are 94 federal district courts. Each state has at least one district, but many have two, three, or four districts. A district itself may have several locations at which court is held.

The Administrative Office of the United States Courts, under the supervision and direction of the Judicial Conference, is responsible for, among other things, providing administrative support to the courts and compiling and publishing statistics on court activities. The Administrative Office is headed by a Director appointed by the U.S. Supreme Court.

The judges of each district formulate local rules and orders and generally determine how district activities are managed. Each district has a clerk who is under the direction of the chief judge. As the district's chief administrative officer, clerks have a wide range of management responsibilities, among which are the development and maintenance of adequate accounting and internal control systems, the maintenance of district records, and the development of district operating procedures.

The federal courts are responsible for cases involving civil and criminal violations of federal law. According to Administrative Office statistics,

282,274 cases were filed in the federal courts in the 12-month period ending June 30, 1987—238,982 civil cases (about 85 percent) and 43,292 criminal cases (about 15 percent). The principal types of civil cases handled in federal courts are

- contract claims (including actions related to insurance, marine and negotiable instruments' claims, and recovery of overpayments/enforcement of judgments);
- real property claims (including condemnation and foreclosure proceedings);
- tort damages (including claims related to personal injury or personal property damage); and
- other actions (covering all statutory related claims, including antitrust, bankruptcy, civil rights, social security, and other such matters).

The Civil Case Process

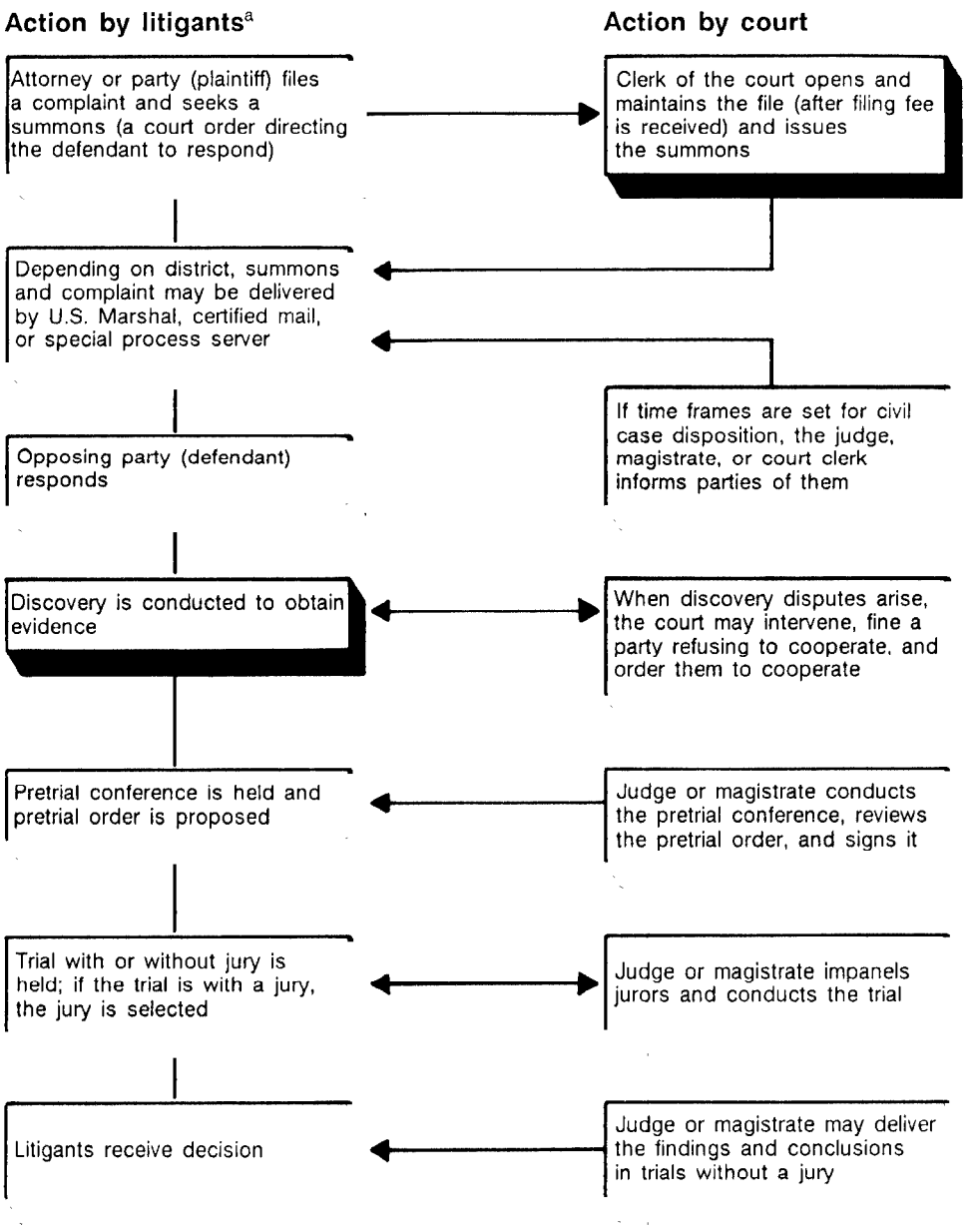
Figure 1.1 shows a simplified view of the civil case process in federal courts. The process has many steps, but settlement between the parties is possible at any point in the process. Trials result only when earlier steps in the process do not produce a settlement. Administrative Office statistics showed that for all civil cases closed during the 12-month period ending June 30, 1987, only 11,913 cases (about 5 percent) actually went to trial. The remaining 225,569 civil cases (about 95 percent) were resolved without going to trial or were dropped at some step in the process.

Guidance concerning the rules and procedures for processing civil cases within the federal judicial system is contained in the Federal Rules of Civil Procedure. Rule 16, "Pretrial Conferences; Scheduling; Management," provides guidance on pretrial management of civil cases. The U.S. Supreme Court amended Rule 16, effective August 1, 1983, to encourage judicial officers to become personally involved in managing civil cases at an early stage so that cases could be settled or tried in the most efficient manner.

The most significant change in Rule 16 was the requirement that all civil cases, except those exempted by local court rules, have a scheduling order issued within 120 days after the complaint has been filed. The scheduling order limits the amount of time to complete certain steps during the pretrial process. As a minimum the scheduling order is supposed to limit the time to

- add parties to and amend the complaint,

Figure 1.1: Description of the Civil Case Process



[a]Litigants may make motions, such as to postpone or dismiss, at any point in the process. They may also settle the case at any point in the process.

- file and hear motions, and
- complete the discovery process (where parties involved share all facts and evidence of the complaint with the opposing parties so that they can properly litigate the case).

The scheduling order may also establish dates for pretrial conferences and the trial.

Amended Rule 16 also discusses using procedures other than litigation to settle disputes and using magistrates, who assist judges, rather than judges to oversee cases. The amended rule also authorizes judicial officers to impose sanctions for noncompliance with Rule 16 on disobedient or recalcitrant parties, their attorneys, or both. Some of the sanctions which the court may impose include holding parties in contempt of court, charging the attorneys and/or the parties involved with appropriate expenses resulting from the noncompliance, and excluding exhibits or witnesses' testimony.

