

Federal Judicial Center 2002 Annual Report

Federal Judicial Center
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Washington DC 20002-8003
www.fjc.gov

A MESSAGE FROM THE DIRECTOR, 1

ABOUT THE FEDERAL JUDICIAL CENTER, 2

Statutory Mission, 2

Governance, 2

Organization, 3

Coordination Within the Judicial Branch, 3

Staffing and Appropriation, 3

2002 at a Glance, 2

EDUCATION & TRAINING, 4

Education Programs for Judges and Legal Staff, 4

Education and Training Programs for Court Staff, 7

Sentencing and Probation and Pretrial Service Programs, 7

Court Management Programs, 7

Other Court Education Programs, 8

Programs for Foreign Judicial Officials , 9

RESEARCH, 10

Civil Litigation, 10

Criminal Litigation, 10

Courtroom and Litigation Technology, 11

Appellate Litigation, 11

Bankruptcy Litigation, 12

Judicial Resources, 13

Other Research Activities, 13

Federal Judicial History, 13

FEDERAL JUDICIAL CENTER FOUNDATION, 14

JUDGE JOHN R. BROWN AWARD, 15

ADVISORY COMMITTEES, 16

A MESSAGE FROM THE DIRECTOR

This annual report is an opportunity for interested persons to review the work of the Federal Judicial Center over the past year. It also creates a permanent record of that work for future reference. It is also an opportunity for those of us within the Center to reflect on what we've accomplished, both individually and as part of the FJC family. Because this is my last full year as Director, I have special reason to look back at our role and to consider how well we've fulfilled it.

The Center's statutory mandate provides the FJC with great opportunity and great responsibility. Let me mention some of the ways in which we respond. As educators, we do orientation and continuing education for judges, probation and pretrial services officers, public defenders, and court managers and their staffs. We cover issues as diverse as scientific evidence, technology in the courtroom, globalization of law, and leadership and management. Our methods include seminars, satellite and Web-based training, audiotape and video programs, and manuals and monographs. As the research arm of the federal courts, we do empirical studies of court operations, practices and procedures, primarily for committees of the Judicial Conference, and promote interest in federal judicial history.

The numbers of seminars, of judges and court staff participants, of manuals and guides, published and unpublished research, and television and video programs produced reveal a lot—but numbers are only a small part of the story, a superficial indicator of success. They tell nothing of how those numbers are reached—of who does the planning, the writing, the producing, the teaching, the creating. They give no indication of the hours and energy spent by the FJC staff, or of the talent and dedication of those individuals. I have been privileged during the past few years to learn the rest of the story—that the credit for the numbers reflected in this report goes to them.

It has been a pleasure and a privilege to serve as the Director of the 137 people who are the FJC. Their contribution to the judiciary is invaluable.

A handwritten signature in black ink, appearing to read "Frank M. Smith". The signature is fluid and cursive, with a large initial "F" and "S".

ABOUT THE FEDERAL JUDICIAL CENTER

Statutory Mission

Congress created the Federal Judicial Center in 1967 as the federal judicial system's agency for education and research "to further the development and adoption of improved judicial administration" in the courts of the United States. This annual report, mandated by statute, describes the Center's activities in furtherance of its statutory duties in calendar year 2002.

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 who are elected to four-year terms by the Judicial Conference of the United States, and the director of the Administrative Office of the U.S. Courts who serves *ex officio*. The Board oversees the Center's activities, and its members serve on standing committees on education and research and on advisory committees on judicial education programs.

In March 2002, the Judicial Conference elected Judge Pierre N. Leval of the U.S. Court of Appeals for the Second Circuit to membership on the Board, replacing Judge Stanley Marcus of the U.S. Court of Appeals for the Eleventh Circuit, whose term expired.

The Board appoints the Center'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.

2002 at a Glance

In 2002 the Center

- provided 685 educational programs (including educational programs broadcast on the Federal Judicial Television Network) for some 27,000 federal judge and court staff participants
- completed 22 major research and evaluation projects, continued work on 23 others, and responded to many other requests for short-term research assistance
- published or updated 9 reports, manuals, monographs, or reference guides
- broadcast more than 1,700 hours of educational and informational programming from the Center, the U.S. Sentencing Commission, and the Administrative Office on the Federal Judicial Television Network
- completed four curriculum packages and training guides
- released two computer-based instructional programs
- distributed almost 75,000 copies of its printed publications, as well as almost 3,500 audio, video, and multimedia programs
- answered nearly 2,000 information requests from judges, court staff, and others
- hosted seminars or briefings for 522 foreign judges and officials representing 81 countries

Organization

The organizational structure of the Center reflects its primary statutory mandates. The Judicial Education and Court Education divisions plan and produce education and training programs for judges and court staff, including seminars, satellite broadcasts, video programs, educational publications, and Web resources. 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 education and training and to disseminate the results of Center research.

