

THE FEDERAL JUDICIAL CENTER

Education and Research for the U.S. Federal Courts



The Federal Judicial Center is the education and research center for the U.S. federal judiciary. The FJC is an independent government agency within the federal judicial branch and receives its funding directly from Congress.

History

Congress created the Federal Judicial Center in 1967, a period in U.S. judicial history marked by growing interest in the use of quantitative research and continuing education to improve judicial administration and the management of caseloads. Representatives of the federal judiciary, including then-Chief Justice Earl Warren, recognized the importance of research, planning, and education for the long-term effectiveness of the courts and proposed that Congress create an organization within the judicial branch with responsibility for these tasks. The Administrative Office of the U.S.

Courts had been established in 1939 to oversee the administration of the judicial branch budget, the collection of statistical data, policy innovations, and legislative relations. Rather than assigning responsibility for education to the Administrative Office, Congress created the FJC as a distinct judicial agency, thereby separating the research and education functions from policy-making responsibilities and protecting funding of those functions from the demands of everyday court business.

Mission

The FJC provides education and training for judges and employees of the federal courts. The FJC also coordinates educational programs for federal public defenders, who represent indigent criminal defendants in federal court. (The U.S. Department of Justice trains federal prosecutors.) The FJC research division conducts empirical studies and exploratory research into different aspects of judicial administration, including case management, alternative dispute resolution, and proposed amendments to the federal rules of procedure. These research activities often inform the development of FJC educational programming.

In 1992, Congress amended the FJC-enabling legislation to authorize the FJC to serve as a resource for foreign judiciaries. Its International Judicial Relations Office provides information to federal government agencies and other organizations working in the field of international judicial development and also disseminates information to the federal judiciary about practices and procedures in other countries that may improve judicial administration in the United States.

The FJC does not train state court judges and personnel or provide services to them.

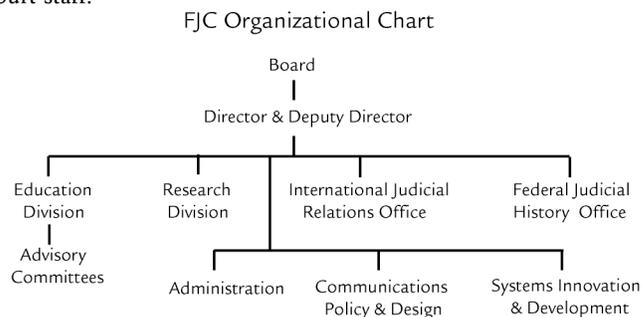
Structure

The FJC operates under the general direction of its Board, which is chaired by the Chief Justice of the United States, with seven federal judges elected to four-year terms by the Judicial Conference of the United States. The Director of the Administrative Office of the U.S. Courts is an *ex officio* member of the FJC Board. The Board establishes policy and consults on programs and research projects; it is not involved in the FJC's day-to-day operations.

The Board appoints the FJC Director and Deputy Director. The director has traditionally been a U.S. federal judge who gives up judicial duties while serving. There is no statutory term of office for directors, although typically most directors serve for about four years.

The FJC has a staff of about 130, including attorneys, educational specialists, researchers with advanced degrees in law and

the social sciences, and professionals with expertise in media, publications, and information technology. The Education Division works in consultation with advisory committees of judges and court staff.



Funding

The FJC has an annual budget of approximately \$21,000,000, used for program costs (including participant travel, lodging, and meals), distance-learning technologies, staff salaries, and other operational needs. These funds are allocated (“appropriated”)

directly to the FJC by Congress. Congress created a separate Federal Judicial Center Foundation that decides whether to accept private gifts offered to support the FJC's work. Foundation funds, while important, are a small fraction of the FJC's overall spending.

Judicial Education

Federal judges preside over varied caseloads that include both civil and criminal cases, with subjects ranging from civil rights and intellectual property to narcotics distribution and corporate crimes. The FJC develops judicial education programs and materials designed to assist judges with managing growing caseloads while keeping abreast of relevant developments in law, science, and technology.

The Education Division coordinates orientation seminars for newly appointed judges as well as continuing judicial education programs. Programs and written materials emphasize practical skills. Rather than working from a standard law school-type curriculum, the FJC develops courses in an ad hoc fashion, changing topics and selecting speakers based on new developments in the law and court practice.

Judicial education attorneys plan and coordinate seminars, often consulting with advisory committees of federal judges, court administrators, and, in some cases, legal practitioners. Presentations are delivered by federal judges with expertise in a particular area, as well as by academics and practitioners, and occasionally by FJC staff members. The FJC takes great care to ensure that programs are balanced, presenting all legitimate viewpoints relevant to the subject matter covered in workshop sessions. Faculty volunteer their services, compensated only by reimbursement of expenses and, in the case of non-judges, small honoraria.

There are no mandatory educational requirements or standards for federal judges, but the majority takes advantage of FJC offerings. Costs of attendance (travel, hotel, and meal costs) are the responsibility of the FJC.