Objectives, Scope, and Methodology

The objectives of our review were to report on the districts' and judges' compliance with and obtain court officials' views on implementing amended Rule 16 in selected district courts. As agreed with the Chairman's office, we did not attempt to determine whether compliance with the revisions resulted in more efficient processing of civil cases since other factors (such as case complexity and pending caseloads) can contribute to the time to process cases, and case processing time cannot be attributed to any single event or practice. We did, however, obtain information on reasons why some cases took over 2 years to resolve, the general status of the federal civil caseload, and the median time to process civil cases.

We judgmentally selected 10 of the 94 federal district courts to review. The districts selected were: Massachusetts, Connecticut, western Virginia, eastern Kentucky, southern Ohio, northern Illinois, northern California, central California, Oregon, and western Washington. These districts are in 6 of the 12 regional judicial circuits. They include large, medium, and small-size districts, based on the number of judges, and districts in both urban and rural areas. Nine of the 10 districts have more than one location where they hold court (in all, we visited 10 district courts including 11 sub-locations of 7 districts as part of our review). Our audit work was conducted from January 1986 to July 1987.

We gathered information about how judges managed their caseloads through interviews with court officials in the 10 districts. The following summarizes the type and number of individuals interviewed.

- Judges—We interviewed 42 of the 94 active, full-time judges from the 10 districts. The number of judges we selected in each district was based on the number of authorized judgeships. We judgmentally selected 3 judges from districts with up to 9 authorized judgeships, 5 judges from districts with 10 to 15 judgeships, and 7 judges from districts with over 15 judgeships. We listed the judges alphabetically and in nine locations chose every third name on the list, continuing the cycle if necessary until a sufficient number of judges had been selected.[1] At the tenth district court our selections were based on the location of the court because the judges were located in different cities. In 6 of the 10 districts, the judges selected included the district's chief judge. We asked the judges about their use of Rule 16, their opinion of the rule, and their case management practices.
- Courtroom deputies or their counterparts—Each of the 42 judges we interviewed had a deputy, or a person in a similar position, responsible for assisting the judge in the management of cases. We asked the person in each of these positions about how he or she managed their judge's civil caseload and about their judge's case management practices.
- Clerks of the court and other selected court staff—At each district in our review, we interviewed the clerk and other staff about the district's policies and practices in processing civil cases.
- Magistrates—Of the 45 full-time magistrates in the 10 district courts, we interviewed 21 concerning their civil case duties. We interviewed a minimum of two magistrates from each district, except for one district where only one magistrate was available. From a listing provided by the clerk of the court in each district, we judgmentally selected magistrates who were available at the time of our visit.
- Attorneys—We interviewed 22 local attorneys to obtain their views on the implementation of Rule 16, the management of civil cases by the district and its judges, and the need, if any, to change Rule 16. In each of the 10 districts in our review, we interviewed a minimum of two attorneys who were practicing in the federal courts. From a listing provided by court officials at each district, we judgmentally selected attorneys who were available and located near the court at the time of our visit.

[1] In a few instances we chose alternative judges because the judges chosen were unavailable, or to ensure that we interviewed judges from sublocations.

To determine the extent that amended Rule 16's procedures were used in the 10 districts, we judgmentally selected 601 civil cases—483 closed and 118 open—that were filed during January-March 1985. We selected this period to allow enough time for district courts and their judges to make any changes resulting from the adoption of amended Rule 16, which took effect in August 1983. According to Administrative Office statistics, there were 14,631 civil cases filed in the 10 districts reviewed during the time frame from which our sample was drawn. Our objective had been to judgmentally[2] select a total of 15 cases for each of the 42 judges we interviewed—12 closed and 3 open cases. We were able to do this for 30 of the 42 judges, which gave us 360 closed and 90 open cases. For the remaining 12 judges, however, we were only able to review a total of 123 closed and 28 open cases because the judges did not have enough open and/or closed cases to meet our objective. Table 1.1 shows the breakdown of open and closed cases we reviewed at each district.

Table 1.1: Number of Civil Cases Reviewed, by District

District[a]	Number of judges	Closed cases	Open cases	Total cases sampled	Total cases filed[b]
A	3	37	8	45	848
B	3	36	9	45	670
C	5	59	12	71	3,060
D	7	84	21	105	2,147
E	5	58	17	75	1,393
F	3	36	9	45	630
G	3	29	7	36	712
H	7	85	17	102	2,745
I	3	32	8	40	1,682
J	3	27	10	37	744
Total	**42**	**483**	**118**	**601**	**14,631**

[a]Because of agreements reached with the Administrative Office of the United States Courts, information about each district will not identify the specific districts or judges included in our review. Beginning with this table and for all subsequent tables and figures in this report, we refer to each court using a letter designation and each judge using a numerical designation in discussing the results of our work.

[b]Represents the number of cases filed during January-March 1985, which is the time period from which we selected the cases for review.

We excluded from our selection those cases which were exempted by local rule from Rule 16(b), which is the section requiring that a scheduling order be issued for all cases not exempted within 120 days of filing. We also excluded cases which were dismissed within 120 days of filing

[2]Because the cases were judgmentally selected, we recognize that some unknown bias may have been introduced and that the results are not projectable.

because these cases would not be subject to the 120-day scheduling requirement. Further, we omitted certain types of cases, such as overpayments to veterans, defaulted student loans, bankruptcy appeals, and prisoner petition/habeas corpus because these types of cases were commonly excluded from Rule 16(b) at most of the districts we visited.

To identify concerns with the way Rule 16 had been implemented in other districts, we reviewed all reports of audits of federal district courts conducted during calendar years 1985 and 1986 by the Administrative Office's Office of Audit and Review. During this period, there were 10 reports issued of which 7 addressed the districts' compliance with Rule 16.

To determine why some cases take longer than 2 years to resolve, we reviewed a second judgmentally selected sample of 385 of the 2,803 total civil cases of the 42 judges included in our review which were 2 years old or older as of August 31, 1986. For this sample, we wanted to review another 10 cases for each of the 42 judges we interviewed. As in our first sample, however, we were not able to select exactly 10 cases per judge because not all judges had enough cases to meet our selection criteria. Table 1.2 shows the breakdown of these cases by district.

Table 1.2: Number of 2-Year-Old Cases Reviewed, by District

District	Number of judges	Number of Cases
A	3	29
B	3	21
C	5	47
D	7	70
E	5	50
F	3	30
G	3	30
H	7	56
I	3	23
J	3	29
Total	**42**	**385**

To obtain information on the overall civil caseload in district courts, we relied on statistics developed by the Statistical Analysis Reports Division of the Administrative Office. We did not verify the accuracy of these statistics because it would have delayed submission of this report.

As requested by your office, we did not obtain official agency comments on this report. However, we discussed the results of our review with officials from the Administrative Office of the United States Courts and the federal courts we reviewed, and they generally agreed with the information reported. With the exception of not verifying the statistics provided by the Administrative Office, our review was conducted in accordance with generally accepted government auditing standards.

Implementation of Rule 16

For the 10 districts in our review, we found variation between districts and among individual judges in the extent to which the provisions of amended Rule 16 had been implemented. Each district may exempt specific types of cases from the scheduling and planning requirements of Rule 16 by amending its local rules. Nine of the 10 districts we reviewed had not exempted most types of cases from the scheduling and planning requirements of Rule 16. The remaining district amended its local rules to exempt virtually all cases from Rule 16's scheduling and planning requirements.

