APPENDICES

to

Local Rules of Court
Middle District
of Tennessee

Effective May 4, 2011

APPENDIX 1 - Alternative Dispute Resolution

APPENDIX 1(a) Ethical Guides for Evaluators, Mediators and Arbitrators

Guide 1, General Rules:
(a) The principal guide for ethical rules and considerations for Mediators, Arbitrators and Evaluators under these rules is 28 U.S.C. § 455 that applies to judicial officers. Section 455 has two principal substantive subsections. Subsection (a) requires a judicial officer to disqualify himself "in any proceeding in which his impartiality might reasonably be questioned." Parties may waive objection to grounds for disqualification under Subsection 455(a) only if the possible grounds for the question about impartiality are fully disclosed. A ground for disqualification under Subsection 455(b), however, cannot be waived under any circumstances.
(b) A Mediator, Arbitrator or Evaluator who believes that there might be a reasonable basis for questioning his or her impartiality under Subsection 455(a), must disclose the basis for such belief in a letter sent simultaneously to all counsel in the referred action. If none of the lawyers to whom this disclosure is made files a written objection with the Court with a copy to the Mediator, Arbitrator or Evaluator within ten calendar days of receiving the letter, then there is no need for the assigned Mediator, Arbitrator or Evaluator to withdraw. If the Court receives a timely notice of objection, the Court will appoint a different ADR panel member.

Guide 2, Disqualification under Subsection 455(a): There are five situations that clearly trigger ethical considerations under Section 455(a). In these circumstances, disqualification is automatic, unless the parties freely consented after full disclosure of facts giving rise to any conflict of interest.
(a) An appointed arbitrator, mediator or evaluator represents a party in another case in which one of the lawyers who would appear at the ADR proceeding also represents a party.
(b) Where one of the lawyers who would appear at the ADR proceeding is involved in another case in which one of the lawyers in the neutral's firm (but not the neutral) is representing a party, disqualification is not automatic.
(c) If the Arbitrator, Mediator or Evaluator represents in some other case one of the parties who would appear at the ADR proceeding, or the Arbitrator, Mediator or Evaluator has been engaged by such a party to perform some other kind of service (e.g., to provide business advice).
(d) In the past, the Arbitrator, Mediator or Evaluator represented in some other case one of the parties who would appear at an ADR proceeding, or in the past the Arbitrator, Mediator, or Evaluator was engaged by such a party.
(e) A lawyer in the firm in which the Arbitrator, Mediator or Evaluator currently works represents in some other case one of the parties who would appear at the ADR proceeding, or such a lawyer is now or has been in the past engaged by such a party to perform any other kind of service.

Guide 3, Disqualification under Subsection 455(b): The principal grounds for mandatory disqualification under Subsection (b), include where the Arbitrator, Mediator, or Evaluator
(a) is biased or prejudiced concerning a party to this case;
(b) has personal knowledge of evidentiary facts that are disputed in this case;
(c) serves or has served as a lawyer in the case;

(d) has one or more of the persons listed below serving as a lawyer in this case or is a party to this case or is an officer, director, or trustee of a party to this case, or a material witness in the case - i.e., children, parents, siblings, grandchildren, grandparents, great grandchildren, great grandparents, uncles and aunts, nieces and nephews;
(e) has a partner or an associate in his or her firm who is serving or has served as a lawyer in this case;
(f) has a lawyer with whom he or she has had a private practice in the past, or who was associated with that lawyer, or who is likely to be a material witness in the case;
(g) was "in governmental employment," and the Arbitrator, Mediator or Evaluator offered advice or served as a material witness with respect to this case, or expressed an opinion about the merits of this case;
(h) has directly or indirectly, or as a fiduciary, or his or her spouse, or any of the neutral's minor children who live with the neutral, have a financial interest in this case or in any party to it; or
(i) has directly, or indirectly, or as a fiduciary, or any of the persons listed in subsection (4) of this Rule, had any kind of interest (financial or otherwise) that could be substantially affected by the outcome of this case.

Guide 4, Additional Disclosure by Panel Members:
(a) In addition to the above circumstances, the Arbitrator, Mediator or Evaluator shall fully disclose to all parties any other matter that may give rise to a potential conflict of interest.
(b) A lawyer acting as a Mediator, Arbitrator, or Evaluator in any matter under these Rules shall explain to the parties that the Arbitrator, Mediator or Evaluator is not representing any of them and that traditional protections of representation such as the attorney-client privilege will not apply to the ADR proceeding. The Mediator, Arbitrator or Evaluator shall explain the applicable confidentiality rules for the proceeding and the extent of any required reporting.

Guide 5, Conduct at ADR Proceedings: In addition to the principles of Subsection 455(a) and (b), the following ethical considerations also apply to any Arbitrator, Mediator or Evaluator under this Rule:
(a) The Arbitrator, Mediator or Evaluator should maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by appearance, word or by action, and a commitment to serve all parties as opposed to a single party. The Arbitrator, Mediator or Evaluator should refrain from entering or continuing any dispute if he or she perceives that participation as an Arbitrator, Mediator or Evaluator would be a clear conflict of interest. The Arbitrator, Mediator or Evaluator should also disclose any circumstances that may create or give the appearance of a conflict of interest and any circumstances that may raise a question as to the ADR panel member's impartiality. The duty to disclose is a continuing obligation throughout the process.
(b) Arbitrators, Mediators or Evaluators shall not use information disclosed during the ADR proceeding for private gain or advantage nor shall an ADR panel member seek publicity from his or her participation in any specific ADR activity in an effort to enhance his or her position.
(c) Without the consent of all parties, a neutral shall not subsequently establish a professional relationship with any of the parties in the matter which is the subject matter of the proceedings. A neutral shall not subsequently establish a professional relationship with any of the parties in an

unrelated matter under circumstances which would raise legitimate questions about the integrity of the ADR process. The provision on unrelated matters shall not apply to persons practicing law with such neutral. Chinese walls may be used where appropriate to avoid any appearance of impropriety or sharing of any sensitive information which might raise legitimate questions about the integrity of the ADR process. By agreement in writing, parties to ADR proceedings may provide otherwise as to limitations on the role of the neutral subsequent to the ADR proceeding.

(d) Any Arbitrator, Mediator or Evaluator is barred from taking contingency fees, or fees other than provided by these Rules, that would give him or her a stake in the substantive outcome of the ADR proceeding.

(e) Only Mediators and Evaluators are permitted to have ex parte conferences with the parties or counsel.

(f) In any personal advertisement, an Arbitrator, Mediator or Evaluator shall not make any claims about his or her participation in the ADR program of the District Court other than the simple statement that the neutral is a member of the ADR panel of this Court.

(g) A Mediator or Evaluator may suggest to any pro se litigant that such party should consult with independent counsel for legal advice and describe the advantages of seeking this counsel.

(h) A Mediator or Evaluator may draft a settlement agreement, but must advise and encourage all parties to seek independent legal counsel before executing it.

Guide 6, Maintaining Records for Conflicts: To maximize the detection of circumstances that might give rise to concerns about ethical conflicts, each Arbitrator, Mediator or Evaluator must enter the relevant data about each action referred to him or her under these rules, and the identities of parties and counsel into his or her firm's system for clearing for conflicts of interests. That system should alert the ADR Panel member if, after originally clearing an ADR referral, a new matter that creates concerns about conflicts is accepted by some other lawyer in his or her firm.

APPENDIX 1(b) Suggested Conference Protocol for Mediation

(a) Submission of Conference Statements and Documents: At least seven (7) days before the mediation conference**,** each party shall submit an ex parte separate conference statement which shall specify their respective settlement positions. Each statement is to be furnished only to the Mediator and not to the other side. The statements shall not be filed with the Clerk of the Court. In their respective statements, plaintiff(s) and defendant(s) shall make a candid assessment of the strengths and weaknesses of both sides of the case and shall make an appraisal of the issue of liability and a status of the parties' settlement discussions, if any. Plaintiff's statements shall contain an assessment from plaintiff's viewpoint of plaintiff's damages and the strengths and weakness of plaintiff's position. Defendant's statement shall contain an assessment of the plaintiff's damages, defendant's exposure to those damages, and their respective strengths and weaknesses of defendant's position. Nothing in the way of a jury speech shall be contained in the mediation conference statements. Each statement shall contain an assessment of the economic cost of proceeding to trial.

Each conference statement shall contain a statement of the settlement authority extended by the client based on the attorney's written evaluation and opinion which shall be furnished to the respective clients in sufficient time to obtain express settlement instructions.

(b) Presentations: A party's initial presentation to a mediator shall be limited to thirty (30) minutes a side unless there are multiple parties or unusual circumstances warranting additional time. Statements by counsel in a brief or in summary presentation are inadmissible in any court or evidentiary proceeding. The Federal Rules of Evidence do not apply at the mediation conference. Factual information having a bearing on the question of damages must be supported by documentary evidence whenever possible. The mediator may request information on the applicable insurance limits and the status of settlement negotiations.

(c) Additional Conference: The mediator may schedule additional mediation conferences.

(d) Mediator's Duties: At the mediation conference, the Mediator has the following responsibilities:

(1) to assist the parties in identifying areas of agreement and, where feasible, enter stipulations;

(2) to explore with the parties, their contentions and evidence;

(3) to encourage each party to estimate, where feasible, the likelihood of liability and the dollar range of damages;

(4) to assist the parties in identifying alternative and innovative approaches to settlement;

(5) to determine whether a follow-up session would contribute to the case management process or to the likelihood of settlement; and

(6) to advise the parties, if appropriate, about the availability of another ADR process that might assist in resolving the dispute.

Upon agreement of the parties, the Mediator may act as an Evaluator.

