



# ***Federal Judicial Center***

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



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## **U.S. Judicial System**

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- 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

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- 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*

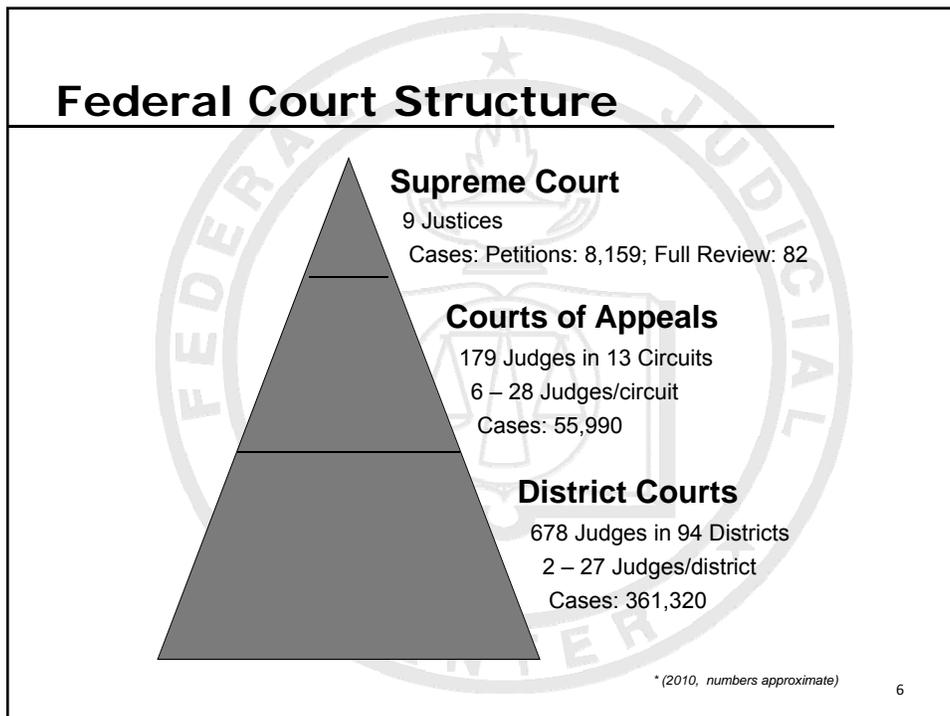
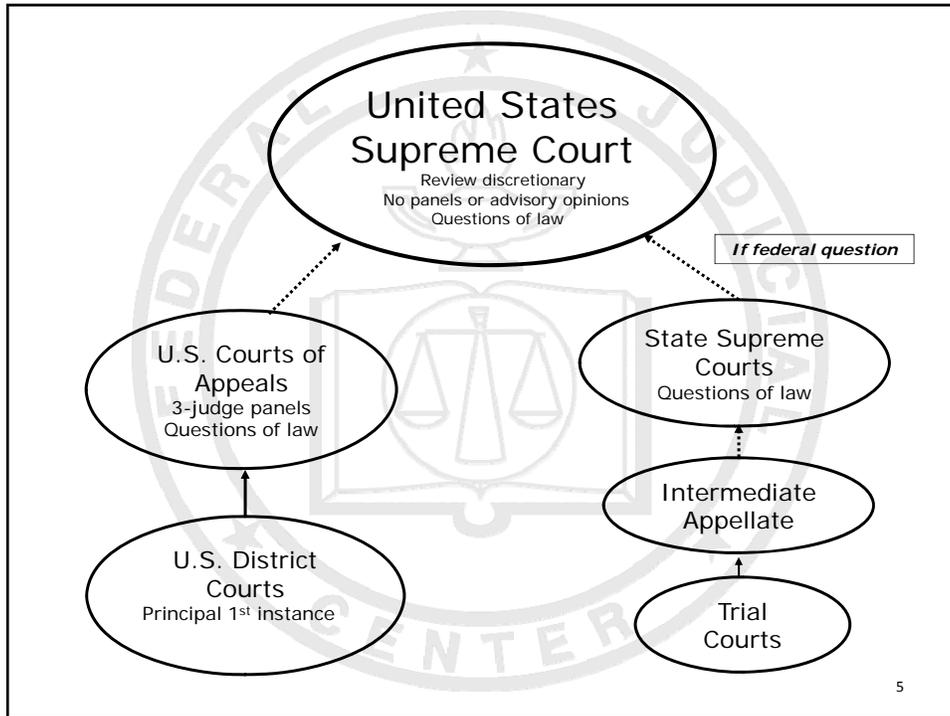
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## Jurisdiction: Federal

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- 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 Thirteen Federal Judicial Circuits



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## Specialized Federal Courts

- International Trade
- Federal Claims
  - Monetary claims against the U.S. Government
- Bankruptcy
  - Jurisdiction over bankruptcy matters
- Court of Appeals for Armed Forces
- Court of Appeals for Veterans Claims
- Tax Court
- Administrative Agency Tribunals
  - “Administrative Law Judge”
  - Disputes involving specific federal laws, including social security, immigration, labor

