

# Federal Judicial Center 2003 Annual Report

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, 4

2003 at a Glance, 2

EDUCATION & TRAINING, 5

Education Programs for Judges and Legal Staff, 5

Education and Training Programs for Court Staff, 7

Appellate, District, and Bankruptcy Court Programs, 7

Sentencing and Probation and Pretrial Service Programs, 8

Court Management Programs, 8

Court Trainers' Programs, 9

Other Court Education Programs, 9

RESEARCH, 10

Civil Litigation and Alternative Dispute Resolution, 10

Criminal Litigation, 10

Bankruptcy Courts, 11

Courtroom and Litigation Technology, 11

Estimating Judgeship Needs, 11

PROGRAMS FOR FOREIGN JUDICIAL OFFICIALS, 13

FEDERAL JUDICIAL HISTORY, 14

RESOURCES, 15

Publications, 15

Federal Judicial Television Network, 15

Media Library, 16

Information Services, 16

FEDERAL JUDICIAL CENTER FOUNDATION, 17

JOHN R. BROWN AWARD, 18

ADVISORY COMMITTEES, 19

## A MESSAGE FROM THE DIRECTOR

As I write this, I have been director of the Federal Judicial Center for four months and at the outset I want to say how grateful I am to the Board of the Center for honoring me with this position. I look forward to the continued direction and guidance provided by the Board and our advisory committees. Four months is hardly enough time to formulate a grand vision or new initiatives for the Center, but it's been an exciting time as each day I learn more about the many facets of the Center's activities and how we work with judges, court staff, and the judicial branch agencies to help the courts.

A large part of learning my way has involved attending circuit judicial conferences as well as FJC educational seminars and programs for judges and court staff. It has been a pleasure to meet judges and court leaders from all over the country, to learn how different courts operate, and to hear new ideas on issues facing the courts today to which the Center can contribute. I am particularly pleased that we are able to restore our basic judicial education programs to a 12-month cycle. While we all recognize the need to conserve funds in these very tight budget times, I continue to believe that bringing judges together for education, especially with our stringent cost monitoring, is a sound investment with many dividends.

I've also become familiar with the Center's many research and educational projects to help the courts. To name a few: A fourth edition of the *Manual for Complex Litigation* is in press and will be sent to judges soon. Center staff have prepared class action notices in English and Spanish to illustrate how judges and lawyers might comply with new requirements for plain language notices. Staff is also working with Judicial Conference committees to develop case weights used to estimate judgeship needs. Another Center project offers expert consultations to courts that would like advice on their ADR programs.

I have been greatly impressed by the Center's use of technology to provide distance education and information to the courts and public. A new resource catalog on the Center's site on the judicial branch's intranet ([jnet.fjc.dcn](http://jnet.fjc.dcn)) will make it easier to find and to order publications, media programs, and other materials. Curriculum units on fifteen famous federal trials are being developed for posting on the Center's Internet site ([www.fjc.gov](http://www.fjc.gov)) to help educators teach about the history of the federal courts. And the Federal Judicial Television Network continues to deliver daily programming from the Center, Administrative Office, and Sentencing Commission to more than 300 court locations. The FJTN is but one way that we work with the AO and the Commission, and I hope our cooperation in all areas can grow even stronger.

I am delighted to work with the Center's talented, dedicated, and versatile staff and impressed at how an organization so (relatively) small accomplishes so much. In time, I will develop my plans, set my goals, and make my contribution. But for now, I am enjoying my education and invite you, too, to learn more about what the Center has to offer and how we can help you.



# 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. Its purpose is "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 calendar year 2003.

## 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 2003, the Judicial Conference elected Judge James A. Parker of the U.S. District Court for the District of New Mexico and Judge Sarah S. Vance of the U.S. District Court for the Eastern District of Louisiana to the Board, replacing Judge Jean C. Hamilton of the U.S. District Court for the Eastern District of Missouri and Judge William H. Yohn, Jr., of the U.S. District Court for the Eastern District of Pennsylvania, whose terms expired.