APPENDIX 1(c) Protocol for Early Neutral Evaluation

Evaluation Statements: No later than seven (7) days prior to the evaluation conference, each party shall submit directly to the Evaluator a written evaluation statement. Such statements shall not exceed 15 pages (not counting exhibits and attachments). The written evaluations shall not be filed with the court and shall not be shown to the assigned judge.

(a) Evaluation statements may include any information that counsel deems useful, but they must:

(1) identify the person(s), in addition to counsel, who will attend the session as a representative of the party with the decision-making authority;

(2) describe briefly the substance of the action;

(3) list each witness who will testify in support of a claim or defense and state in summary what the witness will say; each attorney shall attach to their written evaluation statements copies of documents out of which the action arose (e.g., contracts), which would materially advance the purposes of the evaluation session (e.g., medical or expert reports or documents by which special damages might be determined);

(4) state the legal or factual issues, the early resolution of which might appreciably reduce the scope of the dispute or contribute significantly to settlement negotiations; and

(5) identify the discovery that promises to contribute most to equipping the parties for meaningful settlement negotiations.

(b) Parties may identify in these statements persons connected to a party opponent, e.g., a representative of a party opponent's insurance carrier) whose presence at the evaluation session would improve substantially the prospects for making the session productive; the fact that a person has been so identified, however, shall not, by itself, result in an order compelling that person to attend the ENE session.

(c) Procedure at the Evaluation Session:

(1) The evaluators possess considerable discretion in structuring the evaluation sessions, but the sessions shall be informal. The Federal Rules of Evidence shall not apply. There shall be no formal examination or cross examination of witnesses.

(2) In each case**,** the evaluator shall:

a. permit each party (through counsel or otherwise) to make an oral presentation of its position;

b. assist the parties in identifying areas of agreement and, where feasible, enter stipulations;

c. assess the relative strengths and weaknesses of the parties' contentions and evidence, and explain as carefully as possible the reasoning of the evaluator that supports these assessments;

d. estimate, where feasible, the likelihood of liability;

e. help the parties devise a plan for sharing the important information and/or conducting the key discovery that will equip them as expeditiously as possible to enter into meaningful settlement discussions or to posture the case for disposition by other means;

f. determine whether a follow-up session would contribute to the case management process or to settlement;

g. upon request of the parties, to give an evaluation of the probable outcome if the case is tried as to the dollar value of each claim and counterclaim;

h. if the parties are interested, and upon agreement of the parties, act as a mediator or otherwise assist in settlement negotiations either before or after presenting his or her evaluation, and explore the possibility of settling the case;

i. advise the parties, if appropriate, about the availability of another ADR process that might assist in resolving the dispute; and

j. report, in writing within fourteen (14) days after the ENE conference, to the ADR Coordinator: the fact that the ENE process was completed, any agreements reached by the parties, and the Evaluator's recommendation, if any, as to future ADR processes that might assist in resolving the dispute.

APPENDIX 1(d) Protocol for Nonbinding Arbitration

(a) In addition to the procedure set forth in the Arbitration statutes, 28 U.S.C. §§ 651 through 658, at an arbitration conference under these rules, the Arbitrator may also adopt the following measures:

(1) Permit each party to make a brief oral presentation of its position, without interruption, through counsel or otherwise, at the opening and closing of the arbitration hearing;

(2) Allow each party to call two witnesses and such additional witnesses as the Arbitrator deems necessary to reach a decision;

(3) Require, prior to the arbitration conference, counsel to confer with regard to physical exhibits, including documents and reports, and reach such agreement as is possible as to the use of such exhibits;

(4) Admit only evidence that would be admissible at trial upon the merits. Attorneys may summarize and comment upon the evidence, but counsel may only make factual representations supportable by reference to discovery materials, including depositions, stipulations, signed statements of witnesses, or other documents, or by a representation, as an officer of the court, that counsel personally spoke to the witness and is repeating what the witness stated to counsel; and

(5) Discourage objections, but entertain them if, in the course of presentation, counsel goes beyond the limits of propriety in presenting statements as to evidence or argument thereon.

(b) After counsel's presentations, the Arbitrator will be given fourteen (14) days to provide an abbreviated written decision on the merits.

(c) Although the Arbitrator's decision is nonbinding, counsel may stipulate that the Arbitrator's decision will be deemed a final determination on the merits and the judgment may be entered thereon. The parties may stipulate to such other use of the decision that will aid in the resolution of the case.

(d) The statements at the conference, other than clearly discoverable matters and evidence, as well as the Arbitrator's decision, shall be confidential and shall not be disclosed by any person except as provided in Rule 16.08 of these Rules.

APPENDIX 1(e) Suggested Duties of the ADR Coordinator

As the Administrator of the ADR Program, the ADR Coordinator may:

(a) oversee training for the ADR panel members;

(b) collect and maintain biographical data with respect to members of the ADR Panel to permit assignments commensurate with the experience, training, and expertise of the panelists and make the list of Panelists and the biographical data available to parties and counsel;

(c) prepare applications for funding of the ADR Program by the United States government and other parties;

(d) prepare reports required by the United States government or other parties with respect to the use of funds in the operation and evaluation of the program; and

(e) develop and maintain such forms, records, docket control, and data as may be necessary to administer and evaluate the program.

APPENDIX 2 – Speedy Trial Plan

PLAN FOR PROMPT DISPOSITION

OF CRIMINAL CASES

Final Plan pursuant to Speedy Trial
Act of 1974, as amended,
Title 18 U.S.C. §§ 3165(c), (e)(3)

United States District Court
Middle District of Tennessee

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

PLAN FOR PROMPT DISPOSITION OF CRIMINAL CASES

CONTENTS

		Page
Section I	Introductory Material	1
Section II	State of Time Limits and Procedures for Implementing Them	3
Section III	Summary of Experience Under the Act Within the District	28
Section IV	Statement of Procedures and Innovations That Have Been Adopted by the District Court to Expedite the Disposition of Criminal Cases in Accordance with the Speedy Trial Act (18 U.S.C. § 3167 (b))	34
Section V	Statement of Additional Resources Needed, if Any, to Achieve Compliance with the Act (18 U.S.C. § 3166 (d))	36
Section VI	Recommendations for Changes in Statutes, Rules, or Administrative Procedures (18 U.S.C. §§ 3166 (b)(7), (d), (e))	37
Section VII	Incidence and Length of, Reasons for, and Remedies for Detention Prior to Trial (18 U.S.C. § 3166 (b)(6))	38
Section VIII	Statistical Tables	39
	Certificates of Approval	48

IN THE UNITED STATES DISTRICT COURT

FOR THE

MIDDLE DISTRICT OF TENNESSEE

Plan for Prompt Disposition of Criminal Cases under the Speedy Trial Act of 1974, as Amended.

I

Introductory Material

A. Pursuant to the requirements of rule 50(b) of the Federal Rules of Criminal Procedure, the Speedy Trial Act of 1974 (18 U.S.C. chapter 208), the Speedy Trial Act Amendments Act of 1979 (Pub. L. No. 96-43, 93 Stat. 327), and the Federal Juvenile Delinquency Act (18 U.S.C. §§ 5036, 5037), the judges of the United States District Court for the Middle District of Tennessee have adopted the following time limits and procedures to minimize undue delay and to further the prompt disposition of criminal cases and certain juvenile proceedings.

B. The members of the Speedy Trial Planning Group for the Middle District of Tennessee are :

Honorable L. Clure Morton
Chief Judge
United States District Court

Honorable Thomas A. Wiseman, Jr.
United District Court Judge
United States District Court

Honorable John T. Nixon
United District Court Judge
United States District Court

Honorable Kent Sandidge, III
United States Magistrate

Honorable Hal D. Hardin
United States Attorney

Don E. Savage
Chief United States Probation Officer

Julia B. Cross (Mrs.)
United States District Court Clerk

William J. Evins, Jr.
United States Marshal

William H. Farmer
Federal Public Defender

John E. Buffaloe, Jr.
Attorney

Joseph Martin, Jr.
Attorney

John S. Stanton
Reporter

C. This Plan will be printed and copies will be made available for public inspection in the Office of the United States District Court Clerk, 800 United States Courthouse, Nashville, Tennessee 37203. Copies may be obtained in person, or by mail addressed to the Clerk at the above address

II

Statement of Time Limits and Procedures for Implementing Them

Pursuant to the requirements of rule 50(b) of the Federal Rules of Criminal Procedure, the Speedy Trial Act of 1974 (18 U.S.C. chapter 208), the Speedy Trial Act Amendments Act of 1979 (Pub. L. No. 96-43, 93 Stat. 327), and the Federal Juvenile Delinquency Act (18 U.S.C. §§ 5036, 5037), the judges of the United States District Court for the Middle District of Tennessee have adopted the following time limits and procedures to minimize undue delay and to further the prompt disposition of criminal cases and certain juvenile proceedings:

1. Applicability.

(a) Offenses. The time limits set forth herein are applicable to all criminal offenses triable in this court,* including cases triable by United States magistrates, except for petty offenses as defined in 18 U.S.C. § 1(3). Except as specifically provided, they are not applicable to proceedings under the Federal Juvenile Delinquency Act. (§ 3172)

(b) Persons. The time limits are applicable to persons accused who have not been indicted or informed against as well as those who have, and the word "defendant" includes such persons unless the context indicates otherwise.

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*18 U.S.C. § 3172 defines offense as "any Federal criminal offense which is in violation of any Act of Congress . . ."

2. Priorities in Scheduling Criminal Cases.

Preference shall be given to criminal proceedings as far as practicable as required by rule 50(a) of the Federal Rules of Criminal Procedure. The trial of defendants in custody solely because they are awaiting trial and of high-risk defendants as defined in section 5 should be given preference over other criminal cases. (§ 3164(a)).

