

THIRD ANNUAL REPORT
OF
THE FEDERAL JUDICIAL CENTER
TO
THE JUDICIAL CONFERENCE OF THE UNITED STATES

October 1, 1970

"More money and more judges alone is not the primary solution. Some of what is wrong is due to the failure to apply the techniques of modern business to the administration or management of purely mechanical operation of the courts--of modern record keeping and systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only permit delay but often encourage it."

.....Chief Justice Burger

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Each of the programs or activities of the Center which will be described in this Report is directed to one of these three goals: (1) To make better use of existing knowledge; (2) to find better ways for solving the problems of today and the problems of tomorrow; and (3) to communicate with others who share our goals and responsibilities.

I. Introduction

The statute establishing the Federal Judicial Center mandates as a first priority improving court management and judicial administration. Although we may lack experimental evidence to support our hypothesis we know that the absolute prerequisite for efficient management of the work of any court is control by the court. There must be generated at every level of court operations a strong sense of responsibility to move cases through the court processes as efficiently, expeditiously and economically as possible using up-to-date business management techniques, procedures and equipment. Effective court management requires that the court assume the responsibility for the case from the time of filing until termination. It is a responsibility that cannot be delegated to the parties or to their attorneys, for to abdicate this responsibility is to relinquish the control necessary to manage the courts effectively. It is not a question of the perquisites of the judge but rather a question of the responsibility of the federal court in our system of government.

A court's responsibility to improve the administration of justice cannot end at the border of its jurisdiction for although each court must

control its own work, it must be in full recognition of the relationship of all courts, both state and federal, to each other in the total judicial system of this country. Effective justice cannot exist in a single district or in a single state or in the federal system alone; to the extent that it does not exist in any court in this land, it does not exist in our system of justice.

We do not have all the answers to the problems of efficient court management and we may never have them but we cannot wait for them. The Center and the federal judicial system must move forward together based on what we know today and not what we expect to know tomorrow. Judge E. Barrett Prettyman, a decade ago, at a meeting of the Tenth Circuit Judicial Conference, stated the thesis that should guide us in this path:

My thesis is that the law has two parts. One part is the daily use of the best we know. The other equally important part is the unending search for better answers.

Or to put in another way; we are not doing as well today as we know how!

The Center plans to continue its efforts for more effective court management on three fronts. First we must uncover the techniques and procedures which are presently available and in use by some courts and by some judges, measure and evaluate them as best we can, and recommend them for adoption by other courts and judges. The continuing seminar program and the recent jury management study are good examples of this approach.

The jury management study which was conducted by Center personnel in the Southern District of New York and the District of Columbia demonstrates the kind of improvement which the Center can recommend. The jury management

study is not an in-depth research program aimed at establishing a perfect jury system. It presents a limited but technically sound analysis of the existing procedures and policies which lead to the development of working hypothesis for making substantial improvements in today's operation. The Center does not pretend that this study is the final word in jury utilization nor can we guarantee that the recommendations will work exactly as predicted but we are confident that it presents a workable hypothesis for effectuating immediate and substantial improvements in the existing system. How well the recommendations will work and to what extent even better ones will be developed, can only be determined by trying them. It is at this point that the "burden of going forward" shifts from the Center to the courts themselves. The Center can initiate, stimulate, and develop programs and advocate their adoption, but it cannot implement.

Undoubtedly, one of the most effective techniques for getting people to do "the best we know how today" is through the traditional seminar programs. Such seminars conducted by and for judges and, recently, by and for clerks, are designed to bring out the best procedures and techniques available and to encourage other judges and court personnel to try them out in their jurisdictions. The omnibus criminal hearing and the individual calendar system represent improvements we now know how to make and to which we are committed. The explanation and discussion of these improvements at seminars for judges has led to their adoption in several district courts.

