

FEDERAL JUDICIAL CENTER

Annual Report
2011

Contents

- 1 A Message from the Director
- 2 2011 Federal Judicial Center Staff
- 3 About the Federal Judicial Center
 - Statutory Mission
 - Governance
 - Organization
 - Board
 - Coordination Within the Judicial Branch
 - Staffing and Appropriation
 - Senior Staff
- 4 2011 at a Glance
- 5 Education and Training
 - Education Programs and Resources for Judges
 - Programs for Legal Staff
 - Programs for Judges and Staff Together
 - Online, Print, and Media Resources
 - Education Programs and Resources for Court Staff
 - In-Court and Technology-Based Programs
 - Other Training and Curriculum Development
 - Program Assistance and Presentations at the Request of the Courts and Other Organizations
- 9 Research
 - Appellate Courts
 - Bankruptcy Courts
 - Civil Litigation
 - Criminal Litigation
 - Multidistrict Litigation
 - Other Center Research
- 11 Federal Judicial History
- 12 Programs for Foreign Judicial Officials
- 13 Resources
 - Websites
 - Publications
 - Media Library
 - Information Services
- 14 Federal Judicial Center Foundation
- 14 John R. Brown Award
- 15 Advisory Committees

A MESSAGE FROM THE DIRECTOR

On behalf of the Board of the Federal Judicial Center, I am pleased to submit to the Judicial Conference of the United States this annual report on the Center's activities.

I became the Center's tenth director on October 4, 2011. When I applied for the position last spring, I was familiar with the Center's accomplishments in judicial branch education and research and with its outstanding reputation both within and outside of the judiciary. I did not appreciate fully, however, the breadth of the Center's work or the degree to which the Center supports the judiciary in so many areas of endeavor.

In addition to teaching new judges about their judicial duties—still probably our most important function—the Center through its continuing education and research programs helps to keep all judges abreast of developments in the law and innovations in workload management. The Center also plays a critical role in educating court staff—clerks of court, chiefs of probation and pre-trial services, and other unit executives, senior managers, and professional personnel—about managing the courts in accordance with sound leadership and business principles. The Center assists judiciary policy makers, including committees of the Judicial Conference, in areas ranging from amendment of procedural rules to allocation of resources. Our small but influential judicial history and international judicial relations offices provide invaluable materials that remind the judiciary and inform the public and foreign audiences about the judiciary's heritage and its importance in preserving liberty and the rule of law.

Along with the rest of the judicial branch, the Center will face unprecedented fiscal challenges over the next several years. Yet these very constraints will make the Center's education and research more important than ever, as our work will assist the federal judiciary, using empirical evidence and objective analysis, in finding the best ways to carry out the courts' constitutional responsibilities with limited resources. Like the courts, the Center will have to make difficult choices. We will be guided by what is best for the courts and how best to help them.

We will work hard to preserve our in-person educational programs, which offer unique and critically important opportunities for judges and senior court leaders to share experiences and learn about ideas and methods that will help them to do their demanding jobs well. At the same time, we will place increased emphasis on enhancing and supplementing those programs through the use of state-of-the-art technology. Two of our major objectives for 2012 are a top-to-bottom review and prioritization of all of the Center's educational offerings and a major upgrade of the Center's website, with a particular emphasis on providing smart, interactive, and user-friendly access to the Center's wealth of publications and other valuable resources.

The Center's staff is a highly talented, experienced and dedicated team of professionals with a variety of skills that are well suited to meeting our statutory mission. We also enjoy close working relationships with our colleagues in the courts, the Administrative Office of the United States Courts, the United States Sentencing Commission, and the Judicial Panel on Multidistrict Litigation. We rely upon those with whom we serve for advice and assistance, and I am particularly grateful for the thoughtful support of the Chief Justice and our Board members, and of our advisory committees.

Despite the serious challenges that lie ahead, I am embarking on my tenure as director with great enthusiasm. I am committed to continuing the Center's exemplary service to the judiciary and to maintaining its reputation for excellence and integrity. To all who read this report, I welcome your suggestions and advice. I look forward to working with you to preserve and enhance the judiciary's core values and to deliver fair and impartial justice.



JEREMY D. FOGEL

2011 Federal Judicial Center Staff

Adrian Alvarado	Hieu Duong	Jennifer Krause	Marilyn Queen
Marlene Annoni	Trung Duong	Elizabeth Lambert	Bruce Ragsdale
Chuck Arberg	Jim Eaglin	Hai Le	David Rauma
Norman Baker	Geoff Erwin	Marie Leary	Tim Reagan
Brenda Baldwin-White	Rebecca Eyre	Emery Lee	Joy Richardson
Osmani Banos-Diaz	Charles Fenaoui	Frank Leidy	Robin Rowland
Jo Ann Barnes	Kim Fisher	Angelia Levy	Steve Saltzgeber
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Ted Coleman	Andrea Henson-Armstrong	Lori Murphy	Clint Wang
John Cooke	Marland Holloway	Christopher Murray	Frank Washington
Brian Corcoran	Daniel Holt	Denise Neary	Yvonne Washington
George Cort	Laural Hooper	Matt Nixon	Beth Wiggins
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Kerry DeRiggs	Tracy Keels	Donna Pitts-Taylor	Michael Zeitzmann
Esther DeVries	Martha Kendall	Gloria Pleasure	
Nathan Dotson	Jake Kobrick	Oscar Poma	
Phyllis Drum	David Kolm	Maisha Pope	
Meghan Dunn	Carol Krafka	Dana Przesmitzki	

ABOUT THE FEDERAL JUDICIAL CENTER

Statutory Mission

Congress created the Federal Judicial Center in 1967 “to further the development and adoption of improved judicial administration in the courts of the United States.” The Center provides education and training for judges and employees of the federal courts and conducts empirical and exploratory research into different aspects of judicial administration, including case management and potential changes to the federal rules of procedure. This annual report, mandated by statute, describes the Center’s activities in calendar year 2011.

