

**WHAT YOUR LEGAL ASSISTANT AND PARALEGAL NEED TO KNOW
ABOUT THE DIFFERENTIATED CASE MANAGEMENT (“DCM”) PROCESS
IN THE THIRTEENTH CIRCUIT**

- This is a new process.
- We appreciate how difficult your job is and have prepared this in an effort to help you.
- In our Differentiated Case Management process, the orders entered by the judge are the primary way we communicate with you about the process.
 - If you don’t read them, you will not understand what’s going on.
- In the 13th Circuit, you do not need to prepare or submit a scheduling order.
 - Please see below for what you do need to do.
- When you get something called a “Differentiated Case Management Order,” look for the deadline chart and calendar those deadlines.
- It is important to know whether each case you have was filed before or after April 30, 2021, because the process in the 13th Circuit is based on that date.
 - Cases filed on or after April 30, 2021 are called “New Cases.”
 - In New Cases, the Clerk will automatically generate a scheduling order called a DCM Order when the complaint is filed.
 - Unless you cannot find it on the docket (it should be one of the first entries), you do not need to request that the Clerk generate the DCM Order.
 - However, if you look for it and don’t see it, let the Clerk know.
 - NOTE FOR PLAINTIFF: Plaintiff is responsible for serving all Defendants with the DCM Order.
 - The DCM Order requires Plaintiff to do this at the time the complaint is served.
 - Fix the problem ASAP if you have cases where Defendants were not served with the DCM Order when the complaint was filed. Document when and how Defendants were served.
 - NOTE FOR DEFENDANT: Even though Plaintiff is responsible for serving Defendants with the DCM Order, go look for it if you weren’t served, and calendar the deadlines.
 - Cases filed on any date before April 30, 2021 are called “Existing Cases”
 - There is no automatic entry of a DCM Order in Existing Cases.
 - Unless your case is already set for trial, you should expect to get an order (we call it a “Triggering Order”) that requires the parties to choose one of two options:
 - Set the case for trial on an available trial docket; or
 - If the lawyers choose this option, you’ll use the “old” trial order that you’re familiar with.
 - Agree to a Fact Discovery Deadline, file a “Notice of Agreement to Fact Discovery Deadline for Use in DCM Order,” and email the stipulation to a specific email address that is given in the order. The

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judge’s chambers will generate the scheduling order using that information.

- There is no standard “form” for this stipulation.
 - Please do not just send the stipulation to the regular email address you use to communicate with the JA.
 - Once you submit a stipulated fact discovery deadline, then the judge will generate a scheduling order called a DCM Order for Existing Cases. The DCM Order will contain the deadlines and a projected trial date.
- If the deadlines in the DCM Order don’t work in your case, a motion to amend the deadlines should be filed and set for hearing.
 - This is the process to request the entry of an Amended DCM Order.
 - There is a uniform motion that will be posted on the 13th Circuit website soon. Use that form when both sides agree that the deadlines should be changed.
 - If both sides don’t agree, you should still look at the uniform motion to understand what needs to be included in/attached to the motion.
 - Note: when you read the uniform motion, you’ll see that you are supposed to attach the proposed Amended DCM Order that you want the judge to enter. Don’t skip this step!
- The DCM Process involves two orders:
 - The “DCM Order” (scheduling order)
 - The “DCM Trial Order” (trial order)
- To determine which trial order you use, ask “was a DCM Order entered in this case already?”
 - If yes, you must use the new trial order.
 - If no, you must use the old trial order.
- A projected trial term means the month and year the case is expected to go to trial.
 - The case is not “set for trial” until the trial order is entered.
 - The trial order will set the specific trial week.
 - To determine what trial week to put into the trial order, look at what trial weeks have been published in the judge’s division for the projected trial month.
 - For example, if the projected trial term is September 2022 and your case is assigned to Division E, go to the Division E’s “schedule” tab and find the trial weeks published for September 2022 and use that week in the trial order.
 - The DCM Order explains how the trial order gets entered.