A second front is the "unending search for better answers." The improvements which can be realized through this approach may be much greater but they are by nature slower and more costly. Perhaps the most significant project of this type is the time study, or more euphemistically, the weighted caseload. The purpose of this program may be simply stated as an attempt to find out the demands imposed upon a judge's time by his workload, both by type of case and by type of activity. Information which shows the amount of time judges spend on certain types of cases is essential for the construction of a model which will predict the impact of changes in federal jurisdiction or substantive legal principles. If, for example, Congress passes the new consumer protection legislation, we must be able to predict how much judicial time will be required to process the actions which will be filed. Data showing the expenditure of judicial energy by type of activity will help us find out what types of para-judicial assistance can be utilized to free judges from non-decisional responsibilities.

New answers can be found in other ways also. For example, the Center is currently presenting a series of training seminars for chief probation officers which represents a significant departure from those seminars conducted by and for the attendees. The purpose of these seminars is to find and develop new management techniques for use by chief probation officers in managing their offices and their affairs. They are being conducted by the Graduate School of the Department of Agriculture, a private agency with extensive experience in teaching management principles and procedures.

The third and perhaps most important area of Center activity is the one we have denominated as "Inter-Judicial Affairs." The Center's responsibility for improving court management is not an exclusive one and numerous other agencies, state and federal, public and private, academic and industrial, are interested and active in the area of court management and court administration. It is absolutely essential that the Center not only maintain an awareness of the activities of these other organizations but also that it assume a position of leadership in directing and coordinating the efforts of all concerned. The Center's sponsorship of the State-Federal Appellate Judges' Conference and its participation in the Steering Committee for the Joint Committee for the Effective Administration of Justice and the National Conference on the Judiciary are examples of the Center's activities in this regard.

II. System Development and Innovative Programs

a. Juror Utilization Studies

At the request of the Judicial Conference, the Center has conducted several studies on juror utilization. In the Spring of 1970 a survey was made of six district courts at no cost to the Center by the Westinghouse Public Systems Management Services Division. The report resulting from this survey documented the detailed procedures used by each court, the relative efficiency of costs of juror related activities, and the cost per jury trial. This report also contained flow charts of the

operation of the complete jury selection system for each of the courts surveyed and identified specific areas warranting further study for the purpose of achieving cost reductions and improving the image of the courts as seen by prospective jurors.

In August 1970 the Center completed an analysis of juror records for calendar year 1969 in the U. S. District Court for the Southern District of New York. This study consisted of an analysis for each day during the year of the number of prospective jurors who reported, the number serving and the number that were used on panels. Primary emphasis was placed on the utilization rate for jurors on the first day of trial. The study found significant improvements could be made in the scheduling techniques used for determining the number of prospective jurors to call into the assembly room each day. (Steps now being taken by the court have resulted in a reduction in the number of unused prospective jurors called.) The study next evaluated the number of veniremen used out of each panel. In this context, the "number used" consisted of the number serving plus the number challenged or otherwise excused. The study found that significant reductions could be made in the size of panels for both civil and criminal cases. In order to develop prediction techniques for panel sizes, a complete analysis was made of all trials by type of case. Based on this analysis, recommended sizes for panels for each type of case were prepared. These were then tested against civil and criminal trials held

during the first five months of 1970. The recommended panel sizes were sufficient for ninety-eight percent of civil cases and eighty-three percent of criminal trials. Further study will be required to develop more accurate prediction tables for criminal trials. Nevertheless, this analysis indicated that a twenty percent reduction in the average panel size could be immediately realized. [See Appendix A.]*

The analytical techniques developed in the analysis of the New York Southern records was then applied to trials taking place in early 1970 in the U. S. District Court for the District of Columbia. A separate report was prepared comparing the number of jurors used on panels out of the total reporting, the panel sizes and the "number used" for each type of trial. This comparative analysis indicated that the District of Columbia Court was making a more efficient utilization of jurors. [See Appendix B.]*

The Center now plans to start an in-depth, long range study of juror selection and utilization techniques and efficiency in a number of federal courts. The study will start in New York Southern and will expand to New York Eastern and the District of Columbia after an initial period in the New York Southern Court. Each of these courts has developed techniques which will be valuable in other courts. The purpose of the study will be to develop an integrated approach to improved juror utilization and to achieve actual reductions in costs per jury trial beginning in fiscal 1971.

