

Federal Judicial Center **2004 Annual Report**

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A MESSAGE FROM THE DIRECTOR

Just as the courts are facing hard fiscal decisions in these lean budget times, the FJC continues to face budgetary challenges. Over the last ten years our appropriation has increased only 13 percent. But over that same period, the Center has been able to increase its level of service by reducing travel expenditures and staff and through use of innovative technology.

This year the Center's Board committed the Center to continued economizing while still maintaining a full calendar of educational programming, for the basic reason that those programs serve the important purpose of helping judges, managers, and staff do their jobs effectively and efficiently. That, along with our research for Judicial Conference committees, is why the Center exists.

As you read the report that follows you will understand why I am so proud of how much the Center accomplishes while our resources are shrinking. I am also gratified by how many judges and court managers tell me how much they value our educational programs, even as they are pressed for time by the demand to do more with less. We recognize our obligation to ensure that our programs are fiscally responsible and directed to the needs of judges and court employees. We will continue to work closely with our education advisory committees (listed on page 20) to make sure our orientation programs remain valuable, our continuing education programs and materials are timely and responsive, and our management training activities are productive. We will make greater use of Web-based technologies to make more resources available more quickly within and outside of the judiciary. Moreover, we will continue to provide programs to help judges and court managers identify, and share with colleagues, ways to maintain quality services and efficient and effective operations in periods of budget austerity.

I have appreciated the suggestions I have received from many of you as to what programs might be of benefit in the future. With your help, guidance, and continued support the Center will use all of the means available to us to provide vital and cost-effective education, training, and research for the federal judicial system.



BARBARA J. ROTHSTEIN

ABOUT THE FEDERAL JUDICIAL CENTER

Statutory Mission

Congress created the Federal Judicial Center in 1967 “to further the development and adoption of improved judicial administration in the courts of the United States.” The Center provides education and training for judges and employees of the federal courts and conducts empirical and exploratory research into different aspects of judicial administration, including case management and proposed changes to the federal rules of procedure. This annual report, mandated by statute, describes the Center’s activities in calendar year 2004.

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 advisory committees on judicial education programs (listed on page 20) and on standing committees on education (Judges Leval, Collings, Donald, Vance) and research (Judges Hershner, Evans, Parker; Director Mecham).

In March 2004, the Judicial Conference elected to the Board Judge Bernice B. Donald of the U.S. District Court for the Western District of Tennessee and Judge Terence T. Evans of the U.S. Court of Appeals for the Seventh Circuit. They replaced Judge Robert J. Bryan of the U.S. District Court for the Western District of Washing-

2004 AT A GLANCE

In 2004 the Center

- provided 410 in-person, in-court, or technology-based educational programs for approximately 12,400 federal judge and court staff participants;
- broadcast 172 programs on the Federal Judicial Television Network (FJTN) for the Center, the Administrative Office, and the Sentencing Commission, 26 of which were live;
- completed 16 major research and evaluation projects, continued work on 38 others, and responded to more than 300 other requests for short-term research assistance;
- published or updated 14 reports, manuals, monographs, or reference guides;
- completed 10 curriculum packages;
- distributed almost 20,000 copies of its publications, as well as more than 2,600 audio, video, and multimedia programs; and
- hosted 46 seminars or briefings for some 290 foreign judges and officials representing 66 countries.

ton and Judge Pauline Newman of the U.S. Court of Appeals for the Federal Circuit, whose terms 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 nine directors have been federal judges, including its current director, Judge Barbara J. Rothstein of the U.S. District Court for the Western District of Washington.

Organization

The organization of the Center reflects its primary statutory mandates. In 2004 the Center consolidated its former Judicial Education and Court Education divisions into a single Education Division to provide economies, to facilitate greater collaboration on Center education activities, and to align the Center's organization to work practices in the courts in which judges and staff are working more closely together. The Education Division plans and produces education and training programs for judges and court staff, including satellite broadcasts, video programs, publications, curriculum packages for in-court training, and Web-based programs and resources. The Research Division examines and evaluates current and alternative federal court practices and policies. This research assists Judicial Conference committees, which request most Center research, in developing policy recommendations. The Center's research also contributes substantially to its educational programs. The two divisions work closely with two units of the Director's Office—the Systems Innovations & Development Office and the Communications Policy & Design Office—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 International Judicial Relations 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.