Orientation programs

Federal judges do not take a special examination or course to gain appointment, and their post-appointment orientation is relatively brief. The FJC sends newly appointed first instance judges a selection of educational publications and videotapes and invites them to attend two one-week orientation sessions. Before their appointment to the judiciary, these judges have had significant professional experience as attorneys (both from private and government practice) and, in some cases, as members of state judiciaries or lower federal courts. The orientation programs provide only a limited review of substantive law topics. The curriculum focuses on skills unique to judging: civil and criminal trial practice, case management, judicial ethics, opinion writing, and, for district and magistrate judges, the criminal sentencing process. Substantive law covered during the orientation process is limited to complex areas of statutory and constitutional law that arise frequently in federal litigation (including employment discrimination and habeas corpus). New judges rely on their independent legal research to master other areas of the law with which they are unfamiliar.

The first phase of the orientation cycle takes place within a few months of the judge's appointment and typically includes eight to twelve new judge participants. The program uses a mentoring model: two experienced judges lead a series of discussion sessions throughout the week. During the program, participants view orientation videotapes prepared by the FJC on such topics as civil case management, jury trial administration, and ethics. These video

presentations provide all judges a common introduction to each subject and are a starting point for group discussions led by the mentor judges. The discussion sessions are informal and unstructured, enabling participants to ask questions that reflect their interests and needs. The orientation program for federal district judges also includes a visit to a federal prison, providing an opportunity for the new judges to view firsthand the conditions that defendants they sentence will confront.

The second phase of the orientation takes place at the FJC Educational Center in the Thurgood Marshall Federal Judiciary Building in Washington, D.C., bringing together two or three groups from the earlier orientation programs. Over the course of a week, sessions are held on a variety of subjects, including civil rights litigation, employment discrimination, case management, relations with the media, and ethics.

Continuing judicial education

FJC continuing judicial education programs are varied, including specialized workshops in such fields as intellectual property, employment law, environmental law, and law and technology, as well as a skills-based program in mediation. The FJC presents these two-day to three-day seminars for district and appellate judges, bankruptcy judges, or magistrate judges at locations around the United States, often in cooperation with other institutions such as law schools. In addition, every twelve months, a series of national or regional workshops covers a broad range of legal topics and judicial skills, often including a review of recent decisions by the U.S. Supreme Court, new legal developments, and less traditional sessions on legal history, law and literature, or the psychology of judging.

The FJC also develops programs for chief judges (court presidents) on leadership and management skills and special workshops on teamwork for chief judges and their chief court administrators.

Programs for appellate judges

There are not enough newly appointed federal appellate judges at any one time to justify the two-phase orientation sequence that first instance judges receive. Instead, the FJC arranges new appellate judges' attendance at the orientation program for federal and state appellate judges coordinated by the Institute of Judicial Administration at New York University School of Law. Court of appeals judges with no experience as district judges may also attend the FJC's district judge orientation program. The FJC also sponsors continuing education programs for appellate judges that cover trends in the Supreme Court, caseload management, motions practice, opinion writing, and a variety of substantive law topics.

Distance education

In addition to in-person educational workshops and conferences, the FJC provides information to judges through distance education—publications, television broadcasts, videos, and Web-based materials. Other than publications, the FJC has used distance education sparingly for judges, in recognition of their need (and preference) to meet with colleagues and exchange techniques and ideas in person.

The FJC develops a variety of publications, including practical guides, short monographs on substantive law, pamphlets on opinion writing, and reference manuals. In some cases, advisory groups of judges provide comments during the planning and drafting process. Publications include the *Benchbook for U.S. District Court Judges*, a practical guide for the pretrial and trial phases of litigation, such as criminal arraignments, jury selection, and motion practice. The *Guide to Judicial Management of Cases in ADR* discusses referring cases to alternative dispute resolution, different ADR methods, and questions that may develop during the court-annexed ADR process. The *Reference Manual on Scientific Evidence* helps judges understand scientific and technological topics on which experts testify in federal court litigation, such as statistics, medical testimony, and DNA evidence.

The FJC also produces educational videos for judges, including programs broadcast on the Federal Judicial Television Network (FJTN). The FJC began developing educational videos in the 1980s to supplement its orientation program and provide information on developing areas of law and judicial practice. In 1998, it launched the FJTN in cooperation with the Administrative Office. The FJTN transmits informational and educational programs by satellite to federal courts across the country.

The FJC broadcasts taped productions over the network as well as live programs in which judges and court staff at courthouses around the country speak directly with faculty in the broadcast studio. The FJC's judicial education attorneys have produced FJTN programs on a range of topics, including a yearly review of important U.S. Supreme Court cases, an examination of new terrorism legislation passed in the aftermath of September 11, and a series on science in the courtroom. The FJC posts *FJTN Bulletin* on its Web site bimonthly, listing the broadcast schedule and summaries of the network's programming.

Training for Federal Court Employees

The FJC develops programs and materials for court staff, including court administrators, probation officers, and pretrial services officers. In addition to orientation programs for some new court employees, employee education programs teach management techniques and specific operational skills such as case-flow management, and they provide training in leadership and change management. Unlike its programs for judges, most FJC programs for court employees are through distance education.