b. D. C. Computer Project

The purpose of this project is to develop a series of computer programs for producing criminal case reports which will provide status

information for judges, reduce clerk's office effort in preparation of manual reports and provide organized information for analysis and research purposes. This project had both a production and development phase. For the first six months of calendar 1970, monthly criminal defendant status reports were produced for the total court and for each Judge. During this same period, requirements and systems design studies were conducted to determine court information needs and to design computer programs which would serve these needs. Development of the computer programs has been underway since May 1970. Test reports were produced in August and actual production reports using the new programs were started in October. The system will be run as an operational experiment during the remainder of fiscal 1971. During this time, additional applications will be developed and analyses will be made of the current system output to determine revisions which will improve their utility for judges and for the clerk's office. The system has been designed to obtain case time profile information and other related research information which will dramatically reduce the time required for research studies in this area.

A description of the reports produced by this system and the uses made of each report is attached. [See Appendix C.] *

c. Clerk's Office Organization and Paperwork Management Project

The purpose of this project is to design and test more effective paperwork management systems, improve support to judges and achieve an effective distribution of responsibilities within clerks' offices. A new case file structure and techniques for maintaining a timely, reliable case

file have been developed for civil and criminal cases. New docket sheets and related forms have been developed which are designed to reduce the time required for making form entries and to provide quick and accurate status information. The new forms have been structured to assure both consistency and completeness in the documentation of court actions. Redundant writing or typing of identical data on several documents is being reduced by using multi-purpose forms. For example, the multi-purpose experimental docket sheet provides index cards, a case opening statistical report, docket record, labels for identifying the case file folder, labels for addressing notices to counsel, and a case closing report. These are all produced in one typing operation.

The new organizational structure being tested uses the "Courtroom Service Unit" concept. This concept carries the individual assignment system into the clerk's office by providing a courtroom deputy and an assistant who are responsible for all clerical activities in support of each judge. This structure is consistent with modern management theories and not only broadens the responsibility of each deputy clerk but makes each job more interesting. This approach also provides a trainee position for courtroom deputies. Such training increases flexibility in the use of clerical staff, since there will be more trained people who can easily fill in for other personnel during peak periods or during absences caused by illness or vacation.

This project also includes a major revision in bankruptcy paperwork and organization. All bankruptcy petitions are now filed in the local referee's office rather than in the clerk's office. New

techniques for addressing notices to creditors and for processing other paperwork have been developed. These changes have resulted in a net savings of two full-time employees who have been released for assignment to other work in the clerk's office. Each bankruptcy referee's office now handles all accounting. Although there has been a slight increase in the bankruptcy clerk's workload as a result of this new function, this has been more than compensated for by the reduction in clerical effort made possible by the new techniques for addressing notices to creditors. It appears that the new procedures may result in saving almost the equivalent of one full-time notice clerk in three of the four bankruptcy offices.

A National Archives Records Service (NARS) team has been working on this project under contract to the Center. The team spent the period from March through July 1970 studying court procedures and designing the new techniques and forms. The test implementation period was started in August. Three Judges and their Courtroom Deputies are participating in this test. A special review of the project was held on October 1 and 2, 1970. The review team consisted of four clerks from other district courts, the project monitor from the Center, and a special adviser. The review team found the project to be proceeding successfully. The procedures developed for bankruptcy and criminal cases are functioning quite smoothly while the civil procedures and forms are more complex and will require more time for testing. The experimental civil forms and procedures appear to be too complicated and require simplification. Emphasis during October

and November will be given to revision of the civil forms. The project will be continued on a test basis with three Judges until all the forms have been tested and revised. The new procedures will then be submitted for consideration and adoption by the total court. [See Appendix D.]*

d. New York Southern Individual Assignment Project

During the first six months of 1970, the Center assisted in the Southern District of New York by monitoring the results of the four-judge individual assignment pilot project and by preparing evaluation reports for the court. The results of this evaluation indicated the individual assignment system results in significantly higher case disposition rates than does the master calendar system used by the rest of the court.

e. Computer Transcription of Stenotype Notes

One of the major factors affecting the time required for disposition of appeals is the time required to prepare the record on appeal. The Center has been evaluating several computer transcription services to determine their applicability to Federal Courts. A study is being prepared in coordination with LEAA to compare the speed, cost and accuracy of these techniques with manual transcription techniques.

