

# Federal Judicial Center



ANNUAL REPORT

2009

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# A MESSAGE FROM THE DIRECTOR

On behalf of the Board of the Federal Judicial Center, I am pleased to submit this annual report of the Center's activities to the Judicial Conference of the United States, as required by the Center's governing statute. Copies of this report are also being transmitted to Congress and to the Attorney General of the United States, as further required by statute.

Each year in this message I highlight a few programs and projects from among the many that are listed in this report, and then I briefly acknowledge the wonderful people who produce this outstanding body of work.

This year I am shifting the balance and highlighting the people.

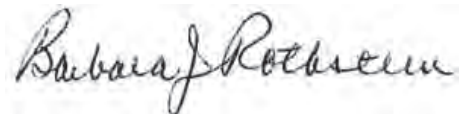
The Center has an enormously talented and dedicated staff. On the following page is a list of the names of those who worked here in 2009. They are well educated: over half of our employees have an advanced degree—J.D., Ph.D., or master's degree—and in many cases more than one of these. They are also very experienced: the average tenure at the Center of our staff is fifteen years. We are not only experts in a wide range of academic disciplines, we are also experts in the business of the courts. This deep knowledge about the courts is invaluable in designing and delivering research and education. Equally important, everyone on our staff—regardless how many degrees they may have or how long they have worked here—is committed to providing the best possible service to the courts and to the public.

This report indicates the impressive quantity of products and services the Center provides, but it cannot adequately reflect the outstanding quality of that work. Our programs, reports, and other services and resources helped judges and court staff do their jobs better. We know this not just because our services are in such high demand. We know it from results. The Judicial Confer-

ence and individual courts have adopted or adjusted policies and programs based on Center research and education—for example, new judiciary policies on courtroom construction based on the Center's study on courtroom use, and proposals to amend rules of procedure based on Center research. And individual judges and staff members regularly tell us about practices they have developed or improved based on something they learned at one of our seminars or from one of our research reports or other resources—for example, better uses of information technology to manage cases and dockets, and effective management strategies to improve staff cohesion and productivity.

Of course, we don't do this all by ourselves. We benefit from the active support of our Board and of judges and court staff across the country. We work closely with our colleagues in the Administrative Office of the U.S. Courts and the U.S. Sentencing Commission. And we draw on the expertise and assistance of many others in government, academia, the bar, and elsewhere. To all those with whom we worked this year, I extend my thanks.

In his *2009 Year-End Report on the Federal Judiciary*, the Chief Justice reported that "The courts are operating soundly, and the nation's dedicated federal judges are conscientiously discharging their duties." I am proud to say that the Federal Judicial Center has significantly contributed to that positive report.



BARBARA J. ROTHSTEIN

# 2009 Federal Judicial Center Staff

Barbara Anderson	Jim Eaglin	Jennifer Krause	Bruce Ragsdale
Marlene Annoni	Geoff Erwin	Hai Le	David Rauma
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Meghan Dunn	Martha Kendall	Gloria Pleasure	Michael Zeitzmann
Hieu Duong	David Kolm	Maisha Pope	
Trung Duong	Carol Krafka	Marilyn Queen	

# 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 2009.

## Governance

The Chief Justice of the United States chairs the Center’s Board, which by statute 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 (listed on page 16).

### BOARD OF THE FEDERAL JUDICIAL CENTER

The Chief Justice of the United States, *Chair*

Judge Susan H. Black, U.S. Court of Appeals for the Eleventh Circuit

Judge David O. Carter, U.S. District Court for the Central District of California

Magistrate Judge John M. Facciola, U.S. District Court for the District of Columbia

Judge James B. Haines, Jr., U.S. Bankruptcy Court for the District of Maine

Chief Judge Loretta A. Preska, U.S. District Court for the Southern District of New York

Judge Philip M. Pro, U.S. District Court for the District of Nevada

James C. Duff, Director of the Administrative Office of the U.S. Courts

In March 2009, the Judicial Conference elected Magistrate Judge John M. Facciola, of the U.S. District Court for the District of Columbia, and Judge James B. Haines, Jr., of the U.S. Bankruptcy Court for the District of Maine, to the Center’s Board, replacing Magistrate Judge Karen Klein, of the U.S. District Court for the District of North Dakota, and Judge Stephen Raslavich, of the U.S. Bankruptcy Court for the Eastern District of Pennsylvania, whose terms expired. In July 2009, Board member Judge William B. Traxler, Jr., became chief judge of the U.S. Court of Appeals for the Fourth Circuit and therefore was statutorily ineligible to continue to serve on the Center’s Board. The Judicial Conference will fill that position in March 2010.

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. The Education Division plans and produces education and training programs for judges and court staff, including in-person programs, satellite broadcasts and other 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, who 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 online 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 and provides curricula and information about the judiciary for presentation to members of the public. 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.

## 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 the U.S. Sentencing Commission, and with the courts. Advisory committees of judges, court staff, and others help in planning and producing education programs and publications. These committees are listed on page 16.

