



Federal Judicial Center

*"to further the development and adoption of improved
judicial administration through education & research"*



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U.S. Judicial System

- Federal
 - U.S. Constitution (Articles I & III)
 - Congress (lower courts, jurisdiction)
- States
 - 50 States (& D.C., Puerto Rico)
 - State Constitution & laws
 - Independent judicial systems
- Most U.S. law= state law
 - Over 90% court cases in state courts

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Jurisdiction: State

- Contract disputes
- Domestic relations
- Personal injury
- State criminal offenses
- State constitutional claims
- Federal constitutional claims

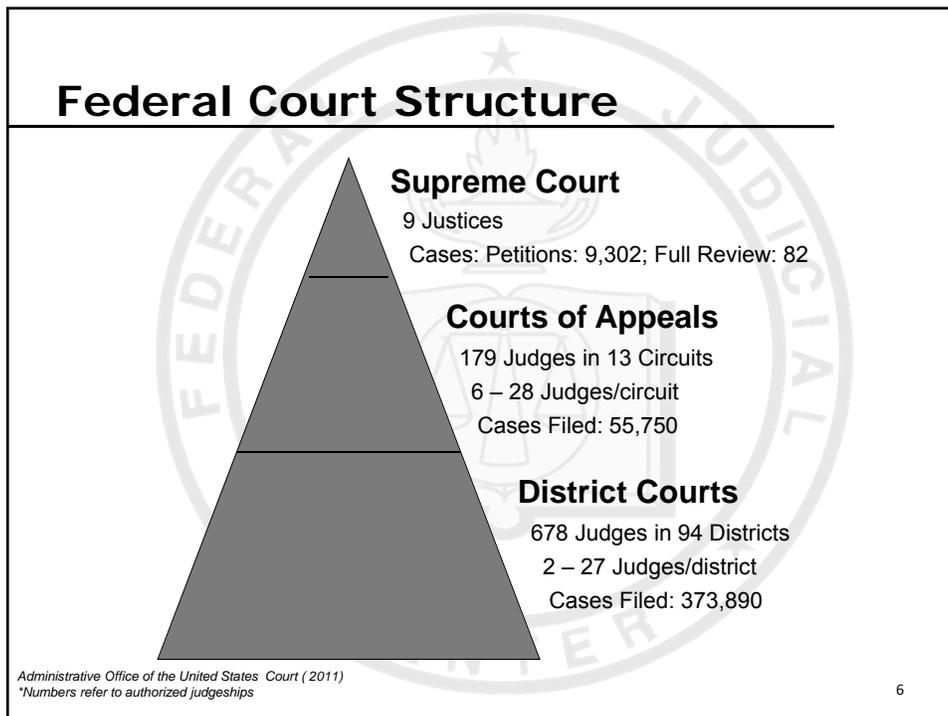
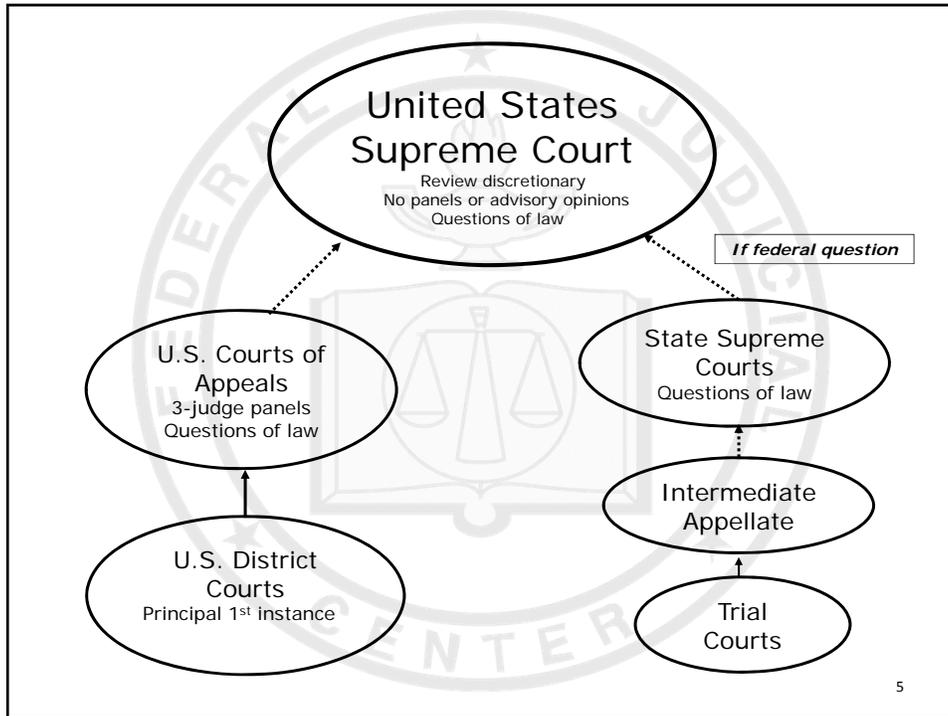
Many states have specialized courts, including: domestic, juvenile, drug, tax, traffic

