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Symposium on Litigation Management

The University of Chicago Law Review, in conjunction with the American Bar Association Section of Litigation, the Center for Public Resources, and the Yale Law School Civil Liability Program, presents a Symposium on Litigation Management to mark the passage of fifty years since the birth of the Federal Rules of Civil Procedure. The Federal Rules embody a procedural revolution that transformed the federal court system. They have been widely praised since their inception, and changes in state procedures over the years attest to their dominating influence even today.

Nonetheless, the Rules have also gathered their share of criticism. Many of the criticisms have been constructive, and have led to amendments of the Rules. Yet the deeper criticisms often cannot be met by incremental changes. As these papers indicate, there is a growing view—and a growing practice based on that view—that the defects of the Rules can be remedied only by novel and often ad hoc measures that judges impose upon litigants. The central purpose of this Symposium is to examine some of these measures and the movement from which they stem. More often than not, however, these papers suggest that we are only *beginning* to understand and assess the “managerial judging” movement; thus they call for more systematic study of the problems of contemporary litigation and their putative cures.*

* Earlier drafts of these papers were prepared for the National Conference on Litigation Management, held in New Haven, Connecticut in October of 1985.