Board of the Federal Judicial Center

The Chief Justice of the United States, *Chair*
Magistrate Judge Robert B. Collings, U.S. District Court for the District of Massachusetts
Judge Bernice B. Donald, U.S. District Court for the Western District of Tennessee
Judge Terence T. Evans, U.S. Court of Appeals for the Seventh Circuit
Chief Judge Robert F. Hershner, Jr., U.S. Bankruptcy Court for the Middle District of Georgia
Judge Pierre N. Leval, U.S. Court of Appeals for the Second Circuit
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
Leonidas Ralph Mecham, Director of the Administrative Office of the U.S. Courts

Senior Staff of the Federal Judicial Center

Judge Barbara J. Rothstein, Director
Russell R. Wheeler, Deputy Director
Ted E. Coleman, Director, Systems Innovations & Development Office
John S. Cooke, Director, Education Division
James B. Eaglin, Director, Research Division
Mira Gur-Arie, Director, International Judicial Relations Office
Bruce A. Ragsdale, Director, Federal Judicial History Office
Sylvan A. Sobel, Director, Communications Policy & Design Office

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 20.

Staffing and Appropriation

The Center had a fiscal 2004 appropriation of \$21,214,000, and it employed 130 people at the end of calendar year 2004. Its fiscal 2005 appropriation is \$21,446,000. Well over two-thirds of Center expenditures support its education and training activities; the remainder is devoted almost entirely to its research activities.

EDUCATION & TRAINING

As described in the tables on page 6, more than 1,900 federal judge participants, 9,800 court staff participants, and over 600 federal defender and staff participants received Center orientation and continuing education through traditional seminars, local education programs, and technology-based conferences in 2004. (Each participation by a judge or court employee is included, so some individuals are counted more than once.) 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, audio conferences, video conferences, and Web-based on-line conferences.

In addition, many more judges and court staff benefited from Center programs broadcast on the Federal Judicial Television Network (FJTN), from other Web-based training programs on the Center's site on the judicial branch's intranet, and from Center monographs and manuals (see page 16), and video and audio cassettes (see page 17). We estimate, on the basis of usage patterns from previous years, that 80% or more of the participants in Center educational programs received some form of distance education in their courts. (Although the Center conducted surveys in past years to estimate FJTN viewership, it suspended the surveys in 2004 in part because of a shortage of personnel at the Center and a desire to avoid burdening short-staffed courts with nonessential work. It is impracticable to distinguish the number of actual users of Web-based programs from visitors to the Web site who simply look at such programs or download them for use by multiple staff members.)

Education Programs and Materials for Judges and for 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.

Continuing education programs in 2004 for district judges included three national workshops that examined recent legislation, such as the USA PATRIOT Act and the PROTECT Act, and provided updates on the Federal Rules of Evidence, Supreme Court decisions, and the application of the Code of Conduct for United States Judges. The workshops also covered management of federal capital cases, immigration law, intellectual property, and case and calendar management under the federal courts' automated Case Management/Electronic Case Files (CM/ECF) system. A national workshop for bankruptcy judges analyzed developments in Chapter 7, 11, and 13 cases and examined the changing role of judges, judging in a diverse society, and the Code of Conduct. A national workshop for magistrate judges provided sessions on search and seizure of computers and computer-stored data, managing electronic discovery disputes in civil cases, the Code of Conduct, and authorizations to collect electronic communications under the USA PATRIOT Act.

Seminars & Workshops for Judges, January 1–December 31, 2004

	Number of programs	Number of participants
Orientation for newly appointed circuit judges	1	6
Orientations for newly appointed district judges	5	109
Orientations for newly appointed bankruptcy judges	3	27
Orientations for newly appointed magistrate judges	3	68
Conference for chief district judges	1	93
Workshops for district and circuit judges	4	535
Sentencing policy institute	1	80
National workshop for bankruptcy judges	1	241
Conference for chief bankruptcy judges	1	69
National workshop for magistrate judges	1	296
Special-focus seminars	8	262
In-court seminars	13	151
TOTAL	42	1,937

The Center also held three programs for 605 federal defenders and staff.