3. Time Within Which an Indictment or Information Must be Filed.

(a) Time Limits. If an individual is arrested or served with a summons and the complaint charges an offense to be prosecuted in this district, any indictment or information subsequently filed in connection with such charge shall be filed within 30 days of arrest or service. (§ 3161 (b))

(b) Grand Jury Not in Session. If the defendant is charged with a felony to be prosecuted in this district, and no grand jury in the district has been in session during the 30-day period prescribed in subsection (a), such period shall be extended an additional 30 days. (§ 3161(b))

(c) Measurement of Time Periods. If a person has not been arrested or served with a summons on a Federal charge, an arrest will be deemed to have been made at such time as the person (i) is held in custody solely for the purpose of responding to a Federal charge; (ii) is delivered to the custody of a Federal official in connection with a Federal charge; or (iii) appears before a judicial officer in connection with a Federal charge.

(d) Related Procedures.

(1) At the time of the earliest appearance before a judicial officer of a person who has been arrested for an offense not charged in an indictment or information, the judicial officer shall establish for the record the date on which the arrest took place.

(2) In the absence of a showing to the contrary, a summons shall be considered to have been served on the date of service shown on the return thereof.

4. Time Within Which Trial Must Commence.

(a) Time Limits. The trial of a defendant shall commence not later than 70 days after the last to occur of the following dates:

(1) The date on which an indictment or information is filed in this district;

(2) The date on which a sealed indictment or information is unsealed; or

(3) The date of the defendant's first appearance before a judicial officer of this district.

(§ 3161(c)(1))

(b) Retrial; Trial After Reinstatement of an Indictment or Information. The retrial of a defendant shall commence within 70 days from the date the order occasioning the retrial becomes final, as shall the trial of a defendant upon an indictment or information dismissed by a trial court and reinstated

following an appeal. If the retrial or trial follows an appeal or collateral attack, the court may extend the period if unavailability of witnesses or other factors resulting from passage of time make trial within 70 days impractical. The extended period shall not exceed 180 days. (§§ 3161(d)(2), (e))

(c) Withdrawal of Plea. If a defendant enters a plea of guilty or nolo contendere to any or all charges in an indictment or information and is subsequently permitted to withdraw it, the time limit shall be determined for all counts as if the indictment or information were filed on the day the order permitting withdrawal of the plea became final. (§ 3161(i))

(d) Superseding Charges. If, after an indictment or information has been filed, a complaint, indictment, or information is filed which charges the defendant with the same offense or with an offense required to be joined with that offense, the time limit applicable to the subsequent charge will be determined as follows:

(1) If the original indictment or information was dismissed on motion of the defendant before the filing of the subsequent charge, the time limit shall be determined without regard to the existence of the original charge. (§ 3161(d)(1))

(2) If the original indictment or information is pending at the time the subsequent charge is filed, the trial shall commence within the time limit for commencement of trial on the original indictment or information. (§ 3161(h)(6))

(3) If the original indictment or information was dismissed on motion of the United States Attorney before the filing of the subsequent charge, the trial shall commence within the time limit for commencement of trial on the original indictment or information, but the period during which the defendant was not under charges shall be excluded from the computations. Such period is the period between the dismissal of the original indictment or information and the date the time would have commenced to run on the subsequent charge had there been no previous charge.* (§ 3161(h)(6))

If the subsequent charge is contained in a complaint, the formal time limit within which an indictment or information must be obtained on the charge shall be determined without regard to the existence of the original indictment or information, but earlier action may in fact be required if the time limit for commencement of trial is to be satisfied.

(e) Measurement of Time Periods. For the purposes of this section:

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*Under the rule of this paragraph, if an indictment was dismissed on motion of the prosecutor on May 1, with 20 days remaining within which trial must be commenced, and the defendant was arrested on a new complaint on June 1, the time remaining for trial would be 20 days from June 1: the time limit would be based on the original indictment, but the period from the dismissal to the new arrest would not count. Although the 30-day arrest-to-indictment time limit would apply to the new arrest as a formal matter, the short deadline for trial would necessitate earlier grand jury action.

(1) If a defendant signs a written consent to be tried before a magistrate and no indictment or information charging the offense has been filed, the time limit shall run from the date of such consent.

(2) In the event of a transfer to this district under Rule 20 of the Federal Rules of Criminal Procedure, the indictment or information shall be deemed filed in this district when the papers in the proceeding or certified copies thereof are received by the Clerk.

(3) A trial in a jury case shall be deemed to commence at the beginning of voir dire.

(4) A trial in a non-jury case shall be deemed to commence on the day the case is called, provided that some step in the trial procedure immediately follows.

(5) In the event a defendant does not personally appear before a judicial officer in this district, but instead waives personal appearance at arraignment and enters a plea of not guilty by submitting an executed form captioned "Waiver of Personal Appearance at Arraignment and Entry of Plea of Not Guilty" to the U. S. Magistrate, for the purposes of the Speedy Trial Act of 1974 as amended, defendant's first appearance in this district will be determined to be on the date the submitted form is marked "File" by the Clerk.

(f) Related Procedures.

(1) At the time of the defendant's earliest appearance before a judicial officer of this district, the officer will take appropriate steps to assure that the defendant is represented by counsel and shall appoint counsel where appropriate under the Criminal Justice Act and Rule 44 of the Federal Rules of Criminal Procedure.

(2) The court shall have sole responsibility for setting cases for trial. At the time of arraignment or as soon thereafter as is practicable, each case will be set for trial on a day certain or listed for trial on a weekly or other short-term calendar. (§ 3161(a))

(3) Individual calendars shall be managed so that it will be reasonably anticipated that every criminal case set for trial well be reached during the week of original setting. A conflict in schedules of Assistant United States Attorneys or defense counsel will be grounds for a continuance or delayed setting only if approved by the court and called to the court's attention at the earliest practicable time.

(4) In the event that a complaint, indictment, or information is filed against a defendant charged in a pending indictment or information or in an indictment or information dismissed on motion of the United States Attorney, the trial on the new charge shall commence

within the time limit for commencement of trial on the original indictment or information unless the court finds that the new charge is not for the same offense charged in the original indictment or information or an offense required to be joined therewith.

(5) At the time of the filing of a complaint, indictment, or information described in paragraph (4), the United States Attorney shall give written notice to the court of that circumstance and of his position with respect to the computation of the time limits.

(6) Pre-trial motions, except motions for discovery under Rule 16, Federal Rules of Criminal Procedure, shall be filed within ten days after arraignment. Each motion will be accompanied by a brief. The Government shall respond to each of such motions within ten days after filing. Motions for discovery under Rule 16, Federal Rules of Criminal Procedure, must contain a certificate that the request for discovery has theretofore been made of the United States Attorney and denied. Requests for discovery material shall be made of the United States Attorney within ten days after arraignment, and motions for denied material shall be made within ten days after such denial.

(7) All pretrial hearings shall be conducted as soon after the arraignment as possible, consistent with the priorities of other matters on the Court's criminal docket.

If the Court determines that a hearing is necessary on a pretrial motion, it shall set a date therefor as soon as practicable. In any event, any pre-trial motion which has not been disposed of by order of the Court within twenty days after response has been made thereto, shall be set for hearing by the clerk, without further order of the Court.

(8) At least three days before trial date, the attorney for each defendant and the United States Attorney shall file a certificate with the clerk to the effect that all intended witnesses have been subpoenaed and government employees who are witnesses for the government have been notified as required by administrative procedure.

5. Defendants in Custody and High- Risk Defendants.*

(a) Time Limits. Notwithstanding any longer time periods that may be permitted under sections 3 and 4, the following time limits will also be applicable to defendants in custody and high-risk defendants as herein defined:

(1) The trial of a defendant held in custody solely for the purpose of trial on a Federal charge shall commence within 90 days following the beginning of continuous custody.

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*If a defendant's presence has been obtained through the filing of a detainer with state authorities, the Interstate Agreement on Detainers, 18 U.S.C., Appendix, may require that trial commence before the deadline established by the Speedy Trial Act. See. U.S. v. Mauro, 436 U.S. 340, 356-57 n.24 (1978).

(2) The trial of a high-risk defendant shall commence within 90 days of the designation as high-risk.

(§ 3164(b))

(b) Definition of "High-Risk Defendant." A high-risk defendant is one reasonably designated by the United States Attorney as posing a danger to himself or any other person or to the community.

(c) Measurement of Time Periods. For the purposes of this section:

(1) A defendant is deemed to be in detention awaiting trial when he is arrested on a Federal charge or otherwise held for the purpose of responding to a Federal charge. Detention is deemed to be solely because the defendant is awaiting trial unless the person exercising custodial authority has an independent basis (not including a detainer) for continuing to hold the defendant.

(2) If a case is transferred pursuant to Rule 20 of the Federal Rules of Criminal Procedure and the defendant subsequently rejects disposition under Rule 20 or the court declines to accept the plea, a new period of continuous detention awaiting trial will begin at that time.

(3) A trial shall be deemed to commence as provided in sections 4(e)(3) and 4(e)(4).

(d) Related Procedures.

(1) If a defendant is being held in custody solely for the purpose of awaiting trial, the United States Marshal shall advise the court at the earliest practicable time of the date of the beginning of such custody.

(2) The United States Attorney shall advise the court at the earliest practicable time (usually at the hearing with respect to bail) if the defendant is considered by him to be high risk.

(3) If the court finds that the filing of a "high-risk" designation as a public record may result in prejudice to the defendant, it may order the designation sealed for such period as is necessary to protect the defendant's right to a fair trial, but not beyond the time that the court's judgment in the case becomes final. During the time the designation is under seal, it shall be made known to the defendant and his counsel but shall not be made known to other persons without permission of the court.

6. Exclusion of Time From Computations.

(a) Applicability. In computing any time limit under section 3, 4, or 5, the periods of delay set forth in 18 U.S.C. § 3161(h) shall be excluded. Such periods of delay shall not be excluded in computing the minimum period for commencement of trial under section 7.