Most Districts Reviewed Used Scheduling Orders

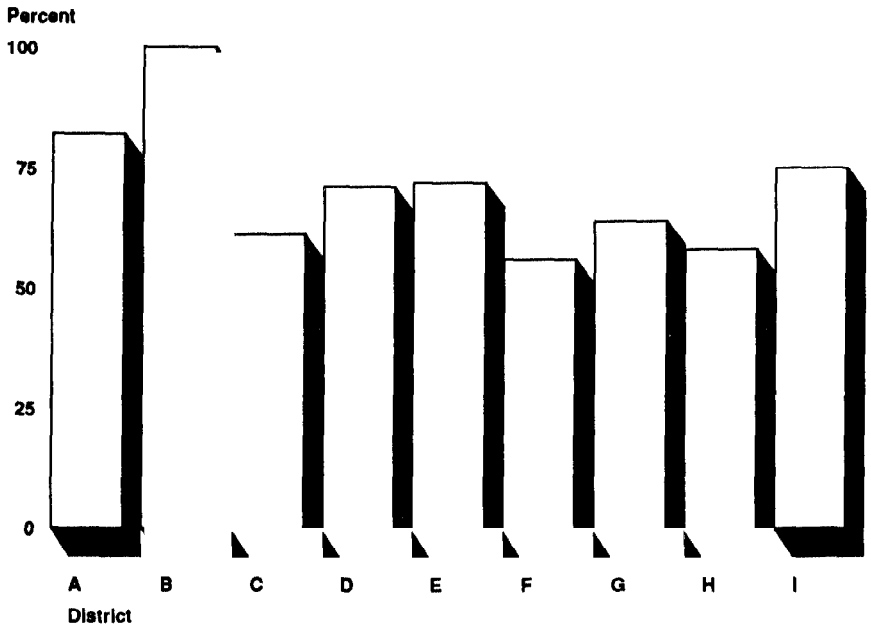
As previously discussed, Rule 16(b) requires a scheduling order for all civil cases not exempted by local rule. The purpose of the scheduling order is to limit the time for certain steps of the pretrial process. The order may also include dates for pretrial conferences and for the trial itself, as well as any other matters appropriate in the case.

We visited 10 districts during our review and 9 of them scheduled most of their cases. One of the districts we visited (district J) issued a standing order exempting all civil cases, except patent and antitrust cases, from the scheduling requirement. The Chief Judge said the judges in this district believed that scheduling was not necessary for most of the district's cases. Thus, our analysis of compliance with the scheduling requirement included 564 cases from the nine districts (districts A through I) and excluded the 37 cases from district J because these 37 cases were exempted from scheduling by district J's local rules.

Rule 16(b) provides district courts with the flexibility to make their own determinations on the types of cases to be exempted from scheduling. Each of the nine districts that scheduled cases exempted certain types of cases. For example, certain districts exempted student loan cases, bankruptcy appeal cases, and/or prisoner petition/habeas corpus cases from the scheduling requirement.

To determine if the nine districts reviewed used scheduling orders for the cases that were not exempted, we reviewed a total of 564 cases, ranging from 36 to 105 cases at each district depending on the number of judges in the district. Of these 564 cases, 391 (about 69 percent) had a scheduling order. Figure 2.1 shows the percentage of cases we reviewed which had scheduling orders. The percentages ranged from 56 to 100 percent in the nine districts reviewed.

Figure 2.1: Percentage of Cases Reviewed With Scheduling Orders, by District



The variance in the percentage of cases with scheduling orders reflects differences in the way each district and/or judge within each district managed their caseloads. For example, the district which scheduled 100 percent of its cases had a policy of scheduling all cases when they were filed by preparing the scheduling order in a pro forma fashion and establishing dates to (1) complete discovery and (2) file the pretrial order. In the remaining eight districts, the judges issued the scheduling orders on a case-by-case basis. Table 2.1 shows the extent that individual judges selected within the nine districts scheduled cases ranged from 13 to 100 percent.

Table 2.1: Number of Cases With Scheduling Orders, by Judge

Court	Judge	Cases reviewed	Cases with scheduling orders	Percent with scheduling orders
A	1	15	10	66.7
	2	15	14	93.3
	3	15	13	86.7
B	1	15	15	100.0
	2	15	15	100.0
	3	15	15	100.0
C	1	11	8	72.7
	2	15	9	60.0
	3	15	9	60.0
	4	15	11	73.3
	5	15	6	40.0
D	1	15	10	66.7
	2	15	15	100.0
	3	15	10	66.7
	4	15	10	66.7
	5	15	8	53.3
	6	15	14	93.3
	7	15	8	53.3
E	1	15	15	100.0
	2	15	12	80.0
	3	15	10	66.7
	4	15	7	46.7
	5	15	10	66.7
F	1	15	2	13.3
	2	15	11	73.3
	3	15	12	80.0
G	1	15	7	46.7
	2	6	6	100.0
	3	15	10	66.7

(continued)

Court	Judge	Cases reviewed	Cases with scheduling orders	Percent with scheduling orders
H	1	15	7	46.7
	2	15	15	100.0
	3	14	8	57.1
	4	15	2	13.3
	5	14	11	78.6
	6	14	10	71.4
	7	15	6	40.0
I	1	10	9	90.0
	2	15	7	46.7
	3	15	14	93.3
Total		**564**	**391**	**69.3**

According to Rule 16(b) or the courts' local rules, each of the cases we reviewed that are referred to in table 2.1 should have had a scheduling order. To get an indication why scheduling orders had not been issued for all cases, we interviewed court personnel and examined documents at five of the eight remaining districts which scheduled cases. This included 82 of the 173 cases in our sample which did not have a scheduling order. We found that:

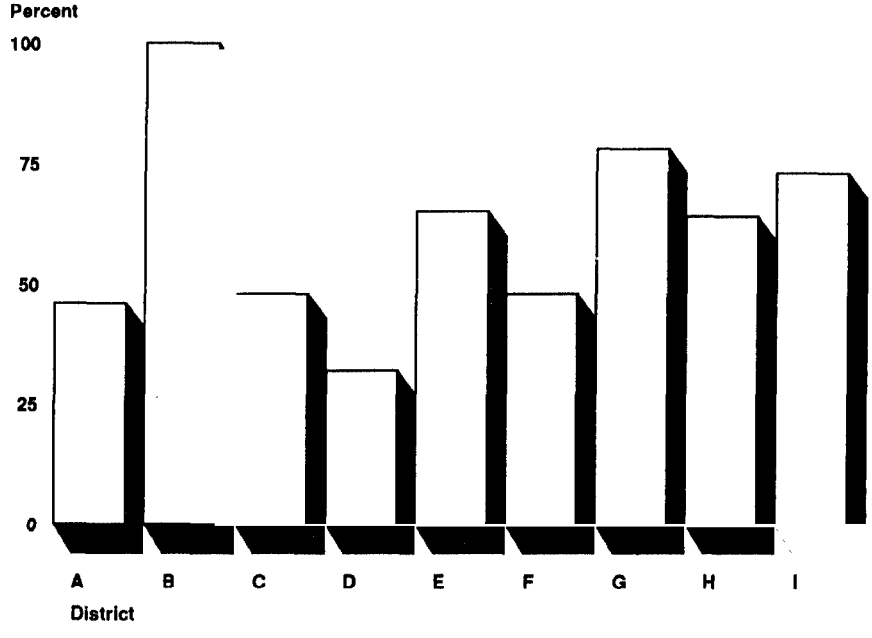
- In 36 cases, the judges' courtroom deputies said a scheduling order was not needed because the litigants were actively considering resolving the disputes.
- In 14 cases, the cases were not being actively prosecuted and were either dismissed or an order to show cause why the cases should not be dismissed had been issued.
- In 22 cases, no scheduling orders were issued for a variety of reasons, including early involvement of summary judgment procedures and attorney-related problems (for example, changes of attorneys).
- In the remaining 10 cases, we were not able to determine why a scheduling order had not been issued.