Court Staff Education & Training Programs, January 1–December 31, 2004

Seminars and Workshops (national and regional)	Number of programs	Number of participants
Clerks of court and clerk's office personnel	11	1,159
Probation and pretrial services officers and personnel	9	532
Personnel in several categories*	25	1,017
TOTAL	45	2,708

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	128	3,036
Probation and pretrial services officers and personnel	139	2,045
Personnel in several categories	18	451
TOTAL	285	5,532

Technology-based Programs (video-, audio-, and on-line conferences, but not including FJTN broadcasts)	Number of programs	Number of participants
Clerks of court and clerk's office personnel	2	131
Probation and pretrial services officers	20	305
Personnel in several categories	13	1,178
TOTAL	35	1,614
GRAND TOTAL	365	9,854

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

Seminars on particular topics for small groups of judges usually last two or three days. Special-topic seminars in 2004 included programs on international litigation, employment law, law and terrorism, mediation skills, law and genetics, law and society; three seminars on law and science; and the Harold Medina Seminar on Humanities and Science. Many of these programs are conducted in collaboration with law schools or other educational institutions.

In addition to seminars to which judges travel, the Center offers several “in-court seminars,” for which faculty travel to up to twenty individual district courts that request such a seminar. Topics of in-court programs in 2004 included social issues presented by developments in biology, improving the editing and writing of opinions, intellectual property cases, the first appointments to the federal judiciary (1789–1811), and law and literature.

The Center’s conference for chief district judges focused on budgeting, juror utilization, and managing defense costs in federal capital cases. The conference for chief bankruptcy judges provided presentations on management decision making, analyses of the consolidation of services provided by courts’ administrative units, and maintaining services and staff morale in times of declining resources. Both conferences were conducted in cooperation with the Administrative Office.

Programs for defender personnel included a national continuing education workshop, an orientation seminar for assistant defenders, and a seminar on law and technology.

FJTN broadcasts primarily for judges and legal staff included *Supreme Court: The Term in Review (2003–2004)*, which analyzed cases that presented issues that are likely to affect federal court dockets, including evidence, sentencing, and civil rights litigation; *Blakely v. Washington: An Update*, which examined the possible effects on federal courts of this Supreme Court decision on sentencing; and *Habeas Corpus in Alien Removal Cases*, which explained the impact on such cases of recent legislation and Supreme Court decisions. Also in 2004, the Center broadcast a program on the requirements in the PROTECT Act concerning the Statement of Reasons used in federal sentencing, periodic updates on bankruptcy law, and an orientation series for new judicial law clerks, including a program on the basics of employment law.

The Center added a new Web-based resource page on managing capital habeas cases to its intranet (cwn.fjc.dcn) and Internet (www.fjc.gov) sites. *Resources for Managing Habeas Corpus Review of Capital Convictions* includes a guide that summarizes relevant law and case-management procedures used by federal judges in these cases and contains case-management plans, general procedure orders, budgeting forms, scheduling orders, and other forms that judges have used. The Center has maintained a similar resource page on management of federal death penalty cases for several years. The Center maintains these materials electronically on its Web sites rather than in hard-copy form so that new materials can be added as needed.

Two Web-based resource pages help judges assess the admissibility of electronic evidence:

- a resource page on electronic discovery and evidence includes materials from Center-sponsored judicial workshops, relevant local rules and sample orders, and a regularly updated bibliography of case law and articles; and
- a resource page on courtroom technology includes the Center’s manual

Effective Use of Courtroom Technology: A Judge's Guide to Pretrial and Trial, and descriptions of Center research on the use of videoconferencing in criminal proceedings and the use of animation, simulations, and immersive virtual environment technology.

A resource page under development contains a model survey that bankruptcy judges can use to get feedback about their performance from attorneys who practice before them.

The following judicial and legal education publications were released or in production in 2004:

- *Admiralty and Maritime Law*;
- *Awarding Attorneys' Fees and Managing Fee Litigation, Second Edition*;
- *Major Issues in the Federal Law of Employment Discrimination, Fourth Edition*; and
- *Manual for Complex Litigation, Fourth Edition*.

Patent Law and Practice, originally a Center monograph and now published by the Bureau of National Affairs, is available to the federal judiciary in electronic format on the Center's site on the judicial branch's intranet.

Education Programs for Judges and Court Staff

The Center offers several programs that judges and court staff attend together.

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 in 2004 for district judges, probation and pretrial services officers, federal prosecutors, and federal defenders. The institute included a broad-ranging discussion of the roles of the legislative, executive, and judicial branches of government in fashioning sentencing policies, and representatives of all branches participated. To reach a wider audience within the courts, the Center videotaped portions of the sentencing institute and broadcast them on the FJTN.