(b) Records of Excludable Time. The clerk of the court shall enter on the docket, in the form prescribed by the Administrative Office of the United States Courts, information with respect to excludable periods of time for each criminal defendant. With respect to proceedings prior to the filing of an indictment or information, excludable time shall be reported to the clerk by the United States Attorney.

(c) Stipulations.

(1) The attorney for the government and the attorney for the defendant may at any time enter into stipulations with respect to the accuracy of the docket entries recording excludable time.

(2) To the extent that the amount of time stipulated by the parties does not exceed the amount recorded on the docket for any excludable period of delay, the stipulation shall be conclusive as between the parties unless it has no basis in fact or law. It shall similarly be conclusive as to a codefendant for the limited purpose of determining, under 18 U.S.C. § 3161(h)(7), whether time has run against the defendant entering into the stipulation.

(3) To the extent that the amount of time stipulated exceeds the amount recorded on the docket, the stipulation shall have no effect unless approved by the court.

(d) Pre-Indictment Procedures.

(1) In the event that the United States Attorney anticipates that an indictment or information will not be

filed within the time limit set forth in section 3, he may file a written motion with the court for a determination of excludable time. In the event that the United States Attorney seeks a continuance under 18 U.S.C. § 3161(h)(8), he shall file a written motion with the court requesting such a continuance.

(2) The motion of the United States Attorney shall state (i) the period of time proposed for exclusion, and (ii) the basis of the proposed exclusion. If the motion is for a continuance under 18 U.S.C. 3161(h)(8), it shall also state whether or not the defendant is being held in custody on the basis of the complaint. In appropriate circumstances, the motion may include a request that some or all of the supporting material be considered _ex parte_ and _in camera_.

(3) The court may grant a continuance under 18 U.S.C. § 3161(h)(8) for either a specific period of time or a period to be determined by reference to an event (such as recovery from illness) not within the control of the government. If the continuance is to a date not certain, the court shall require one or both parties to inform the court promptly when and if the circumstances that justify the continuance no longer exist. In addition, the court shall require one or both parties to file periodic reports bearing on the continued existence of such circumstances. The court shall determine the frequency of such reports in the light of the facts of the particular case.

(e) Post-Indictment Procedures.

(1) In the event that the court continues a trial beyond the time limit set forth in section 4 or 5, the court shall determine whether the limit may be recomputed by excluding time pursuant to 18 U.S.C. § 3161(h). By general order of the court the clerk may compute excludable time as it is defined in 18 U.S.C. § 3161(h) when starting and ending times of events that generate excludable time are clearly set forth in the case file.

(2) If it is determined that a continuance is justified, the court shall set forth its findings in the records, either orally or in writing. If the continuance is granted under 18 U.S.C. § 3161(h)(8), the court shall also set forth its reasons for finding that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial. If a continuance is to a date not certain, the court shall require one or both parties to inform the court promptly when and if the circumstances that justify the continuance no longer exist. In addition, the court shall require one or both parties to file periodic reports bearing on the continued existence of such circumstances. The court shall determine the frequency of such reports in the light of the facts of the particular case.

7. Minimum Period for Defense Preparation.

Unless the defendant consents in writing to the contrary, the trial shall not commence earlier than 30 days from the date on which the indictment or information is filed or, if later, from the date on which counsel first enters an appearance or on which the defendant expressly waives counsel and elects to proceed pro se. In circumstances in which the 70-day time limit for commencing trial on a charge in an indictment or information is determined by reference to an earlier indictment or information pursuant to section 4(d), the 30-day minimum period shall also be determined by reference to the earlier indictment or information. When prosecution is resumed on an original indictment or information following a mistrial, appeal, or withdrawal of a guilty plea, a new 30-day minimum period will not begin to run. The court will in all cases schedule trials so as to permit defense counsel adequate preparation time in the light of all the circumstances. (§ 3161(c)(2))

8. Time Within Which Defendant Should be Sentenced.

*(a) Time Limit. A defendant shall ordinarily be sentenced within [45] days of the date of his conviction or plea of guilty or nolo contendere. On the order or motion of the judge, the sentencing of a defendant may be delayed beyond the forty-five

* The Speedy Trial Act does not establish time limits governing the period between conviction and sentencing, but the district courts may wish to do so. The time limit set forth in brackets in this section is a suggested limit, and not a maximum permissible limit.

days of the date of his conviction, plea of guilty or nolo contendere. When sentencing is delayed beyond the forty-five day period, the reason for the delay is to be set forth in the record.

(b) Related Procedures. If the defendant and his counsel consent thereto, a presentence investigation may be commenced prior to a plea of guilty or nolo contendere or a conviction.

9. Juvenile Proceedings.

(a) Time Within Which Trial Must Commence. An alleged delinquent who is in detention pending trial shall be brought to trial within 30 days of the date on which such detention was begun, as provided in 18 U.S.C. § 5036.

(b) Time of Dispositional Hearing. If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than 20 court days after trial, unless the court has ordered further study of the juvenile in accordance with 18 U.S.C. § 5037(c).

10. Sanctions.

(a) Dismissal or Release from Custody. Failure to comply with the requirements of Title I of the Speedy Trial Act may entitle the defendant to dismissal of the charges against him or to release from pretrial custody. Nothing in this plan shall be construed to require that a case be dismissed or a defendant released from custody in circumstances in which such action

would not be required by 18 U.S.C. §§ 3162 and 3164.*

(b) High-Risk Defendants. A high-risk defendant whose trial has not commenced within the time limit set forth in 18 U.S.C. § 3164(b) shall, if the failure to commence trial was through no fault of the attorney for the government, have his release conditions automatically reviewed. A high-risk defendant who is found by the court to have intentionally delayed the trial of his case shall be subject to an order of the court modifying his nonfinancial conditions of release under chapter 207 of title 18, U.S.C., to ensure that he shall appear at trial as required. (§ 3164(c))

(c) Discipline of Attorneys. In a case in which counsel (1) knowingly allows the case to be set for trial without disclosing the fact that a necessary witness would be unavailable for trial, (2) files a motion solely for the purpose of delay which he knows is frivolous and without merit, (3) makes a statement for the purpose of obtaining a continuance which he knows to be false and which is material to the granting of the continuance, or (4) otherwise willfully fails to proceed to trial without justification consistent with 18 U.S.C. § 3161, the court may punish such counsel as provided in 18 U.S.C. §§ 3162(b) and (c).

(d) Alleged Juvenile Delinquents. An alleged delinquent in custody whose trial has not commenced within the time limit set forth in 18 U.S.C. § 5036 shall be entitled to dismissal of his case pursuant to that section unless the Attorney General shows that

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* Dismissal may also be required in some cases under the Interstate Agreement on Detainers, 18 U.S.C., Appendix.

the delay was consented to or caused by the juvenile or his counsel, or would be in the interest of justice in the particular case.

11. Persons Serving Terms of Imprisonment.

If the United States Attorney knows that a person charged with an offense is serving a term of imprisonment in any penal institution, he shall promptly seek to obtain the presence of the prisoner for trial, or cause a detainer to be filed, in accordance with the provisions of 18 U.S.C. § 3161(j).

12. Procedures and Innovations that Have Been Adopted by the District Court to Expedite the Disposition of Criminal Cases in Accordance with the Speedy Trial Act.

(a) United States District Court Clerk.

(1) In addition to maintaining such statistical data as is required by the Administrative Office of the United States Courts, the clerk will from time to time report to other members of the Planning Group each case in which there is a failure to comply with any time limit set forth herein.

(2) Notice of arraignment shall not be sent out by the clerk until the clerk has been advised by the marshal that a warrant has been executed or summons served.

(3) A copy of the psychiatric evaluation of a defendant who has been sent for observation and study is to be furnished by the clerk to the United States Attorney, defendant's attorney, defendant and the

United States Probation Office. The Clerk will keep the psychiatric evaluation report under seal.

(4) By general order of the court, the clerk may compute excludable time as it is defined in 18 U.S.C. § 3161(h) when starting and ending times of events that generate excludable time are clearly set forth in the case file.

(b) United States Attorney and United States Marshal.

(1) The United States Marshal shall forward forthwith to the United States Attorney at the close of each bi-weekly period a report form (USA Form 172) listing thereon all persons in custody and indicating the date and place of their detention. Thereafter, within five days of the close of the reporting period, the United States Attorney shall complete the report, indicating the judge to whom each case has been assigned. The "Reason for Detention" column shall include an explanation in any case for which the defendant's status appears to be inconsistent with the time limits set forth in this statement. A copy of the report shall be furnished to each judge of the court.

(2) When a defendant is to be transferred pursuant to Rule 40, the United States Marshal shall arrange to have the defendant promptly transferred to this district.

(3) The United States Marshal will, on a daily basis, furnish to the clerk, in writing, the names of

defendants taken into custody by arrest or served with a summons. He will also furnish, on a daily basis, the names of pre-trial defendants released from custody of the marshal.

(4) All process to be served must first be documented in the office of the United States Marshal. Upon completion of service, process must be returned to the marshal regardless of agency making the service.

(c) Sealed Indictments.

(1) Single defendant Indictments. A form order is to be used ordering the indictment to be unsealed on the date of execution of the warrant for arrest of the defendant. A copy of the indictment in a sealed envelope is to accompany the warrant.

(2) Multiple Defendant Indictments. A copy of the indictment in a sealed envelope is to accompany each warrant of arrest. When an arrested defendant is brought before the magistrate, the magistrate may remove the indictment from the envelope for his use in the preliminary examination of the defendant. Upon completion of the preliminary examination, the indictment is to be returned to the envelope and the indictment remains sealed. Upon notification in writing by the United States Attorney to unseal, even though all defendants may not have been arrested, the indictment will be unsealed by the magistrate.

(d) Arraignments.