Scheduling Orders Did Not Always Meet Time Requirement

As noted in chapter 1, scheduling orders are supposed to be issued within 120 days after the case is filed and after the judicial officer consults with attorneys for the parties and any unrepresented parties. For the 391 cases with scheduling orders, we reviewed the files to determine if the orders had been issued within the 120-day period. In 232 cases (about 59 percent), the scheduling orders were issued within 120 days.

Figure 2.2 shows that the percentage of scheduled cases which met the 120-day requirement ranged from 32 to 100 percent in the nine districts reviewed.

Figure 2.2: Percentage of Scheduling Orders Issued Within 120 Days



Only one of the nine districts reviewed—the same district that issued scheduling orders for all cases in the sample—issued all scheduling orders within the 120-day period. However, this district did not follow Rule 16(b)'s requirement that the scheduling order be entered after consulting with attorneys for the parties and with any unrepresented parties.

To get an indication of some of the reasons why scheduling orders took longer than 120 days to issue, we interviewed court personnel and examined documents at five of the eight districts that did not issue all scheduling orders within 120 days. This included 118 of the 159 cases in our sample which took longer than 120 days for the scheduling order to be issued. We found the following:

- In 40 cases, the scheduling orders were delayed because of the time needed to serve the litigants and/or await their answers or responses. (Under Rule 4(J) of the Federal Rules of Civil Procedure, defendants have 120 days to respond after a complaint is filed.)
- In 42 cases, the scheduling orders were delayed for miscellaneous reasons, including judges being ill or not available, conferences delayed, and administrative errors.
- In 19 cases, the scheduling orders were delayed for various reasons, such as the parties were attempting early settlement, the attorneys had not taken needed steps to prosecute, or there were changes in attorneys or defendants.
- In the remaining 17 cases, we were unable to determine why the scheduling order was late.

Extensions Often Issued to Scheduling Orders

Rule 16(b) states, "A schedule shall not be modified except by leave of the judge or magistrate when authorized by district court rule upon a showing of good cause." Of the 391 scheduled cases in the 9 districts we reviewed, 194 (about 50 percent) had at least one extension. Figure 2.3 shows that the percentage of scheduled cases we reviewed that were granted extensions varied among districts. The percentages ranged from 22 to 82 percent. The highest percentage was for the district that issued a scheduling order for every case at the time the case was filed. Most of the cases in our sample from this district had more than one extension, with the average being 2.6 extensions per case.

Figure 2.3: Percentage of Scheduling Orders With One or More Extensions

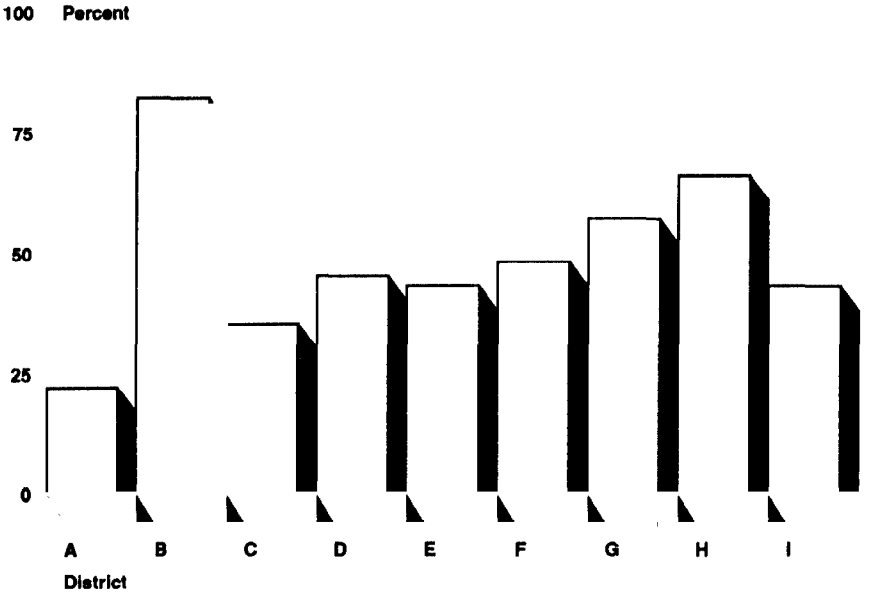


Table 2.2 shows that there was a variance among the nine districts in the extent to which judges granted extensions.

Table 2.2: Number of Scheduled Cases With Extensions, by Judge

Court	Judge	Cases with scheduling orders	Scheduled cases with extensions	Percent with extensions
A	1	10	3	30.0
	2	14	3	21.4
	3	13	2	15.4
B	1	15	12	80.0
	2	15	13	86.7
	3	15	12	80.0
C	1	8	5	62.5
	2	9	3	33.3
	3	9	3	33.3
	4	11	3	27.3
	5	6	1	16.7

(continued)

Court	Judge	Cases with scheduling orders	Scheduled cases with extensions	Percent with extensions
D	1	10	5	50.0
	2	15	3	20.0
	3	10	5	50.0
	4	10	5	50.0
	5	8	4	50.0
	6	14	9	64.3
	7	8	3	37.5
E	1	15	5	33.3
	2	12	3	25.0
	3	10	3	30.0
	4	7	7	100.0
	5	10	5	50.0
F	1	2	0	0.0
	2	11	4	36.4
	3	12	8	66.7
G	1	7	4	57.1
	2	6	4	66.7
	3	10	5	50.0
H	1	7	4	57.1
	2	15	12	80.0
	3	8	5	62.5
	4	2	1	50.0
	5	11	8	72.7
	6	10	5	50.0
	7	6	4	66.7
I	1	9	3	33.3
	2	7	3	42.9
	3	14	7	50.0
Total		**391**	**194**	**49.6**

We also found a wide variance in the nine districts we reviewed in the degree to which judges said they granted extensions to scheduled cases. We asked district court judges to characterize their policy concerning the granting of extensions by choosing one of four descriptive phrases. Seven judges said they rarely or never granted extensions to scheduling orders, 8 judges said they occasionally granted extensions with good

cause, 9 judges said they usually granted the first request for an extension but were tougher on subsequent requests, and 12 judges said they usually granted all requests. Following are examples of general practices that some judges said they followed in granting extensions:

- One judge said it was often difficult to adhere to the original discovery deadline in that once the discovery process begins, one item of discovery may lead to an unanticipated discovery matter.
- Another judge said that he handled extensions on a case-by-case basis, taking into consideration the circumstances and the attorneys involved. He said if he believed the attorneys were stalling, he would deny the extension.
- Another judge said he rarely granted extensions unless he had to adjust or reset his own schedule for a specific reason. He allowed attorneys 15 days after setting the trial date to request a change.

Extent of Implementation of Scheduling Requirements Varies in Other Courts

We reviewed all reports of audits that were conducted during calendar years 1985 and 1986 by the Administrative Office's Office of Audit and Review to determine whether the variances we found in the implementation of Rule 16's scheduling requirements were occurring in other district courts. There were 10 reports of audits conducted during this period, of which 7 included findings about the districts' procedures relative to Rule 16(b). In these seven districts, all of which differed from the districts in our review, the reports indicated that scheduling orders were not issued in all cases, were not always filed within the required time frame, and/or did not always set deadlines.