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Jurisdiction: Federal

- Subject
 - U.S. Constitution & Laws
 - Treaty
 - Bankruptcy, customs, patent, admiralty, international trade
- Party
 - Federal government or state
 - Ambassadors or public official
 - Foreign states
- Diversity
 - Citizens of different states and amount >\$75,000

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The Legal Profession

- Legal Education
 - University: 4 years, general studies
 - Law School: 3 years
 - Core: civil procedure, constitutional law, criminal law, ethics, evidence, property, torts, legal writing
 - Elective: commercial law, intellectual property, labor law, health law, international law, advocacy training, etc.
- Bar Accreditation
 - Exam
 - Admission to State Bar
 - Graduated from accredited law school
 - 200 accredited law schools operating in the U.S. (4 states recognize non-accredited)
 - Continuing legal education for attorneys (45 states require)
- Areas of Practice
 - Private sector (law firm, corporation, NGO, foundation, etc.)
 - Public sector (government, judiciary, legislative branch)

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Judicial Office: Eligibility

- No exam
- Few formal selection criteria
- Training
 - Federal
 - No mandatory pre-judicial training
 - Voluntary continuing judicial education
 - State
 - Mandatory pre-judicial training: 28 states
 - Mandatory continuing judicial education: 43 states
- Candidates selected from:
 - Experienced practitioners (government and private)
 - State courts
 - Lower federal courts
 - Academia

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Judicial Selection: State

- Methods vary by state:
 - Election (33 states)
 - popular election: partisan (12) or non-partisan (21)
 - Appointment by governor
 - merit selection commissions
 - “retention” elections
 - Appointment by legislature (2 states)
- Renewable terms (range: 2 - 14 years)

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Judicial Selection: Federal Article III

- Nominated by President and confirmed by Senate
 - Recommendation: legislators, others *(usually from President's political party)*
 - Investigation: White House, Justice Department, FBI
 - Nomination: Submitted by President to Senate
 - *Review: American Bar Association* *(not legally required, non-binding)*
 - Hearing: Senate Judiciary Committee
 - Vote: Senate
- Life tenure *(“during good behavior”)*

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Judicial Selection: Federal Article I

- Bankruptcy
(Jurisdiction over bankruptcy matters)
 - Appointed by Courts of Appeals to renewable 14-year terms
- Magistrate
(Pre-trial matters, case management, mediation, some civil trials)
 - Appointed by District Courts to renewable 8-year terms
- Federal Claims
(Monetary claims against the U.S. Government)
 - Appointed by President, with Senate confirmation, to renewable 15-year terms

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Federal Judges: Chief & Senior Status

- Chief Justice *(Supreme Court)*
 - Nominated by President, confirmed by Senate
 - Duties: Preside over court sessions, Judicial Conference, AO, FJC, Smithsonian, National Gallery of Art
- Chief Judge *(Courts of Appeals, District, Bankruptcy)*
 - Assigned by seniority (time on court)
 - 7-year term
 - Supervises court administration
 - Delegates to Clerk of Court
 - May have reduced caseload
- Senior Judge *(optional)*
 - Eligibility: 65 years of age
 - Rule: when age + years of service = 80
 - Reduced case load

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State Courts Statistics

Number of Judicial Officers in State Court

General Jurisdiction	Limited Jurisdiction	Total
11,925	18,452	30,377

Judicial officers in state courts comprise judges, commissioners, masters, referees, and other quasi-judicial officers who adjudicate all or part of a court case.

