

RESEARCH
EDUCATION AND TRAINING
FEDERAL JUDICIAL HISTORY
ASSISTANCE TO FOREIGN JUDICIARIES
IMPROVING JUDICIAL ADMINISTRATION

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Federal Judicial Center Annual Report 2000

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A Message from the Director: Who We Are and What We Do

The mission of the Federal Judicial Center is to educate federal judges and court staff and to contribute to the body of research that furthers judicial efficiency and promotes the rule of law. The Center was established in 1967 because Congress acknowledged that the business of judging had become so complicated that the judicial branch required an in-house agency dedicated primarily to the education of judges and court staff and conducting policy-oriented research. Newly appointed federal judges come from diverse professional backgrounds. Regardless of whether that background is criminal prosecution or defense, commercial litigation, civil rights, antitrust, or any other speciality, however, no judge arrives with experience in all of the substantive areas that make up a federal court docket. And few new judges, if any, are familiar with the multitude of procedural rules and tasks that are the daily fare on any federal judicial menu. So the Center introduces new judges to some of the demands of their new role.

Our mandate does not stop with orientation, however; the need for judicial education is ongoing. New statutes are passed, new cases interpret those statutes, rules are amended, and some judges find innovative ways to do the job of judging better. Throughout our history, the Center has assisted judges in understanding and analyzing changes in such areas as civil rights, habeas corpus, securities law, antitrust, intellectual property, sentencing reform, rules governing evidence, class actions, and approaches to case management.

So the changes keep coming—and not just new judges and new laws. Changes in other fields, such as science and technology, affect the courts, both in the issues litigated before them and in how the courts themselves operate. And the Center responds accordingly, focusing not just on basic concepts, or on “what’s the latest,” but also on “what’s ahead.” Since our creation, the Center has provided federal judges with almost 1,000 separate seminars and conferences, as well as reference manuals and guides. More recently, we have complemented these programs with education through videos and direct satellite broadcasts. Pages 6 through 12 of this report provide details on our offerings this year, for both judges and court personnel.

That is who we are and what we do.

In all of the Center’s judicial education programs, our main goal is to help judges familiarize themselves with the core elements of a subject and sift through the often conflicting points of view as to how they should assess and weigh facts and analyze legal doctrine. Part of our responsibility is to present competing points of view, in an intellectually sound but neutral way, so that judges are assured that

they are getting a complete and unbiased analysis of complicated and often controversial issues. The Chief Justice put it well in his *2000 Year-End Report on the Federal Judiciary*:

Federal judges today face cases involving complicated statutes and factual assertions, many of which straddle the intersections of law, technology, and the physical, biological and social sciences. FJC education programs and reference guides help judges sort out relevant facts and applicable law from the panoply of information with which the adversary system bombards them. The FJC thus contributes to the independent decision making that is the judge's fundamental duty.

About 15 percent of the 1,000 judicial education programs that the Center has presented have been undertaken in cooperation with other institutions, primarily law schools. This collaboration allows us to make maximum use of our limited funds, which have decreased in recent years, and leverage our own expertise. The Center retains control of program design in these joint ventures.

The Center, of course, cannot be federal judges' sole source of education and training, because the needs are too great and our resources too limited. Furthermore, the Center's creation did not end the many ways in which judges learn both individually and through programs organized by their own courts, bench-bar groups, law schools, and others, particularly about matters distinctive to their own districts and states. Although there has been opposition to federal judges' attendance at some privately sponsored seminars, the Center lays no claim that we have pre-empted the field of judicial education. In fact, last October, the Center's Board unanimously opposed legislation, as did the Judicial Conference, that would have prohibited federal judges from attending any privately funded educational programs and would have allowed them to attend non-Center programs at government expense only if the Center's Board approved of the program. It is not the Center's role to decide which non-Center programs judges should attend.

It is the Center's role to provide judges with as many tools as our resources allow to assist them in resolving the difficult questions that confront them in delivering equal justice under law. The Chief Justice observed in his year-end statement that "our courts continue to serve as a standard of excellence around the world." We are proud of the Center's contributions to that excellence.

Fern M. Smith

About the Federal Judicial Center

STATUTORY MISSION

In 1967, Congress created the Federal Judicial Center “to further the development and adoption of improved judicial administration” in the courts of the United States. The Center’s statutory duties are codified at 28 U.S.C. §§ 620–629. They include providing orientation and continuing education for the judges and staff of the federal judicial system, performing research on court operations and procedures (particularly in support of Judicial Conference committees), and conducting programs to promote judicial federalism, assist foreign judicial systems, and study the federal courts’ history. This annual report, mandated by statute, describes the Center’s activities in furtherance of its statutory duties in calendar year 2000.

GOVERNANCE

The Chief Justice of the United States chairs the Center’s Board, which also includes two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge elected by the Judicial Conference, as well as the director of the Administrative Office of the U.S. Courts (*ex officio*). The Board oversees the FJC’s activities, and its members serve on standing committees on education and research and on advisory committees on judicial education programs.