Other Factors Affect Case Processing Time

To determine why some cases take longer than 2 years to resolve, we reviewed 385 of the 2,803 total civil cases of the 42 judges included in our review that were 2 years old or older and were open as of August 31, 1986. Based on our review of case files and interviews with district court personnel, the following factors were identified which can increase the time needed to resolve cases:

- 109 cases were classified as complex/complicated. These usually included suits involving multi-litigants, civil rights, antitrust, securities, asbestos, or trademark infringement matters.
- 85 cases involved pretrial activities with large numbers of motions, amended complaints, discovery requirements, and/or continuances.
- 57 cases were delayed awaiting the outcome of a related case, investigation, or other review, including appeals.

- 31 cases had been resolved through a trial, settlement, or other means, but final closing proceedings had not been completed.
- 25 cases were delayed because the litigant(s) were involved in bankruptcy-related proceedings.
- 30 cases had not been completed because of attorney-related problems (for example, counsel changes or certain litigants acting in their own behalf) or because of delays due to a court's heavy caseload.
- For 48 cases there was insufficient information in the case files to categorize the case.

Other Provisions of Amended Rule 16

Other provisions were added to Rule 16 when it was amended in 1983. Specifically, these provisions

- allow judges to hold conferences with the attorneys and/or the parties involved to expedite case resolution;
- permit litigants to discuss at these conferences (1) the possibility of settlement, (2) the use of alternatives to litigation (extrajudicial procedures) to resolve disputes, and (3) the availability of magistrates for scheduling and other matters; and
- authorize judicial officials to impose sanctions on attorneys and/or parties if a scheduling or pretrial order is not obeyed, if at a scheduling or pretrial conference a party does not appear, or if a party or his/her attorney are either substantially unprepared to participate or fail to contribute in good faith at such conferences.

To determine the extent to which the 10 district courts we visited were using the other provisions of amended Rule 16, we reviewed a sample of 601 cases. This sample included the 564 cases we reviewed, and discussed previously, for the nine districts which were commonly scheduling cases, plus 37 cases from the tenth district which we excluded from that discussion because it generally exempted most types of cases from the scheduling requirement. Generally, we found that the 10 districts and the judges within the districts varied in the extent to which they used these other provisions.

Use of Pretrial Conferences Varied

Sections (a) and (d) of Rule 16 allow judges to hold preliminary and final pretrial conferences. The preliminary pretrial conference, sometimes referred to as a status conference, has many purposes, including expediting disposition of the case, discouraging wasteful pretrial activities, and facilitating settlement. If held, the final pretrial conference is to be

held as close to the time of trial as reasonable and is designed to facilitate the trial.

We found that, for the cases reviewed, the use of such conferences varied from district to district and from judge to judge. For the 601 cases examined at the 10 districts, preliminary pretrial (status) conferences were held in 301 cases (about 50 percent), ranging from 0 to 87 percent. Only 65 cases (about 11 percent of our sample) had a final pretrial conference, ranging from 0 to 18 percent. Only 28 cases (about 5 percent of our sample) actually went to trial. The percentage of cases actually going to trial was more uniform, with 9 of the 10 districts having 7.5 percent or less of the cases going to trial and one district having 32.4 percent going to trial.

Table 2.3 shows the distribution of conferences and trials actually held for the 601 cases we reviewed.

Table 2.3: Use of Pretrial Conferences

Court	Number of cases	Preliminary pretrial conferences		Final pretrial conferences		Trials	
		Number	Percent	Number	Percent	Number	Percent
A	45	15	33.3	3	6.7	0	0.0
B	45	21	46.7	4	8.9	3	6.7
C	71	49	69.0	5	7.0	2	2.8
D	105	40	38.1	15	14.3	2	1.9
E	75	23	30.7	8	10.7	0	0.0
F	45	21	46.7	8	17.8	2	4.4
G	36	20	55.6	5	13.9	1	2.8
H	102	89	87.3	9	8.8	3	2.9
I	40	23	57.5	6	15.0	3	7.5
J	37	0	0.0	0	0.0	12	32.4
Total	**601**	**301**	**50.1**	**63**	**10.5**	**28**	**4.7**

The following are examples of the different kinds of approaches we found with regard to judges' use of conferences:

- One judge said he did not hold preliminary pretrial conferences because he did not believe they contributed to settlement, except in very complex cases.
- A second judge said that he may hold one or a series of conferences, leading to a narrowing of issues and the setting of a cut-off date for

discovery. He said the final pretrial conference was used to set the trial date.

- The courtroom deputy for a third judge said the judge would hold a status conference if the case was inactive or if the attorneys requested one. He also said the judge would not hold a pretrial conference if the case was simple and the attorneys did not request one.
- The courtroom deputy of a fourth judge said the judge requires a status conference to set the scheduling order, usually held by telephone, 60 days after the filing of a complaint.
- A fifth judge said she has both attorneys prepare a joint status report, which requires the attorneys to discuss the various aspects of the case.

Use of Extrajudicial Procedures Varied

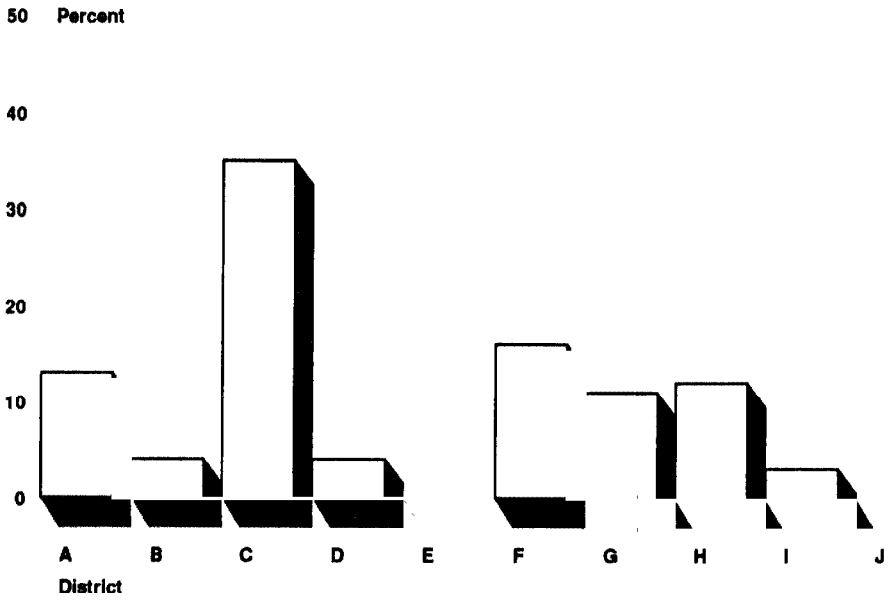
According to section (c) of Rule 16, pretrial conferences may be used to discuss the possibility of settlement or use of extrajudicial procedures to bring about a settlement prior to trial. Extrajudicial procedures can include:

- Settlement conferences—Meetings between parties and attorneys and/or judicial officials to discuss the possibility of reaching an agreement without going to trial.
- Arbitration—Reference of a dispute to an impartial third person chosen by the disputing parties who agree in advance to abide by the arbitrator's decision/award. After a hearing in which both parties have the opportunity to be heard, the arbitrator issues the (binding) decision/award.
- Mediation—The act of a third person intervening or interposing between the contending parties in an attempt to adjust or settle their dispute.
- Summary jury trial—An abbreviated hearing of a dispute before an advisory jury which renders a nonbinding verdict.