The Center continued its Program for Consultations in Dispute Resolution, which provides on-site assistance to district and bankruptcy courts that wish to begin or revise ADR programs. Judges and court staff who have substantial ADR expertise travel to courts and provide ADR assistance using funds from a grant by the Hewlett Foundation to the Federal Judicial Center Foundation (see page 18).

The Center conducted two-day executive team-building programs for new chief judges and their clerks of court in conjunction with the national conferences for district and bankruptcy judges. In addition, four strategic planning workshops—two for district courts and two for bankruptcy courts—broadened the team participation to include additional judges and court managers, and helped courts develop policy and operational plans specific to their courts.

Teams of judges, clerks of court, and jury managers and administrators explored successful techniques for juror management and utilization at workshops for large and mid-size courts.

To help district courts manage non-prisoner civil pro se litigation, the Center collected and organized information from each of the district courts regarding their

practices with pro se litigants and is developing a resource page for this information on its intranet site.

Center staff facilitated two Administrative Office national workshops on Case Management/Electronic Case Files (CM/ECF) operational practices for district and bankruptcy courts. Along with the in-person participants, court personnel from around the country were able to take part in the workshops through audio and Web conferences. Also in collaboration with the Administrative Office, the Center conducted a videoconference for court teams and technical staff who manage capital construction projects.

At the request of individual courts, the Center organizes and conducts meetings to help courts examine their internal procedures, policies, and functions and determine the best ways to carry out court operations effectively and efficiently. For example, at the request of one of the courts of appeals and in cooperation with the Administrative Office, a Center education specialist served as facilitator for a meeting on implementing appellate electronic case filing. Participants included appellate and district judges, court and Administrative Office staff, and attorneys who practice in the circuit. Similarly, at the request of a district court, the Center helped its judges, senior managers, and administrative staff create a shared administrative services structure for the district's clerks, probation, and pretrial services offices. The Center stands ready to provide similar support to other courts of appeals and district courts.

Education Programs and Materials for Court Staff

Appellate, District, and Bankruptcy Courts

The biennial National Conference for District Court Clerks and Chief Deputy Clerks emphasized cost containment and management strategies. Speakers included the chairs of four Judicial Conference committees and the Director of the Administrative Office.

Two technology leadership workshops described effective uses of technology in the courts and ways to implement them. Attending were teams of circuit executives and their information technology managers and similar teams from bankruptcy and district courts and probation and pretrial services offices.

The Center produced a new curriculum package, *Customer Service in a CM/ECF Environment*, and released it to the courts to use in training their staffs to help lawyers and others as they adapt to electronic case filing. The package includes instructor and participant materials and can be taught by court staff with training experience.

Leadership and Court Management

At national executive institutes, senior court managers studied the skills of historical and contemporary leaders and considered how to apply those skills, as well as current management strategies, in today's work environment. New court unit executives, chief deputy clerks of court, and deputy chief probation and pretrial services officers attended.

The Center conducts multi-year advanced leadership development programs to help court employees prepare for positions of increasing responsibility. Members of Class IV of the two-and-a-half year program for managers and specialists in the offices of clerks of court, senior staff attorneys, and circuit librarians completed course requirements following a workshop in July; Class V initiated its studies with orientation and problem-solving audio and video conferences. Members of Class VII of the three-year leadership program for probation and pretrial services officers attended a mid-program workshop on mentoring and organizational vision.

FJTN leadership and management programs examined the core skills of great leaders, lessons learned from recent U.S. presidents, performance management, and the human aspect of downsizing. The Center also facilitated a series of audio conferences on downsizing concerns.

Probation and Pretrial Services

The biennial National Conference for Chief Probation and Pretrial Services Officers offered advice on dealing with budget shortfalls, motivating staff in the face of reductions, and maximizing return on technology investments.

The Center conducted three 5-day orientation workshops for 182 new officers. New officers also used Center-produced materials and reference guides for on-the-job orientation.

FJTN broadcasts included a new series on techniques for using the Center's *Financial Investigation Desk Reference for U.S. Probation and Pretrial Services Officers*. The first two programs covered fundamentals and document analysis. A ninety-minute Web conference following each program gave participants the opportunity to ask the faculty questions and share techniques with colleagues.