In March 2000, the Judicial Conference elected Judge Pauline Newman of the U.S. Court of Appeals for the Federal Circuit and Judge Robert J. Bryan of the U.S. District Court for the Western District of Washington to membership on the Board. Judge Robert M. Parker of the U.S. Court of Appeals for the Fifth Circuit had resigned for reasons of health, and Judge Thomas F. Hogan of the U.S. District Court for the District of Columbia left the Board because his term expired.

The Board appoints the FJC’s director and deputy director; the director appoints the Center’s staff. All but one of the Center’s eight directors have been federal judges, including the current director, Judge Fern M. Smith of the U.S. District Court for the Northern District of California.

ORGANIZATION

The organizational structure of the Center reflects its primary statutory mandates and direction provided in the Board’s 1997 strategic plan. The Judicial Education and Court Education divisions are responsible for planning and producing all education and training programs for judges and court staff, including satellite broadcasts, video programs, Web resources, and educational publications. The Research Division examines and evaluates current and alternative federal court practices and policies. This research not only assists committees of the Judicial Conference in developing policy recommendations but also contributes substantially to educational programs and products for the judiciary. The three divisions work closely with two units of the Director’s Office—the Systems Innovation & Development Office and Communications Policy & Design—in using print, broadcast, and on-

line media to deliver timely education and training and to disseminate the results of Center research. The Federal Judicial History Office, a part of the Research Division, develops innovative ways to help courts and scholars study and preserve federal judicial history, including a Web site that was introduced in 2000. The Interjudicial Affairs Office, part of the Judicial Education Division, provides information to judicial and legal officials from foreign countries and assesses how developments in international law should be included in the Center's educational programs for federal judges.

COORDINATION WITHIN THE JUDICIAL BRANCH

Numerous programs and projects described in this annual report involve coordination, cooperation, and consultation with the Judicial Conference and its committees, with the Administrative Office, and with the U.S. Sentencing Commission. At the request of the Center's Board and the Judicial Conference, and pursuant to the Center's strategic plan, the FJC and the Administrative Office have created an interagency committee to promote appropriate coordination of educational activities.

In 2000, at the request of Rep. Harold Rogers, chair of the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies, the Center and the Administrative Office prepared a paper describing the past and present uses of technology in the federal courts, as well as emerging technologies that might be applicable to court operations. Chairman Rogers had asked the

SENIOR STAFF OF THE FEDERAL JUDICIAL CENTER

Fern M. Smith, Director

Russell R. Wheeler, Deputy Director

John S. Cooke, Director, Judicial Education Division

James B. Eaglin, Director, Research Division

Emily Z. Huebner, Director, Court Education Division

Sylvan A. Sobel, Director, Communications Policy & Design

Ted E. Coleman, Chief, Systems Innovation & Development Office

Mira Gur-Arie, Senior Attorney for Interjudicial Affairs

Bruce A. Ragsdale, Chief, Federal Judicial History Office

Center to describe how technology influences training and education in the federal judiciary and had asked the Administrative Office to report on how technology influences the administration and operations of the federal courts.

Advisory committees of judges, court staff, and others help the Center in planning and producing education programs and publications. These committees are listed on pages 19 and 20.

STAFFING AND APPROPRIATION

The Center had a fiscal 2000 appropriation of \$17,932,000, and it employed 141 people at the end of calendar year 2000. Its fiscal 2001 appropriation is \$18,736,000.

2000 at a Glance

In 2000 the Center

- provided 728 educational programs (including educational programs broadcast on the Federal Judicial Television Network) for more than 48,000 federal judge and court staff participants
- completed thirteen major research and evaluation projects, continued work on twenty-two others, and responded to many other requests for short-term research assistance
- published or updated seven manuals, monographs, or similar reference books and published five research reports
- launched the History of the Federal Judiciary Web site on its Internet and intranet homepages, which presents for the first time anywhere information about the service records, careers, and education of the more than 2,800 district and appellate judges and justices who have served since 1789
- produced or updated seventy-one educational media programs for live or videotaped satellite broadcast or distribution on videocassette
- broadcast more than 1,880 hours of educational and informational programs from the Center, the Sentencing Commission, and the Administrative Office on the Federal Judicial Television Network
- completed six curriculum packages and training guides
- released one computer-based instructional program
- distributed more than 246,000 copies of its publications, including periodicals and catalogs of books, programs, and other services, as well as almost 2,800 audio, video, and multimedia programs
- answered approximately 2,000 information requests from judges, court staff, and others
- hosted seminars or briefings for some 350 foreign judges and officials from forty countries

Education & Training

Judges and court staff receive education and training from the Center through a variety of methods. Face-to-face conferences, seminars, and workshops are often the best way to bring together participants from throughout the judicial system so that they can learn from one another. Such programs continue to be the primary vehicle for orientation and continuing education for judges; however, most of the staff of the courts who participate in Center education programs and in local training events do so through distance education. In 2000, at least 88% of the participants in Center programs used Center-prepared curriculum packages in their own courts, watched satellite broadcasts on the Federal Judicial Television Network (FJTN), or participated in other forms of distance education. The Center also publishes manuals, monographs, and other job aids and produces audiotapes, videotapes, and computer-based educational media. Many of these resources are also available on the Center's site on the judiciary's intranet (<http://jnet.fjc.dcn>).