Number of Cases

First Instance		Appellate	Specialized
Criminal	Civil	Supreme & Intermediate	juvenile, traffic, domestic
20,700,000	19,500,000	273,061	65,800,000

National Center for State Courts (2009)

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Federal Courts Statistics

Number of Judges *(excluding Senior Judges)*

First Instance		Appellate	Total
General Jurisdiction	Limited Jurisdiction	Supreme & Intermediate	
686 <i>(District, Int'l Trade)</i>	925 <i>Bankruptcy, Magistrate</i>	188	1,799

Number of Cases *(filed from March 2010 to March 2011)*

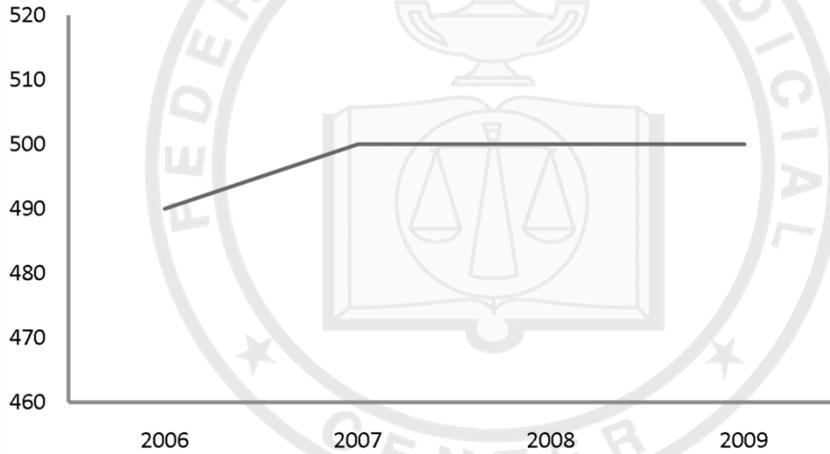
First Instance		Appellate	Specialized
Criminal	Civil		
79,551	294,336	55,753	1,735,010 <i>(mostly bankruptcy and federal claims cases)</i>

Administrative Office of U.S. the Courts (2011)

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Average Case Filings per District Judgeship

(Weighted to reflect how much judge-time is required to resolve cases)

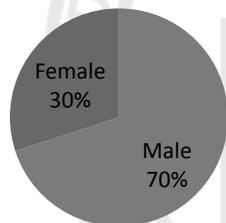


Third Branch, Administrative Office the U.S. Courts (July 2010)

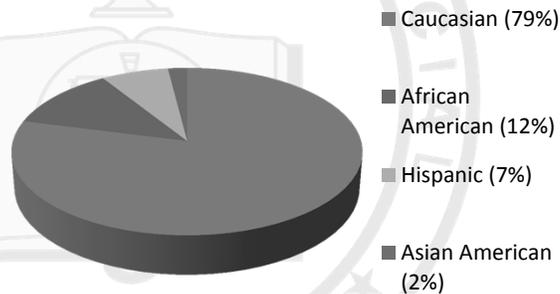
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Diversity in the Federal Courts

Gender



Race/Ethnicity



** Active Article III Judges; FJC History Office (current through June 2012)*

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Court Personnel: Court of Appeals (Average size court)

Judges	Court Staff	Judge's Staff
Chief Appellate Judge 12 appellate judges	Circuit Executive Clerk of the Court Court Staff: +/- 69 Staff Attorneys: 27 Conference Attorneys: 3	Law Clerks: 3 Secretaries: 2

