UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

IN RE: CIVIL JUSTICE REFORM ACT

GENERAL ORDER

NO. 2016- 13

ORDER

IT IS ORDERED that General Order Number 2002-08 entered December 3, 2002 be hereby vacated.

IT IS FURTHER ORDERED that amended Civil Justice Expense and Delay Reduction Plan attached hereto, is adopted by this Court.

Baton Rouge, Louisiana, September 30, 2016.

For the Court:

BRIAN A. JACKSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA

CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLAN

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT

OF LOUISIANA

Adopted January 15, 1998

Amended September 2016

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INTRODUCTION

Many of the provisions of the **Civil Justice Reform Act of 1990,** 28 U.S.C. §471 et seq ("the CJRA") expired on December 1, 1997. On January 15, 1998 the Court entered General Order 98-2 adopting the **Civil Justice Expense and Delay Reduction Plan** ("the Plan") approved by this Court on November 9, 1993 and effective December 1, 1993.

ARTICLE ONE: DIFFERENTIAL CASE MANAGEMENT

(1) Cases Exempted:

The provisions of Article One shall not apply to student loan cases, bankruptcy appeals, motions to vacate sentence, habeas corpus applications, prisoner 1983 cases and social security claims.

Case management of habeas corpus applications, prisoner cases and social security claims shall proceed in accordance with the Court's longstanding practice, set forth in General Orders Nos. 57 and 63.

(2) Timing:

Within 14 days after the action has been filed, the Court shall issue an order scheduling a preliminary conference. Such conference will be scheduled no later than 120 days after filing of the complaint. The form of notice shall be uniform for all judicial officers.

(3) Officer Presiding:

The preliminary conference shall be conducted by a judicial officer. This conference may be conducted by telephone to convenience counsel and to reduce expense.

(4) Scope of Preliminary Conference:

The preliminary conference shall:

(a) provide for an early neutral evaluation, establish requirements and deadlines and disclosure of witness identities, documents and other exhibits, damage computations, and insurance agreements;

(b) establish deadlines for depositions and other discovery;

(c) establish deadlines for filing of motions, amending pleadings, and adding parties;

(d) establish deadlines for exchange of reports of expert witnesses;

(e) determine (i) the feasibility of limiting discovery below the limits established in the Federal Rules of Civil Procedure, the Local Rules or the Plan, or (ii) whether due to the complexity of the case those limits might be exceeded;

(f) discuss the possibility of settlement and the need and date for any further settlement conference;

(g) establish case completion goal and final pretrial conference.

(h) discuss any other matter appropriate for effective management of the case by the Court.

(5) Attendance:

Participants at the preliminary conference shall be the trial attorney designated pursuant to Local Rule or any counsel of record on pleadings already filed with full authority to make decisions and agreements that bind the client, unless permission for attendance by other counsel is obtained from the Court in advance.

(6) Scheduling and Management Order:

Following the preliminary conference, the Court shall issue an order establishing all disclosure requirements and deadlines, discovery deadlines and limits, if any, and final pretrial conference date. All sections of the Court shall employ a uniform order.

ARTICLE TWO: DISCLOSURE AND DISCOVERY

(1) Disclosure:

(a) Medical and Expert Witnesses:

Counsel shall furnish copies of all medical reports to all opponents within the time limits set by the court.

Unless leave of court is obtained, no physician will be permitted to testify with respect to findings on examination where report of such examination is not furnished to opposing counsel within the time limits set by the court.

With respect to expert witnesses other than medical experts, names and written reports of such experts plaintiff and defendant intend to call shall be furnished to opposing counsel within the time limits set by the court.

All expert witnesses, including medical experts, who will testify must submit written reports so that the parties can comply with this order.

(b) Other Disclosure:

Other voluntary disclosure shall be completed as ordered by the Court.

Disputes between the parties concerning disclosure shall be subject to the same procedures as for discovery disputes set forth in the Local Rules.

(2) Discovery Limits:

The number of interrogatories that may be served upon any party is limited to twenty-five (25) in accordance with Fed.R.Civ.P Rule 33(a). Requests for admission shall also be limited to twenty-five (25) in accordance with LR 36(b).

Discovery depositions shall be conducted and limited as ordered by the Court.

Judicial officers assigned to cases will, in consultation with counsel, in appropriate cases impose limits on discovery more restrictive than those established above, or if the case is complex, extend such limits.

ARTICLE THREE: MOTION PRACTICE

(1) Motions for postponement of trial shall be accompanied by the certificate of an attorney of record, signed pursuant to Fed. R. Civ. P. 11, certifying that his client has been advised by the signing attorney that the attorney has initiated or consented to a motion to continue the trial and that the client has been provided with a copy of the motion or consent. Any such motion shall be filed in complete compliance with applicable provisions of Local Rules.

(2) Motions shall be decided by the presiding judicial officer as soon as practicable. Discovery motions and motions to remand should be given priority.

ARTICLE FOUR: ALTERNATIVE DISPUTE RESOLUTION

If the presiding judicial officer determines at any time that the case will benefit from alternative dispute resolution, the judicial officer shall:

(a) have discretion to refer the case to private mediation, if the parties consent, even if such mediation efforts upset previously set or other dates;

(b) have discretion to order nonbinding mini-trial or nonbinding summary jury trial before a judicial officer with or without the parties' consent; or

(c) employ other alternative dispute resolution programs which may be designated for use in this district.

ARTICLE FIVE: MISCELLANEOUS

(1) Final Pretrial Conference and Pretrial Order:

Pretrial orders shall be prepared for each case according to a uniform form of Pretrial Notice and Instructions, to be used by all sections of the Court and provided to counsel as an attachment to the order issued following the preliminary conference.

The judicial officer who will preside over the trial shall preside over all final pretrial conferences. If necessary, the district judge may designate a magistrate judge to conduct this conference.

(2) Settlement Conferences:

In its order following the preliminary conference described in Article One above, the Court shall state that a conference will be scheduled at the request of any party for the purpose of discussing settlement.

The presiding judge with responsibility for trying the case shall preside over any settlement conference requested by any party or make arrangements for it to be conducted by another District Judge or Magistrate Judge.

Participants at any settlement conference must include counsel of record with authority to bind settlement. The Court may, in appropriate cases, specifically require attendance at a settlement conference by the parties to the suit or by representatives of the parties with authority to bind settlement.

(3) Telephone Attendance:

Attendance of counsel by telephone, when feasible, may be permitted by the Court.

(4) Trial Settings:

Although all sections of the Court may set more than one case for trial on any given date or on any day during any particular trial week, it will be the policy of all sections of this court to set a single trial on a specific date.

If the Court cannot adhere to a trial date, and is unable to provide another judicial officer to try the case as scheduled, the judge shall advise counsel as soon as practicable and continue the trial. Such a continued case should be given calendared preference thereafter.

(5) Non-Jury Trial Decisions:

Decisions in non-jury cases shall be determined by the presiding judicial officers as soon as practicable.

(6) Advisory Group

The Court in its discretion may appoint an Advisory Group made up of attorneys and other litigant representatives from the district to assess the court's docket and propose recommendations for reducing cost and delay.

(7) Conflict with Other Rules:

In the event the rules or procedures in the Plan conflict with other Local Rules or procedures of this Court, this Plan shall prevail.

(8) Plan Modification

The Plan may be modified by the Court at any time after consultation with the Advisory Group should one be appointed by the Court.