The Center's 2000 education and training programs reached more than 48,000 participants, as described below. (Each participation by a judge or court employee is included in these totals, so some individuals are counted more than once.) Readers of previous annual reports may note that total participant figures have increased substantially. This increase occurred because figures for participation in Center education programs include, for the first time, estimated figures for FJTN viewings, based on a study the Center began testing in 1999 that uses statistical sampling to estimate viewership. The pilot-test phase of the study was completed in June 2000, and the study became fully operational in July. During the nine-month period from January to September 2000, the first six months of which were during the project's pilot phase, the Center estimates that some 24,000 viewers watched live and videotaped educational and informational programs broadcast by the Center; the large majority of these viewers were court staff.

SEMINARS & WORKSHOPS FOR JUDGES, JAN. 1—DEC. 31, 2000

	Number of Programs	Number of Participants
Orientations for newly appointed circuit judges	1	3
Orientations for newly appointed district judges	3	78
Orientations for newly appointed bankruptcy judges	2	16
Orientations for newly appointed magistrate judges	3	58
Conference for chief district judges	1	85
Conference for chief bankruptcy judges	1	95
Workshops for district and circuit judges	7	463
National workshops for bankruptcy judges	3	262
National workshops for magistrate judges	2	326
Sentencing Policy Institute	1	152
Special-focus workshops	11	399
In-court seminars	15	201
TOTAL	50	2,138

The Center also held five programs for 810 federal defenders and staff.

COURT STAFF EDUCATION & TRAINING PROGRAMS, JAN. 1—DEC. 31, 2000

Seminars and Workshops (national and regional)	Number of Programs	Number of Participants
Clerks of court and clerk's office personnel	11	1,184
Probation and pretrial services officers and personnel	17	887
Personnel in several categories	15	796
TOTAL	43	2,867
In-court Programs (programs using Center curriculum packages, training guides, and computer-assisted instructional programs)	Number of Programs	Number of Participants
Clerks of court and clerk's office personnel	366	9,506
Probation and pretrial services officers and personnel	112	7,482
Personnel in several categories	45	913
TOTAL	523	17,901
Technology-based Programs (videoconferences, audioconferences, on-line conferences)*	Number of Programs	Number of Participants
Clerks of court and clerk's office personnel	6	231
Probation and pretrial services officers	2	79
Personnel in several categories	8	203
TOTAL	16	513
GRAND TOTAL	582	21,281

*The Center also provides Web-based education and training programs on its site on the judiciary's intranet, but does not maintain figures for their usage. For FJTN viewership, see text above.

EDUCATION PROGRAMS FOR JUDGES AND LEGAL STAFF

The Center provides orientation and continuing education programs and materials for judges on many subjects and in a variety of forms.

Programs that judges attend in person include orientation seminars for all new trial judges; national and circuit-based workshops for all judges, each of which provide updates and analysis on multiple topics; and seminars devoted to specific subjects, such as employment law, intellectual property, and case management. The latter programs are particularly popular; consistently more judges apply than can be accommodated. In 2000, the Center organized a Conference for Border Courts (cosponsored by the Administrative Office) to help courts find solutions to the problems arising from the huge increase in criminal cases along the southwest border. Judges from the border courts, led by Chief Judge Carolyn Dineen King of the U.S. Court of Appeals for the Fifth Circuit, asked for this conference and were instrumental in planning it. A national Sentencing Policy Institute examined the operation of the federal sentencing guidelines. The institute was produced in cooperation with the Criminal Law Committee of the Judicial Conference of the United States, the Federal Bureau of Prisons, the Administrative Office, and the U.S. Sentencing Commission. The Center also conducted conferences for chief district judges and chief bankruptcy judges on court-management issues, such as budgeting and privacy concerns associated with the electronic availability of court

records. A conference for chief circuit judges and circuit executives on the management and administrative responsibilities of chief judges helped the Center produce a template to assist each circuit in preparing its own chief judge's deskbook.

In 2000, the Center published new editions of its *Reference Manual on Scientific Evidence* and *Guideline Sentencing: An Outline of Appellate Case Law on Selected Topics* and updated the *Benchbook for U.S. District Court Judges*. It also produced a new manual on case-management procedures in the federal courts of appeals. These publications are available in print and in electronic form on the Center's site on the judiciary's intranet at <http://jnet.fjc.dcn>. New manuals on alternative dispute resolution, visiting judge programs, and international insolvency, and an on-line compilation of materials designed to help judges handle federal death penalty cases, will be available in early 2001. Center staff continued to work with the Administrative Office on a civil litigation management manual, under the direction of the Court Administration and Case Management Committee of the Judicial Conference. (Many of these manuals and reference guides are described further on pages 13 and 14.)