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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
    - 195 accredited law schools operating in the U.S. (4 states recognize non-accredited)
    - Continuing legal education for attorneys (43 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 (31 states)
    - popular election: partisan (13) or non-partisan (18)
  - 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 Judges

First Instance		Appellate	Total
General Jurisdiction	Limited Jurisdiction	Supreme & Intermediate	
11,349	18,161	985	30,851

### Number of Cases

First Instance		Appellate	Specialized
Criminal	Civil	Supreme & Intermediate	
7,000,000	7,500,000	290,000	22,400,000 <i>(juvenile, traffic, domestic)</i>

National Center for State Courts (2007)

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## Federal Courts Statistics

### Number of Judges *(excluding Senior Judges)*

First Instance		Appellate	Total
General Jurisdiction	Limited Jurisdiction	Supreme & Intermediate	
687 <i>(District, Int'l Trade)</i>	866 <i>Bankruptcy, Magistrate</i>	179	1,732

### Number of Cases

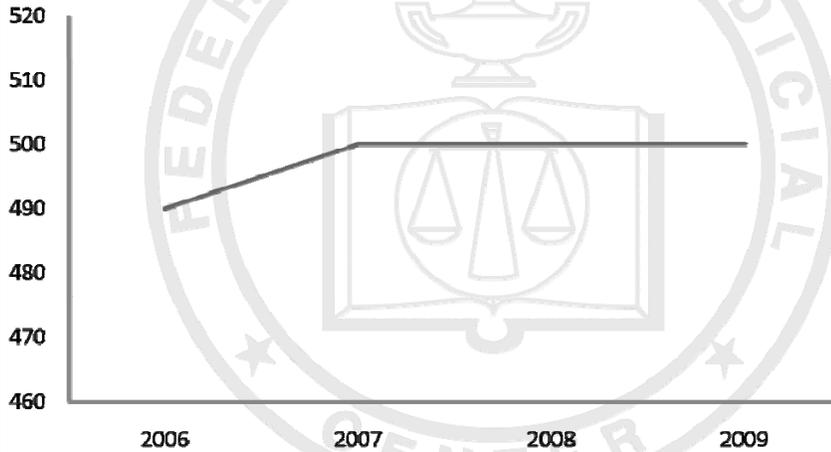
First Instance		Appellate	Specialized
Criminal	Civil		
78,430	282,890	55,990	1,735,010 <i>(mostly bankruptcy and federal claims cases)</i>

Administrative Office of U.S. the Courts (2010)

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## Average Case Filings per District Judgeship

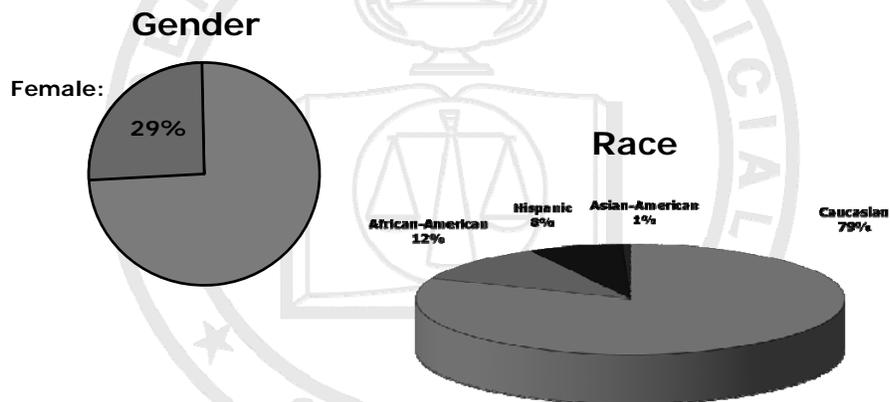
*(Weighted to reflect how much judge-time is required to resolve cases)*



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

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## Diversity in the Federal Courts



*\* Active Judges; FJC History Office (current through July 2010)*

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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)

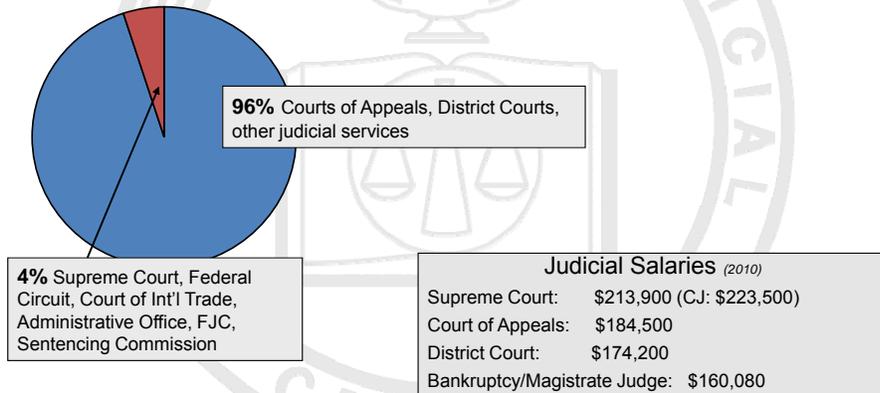
Judges	Court Staff	Judge's Staff
Chief District Judge 6 district judges 3 magistrate judges	Clerk of Court Court Staff: +/- 80 Pro Se Attorneys: 4	Law Clerks: 2 Secretaries: 1