f. Use of Closed Circuit Television for Depositions

The Center installed a closed circuit television in the U. S. District Court, Camden, New Jersey, in June 1970. The purpose of this project is to reduce the delay in civil cases caused by the unavailability of expert witnesses. The experiment will consist of televising expert

witness depositions prior to trial and recording them on video-tape for showing during trial. Preliminary evaluation of this project has been received from Judge Leonard I. Garth of the U. S. District Court for the District of New Jersey. [See Appendix E.]*

g. Study of Time-Sharing Applications for Court Administration

The purpose of this project is to develop and test time-sharing computer applications for courts, using a remote TV-type terminal which can be placed in any office which has a telephone. Experiments will stress feasibility, costs and techniques by which case management can be facilitated.

The Center is now designing several test applications which will use the time-sharing system. Potential applications include case retrieval and special administrative applications but it is not expected that such a program would become operational before 1975.

h. Mechanical Preparation of Selected Records in the California Central District Court

This project will consist of a design and evaluation study to develop and budget alternative methods for mechanical preparation of court records. The study, which will be conducted by GSA, will result in a recommended approach for an experimental operational system. If the study finds such a system to be feasible, the Administrative Office will provide the necessary funds for experimental operations.

III. Research

a. Time Study - District Courts

As described in earlier reports, the Time Study originated from recommendations of the Subcommittee on Judicial Statistics of the Committee

on Court Administration. The initial impetus for the study was the need to examine and evaluate the weighted caseload formula used by the Administrative Office for assessing the relative caseload of district courts. That item has retained the first priority in the study and should be completed at about the time of the annual meeting of the Judicial Conference. Preliminary information has already been developed and provided to the Subcommittee. Depending upon the final results of data analysis on the weighted caseload index, the current formula will be validated or a new formula will be developed or a new approach will be suggested.

Other time studies have been done before in the federal judiciary as the basis for the present weighted caseload formula. They were limited studies, however, and restricted to time-keeping without distinction as to the activity being pursued during any time interval. When this study was begun, it was recognized that new methods of assessing caseloads might be developed out of it. It was also recognized that one of the most important responsibilities facing the Judicial Center is the development of ways of conserving our most vital and most limited resource--judge time. Accordingly, the study was launched with the design prepared to shed considerably more light on the way the various responsibilities of judges consume the available time. The design now will yield information showing, inter alia, the ratio between case related and non-case related time burdens; the ratio between court and chambers time for types of cases, or for types of activity, or for types of court, or for whatever other points seem to demonstrate significant

relationships. The Center, the Subcommittee, and the Administrative Office are still expanding and developing the ways in which this data may be analyzed to produce for the judicial branch a better understanding of the work it must do and the resources it has for doing the work. The analyses now being made will form the basis for more meaningful forecasting and planning by the judges and their supporting personnel.

Better than two-thirds of the active district court judges participated in the study recording approximately 140,000 hours of time. About three-quarters of that time was spent on case related work with the remainder on other judicial responsibilities. Approximately 70 percent of the case-related time was devoted to civil matters and 30 percent to criminal cases. Civil case time was devoted about 75 percent to chambers work and 25 percent to trial time. Very nearly the reverse was true for criminal cases.

At present these data are being analyzed for each type of case making up the caseload and for various types of courts. The analysis will extend to a search for correlations between differences and patterns and various characteristics of the courts. Projected studies will be completed within the current fiscal year. We fully expect, however, that the immensely rich data that has been generated will continue to be a source of useful information on a variety of questions for several years to come. [See Appendix F.]*

b. Probation Case Aide

Previous reports of the Center have described the Center's

participation in a very large study to determine the effectiveness of non-professional assistants in the supervision of released offenders. A major study of the subject was developed in the Northern District of Illinois involving the probation office for that district and the Center for Studies in Criminal Justice at the University of Chicago. Funds for an action program to obtain, train and supervise non-professional assistants were provided by the National Institute of Mental Health in a grant to the University. Space, cooperation and supervisory personnel were provided by the district court. The Federal Judicial Center entered a contract with the University whereby the University would maintain a research component in the project, evaluating experience and reporting to the Judicial Center on the effectiveness of the pilot program.