FJC education specialists, many of whom have advanced degrees in education or law, develop these programs working closely with advisory committees. The programs are designed using a curriculum development model that includes conducting needs assessments, collaborating with subject-matter experts, and piloting new programs. The FJC often delivers staff training programs in conjunction with the Administrative Office.

A number of federal courts have developed extensive local training programs, often coordinated by an "in-court training specialist" (usually a court staff person responsible for training in addition to other responsibilities). The FJC supports in-court training efforts in a number of ways, including conducting train-the-trainer workshops and developing curricula and training

The FJC also provides judges with information through its Web site on the federal courts' intranet, a Web-based resource restricted to federal judges and court employees. The FJC's intranet site provides access to FJC publications, upcoming seminars and FJTN broadcasts, program materials, and special resource pages with guidance and sample documents on such subjects as capital litigation and electronic discovery of evidence.

Evaluation of FJC educational programs

At the close of each program (live and broadcast), the FJC asks participants to use evaluation forms intended to assess the effectiveness of the program, written materials, and speakers. Participants are asked whether the program is likely to help them perform their jobs and to provide feedback regarding the program's scope and content. The FJC uses this information in planning future programs.

The FJC does not administer examinations to judges or otherwise attempt to monitor their performance as a means of evaluating the effectiveness of its programs.

Participation by judges of other countries

The FJC may permit judges of other countries to observe FJC educational programs when deemed appropriate and space is available. Foreign judges are not asked to pay tuition but must finance and arrange for their travel, hotel, and meals. FJC programs do not review basic elements of particular fields of law; they address emerging trends and issues likely to pose problems for U.S. judges. For this reason, they are often of limited utility to foreign observers, other than to serve as an example of educational techniques and program design.

materials with instructor and participant guides as well as audiovisual aides.

The FJC offers court employees a range of distance learning resources, including FJTN programs and on-line conferences and tutorials. The FJTN is a valuable tool for providing information about strategies for meeting job responsibilities and learning about new developments in court practice. For example, the FJTN series *Public Information and Outreach*, produced with the Administrative Office, describes the role of court staff in educating the public about the work of the courts. Another FJTN series, *Court to Court*, profiles federal courts around the country, examining "best practices" in a range of administrative issues. Other programs have addressed developments in courtroom technology, professional ethics, and strategies for supervising employees.

FJC Web-based resources include on-line tutorials, conferencing, and information exchange sites that enable court employees from around the country to communicate with one another through facilitated discussions on selected management topics, with electronic access to court manuals and other documents. The FJC has also developed on-line tutorials on the federal bankruptcy rules and the federal courts' new electronic case filing system.

The FJC often uses a multimedia approach for staff training, developing an FJTN broadcast and accompanying written materials, followed by an on-line telephone or video conference

allowing court employees to explore issues in greater depth with an instructor.

Research

The FJC conducts empirical and exploratory research into different aspects of judicial practice, court administration, and criminal sentencing. The Research Division, staffed by professionals with interdisciplinary training in the law and social sciences, undertakes most of its projects at the request of committees of the Judicial Conference of the United States.

FJC research studies generate objective information to help the Judicial Conference develop recommendations for the number of new judgeships, measure the impact of innovations in case

management, and assess the need for amendments to the rules of procedure. The FJC does not advocate a particular course of action or reform initiative. Its research projects have, to give a few examples, examined the uses of courtroom technology to present evidence and its possible effects on the fact-finding process, evaluated digital audio recording technology for generating transcripts of court proceedings, reviewed alternative dispute resolution practices, and studied changes in rules governing class action litigation.

Studying the History of the Federal Courts

Part of the FJC's mandate is to conduct research on the history of the judicial branch. This is the job of the Federal Judicial History Office. The office maintains an on-line reference source for judicial history, including a biographical directory of all life-tenured federal judges, legislative histories of all federal courts, a variety of histori-

cal documents and notes, and reference guides to judicial history. The office also develops educational materials to encourage the study of the history of the federal judiciary, and it supports historical programs in individual federal courts.

International Programs

The FJC International Judicial Relations Office coordinates informational briefings for visiting foreign delegations and provides materials about the U.S. judicial system and the work of the FJC. At the invitation of foreign judiciaries or development organizations, the FJC has developed seminars on such topics as judicial branch education, court administration, case management, alternative dispute resolution, and judicial ethics. FJC staff have visited foreign courts and judicial training centers to provide

technical assistance. The Visiting Foreign Judicial Fellows Program provides an opportunity for foreign judges, court officials and scholars to conduct research at the FJC and examine a topic related to judicial administration, often with the assistance of FJC staff.

Travel and other direct costs of foreign judicial education programs, including the Visiting Fellows Program, are funded by outside sources.

To Learn More About the Federal Judicial Center

More detailed information about the FJC can be found at its Web site, www.fjc.gov. The Web site contains the results of selected research projects on federal court operations, procedures, and history. In addition, many FJC publications can be downloaded from this site.

To arrange a visit to the Federal Judicial Center or request information about Federal Judicial Center materials, contact:

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