- Circuit Executive: manages circuit-wide administrative matters and provides administrative assistance to the Chief Appellate Judge
- Clerk of Court: oversees scheduling, records, budget, personnel, statistics, courtroom services, distribution of opinions and orders; ensures submissions comply with the rules of procedure; may act on uncontested procedural motions
- Staff Attorney: assists with research and drafting of memoranda, orders, and opinions; oversees briefing and filing process; provides prehearing assistance
- Conference Attorney: coordinates and manages settlement conferences
- Law Clerk: usually a 1-2 year position (*sometimes longer*); conducts legal research, drafts memos; prepares memos for circulation among judges hearing case; may compose or edit draft opinions; verifies citations in parties' submissions

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Court Personnel: District Court (Average size, first instance)

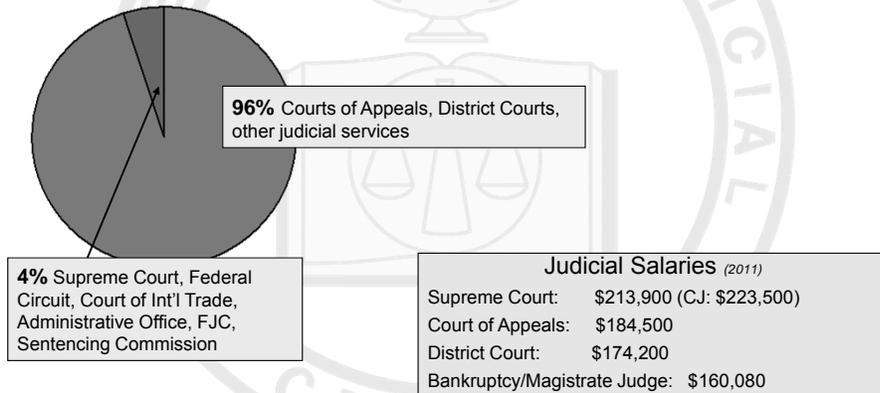
Judges	Court Staff	Judge's Staff
Chief District Judge 6 district judges 3 magistrate judges	Clerk of Court Court Staff: +/- 80 Pro Se Attorneys: 4	Law Clerks: 2 Secretaries: 1

- Clerk of Court: chief administrative officer; oversees case processing, records, budget, equipment, personnel, automation, statistics, courtroom services; jury administration; prepares reports about the court; liaison with judiciary, government
- Magistrate Judge: district court appoints for 8 year term; presides over misdemeanor criminal trials; may, if parties consent, adjudicate civil trials; oversees discovery process, evidentiary hearings; findings & recommendations on dispositive motions
- Pro Se Attorney: assists pro se (unrepresented) litigants, advises on compliance with procedural rules and submission requirements
- Law Clerk: works with parties to coordinate case scheduling, conferences, and issues that arise before and during trial; conducts legal research and drafts memoranda; prepares court record for appellate court; may compose, edit draft opinions
- Intern: law student; assists law clerks with research and memoranda

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Financing the Federal Courts

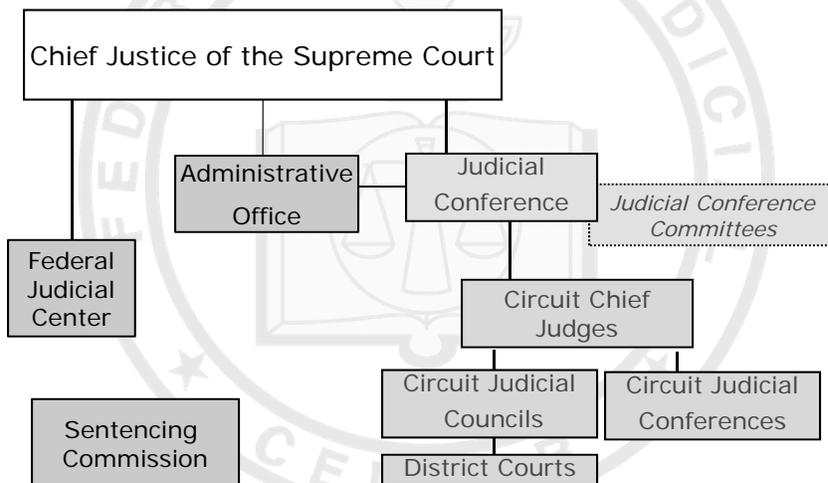
Budget for the Federal Judiciary: \$6.97 billion (FY 2012)
(less than 1/5 of 1% of U.S. budget)