- 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

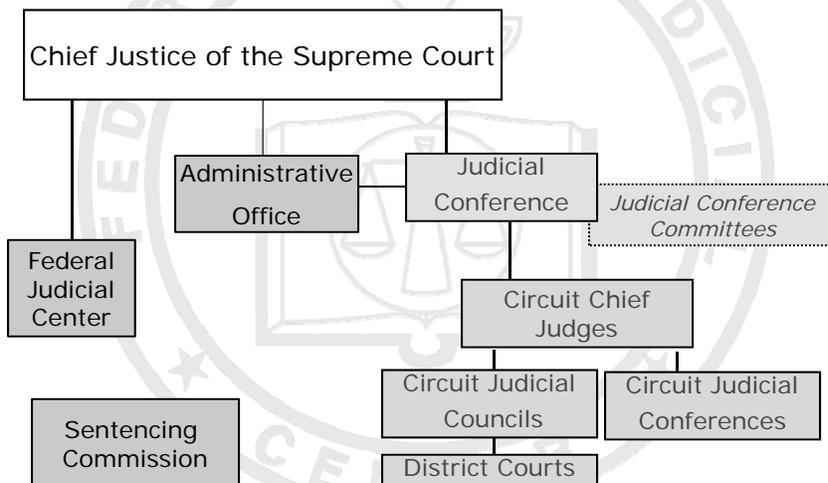
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## Financing the Federal Courts

Budget for the Federal Judiciary: \$6.9 billion (FY 2010)  
 (less than 1/5 of 1% of U.S. budget)



## Federal Judicial Administration



## 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, 7 convictions (as of 2010)\**

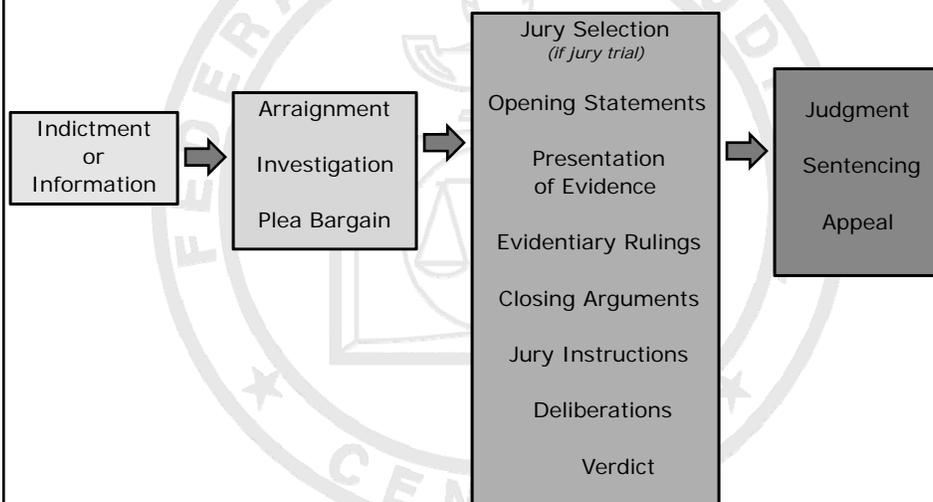
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## U.S. Judicial Practice

- 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

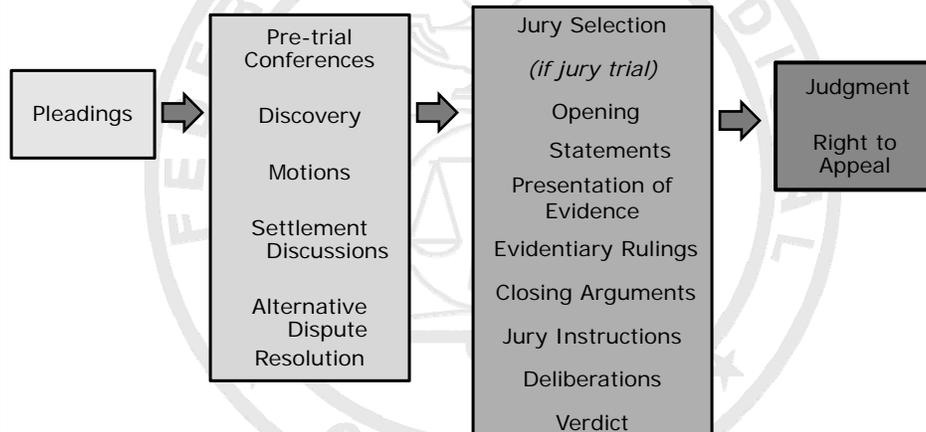
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## Path of a Criminal Case



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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: 127
- Budget: \$27,328,000 (2010)

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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**

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- 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**

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- 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 (2009)
  - 50 programs
  - 2,058 participants
- Training Programs for Court Staff (2009)
  - 219 programs
  - 8,080 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**

- 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](http://www.fjc.gov)

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