The percentage of cases where such procedures were used in our samples at each district is shown in figure 2.4. The district courts in our review used extrajudicial procedures in 61 of the 601 cases (about 10 percent).

The kinds of techniques and procedures used by the districts in our review varied. Three of the 10 did not have any formalized extrajudicial procedures for settling cases other than using settlement conferences. However, the remaining seven courts used other techniques, including mediation, arbitration, and/or summary jury trials, in their attempts to settle cases.

Figure 2.4: Percentage of Cases With Extrajudicial Procedures



Note: Extrajudicial procedures are use by District J for resolving cases but their use was not entered on the record. Thus, the extent to which such procedures were used in the sample of cases could not be determined.

Sanctions Under Rule 16 Rarely Used in the Districts

Rule 16(f) allows courts to sanction attorneys or parties to a dispute when their conduct delays the progress of a case. Courts can also sanction a party or their attorneys if they fail to obey a scheduling or a pretrial order, for not appearing at a scheduling or a pretrial conference, or if they are unprepared or do not participate in good faith at such conferences. In this connection, courts can require the payment of reasonable expenses incurred because of any noncompliance.

In our sample of 601 cases, sanctions of any type were imposed in 19 cases (about 3 percent). The judges we interviewed varied in the degree to which they said they imposed sanctions. Of the 39 judges who responded to questions about sanctions, 17 said they impose between two and five sanctions per year, while 18 said they rarely or never imposed sanctions, and 4 said they impose more than five sanctions per year. The judges said they imposed sanctions under Rule 11 (inappropriate signing of motions), Rule 26 (abuse of discovery provisions), and Rule 37 (failure to comply with court orders), rather than Rule 16(f).

The following are examples of the judges' comments regarding sanctions:

- One judge said he expects attorneys to answer motions, interrogatories, and discovery on time. He said he imposes monetary sanctions for failure to appear for conferences.
- One judge said he rarely imposes sanctions related to Rule 16. If he does impose sanctions, he usually does so under Rule 37.
- One judge views sanctions as necessary and said he has issued a number of sanctions under Rule 11.
- One judge said sanctions are almost totally counter-productive and he rarely imposes them.

Although district court judges we interviewed said they do not routinely use sanctions, they said they would do so when appropriate. Further, a sanction can be appealed to the circuit court of appeals. For example, one judge said that because sanctions require a hearing and can be appealed, he was apprehensive about using anything that might increase his workload.

Magistrates Performed Many Duties, but Extent of Usage Varied

Rule 16 does not require the use of magistrates; however, the rule acknowledges their use in scheduling and other matters. Using magistrates, however, is covered under Rules 72 through 75 of the Federal Rules of Civil Procedure and is provided for in 28 U.S.C. 636.

In a July 1983 report, Potential Benefits of Federal Magistrates System Can Be Better Realized (GAO/GGD 83-46, July 8, 1983), we analyzed the impact of the assistance of magistrates on judicial caseloads. We concluded that the district courts' productivity had increased since the establishment of the magistrates system, and, although the magistrates system may not have been the sole reason for the increased productivity, it was clearly a major contributor.

In the years since that report, the use of magistrates has continued to increase in three of four areas, as shown in table 2.4.

Table 2.4: Matters Disposed of by U.S. Magistrates, for the 12-Month Periods Ending June 30, 1982-87

Activity	1982	1983	1984	1985	1986	1987
Trial jurisdiction cases (misdemeanors and petty offenses)	86,725	93,513	84,475	90,757	92,269	95,988
Preliminary proceedings	98,458	102,450	109,337	120,143	131,070	134,091
Additional duties (includes criminal, civil, and prisoner litigation matters)	138,903	165,506	179,807	205,692	226,575	231,029
Civil cases heard	2,452	3,127	3,546	3,717	4,960	4,970

Source: Administrative Office of the U.S. Courts

In the 10 districts we reviewed, court officials said that magistrates were involved in one or more of the following activities:

- handling discovery matters;
- providing recommendations on pending motions;
- holding settlement conferences; and
- handling certain types of civil cases, such as social security appeals, student loans, and prisoner petitions, and minor criminal cases.

We found differences in how magistrates are used within and between the 10 districts. In one district, for example, court officials said magistrates were used in virtually the same fashion as judges. At its primary location, this district had five judges and two magistrates. The district's case management plan provides for referral of certain civil cases to magistrates. In another district, we interviewed five judges and found the following:

- One judge said he normally does not use or need magistrates.
- One judge used magistrates to handle almost all civil matters not requiring a judgment and almost all criminal matters up to the trial.
- One judge said he does not use magistrates for case management activities but does use them for certain pretrial matters.
- One judge used magistrates for prisoner petitions and pretrial discovery matters.
- One judge used magistrates for the full range of pretrial motions in civil cases.

In a third district, we received the following responses from the three judges we interviewed:

- One judge said he used magistrates primarily to conduct evidentiary hearings and to make reports and recommendations.

- The second judge said he used magistrates for pretrial discovery conferences and to make reports and recommendations, and to preside over social security and prisoner petition cases that do not involve a jury trial. He said he did not refer a civil case to the magistrate even if both parties consented. He added that litigants in some instances feel pressured to consent and, therefore, are not being afforded a hearing in the forum to which they are entitled.
- The third judge said he would turn civil cases over to a magistrate for final disposition if appropriate consents were received. He also said magistrates review social security and certain prisoner petitions and help write legal opinions.

In a fourth district, we found that most of the judges we interviewed used the magistrates on a limited basis. Three judges told us they rarely used magistrates. One said judges were paid to deal with litigants, not pass them to another court officer. Another said she used magistrates when attorneys were uncooperative.

Most Judges and Attorneys Interviewed Support Rule 16

Twenty-seven of the 42 judges we interviewed were supportive of Rule 16, 10 of whom said the rule was beneficial in managing civil cases. Five of the remaining 15 judges said they believed that Rule 16 was not necessary in their courts. We did not obtain the views of the other 10 judges on this issue. Following are some comments made by judges regarding Rule 16:

- Rule 16 has the effect of speeding case resolution; i.e., speeding settlement rather than causing settlement.
- Rule 16 is a good one, especially for judges who did not have a case management system. The process under Rule 16 brings the parties together early in the case.
- Rule 16 is very valuable. The philosophy behind it is good, and it forces judicial management of cases.
- On the whole, Rule 16 is good; there is enough flexibility for judges and it sets the tone and sends a message to the attorneys that the courts are in charge, not the attorneys. Most lawyers need to be pushed—"you need to keep their feet to the fire."

We also interviewed 22 attorneys practicing law in federal district court and asked them for their opinions of Rule 16. Thirteen of the attorneys liked Rule 16; 10 said that it kept the cases moving. The following comments were made by attorneys we interviewed:

- Rule 16 is a good rule because it dictates case preparation prior to trial.
- Rule 16 is excellent because it requires the court to communicate with the parties in the case. The most important aspect of the rule is setting conferences. This forces the parties to look at the case objectively and in this way encourages settlement.
- Rule 16 is fine as long as deadlines are realistic.

Not all the attorneys we interviewed were positive about Rule 16's effects, however. A frequent complaint was that cut-off dates were too short. Other comments made by some attorneys interviewed were:

- One attorney said he is indifferent to scheduling, but that strict scheduling of cases and establishment of time constraints is unfair and that he would be opposed to such a practice.
- One attorney said he did not think judges in his district used Rule 16 very effectively, adding that each judge implemented Rule 16 differently. The lack of consistency places a burden on the attorneys in preparing the case for trial.