## 2003 AT A GLANCE

In 2003 the Center

- provided 490 educational programs (including educational programs broadcast on the Federal Judicial Television Network) for an estimated 32,000 federal judge and court staff participants
- completed 10 major research and evaluation projects, continued work on 33 others, and responded to many other requests for short-term research assistance
- published or updated 6 reports, manuals, monographs, or reference guides
- completed 4 curriculum packages
- released 2 computer-based instructional programs
- distributed more than 42,000 copies of its publications, as well as almost 3,300 audio, video, and multimedia programs
- answered some 1,800 information requests from judges, court staff, and others
- hosted seminars or briefings for more than 370 foreign judges and officials representing 118 countries

The Board appoints the Center’s director and deputy director; the director appoints the Center’s staff. All but one of the Center’s nine directors have been federal judges, including Judge Barbara J. Rothstein of the U.S. District Court for the Western District of Washington, who became director in September 2003. She replaced Judge Fern M. Smith of the U.S. District Court for the Northern District of California, who resumed her duties as a sitting judge after four years as the Center’s director.

## Organization

The organization 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 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 Judicial Conference committees in developing policy recommendations but also contributes substantially to the Center’s educational programs. 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 helps courts and others study and preserve federal judicial history. The Interjudicial Affairs Office provides information to judicial and legal officials from foreign countries and assesses how to inform federal judicial personnel of developments in international law and other court systems that may affect their work.

## 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

### Board of the Federal Judicial Center

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 Robert J. Bryan, U.S. District Court for the Western District of Washington  
Judge James A. Parker, U.S. District Court for the District of New Mexico  
Judge Sarah S. Vance, U.S. District Court for the Eastern District of Louisiana  
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. Barbara J. Rothstein, 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

planning and producing education programs and publications. These committees are listed on page 19.

### **Staffing and Appropriation**

The Center had a fiscal 2003 appropriation of \$20,720,000 and it employed 140 people at the end of calendar year 2003. Its fiscal 2004 appropriation is \$21,214,000.

# EDUCATION & TRAINING

Some 2,000 federal judge participants, 11,000 court staff participants, and 845 federal defender and staff participants received orientation and continuing education through traditional seminars and local education programs in 2003. (Each participation by a judge or court employee is included, so some individuals are counted more than once.) In addition, an estimated 18,000 judges and staff participated in Center programs broadcast on the Federal Judicial Television Network (FJTN). (The Center conducts monthly surveys 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 Center-produced distance education programs, such as local training events in their own courts using materials provided by the Center, FJTN broadcasts, on-line conferences and other forms of computer-based and Web-based training, audioconferences, and videoconferences. More than 80% of the estimated 32,000 participants in Center educational programs received some form of distance education in their courts.

## Education Programs for Judges and Legal Staff

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

Continuing education programs in 2003 for court of appeals and district judges, held by circuit, provided updates and analysis on such topics as intellectual property, sentencing, evidence, employment discrimination, terrorism and the law, habeas corpus, electronic discovery, and international law. National workshops for bankruptcy judges included sessions on judicial ethics, Chapter 11 practices nationwide, getting performance feedback, privacy issues in bankruptcy, and consumer bankruptcy law. National workshops for magistrate judges examined the Patriot Act, sealing settlement agreements, ethics, international law, and attorney-client privilege and the work-product doctrine.

The Center's conference for chief district judges, conducted in cooperation with the Administrative Office, emphasized the chief judge's leadership and management responsibilities. An executive institute for chief district judges and unit executives applied lessons of leadership from President Lincoln's experiences during the Civil War to contemporary court management.

Seminars on particular subjects for small groups of judges usually last two or three days. Special-topic seminars in 2003 included programs on mediation skills, employment law, environmental law, section 1983 litigation, international law and litigation, intellectual property, law and science, law and society, and the Harold R. Medina seminar on the humanities and science. Many of these programs are conducted in collaboration with law schools or other educational institutions.