The involvement of larger segments of the community in the corrections process appears to be an absolute requirement if a solid base for correctional improvements is to be built. Part of that involvement can be obtained through the burgeoning use of community volunteers. There are a number of limits on the volunteer program, however, and the use of paid non-professionals is one of the efforts to extend those limits.

More than one hundred offenders have been in the Chicago program. The supervision segment of the program has been completed. At present data is being organized, supervisors and offenders are being interviewed and debriefed. The final report will be completed before the end of this fiscal year. It is hoped at that time that the Judicial Center, in

consultation with the Judicial Conference and the Probation Service will develop a set of recommendations for utilization of non-professional assistants to extend the range and depth of supervisory services for released offenders. [See Appendix G]*

c. Library Study

Upon the recommendation of the Judicial Conference, the Center undertook a limited study of the operation of central libraries of the courts of appeals. The Center obtained the services of Mrs. Elizabeth Cubberley, recently retired law librarian of American University, to visit all the circuit libraries and report to the Center. The study and report were to cover the following:

1. A description in general terms of the holdings of the libraries of the United States Courts of Appeals. This description does not extend to an inventory, but is rather a statement of the approximate size of holdings, the existence of special collections, and significant gaps in what might be expected for a particular library.
2. A description of the way in which the holdings are held; i.e., in central libraries, satellite libraries, chamber libraries, or in various other ways.
3. A description of the physical facilities of the libraries and the extent to which those facilities will necessarily affect the organization of library

holdings and the kinds of services that can be rendered by the libraries.

4. A description of the present personnel and staffing of the libraries, including the effect of staffing on size and services of libraries.
5. A description of the use being made of the libraries, including identification of classes of users and estimates of the proportion of use that could be attributed to each class. By classes we understood such groups as federal judges, law clerks to federal judges, personnel of other federal agencies, personnel of other courts, members of the bar, and the public generally.
6. A description of the services presently being rendered by the library and library staff to the courts and to other users.
7. An analysis of the information collected on the above points to develop two or three (or more if required) patterns of library operation at the court of appeals level. For each pattern a suggested list of holdings would be developed and a description of the required staffing.

The field survey and interviews have been completed and Mrs. Cubberley's report has been received. [See Appendix H.]* The Director

appointed a three-man committee of professional librarians to review the report and advise the Center in connection with its recommendations.

d. Federal Prison Legal Assistance Programs

The Center continues to study the effect of clinical legal assistance at the federal and state prisons, the aim being to determine and evaluate the impact in those jurisdictions where such assistance is available. The Deans at the law schools where projects are functioning handle these themselves or assign faculty members to supervise the students' visits to the prisons to consult with, advise and assist prison residents on a limited extent. Reports on developments are coming in from Yale Law School (Danbury Prison); University of Washington (McNeil Island Prison); University of Arkansas Law School (Texarkana); University of Kansas School of Law (Leavenworth); Washington and Lee Law School (Federal Reformatory of Women); University of Southern California (Lompoc); and the San Francisco University Law School (San Quentin). The information available thus far indicates that the assistance brings about reduced filings, better prepared papers, and a better atmosphere and understanding among the prisoners.

e. Circuit Reorganization

At the request of the Judicial Conference, the Center has undertaken to provide research support on the issue of geographical reorganization of the circuits. The Center has recognized that its special abilities do not extend to those controversial areas. In that light, the Center has prepared a design for supportive research in this

extremely important but very sensitive area. [See Appendix I.]*

Working closely with advisors drawn from the federal judiciary, the Center will delineate the issues involved in geographic organization, the various factors bearing on those issues, the constraints that must be observed in responding to the issues, and the values to be served in building a geographic structure. The Center will collect and analyze a substantial base of information bearing on all the points developed by the design. The objective of this information collection and analysis will be to provide the judicial conference all the information possible on the effect of various proposals for geographic reorganization of the circuits.

f. Automobile Accident Litigation

At the request of the Department of Transportation, the Center assisted in the Department's major study of automobile accident compensation. An important component of the study involved assessing the impact of automobile accident litigation on the courts of the nation. The Center administered this portion of the study. The final report, prepared by the Mitre Corporation under contract with the Center, developed a series of national profiles of characteristics associated with the accident experience. The report was completed in March of 1970.