Center educational broadcasts for judges on the FJTN included the fourth annual review of the Supreme Court's term; analysis of recurring issues in federal death penalty cases; examination of the effects of the Supreme Court's decision in *Apprendi v. New Jersey* on charging and sentencing in criminal cases; periodic updates in bankruptcy law; and a review of developments in Social Security law. In September the Center broadcast its orientation program for new judicial law clerks, along with overviews of federal jurisdiction and the organization and jurisdiction of bankruptcy courts.

EDUCATION & TRAINING PROGRAMS FOR COURT STAFF

The Center provides practical education and training programs on critical job responsibilities for court managers and staff, as well as programs on executive team development and strategic planning for judges and senior court managers. Much of this training is delivered through distance education programs.

In 2000, new FJTN broadcasts helped court staff learn how to manage issues that arise in capital cases and described effective practices for opening appellate cases and for working with multi-party cases. Fifteen broadcasts for probation and pretrial services officers included additions to the Center's series of programs to help officers supervise offenders with substance abuse problems, as well as additions to the FJC-Sentencing Commission series on sentencing and guidelines issues. An FJTN broadcast introduced the new Supervisors' Development Program, a self-directed curriculum that requires participants to complete ninety to ninety-six hours of training incorporating Center self-study materials, in-district training, and distance learning. Examples of other broadcasts for probation and pretrial services officers are a two-part program to help officers communicate with Spanish-speaking offenders, two new programs in the series on dealing with sex offenders, and a broadcast on implementing the Administrative Office's Monograph 114, *Criminal Monetary Penalties: A Guide to the Probation Officer's Role*. A program on

techniques for helping offenders obtain education and employment, and thereby reducing the risk of recidivism, has encouraged several districts to develop employment programs and job fairs for offenders.

The Center's television magazine programs, *Court to Court* and *Perspectives on Probation and Pretrial Services*, continue to serve as clearinghouses of ideas, innovations, and information for courts to share. For example, the District of Maryland bankruptcy court used video clips from a *Court to Court* segment on case management/electronic case filing to prepare staff for upcoming automation changes. The Eastern District of Virginia adapted some of the financial disclosure and ethics materials that were developed by the District of Maine and showcased on *Court to Court*. The Probation and Pretrial Services Office in the Western District of North Carolina developed a Presentence Investigation (PSI) Expedited Presentence Program similar to the Southern District of New York's program, which was featured in a 1999 edition of *Perspectives*. Since January 2000, in the North Carolina offices piloting the program, there has been a decrease in regular presentence office caseloads and a decrease in PSI preparation time, from 90 days for all cases to approximately 31 days. Because the average incarceration charge in the district is \$65 per day, cost savings have been considerable.

Two Center-produced FJTN programs received non-commercial video production awards in 2000. *Special Needs Offenders: Introduction to Cyber Crime* won the Aegis Award in the training and education category. *Taking the Court Interpreter's Oath to Heart: An Introduction to the Requirements for Interpreting in Federal Courts* received a Telly Award and a Council on International Non-theatrical Events Golden Eagle Award. The latter program was produced at the request of and in cooperation with the Court Administration and Case Management Committee of the Judicial Conference and with the Administrative Office.

A combination of audioconferences and on-line conferences provided bankruptcy chief deputy clerks with instruction on technology-related privacy and public access issues, the impact of proposed changes in bankruptcy law, and strategies for managing electronic case filing. Six three-part videoconferences taught court training specialists and others how to create task-oriented user guides. The Center also used videoconferences to deliver orientation training to eighty new court training specialists.

Seven classes of new probation and pretrial services officers attended the Center's regular five-day orientation seminar in Washington. These seminars build on orientation training that the officers receive in their own districts, based on an in-house training checklist the Center developed. Judges and senior court managers from district and bankruptcy courts participated in executive team building and strategic planning workshops. Biennial national conferences for chief probation and pretrial services officers and for district court clerks, district executives, and chief deputy clerks provided opportunities for court managers to examine current and future management, operations, and automation issues. Participants in the second class of the Federal Court Leadership Program completed their course requirements at a September workshop. Leadership institutes were conducted for senior court managers and deputy chief probation officers.

DISTANCE EDUCATION

As described above, a variety of distance education technologies enable the Center to leverage its resources and to make more education and training opportunities available. The more than 42,000 participants in distance education programs in 2000 received training in their own courts and had minimal or no travel costs.