Programs for federal defender personnel and Criminal Justice Act panel attorneys included a writing workshop with emphasis on appellate representation. A workshop for circuit mediators focused on mediating employment cases, successful

### Seminars & Workshops for Judges, January 1–December 31, 2003

|  | Number of Programs | Number of Participants |
|--|--------------------|------------------------|
| Orientations for newly appointed circuit judges    | 1                  | 5                      |
| Orientations for newly appointed district judges   | 5                  | 90                     |
| Orientations for newly appointed bankruptcy judges | 2                  | 20                     |
| Orientations for newly appointed magistrate judges | 3                  | 71                     |
| Conference for chief district judges               | 1                  | 86                     |
| Workshops for district and circuit judges          | 6                  | 394                    |
| National workshops for bankruptcy judges           | 3                  | 279                    |
| National workshops for magistrate judges           | 3                  | 319                    |
| Special-focus workshops                            | 14                 | 462                    |
| In-court seminars                                  | 16                 | 230                    |
| TOTAL  | 54                 | 1,956                  |

The Center also held five programs for 845 federal defenders and staff, and one program for 41 circuit mediators.

### Court Staff Education & Training Programs, January 1–December 31, 2003\*

| Seminars and Workshops (national)  | Number of Programs | Number of Participants |
|--|--------------------|------------------------|
| Clerks of court and clerk's office personnel   | 11                 | 916                    |
| Probation and pretrial services officers and personnel   | 20                 | 1,189                  |
| Appellate staff attorneys  | 1                  | 30                     |
| Personnel in several categories**  | 18                 | 798                    |
| TOTAL  | 50                 | 2,933                  |
| 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   | 135                | 3,279                  |
| Probation and pretrial services officers and personnel   | 115                | 3,033                  |
| Personnel in several categories  | 51                 | 1,575                  |
| TOTAL  | 301                | 7,887                  |
| 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   | 2                  | 56                     |
| Probation and pretrial services officers   | 1                  | 4                      |
| Personnel in several categories  | 3                  | 145                    |
| TOTAL  | 6                  | 205                    |
| GRAND TOTAL  | 357                | 11,025                 |

\*These figures do not include an estimated 18,000 judge and court staff viewers of Center programs broadcast on the FJTN, who are reported separately, or users of Center Web-based education and training programs, because it is impracticable to discern the number of actual users of these programs from among visitors to the Web site who simply look at such programs or download them for use by multiple staff members.

\*\*Includes team management workshops for judges and court unit executives.



communication techniques, attorney–client conflicts, and avoiding the pitfalls of routinization.

The Center introduced its Program for Consultations in Dispute Resolution, which provides on-site consultations to district and bankruptcy courts seeking assistance with their ADR programs. Judges and court staff who have substantial ADR expertise provide the consultations. A grant from the Hewlett Foundation to the Federal Judicial Center Foundation (see page 17) supports the costs of the program.

Broadcasts on the judicial branch’s television network, the FJTN, augment the Center’s education programming. The annual review of the Supreme Court term analyzed cases on topics such as the First Amendment, habeas corpus, civil liberties, prisoners’ rights, arbitration, and copyright and trademark law. Other FJTN programs for judges and legal staff included periodic updates on bankruptcy law, an orientation for new law clerks, and basics of employment law for law clerks.

The Center’s video program *An Introduction to the Patent System* provides an alternative (should judges wish to use it) to expert testimony for jurors on how the patent system works. It is now available for download from the Center’s intranet and Internet sites. Another video, *Preserving the Trust: Ethics and Federal Judges*, introduces new judges to the Code of Conduct for U.S. Judges and examines ethical issues that arise most frequently.

Working with a board of editors, the Center completed a new, fourth edition of its *Manual for Complex Litigation*. ALI-ABA, a continuing education organization of the American Law Institute and the American Bar Association, conducted special programs in Washington, D.C. and San Diego to introduce the new manual to judges and attorneys. The Center also completed a guide and related materials to help judges manage capital habeas appeals from state courts, which joins a similar compilation and summary of procedures used in handling federal death penalty cases. Both are available on the intranet ([jnet.fjc.dcn](http://jnet.fjc.dcn)) and Internet ([www.fjc.gov](http://www.fjc.gov)).