The Federal Judicial History Office, a part of the Research Division, helps courts and scholars study and preserve federal judicial history. The Interjudicial Affairs Office, part of the Judicial Education Division, provides information to judicial and legal officials from foreign countries and assesses how to include developments in international law 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 committees of the Judicial Conference, with the Administrative Office, and with the U.S. Sentencing Commission. Advisory committees of judges, court staff, and others help in planning and producing education programs and publications. These committees are listed on page 16.

Staffing and Appropriation

The Center had a fiscal 2002 appropriation of \$20,135,000, and it employed 137 people at the end of calendar year 2002. Its fiscal 2003 appropriation had not been enacted as this report went to press.

Board of the Federal Judicial Center, 2002

The Chief Justice of the United States, *Chair*

Judge Pierre N. Leval, U.S. Court of Appeals for the Second Circuit

Judge Pauline Newman, U.S. Court of Appeals for the Federal Circuit

Judge Jean C. Hamilton, U.S. District Court for the Eastern District of Missouri

Judge Robert J. Bryan, U.S. District Court for the Western District of Washington

Judge William H. Yohn, Jr., U.S. District Court for the Eastern District of Pennsylvania

Chief Judge Robert F. Hershner, Jr., U.S. Bankruptcy Court for the Middle District of Georgia

Magistrate Judge Robert B. Collings, U.S. District Court for the District of Massachusetts

Leonidas Ralph Mecham, Director of the Administrative Office of the U.S. Courts

Senior Staff of the Federal Judicial Center

Hon. 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

Mira Gur-Arie, Senior Attorney for Interjudicial Affairs

Bruce A. Ragsdale, Chief, Federal Judicial History Office

EDUCATION & TRAINING

Some 1,600 federal judge participants, 14,500 court staff participants, and 900 federal defender and staff participants received orientation and continuing education through traditional seminars and local education programs in 2002. (Each instance of participation by a judge or court employee is included, so some individuals are counted more than once.) In addition, an estimated 10,000 participants viewed Center broadcasts on the Federal Judicial Television Network (FJTN). (The Center conducts monthly surveys that use statistical sampling to estimate FJTN viewership.) Face-to-face conferences, seminars, and workshops continue to be the primary vehicle for education for federal judges. Most court staff, however, participate in local training events using materials produced by the Center or through other distance education methods such as on-line conferences and other forms of computer-based and Web-based training, audioconferences, videoconferences, and FJTN broadcasts. More than 75% of the estimated 27,000 participants in Center educational programs received some form of distance education in their own courts.

Education Programs for Judges and Legal Staff

Programs that judges attend in-person include orientation seminars for newly appointed judges, periodic national and circuit-based workshops, and small group seminars devoted to specific topics.

A 2002 national symposium for court of appeals judges—the Center’s first in seven years—provided updates and analysis on topics including Supreme Court trends on federalism, the first amendment, and criminal procedure; law and technology; appellate court administration; immigration law; voting rights; habeas corpus; and employment law. A national continuing education workshop for district judges examined recent developments in intellectual property, federal jurisdiction, evidence, electronic discovery, case management, voting rights, genetics, and international law and terrorism. National workshops for bankruptcy judges included sessions on powers of bankruptcy courts, evidence, Chapter 11 cases, judicial ethics, and recent Supreme Court decisions, while national workshops helped magistrate judges stay current on new rules of criminal procedure and developments in civil rights litigation, discovery, social security, and habeas corpus. In cooperation with the Judicial Conference’s Criminal Law Committee, the U.S. Sentencing Commission, and the Federal Bureau of Prisons, the Center conducted a national sentencing policy institute for district judges, probation and pretrial services officers, and federal defenders, plus federal prosecutors and other executive branch officials.

Continuing its long-standing emphasis on leadership and court management, the Center’s conference for chief district judges, in cooperation with the Administrative Office, emphasized effective stewardship and technology in the courts. Two executive institutes for chief judges and unit executives (one for bankruptcy courts,

one for district courts) applied lessons of leadership from President Lincoln's experiences during the Civil War to contemporary court management. The Center also prepared a third edition of its *Deskbook for Chief Judges of U.S. District Courts*.

Seminars on particular subjects for small groups of judges usually last two or three days. Special-topic seminars in 2002 concentrated on intellectual property, employment law, environmental law, and mediation skills. Judges also participated in the Medina Seminar on the Humanities and Science, conducted with the Judiciary Leadership Development Council and Princeton University, and the "Compleat Appellate Judge" program, conducted with the ABA Appellate Judges Conference. Programs for federal defender personnel and CJA panel attorneys included a workshop for defender teams on the use of new technologies to enhance courtroom presentations.