Arraignments are to be before the United States Magistrate. The magistrate will notify the United States Attorney, United States Marshal and the United States Probation Officer of the date arraignments are scheduled. A defendant, following the filing of an indictment or information (except information charging commission of a felony) may waive personal appearance before the United States District Judge or Magistrate and enter a plea of not guilty by submission of properly executed form designed for this purpose. A defendant charged with a felony in an information must make a personal appearance in the absence of an indictment as a waiver of indictment must be made in open court if defendant is to be prosecuted on an information charging commission of a felony.

(1) On a not guilty plea, the magistrate will notify the clerk who distributes case to the Judge for case to be set and notice sent. If defendant indicates an intention to plead guilty, the magistrate will send defendant forthwith to any sitting judge who will take the guilty plea. Trials will be interrupted for this purpose. If a judge is not immediately available, the magistrate will notify the clerk who will arrange for the defendant to be taken before a judge as soon as one is available to take the plea. If a United States Probation Officer is not in the courtroom when a defendant is brought

from the magistrate's courtroom to enter a plea of guilty, the sentencing will not be set for three weeks unless the defendant resides outside the state, in which event, the sentencing will not be set for four weeks.

(2) In the event after date set for defendant's appearance before the magistrate it is learned that defendant desires to plead guilty which results in the defendant's being taken directly to a judge, the magistrate is to be notified so a bench warrant will not be issued by the magistrate when the defendant fails to appear as scheduled.

(e) Pre-sentence Reports.

When it becomes known that a defendant desires to change a not guilty plea to guilty, in order that the pre-sentence report will be available, the trial date will be set after the United States Attorney's Office, the United States Probation Office, and the judge's courtroom deputy determine a suitable date.

(f) Bonds.

If bond is set for a defendant by the judge, the amount and conditions of the bond are put on a form signed by the judge. The defendant, along with the form, is taken to the Clerk's Office so bond can be posted.

(g) Public Defender.

The Administrative Guidelines Implementing Criminal Justice Plan have been adopted following the appointment of a Federal Public Defender for the Middle District of Tennessee.

(h) The members of the Speedy Trial Planning Group will meet on a monthly basis to discuss and resolve problems that may arise in achieving the prompt disposition of criminal cases.

(i) Forms.

(1) "Report of Proceedings before United States Magistrate"(DJ Form 105). The United States Magistrates shall forward copies of their report of proceedings to the clerk immediately upon completion.

(2) "Report of Persons in Custody Pending Indictment, Arraignment, or Trial, etc., for the Bi-Weekly Period Ending_____" (USA Form 172). This form is to be forwarded to the United States Attorney by the United States Marshal at the close of each bi-weekly period. A copy shall be furnished to each judge. Details regarding use of this form appears in No. 12 (b)(1) of this section.

(3) "Defendant Information Relative to a Criminal Action - in U. S. District Court " (AO Form 257). This form is to be used by the United States Attorney's Office in furnishing information to the clerk concerning a criminal case.

(4) "Petition to Enter Plea of Guilty". This form is to be used by the Court in taking defendant's guilty plea.

(5) "Notice of Sentencing Date". This form is to be used when appropriate. Copies are to be furnished to defendant, defendant's attorney, United States Attorney, United States Marshal, United States Probation Office, and Clerk's file.

(6) Form order to be used on single defendant sealed indictments. Use of this form order directs that the indictment be unsealed on the date of execution of the warrant for arrest of defendant named in the indictment. This is referred to in No. 12 (c)(1) of this section.

(7) Form to be used when bond for defendant is set by the judge. This is referred to in No. 12 (f) of this section.

(8) "Order Granting Extension of Time or Continuance". Form to be used by Judge when order issued to mark the reason for extension of time due to excludable delay in either of the two procedural intervals.

(9) "Waiver of Personal Appearance at Arraignment and Entry of Plea of Not Guilty". Form to be used when defendant waives personal appearance before the United States Magistrate and enters a plea of not guilty. This is referred to in 12 (d) of this section.

13. Effective Dates.

(a) The amendments to the Speedy Trial Act made by Public Law 96-43 became effective August 2, 1979. To the extent

that this revision of the district's plan does more than merely reflect the amendments, the revised plan shall take effect upon approval of the reviewing panel designated in accordance with 18 U.S.C. §3165(c). However, the dismissal sanction and the sanctions against attorneys authorized by 18 U.S.C. §3162 and reflected in sections 10(a) and (c) of this plan shall apply only to defendants whose cases are commenced by arrest or summons on or after July 1, 1980 and to the indictments and informations filed on or after that date.

(b) If a defendant was arrested or served with a summons before July 1, 1979, the time within which an information or indictment must be filed shall be determined under the plan that was in effect at the time of such arrest or service.

(c) If a defendant was arraigned before August 2, 1979, the time within which the trial must commence shall be determined under the plan that was in effect at the time of such arraignment.

(d) If a defendant was in custody on August 2, 1979, solely because he was awaiting trial, the 90-day period under section 5 shall be computed from that date.

III

Summary of Experience Under the Act Within the District

A. Progress toward meeting the permanent time limits.

A review of the Fifth report on the Implementation of Title I of the Speedy Trial Act of 1974 (February 28, 1970) reflects that for the period from July 1, 1978 through June 30, 1979 out of a total of two hundred and three (203) defendants who began the indictment to arraignment interval, only one was not arraigned within the ten-day time limit.

The above mentioned report reflects that for the same period (July 1, 1978 through June 30, 1979) out of a total of two hundred and eight (208) defendants who began the arraignment to trial interval, the permanent time limit of sixty (60) days was met in all but three cases; the transitional time limits of eighty (80) days was met in two of those cases and in only one case was the time limit not met. The elapsed time from arraignment to trial or disposition in that one instance was in the eighty-one (81) to one hundred (100) day period.

In regard to the arrest to indictment interval, according to the same report for the July 1, 1978 through June 30, 1979 period, the permanent time limit of thirty (30) days was met for all eighty-two (82) defendants who began this interval.

Table 1 (statistical tables, Section VIII) which reflects processing time for defendants whose cases were terminated during the

one year period from January 1, 1979 through December 31, 1979 contains the following information:

Arrest to Indictment Interval: Indictments for all defendants who began this interval during the one year period, seventy-nine (79) prior to July 1 and twenty-three (23) on or after July 1, were filed within the thirty (30) day time limit.

Indictment to Trial or other Disposition Interval: Out of a total of two hundred and seventeen (217) defendants who began the interval (one hundred and seventy-six (176) prior to July 1 and forty-one (41) on or after July 1) all but two (2) were brought to trial within the seventy (70) day period. The elapsed time between indictment and trial or other disposition for these two (2) was in the eighty-one (81) to one hundred (100) day period. The interval for both of these cases began prior to July 1, 1979.

A review of JS-3 forms for closed cases in 1979 resulted in the indentification of only one case in which time limits were exceeded. This case is commented on in sub-section D of this section (III).

B. Problems encountered.

The requirements of the Speedy Trial Act to meet specified time limits have resulted in an administrative burden and pressure being placed on the staffs of the United States Attorney and United States Marshal as well as the District Court Clerk. Record keeping requirements of the Act have placed an additional workload on the Clerk's office. One Planning Group member stated that the costs of administering the Act outweigh the benefits.

Problems are anticipated in involved or multi-defendant cases due to time limits to prepare for trial. Unlimited time (subject only to the Statute of Limitations) is permitted for investigation and case preparation by the prosecutor prior to the filing of an indictment, if no arrest made; however, once the speedy trial clock starts, the defendant is limited in time to prepare for defense.

C. Incidence of, and reasons for, requests or allowances of extensions of time beyond the District's standards (18 U.S.C. § 3166 (b)(1),(4)).

None.

D. If there have been cases not in compliance with the time limits for indictment and commencement of trial under 18 U.S.C. § 3167 (b) and (c), the reasons why the exclusions were inadequate to accomodate reasonable periods of delay (18 U.S.C. § 3167(b)).

A review of JS-3 forms for defendants terminated in the year beginning January 1, 1979 and ending December 31, 1979 indicates that the time limit for interval two (indictment to arraignment) was exceeded for one defendant. Indictment for this defendant was filed on January 9, 1979 and arraignment was held on February 22, 1979, total of forty-four (44) days which amounts to thirty-four (34) days in excess of the ten (10) day time limit. The trial or other disposition was held on April 10, 1979, a total of forty-seven (47) days from arraignment and a total of ninety-one (91) days from indictment. From a review of the JS-3 forms no other

incident of net procedural time limits being exceeded were found for the calendar year of 1979.

The delay in this instance was due to clerical error (oversight) and was not due to any inadequancy of exclusions of the Speedy Trial Act.

E. The effect on criminal justice administration of the prevailing time limits (18 U.S.C. § 3166(b)(9).

The requirement of meeting time limits under the Act has had an influence in the declination of complicated cases because of the time pressure. Worthwhile delay whicn could be beneficial to the administration of justice is made more difficult. The need to meet time limits sometimes prevents both the prosecution and the defense having enough time to investigate new issues raised after indictment. Guilty pleas are sometimes encouraged due to defendant's realizing the trial will not be delayed.

A general effect of the Act is that arrests are being withheld until cases are ready for trial which results in higher standards of proof before an arrest.

The system, operating under the Speedy Trial Act, penalizes the defendant more than the government. The government can control the timing of its actions, the defendant cannot.

One effect of the Speedy Trial Act is to place a burden on the defendant which the defendant does not want. The Federal Public Defender in this District, a member of the Speedy Trial Planning Group, stated that no client of his has ever asked for a speedy trial. Another member of the Planning Group stated that

due to the complexities in administering the Act that justice is delayed and costs increased.