Governance

The Chief Justice of the United States chairs the Center’s Board, which by statute also includes two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge who are elected to four-year terms by the Judicial Conference of the United States, and the director of the Administrative Office of the U.S. Courts, who serves *ex officio*. The Board oversees the Center’s activities, and its members serve on standing committees on education and research and on advisory committees on judicial education programs (listed on pages 15–16).

In March 2011, the Judicial Conference elected Chief Judge James F. Holderman, Jr., of the U.S. District Court for the Northern District of Illinois, and Chief Judge Kathryn H. Vratil, of the U.S. District Court for the District of Kansas, to the Center’s Board, replacing Judge David O. Carter, of the U.S. District Court for the Central District of California, and Judge Philip M. Pro, of the U.S. District Court for the District of Nevada, whose terms expired.

The Board appoints the Center’s director and deputy director; the director appoints the Center’s staff. All but one of the Center’s ten directors have been federal judges, including its current director, Judge Jeremy D. Fogel, of the U.S. District Court for the Northern District of California, who took office in October.

Organization

The organization of the Center reflects its primary statutory mandates. The Education Division plans and produces education and training programs for judges and court staff, including in-person programs, online video programs, publications, curriculum packages for in-court training, and Web-based programs and resources.

Board of the Federal Judicial Center

The Chief Justice of the United States, *Chair*

Judge Susan H. Black, U.S. Court of Appeals for the Eleventh Circuit

Magistrate Judge John M. Facciola, U.S. District Court for the District of Columbia

Chief Judge James B. Haines, Jr., U.S. Bankruptcy Court for the District of Maine

Chief Judge James F. Holderman, Jr., U.S. District Court for the Northern District of Illinois

Judge Edward C. Prado, U.S. Court of Appeals for the Fifth Circuit

Chief Judge Loretta A. Preska, U.S. District Court for the Southern District of New York

Chief Judge Kathryn H. Vratil, U.S. District Court for the District of Kansas

Judge Thomas F. Hogan, Director of the Administrative Office of the U.S. Courts

The Research Division examines and evaluates current and alternative federal court practices and policies. This research assists Judicial Conference committees, who request most Center research, in developing policy recommendations. The Center’s research also contributes substantially to its educational programs. The two divisions work closely with two units of the Director’s Office—the Systems Innovations & Development Office and the Communications Policy & Design Office—in using print and online media to deliver education and training and to disseminate the results of Center research. The Federal Judicial History Office helps courts and others study and preserve federal judicial history and provides curricula and information about the judiciary for presentation to members of the public. The International Judicial Relations Office provides information to judicial and legal officials from foreign countries and assesses how to inform federal judicial personnel of developments in international law and other court systems that may affect their work.

Coordination Within the Judicial Branch

Numerous programs and projects described in this annual report involve coordination, cooperation, and consultation with committees of the Judicial Conference, with the Administrative Office, the U.S. Sentencing Commission, and the Judicial Panel on Multidistrict Litigation, and with the courts. Advisory committees of judges, court staff, and others help in planning and producing education programs and publications. These committees are listed on pages 15–16.

Staffing and Appropriation

The Center had a fiscal 2011 appropriation of \$27,273,000, and it employed 129 people at the end of calendar year 2011. Its fiscal 2012 appropriation is \$27,000,000. Approximately 75 percent of Center expenditures support its education and training activities, with the remainder devoted almost entirely to the Center’s research activities.

Senior Staff of the Federal Judicial Center

Hon. Jeremy D. Fogel, Director

John S. Cooke, Deputy Director

Bruce M. Clarke, Director, Education Division

Ted E. Coleman, Director, Systems Innovations & Development Office

James B. Eaglin, Director, Research Division

Mira Gur-Arie, Director, International Judicial Relations Office

Bruce A. Ragsdale, Director, Federal Judicial History Office

Sylvan A. Sobel, Director, Communications Policy & Design Office

2011 at a Glance

In 2011, the Center

- provided 290 in-person and technology-based educational programs for some 15,580 federal judges, legal staff, and court employees and helped to design, conduct, and teach another 31 programs, produced by other organizations, for 3,319 court staff participants
- completed 15 major research and evaluation projects, continued work on 42 others, and responded to more than 20 other requests for short-term research assistance
- produced 17 new educational video programs, either for online delivery and broadcast on the Federal Judicial Television Network (FJTN) or for use in other education and training programs
- broadcast 51 programs on the FJTN for the Center, the Administrative Office, and the Sentencing Commission, 2 of which were live
- published or updated 18 reports, manuals, monographs, or reference guides
- developed 2 new e-learning programs for FJC Online, the Center’s site on the courts’ intranet
- distributed 34,291 printed copies of its publications, as well as 3,523 audio, video, and multimedia programs
- conducted an institute for 21 history teachers about teaching the history of the federal judiciary in high schools
- coordinated 55 briefings for 553 judges, court officials, and attorneys from 49 countries

EDUCATION AND TRAINING

The Center produces its educational programs and resources in coordination with its Board and advisory committees. It also works closely with subject-matter experts from the courts, with scholars, and with staff from other government agencies to provide instruction on substantive legal topics, case and court management, and leadership development.