FJTN broadcasts augment the Center's education programming. One broadcast, *Terrorism and the Law: The U.S.A. Patriot Act and Military Commissions*, analyzed the statutory provisions and the possible implications of using military commissions. Other FJTN programs for judges and legal staff included the Center's annual review of the Supreme Court's term, periodic updates on bankruptcy law, an orientation for new law clerks, and basics of employment law for law clerks. *An Introduction to the Patent System* is an eighteen-minute video, produced with an advisory committee of district judges and patent attorneys, that judges may show to jurors during preliminary instructions in patent trials to help explain patents and the patent process. Associations of patent lawyers are duplicating the video and making it available to lawyers and the public.

Judicial and legal education publications released in 2002 were:

- *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues* and several editions of the periodical *Guideline Sentencing Update*
- *Maintaining the Public Trust: Ethics for Federal Judicial Law Clerks* (produced in cooperation with the Judicial Conference Committee on Codes of Conduct and the Administrative Office)
- *Recusal: Analysis of Case Law Under 28 U.S.C. §§ 455 & 144*
- *Redistricting Litigation: An Overview of Legal, Statistical, and Case Management Issues*

The fourth edition of the *Manual for Complex Litigation* is scheduled for publication in 2003.

Federal Judicial Television Network

In addition to broadcasting Center-produced educational programs, the Center operates the FJTN to provide educational and informational programming from the Administrative Office and the U.S. Sentencing Commission to judges and court staff at satellite viewing sites in more than 300 federal court locations. In 2002, the FJTN broadcast more than 1,700 hours of programming, including rebroadcasts. Forty-nine programs aired live. Center educational programming on the FJTN consisted of 241 programs. Of these, 28 were live, interactive programs in which judges and court staff at courthouses around the country could speak directly with faculty in the broadcast studio.

Seminars & Workshops for Judges, January 1–December 31, 2002*

	Number of Programs	Number of Participants
Orientations for newly appointed circuit judges	1	7
Orientations for newly appointed district judges	5	99
Orientations for newly appointed bankruptcy judges	3	29
Orientations for newly appointed magistrate judges	3	46
Symposium for circuit judges	1	134
Conference for chief district judges	1	93
Conference for chief bankruptcy judges	1	65
*Workshops for district and circuit judges	2	205
*National workshops for bankruptcy judges	2	180
*National workshops for magistrate judges	2	205
Sentencing Policy Institute	1	84
Special-focus workshops	11	248
In-court seminars	16	233
TOTAL	49	1,628

*The Center offers these programs on an 18-month cycle. Judges may attend one workshop each cycle.

The Center also conducted 7 programs for 920 federal defenders and staff.

Court Staff Education & Training Programs, January 1—December 31, 2002*

Seminars and Workshops	Number of Programs	Number of Participants
Clerks of court and clerk's office personnel	8	942
Probation and pretrial services officers and personnel	17	1,243
Personnel in several categories	33	2,135
TOTAL	58	4,320
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	168	4,247
Probation and pretrial services officers and personnel	97	3,888
Personnel in several categories	49	1,733
TOTAL	314	9,868
Technology-based Programs (videoconferences, audioconferences, on-line conferences, but not including FJTN broadcasts)	Number of Programs	Number of Participants
Clerks of court and clerk's office personnel	3	143
Probation and pretrial services officers	1	30
Personnel in several categories	12	175
TOTAL	16	348
GRAND TOTAL	388	14,536

*These figures do not include an estimated 10,000 judge and court staff viewers of Center programs broadcast on the FJTN. The Center also provides Web-based education and training programs on its site on the judiciary's intranet, but it does not maintain usage figures for them. Because some court staff may visit the site but not participate in the program, and others may download educational programs for use by multiple staff members, discerning the actual number of users of these programs is impracticable.

Education & Training Programs for Court Staff

Sentencing and Probation and Pretrial Services Programs

New probation and pretrial services officers attend a five-day national orientation workshop after completing a Center-developed checklist of activities in their home districts. In 2002, the Center conducted seven orientation workshops for new federal officers and one program to prepare experienced probation and pretrial services personnel to serve as faculty for future new officer workshops.

A national conference for chief probation and pretrial services officers—held every two years—covered topics such as managing automation, ethics, detention reduction initiatives, and successful implementation of the new supervision monographs.