Other judicial and legal education publications released or in production in 2003 were:

- *A New Judge’s Introduction to Federal Judicial Administration*
- *Deskbook for Chief Judges of U.S. District Court, Third Edition*
- *Federal Securities Law, Second Edition*
- *Major Issues in the Federal Law of Employment Discrimination, Fourth Edition*

Revisions to the Benchbook for U.S. District Court Judges, Fourth Edition will be distributed in early 2004.

## **Education & Training Programs for Court Staff**

### *Appellate, District, and Bankruptcy Court Programs*

Working with court staff, the Center has developed an on-line tutorial that courts can customize to teach attorneys how to file criminal case documents electronically on the federal judiciary’s new Case Management/Electronic Case Filing (CM/ECF) system. Another computer-assisted training program, on the Federal Rules of Bankruptcy Procedure, was updated to include changes to the rules and bankruptcy

code as of December 2002 and is available on the courts' intranet (jnet.fjc.dcn) and on the Internet (www.fjc.gov).

FJTN broadcasts in 2003 helped judges and ADR administrators learn how to use mediation and allowed appellate case administrators to share effective case-closing processes with their colleagues. Deputy clerks from district and bankruptcy courts studied the impact of technology on caseflow management during separate on-line conferences.

### *Sentencing and Probation and Pretrial Services Programs*

The Center's new officer checklist, reference guides, and week-long national orientation seminars—six in 2003—help new probation and pretrial services officers during their first year on the job.

A variety of distance education programs provide continuing education for all officers. For example, FJTN programs, some produced in collaboration with the Administrative Office or the U.S. Sentencing Commission, described recent changes to the standards for supervising federal offenders and defendants, dealt with economic crimes, money laundering, and Guideline amendments, and offered information on supervising offenders and defendants with mental disorders (supplemented by an updated intranet reference guide on therapeutic and supervision practices, new medications, and national and local mental health associations). The FJTN series on officer safety added segments on strategies for planning home contacts and dealing with personal confrontations with supervisees.

For more than a decade, the Center has developed curriculum packages with instructor and participant guides and other materials to increase the number of in-district training options and reach more court employees. The Center expanded this concept in 2003 by pilot-testing a project to teach probation and pretrial services staff how to develop curricula in subjects in which they have expertise, including writing skills, testifying in court, interviewing defendants and offenders, and organizing work.

### *Court Management Programs*

Executive management programs for teams of judges and court managers included the executive institute described on page 5 and a workshop for chief district judges and clerks of court on building effective management teams. Two workshops with the Administrative Office helped judges and staff from district and bankruptcy courts manage capital construction projects. Senior court executives and mid-level managers participated in leadership institutes, and experienced chief probation and pretrial services officers provided guidance to new chiefs through a new audioconference series.

Biennial national conferences for appellate clerks and chief deputies, and for bankruptcy clerks, chief deputies, bankruptcy administrators and bankruptcy appellate panel clerks, included sessions on legal and fiscal responsibilities, technological innovations, and leadership and management challenges and initiatives.

The Center's multi-year advanced leadership development programs are neither guarantees of promotion nor prerequisites for promotion, but they help court

employees prepare for positions of increasing responsibility. The sixth class of the program for probation and pretrial services officers completed its three-year course in 2003. The fourth class of the program for managers and specialists in clerks', senior staff attorneys', and circuit librarians' offices attended a mid-program workshop.

New distance education resources for court managers included a curriculum package on strategic planning for information technology; an audioconference and a video, print, and audio package on managing the human impact of downsizing; and several book reviews on leadership topics. FJTN programs described best practices for motivating staff, approaches to succession planning, and how to develop or enhance essential leadership skills.

To refine the Center's strategic plan for court staff education and training, Center senior managers met with twenty-five court unit executives and deputies, Administrative Office representatives, and a member of the Judicial Conference Court Administration and Case Management Committee's Subcommittee on Long-Range Planning to identify constants and trends that may affect the federal courts in the near future.

### *Court Trainers' Programs*

The Center works closely with court personnel who serve as trainers for their units. New trainers were invited to participate in orientation videoconferences and other multi-session videoconferences on developing and coordinating training programs. New resources for court trainers included a curriculum package on how to develop a CM/ECF training plan and enhancements to the court training and court operations exchanges on the Center's site on the courts' intranet.