The Center designs and produces educational programs and products in a variety of formats appropriate for the audiences it serves. These formats include in-person seminars and workshops as well as distance-education methods, including Web conferences, e-learning programs, audioconferences, videos, and other online resources.

In 2011, the Center delivered 61 programs for 2,392 federal judges and 229 programs for 13,188 legal and court staff. (“Programs” includes both in-person and distance-education programs.) The tables on page 8 contain detailed statistical information listed by program type. In addition, Center staff assisted in the development and delivery of 31 programs produced by other organizations and attended by 3,319 court staff.

The Center also produced 17 new video programs and made them available in streaming video format on FJC Online, the Center’s website on the judiciary’s intranet. Some of these videos were also used in in-person education and training programs. (Video program viewership is not included in the participant figures above, nor is the use of educational publications and other resources on FJC Online.)

Education Programs and Resources for Judges

New district, bankruptcy, and magistrate judges attended two 1-week orientations for their respective groups. These orientations cover the role of the judge, ethics, case management, evidence, judicial security, financial disclosure requirements, judicial demeanor and courtroom control, and substantive legal topics. District and magistrate judges also have sessions on conducting jury trials and sentencing. New court of appeals judges attended an orientation program on ethics, opinion writing, collegiality, and chambers management. The Center also funded the attendance of judges at a seminar for new appellate judges at the New York University Law School’s Institute of Judicial Administration.

The Center’s national workshops for bankruptcy and magistrate judges in 2011 included presentations on judicial ethics, new developments in the law, case and court management, and judicial security. The Center produced circuit workshops for Article III judges from the Fourth, Sixth, Seventh, Eighth, Ninth, and District of Columbia Circuits.

The Center conducts a national symposium for court of appeals judges every three years. This year’s symposium offered sessions on trends in the Supreme Court, collegiality, future trends in the work of the courts, and updates on the judiciary’s budget and the economy. Speakers included the Chief Justice, four associate justices, and the director of the Federal Bureau of Investigation.

The annual Conference for Chief U.S. District Court Judges included presentations on new policies and management issues, updates on budget and financial matters, and exchanges among chief judges on common issues confronting the courts.

The Center delivered 18 special-focus seminars for judges, 13 of which were conducted in collaboration with law schools or other educational institutions, on the following topics: case management; electronic discovery; capital habeas corpus; mediation skills; use of information technology; media and the courts; class action settlements; employment law; intellectual property; law and genetics; law and society; law and terrorism; environmental law; water rights litigation; international law; neuroscience (two programs); and humanities and science (the Harold Medina Seminar).

Each year the Center provides faculty to deliver programs for judges in their own districts. In-district programs offered in 2011 were Science and the Founders; Improving the Editing and Writing of Opinions; Editing Opinions; Judges’ Non-Case-Related Public Service; Conflicting Views of the Judicial Role; Law, Justice, and the Holocaust; Procedural Fairness; Literary Perspectives on Justice and Law; and the Judge’s Chambers: A Family Business.

Programs for Legal Staff

The Center held an appellate writing workshop, a sentencing workshop, an orientation program, a national seminar for federal defenders, and a workshop for circuit mediators. The Center also funded attendance of a limited number of career law clerks at a judicial clerkship seminar.

Programs for Judges and Staff Together

In 2011, the Center launched the Leadership Role of the Chief District Judge, a program designed to help new chief judges, and those soon to become chief judges, fulfill the demanding leadership and management responsibilities of the position. Attendees' clerks of court were invited to the program as well.

Teams of judges, clerks of court, and jury administrators attended a Juror Management and Utilization workshop to examine strategies for effective juror management.

The executive institute for chief bankruptcy judges and their clerks of court focused on development of effective court leadership and management practices.

Online, Print, and Media Resources

FJC Online

FJC Online, the Center's site on the judiciary's intranet, serves as an online source for Center publications, written materials from in-person education and training programs, and streaming media. It also contains specially produced Web-based training programs and courses, as well as websites containing collected materials on particular topics. In 2011, the Center updated one site and added two new courses.

The redesigned *Judges Information Technology (JIT)* website features curricula for appellate, district, bankruptcy, and magistrate judges, and video tutorials explaining how judges can use technology to work more efficiently. It also provides links to IT news updates and related training resources.

Social Networking: What's Your Status? is a multimedia course for probation and pretrial services staff that examines the risks associated with personal use of social media and how the Charter for Excellence and Code of Conduct apply to the staff's personal and professional use of social media.

Monograph 111: Improving Outcomes; Improving Lives is an online course for probation and pretrial services officers and staff developed by the Center in cooperation with the Administrative Office.

Educational Publications

The Center published eight educational monographs, manuals, and pocket guides in print and online, including the *Reference Manual on Scientific Evidence, Third Edition*, which was produced in cooperation with the National Academies. The Center also released two online-only outlines and reference guides. See page 13 for a complete list of Center publications in 2011.

