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Civil Justice

Report (DOJ)

DRAFT: December 10, 1993

Access to Justice Project

Topics for Consideration

I. Alternative Dispute Resolution/Settlement Procedures

- A. Pre-complaint Notice Procedures
- B. Justice Department ADR Initiatives (Guidance revision, education and training, pilot programs, funding, performance and evaluation)
- C. Tailoring ADR Techniques to Cases and Controversies (mandatory v. voluntary, court-sponsored v. private, binding v. non-binding)
- D. The Kinds of Cases to Which ADR is Applicable
- E. Offers of Settlement (e.g. Fee shifting/amendment of FRCP 68)
- F. Increased Access for Poor or Middle Income Litigants
- G. Application to Non-commercial Disputes (custody, divorce, landlord/tenant, etc.)
- H. Training, Evaluation and Ethics of ADR Providers
- I. Client Agency Use of Appropriate and Effective ADR (e.g. Conciliation process at HUD)

II. Discovery

- A. Limitations on discovery (depositions, interrogatories, production of documents)
- B. Voluntary or Mandatory Disclosure of "Core" Information
- C. Use of Phased Discovery
- D. Time Limitations/Discovery Plans
- E. Sanctions for Discovery Abuse
- F. Relevancy under FRCP 26(b)(1)
- G. Use and Costs of Technology in Discovery
- H. Protective Orders
- I. Resolution of Discovery Disputes

III. Case Management and Trial Process

- A. Role of the Juror in Civil Trials
- B. Evaluation of and Response to CJRA Recommendations
- C. Court Supervision of Cases and Lawyers
- D. Differentiated or "Tiered" Case Management
- E. Press and the Courts
- F. Expert Evidence Reforms

- G. Use and Cost of Technology in Trials
- H. Class Actions/Multi-District Litigation
- I. Post Trial Proceedings

IV. Access To Justice

- A. Bias Issues Relating to Gender, Race, Ethnicity, Language, and Disability
- B. Pro Bono Representation (including mandatory pro bono)
- C. Adequacy and Scope of Legal Services
- D. Pro Se and in forma pauperis Appearances
- E. Alternative Dispute Resolution (as it relates to increasing access to justice)
- F. Cost Shifting Proposals
- G. Attorneys' Fees (including calculation and fee shifting proposals)

V. Court Resources

- A. Use of Court Personnel and Staffing
- B. Court Funding
- C. Funding and Conduct of Research on Civil Justice Issues
- D. Structural Reforms and Jurisdiction
- E. Allocation of Business Between Federal and State Courts
- F. Reducing Unnecessary Government Litigation (use of "Reg-Neg", judicial impact statements, and review of applicable Executive Orders)