### *Other Court Education Programs*

Center FJTN programs for court-wide audiences examined leadership styles for staff who aspire to be supervisors, how to build and sustain collaborative work teams, and how to deal with upset lawyers and litigants. Four broadcasts of the *Court to Court* television magazine program featured lessons learned or innovative procedures developed by individual court units. A new curriculum package offered instruction on building trust in the workplace.

# RESEARCH

The Center conducts empirical and evaluative research on the federal courts, primarily for Judicial Conference committees, and reports most research in print, on its Web sites, or both. In 2003, the Center completed ten major research projects, continued work on thirty-three others, completed nine reports, and responded to more than ninety informational requests for research-related assistance from the courts, Judicial Conference committees, state and federal agencies, individuals from academic institutions and associations, and others.

## Civil Litigation and Alternative Dispute Resolution

The Center worked on three projects for the Judicial Conference's Advisory Committee on Civil Rules.

- A survey of plaintiffs' and defense attorneys in recently concluded class action cases to assess whether recent U.S. Supreme Court decisions have had any discernible effect on the rate and type of federal class action filings
- Spanish language versions of the class action notices on the Center's Internet site, which illustrate how lawyers and judges might comply with the December 1, 2003, change to Federal Rule of Civil Procedure 23(c)(2)(B), requiring that class action notices be written in plain, easily understood language
- An analysis of local rules governing filing of sealed settlements, including the incidence of sealed settlement agreements in the district courts and the circumstances surrounding the sealing of settlement agreements

The Court of Federal Claims asked for an evaluation of its recently implemented ADR program. Although the Center does not typically conduct studies for individual courts, the Claims Court's program provides a unique opportunity to examine the use of senior judges as ADR providers and the use of ADR in cases in which the federal government is a party.

## Criminal Litigation

A Center study for the Advisory Committee on Criminal Rules identified state court procedures that let judges enter pre-verdict judgments of acquittal, and whether such judgments can be appealed. The Department of Justice has proposed amending Federal Rule of Criminal Procedure 29 to provide the government an opportunity to appeal a directed acquittal ordered by a judge before the jury's verdict.

The Committee on Court Administration and Case Management requested an evaluation of the Judicial Conference's Criminal Case Files Pilot Program, in which ten district courts and one appellate court provide remote public electronic access to documents filed in criminal cases. The Center did not find any problems or instances of abuse during the period studied, and the Conference approved continuation of the program, with Center monitoring, until it approves specific guidelines for system-wide implementation. At the request of the Criminal Law Committee, the Center is analyzing information in the Administrative Office's National Treatment Data Base about the federal courts' post-conviction substance abuse

treatment program. It is also assessing the substance abuse and mental health treatment needs of Native American offenders under supervision in fourteen federal district courts.

## **Bankruptcy Courts**

The Center is helping the Judicial Conference's Bankruptcy Committee develop guidelines, model questionnaires, and alternative approaches that bankruptcy judges can use to obtain interim reviews from attorneys regarding their performance in areas that the courts of appeals are to consider, by statute, when reappointing bankruptcy judges. It also organized a small conference of judges and attorneys to identify research that will help the committee's work on venue and management of mega cases.

The Advisory Committee on Bankruptcy Rules requested a survey of bankruptcy judges on mandatory disclosure practices in adversary proceedings. It will use the results in considering whether certain categories of adversary proceedings should be exempt from the mandatory disclosure requirements of Federal Rule of Civil Procedure 26 and Bankruptcy Rule 7026.

## **Courtroom and Litigation Technology**

As a follow-up to its 2001 manual on the effective use of courtroom technology (produced with the National Institute for Trial Advocacy), the Center surveyed district court clerks to determine the extent to which courtroom technology is used in each district court, the purpose and frequency of usage, and the types of equipment that are available.

The Center continues to assemble materials on electronic discovery and evidence on its Web sites, including materials from Center-sponsored judicial workshops, relevant local rules and sample orders, and a regularly updated bibliography of case law and articles. It assisted the Discovery Subcommittee of the Advisory Committee on Civil Rules in planning a February 2004 conference on electronic discovery. Other projects in this ongoing effort to conduct and stimulate research on the use of courtroom technologies include designing studies that will examine the increasing use and support of videoconferencing in criminal proceedings and the increasing use of videoconferencing in the courts of appeals for oral arguments and for conferences among judges located in different cities.