Video Programs

The Center produced 17 new video programs, listed below, for judges and staff; all of the programs are available on FJC Online in streaming video format:

- *A Review of Eighth Circuit Bankruptcy Decisions* (2011)
- *A Review of Ninth Circuit Bankruptcy Decisions* (2010)
- *A Review of Fourth Circuit Bankruptcy Decisions* (2011)
- *Basics of Employment Discrimination Law for Law Clerks* (update)
- *Chapter 13* (bankruptcy judge orientation video)
- *Case Management Scenarios and Discussions* (with the American College of Trial Lawyers)
- *Court to Court* (March, June, September, and December 2011 programs)
- *Criminal Pretrial Proceedings* (district judge orientation video)
- *Judicial Panel on Multidistrict Litigation*
- *Loss Mitigation and Mortgage Modification*
- *Mental Health Issues: What Bankruptcy Judges Need to Know*
- *New Probation and Pretrial Services Chiefs Welcome Video*
- *Sentencing Guidelines: New Amendments for 2011*
- *Supreme Court: The Term in Review (2010–2011)*

The end of 2011 also marked the end of the Federal Judicial Television Network (FJTN), the judiciary-wide, satellite broadcast network which, since 1998, provided video programming to the courts from the Center, the Administrative Office, and the U.S. Sentencing Commission. In 2011, the FJTN broadcast 51 programs, 2 of which were live. Starting in January 2012, the Center and the Administrative Office will complete their long-planned transition from satellite broadcast of educational and information videos to a more useful, efficient, and cost-effective online webcasting distribution system. Some Center-produced video programs also are available to the public through the Federal Judiciary Channel on YouTube.

Two national strategic planning workshops (one for district and one for bankruptcy teams) helped teams of judges and senior court staff identify needed improvements and strategic initiatives in their courts, and helped develop and implement plans for accomplishing their goals.

Teams of judges, probation officers, prosecutors, defenders, and treatment providers attended two workshops on facilitating offender reentry to reduce recidivism.

Education Programs and Resources for Court Staff

Leadership and Management Programs for Clerks' Office Staff

Phase II of the Federal Court Leadership Program Class 2010–2012 was held in 2011. This certificate program provides court staff with the leadership and management tools necessary for their professional development and to make a greater contribution to the efficient operation of the courts.

The Center held four programs for court managers and supervisors (two for new and two for experienced managers and supervisors).

Programs for Court Personnel in Several Categories

The Center's national conference for bankruptcy court clerks, bankruptcy administrators, bankruptcy appellate panel clerks, and chief deputy clerks examined leadership and management challenges facing the bankruptcy courts and provided a forum for court leaders to share management best practices.

An institute for chief deputy clerks, deputy chief U.S. probation and pretrial services officers, and circuit staff in comparable positions studied how to create a vision for organizational change and how to lead and communicate effectively during times of change.

The Center held training-for-trainers workshops in support of its three new in-district programs: Strategic Planning; Structured Writing; and Leading Organizational Transitions.

Leadership and Management Programs for Probation and Pretrial Services

The Center's executive team seminar for probation and pretrial services executives guided chiefs and deputy chiefs in developing strategic plans for their districts.

The workshop for newly appointed deputy chief probation and pretrial services officers focused on the principles of the Charter for Excellence and on key leadership practices that outstanding deputies must master.

Seventy-four experienced probation and pretrial services officers graduated from the tenth class of the Center's three-year Leadership Development Program.

The Targeting Leadership Excellence seminar for supervisors with more than three years' experience was held three times in 2011.

The Building Outstanding Supervisors workshop (part of the New Supervisors Program) was held twice. Before attending the program, new probation and pretrial services supervisors completed extensive work, including participating in three live Web conferences.

Throughout the year, the Center provided consulting services to districts that were in the process of implementing evidence-based practices in their defendant and offender supervision and offender reentry programs.

In-Court and Technology-Based Programs

In 2011, some 6,459 court staff participated in 156 in-court programs and 1 self-study program. The programs were delivered by Center-trained court facilitators. The most frequently requested programs were Code of Conduct; Sexual Harassment Awareness; Structured Writing; Time Management; and Foundations of Management. The Center delivered 45 e-learning programs, Web conferences, and audioconferences to 4,985 court participants.

Other Training and Curriculum Development

The Center works closely with the Administrative Office and the Sentencing Commission to ensure the judiciary's highest priority education and training needs are met and that resources are used efficiently. To this end, the Center's education experts often assist the Administrative Office or the Commission in the development and production of education and training. Among the projects the Center supported in 2011 were programs on preventing workplace harassment; appropriations law; treatment of offenders; performance management; and space and security requirements.

Program Assistance and Presentations at the Request of the Courts and Other Organizations

Center staff members often are asked to make presentations or teach courses at conferences held by clerks associations or probation and pretrial services associations and other organizations. In 2011, such staff presentations were attended by 3,319 court personnel at 31 conferences, meetings, and other events.

Seminars & Workshops for Judges, Jan. 1–Dec. 31, 2011

	Number of Programs	Number of Participants
Orientation for newly appointed circuit judges	1	8
Orientations for newly appointed district judges	5	110
Orientations for newly appointed bankruptcy judges	3	36
Orientations for newly appointed magistrate judges	3	74
Conference for chief district judges	1	119
Circuit workshops for circuit and district judges	5	315
National symposium for court of appeals judges	1	130
National workshops for bankruptcy judges	2	256
National workshops for magistrate judges	2	314
Special-focus seminars	18	447
Team workshops*	7	399
In-court seminars**	13	184
TOTAL	61	2,392

*Includes team-management workshops for judges and court unit executives.