Most continuing education programs for probation and pretrial services officers use distance learning. Two new broadcasts addressed safety in the office and officer preparation. Another FJTN program helped officers supervise women substance abusers. New programs in the Special Needs Offenders series on particular offender and defendant populations examined recent developments in supervision and treatment of sex offenders and in cyber crime and cyber terrorism. Accompanying bulletins provided the latest investigation and supervision approaches, job aids, information about training, and descriptions of practices and innovations. The Center also released new editions of its training guides on in-district training of new probation and pretrial services officers and supervisors.

Court Management Programs

Some programs for executives and managers in the federal court system include teams of judges and court managers, such as the executive institutes (described on pages 4–5), a workshop for chief district judges and clerks of court on building effective management teams, and strategic planning programs for teams of district court judges and court managers and bankruptcy judges and court managers. A workshop in collaboration with the Administrative Office and the General Services Administration helped teams of judges, clerks of court, court project managers, and architects manage capital construction projects. A biennial conference for district court clerks, deputy clerks, and district court executives featured sessions on managing fiscal and legal responsibilities, developing and supporting court staff, and instilling public confidence. Other programs for top court managers included an executive institute for senior court managers and workshops on management challenges and enhancing leadership and communication skills for district and bankruptcy court deputies-in-charge and divisional managers.

The Center's multiyear advanced leadership programs prepare court managers and probation and pretrial services officers for positions of increasing responsibility. Participants report that the programs helped them when they sought positions with more management responsibilities. The American Council on Education has certified the leadership programs for graduate and undergraduate credit. The third class in the two-and-a-half-year Federal Court Leadership Program graduated in

2002. The sixth class in the three-year Leadership Development Program for Probation and Pretrial Services Officers is midway through the program.

Much of the management training in the courts is delivered through Center-produced curriculum packaged programs, which consist of instructor guides, participant handouts, overhead slides, and sometimes videotapes, and are taught in the courts by court staff who are trained by the Center. Examples include a pilot program introduced in 2002 on strategic planning for information technology and a training guide to help courts manage the effects on staff of implementing the federal courts' new case management/electronic case filing (CM/ECF) system. The Center also provides faculty to conduct circuit-wide supervisors' training for appellate, district, and bankruptcy court and probation and pretrial services managers.

FJTN broadcasts described the proper limits on communications between judges, settlement judges, and mediators; helped bankruptcy judges, bankruptcy court clerks and administrators, and probation and pretrial services supervisors

educate the public about the work of the courts; and helped appellate case managers process cases. Other programs concentrated on hiring, training, and coaching new employees; leading in times of crisis; and managing staff conflict. Two computer-based on-line conferences for bankruptcy courtroom deputies provided techniques for effective time management.

Media Library

The Center's media library contains some 3,500 audio and video programs, including Center-produced educational video programs, videotapes of Center broadcasts on the FJTN, audiotapes of seminars and workshops, and some 600 commercially produced video programs. In 2002, the media library loaned more than 900 copies of programs to federal judges and judicial branch personnel and sent more than 2,600 copies of its media 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.

Other Court Education Programs

Numerous training tools, downloadable publications, program

schedules, information, and application forms are available on the Center's Web page on the courts' intranet at jnet.fjc.dcn. One Web-based training program released in 2002 helps court staff enhance their education and career development; another helps them understand the federal courts and how they work. (That program, *Inside the Federal Courts*, is also available on the Center's Internet site at www.fjc.gov, for the public, students, teachers, and the media.)

Two national workshops, five-session orientation videoconferences, and a videoconference on planning a court-wide training event all helped in-court training specialists.

FJTN broadcasts for all staff included programs on confronting crisis, structured on-the-job training, e-mail usage, making ethical choices, negotiations, and effective court administration. New editions of *Court to Court*, the Center's television magazine, examined techniques for providing efficient customer service, using videoconferencing to conduct meetings, and training staff for the transition to CM/ECF.

Programs for Foreign Judicial Officials

Congress has charged the Center to work with other organizations to provide information about judicial administration to judicial and legal officials from other countries, and to gather information about the administration of justice in other countries that may assist in the Center's education and research programs for the federal courts. The Center provides briefings, information, counseling, and technical assistance, but no direct financial support. The participants, their governments, or public and private U.S. organizations pay for transportation, lodging, interpreting services, and other direct costs of these programs.

In 2002, the Center

- coordinated 61 briefings for 522 foreign judges and court officials from 81 countries;
- arranged a two-day seminar for representatives of the Mexican Instituto de la Judicatura and the Canadian National Judicial Institute, a follow-up to the September 2001 judicial exchange in Mexico led by the Chief Justice;
- helped coordinate a visit by the Indo-American Judicial Exchange in October; and
- collaborated with the Center for Russian Leadership at the Library of Congress to develop a series of exchange programs for Russian judges and law professors. Each delegation is hosted by their American counterparts for a week of programs, including opportunities to observe court proceedings, law school classes, and other aspects of the U.S. legal system.