F. The effect of compliance with the time limits on the civil calendar (18 U.S.C. § 3166(b)(9)).

Compliance with the time limits has a serious effect on the civil calendar by causing delay of civil cases as a result of giving necessary priority to criminal cases. Some civil cases are repeatedly continued in order for criminal cases to be tried. Civil plaintiffs on occasion have dropeed out in multi-plaintiff civil cases due to the delay. Prior to the enactment of the Speedy Trial Act, civil cases were usually tried on the date scheduled, even though priority was being given to criminal cases. Since enactment of the Speedy Trial Act, more civil cases are being 'bumped' or passed because of the need to try criminal cases within the Speedy Trial time limits. Also more federal civil cases are being settled due to the delay, usually to the detriment of the plaintiff.

The consensus of the Speedy Trial Planning Group is that the Speedy Trial Act has provided restraints without providing the tools to deal with the problem in regard to civil cases. It was also the opinion of the Planning Group that the Speedy Trial Act causes as much shuffling of criminal cases as civil cases.

A review of table 6 (Section VIII-Statistical Tables) reflects the following:

In the 1978 calendar year seven hundred forty-five (745) civil cases were pending at the start of the year, seven hundred forty (740) were filed and seven hundred twenty-eight (728) were

pending at the end of the year, resulting in a decrease of seventeen (17) pending cases (2.3% decrease).

In 1979 seven hundred twenty-eight (728) civil cases were pending at the start of the year, eight hundred eighteen (818) cases were filed and seven hundred fifty-one (751) were pending at the end of the year, resulting in an increase of twenty-three (23) cases (3.2% increase).

Based on the above figures, seven hundred and fifty-seven (757) civil cases were closed in 1978 and seven hundred ninety-five (795) civil cases were closed in 1979, an increase of thirty-eight (38) cases closed in 1979 against an increase of seventy-eight (78) cases filed in the same period.

For comparison purposes a review was made of the record of civil cases pending, opended and closed in 1975. This review reflects that at the start of 1975 four hundred and ninety-seven (497) civil cases were pending, five hundred and eighty-seven (587) were filed, five hundred and fifty (550) were closed and five hundred and thirty-four (534) were pending at the end of 1975. This resulted in an increase of thirty-seven (37) civil cases in the year 1975 (7.4% increase).

The number of pending civil cases on January 1, 1980 was seven hundred and fifty-one (751) as compared to four hundred and ninety-seven (497) on January 1, 1975, an increase of three hundred and fifty-four (354) (51% increase).

G. Frequency of use of sanctions under 18 U.S.C. § 3164 (release from custody or modification of release conditions) (18 U.S.C. § 3166 (b)(3)).

None.

IV

Statement of Procedures and Innovations That Have Been Adopted by the District Court to Expedite the Disposition of Criminal Cases in Accordance with the Speedy Trial Act (18 U.S.C.§ 3167 (b)).

Sub-section 12 in Section II (Statement of Time Limits and Procedures for Implementing Them) sets forth the procedures, innovations and use of forms adopted by the Judges of the Middle District of Tennessee to expedite the disposition of criminal cases. This sub-section includes procedures and use of forms adopted and which were set forth in both the Transitional Plan and the Plan which was expected to be the final Plan under the Speedy Trial Act prior to Amendments to the Speedy Trial Act which were approved August 2, 1979.

In order to avoid unnecessary duplication there will be set forth in this section only those procedures and forms which were adopted by the District Court subsequent to approval of the second Plan which took effect on July 1, 1979. These are:

(1) By general order of the Court, the Clerk may compute excludable time as it is defined in 18 U.S.C. 3161(h) when starting and ending times of events that generate excludable time are clearly set forth in the case file. (Reference: Section II, 12. (a)(4), Page 21).

(2) A defendant, following the filing of an indictment or information (except information charging commission of a felony)

may waive personal appearance before the United States District Judge or Magistrate and enter a plea of not guilty by submission of properly executed form designed for this purpose. A defendant charged with a felony in an information must make a personal appearance in the absence of an indictment as a waiver of indictment must be made in open court if defendant is to be prosecuted on an information charging commission of a felony. (Reference: Section II, 12.(d), Page 23).

(3) A form captioned "Waiver of Personal Appearance at Arraignment and Entry of Plea of Not Guilty" has been approved for use in this district. (Reference: Section II, 12.(i)(9), Page 26).

V

Statement of Additional Resources Needed, if Any, to Achieve Compliance with the Act (18 U.S.C. § 3166(d))

A. By the Court.

(1) Judgeships. None.

(2) United States Magistrates. A second full-time magistrate will be needed now that this District has three full time judges.

(3) Supporting staff.

(a) District Court Clerk's Office. With three full time judges for this District and the expected addition of a senior judge it is expected that up to three additional clerks will eventually be needed.

(b) United States Probation Office. None.

B. By the United States Attorney. None.

C. By the Public Defender. None.

D. By the United States Marshal. None at present. In the event the work load increases substantially in view of three full time judges in this District, additional deputies may be needed.

VI

Recommendations for Changes in Statutes, Rules, or Administrative Procedures (18 U.S.C. §§ 3166(b)(7), (d), (e))

A. Statutes.

The recommendation of the Speedy Trial Planning Group is that the Speedy Trial Act be repealed based on the following two reasons:

(1) Costs of administering the program outweigh the benefits, and

(2) There is a strong possibility the Act is unconstitutional as it may impair the defendant's ability to select counsel of his choice.

B. Rules.

None.

C. Administrative Procedures.

The Planning Group recommended that a 'second look' be taken of the administration of the Speedy Trial Act in two years to determine if there is a need to extend time limits and to eliminate some record-keeping.

VII

Incidence and Length of, Reasons for, and Remedies for Detention Prior to Trial (18 U.S.C. § 3166(b)(6)).

In order to minimize detention of defendants to only those considered in the best interest of the proper administration of justice, it is the policy in the Middle District of Tennessee that surety bonds are recommended only for those defendants considered likely to flee, who have past records of failure to appear, are considered dangerous to self or community, or who have no community ties.

In the Middle District of Tennessee for the twelve month period, July 1, 1978 through June 30, 1979 (Fifth Report on Implementation of Title I of the Speedy Trial Act of 1974), ninety-five out of a total of two hundred and seventy-nine defendants were held in pre-trial detention. None of these defendants were detained in excess of ninety days not subject to exclusions.

Statistical table 3 (Section VIII of Plan) reflects the following information:

For the six month period from July 1, 1979 through December 31, 1979, seventeen out of a total of eighty-six defendants were held in pre-trial detention. None of these defendants were detained in excess of ninety days not subject to exclusions.

VIII

Statistical Tables

Table #1
Processing Time . . . . . .1/1/79 thru 12/31/79

Table #2
Incidence Of & Reasons for Delay. . . . . .7/1/79 thru 12/31/79
7/1/78 thru 6/30/79

Table #3
Pretrial Detention. . . . . .7/1/79 thru 12/31/79

Table #4
Criminal Dispositions . . . . . .1/1/79 thru 12/31/79

Table #5
Matters Presented for Prosecution . . . . . .1/1/79 thru 12/31/79

Table #6
Status of Civil Calendar. . . . . .1/1/78 thru 12/31/78
1/1/79 thru 12/31/79

DISTRICT
TENNESSEE, MIDDLE

SPEEDY TRIAL DATA ANALYSIS (18 U.S.C. 3166(c)(1))

PROCESSING TIME

Processing time for defendants whose cases were terminated during one year period
January 1, 1979 through December 31, 1979

TABLE 1

HOW LONG IT TOOK TO BRING INDICTMENTS ON CRIMINAL DEFENDANTS

NUMBER OF *NET DAYS THAT ELAPSED TO INDICTMENT OR INFORMATION FROM ARREST OR SERVICE OF SUMMONS

INTERVAL ONE (ARREST TO INDICTMENT) — SUBDIVIDED BY WHEN INTERVAL BEGAN	NO. OF DEFENDANTS TERMINATED	SAME DAY		1 to 30 days		31 to 35 days		36 to 45 days		46 to 60 days		61 to 90 days		91 to 120 days		121 days & over	
		DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%
Before 1 July '79	79	52	65.8	27	34.2	-	-	-	-	-	-	-	-	-	-	-	-
On/After 1 July '79	23	19	82.6	4	17.4	-	-	-	-	-	-	-	-	-	-	-	-

HOW LONG IT TOOK TO BRING CRIMINAL DEFENDANTS# TO TRIAL

Number of *Net Days that Elapsed to Commencement of Trial (or other disposition) from Indictment or (if later) First Appearance

INTERVAL TWO (INDICTMENT TO TRIAL) — SUBDIVIDED BY WHEN INTERVAL BEGAN	NO. OF DEFENDANTS TERMINATED	SAME DAY		1 to 30 days		31 to 70 days		71 to 80 days		81 to 100 days		101 to 120 days		121 to 180 days		181 days & over	
		DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%
Before 1 July '79	176	3	1.7	71	40.3	100	56.8	-	-	2	1.1	-	-	-	-	-	-
On/After 1 July '79	41	-	-	26	63.4	15	36.6	-	-	-	-	-	-	-	-	-	-

HOW LONG IT TOOK TO SENTENCE CRIMINAL DEFENDANTS

NUMBER OF DAYS TO SENTENCE DATE FROM DATE OF CONVICTION

SENTENCING INTERVAL — FOR ALL PERSONS TERMINATED & SENTENCED DURING THE 12 MOS. PERIOD	SAME DAY		1 to 30		31 to 45		46 to 60		61 & over	
	NO. DEF'S	%	No.	%	No.	%	No.	%	No.	%
190	86	45.3	30	15.8	46	24.2	9	4.7	19	10.0

*NET MEANS GROSS DAYS LESS DAYS OF EXCLUDABLE TIME UNDER 18 USC 3161(h).

THESE FIGURES DO NOT INCLUDE DEFENDANTS WHO BEGAN THE INTERVAL DURING THIS TIME BUT WHOSE CASES WERE PENDING AS OF DECEMBER 31, 1979.