**Includes team workshops for judges and law clerks.

Education Programs for Legal Staff, Jan. 1–Dec. 31, 2011

	Number of Programs	Number of Participants
National seminar for federal defenders	1	400
Workshops for federal defenders	2	111
Orientation for assistant federal defenders	1	49
Workshop for circuit mediators	1	46
Institute for career law clerks	1	39
Seminar for federal defender investigators and paralegals	1	255
TOTAL	7	900

Education and Training Programs for Court Staff, Jan. 1–Dec. 31, 2011

	Number of Programs	Number of Participants
Seminars and Workshops (national and regional)		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, court librarians	5	233
Probation and pretrial services managers, officers, and other personnel	12	399
Personnel in several categories	3	212
TOTAL	20	844
In-Court Programs (programs using Center-developed curriculum packages, training guides, and computer-assisted instructional programs)		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	54	2,296
Probation and pretrial services officers and personnel	52	1,797
Personnel in several categories	51	2,366
TOTAL	157	6,459
Technology-Based Programs (e-learning programs, videoconferences, audioconferences, and online conferences, but not including FJTN broadcasts)		
Clerks of court, clerk's office personnel, chambers staff, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	28	3,329
Probation and pretrial services officers and personnel	13	300
Personnel in several categories	4	1,356
TOTAL	45	4,985
GRAND TOTAL	222	12,288

RESEARCH

The Center conducts empirical and exploratory research on federal judicial processes and court management, primarily at the request of Judicial Conference committees. Such research examines many of the key policy issues in the administration of civil and criminal justice that are facing the federal judiciary. Increasingly, Center research studies also address the challenges confronting the federal courts as they seek to maintain their operations in an era of cost containment. Most of the Center's research reports are posted on its websites, and some are also available in print.

Appellate Courts

The Center conducted a survey of circuit practices with regard to awarding administrative costs under Rule 39(a)(3) of the Federal Rules of Appellate Procedure and reported the results to the Advisory Committee on the Appellate Rules. The Center also updated its 1995 report on appellate case-management practices to include current descriptive information on case-management innovations and procedures in the courts of appeals.

Bankruptcy Courts

At the request of the Advisory Committee on Bankruptcy Rules, the Center surveyed bankruptcy clerks and attorneys regarding the processing of applications by parties for case-related administrative costs.

At the request of the Committee on the Administration of the Bankruptcy System (Bankruptcy Committee) and the Court Administration and Case Management Committee (CACM), the Center conducted separate surveys of the district and bankruptcy clerks' offices regarding their efforts with pro se litigants. The information from both surveys will assist courts in managing challenges presented by pro se litigants.

The Center provided research assistance to a subcommittee of the Bankruptcy Committee that prepared a congressionally mandated report under provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. Center staff continued to assist a working group convened by the Administrative Office with the preparation of a second report to Congress due in July 2012.

Civil Litigation

The Center continued to assist the Advisory Committee on Civil Rules with research studies following up on the committee-sponsored civil litigation review conference held in 2010. In one such project, the Center examined the role and use of scheduling orders in civil pretrial case management by district and magistrate judges. The Center also completed a study of records preservation related to electronic discovery in the federal courts.

At the request of the Committee on Federal-State Jurisdiction, the Center is preparing a guide to assist judges with capital habeas petitions. In response to another request from the committee, the Center collected and analyzed data on appeals of remand orders.

The Center completed its report on a study requested by the Advisory Committee on Civil Rules of the filing and resolution of motions to dismiss for failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure. The Center completed follow-up analyses of the outcomes in a sample of cases in which the plaintiff had an opportunity to amend the complaint following the filing of a 12(b)(6) motion by the opposing party.

At the request of CACM, the Center commenced an evaluation of the congressionally mandated ten-year pilot program involving the assignment of patent cases in 14 district courts. Also at that committee's request, the Center began an evaluation of a three-year Judicial Conference authorized pilot of digital video recording of civil proceedings in 14 district courts.

Criminal Litigation

The Center continued its multiyear evaluations of federal offender reentry programs in which judges are involved, as requested by the Committee on the Criminal Law. In addition to continuing an experimental evaluation of such programs in five districts, the Center commenced a process-descriptive study of the judge-involved reentry programs that were operational before December 2010.

The Center provided additional assistance to the Advisory Committee on Criminal Rules as follow-up to a survey about pretrial disclosure under Rule 16 of the Federal Rules of Criminal Procedure.

Multidistrict Litigation

The Center is working collaboratively with the Judicial Panel on Multidistrict Litigation (MDL) to prepare reference guides to assist multidistrict transferee judges. These guides include brief booklets on unique problems and challenges of particular types of multidistrict litigation (e.g., securities, consumer fraud, medical implant devices, pharmaceutical/drugs) as well as challenges common to all multidistrict litigation (e.g., attorney fees, *Daubert* considerations, selecting bellwether trials). As part of that effort, the Center and the MDL Panel also

prepared a pocket guide on product-liability cases for MDL transferee judges.

Other Center Research

At the request of CACM, the Center designed and conducted a survey of the district courts to identify instances in which jurors improperly used social media while on active jury duty. The survey also identified districts that have adopted model jury instructions regarding the use of electronic technologies by jurors to research or communicate information about a case.

FEDERAL JUDICIAL HISTORY

The Center's statute directs it to conduct, coordinate, and encourage programs relating to the history of the judicial branch.

In partnership with the Supreme Court Historical Society, the Center will produce the first-ever narrative history of the federal judiciary. The one-volume history will describe the role of the federal courts within the constitutional system and in the public life of the nation. The Center, in consultation with an appointed editorial board of scholars and judges, will provide editorial management of the project and make its research files available to the author.