The most visible of the Center's distance education initiatives is the Federal Judicial Television Network, which now consists of more than 280 satellite downlinks in federal courthouses across the country. The FJTN began operating in April 1998 and is now on the air almost every business day. In 2000, the FJTN broadcast more than 1,880 hours of educational and informational programming (including rebroadcasts) from the Center, the Administrative Office, and the Sentencing Commission. FJC staff manage the network for all three agencies, a task that requires coordinating broadcast schedules, obtaining satellite time, and operating broadcast equipment and the teletraining studio in the Thurgood Marshall Federal Judiciary Building, from which eighty-seven live programs were broadcast in 2000. Administrative Office staff manage the judiciary's contract for satellite and other telecommunications services and coordinate the installation of downlinks in the courts.

Center educational programming on the FJTN consisted of ninety-one programs, accounting for more than 920 broadcast hours. Of these, forty-five were live, interactive programs in which judges and court staff at courthouses around the country could speak directly with faculty in the broadcast studio. Other broadcasts were videotaped programs that the Center produced either in its television studios or at conferences and workshops, and programs produced by outside organizations, which the Center arranged to broadcast on the FJTN. The latter programs were a program on new amendments to the federal rules of civil procedure and evidence, which was produced by the American Law Institute–American Bar Association (ALI–ABA) Committee on Continuing Legal Education and included the Center's director as a panelist; a program produced by the National Institute of Corrections on the assessment and supervision of sex offenders; and several management seminars and teleconferences produced by PBS–The Business Channel.

The Center also develops packaged curriculum programs, training guides, self-study courses, and computer- or Web-based programs to help courts select and customize curricula that meet their needs and provide training on demand. Court training specialists typically arrange with the Center to obtain curriculum materials and schedule Center-trained court faculty to deliver a program. The courts themselves can control what education they receive and when they receive it, rather than depending on the Center to schedule national programs. The following in-court training materials were released in 2000:

- *Writing Skills Workshops* (pre-writing strategies, writing clear sentences, and composing paragraphs);
- *Dealing With Noncompliant Behavior* (for probation officers);
- *Communication for Problem Management* (for probation and pretrial services);

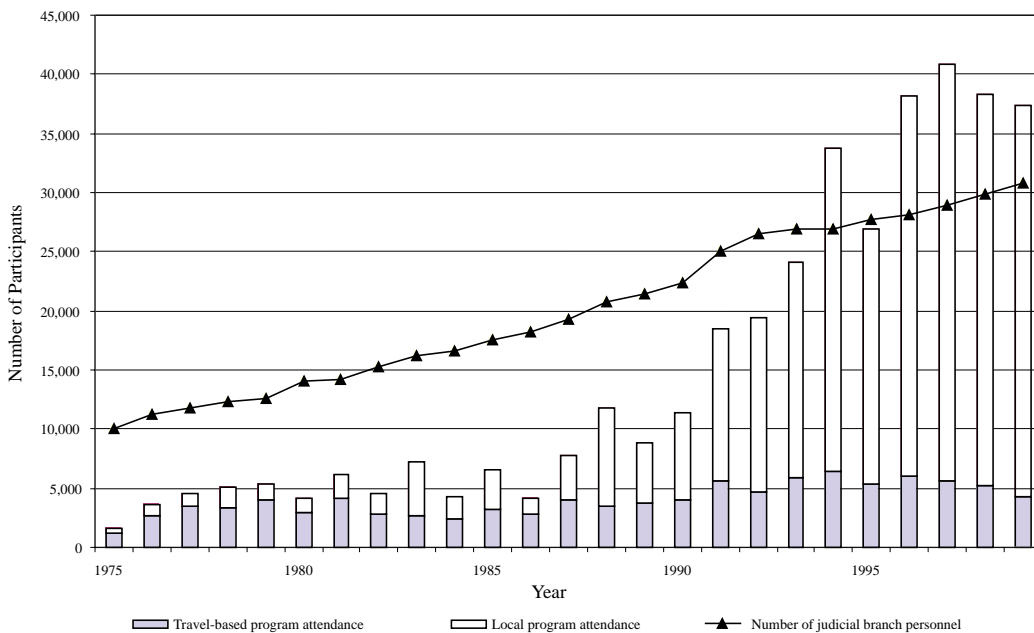
- *Financial Investigation Desk Reference for Probation and Pretrial Services Officers* (December 2000 edition); and
- *Special Needs Offender Bulletins* (one on reducing risk of recidivism through employment and education; one on cyber crime).

Also produced in 2000 was a computer-assisted instructional program on CD-ROM on the Federal Rules of Bankruptcy Procedure. Although the program is intended primarily for clerk's office staff, several bankruptcy courts are making it available on computers located in public access areas, and one court is planning to distribute copies of the CD-ROM to local bankruptcy attorneys.

For bankruptcy courts that are introducing electronic case filing, Center staff are developing an on-line tutorial for release in early 2001 to show attorneys how to file pleadings and other case-related materials and how to generate reports. The tutorial, which courts can customize to reflect local practices, is designed to reside on the court's public Web site. The Center released a similar tutorial for district courts in 1999.

