

As you know, I will be leading a program with you at the upcoming Eighth Circuit Conference. You may have heard buzz about the "Vanishing Trial," which will be the jumping-off point for our discussion.

In particular, we will consider: (1) what relationship, if any, exists between declining trial rates and the institutional goals of district courts in the Eighth Circuit?, and (2) what strategies for district court administration make most sense given recent trends in your courts?

I am attaching two fairly short articles I have written on the subject. At our program, I will briefly summarize some of the points in these articles, but I think you will get more out of the program if you read them in advance.

Also to prepare for the program, I am asking you to take a few minutes to send me an email responding to the following questions. In my initial presentation, I will summarize your responses to these questions. I will keep your individual responses confidential though you will certainly be free to state your views during the discussion. Indeed, I will keep my remarks relatively short so that we can spend most of the time discussing these issues.

Although the primary purpose of these questions is to provide information for this program, I plan to write another article using this information and matters arising from our discussion. In the article, I will not identify any individual or court, other than to say that this information came from a group of clerks in the Eighth Circuit. This is research subject to federal regulations and there is an informed consent disclosure below with more information about this. If you do not want me to use your responses for the article, please indicate that in your email response.

THIS QUESTIONNAIRE SHOULD NOT TAKE LONG TO COMPLETE. PLEASE SEND ME YOUR REPLY BY FRIDAY, SEPTEMBER 30 SO THAT I HAVE TIME TO SUMMARIZE ALL YOUR RESPONSES.

1. What are your most IMPORTANT RESPONSIBILITIES AND GOALS in your role as court clerk?
2. What are your most DIFFICULT PROBLEMS in your role as court clerk?
3. What EFFORTS HAVE BEEN MADE IN YOUR COURT TO ACHIEVE THE GOALS AND OVERCOME THE PROBLEMS described in the preceding questions?
4. Have the TRIAL RATES IN YOUR COURT declined significantly in the past 10 years or so? Briefly describe any changes in trial rates during this period. Please provide your general impressions. If you have statistical data for this period, please include with your response.

5. Why do you think that the trial rates in your court have changed in this period (or remained stable if that's the case)?
6. What PROBLEMS do you think have resulted from the pattern of trial rates in your court during this period?
7. What BENEFITS do you think have resulted from the pattern of trial rates in your court during this period?
8. Describe what you know about the prevailing attitudes of the JUDGES on your court about changes in trial rates in your court and the effects of those changes.
9. Describe what you know about the prevailing attitudes of the LAWYERS who practice in your court about changes in trial rates in your court and the effects of those changes.
10. What effect, if any, has the Civil Justice Reform Act (CJRA) of 1990 had on litigation in your court? (If you did not work at your court during the implementation of the CJRA, please ask judges or lawyers who could provide good information about this.)
11. What effect, if any, did the CJRA advisory groups have in your court?

Thanks very much. I look forward to discussing this with you in Colorado.

Sincerely,

John

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