In 2011, the Center completed the first two volumes of a projected three-volume documentary history of debates on the federal judiciary. Unlike the narrative history described above, which is intended for a general audience, this documentary history provides a survey of congressional debates, public discussions, and other primary sources for legal historians and other researchers on the organization and jurisdiction of the federal courts since the Federal Convention of 1787 and continuing up to 1939.

The Center continued to expand the historical reference materials available on the History of the Federal Judiciary section of the Center's websites. It posted online a complete list of circuit allotments of Supreme Court justices, it completed research on appropriations for the federal judiciary, and it identified the extant sources documenting caseloads from throughout the history of the federal judiciary.

In partnership with the ABA Division for Public Education, the Center held a sixth annual teacher institute on historic cases in the federal trial courts. These institutes are part of the Center's online Teaching Judicial History project. History teachers from across the country met with federal judges, scholars, and curriculum experts to examine the *Amistad* case, *In re Debs*, and the New Orleans school desegregation case. The teachers also attended a Supreme Court session and visited the U.S. District Court for the District of Columbia. The Center will offer a seventh teacher institute in Washington, D.C., in June 2012.

PROGRAMS FOR FOREIGN JUDICIAL OFFICIALS

As part of its statutory mission to provide assistance to foreign judiciaries, the Center hosts visiting delegations from around the world for informational briefings about its work and the United States judicial system. In 2011, the Center coordinated 55 briefings for 553 judges, court officials, and attorneys from the following 49 countries:

Angola, Argentina, Brazil, Benin, Bolivia, Bulgaria, Burkina Faso, Cape Verde, Central African Republic, Chile, China, Colombia, Democratic Republic of Congo, Dominican Republic, Egypt, France, Georgia, Honduras, Indonesia, Iraq, Italy, Japan, Jordan, Kazakhstan, Kenya, Malaysia, Mexico, Mozambique, Netherlands, Niger, Nigeria, Pakistan, Panama, Paraguay, Peru, Poland, Romania, Sao Tome & Principe, Saudi Arabia, Seychelles, Singapore, Slovakia, South Korea, Togo, Trinidad & Tobago, Turkey, United Arab Emirates, Venezuela, Vietnam

The Center also conducts longer educational programs for judges from abroad. In 2011, the Center held a week-long seminar on judicial education for judges from Iraq. A delegation of judges from Georgia visited the Center for a program on judgment writing and criminal trial procedure.

On a more limited basis, Center staff participates in technical assistance projects abroad, advising on judicial reform initiatives, developing educational resources, and attending international conferences. Recent programs included meetings with judges and judicial educators in Morocco and Trinidad and Tobago; a program in Sarajevo to help the judiciary of Bosnia and Herzegovina develop a benchbook on intellectual property law enforcement; an advocacy training workshop in Kenya; and follow-up assistance for a judicial benchmarking project in collaboration with the Arab Council for Judicial and Legal Education. Funding for these international exchanges comes from non-Center sources, including other agencies of the U.S. government, international organizations, and hosting judiciaries.

The Center's Visiting Foreign Judicial Fellows Program offers foreign judges and lawyers the opportunity to be scholars "in residence" at the Center. With the assistance of Center staff, fellows conduct research on topics of relevance to their home judiciaries, observe Center programs, visit local courts, and meet with judges, law professors, and other experts. In 2011, the Center hosted 12 visiting fellows, from Brazil, Bulgaria, China, Japan, Kosovo, South Korea, Sri Lanka, and Togo.

RESOURCES

Websites

The Center's website on the judiciary's intranet, FJC Online (<http://cwn.fjc.dcn>), provides a convenient and accessible place for judges and court staff to find information on the Center's research, education, history, and international programs and activities and to find print, online, and media materials. Most Center video programs and audio recordings of many conferences and workshops are available for streaming on FJC Online. Most Center publications, and some other resources, are also available to the public on the Center's Internet site (<http://www.fjc.gov>).

Publications

Center manuals, monographs, and research reports are described throughout this report. In 2011, the Center distributed 34,291 printed copies of its publications. Commercial publishers reprint several Center publications for sale to the public, including the *Reference Manual on Scientific Evidence, Third Edition*; *Manual for Complex Litigation, Fourth*; *Patent Case Management Judicial Guide*; and *Anatomy of a Patent Case*. The Government Printing Office also carries several Center titles in its public sales program.

The following titles were published in print in 2011 and are also available on the Center's intranet and Internet sites:

- *Compensatory Damages Issues in Patent Infringement Cases: A Pocket Guide for Federal District Court Judges*
- *Federal Securities Law, Third Edition*
- *Maintaining the Public Trust: Ethics for Federal Judicial Law Clerks, Second Edition*
- *Managing Multidistrict Litigation in Products Liability Cases: A Pocket Guide for Transferee Judges*
- *Managing the Chapter 15 Cross-Border Insolvency Case: A Pocket Guide for Judges*
- *National Security Case Studies: Special Case Management Challenges*
- *National Security Case Management: An Annotated Guide*
- *Reference Manual on Scientific Evidence, Third Edition*

The Center posted the following new or updated online publications in 2011:

- *Comparative Study of the Taxation of Costs in the Circuit Courts of Appeals Under Rule 39 of the Federal Rules of Appellate Procedure*
- *Motions to Dismiss for Failure to State a Claim After Iqbal*
- *Motions for Sanctions Based Upon Spoliation of Evidence in Civil Cases*
- *Pilot Project Regarding Initial Discovery Protocols for Employment Cases Alleging Adverse Action*
- *Recent Developments in Bankruptcy Law*
- *A Summary of Responses to a National Survey of Rule 16 of the Federal Rules of Criminal Procedure and Disclosure Practices in Criminal Cases*
- *Survey of Federal Transferee Judges in MDL Proceedings Regarding Coordination with Parallel State Proceedings*
- *The Timing of Scheduling Orders and Discovery Cut-Off Dates*
- *Update on Resolution of Rule 12(b)(6) Motions Granted with Leave to Amend*
- *U.S. Rule of Law Assistance: A Guide for Judges*

Media Library

The media library contains 4,045 audio and video programs, including Center-produced educational video programs, video recordings of Center broadcasts on the FJTN, audio recordings of seminars and workshops, and 724 commercially produced educational video programs. In 2011, the media library loaned 979 programs to federal judges and judicial branch personnel on request and sent 2,544 Center-produced media programs directly to the courts for them to keep and use in local education and training programs.