Other forms of distance education the Center offers are audioconferences using telephone equipment, videoconferences with two-way audio and video, and on-line conferences using computers. The introduction of local training and other forms of distance education, particularly the curriculum packages, have allowed the Center to increase substantially the number of persons receiving Center education and training, although the number of participants at travel seminars has remained relatively constant. The chart below, drawn from the report for the House appropriations subcommittee described at pages 4-5, illustrates this trend.

Participants in FJC Seminars and Workshops, and in Local Programs, by Year



PROGRAMS FOR FOREIGN JUDICIAL OFFICIALS

As directed by its statute, the Center responds to requests from representatives of foreign judiciaries for help through seminars and informational briefings on the U.S. judicial system and other exchanges of information. These programs are usually carried out at the request of other government and private agencies. Although Center personnel conduct these occasional briefings and seminars as part of their regular duties and make written materials available free of charge in response to foreign and domestic requests, the Center itself pays none of the direct costs of its foreign programs, such as transportation, lodging, or interpreting services. The participants, their governments, or public and private U.S. organizations pay these costs.

In 2000, the Center conducted sixty briefings for over 300 foreign judges and officials representing forty countries. It also held five more specialized programs for forty-five visitors, usually lasting half a day and covering such topics as the implementation of court-administered alternative dispute resolution, the development of training programs for court staff, and appellate case management. A judge from the Shanghai High People's Court of the People's Republic of China participated in the Center's Foreign Judicial Fellows Program and studied the role of judicial law clerks. A research judge from the Korean Supreme Court also participated in the program; he studied various aspects of federal judicial administration. Over thirty fellows have been in residence at the Center since the program started. Center staff also provided technical and other assistance in eight foreign countries at the request of governmental or private organizations.

Research

Center staff perform empirical and exploratory research on federal judicial processes and court management, much of it at the request of the Judicial Conference and its committees. The Center makes its research available within and outside the federal judiciary and, when appropriate, transmits reports of its research to the various committees of both the House and the Senate. Some unpublished reports, memoranda, and other work produced for Judicial Conference committees are also made available either by the committees themselves or by the Center, after it consults with the committee or committees for whom the information was originally prepared.

In 2000, the Center completed thirteen research and evaluation projects, continued work on twenty-two others, completed seven reports, and responded to more than 115 informal requests for research assistance from the courts, Judicial Conference committees, federal and state agencies, individuals from academic institutions and associations, and others. The range of activities of the Center research staff is shown in the items below.

APPELLATE LITIGATION

The judiciary's Long Range Plan calls for the courts of appeals to exchange case-management information. At the request of a subcommittee of the Judicial Conference's Court Administration and Case Management Committee, the Center gathered information on and analyzed case-management practices in the thirteen courts of appeals and compiled its findings in a manual, *Case Management Procedures in the Federal Courts of Appeals*. Center staff also arranged a conference for chief circuit judges and circuit executives on the management and administrative responsibilities of the chief judge and the circuit council, with the goal of producing a desk reference for chief judges. Because administrative procedures in the thirteen circuits are sufficiently diverse to make impractical a common desk reference for all of them, the Center produced a template to assist each circuit in preparing its own chief judge's deskbook.

BANKRUPTCY LITIGATION

The Center published a report on case studies of mass tort limited fund class action settlements and bankruptcy reorganizations and one on alternative structures for bankruptcy appeals. The latter report was a by-product of earlier work the Center performed for the Commission on Structural Alternatives for the Federal Courts of Appeals, which issued its final report in 1998.

CIVIL LITIGATION

The second edition of the Center's *Reference Manual on Scientific Evidence* was released in 2000. It has been republished by several legal publishing companies and is widely available. Other new reference materials produced by the Center are a

guide to assist courts in creating and administering visiting judge programs that meet their specific needs and a guide to help judges manage cases in alternative dispute resolution.

At the request of the Court Administration and Case Management Committee, the Center and the Administrative Office, working with an advisory group of district and magistrate judges and with designated committee members, developed a civil litigation management manual. The manual is one of the few requirements of the Civil Justice Reform Act that did not sunset in 1997. The committee is reviewing a draft of the manual; its recommendations regarding the manual will be considered by the Judicial Conference at its March 2001 meeting.

The Class Action Subcommittee of the Civil Rules Advisory Committee asked the Center to develop model notice forms for consumer, securities, employment, personal injury, and property class actions. The subcommittee's request was an outgrowth of previous Center work on class actions for the committee. The Center has developed a proposed notice for class action litigation, which will be the subject of further research in 2001.

CRIMINAL LITIGATION

At the request of the Judicial Conference's Criminal Law Committee, the Center completed research to determine whether the Risk Prediction Index (RPI), a statistical instrument for predicting an offender's risk of recidivism, which the Center developed and the Judicial Conference adopted for post-sentence supervision of offenders, is also a valid tool for pretrial supervision. Based on this research the committee adopted the RPI for use by probation and pretrial services officers in structuring the pretrial supervision of offenders.