[See Appendix J.] *

g. Presentence Investigation Study

Several districts initiate presentence investigations after indictment but before conviction of the defendant. This technique

reduces the delay between conviction and sentencing. It also permits more realistic planning and management of the workload of the probation office. The procedure is rejected by many districts, however, because of the possible threat to privacy and because of the potential for abuse. A field study of the way the procedure operates in those districts that use it was completed during the past year. The study was carried out by Georgetown Law Journal editors under contract to the Center and published by them. [See Appendix K.] *

IV. Education and Training

a. Judges

United States District Judges. The recently passed Omnibus Judgeship Bill created 61 new district judgeships and this number, coupled with new appointments to existing judgeships will require several Center-sponsored seminars in the immediate future. Exact numbers are not yet available, but if the Senate confirms Presidential nominations during its current session, the first of several seminars will be scheduled early in January or February.

United States Court of Appeals. Several vacancies currently exist on the Circuit Courts, and many, already in office, have not been at an appellate seminar. The dates for the next seminar await future appointments as well as dates when Center facilities and the time of the staff are available. At least one will be held this winter, if not sooner.

Continuing Education. There is strong sentiment for continuing education for the judges who have already attended one seminar upon entering the federal service. The Center plans to respond to this by scheduling additional seminars for these judges.

b. Clerks

During 1970 the Center has developed and is conducting a series of seminars for District Court Clerks. The pedagogical approach and the curriculum content were developed in coordination with an advisory committee of Clerks. Members of the faculty and speakers include District Court Clerks, Judges and guest speakers from the Law Enforcement Assistance Administration, the Institute for Court Management, and the Academy for Public Administration. The first seminar was held in June 1970 for a period of 2 1/2 days. After a thorough analysis of this seminar, it was decided to expand the remaining two seminars of 1970 to 3 1/2 days each. The second seminar is being held in October and the final seminar for the year will be held in December. All district court clerks and the clerks of the U. S. Court of Claims, U. S. Court of Customs and Patent Appeals, the Judicial Panel on Multidistrict Litigation and, the U. S. Customs Court will have been invited to attend one of these seminars.

Planning is also underway for training of Deputy Clerks during 1971. In addition to the seminars, the Center is starting a program which will involve reimbursement of tuition costs for approved courses taken in local universities by Clerks' Office personnel. This program is now in the pilot stage.

A description of the content of the Clerks' Seminars is attached.

[See Appendix L.] *

c. Management Training Seminars for Chief Probation Officers

In May 1970, the Center held the first of three seminars for Chief Probation Officers of the federal system. The second and third seminars will be held in October and November. At the close of the third seminar we will have invited all Chief Probation Officers from all the Federal District Courts.

The objective of these seminars is to emphasize to Chief Probation Officers their responsibilities as managers -- responsibilities over and apart from their responsibilities as skilled members of their profession. Traditional training methods such as classroom lecture have only minimal use. Rather, data generated from active participation of the officers in a variety of management simulation activities serves as the basis for discussion and identification of key management concepts.

A substantial set of materials is sent to the officers 30 days in advance of the seminar. These include questionnaires and direct questions on the reading assignments. Variations in responses form a part of the data for discussion and the basis for exercises on consensus development and small group management. We hope by these sessions to extend and deepen the understanding of the management process, to identify key problems confronting Chief Probation Officers, and to develop a greater familiarity with the dynamics of work planning, motivation, communications processes, team management, and appropriate leadership styles.

As a result of staff appraisal of the first seminar (including the very helpful participation of members of the Probation Division of the Administrative Office) several modifications have been made in the program for the second and third meetings. Also, since these seminars represent a first experiment with this type of training, we have prepared questionnaires to elicit the views of the officers about the usefulness of the training. Four Court Clerks have been invited to attend the next two sessions and to advise the staff about their views as to the usefulness of the training for Clerks.