The Center hosted three visiting foreign judicial fellows. A Brazilian labor judge studied alternative dispute resolution as a case-management tool for appellate courts, and an Azerbaijani Justice Ministry official and a Chinese judge studied judicial education. (The Center provides visiting foreign judicial fellows with office space, use of a computer, access to the library and Center experts, and guidance in preparing research projects.)

Center staff made presentations and provided technical assistance abroad in Chile, China, the Czech Republic, the Dominican Republic, Russia, Serbia, Thailand, and Venezuela. Funding in all cases was provided by other government agencies or the host countries.

RESEARCH

The Center conducts empirical and exploratory research on federal judicial processes and court management, mostly at the request of Judicial Conference committees, and makes many of its research reports available in print, on its Web sites, or both. In 2002, the Center completed 22 research and evaluation projects, continued work on 23 others, completed 18 reports, and responded to more than 125 informal requests for research assistance from the courts, Judicial Conference committees, federal and state agencies, individuals from academic institutions and associations, and others. Major research activities are described below.

Civil Litigation

The Class Action Subcommittee of the Judicial Conference's Advisory Committee on Civil Rules asked for information to help it assess whether two recent Supreme Court decisions affected the rate and type of class action filings in federal district courts. Center staff analyzed class actions filed in 82 federal district courts and will survey 1,500 attorneys who have been involved in class action litigation in state or federal court. Also at the request of the civil rules committee, the Center is studying court orders that protect release of information about settlements.

In response to continued requests for information about summary judgment motions, the Center maintains automated docket data from a sample of 1,650 civil cases to identify any changes in dispositional outcome (summary judgment and other dispositive motions) patterns since its 1995 summary judgment study. Center

staff are also collecting information about how federal courts deal with nonprisoner pro se litigation.

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 requests for information from judges and court staff, libraries, government agencies, academic institutions, research organizations, bar groups, and the media.

Alternative Dispute Resolution

Studies of mediation programs in the Western District of Missouri, the District of Connecticut, and the Court of Federal Claims will yield information helpful to all courts concerning the strengths and weaknesses of various approaches to ADR. A three-year project (supported by gifts to the Federal Judicial Center Foundation, see page 14) is providing technical assistance and reference

materials to ADR administrators in the district courts, including an ADR manual, model referral orders and other forms, model local rules, guidance for selecting and training ADR neutrals, and questionnaires for evaluating ADR programs.

Criminal Litigation

The Committee on Court Administration and Case Management asked the Center to assess the Judicial Conference's Criminal Case Files Pilot Program. The purpose of the study is to collect and analyze information about the experiences of the pilot

courts as they provide remote public electronic access to documents filed in criminal cases. This research will help the committee identify the potential risks and benefits of providing electronic public access to criminal case files. Project staff are also studying the experiences of other courts that allowed remote electronic public access to criminal case files before the Judicial Conference's pilot program.

Given national interest in offender re-entry programs, the Center (in cooperation with the Administrative Office) is assisting the District of South Carolina to evaluate its Re-entry Specialist Program and is helping the Eastern District of Missouri evaluate its Offender Employment Program.

The Judicial Conference has approved the Center's Risk Prediction Index (RPI) to help both probation and pretrial services officers assess the risk of recidivism for individuals under supervision. The Center is analyzing data from supervision cases to evaluate the RPI's continuing validity. The Judicial Conference's Criminal Law Committee has also asked the Center to assess the substance abuse and mental health needs of Native American offenders under federal supervision.

In 2001 the Center completed a manual on managing federal capital death penalty trials and posted the manual and related materials on its Web site for access by judges and the public. A similar manual to assist judges with managing capital habeas trials is being prepared and will also be posted on line.

Courtroom and Litigation Technology

A number of Center research projects are under way to stimulate and encourage more research and evaluation concerning digital and electronic evidence in the courtroom and to analyze the effect, if any, of various courtroom technologies on fact-finding and other aspects of trial processes. These projects include:

- surveying how many courts are using what equipment and with what frequency
- assisting experts at the University of California with the development of a functioning evidentiary exhibit using immersive virtual environment technology and assessing the use of such exhibits as evidence or as illustrative aids in trials; and
- analyzing variations among districts and court participants in the perceived need for and appropriateness of videoconferencing in federal criminal proceedings and the possible impact on trial rights.

Center staff also helped the Discovery Subcommittee of the Advisory Committee on Civil Rules to examine discovery of information and evidence that exist in digital form.