Several FJTN programs gave officers information and advice on supervising offenders and defendants. One showed how several probation and pretrial services offices had applied the principles of supervision in the updated Monographs 109 and 111. A related program described three probation offices' experiences in implementing policies and practices to conform with the revisions to Monograph 109. To complement these broadcasts, Center and Administrative Office staff facilitated several video conferences on Monograph 109 and 111 implementation. Additional programs provided training on postsentence supervision, supervision of alcoholics, and an instrument to determine which offenders or defendants would benefit most from substance abuse treatment.

Other broadcasts included *Domestic Violence Awareness* (produced with the National Institute of Corrections) and *Changing Lives*, which illustrates how officers can affect their supervisees' lives through intervention and assistance.

The Center offered interactive Web conferences and local programs for Critical Incident Stress Management (CISM) team members on suicide warning signs and other CISM matters. It also invited new chief probation and pretrial services officers to participate with experienced chiefs in audio conferences on effective leadership practices.

New curriculum packages, which the Center developed with probation and pretrial services subject-matter experts, provide instruction on writing effective

pretrial services reports, testifying skills, and organization techniques for presence investigations and pretrial services and probation supervision.

Other Programs for Court Staff

The Center conducted orientation video conferences for court personnel who serve as trainers for their units, as well as multisession continuing education video conferences.

FJTN programs for court-wide audiences addressed court staff safety, federal court oral history programs, and the work styles of different generations. Four new editions of the *Court to Court* television magazine program featured innovative practices developed by individual court units.

RESEARCH

The Center conducts empirical and evaluative research on all aspects of federal judicial administration and case management, and most projects are conducted at the request of committees of the Judicial Conference. The results of most of the Center's research are available in print, on its Web sites, or in both formats. In 2004, the Center completed sixteen major research projects; continued work on thirty-eight others; and responded to more than 300 informational requests for research-related assistance from the courts, Judicial Conference committees, state and federal agencies, individuals from academic institutions and associations, and others. Major research activities are described below.

Appellate Courts

Center staff analyzed local rules of the courts of appeals governing the form and content of appellate briefs to help the Advisory Committee on Appellate Rules evaluate potential amendments to Rules 28 and 32. The Center's report describes every local rule or practice that imposes requirements upon briefs and brief covers that are not in the national rules, as well as the history of the local requirements and the extent to which courts enforce them.

At the request of the Standing Committee on the Rules of Practice and Procedure, the Center is studying the possible impact of a rule permitting the citation of unpublished appellate opinions in briefs filed in the courts of appeals.

The Center is updating its 1997 publication on mediation and conferencing programs in the courts of appeals, in response to requests from federal courts of appeals for a detailed description of the mediation and conference programs in each of the circuits.

Civil Litigation

The Center completed three projects for the Advisory Committee on Civil Rules:

- a survey of plaintiff and defense attorneys in recently concluded class action cases to determine whether recent U.S. Supreme Court decisions have had any discernible effect on attorneys' decisions to file class actions in federal court rather than state court;
- Spanish-language versions of the illustrative class action notices on the Center's Internet site, which illustrate how lawyers and judges might comply with a December 2003 change to Federal Rule of Civil Procedure 23(c)(2)(B) requiring that class action notices be written in "plain, easily understood language"; and
- a report on the incidence of sealed settlement agreements in federal district courts and the circumstances surrounding the sealing of settlement agreements.

Late in 2004 the Civil Rules Committee's chair asked the Center to survey district court judges regarding proposed legislative changes to Federal Rule of Civil Procedure 11. The committee believes the survey data can inform judicial branch and legislative analyses of the proposed changes' likely effects.

Center staff are also helping the Ninth Circuit's Jury Trial Reform Committee to develop an instrument for surveying jurors regarding their experiences in the circuit's district courts.

Courtroom and Litigation Technology

Center staff are monitoring developments in electronic discovery to assist the Discovery Subcommittee of the Advisory Committee on Civil Rules as it considers possible amendments to Rules 16(b), 26(f)(3), 34(a), 37(f), and 45.

Criminal Litigation

For the Advisory Committee on Criminal Rules the Center prepared a comprehensive study of federal district court and state court local rules and practices governing prosecutorial disclosure of information under *Brady v. Maryland*.

Bankruptcy Courts

The Advisory Committee on Bankruptcy Rules asked the Center to design and conduct a survey of bankruptcy judges regarding mandatory disclosure practices in adversary proceedings. The request came as the committee considered whether certain categories of adversary proceedings should be exempt from the mandatory disclosure requirements of the Federal Rules of Procedure.