DEFENDANT FIGURES DO NOT INCLUDE PETTY OFFENDERS, AND ALSO DO NOT INCLUDE: JUVENILES, APPEALS FROM U.S. MAGISTRATE DECISIONS, RULE 20 TRANSFERS OUT OF DISTRICT, PRETRIAL DIVERSION DISPOSITIONS, AND REMOVALS FROM STATE COURTS.

SPEEDY TRIAL DATA ANALYSIS – 18 U.S.C. 3166(b)(2)

INCIDENCE OF AND REASONS FOR DELAY

DISTRICT: TENNESSEE, MIDDLE

REPORT PERIOD: X 6 Months (July thru Dec '79) — TOTALS

			% OF "A"
**TERMINATED DEFENDANTS REPORTED DURING PERIOD	86	(A)	
DEFENDANTS WITHOUT EXCLUDABLE TIME	60	(B)	69.8
DEFENDANTS WITH EXCLUDABLE TIME	26	(C)	30.2
INCIDENTS OF EXCLUDABLE TIME	36	(D)	

TABLE 2

LENGTH OF EXCLUDABLE DELAY PERIOD (NO. OF DAYS)

CODE	#REASON Under 18 USC 3161	0 to 10 dys	11 to 21	22 to 42	43 to 84	85 to 120	121 + days	SUB-TOTALS OF "D"	% OF "D"	INTERVAL IN WHICH EXCLUDABLE DELAY OCCURRED*** ONE	TWO
A	Examination or hearing for mental or physical incapacity—(h)(1)(A)	0	0	0	0	0	0	0	0	0	0
B	NARA examination—(h)(1)(B)	0	0	0	0	0	0	0	0	0	0
C	State or federal trials on other charges—(h)(1)(D)	0	0	1	0	0	0	1	2.8	0	1
D	Interlocutory appeals—(h)(1)(E)	0	0	0	0	0	0	0	0	0	0
*E	Motions (from filing to hearing or prompt disposition)—(h)(1)(f)	3	1	0	1	0	0	5	13.9	0	5
F	Transfers from other districts (per FRCP rules 20, 21 & 40)—(h)(1)(G)	0	0	0	0	0	0	0	0	0	0
G	Motion is actually under advisement—(h)(1)(J)	0	0	0	0	0	0	0	0	0	0
H	Misc. proceedings: probation or parole revocation, deportation, extradition—(h)(1)	0	0	0	1	0	0	1	2.8	0	1
*6	Transportation from another district or to/from examination or hospitalization in ten days or less—(h)(1)(H)	0	0	0	0	0	0	0	0	0	0
*7	Consideration by court of proposed plea agreement—(h)(1)(I)	0	0	0	0	0	0	0	0	0	0
I	Prosecution deferred by mutual agreement—(h)(2)	0	0	0	1	0	1	2	5.6	1	1
M	Unavailability of defendant or essential witness—(h)(3)(A & B)	0	0	1	0	0	4	5	13.9	0	5
N	Period of mental or physical incompetence of defendant to stand trial—(h)(4)	0	0	1	0	0	0	1	2.8	0	1
O	Period of NARA commitment or treatment—(h)(1)(C) & (E)	0	0	0	0	0	0	0	0	0	0
P	Superseding indictment and/or new charges—(h)(6)	0	0	0	0	0	0	0	0	0	0
R	Defendant awaiting trial of co-defendant when no severance had been granted—(h)(7)	0	0	0	0	0	0	0	0	0	0
	"Ends of justice continuance, per 3161 (h)(8)" — T: if more than one reason or none of reasons below given in support (A & B)	1	0	6	1	5	7	20	55.6	0	20
	T1: Failure to continue would stop further proceedings or result in miscarriage (B)(i)	0	0	0	0	0	0	0	0	0	0
*T	T2: Case unusual or complex (B)(ii)	0	0	0	0	0	0	0	0	0	0
	T3: Indictment following arrest cannot be filed in 30 days (B)(iii)	0	0	0	0	0	0	0	0	0	0
	T4: Continuance granted in order to obtain or substitute counsel, or give major time to prepare	0	0	0	0	0	0	0	0	0	0
U	Time up to withdrawal of guilty plea—3161(i)	0	0	0	1	0	0	1	2.8	0	1
W	Grand jury indictment time extended 30 more days—3161(b)	0	0	0	0	0	0	0	0	0	0
L	More than 1 exclusion with days aggregated	0	0	0	0	0	0	0	0	0	0
	TOTAL	4	1	9	5	5	12	36	100.0	1	35

#Paragraph and subsection of 18 USC 3161, Speedy Trial Act of 1974, as amended, are shown with reason for delay below.

*An exclusion category newly created or modified by Aug. '79 amendment.
**DEFENDANT FIGURES DO NOT INCLUDE: Juveniles, Appeals from U.S. Magistrate decisions, Rule 20 transfers out of district, pretrial diversion dispositions, removals from State courts and any petty offenses proceeded by information.
***Interval one: Arrest to Indictment; Interval two: Indictment to Trial.

SPEEDY TRIAL DATA ANALYSIS

INCIDENCE OF AND REASONS FOR DELAY

During July 1, 1978 thru June 30, 1979

TOTALS FOR

TENNESSEE
MIDDLE

			% OF "A"
**TERMINATED DEFENDANTS REPORTED DURING PERIOD	279	(A)	
DEFENDANTS WITHOUT EXCLUDABLE TIME	209	(B)	74.9
DEFENDANTS WITH EXCLUDABLE TIME	70	(C)	25.1
INCIDENTS OF EXCLUDABLE TIME	99	(D)	

*REASON Under 18 USC 3161	LENGTH OF EXCLUDABLE DELAY PERIOD (NO. OF DAYS) 1 to 10 days	11 to 21	22 to 42	43 to 84	85 to 120	121 + days	SUB-TOTALS OF "D"	% OF "D"	***INTERVAL IN WHICH EXCLUDABLE DELAY OCCURRED ONE	TWO	THREE
A. Examination or hearing for mental or physical incapacity–(H)(1)(A)	2	1	1	1	1	1	7	7.1	0	0	7
B. NARA examination–(H)(1)(B)	0	0	0	0	0	0	0	0	0	0	0
C. State or federal trials on other charges–(H)(1)(C)	0	0	0	1	0	0	1	1.0	0	0	1
D. Interlocutory appeals–(H)(1)(D)	0	0	0	0	0	0	0	0	0	0	0
E. Hearings on pretrial motions–(H)(1)(E)	7	2	0	0	0	0	9	9.1	0	0	9
F. Transfers from other districts (per FRCP rules 20, 21 & 40). (H)(1)(F)	0	0	0	0	0	0	0	0	0	0	0
G. Motion is actually under advisement. (H)(1)(G)	1	0	5	0	0	0	6	6.1	0	0	6
H. Misc. proceedings: probation or parole revocation, deportation, extradition. (H)(1)	0	0	0	0	0	0	0	0	0	0	0
I. Prosecution deferred by mutual agreement. (H)(2)	0	0	0	3	0	3	6	6.1	2	0	4
M. Unavailability (includes fugitive) of defendant or essential witness. (H)(3)(A)(B)	1	0	0	3	0	0	4	4.0	0	0	4
N. Period of mental or physical incompetence of defendant to stand trial. (H)(4)	1	0	0	3	0	0	4	4.0	0	1	3
O. Period of NARA commitment or treatment. (H)(5)	0	0	0	0	0	0	0	0	0	0	0
P. Superseding indictment and/or new charges. (H)(6)	0	0	0	0	0	0	0	0	0	0	0
R. Defendant awaiting trial of co-defendant when no severance has been granted. (H)(7)	0	0	2	5	0	2	9	9.1	0	0	9
T. Continuances granted in the ends of justice. (H)(8)	5	7	11	21	7	2	53	53.5	1	4	48
U. Time up to withdrawal of guilty plea (i)	0	0	0	0	0	0	0	0	0	0	0
W. Grand jury indictment time extended 30 more days. (B)	0	0	0	0	0	0	0	0	0	0	0
TOTALS	17	10	19	37	8	8	99	100.0	3	5	91

*Paragraph and subsection of 18 USC 3161, Speedy Trial Act of 1974, are shown with reason for delay below.
**DEFENDANT FIGURES DO NOT INCLUDE: Juveniles, Appeals from U.S. Magistrate decisions, Rule 20 transfers out of district, pretrial diversion dispositions, removals from State courts and any petty offenses proceeded by information.
***Interval one: Arrest to Indictment, Interval two: Indictment to Arraignment, Interval three: Arraignment to Trial.

Prepared by: Administrative Office of U.S. Courts

DISTRICT

TENNESSEE, MIDDLE

SPEEDY TRIAL DATA ANALYSIS 3166(b)(6) & (c)(6)

PRETRIAL DETENTION

TABLE 3

REPORT PERIOD { 6 MONTHS – 1 JULY '79 THRU 31 DECEMBER '79

CASES CLOSED DURING REPORT PERIOD

	A	% OF A
NUMBER OF DEFENDANTS TOTAL NO. OF DEFENDANTS DISPOSED OF DURING PERIOD OF REPORT	86	
DETAINEES DEFENDANTS DETAINED AFTER INITIAL APPEARANCE BEFORE A JUDGE OR MAGISTRATE FOR PERIODS OF CUSTODY TIME NOT SUBJECT TO EXCLUSIONS PER 3161(h)	B 17	19.8

DEFENDANTS GROUPED BY LENGTH OF NET* TIME IN CONTINUOUS DETENTION STATUS

NUMBER OF DETAINEES	NUMBER OF NET DAYS					
	1 to 10	11 to 30	31 to 90	91 to 120	121 to 150	151 Plus
	5	3	9	0	0	0
% OF BOX B	29.4%	17.6 %	52.9 %	.0 %	.0%	.0%

*"NET" IS GROSS TIME LESS EXCLUSIONS PER 3161(h). REPORT SHOULD INCLUDE ONLY DEFENDANTS HAVING NON-EXCLUDABLE ("NET") DETENTION TIME. **WHEN** DEFENDANT HAS MORE THAN ONE SUCH DETENTION PERIOD, INTERSPERSED WITH RELEASE TIME OR EXCLUDABLE TIME, DO NOT AGGREGATE THE SEPARATE DETENTION PERIODS. TAKE THE DEFENDANTS LONGEST SINGLE PERIOD OF "NON EXCLUDABLE" DETENTION AS THE BASIS FOR DETERMINING WHICH ONE OF THE ABOVE COLUMNS TO PUT HIM IN.