## **Estimating Judgeship Needs**

The Center is helping the Statistics Subcommittee of the Committee on Judicial Resources prepare revised district court "case weights" for determining judgeship needs. Data indicating the judicial time required to dispose of different case types comes from regularly maintained court records and judges' consensus estimates. New district court case weights are scheduled for completion by June 2004.

To help the Committee on the Administration of the Bankruptcy System revise the bankruptcy case weights, the Center surveyed all bankruptcy judges about

various aspects of the current case weights and is incorporating information from the survey and other docket information to identify bankruptcy case types and events. Judges will begin recording time spent on a sample of bankruptcy cases in 2004, so revised case weights can be ready for the 2006 new judgeship cycle.

# PROGRAMS FOR FOREIGN JUDICIAL OFFICIALS

The Center's statute directs it to work with other organizations to provide information about judicial administration to representatives of foreign judiciaries and to gather information about the administration of justice in other countries that may assist the Center's education and research functions. The Center provides briefings, information, publications, and technical assistance to foreign judiciaries, but does not pay travel or other direct costs of foreign judicial education programs.

In 2003, the Center

- coordinated 54 briefings for more than 370 foreign judges, court officials, and scholars from 118 different countries;
- arranged a four-day program for a delegation from the Supreme Court of Panama on issues related to the work of a court of ultimate appeal;
- developed a week-long seminar on distance education for representatives of the Russian Academy of Justice, the judicial training center for the Russian Federation;
- facilitated a program on judicial ethics for a group of judges from Uzbekistan.

The Center hosted six visiting foreign judicial fellows, for whom it provides office space, use of a computer, access to Center resources and staff, and guidance in preparing research projects. Fellows in 2003 included judges from Uganda and Israel, who studied court-annexed mediation programs, a judge from South Korea who conducted research in patent litigation, a judge from Japan who studied settlement conferences under Rule 16 of the Federal Rules of Civil Procedure, and judicial researchers from Italy and China.

Center staff provided technical assistance abroad in Kosovo, Mexico, Russia, Serbia-Montenegro, Slovenia, Thailand, and Turkey. Funding for these projects was provided by U.S. government agencies and international organizations such as the World Bank and the United Nations Development Programme.

## FEDERAL JUDICIAL HISTORY

The Federal Judicial History Office continued work on its project to develop curriculum units on fifteen famous federal trials to help educators teach about the history of the federal courts. The on-line presentation of the case units will offer guidelines to teachers for incorporating the materials in history courses and will provide judges with support materials for using the program in public outreach activities. This project is a partnership with the ABA's Division for Public Education and uses FJC Foundation funds (see page 17).

The updated and expanded History of the Federal Judiciary Web site now includes a bibliography of scholarly works about judges, a directory of oral histories with judges, and descriptions of recent scholarship about the history of the federal judiciary, as well as the site's biographical and other features. Users will also be able to download high-resolution copies of images in digital form of more than 600 historic federal courthouses. The images are from the collections of the National Archives and the Library of Congress.

A Center-produced video on oral history programs in the federal courts will feature excerpts from oral histories with federal judges and interviews with people who conduct oral history programs for federal courts. Broadcast on the FJTN is scheduled for May 2004.



# RESOURCES

## Publications

Center manuals, monographs, and research reports are described throughout this report. The Center distributed more than 42,000 copies of its publications in 2003. Many publications that we formerly distributed on paper are now only available electronically. 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 2003 are.

- *A New Judge's Introduction to Federal Judicial Administration*
- *Deskbook for Chief Judges of U.S. District Courts, Third Edition*
- *Federal Securities Law, Second Edition*
- *Major Issues in the Federal Law of Employment Discrimination, Fourth Edition*
- *Manual for Complex Litigation, Fourth Edition*
- *Resource Guide for Managing Capital Cases, Vol. 2: Capital Habeas Cases* (available on line only)

Commercial publishers reprint several publications for sale to the public, including the *Reference Manual on Scientific Evidence, Second Edition*; *Manual for Complex Litigation, Fourth*; *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.