V. Inter-Judicial Affairs

Efforts to continue liaison with state judicial administration activities continue. It becomes increasingly apparent that the Center staff must be aware of the nature of these activities and of their possible impact on the federal courts. To this end, a representative of the Center has responded to all invitations to attend or participate in state or national programs. That this is mutually beneficial has already been established. Of significance are the following:

a. Coordinating Committee for Effective Justice

Between the years 1961-64 the Joint Committee for the Effective Administration of Justice functioned on a national level, sponsoring programs for state judges on a state and regional basis. These were made possible by foundation grants and cooperative efforts of 23 leading organizations operating within the legal profession. At the end of the three-year program, a compact was signed by representatives of the major organizations

to assure a continuation of this cooperation and to avoid needless duplication of work being done in any area of the law. Last January, a small steering committee was appointed to carry on the spirit and purpose of the compact. More recently, a representative of the Center was appointed to this committee who will maintain a secretariat for the group and consult with them quarterly.

b. National Conference on the Judiciary

The Virginia Consortium on Law Enforcement and Crime Prevention has received a large grant from LEAA to conduct a national conference on state court structures. The Conference is being planned with William & Mary Law School and several sponsoring organizations. Some 300 representatives from all the states will be invited to meet in Williamsburg March 11-13, 1971, to exchange information on court procedures used by the various states. Conference leaders will evaluate the information and recommend those which they believe to be the most efficient and practical. They will demonstrate how through the adoption of modern equipment, applied by professionally trained personnel, greater efficiency can be realized. They will point out the interdependence of all elements in a court system and how improved techniques can expedite the administration of justice in civil and criminal cases.

The Director is collaborating on Conference planning with the Chairman, Mr. Justice Clark, Supreme Court of the United States (Ret.). It is an example of how we can and should cooperate and how we can learn.

c. State-Federal Appellate Judges Conference

This conference was requested by the Appellate Judges' Conference, and is scheduled for November 17-20, 1970. It will bring to the Center headquarters thirty judges from state and federal appellate courts to discuss problems of mutual interest and concern. A very meaningful program has been designed to bring about better understanding in such areas of the law as post conviction remedies, civil rights cases, engaged counsel, and information on prisoners charged with both state and federal offenses. One session will be devoted exclusively to opinions and will include not only opinion writing, but consideration of when and to what extent dissents should be filed, and the publication of opinions. There is every indication this four-day conference will facilitate and expedite the workload of both the state and federal courts.

d. Meetings of Chief Judges of Courts of Appeals

The Director of the Center, in September of 1968, organized the first meeting of Circuit Chief Judges and it was the decision of that group to continue these one-day meetings in conjunction with the meetings of the Judicial Conference of the United States. The fourth of these meetings will be held October 28, 1970, and take up such matters as rules, transcripts, screening, opinions, and management.

VI. Publications and Reports

a. Bench Book

The Center has prepared and distributed to every federal judge a Bench Book for trial judges. The book was compiled from materials sub-

mitted by many of the most experienced judges on the federal bench. The Institute of Judicial Administration, under contract to the Center, prepared draft materials which were screened, evaluated and revised by a special committee of judges appointed by the Director.

In June of this year, the Center entered a supplemental contract with the Institute of Judicial Administration to provide updating services. Congressional enactments and Supreme Court decisions will be monitored for changes affecting the contents of the Bench Book. Proposed revisions and supplementary materials will be prepared in draft as required. Following the established pattern of screening and evaluation, the Center will issue updating and corrective materials as necessary to keep the Bench Book accurate and current.

In addition to monitoring enactments and decisions, the Institute will survey the holders of the Bench Book to ascertain the usefulness of the service to discover additional areas which should be included. Questionnaires were sent out in August; replies are still being received and tabulated.