Administrative Office of U.S. the Courts (2011)

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Federal Judicial Administration



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Judicial Conduct and Discipline

CONSTITUTION of the UNITED STATES

Article III, Section I: Judges serve “during good behavior”
Article II, Section IV: Judges may be removed from office only for “high crimes and misdemeanors”

LEGISLATION

Judicial Conduct and Disability Act of 1980
Financial Disclosure (5 U.S.C §101-112)
Limits on Outside Income (5 U.S.C. §501-505)
Disqualification (28 U.S.C. §455)

CODE OF CONDUCT FOR UNITED STATES JUDGES

Adopted by Judicial Conference of the United States
Non-binding Canons
Judicial Conference Committee: Advisory Opinions on Codes of Conduct

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Judicial Conduct and Disability Act: Complaint Process

WHO

- Litigant, attorney, member of public, or the Chief Circuit Judge may file complaints with the Clerk of the Circuit Court of Appeals

WHAT

- Judicial misconduct **not** disagreement with judgment
- Conflict, bias, undue delay, or other ethical violation

HOW

- Chief Judge reviews; may dismiss or refer to Special Committee for investigation
- Special Committee sends findings to Circuit Judicial Council. If violation found, Council may institute “corrective measures” or refer to Judicial Conference

REMEDY

- Corrective measures: no new cases, informal counseling, censure, reprimand
- Judicial Conference may send to House of Representatives for possible impeachment
- House of Representatives investigates; may pursue impeachment
- If judge is impeached, case referred to trial before Senate
- If convicted by $\frac{2}{3}$ of Senate after trial, judge removed from office

Few U.S. judges have been removed: 15 impeachments, 8 convictions (as of 2010)

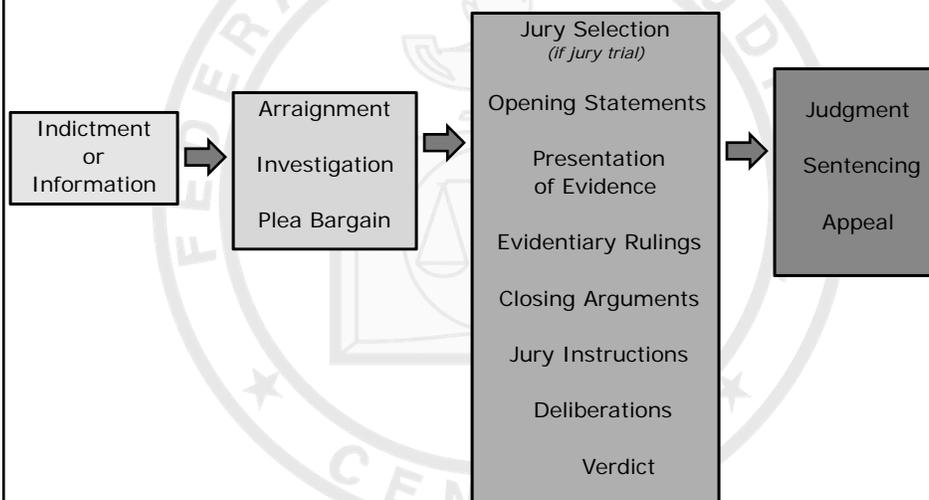
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U.S. Judicial Practice

- Common Law
 - Precedent
 - Statutes
 - Rules of procedure & evidence
- Court Proceedings
 - Adversarial
 - Role of judge & attorneys
 - Trials
 - Jury or judge
 - Continuous trial (consecutive days with limited adjournments)
 - Verbatim transcript