Appellate Litigation

The courts of appeals are split on whether to count disqualified judges in calculating a "majority" for en banc rehearing purposes under Federal Rule of Appellate Procedure 35(a). The Advisory Committee on Appellate Rules asked the Center to research the positions of the appellate courts and to analyze the pros and cons of each position as a matter of policy and the merits of having a rule that will require a

uniform practice among the circuits. The committee has proposed an amendment to Rule 35(a) to resolve the conflict among the circuits.

Bankruptcy Litigation

The Center organized a January 2003 conference for a small number of judges and attorneys to clarify the research needed by a subcommittee of the Bankruptcy Committee on venue and case-management issues in mega-bankruptcy cases that have multiple filings.

Publications

Center manuals, monographs, and research reports are described throughout this report. The Center distributed almost 75,000 printed copies of its publications in 2002; many publications that were formerly distributed in print are now being sent to judges and court staff by e-mail. Many publications are also available on Center sites on the courts' intranet (jnet.fjc.dcn) and on the Internet (www.fjc.gov). Publications released or in production in 2002 were:

- *Deskbook for Chief Judges of U.S. District Courts*
- *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues*
- *Inconsistency in Evidentiary Standards for Medical Testimony: Disorder in the Courts*, JAMA, vol. 288, no. 11, at 1382 (Sept. 18, 2002)
- *Maintaining the Public Trust: Ethics for Federal Judicial Law Clerks*
- *Order in the Courts: A History of the Federal Court Clerk's Office*
- *Past and Potential Uses of Empirical Research in Civil Rulemaking*, 77 Notre Dame Law Review 1121 (April 2002)
- *Recusal: An Analysis of Case Law Under 28 U.S.C. §§ 455 & 144*
- *Redistricting Litigation: An Overview of Legal, Statistical, and Case Management Issues*
- *Statement of Allegations and Reasons in Chief Judge Dismissal Orders Under the Judicial Conduct and Disability Act of 1980* (available on-line only)
- *Statistical Examples Software Prototype: Age Discrimination Example*, 42 Jurimetrics 281 (Spring 2002)

A Center periodical, the *FJTN Bulletin*, describes programs broadcast by the Center, the U.S. Sentencing Commission, and the Administrative Office and provides broadcast schedules and other news about the Federal Judicial Television Network. As part of an effort to reduce mass mailings to the courts, the *Bulletin* is available only in electronic form on the courts' national intranet. The Center ceased publication of its *Guideline Sentencing Update* periodical in 2002, and will instead update its *Guideline Sentencing Outline* regularly on-line.

More than 50 Center publications are available on the WESTLAW legal research service. Commercial publishers reprint several publications for sale to the public, including the *Reference Manual on Scientific Evidence, Second Edition*; *Manual for Complex Litigation, Third*; *Guide to Judicial Management of Cases in ADR*; and *Chambers Handbook for Judges' Law Clerks and Secretaries*. The manual *Effective Use of Courtroom Technology: A Judge's Guide to Pretrial and Trial* was a joint project of the Center and the National Institute of Trial Advocacy, which has published a version for attorneys. The Government Printing Office also carries several Center titles in its public sales program.

Judicial Resources

Over the past three decades, the Center has conducted extensive research to formulate the statistical case weights for district and bankruptcy courts that the Judicial Conference uses for a variety of purposes, and in 2002 commenced projects to create revised district court case weights (for the Judicial Resources Committee) and revised bankruptcy court case weights (for the Committee on the Administration of the Bankruptcy System).

Other Research Activities

At the request of the chair and ranking member of the House Judiciary Subcommittee on the Courts, the Internet, and Intellectual Property, the Center, with the assistance of Administrative Office staff, analyzed the nature and content of chief judges' public orders under the Judicial Conduct and Disability Act of 1980. Center staff also consulted with the U.S. Department of Justice, as required by a May 2002 statute, on the department's report to the judiciary committees about the effectiveness of the State Justice Institute.

At the request of the Federal State Jurisdiction Committee of the Judicial Conference, Center staff developed a Web site that provides information on educational programs and activities for federal and state judges. On request of the Civic Education Subcommittee of the Committee on the Judicial Branch, the Center provided survey information about federal courts' community outreach and public education activities.

Federal Judicial History

To help educators teach about the history of the federal courts, the Center is developing on-line educational materials that include historical documents and extensive descriptions of 15 significant trials. (This project is partially supported by the Federal Judicial Center Foundation, see page 14.) Center staff are working with the American Bar Association's Division for Public Education to establish summer workshops for teachers and to develop materials to support judges and court staff who wish to use the teaching units in public programs.