Information Services

Drawing from a specialized collection of books, journals, and published and unpublished documents on the work of the federal courts, the Center serves as a national clearinghouse for information on federal judicial administration. During the year the Center answered numerous requests for information from judges and court staff, congressional staff, other government agencies, academics, researchers, the media, and others.

FEDERAL JUDICIAL CENTER FOUNDATION

The Federal Judicial Center Foundation is a private, non-profit corporation that Congress established to receive gifts to support the work of the Center. The Foundation has sole authority to decide whether to accept gifts, and thereby to determine the suitability of would-be donors. The Foundation may not accept gifts earmarked for projects that have not previously been approved by the Center's Board, and the Center has sole control over the design and conduct of activities supported by donations.

The Foundation is governed by a seven-person Board appointed by the Chief Justice, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. No Foundation Board member may be a judge. Foundation Board members at the close of 2011 were:

Fern M. Smith, San Francisco, Cal., *Chair*
Richard D. Casey, Sioux Falls, S.D.
Laurie L. Michel, Washington, D.C.
Sally M. Rider, Tucson, Ariz.
Robert K. Walsh, Winston-Salem, N.C.
John B. White, Jr., Spartanburg, S.C.
Benjamin L. Zelenko, Washington, D.C.

In creating the Foundation, Congress directed that the Center, in its annual report, describe the purposes for which Foundation gifts were used in the reporting year. The Center used the following Foundation gifts in 2011:

- Funds provided by the American Association for the Advancement of Science to cover expenses for federal judges to attend two programs on emerging issues in neuroscience.
- Funds provided by Duke University School of Law to cover expenses for federal judges to attend a seminar on class action settlement.
- Funds provided by Duke University School of Law to cover expenses for federal judges to attend a seminar on international human rights.
- Funds provided by Lewis and Clark Law School to cover expenses for federal judges to attend a seminar on environmental law.
- Non-earmarked grants to provide partial support for a judicial seminar on the humanities and science at Princeton University (the Harold Medina Seminar).

JOHN R. BROWN AWARD

Judge John R. Brown, who served on the U.S. Court of Appeals for the Fifth Circuit from 1955 until his death in 1993 and as chief judge from 1967 until 1979, was a strong proponent of improved judicial administration and procedure. To recognize Judge Brown's appreciation of the Federal Judicial Center and his commitment to research and education about and for the federal judiciary, the Board of the Judge John R. Brown Scholarship Foundation, led by Mrs. Vera Brown, established the Judge John R. Brown Judicial Scholarship and Education Award.

The award recognizes Center employees and those outside the Center who contribute to its judicial education and research missions. Previous recipients are Professors Margaret Berger, Karen Blum, Erwin Chemerinsky, Joel Friedman, Laurie Levenson, Ira Robbins, George C. Treister, James M. Wagstaffe, and Elizabeth Warren, and Center staff members James Buchanan, Joe Cecil, Bruce Clarke, Denise Neary, Donna Stienstra, Marilyn Vernon, and Elizabeth Wiggins.

ADVISORY COMMITTEES

Advisory committees provide guidance on education programs and publications. The Chief Justice appoints the members of the advisory committees on appellate, bankruptcy, district, and magistrate judge education and the *Benchbook* committee, and Center Board members serve on each of these committees. The committees, which typically meet by telephone conference or during other Center programs, had the following membership at the close of 2011.

Committee on Appellate Judge Education

Judge Michael J. Melloy (8th Cir.), *Chair*
Judge Susan H. Black (11th Cir.), *Center Board Representative*
Judge R. Guy Cole, Jr. (6th Cir.)
Judge Emilio M. Garza (5th Cir.)
Judge Edward C. Prado (5th Cir.), *Center Board Representative*
Michele E. Reed (Administrative Office of the U.S. Courts)

Committee on Bankruptcy Judge Education

Judge C. Ray Mullins (N.D. Ga.), *Chair*
Chief Bankruptcy Judge Dennis R. Dow (W.D. Mo.)
Chief Bankruptcy Judge James B. Haines, Jr. (D. Me.), *Center Board Representative*
Chief Bankruptcy Judge Barbara J. Houser (N.D. Tex.)
Bankruptcy Judge Erithe A. Smith (C.D. Cal.)
Bankruptcy Judge Eugene R. Wedoff (N.D. Ill.)
Dean Lawrence Ponoroff (University of Arizona College of Law)
Amanda L. Anderson (Administrative Office of the U.S. Courts)