We asked the judges if Rule 16 should be changed. Most—37 of the 42 judges—said there should be no changes to Rule 16; one had no comment, while the remaining four judges suggested the following changes:

- Rule 16 should be modified to allow entering a scheduling order prior to a conference with the attorneys. The judge said his court enters the scheduling order at the time of filing and he believes the process employed by his court works better and faster.
- Rule 16 should be reworded to require the scheduling order to be prepared within 30 days after the defendants answer, rather than 120 days after filing the case. In his opinion, this change is needed because the defendant's response can provide information important to establishing a realistic schedule and thus, for scheduling purposes, is as important as the filing date.
- Rule 16 should be amended to require a settlement conference prior to going to trial for every case. In this instance, the judge firmly believed that, if amended, more cases would settle sooner.
- Rule 16 should provide more flexibility in scheduling by changing the word "shall" to "may" in ". . . shall enter a scheduling order no more than 120 days."

Status of the Civil Caseload

After rising consistently through the early 1980s, the number of civil cases per authorized federal judgeship dropped in the 12-month periods ending June 30, 1985, 1986, and again in 1987.[1] Figure 3.1 shows the number of cases filed, closed, and pending per authorized federal judgeship for 1982-87. All three reached their highest point in 1984, when each authorized judgeship received an average of 508 new cases, closed 472 cases during the year, and had 486 cases pending at year's end. The number of cases closed per authorized judgeship stayed at about the same level for the next 2 years, while the number of new and pending cases per authorized judgeship both dropped. In 1987, each authorized judgeship received an average of 416 new cases, closed 414 cases, and had 423 cases pending at year's end.

The decrease in the number of civil cases per authorized judgeship has occurred for two main reasons: the number of authorized federal judgeships increased in 1985, and the number of new civil cases filed in the federal system decreased in 1986 and 1987. An Administrative Office official told us they had expected the number of civil case filings to increase, beginning in the last few months of fiscal year 1987. The number of civil cases filed during 1987 decreased, however, dropping to 238,892. Whether the reduction in civil caseload will continue is uncertain. Regardless of the trend in civil caseloads, about half of the judges we interviewed believed that they currently had a backlog of civil cases.

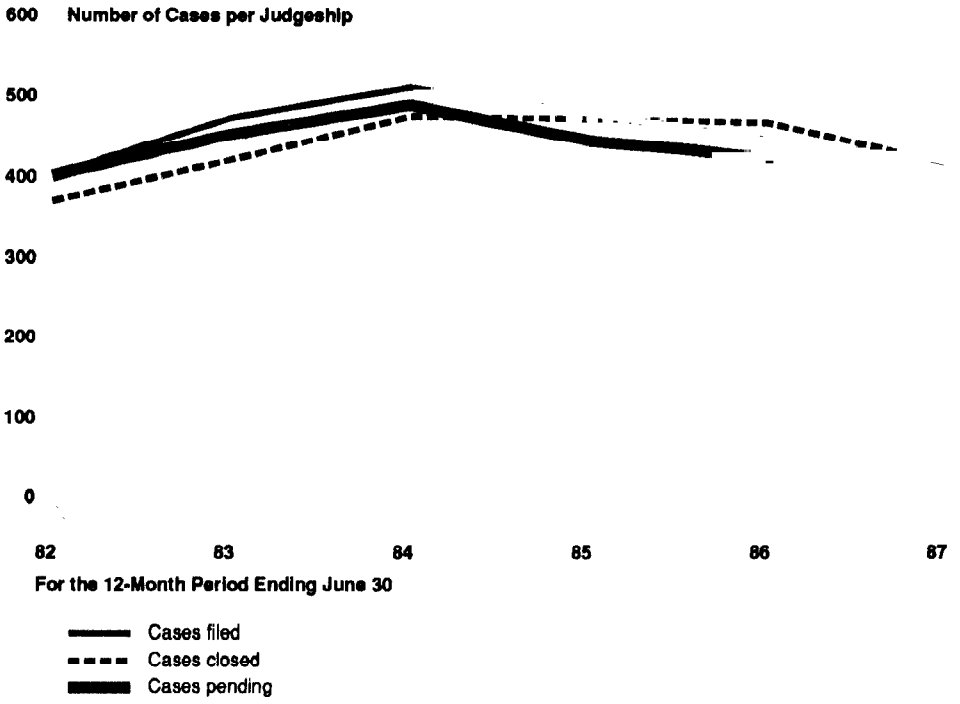
New Federal Judgeships Have Been Added

One reason for the decline in caseload per authorized judgeship is that the number of federal judgeships has increased. The "Bankruptcy Amendments and Federal Judgeships Act of 1984" (Public Law 98-353) increased the authorized judgeships for the U.S. district courts from 515 to 575.

The addition of these judgeships, authorized as of July 10, 1984, produced a decline in the average caseload per authorized judgeship for 1985. However, due to the span of time involved in the judicial selection process, a decline in the caseload per actual judge was not realized until sometime later. As of June 30, 1987, 43 of the 575 authorized positions were not filled. Figure 3.2 compares the average number of civil case filings per authorized judgeship with the average number per actual judge. On the basis of authorized judgeship positions, the average

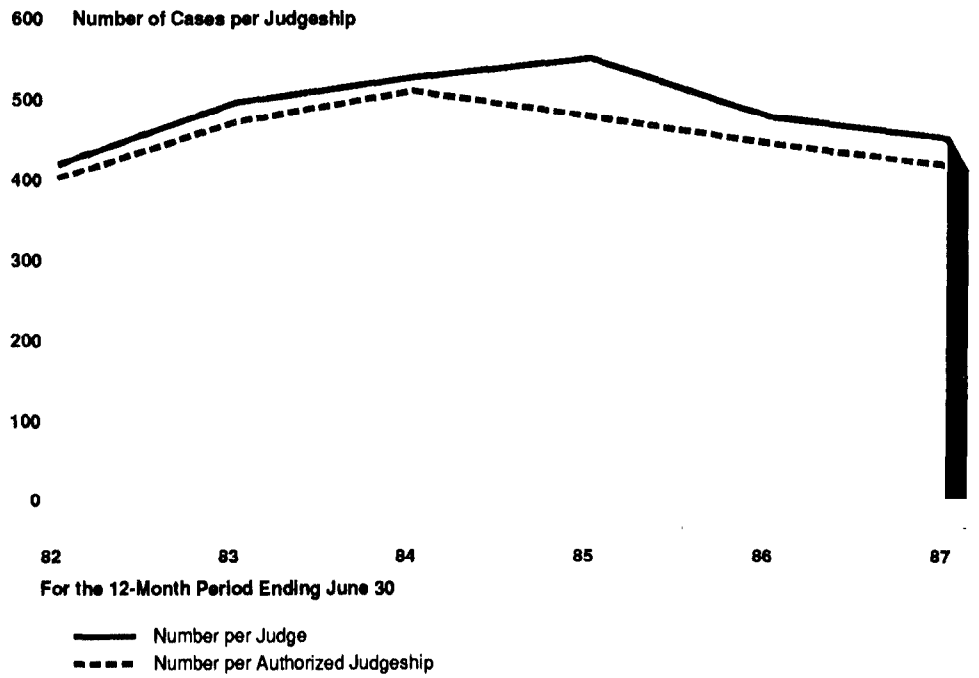
[1]The statistical reporting period for the federal courts and the Administrative Office is the 12-month period beginning July 1 and ending June 30. For the purposes of this report and unless otherwise designated, references to specific years will mean for the 12-month period ending June 30 of the cited year.