Amistad: The Federal Courts and the Challenge to Slavery, is a 30-minute Center video about the enslaved Africans who won their freedom through a decision of the Supreme Court. Related documents and descriptions of the case are on the Center's Web site (at www.fjc.gov on the Internet and at jnet.fjc.dcn on the federal courts' intranet). The video won a finalist award in the national Telly Awards competition.

The Center's History of the Federal Judiciary Web site has been expanded to include information on courts of special jurisdiction, court officers and staff, and historical programs in the federal courts. A recently completed bibliography of historical works about federal judges and a directory of oral histories with federal judges will be linked to the judges' on-line biographical entries. A monograph, *Order in the Courts: A History of the Federal Court Clerk's Office*, uses legislative material and other primary sources to describe the changing nature of the clerks' duties over the course of U.S. history.

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 2002 were

Dianne M. Nast, Esq., Lancaster, Pa., *chair*
Richard D. Casey, Esq., Sioux Falls, S.D.
Laurie L. Michel, Esq., Washington, D.C.
Charles B. Renfrew, Esq., San Francisco, Cal.
Marna S. Tucker, Esq., Washington, D.C.
John B. White, Jr., Esq., Spartanburg, S.C.
Benjamin L. Zelenko, Esq., Washington, D.C.

In creating the foundation, Congress directed that Center annual reports describe the purposes for which foundation gifts were used in the year covered by the report. The Center used foundation gifts in 2002 for specialized research and education projects as follows:

- A multiyear grant from the Hewlett Foundation is supporting a project that will provide on-site consultation to courts seeking assistance in developing or refining their alternative dispute resolution programs. In 2002 the grant supported two meetings of the project advisory board and the development of educational materials.
- A grant from the American Institute of Certified Public Accountants supported one seminar to help judges analyze financial statements presented as evidence.
- Undesignated funds were used to support judicial seminars on specialized topics such as intellectual property and employment law; for partial support of the Center's project to provide secondary school and college educators with Web-based curriculum units about historic federal trials; and to provide supplies and token gifts for briefings of judicial officials from foreign countries.

JUDGE JOHN R. BROWN AWARD

Law clerks and friends of Judge John R. Brown created the Judge John R. Brown Scholarship Foundation in 1993. Judge Brown, who served on the U.S. Court of Appeals for the Fifth Circuit from 1955 until his death in 1993, and as chief judge from 1967 until 1979, was a strong proponent of improved judicial administration and procedure. To recognize Judge Brown's appreciation of the Federal Judicial Center and his commitment to research and education about and for the federal judiciary, the Foundation Board established the Judge John R. Brown Judicial Scholarship and Education Award to recognize Center employees and those outside the Center who contribute to its work. This year the Board selected Bruce Clarke, a senior attorney in the Judicial Education Division, and Laurie Levenson, of the Loyola Law School of Los Angeles. Previous recipients are Professors Margeret Berger, Karen Blum, Erwin Chemerinsky, Ira Robbins, and Elizabeth Warren, and Center staff members Denise Neary, Donna Stienstra, and Elizabeth Wiggins.

ADVISORY COMMITTEES

Advisory committees provide guidance to the Center 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 all or part of 2002.

Committee on Appellate Judge Education

Judge Kenneth F. Ripple (7th Cir.), *Chair*
Judge Bobby R. Baldock (10th Cir.)
Judge Pierre N. Leval (2d Cir.), *Center Board Representative*
Judge Stanley Marcus (11th Cir.), *Center Board Representative*
Judge Pauline Newman (Fed. Cir.), *Center Board Representative*
Judge Karen J. Williams (4th Cir.)

Committee on Bankruptcy Judge Education

Bankruptcy Judge Elizabeth L. Perris (D. Or.), *Chair*
Bankruptcy Judge Nancy C. Dreher (D. Minn.)
Chief Bankruptcy Judge James B. Haines, Jr. (D. Me.)
Chief Bankruptcy Judge Robert F. Hershner, Jr. (M.D. Ga.), *Center Board Representative*
Chief Bankruptcy Judge David S. Kennedy (W.D. Tenn.)
Stephen H. Case, Esq., New York, N.Y.
Professor S. Elizabeth Gibson (University of North Carolina Law School)
David A. Lander, Esq., St. Louis, Mo.
Francis F. Szczebak (Administrative Office of the U.S. Courts), *ex officio*

Committee on the *Benchbook* for U.S. District Court Judges

Judge A. David Mazzone (D. Mass.), *Chair*
Judge Wayne E. Alley (W.D. Okla.)
Judge William O. Bertelsman (E.D. Ky.)
Judge Edward C. Prado (W.D. Tex.)
Judge William H. Yohn, Jr. (E.D. Pa.), *Center Board Representative*
Hon. John R. Steer (U.S. Sentencing Commission)

Committee on District Judge Education

Judge David W. McKeague (W.D. Mich.), *Chair*
Judge Garrett E. Brown, Jr. (D.N.J.)
Judge Robert J. Bryan (W.D. Wash.), *Center Board Representative*
Judge Charles N. Clevert, Jr. (E.D. Wis.)
Judge W. Royal Furgeson, Jr. (W.D. Tex.)
Judge Jean C. Hamilton (E.D. Mo.), *Center Board Representative*
Judge Paul A. Magnuson (D. Minn.)
Robert T. Haar, Esq., St. Louis, Mo.
George F. Pappas, Esq., Washington, D.C.