The Center published follow-up information from a small conference on Chapter 11 venue that it sponsored at the request of the Committee on the Administration of the Bankruptcy System.

Estimating Judgeship Needs

Working with the Statistics Subcommittee of the Judicial Resources Committee and with Administrative Office staff, the Center developed new statistical case weights for the district courts. The new case weights, which the Judicial Conference will use to determine judgeship needs, went into effect in August 2004.

Work continues with the Committee on the Administration of the Bankruptcy System to revise the bankruptcy court case weights. A major source of data for the project will be five groups of approximately sixty bankruptcy judges, who will report time spent on bankruptcy-related matters over the course of ten-week reporting periods during 2005.

Judicial Conduct and Disability

The Center is providing assistance to the Judicial Conduct and Disability Act Study Committee, which was appointed by the Chief Justice and is chaired by Justice Breyer. The work includes review, by Center and Administrative Office researchers, of a stratified sample of complaints filed in each circuit under 28 U.S.C. § 351 and disposed of during the period 2001–2003.

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 2004, the Center

- coordinated 46 briefings for approximately 290 foreign judges, court officials, and scholars from 66 countries;
- hosted a delegation from the Supreme People's Court of the People's Republic of China and briefed them about the Center's work in the field of distance education;
- participated in an orientation program on the U.S. judicial system for foreign L.L.M. students at Georgetown University Law Center;
- met with judges and court officials from the Middle East, including Iraq, Israel, and Gaza; and
- took part in the Second International Conference on the Training of the Judiciary, held in Ottawa, Canada, and attended by judges and judicial educators from over eighty countries.

Each year the Center hosts 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 2004 were judges from Norway and Thailand, who studied international human rights law and court-annexed mediation programs, and a judge from Japan, who studied patent litigation.

Center staff provided technical assistance, including conference presentations, abroad in Argentina, Brazil, China, Ecuador, Jordan, Kosovo, South Korea, and Thailand. Funding for these projects was provided by U.S. government agencies, international organizations such as the Ford Foundation and the Organization for Economic Cooperation and Development, and host countries or organizations within them.

FEDERAL JUDICIAL HISTORY

The Center's statute directs it to conduct, coordinate, and encourage programs related to the history of the federal judicial branch. It does so 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 court history projects.

The Center has completed four units in its project to develop Web-based curriculum materials to help educators teach about the history of the federal courts. Using FJC Foundation funds (see page 18), the Center hired scholars to prepare course units that examine twelve famous federal trials related to significant public debates in United States history and hired a curriculum design consultant to prepare teachers' guides for each unit. The on-line presentation of the course units will also provide judges and court staff with support materials for use in public outreach activities.

The Center published *Initiating a Federal Court Historical Program* to assist the various types of historical societies and programs in the courts. The guide offers organizational models for historical programs, suggestions for oral histories and other projects, and a compilation of resources for judicial history.

Also to help judicial history programs, the Center produced a video on oral history programs in the federal courts and broadcast it on the FJTN. The program features excerpts from oral histories with federal judges and interviews with people who conduct oral history programs for federal courts. Support materials and samples of oral history legal releases are available on the Center's Web site.

Center staff continue to update and expand the widely used History of the Federal Judiciary Web site, including the Federal Judges Biographical Database.

RESOURCES

Publications

Center manuals, monographs, and research reports are described throughout this report. Most of the Center's publications are available in print and electronically on its sites on the courts' intranet (cwn.fjc.dcn) and on the Internet (www.fjc.gov). To save costs, some Center publications that were formerly distributed in print are now available on-line only, and other publications that were distributed widely throughout the judiciary are now distributed to targeted audiences. In 2004, the Center distributed almost 20,000 printed copies of its publications. By comparison, in 2003, it distributed more than 42,000 printed publications, and in 2002, almost 75,000.

The following publications were printed or in production in 2004, and are also available on-line:

- *Admiralty and Maritime Law*;
- *Analysis of Briefing Requirements in the United States Courts of Appeals*;
- *Awarding Attorneys' Fees and Managing Fee Litigation, Second Edition*;
- *Conference on Large Chapter 11 Cases*;
- *Creating the Federal Judicial System, Third Edition*;
- *Initiating a Federal Court Historical Program*;
- *Major Issues in the Federal Law of Employment Discrimination, Fourth Edition*;
- *Manual for Complex Litigation, Fourth Edition*; and
- *Sealed Settlement Agreements in Federal District Court*.