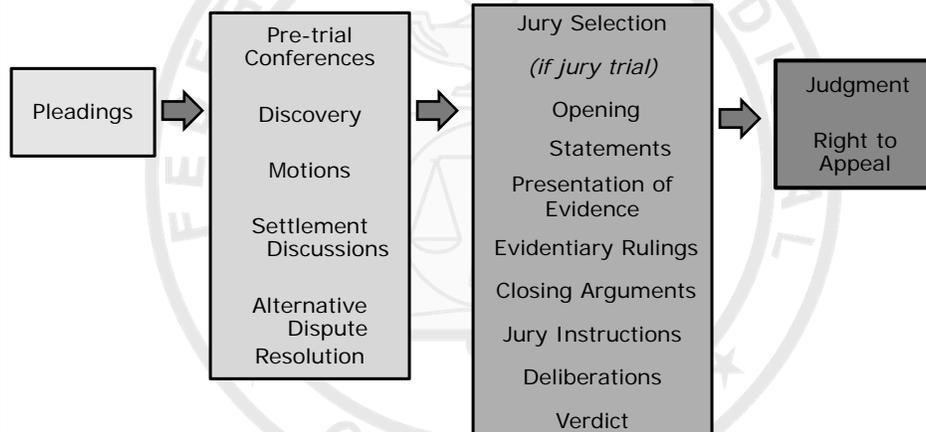
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Path of a Criminal Case



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Path of a Civil Case



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Federal Judicial Center

- Established by statute, 1967
- Judicial branch agency
- Mandate: education & research
- Board
 - Chief Justice, 7 judges, AO Director
- Director
 - Appointed by Board
- Staff: 129
- Budget: \$27,000,000 (2012)

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Topics in Judicial Education

- Judicial Ethics
- Substantive Law
- Evidence
- Criminal Sentencing
- Opinion Writing
- Science & Technology
- Case Management
- Court Administration
- Using Information Technology

Identified in consultation with: Judicial Advisory Committees

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Workshops & Seminars

- Orientation
 - 2 one-week sessions
- Continuing Education
 - General
 - 3 days, in different U.S. cities
 - Specialized (frequently in partnership with universities)
 - Environmental law, employment law, intellectual property, mediation skills, law and society, terrorism-related issues, etc.
 - In-court programs
 - Faculty
 - Evaluations

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FJC Publications

- Benchbook for District Court Judges
- Judicial Writing Manual
- Recurring Problems in Criminal Trials
- Case Management & ADR
- Deskbook for Chief Judges
- Reference Manual on Scientific Evidence
- Manual for Complex Litigation
- Monographs on legal issues
- Guides on case management and procedural issues

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Programs for Court Staff

- Court Administrators
 - Court management
 - Case flow management
 - Supervision, leadership, team-building
 - Strategic planning
 - Ethics
 - Crisis management
 - Jury trial administration
- Probation & Pretrial Services
- Workshops, Conferences, In-court Programs

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Distance Education



Streaming Video & Audio



FJC Production Studio



Web & Video Conferencing



Website; Online Media

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FJC Programs: Statistics

- Educational Programs for Judges (2011)
 - 61 programs
 - 2,392 participants
- Training Programs for Court Staff (2011)
 - 299 programs
 - 13,188 participants

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Research at the FJC

Mandate: to develop and undertake analytical, empirical research in the fields of court operations and judicial administration, often at the request of judicial branch policymakers or Congress

Projects Include:

- Case management
- Alternative Dispute Resolution
- Case weights
- Courtroom technology
- Impact of rules reform
- Courtroom usage
- Offender re-entry programs

Staff: research professionals with degrees in law and the social sciences

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Federal Judicial History Office

Mandate: to conduct, coordinate, and encourage programs relating to the history of the judicial branch of the United States government.

- Studies history of the federal judiciary
- Produces publications
- Provides guidance about preservation of court documents and judges' papers
- Compiles statistical and biographical information about judges
- Provides educators with extensive background on famous federal trials and related public debates through the Teaching Judicial History Project

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International Judicial Relations

Mandate: to exchange information about judicial-branch education, court operations, and strategies for improving the administration of justice with judges and court personnel from other countries.

- Informational briefings
- Educational programs
- Visiting Foreign Judicial Fellows Program
- International conferences
- Technical Assistance
- Materials
- International Judicial Relations Committee

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www.fjc.gov