The development and launching of the Bench Book is deemed an appropriate activity for the Center under its responsibility for research and continuing education to improve judicial administration. Once established, however, the continued maintenance of the Bench Book becomes a service to judges more properly within the responsibility of the Administrative Office. Pursuant to direction of the Board of the Center, arrangements are being made for the Administrative Office to

assume responsibility for the continuation services on the book after the current fiscal year.

b. Manual for Complex and Multidistrict Litigation

Under the auspices of the Federal Judicial Center, the Board of Editors for the Manual for Complex and Multidistrict Litigation released a major revision to the publishers of the Manual. Supplementary materials were distributed by the publishers to the holders of the Matthew Bender edition and the Clark Boardman edition, while the West Publishing Company republished the entire Manual in revised form. The principle additions to the Manual included sample notices to class members pursuant to Rule 23, F.R. Civ. P., a new section relating to solicitation, attorney fees and abuses of class actions and procedures for reducing expenses of depositions and for using deposition judges.

c. The Third Branch

This bulletin has been published bi-monthly through the offices of Government Printing Office and the response to it from judges and their supporting personnel support the decision to continue this vehicle as a comparatively inexpensive, quick reference publication to keep the judiciary advised of Center activities. The next publication will be consolidated with the Administrative Office bulletin of smaller size and scope, Judiciary Briefs. So that printing can be expedited GPO has entered into a contract with a commercial company to handle the work of printing and mailing. A one-page less formal publication, Happenings, is put out monthly, listing the activities of the Director and staff, mainly to keep the Board advised of day to day developments.

d. The Center Library

The Board has already approved of plans to establish a Library at the Center and a full-time Librarian to maintain it. Higher priorities, which have necessarily made claims on Center appropriations, have prevented the advancement of plans. Meetings have been held with representatives of the Library of Congress, the Association of Law Libraries, and the Federal Library Committee, seeking their advice. It was the suggestion of these librarians that there be a clarification of the needs of such a library, who would be using it, and what services should be offered. Following this, a committee will be constituted made up of librarians, judges, and Center staff to develop more definitive plans for the library including costs involved.

e. Reorganized Court Bench Book

The Chief Judge of the new District of Columbia Superior Court has requested the Center to assist in the preparation of a Bench Book for use by the judges of that Court. Certain aspects of the court reorganization bill become effective next year and it is necessary that parts of the Bench Book be available for a seminar which will be conducted by and for court personnel in November. It will not be possible to prepare all portions of the Bench Book prior to formulation of rules of operation and procedure for the various branches and divisions of the new Court. This is particularly true of the areas relating to various civil proceedings and family court proceedings. The reorganized court is also seeking the assistance of various bar associations and other organizations for preparing

these portions of the Bench Book. The Center and the reorganized court have agreed that the Center would proceed with the research for and preparation of the following sections of the Book:

Crimes and Penalties - This section should include, in easy reference form, the elements of all local crimes both felonies and misdemeanors, the lesser included offenses for each crime, and the range of sentencing alternatives for each offense.

Criminal Proceedings - This section would parallel the criminal proceedings section in the district court Bench Book and would be a simple outline for judges to follow in various phases of criminal proceedings, e.g., arraignments, setting of bail, and sentencing. The Center is very enthusiastic in its commitment to assist with this new project and will help this new court in any way it can.

It is a very great honor for me to have been selected to succeed Mr. Justice Clark as Director of the Federal Judicial Center. This report stresses what the Center has been doing in the year past. These projects have allowed us to lay a proper foundation for the larger task ahead. We shall move forward with renewed enthusiasm and dedication in the year ahead.

Respectfully submitted,



ALFRED P. MURRAH
Director

SUPPLEMENT TO THIRD ANNUAL REPORT OF THE FEDERAL JUDICIAL CENTER
TO THE JUDICIAL CONFERENCE OF THE UNITED STATES

VII. Board of Directors

The term of Judge William A. McRae, Jr. expired in March 1970. Judge Gerhard A. Gesell was elected to fill the vacancy, a term expiring March 1974.

VIII. Director

By statute Mr. Justice Clark was retired as Director of The Federal Judicial Center on September 23, 1969, which was his 70th birthday. At the request of the Board, Mr. Justice Clark continued to serve until his successor was installed. Alfred P. Murrah, Chief Judge of the Tenth Circuit, took senior status in order to enable him to become director of the Center on May 1, 1970.