DISTRICT

TENNESSEE, MIDDLE

REPORT PERIOD { ONE YEAR PERIOD
1 JAN 1979 THROUGH 31 DECEMBER 1979

SPEEDY TRIAL DATA ANALYSIS 3166(c)(4) & (5)

CRIMINAL DISPOSITIONS

TABLE 4

A NUMBER OF DEFENDANTS DISPOSED OF: 169

NOT CONVICTED						
	B	DISMISSED		ACQUITTED AT TRIAL		
% OF A	TOTAL NOT CONVICTED	% OF B	TOTAL NO. DISMISSED	% OF B	COURT	JURY
7.7	13	61.5	8	38.5	-	5

CONVICTED						
	C	CONVICTED by PLEA		CONVICTED at TRIAL		
% OF A	TOTAL CONVICTED	% OF C	PLEA of GUILTY or NOLO CON.	% OF C	COURT	JURY
92.3	156	89.7	140	10.3	2	14

DISTRICT

Middle District of Tennessee

REPORT COVERS PERIOD OF: 1/1/79 - 12/31/79

SPEEDY TRIAL DATA ANALYSIS – 3166(c)(2)(3) & (5)

NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

TABLE 5

NAME OF AGENCY PRESENTING MATTER TO U.S. ATTORNEY FOR PROSECUTION	MATTERS: ON HAND & NEW: MATTERS[1] ON HAND AT START OF PERIOD[1] (a)	MATTERS REC'D OR ORIGINATED BY U.S. ATTY DURING PERIOD (b)	DECLINED (i.e. DETERMINATIONS THAT NEW PROSECUTIONS WOULD NOT BE INITIATED IN THIS DISTRICT.): REFERRED TO OTHER FEDERAL DISTRICT (c)	REFERRED TO STATE/LOCAL AUTHORITY (d)	PRETRIAL DIVERSION (e)	ALL OTHER DECLINATIONS[2] (f)	OTHER DISPOSITIONS[3] (g)	NEW PROSECUTIONS INITIATED DURING PERIOD[4] (h)	MATTERS ON HAND AT END OF PERIOD[5] (i)
Dept. of Agriculture	12	2				7		5	2
Corps of Eng.-Army	2	19				1	18		2
Social Security-HEW	1	3				1	1	1	1
Other HEW		2							2
Fish & Wildlife		10					7	1	2
National Park Service		2					1		1
DEA	16	22				2		26	10
FBI	142	157		14	2	65	17	78	123
Other Justice Depts.		1						1	
Labor Department		3							3
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
TOTALS									

[1] "MATTER" REFERS TO DEFENDANT MATTER – I.E. IF CLAIMED OFFENSE INVOLVES 2 DEFENDANTS COUNT IT AS 2 MATTERS
[2] COL (F) INCLUDES MATTERS DECLINED FOR WANT OF PROSECUTIVE MERIT, LACK OF EVIDENCE, JURISDICTIONAL PROBLEMS, ETC.
[3] COL (G) INCLUDES MATTERS DISMISSED BY MAGISTRATE, NOT ON INITIATIVE OF U.S. ATTY., AND MATTERS RESULTING IN NO TRUE BILL BY GRAND JURY
[4] COL (H) INCLUDES INDICTMENTS AND INFORMATIONS FILED AND MATTERS ADJUDICATED BEFORE U.S. MAGISTRATE
[5] COL (I) INCLUDES REFERRED MATTERS THAT ARE STILL PENDING BEFORE GRAND JURY, AND ALL OTHER MATTERS NOT YET DECLINED – PER COLS (C) THRU (F) – NOR FALLING WITHIN SCOPE OF COL (G) OR (H)

DISTRICT

Middle District of Tennessee

REPORT COVERS PERIOD OF: 1/1/79 - 12/31/79

SPEEDY TRIAL DATA ANALYSIS – 3166(c)(2)(3) & (5)

NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

TABLE 5

NAME OF AGENCY PRESENTING MATTER TO U.S. ATTORNEY FOR PROSECUTION	MATTERS								
	ON HAND & NEW		DECLINED (i.e. DETERMINATIONS THAT NEW PROSECUTIONS WOULD NOT BE INITIATED IN THIS DISTRICT.)				OTHER DISPOSITIONS[3]	NEW PROSECUTIONS INITIATED DURING PERIOD[4]	MATTERS ON HAND AT END OF PERIOD[5]
	MATTERS[1] ON HAND AT START OF PERIOD[1]	MATTERS REC'D OR ORIGINATED BY U.S. ATTY DURING PERIOD	REFERRED TO OTHER FEDERAL DISTRICT	REFERRED TO STATE/LOCAL AUTHORITY	PRETRIAL DIVERSION	ALL OTHER DECLINATIONS[2]			
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
Post Office	30	42			5	15	7	17	28
Fed.Highway Admin.		2						1	1
Customs	1	2				1			2
Internal Revenue	5	13				5	1	11	2
Bureau of Alcohol, Tobacco and Firearms	8	23				5	1	7	18
Other Internal Revenue	1	4							5
Secret Service	43	72			7	22	4	43	39
Public Bldg. Service		2					2		
Tenn. Valley Authority		3					2	1	
Veterans Administration	1	6					6		1
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
TOTALS	262	391	-0-	14	14	124	67	192	242

[1] "MATTER" REFERS TO DEFENDANT MATTER – I.E. IF CLAIMED OFFENSE INVOLVES 2 DEFENDANTS COUNT IT AS 2 MATTERS
[2] COL (F) INCLUDES MATTERS DECLINED FOR WANT OF PROSECUTIVE MERIT, LACK OF EVIDENCE, JURISDICTIONAL PROBLEMS, ETC.
[3] COL (G) INCLUDES MATTERS DISMISSED BY MAGISTRATE, NOT ON INITIATIVE OF U.S. ATTY., AND MATTERS RESULTING IN NO TRUE BILL BY GRAND JURY
[4] COL (H) INCLUDES INDICTMENTS AND INFORMATIONS FILED AND MATTERS ADJUDICATED BEFORE U.S. MAGISTRATE
[5] COL (I) INCLUDES REFERRED MATTERS THAT ARE STILL PENDING BEFORE GRAND JURY, AND ALL OTHER MATTERS NOT YET DECLINED – PER COLS (C) THRU (F) – NOR FALLING WITHIN SCOPE OF COL (G) OR (H)

DISTRICT

TENNESSEE, MIDDLE

REPORT PERIOD { COMPARISON OF TWO CALENDAR YEARS: 1 JAN THROUGH 31 DEC 1978, AND 1 JAN THROUGH 31 DEC 1979.

SPEEDY TRIAL DATA ANALYSIS 3167(b)(6)

STATUS OF CIVIL CALENDAR

TABLE 6

	NUMBER OF CIVIL CASES			PERCENTAGE INCREASE OR DECREASE
	PENDING AT START OF REPORT PERIOD	FILED DURING REPORT PERIOD	PENDING AT END OF REPORT PERIOD	
	(1)	(2)	(3)	(4)
1978	745	740	728	-2.3
1979	728	818	751	3.2

	LENGTH OF TIME CASES IN COLUMN 3 ABOVE HAVE BEEN PENDING					
	Under 3 Mos	3 to 6 Mos	6 to 12 Mos	12 to 18 Mos	18 to 24 Mos	24 Mos & Over
1978	164	113	191	121	56	83
1979	157	143	183	103	76	89

CERTIFICATE OF APPROVAL

This is to certify that in accordance with Section 3165(c),(e)(3) of the Speedy Trial Act of 1974, Title 18 U.S.C. as amended, the foregoing Plan has been duly received and approved as complying with the law.

This 22nd day of April, 1980.

Chief Judge
United States District Court
Middle District of Tennessee

United States District Judge
Middle District of Tennessee

CERTIFICATE OF APPROVAL

This is to certify that in accordance with Section 3165(c) of the Speedy Trial Act of 1974, Title 18, U.S.C., the foregoing Final Plan for the United States District Court for the Middle District of Tennessee has been duly received and approved as complying with the law by those members of the Reviewing Panel consisting of the Judicial Council of the Sixth Circuit.

Dated this 10th day of June, 1980.

George Edwards

George Edwards, Chief Judge
United States Court of Appeals
for the Sixth Circuit

UNITED STATES DISTRICT COURT FOR THE

MIDDLE DISTRICT OF TENNESSEE

CERTIFICATE

I hereby certify that I have forwarded to the Administrative Office of the United States Courts, Washington, D. C. 20544, five copies of the Plan for Prompt Disposition of Criminal Cases, Final Plan Pursuant to Speedy Trial Act of 1974 - 18 U.S.C. § 3165(e)(3), for the United States District Court for the Middle District of Tennessee, this the 25th day of June, 1980.

CHIEF JUDGE

CERTIFICATE OF APPROVAL

This is to certify that in accordance with Section 3165(c) of the Speedy Trial Act of 1974, Title 18 U. S. C., the foregoing Final Plan has been duly received and approved as complying with the law.

This 13 day of August, 1980.

CHIEF JUDGE
United States District Court for
the Middle District of Tennessee