

## **District Judge in Atlanta Leads Nation in Motions Pending More Than Six Months**

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### **Body**

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SADDLED WITH DOZENS of filings from before he joined the bench in January 2018, Judge Michael Brown is wrestling with deadlines from a federal law pushing judges to decide motions in civil cases within six months.

Brown had 177 undecided motions that had been pending more than six months, leading the federal judiciary's latest semiannual listing required by the Civil Justice Reform Act of 1990.

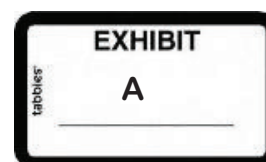
Sixty-two of those motions, or more than onethird of them, were filed before Brown started work on Jan. 17, 2018, after he was confirmed by a 92-0 vote of the U.S. Senate.

Brown did not respond to email and phone requests. The federal judicial listing cites "Voluminous Briefs/Transcripts To Be Read," "Complexity of Case" and heavy caseloads as reasons he cited for the delays.

"I know the numbers aren't where Judge Brown wants them," said Jim Hatten, chief clerk of the U.S. District Court for the Northern District of Georgia.

"He's not losing ground," added Hatten, noting that Brown has about 350 civil cases pending from among the roughly 1,000 he has been assigned since arriving.

Hatten noted that each new judge receives a civil caseload of about 300 cases pulled at random from other judges' dockets. "There's a learning curve" for new judges, he added, which varies depending on each judge's past experience.



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Some federal judges come from the other bench posts, so they may be more familiar with a range of cases and the mechanics of case management. Brown served as a federal prosecutor and then as co-leader of Alston & Bird's government and internal investigations practice before becoming a judge, so he likely spent far more time on criminal law than civil matters.

Chief Judge Thomas Thrash declined to comment on the listings.

The numbers from the Administrative Office of the U.S. Courts reflect civil caseloads as of March 31; they were released to the public on Oct. 27.

The federal listing for September 2018-released the following March-said Brown had 145 motions that were beyond the six-month mark. Hatten predicted Brown's numbers may not improve until after the next release, which will cover caseloads at the end of September.

"It takes judges some time" before reaching peak efficiency, he said. "Their initial focus is to make the right decision."

Five other federal judges-one from California, two from New York, one from Texas and one from the U.S. Virgin Islands-were listed as having more than 100 motions pending for more than six months. Their totals ranged from 115 to 156.

Eleven judges around the country had 50 or more motions pending more than six months.

In the Northern District of Georgia, four other judges among the court's 26 full-time district court judges, senior judges and magistrate judges were listed as holding longtime motions. They are U.S. District Judge Eleanor Ross (19), Senior Judge Clarence Cooper (17), District Judge Amy Totenberg (15) and Senior Judge Richard Story (6.) They declined to comment, according to Hatten.

In October 2016, the federal judicial report listed 255 civil cases older than three years and 24 civil motions that had been pending for more than six months in the Northern District, which is headquartered in Atlanta with satellite courthouses in Gainesville, Rome and Newnan.

By June 2017, the judges had disposed of all but seven of those cases and issued rulings on 15 motions listed in the report as older than six months.

Thrash told the Daily Report in 2017 that many of the older, complex civil cases were being cleared because the Senate had finally confirmed nominees to fill vacancies on the court.

In September of this year, the Senate confirmed Steven Grimberg to join the Northern District bench, giving the court a full complement of judges-11 active judges, along with five senior judges.

A training manual for federal judges suggests these tactics to manage caseloads:

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- Monitoring cases in which issues have not yet been joined to ensure that deadlines for service and answer are met, and beginning judicial action to dispose of cases if those deadlines are missed.
- Waiting a short time after issues are joined (perhaps a month) to see if a case will terminate; if not, resuming active judicial case management.
- Setting a firm trial date as part of the early case-management approach and adhering to that date as much as possible.
- Setting a reasonably short discovery period tailored to the individual case. For nearly all general civil cases, this policy should encourage judicial case management no later than six months after filing.

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