Committee on Magistrate Judge Education

Magistrate Judge Karen K. Klein (D.N.D.), *Chair*
Magistrate Judge Robert B. Collings (D. Mass.), *Center Board Representative*
Magistrate Judge Jerry A. Davis (N.D. Miss.)
Magistrate Judge Jonathan W. Feldman (W.D.N.Y.)
Magistrate Judge John F. Moulds (E.D. Cal.)
Magistrate Judge Peggy E. Patterson (E.D. Ky.)
Magistrate Judge Mary E. Stanley (S.D. W. Va.)
Carol E. Heckman, Esq., Buffalo, N.Y.
Frank H. Reynolds, Esq., Lansing, Mich.
Thomas C. Hnatowski (Administrative Office of the U.S. Courts), *ex officio*

Board of Editors for the *Manual for Complex Litigation*

Judge Stanley Marcus (11th Cir.), *Chair*
Judge John G. Koeltl (S.D.N.Y.)
Judge J. Frederick Motz (D. Md.)
Judge Lee H. Rosenthal (S.D. Tex.)
Judge Barefoot Sanders (N.D. Tex.)
Sheila Birnbaum, Esq., New York, N.Y.
Frank A. Ray, Esq., Columbus, Ohio

Defender Services Advisory Group Panel on Defender Education

Judy Clarke (Community Defender, E.D. Wash. & D. Idaho), *Chair*
Henry J. Bemporad (Deputy Federal Public Defender, W.D. Tex.)
David Beneman (Panel Attorney, D. Me.)
Thomas W. Hillier II (Federal Public Defender, W.D. Wash.)
Henry A. Martin (Federal Public Defender, M.D. Tenn.)
Jon M. Sands (Assistant Federal Public Defender, D. Ariz.)

Advisory Committee on Appellate Court Education

Thomas K. Kahn (Clerk of Court, 11th Cir.), *Chair*
Julie A. Fenton (Senior Staff Attorney, 7th Cir.)
Karen M. Moss (Librarian, 1st Cir.)
Gregory B. Walters (Circuit Executive, 9th Cir.)
Robin J. Weinberger (Chief Deputy Clerk, 8th Cir.)
Mark Zanchelli (Chief Deputy Clerk, 4th Cir.)

Advisory Committee on Bankruptcy Court Education

Marcia M. Anderson (Clerk of Court, Bankr. W.D. Wis.), *Chair*
John S. Brubaker (Chief Deputy Clerk, Bankr. W.D. Ky.)
Geraldine Treutelaar Crockett (Clerk of Court, Bankr. W.D.N.C.)
Kathleen Farrell (Clerk of Court, Bankr. S.D.N.Y.)
Teresa R. Jacobs (Bankruptcy Administrator, 11th Cir., M.D. Ala.)
Dana McWay (Clerk of Court, Bankr. E.D. Mo.)
James J. Waldron, (Clerk of Court, Bankr. D.N.J.)

Advisory Committee on District Court Education

Lawrence K. Baerman (Clerk of Court, N.D.N.Y.), *Chair*
Laura A. Briggs (Clerk of Court, S.D. Ind.)
Sherri R. Carter (Clerk of Court, C.D. Cal.)
Linda Jacobson (Chief Deputy Clerk of Court, D. Me.)
Gregory J. Leonard (Clerk of Court, M.D. Ga.)
James G. Woodward (Clerk of Court, E.D. Mo.)

Advisory Committee on Probation and Pretrial Services Education

Ellen J. Krause (Chief U.S. Probation Officer, D. Del.), *Chair*
Wilma V. McNeese (Chief U.S. Pretrial Services Officer, W.D. Pa.)
David E. Miller (Chief U.S. Probation Officer, S.D. Ohio)
Carol M. Miyashiro (Chief U.S. Pretrial Services Officer, D. Hawaii)
Oscar J. Stephenson, Jr. (Chief U.S. Probation Officer, N.D. Ala.)
Thomas K. Tarr (Chief U.S. Probation Officer, D.N.H.)
Kenneth O. Young (Chief U.S. Probation Officer, S.D. Cal.)