To assist judges who are assigned to federal death penalty cases, the Center is compiling a summary of procedures and documents used in handling capital cases, which will be available on the Center's site on the judiciary's intranet (<http://jnet.fjc.dcn>). The site includes jury questionnaires and instructions, verdict forms, scheduling orders, and other materials developed by judges who have handled federal death penalty cases.

FEDERAL JUDICIAL HISTORY

The Center carries out its statutory mandate to conduct, coordinate, and encourage programs related to the history of the federal judicial branch by making available the results of its own historical research, by preparing guides to judicial historical resources, and by advising judges and the courts on historical projects.

In February 2000 the Center launched the History of the Federal Judiciary Web site on its Internet and intranet homepages. The site presents for the first time anywhere information about the service records, careers, and education of the more than 2,800 district and appellate judges and justices who have served since 1789. The site also contains the legislative histories of courts and circuits within the federal judiciary, lists of judges who served on each court, and information on the location of official court records. Other sections present the text of key

statutes related to the organization and administration of the judiciary and an exhibit of historical courthouse photographs. More than 150,000 visitors have used the site since the Center placed it on line. The Center maintains current information about judges' service and will add the results of future historical research projects to the site. For example, it is conducting a bibliographical search of scholarly books and articles about federal judges who have served since 1789. The results of the search will be included in the judges' biographies on the site.

Also completed in 2000 was a survey of historical programs in the federal courts. The results of the survey will help the Center to advise courts that want to establish historical programs and will form the basis of a forthcoming reference guide describing the publications, exhibits, oral histories, and other activities that courts can undertake to preserve and explain their histories.

The Center is preparing a research report on the history of the position of clerk of court. The report will provide an institutional history of the office since its establishment in 1789 and will be the first in a projected series of reports on the components of the federal court system.

Judges and their staffs continued to consult with the Center in 2000 regarding the disposition of historically important records among judges' chambers papers.

Media Programs & Publications

EDUCATIONAL MEDIA PROGRAMS

For many years Center media programs—audiotapes and videotapes and, more recently, satellite broadcasts and interactive CD-ROMs—have provided education without travel. Some media programs complement training packages for in-court education. Others, accompanied by written materials, stand alone as self-instructional educational programs or for broadcast on the FJTN.

The Center's media library contains almost 1,100 audio and video programs, including audiotapes of workshops and seminars, Center-produced video programs, and some 530 commercially produced video programs. In 2000, the Center loaned on request more than 1,200 copies of programs from its media library to federal judges and judicial branch personnel and sent more than 1,500 copies of its media and multimedia programs directly to the courts for them to keep and use in local education and training programs. Many Center-produced media programs are available to the public through the National Technical Information Service of the Department of Commerce.

In 2000, the Center produced the following programs on videotape, most of which were broadcast on the FJTN:

- *Bankruptcy Law Update* (February and September 2000)
- *Chapter 11 Reorganization: The Basics and the Judicial Role* (for use in orientation seminars for new bankruptcy judges)
- *Chapter 11 Reorganization: Confirming a Plan the Hard Way* (for use in orientation seminars for new bankruptcy judges)

- *Charging and Sentencing After Apprendi*
- *Communication for Problem Management* (for use in a packaged program on offender supervision)
- *Court Moves* (produced for the Administrative Office)
- *Court Records: Public Access v. Privacy*
- *Court to Court* (March, June, and October 2000)
- *Dealing with Noncompliant Behavior Analysis* (for use in a packaged program on offender supervision)
- *Effective Writing and Effective Editing for Law Clerks*
- *Federal Courts' Teachers Institute 2000* (produced with the Administrative Office)
- *Hot Topics in Removal Jurisdiction*
- *A Page of History: A Brief Look at the Evolution of the Circuits*
- *Perspectives on Probation & Pretrial Services* (April, August, and December 2000)
- *Recurring Issues in Federal Death Penalty Cases*
- *Sentencing and Guidelines: A Conversation with Judge Diana Murphy* (produced with the U.S. Sentencing Commission)
- *Social Security: Process and Problems*
- *Special Needs Offenders: FCI Butner Sex Offender Treatment Program* (Part One)
- *Subject-Matter Jurisdiction: An Overview for Law Clerks*
- *Supreme Court 1999–2000: The Term in Review*
- *Taking the Court Interpreter's Oath to Heart: An Introduction to the Requirements for Interpreting in Federal Courts* (produced with the Administrative Office)

PUBLICATIONS

Center publications consist of manuals for judges on aspects of litigation management, monographs and outlines on areas of substantive law, reports of the Center's empirical research, handbooks or other reference guides on federal court administration and history, periodicals for judges and probation officers on sentencing-related case law, and catalogs and bulletins of Center educational programs and services. In 2000, the Center distributed more than 246,000 copies of its publications. Some 202,000 of these were catalogs of Center publications, media programs, and course offerings, such as its bimonthly guide to FJTN broadcasts, *FJTN Bulletin*.

