



**PRO SE HANDBOOK
CHAPTER 4: CASE MANAGEMENT PROCEDURE
(ALL-IN-ONE DOCUMENT)**

FEDERAL BAR ASSOCIATION
ACCESS TO JUSTICE TASK FORCE

{10/23/2019}

"A HANDBOOK FOR PRO SE LITIGANTS"

E: TextBookDiscrimination@gmail.com

W: www.TextBookDiscrimination.com

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PRO SE HANDBOOK
FROM THE FEDERAL BAR ASSOCIATION

CHAPTER 4 CASE MANAGEMENT PROCEDURE

AUTHOR: Federal Bar Association: Access to Justice Task Force

ITEMS 4.00 through 4.06



4.00 | WHAT IS A CASE MANAGEMENT (RULE 16) CONFERENCE ("CMC")?

A case management conference ("CMC") – sometimes referred to as a Rule 16 Conference – is held shortly after the action commences. The purpose of the conference is for the judge and parties to set the trial date, as well as other key deadlines for initial disclosures, discovery, and pretrial motions.

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4.01 | DOES EVERY CASE HAVE A CASE MANAGEMENT CONFERENCE?

No, some categories of actions are exempt from CMCs. Refer to the Local Rules for your District.

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4.02 | HOW DO I PREPARE FOR IT (RULE 26)?

At least 21 days before the CMC, all parties and their lawyers MUST "meet and confer," either on the phone or in person, to try to agree on a number of issues. The purpose of the meet-and-confer process is to save time by requiring parties to agree on as much as possible and to understand each other's positions. The parties should be prepared to:

1. Discuss the basis of the claims and defenses;
2. Discuss resolution through settlement;
3. Arrange for the initial disclosure of information by both sides as required by Rule 26(a)(1) including:
 - a. an exchange of names and contact information of individuals with discoverable information; and
 - b. a list of certain documents described in FRCP 26(a).
4. Agree on a discovery plan;
5. Select an alternative dispute resolution ("ADR") process: mediation, early neutral evaluation or settlement conference (discussed later in this Handbook);
6. Prepare and file a joint written report outlining the discovery plan.

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4.03 | PREPARING THE DISCOVERY PLAN (RULE 26(F) (2))

The proposed discovery plan is a written proposal on how the parties expect to conduct discovery, i.e. a schedule of when and how the parties will exchange documents and conduct depositions in order to learn the facts of the case. The parties must make a good faith effort to agree on a proposed discovery plan for the judge to review and determine how discovery should proceed. The plan should include each parties' views and proposals about:

1. Changes that should be made in the timing, form, or content of disclosures under Rule 26(a), including a statement of when initial disclosures were made or will be made;
2. The subjects, timing, and issues for discovery;
3. Limitations on discovery imposed by Federal or Local Rules;
4. Other orders that the Court should consider under Rule 26(c) or under Rule 16(b) or (c).

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4.04 | WHAT IS THE CASE MANAGEMENT ORDER?

During or after the CMC, the judge will issue a Case Management Order, which sets the schedule for the rest of the case. The Case Management Order will govern the case unless and until it is changed later by the judge.

A Case Management Order "shall not be modified except upon a showing of good cause and by leave of the district judge." Federal Rule of Civil Procedure 16(b). If you want to change the deadlines set forth in the Case Management Order, you will need to file a motion requesting that the deadlines be changed and show good cause for the request.

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4.05 | WHAT HAPPENS AT A COURT HEARING?

A hearing is a formal court proceeding in which the parties present their arguments to the judge and answer the Judge's questions about the motion or other matter being heard.

Sometimes witnesses can be presented at these hearings. You should prepare for a hearing by reviewing all papers that have been filed for the hearing and expect to answer questions about issues that are being addressed at the hearing. Organize your papers so that you can find things easily when you need to answer the Judge's questions. Be sure to have a pen and paper with you so that you can take notes.

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4.06 | HOW SHOULD I DRESS AND BEHAVE WHEN I COME TO COURT?

1. Dress nicely and conservatively.
2. Be on time.
3. You should sit in the benches in the back of the courtroom until your case is announced. The courtroom deputy may ask "counsel" to come forward and check in. You should check in with the courtroom deputy at that time. If your hearing is the only one scheduled, you may sit at the plaintiffs' or defendants' table in the center of the courtroom. The courtroom deputy will tell you where to sit.
4. When the Judge enters the courtroom, you must stand and remain standing until the Judge sits down.
5. When you speak to the Judge, call him or her "Your Honor."
6. A judge might ask you questions about your argument in a motion. If the Judge asks a question, always stop your argument and answer the Judge's question completely. When you are finished answering the question, you can go back and finish the other points you wanted to make. Always answer the Judge's questions completely and never interrupt the judge when he or she is speaking.
7. If the Judge asks you a question when you are seated at the table or away from the lectern, stand and walk up to the lectern before you answer the question.

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APPENDIX



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CONTACT INFORMATION

E: TextBookDiscrimination@gmail.com

W: www.TextBookDiscrimination.com

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