## Federal Judicial Television Network

The Center operates the Federal Judicial Television Network (FJTN), a satellite broadcast network with viewing sites in more than 300 federal court locations, making it the second largest nonmilitary television network in the federal government. In addition to broadcasting its own educational programs to the courts, the Center transmits educational and informational programming from the Administrative Office and the Sentencing Commission to judges and court staff over the FJTN. In 2003, the FJTN broadcast 154 programs, 36 of which aired live. Center educational programming consisted of 73 programs. Of these, 18 were live, interactive broadcasts in which judges and court staff at courthouses around the country could speak directly with faculty. A Center periodical, the *FJTN Bulletin*, provides broadcast schedules, program descriptions, and other news about the network. As part of an effort to reduce mass mailings to the courts, the *Bulletin* is available only in electronic form on the courts' intranet.

## **Media Library**

The media library contains almost 3,600 audio and video programs, including Center-produced educational video programs, videotapes of Center broadcasts on the FJTN, audiotapes of seminars and workshops, and more than 700 commercially produced video programs. In 2003, the media library loaned nearly 800 copies of programs to federal judges and judicial branch personnel on request and sent some 2,500 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.

## **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 some 1,800 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 statutory corporation established to receive gifts to support the work of the Center. The Foundation has sole authority to decide whether to accept gifts, 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 activities 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. No Foundation Board member may be a judge. Foundation Board members at the close of 2003 were

Marna S. Tucker, Washington, D.C., *chair*

Richard D. Casey, Sioux Falls, S.D.

Charles A. Legge, San Francisco, Cal.

Laurie L. Michel, Washington, D.C.

Sam C. Pointer, Birmingham, AL.

John B. White, Jr., Spartanburg, S.C.

Benjamin L. Zelenko, Washington, D.C.

In creating the Foundation, Congress directed that this annual report describe the purposes for which Foundation gifts were used in the relevant year. The Center used these Foundation gifts in 2003:

- A multi-year grant from the Hewlett Foundation is supporting a project (described on page 7) that provides on-site consultation to courts seeking assistance in developing or refining their alternative dispute resolution programs. In 2003 the grant supported a training program for dispute resolution consultants, travel expenses for several consultations with courts, and staff salaries for development of the program and preparation of extensive written materials to support the consultations.
- Undesignated funds were used for partial support of a judicial seminar on the humanities and science (known as the "Medina Seminar" and described on page 5) at Princeton University and for partial support of the Center's Federal Judicial History Office project (described on page 14) to provide educators with Web-based curriculum units about historic federal trials.

## JOHN R. BROWN AWARD

Judge John R. 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 Board of the Judge John R. Brown Scholarship Foundation, led by Mrs. Vera Brown, established the Judge John R. Brown Judicial Scholarship and Education Award. The Award recognizes Center employees and those outside the Center who contribute to its judicial education and research missions. Previous recipients are Professors Margaret Berger, Karen Blum, Erwin Chemerinsky, Laurie Levenson, Ira Robbins, and Elizabeth Warren, and Center staff members Bruce Clarke, Denise Neary, Donna Stienstra, and Elizabeth Wiggins. This year's awardees will be identified in the "2003 at a glance" version of the annual report on the Center's sites on the Internet ([www.fjc.gov](http://www.fjc.gov)) and on the judiciary's intranet ([jnet.fjc.dcn](http://jnet.fjc.dcn)).

# ADVISORY COMMITTEES

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 at the close of 2003.

## Committee on Appellate Judge Education

Judge Bobby R. Baldock (10th Cir.), *Chair*  
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Judge Diarmuid F. O'Scannlain (9th Cir.)  
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Stephen H. Case, Esq., New York, N.Y.  
Professor S. Elizabeth Gibson (University of North Carolina Law School)  
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Francis F. Szczebak (Administrative Office of the U.S. Courts), *ex officio*

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

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Hon. John R. Steer (U.S. Sentencing Commission)

## Committee on District Judge Education

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