Committee on District Judge Education

Judge Paul J. Barbadoro (D.N.H.), *Chair*
Judge Carol Bagley Amon (E.D.N.Y.)
Judge Helen Ginger Berrigan (E.D. La.)
Judge Carol E. Jackson (E.D. Mo.)
Judge Marcia S. Krieger (D. Colo.)
Chief Judge Loretta A. Preska (S.D.N.Y.), *Center Board Representative*
Chief Judge Kathryn H. Vratil (D. Kan.), *Center Board Representative*
Michele E. Reed (Administrative Office of the U.S. Courts)

Committee on Magistrate Judge Education

Magistrate Judge Tim A. Baker (S.D. Ind.), *Chair*
Magistrate Judge John M. Facciola (D.D.C.), *Center Board Representative*
Magistrate Judge Margaret J. Kravchuk (D. Me.)
Magistrate Judge Lisa P. Lenihan (W.D. Pa.)
Magistrate Judge Robert M. Levy (E.D.N.Y.)
Magistrate Judge Thomas C. Mummert III (E.D. Mo.)
Thomas C. Hnatowski (Administrative Office of the U.S. Courts)

Committee on the *Benchbook* for U.S. District Court Judges

Chief Judge Irma E. Gonzalez (S.D. Cal.), *Chair*
Judge Robert Holmes Bell (W.D. Mich.)
Judge Paul L. Friedman (D.D.C.)
Chief Judge James F. Holderman, Jr. (N.D. Ill.), *Center Board Representative*
Judge John W. Lungstrum (D. Kan.)
Judge Patti B. Saris (D. Mass. and U.S. Sentencing Commission)

Committee on Court Attorney Education

Richard G. R. Schickele (Career Law Clerk, Circuit Judge, 9th Cir.), *Chair*
Pamela Armour (Career Law Clerk, Magistrate Judge, S.D. Fla.)
Steven Gilman (Career Law Clerk, District Judge, N.D.C.)
Addie Hailstorks (Pro Se Attorney, D.D.C.)
Kim Jones (Senior Staff Attorney, 8th Cir.)
Barbara Riegelhaupt (Career Law Clerk, Circuit Judge, 1st Cir.)
Lynn Ryan (Career Law Clerk, Bankruptcy Judge, E.D.N.Y.)
Mike Schneider (Senior Staff Attorney, 5th Cir.)
Gloria J. Malkin (Administrative Office of the U.S. Courts)

Defender Services Advisory Group Panel on Defender Education

Jon M. Sands (Federal Public Defender, D. Ariz.), *Chair*
Henry J. Bemporad (Federal Public Defender, W.D. Tex.)
David Beneman (Federal Public Defender, D. Me.)
Thomas W. Hillier II (Federal Public Defender, W.D. Wash.)
Henry A. Martin (Federal Public Defender, M.D. Tenn.)

Committee on Appellate Court Staff Education

Betsy Paret (Circuit Executive, D.C. Cir.), *Chair*
Douglas Cressler (Chief Deputy Clerk, 10th Cir.)
Molly Dwyer (Clerk of Court, 9th Cir.)
Elaine Fenton (Circuit Librarian, 11th Cir.)
Kim Jones (Senior Staff Attorney, 8th Cir.)
Mary Sharon (Bankruptcy App. Panel Clerk, 1st Cir.)
Catherine O'Hagan Wolfe (Clerk of Court, 2d Cir.)
Mark Zanchelli (Chief Deputy Clerk, 4th Cir.)
Gary A. Bowden (Administrative Office of the U.S. Courts)

Committee on Bankruptcy Court Staff Education

George Prentice (Clerk of Court, Bankr. W.D. Tex.), *Chair*
Linda M. Ball (Chief Deputy Clerk, Bankr. M.D.N.C.)
David D. Bird (Clerk of Court, Bankr. D. Del.)
Barry Lander (Clerk of Court, Bankr. S.D. Cal.)
Andrea D. Redmon (Chief Deputy Clerk, Bankr. N.D. Okla.)
Becky Vail (Chief Deputy Clerk, Bankr. S.D. Ind.)
Paul R. Warren (Clerk of Court, Bankr. W.D.N.Y.)
Diane Zech (Clerk of Court, Bankr. D. Neb.)
Glen K. Palman (Administrative Office of the U.S. Courts)

Committee on District Court Staff Education

Stephan Harris (Clerk of Court, D. Wyo.), *Chair*
Robert V. Barth, Jr. (Clerk of Court, W.D. Pa.)
Angela Denise Caesar (Clerk of Court, D.D.C.)
Peggy Ann Guernsey (Chief Deputy Clerk, N.D. Ind.)
Frank G. Johns (Clerk of Court, W.D.N.C.)
Marge E. Krahn (Clerk of Court, S.D. Iowa)
David Provines (Chief Deputy Clerk, E.D. Tex.)
Jeff Reinert (Chief Deputy Clerk, S.D. Ala.)
Robert Lowney (Administrative Office of the U.S. Courts)

Committee on Probation and Pretrial Services Education

Joseph McNamara (Chief U.S. Probation Officer, D. Vt.), *Chair*
Cindy Bochantin (Chief U.S. Pretrial Services Officer, E.D. Mo.)
Chris Hansen (Chief U.S. Probation Officer, D. Nev.)
David Martin (Chief U.S. Pretrial Services Officer, D. Ariz.)
Reginald D. Michael (Chief U.S. Probation Officer, S.D. Fla.)
Philip Miller (Chief U.S. Probation Officer, E.D. Mich.)
Karen Moody (Chief U.S. Probation Officer, D. Me.)
Jolene Whitten (Chief U.S. Probation Officer, N.D. Tex.)
Nancy Beatty Gregoire (Administrative Office of the U.S. Courts)