The following publications were released on-line only in 2004:

- *2003–2004 District Court Case Weighting Study*;
- *Attorney Reports on the Impact of Amchem and Ortiz on Choice of a Federal or State Forum in Class Action Litigation: A Report to the Advisory Committee on Civil Rules Regarding a Case-based Survey of Attorneys*;
- *Resource Guide for Managing Capital Cases, Vol. II: Habeas Corpus Review of Capital Convictions*;
- *Survey of Bankruptcy Judges Regarding Use of Rule 7026 Mandatory Disclosure in Adversary Proceedings*; and
- *Treatment of Brady v. Maryland Material in United States District and State Courts' Rules, Orders, and Policies*.

Commercial publishers reprint several Center publications for sale to the public, including the *Reference Manual on Scientific Evidence, Second Edition*; *Manual for Complex Litigation, Fourth*; and *Guide to Judicial Management of Cases in ADR*. 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. The FJTN has 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 U.S. Sentencing Commission to judges and court staff over the FJTN. Some FJTN programs are broadcast live from the Center-operated studios in the Thurgood Marshall Federal Judiciary Building, allowing judges and staff at courthouses around the country to interact directly with faculty. Other programs are educational video programs produced in the studios, videotaped portions of educational conferences, or programs produced by other organizations that the Center or Administrative Office arrange to broadcast on the FJTN. Most programs are rebroadcast regularly to reach wider audiences and new judges and employees. In 2004, the FJTN broadcast 172 programs, including 26 live programs. The Center produced 70 of these programs, 16 of which were live. The *FJTN Bulletin*, a program guide produced by the Center every other month, 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 Center's media library contains some 4,000 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 2004, the media library loaned more than 400 programs to federal judges and judicial branch personnel on request and sent some 2,200 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 its 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. In 2004, Information Services staff answered hundreds of requests for information from judges and court staff, congressional staff, other government agencies, academics, researchers, the media, and the public.

FEDERAL JUDICIAL CENTER FOUNDATION

The Federal Judicial Center Foundation is a private, nonprofit corporation that Congress 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 2004 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, Ala.;
John B. White, Jr., Spartanburg, S.C.; and
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 the following Foundation gifts in 2004:

- A multi-year grant from the Hewlett Foundation to support a project (described on page 8) that provides on-site consultation to courts seeking assistance in developing or refining their alternative dispute resolution programs. In 2004 the grant funded travel expenses for several consultations with courts and staff salaries for development and support of the project.
- Funds provided by Professor Margaret Berger of Brooklyn Law School from a grant she received from a trust fund created by the settlement of silicone gel breast implant litigation; the funds supported federal judges' attendance at two law and science seminars coordinated by Professor Berger in cooperation with the Center.
- Residual class action settlement funds to provide instruction on class action litigation at orientation programs for new district judges.
- Non-earmarked grants to provide partial support of a judicial seminar on the humanities and science at Princeton University (the "Medina Seminar" described on page 7) and partial support of the Center's Federal Judicial History Office project (described on page 15) to provide educators with Web-based curriculum materials 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, George C. Treister, and Elizabeth Warren, and Center staff members Bruce Clarke, Denise Neary, Donna Stienstra, Marilyn Vernon, and Elizabeth Wiggins. This year's awardees will be identified in the "2004 at a glance" version of the annual report on the Center's sites on the Internet (www.fjc.gov) and on the judiciary's intranet (cwn.fjc.dcn).

ADVISORY COMMITTEES

Advisory committees provide guidance on education programs and publications. The Chief Justice appoints the members of the Advisory Committees on Appellate, Bankruptcy, District, and Magistrate Judge Education, and Center Board members serve on each of these committees, as well as on the *Benchbook* committee and on the board of editors for the *Manual for Complex Litigation*. The committees, which typically meet by telephone conference or during other Center programs, had the following membership at the close of 2004:

Committee on Appellate Judge Education

Judge Bobby R. Baldock (10th Cir.), *Chair*
Judge Terence T. Evans (7th Cir.), *Center Board Representative*
Judge Pierre N. Leval (2d Cir.), *Center Board Representative*
Judge Diarmuid F. O'Scannlain (9th Cir.)
Judge Karen J. Williams (4th Cir.)
Margaret A. Irving (Administrative Office of the U.S. Courts)