Figure 3.1: Civil Caseload Per Authorized Judgeship



peaked at 508 in 1984 and declined to 476 in 1985, 443 in 1986, and 416 in 1987. On the basis of actual judges, the decline did not begin until 1986 when it dropped to 476 compared with 547 in 1985. As vacancies are filled, the average number of civil cases filed per judge should begin to approach the average number filed per authorized judgeship.

Figure 3.2: Civil Case Filings Per Authorized Judgeship and Per Judge



Civil Case Filings Have Decreased

A second reason for the drop in average caseloads per judge is that the number of new civil cases filed in the federal court system declined in 1986 and 1987. Table 3.1 shows a breakdown of civil case filings for 1982-87. Total filings were 206,193 in 1982 and reached 273,670 by 1985. The number of filings decreased to 254,828 and 238,982 in 1986 and 1987, respectively. The decrease of 18,842 cases in 1986 was the first decline experienced by the district courts since 1969.

Table 3.1: Changes in Civil Case Filings for the 12-Month Periods Ending June 30, 1982-87

Type of case	1982	1983	1984	1985	1986	1987
Contract Recovery of overpayment/enforcement of judgment	30,048	41,213	46,190	58,160	40,824	24,208
Other[a]	37,228	42,804	42,041	44,482	47,528	45,332
Real property	8,812	9,667	9,192	10,118	10,674	11,585
Tort	34,218	36,484	37,522	41,593	42,326	42,947
Social security claims	12,812	20,315	29,985	19,771	14,407	13,322
Other[b]	83,075	91,359	96,555	99,546	99,069	101,498
Total	**206,193**	**241,842**	**261,485**	**273,670**	**254,828**	**238,982**

[a]Includes actions such as insurance, marine, and negotiable instruments' claims.

[b]Includes actions such as antitrust, bankruptcy, civil rights, prisoner petition, and forfeiture and penalty matters.

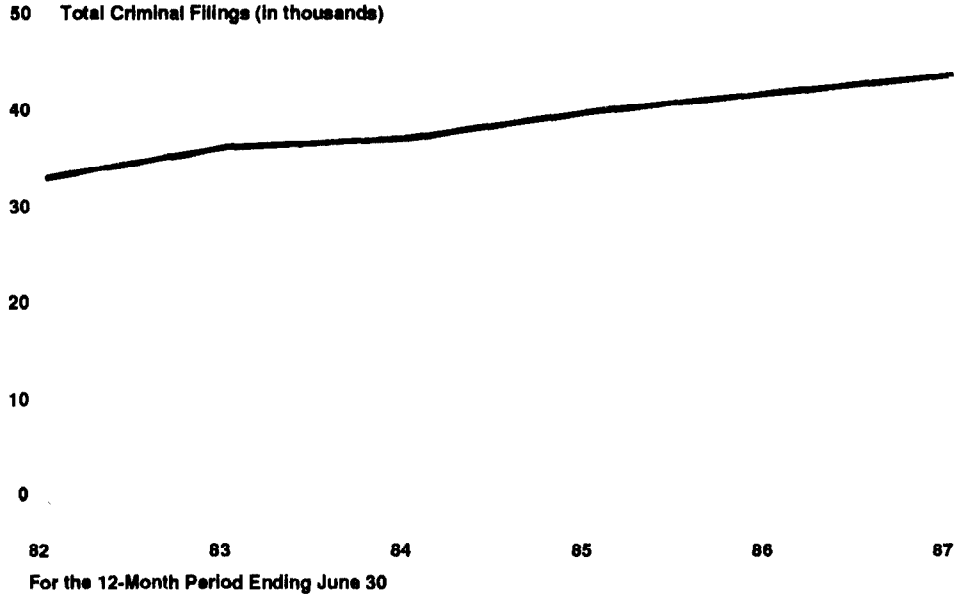
As table 3.1 shows, the largest decrease in 1986 was in contract-related cases involving recovery of overpayments/enforcement of judgments. The next largest decrease in case filings was in cases involving social security claims. The number of overpayments/enforcement of judgments also represented the largest decrease in case filings for 1987.

Direction of Future Caseloads Uncertain

Whether the decline in civil case filings represents a long-term trend in the reduction of federal judicial caseloads is unclear. In its fiscal year 1988 budget presentation, the Administrative Office had projected that civil case filings for fiscal year 1987 and 1988 would be about 261,000 and 275,000, respectively. This would have represented an increase of about 14,000 cases annually over fiscal year 1986 estimates. The expected increase for 1987 did not occur, however, with the number of cases filed decreasing to 238,982.

An additional factor that affects the district court's overall workload is the number of criminal case filings. Criminal case filings did not mirror the decline in civil case filings for 1986 and 1987. Instead, criminal case filings continued to grow. Figure 3.3 shows that criminal case filings rose steadily—from 32,682 in 1982 to 43,292 in 1987.

Figure 3.3: Criminal Case Filings



Despite the decreases in civil cases, however, civil case management practices remain important since they can aid judges in handling the growing criminal caseload.

About Half of the Judges Interviewed in the 10 Districts Perceive They Have a Backlog of Civil Cases

To gain a perspective on whether a civil case backlog existed in the 10 districts we reviewed, we asked the judges we interviewed if, in their opinion, they had a backlog of civil cases. Of the 42 judges interviewed, 22 said they did. As table 3.2 shows, at least one judge in 9 of the 10 districts said he or she had a backlog. In 5 of the 10 districts, more than half of the judges we interviewed said they had a backlog.

Table 3.2: Judges' Perceptions of Whether They Have a Backlog of Civil Cases

District	Number of judges interviewed	Number of judges saying they have a backlog of civil cases
A	3	1
B	3	1
C	5	3
D	7	5
E	5	4
F	3	1
G	3	2
H	7	2
I	3	3
J	3	0
Total	**42**	**22**

Like the increasing number of criminal cases, the perception of a backlog of civil cases emphasizes the importance of using civil case management practices to more effectively and efficiently handle the caseload.

Median Civil Case Processing Time Remains Relatively Constant

According to statistics from the Administrative Office of the United States Courts, the change in civil case processing time[2] remained relatively constant from 1983, when amended Rule 16 went into effect, until 1987 in all 94 federal districts. As shown in table 3.3, for the 10 districts we visited, the median civil case processing time increased in 5 districts, decreased in 4 districts, and remained the same in 1 district from 1983 to 1987. For all 94 districts, the median civil case processing time increased by 1 month from 1983 to 1987.

[2]Case processing time is the time from when a case is filed until final disposition is reached, regardless of whether the case goes to court or is settled before going to trial.

Table 3.3: Median Case Processing Time for Civil Cases Filed for the 12-Month Periods Ending June 30, 1983 and 1987

	1987		1983	
District	Number of Cases	Median Time (in months)	Number of Cases	Median Time (in months)
A	3,148	6	2,188	9
B	1,987	7	1,968	7
C	6,674	5	6,499	3
D	11,422	5	6,580	6
E	3,887	13	3,123	10
F	2,009	13	1,964	9
G	1,744	8	1,845	21
H	10,427	4	7,279	6
I	3,081	9	3,678	6
J	1,310	8	1,916	5
All Districts	200,850	8	184,427	7

Source: Administrative Office of the United States Courts

*U.S. G.P.O. 1988-201-709/60207

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