Many of these items are available on the Center's server on the judiciary's intranet (<http://jnet.fjc.dcn>) and on its World Wide Web page (<http://www.fjc.gov>), including the *Reference Manual on Scientific Evidence, Second Edition*; *Manual for Complex Litigation, Third*; *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues*; and current issues of *Guideline Sentencing Update*. Visitors to the Center's sites can read descriptions of Center publications and view copies of publications on screen or print them in an exact replica of the published version.

For persons who rely on more traditional forms of computer-assisted research, more than fifty Center publications are available on the WESTLAW legal research service. Several publications are reprinted by commercial publishers for sale to the public, including the *Reference Manual on Scientific Evidence, Second Edition*; *Manual for Complex Litigation, Third*; *Manual for Litigation Management and Cost and Delay Reduction*; and *Chambers Handbook for Judges' Law Clerks and Secretaries*. The Government Printing Office also carries several Center titles in its public sales program.

The following manuals, monographs, and reports were either released or in production in 2000:

- *Alternative Structures for Bankruptcy Appeals*
- *Benchbook for U.S. District Court Judges, Fourth Edition* (revised March 2000)
- *Case Law Divergence from the Federal Rules of Evidence*
- *Case Management Procedures in the Federal Courts of Appeals*
- *Case Studies of Mass Tort Limited Fund Class Action Settlements and Bankruptcy Reorganizations*
- *Expert Testimony in Federal Civil Trials: A Preliminary Analysis*
- *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues* (September 2000)
- *International Insolvency*
- *Judicial Guide to Managing Cases in ADR*
- *Reference Manual on Scientific Evidence, Second Edition*
- *Special Masters' Incidence and Activity: Report to the Judicial Conference's Advisory Committee on Civil Rules and Its Subcommittee on Special Masters*
- *The Use of Visiting Judges in the Federal District Courts: A Guide for Judges & Court Personnel*.

The Center also produces the following periodicals:

- *FJTN Bulletin*—Provides descriptions of programs being broadcast by the Center, the Sentencing Commission, and the Administrative Office; broadcast schedules; and other news about the Federal Judicial Television Network.
- *Guideline Sentencing Update*—Presents summaries of recent decisions interpreting the Sentencing Reform Act and Sentencing Guidelines. A companion publication, *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues*, is a periodic cumulative outline that synthesizes the cases reported in *Guideline Sentencing Update*.

INFORMATION SERVICES

Drawing from a specialized collection of books, journals, and published and unpublished documents on the work of the federal courts, the Center serves as a national clearinghouse for information on federal judicial administration. Last year, it answered nearly 2,000 written or telephone requests for information from judges and court staff, libraries, government agencies, academic institutions, research organizations, bar groups, and the media.

Federal Judicial Center Foundation

The Federal Judicial Center Foundation is a private, nonprofit corporation established by Congress to receive gifts to support the work of the Center. By statute, the foundation has sole authority to decide whether to accept gifts to support the work of the Center, and thereby to determine the suitability of would-be donors. The foundation may not accept gifts earmarked for projects that have not previously been approved by the Center's Board, and the Center has sole control over the design and conduct of research or education programs supported by donations. The foundation is governed by a seven-person board appointed by the Chief Justice, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The members of the foundation's board during 2000 were

- Dianne M. Nast, Esq., Lancaster, Pa., *chair*
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Grants to the foundation provide important financial assistance for Center programs in specialized areas. Foundation gifts were used for the following purposes in 2000:

- A grant from the American Institute of Certified Public Accountants supported seminars to help judges analyze financial statements presented as evidence.
- A grant from the Georgetown University Law Center supported a seminar for judges on environmental law that the Center presented in cooperation with the law center.
- A grant from the Ford Foundation supported a visiting judge from China in the Center's Visiting Judicial Fellows program.
- Undesignated funds were used to support several judicial seminars on special topics, such as intellectual property law; a program for senior court managers; and in-court judicial education programs.

Under a 1994 agreement between the Center's Board, the foundation's Board, and the Judicial Conference, the Center presents education programs for foreign judges and other legal officials to assist them in improving the administration of justice in their countries, and the foundation receives gifts designated for the Judicial Conference's use for this purpose. The Center and foundation boards and the Conference expanded the agreement in 1998 to include education programs for state and federal judges and other programs to improve the administration of justice. Foundation funds related to these agreements were not used in 2000.

Advisory Committees

Center advisory committees provide guidance on education programs and publications. Center Board members serve on each of the judicial education advisory committees as well as on the *Benchbook* committee and on the board of editors for the *Manual for Complex Litigation*. These groups, which typically meet by telephone conference or during other Center programs, had the following membership during 2000.

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