Committee on Bankruptcy Judge Education

Chief Bankruptcy Judge James B. Haines, Jr. (D. Me.), *Chair*
Bankruptcy Judge Nancy C. Dreher (D. Minn.)
Chief Bankruptcy Judge Robert F. Hershner, Jr. (M.D. Ga.), *Center Board Representative*
Bankruptcy Judge Jeffery P. Hopkins (S.D. Ohio)
Chief Bankruptcy Judge Jim D. Pappas (D. Idaho)
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)

Committee on District Judge Education

Judge Charles N. Clevert, Jr. (E.D. Wis.), *Chair*
Judge Deborah K. Chasanow (D. Md.)
Judge Bernice B. Donald (W.D. Tenn.), *Center Board Representative*
Judge W. Royal Furgeson, Jr. (W.D. Tex.)
Judge Paul A. Magnuson (D. Minn.)
Judge Sarah S. Vance (E.D. La.), *Center Board Representative*
Judge Kathryn H. Vratil (D. Kan.)
Robert T. Haar, Esq. (St. Louis, Mo.)
George F. Pappas, Esq. (Washington, D.C.)
Margaret A. Irving (Administrative Office of the U.S. Courts)

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 Keith A. Pesto (W.D. Pa.)
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)

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

Chief Judge Joseph F. Anderson, Jr. (D.S.C.)
Judge Irma E. Gonzalez (S.D. Cal.)
Judge James A. Parker (D.N.M.), *Center Board Representative*
Judge Loretta A. Preska (S.D.N.Y.)
Hon. John R. Steer (U.S. Sentencing Commission)

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

Jon M. Sands (Federal Public Defender, D. Ariz.), *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.)

Advisory Committee on Appellate Court Staff Education

Gino J. Agnello (Clerk of Court, 7th Cir.), *Chair*
Kathleen Brouwer (Chief Deputy Clerk, 3d Cir.)
Julie A. Fenton (Senior Staff Attorney, 7th Cir.)
J. Terry Hemming (Circuit Librarian, 10th Cir.)
Robert L. Phelps (Chief Deputy Clerk, 11th Cir.)
Gregory B. Walters (Circuit Executive, 9th Cir.)
Gary A. Bowden (Administrative Office of the U.S. Courts)

Advisory Committee on Bankruptcy Court Staff Education

Dana McWay (Clerk of Court, Bankr. E.D. Mo.), *Chair*
Jeannette J. Clack (Chief Deputy Clerk, Bankr. N.D. Tex.)
Eva L. Culwell (Chief Deputy Clerk, Bankr. W.D. Wash.)
Gary J. Drake (Chief Deputy Clerk, Bankr. N.D. Ga.)
Valrey W. Early III (Bankruptcy Administrator, Bankr. N.D. Ala.)
Kathleen Farrell (Clerk of Court, Bankr. S.D.N.Y.)
Kenneth J. Hirz (Clerk of Court, Bankr. N.D. Ohio)
William C. Stillgebauer (Clerk of Court, Bankr. Utah)
Glen K. Palman (Administrative Office of the U.S. Courts)

Advisory Committee on District Court Staff Education

James G. Woodward (Clerk of Court, E.D. Mo.), *Chair*
Cameron S. Burke (Clerk of Court, D. Idaho)
Ralph L. DeLoach (Clerk of Court, D. Kan.)
John M. Domurad (Chief Deputy Clerk, N.D.N.Y.)
Linda Jacobson (Chief Deputy Clerk, D. Me.)
Gregory J. Leonard (Clerk of Court, M.D. Ga.)
Karen Mitchell (Clerk of Court, N.D. Tex.)
Robin D. Tabora (Chief Deputy Clerk, D.D.C.)
Robert Lowney (Administrative Office of the U.S. Courts)

Advisory Committee on Probation and Pretrial Services Education

Stephen M. Donnelly (Chief U.S. Probation Officer, W.D. Mo.), *Chair*
John R. Long (Chief U.S. Probation Officer, E.D. Va.)
Bonnie Phillips-Williams (Chief U.S. Pretrial Services Officer, S.D. Fla.)
Trudi A. Schmitt (Chief U.S. Probation Officer, E.D. Wis.)
George M. Walker (Chief U.S. Pretrial Services Officer, C.D. Cal.)
Barry J. Weiner (Chief U.S. Probation Officer, D.R.I.)
Kenneth O. Young (Chief U.S. Probation Officer, S.D. Cal.)
Nancy Beatty Gregoire (Administrative Office of the U.S. Courts)

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