## Staffing and Appropriation

The Center had a fiscal 2009 appropriation of \$25,725,000, and the Center employed 127 people at the end of calendar year 2009. Its fiscal 2010 appropriation is \$27,328,000. Approximately 75% of Center expenditures support its education and training activities, with the remainder devoted almost entirely to its research activities.

### SENIOR STAFF OF THE FEDERAL JUDICIAL CENTER

Hon. Barbara J. Rothstein, Director

John S. Cooke, Deputy Director

Bruce M. Clarke, Director, Education Division

Ted E. Coleman, Director, Systems Innovations  
& Development Office

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

## 2009 at a Glance

In 2009, the Center

- provided 278 in-person, in-court, and technology-based educational programs for some 11,370 federal judges and court employees and helped to design, conduct, and teach another 23 programs, produced by other organizations, for 854 court staff participants;
- completed 9 major research and evaluation projects, continued work on 41 others, and responded to more than 30 other requests for short-term research assistance;
- produced 15 new educational video programs, either broadcast on the Federal Judicial Television Network (FJTN), delivered online, or used in other education and training programs;
- broadcast 67 programs (5 of which were live) on the FJTN for the Center, the Administrative Office, and the U.S. Sentencing Commission;
- published or updated 13 reports, manuals, monographs, or reference guides;
- developed 1 new e-learning program and 2 new Web-based resources for FJC Online, the Center's site on the courts' intranet;
- distributed 25,281 printed copies of its publications, as well as 5,090 audio, video, and multimedia programs; and
- coordinated 46 briefings for 448 foreign judges, court officials, scholars, and students from some 75 different countries.

# EDUCATION AND TRAINING

Center educational programs and resources cover many activities and functions in the courts, with particular emphasis on law, case management, the judicial role and ethics, and effective leadership and management. Under the guidance of its Board and working with advisory committees, the Center identifies needs and develops programs and resources to meet them. The Center draws on experts from the courts and other branches of government and from the bar, academia, and elsewhere to serve as faculty at its programs and to prepare print and other educational resources.

Center educational programs are carefully designed to ensure excellence, perspective, and balance. The Center seeks to provide judges and court staff not only with a clear understanding of basic rules and principles, but also with new information and ideas as well as the means to analyze them and decide whether and how to apply them.

The Center uses multiple ways to deliver education and training. In-person conferences, workshops, and seminars are a key element of the Center's curriculum, especially for judges. Although in-person programs are resource intensive, they provide unparalleled opportunities for rich discussions and exchanges of information and ideas. The Center also provides faculty for local in-court programs for judges and staff. In addition to in-person programs, the Center makes extensive use of distance-learning tools and technologies, such as video programs (transmitted by satellite and over the judicia-

ry's intranet), audioconferences, web conferences, online e-learning programs, and resource pages. Many Center publications are available both electronically and as hard copy.

In 2009, some 2,058 federal judges and 9,312 court staff participated in 278 Center-produced programs. In addition, 854 court staff participated in 23 programs, produced by other organizations, that Center staff helped design, conduct, and teach.

The Center produced fifteen video programs that were broadcast on the FJTN, delivered online, or used in other education and training programs. (Video program viewership is not included in the participant figures above, nor is the use of educational publications and other resources on FJC Online.)

## Education Programs and Resources for Judges

In 2009, the Center conducted orientation seminars for new circuit, district, bankruptcy, and magistrate judges; national workshops for bankruptcy and magistrate judges; a conference for chief district judges; workshops for circuit and district judges of the Fourth, Sixth, Seventh, Ninth, Eleventh, and District of Columbia Circuits; and special-focus seminars and workshops addressing discrete areas of the law and case management. Additionally, the Center provided faculty to teach local programs that were delivered in-district upon request of the district's chief judge.

The curriculum for new judge orientation programs emphasizes the judicial role, ethics, effective case-management principles and tools, and frequently encountered areas of law and practice (such as sentencing for district judges).

National and circuit workshops are three-day general-subject programs and cover topics ranging from updates on the law to new developments in science, technology, economics, and medicine. Usually, ethics, case management, and recent Supreme Court decisions are included in these workshops.

The Conference for Chief District Judges provides information about new policies, funding, and management issues in the courts, and it includes opportunities for judges of similar sized courts to meet and discuss common issues. This year the Attorney General of the United States addressed the chief district judges at the conference.

### Terminology:

#### What Do We Mean When We Say . . . ?

*FJC Online* = Federal Judicial Center intranet site (<http://cwn.fjc.dcn>)

*FJTN* = Federal Judicial Television Network

*E-learning* = Distance learning through the Internet

*Web-based resources* = Information sharing on the Center's intranet site

*Web 2.0* = Web applications that facilitate online interaction, information sharing, and collaboration via, e.g., message boards, blogs, and calendars



Seventeen special-focus workshops were conducted for judges in 2009, most of these in collaboration with law schools and other educational institutions. These programs covered the following subjects: water rights law; e-discovery; handling federal death penalty cases; employment law; environmental law; facilitating offender reentry; financial statements in the courtroom; intellectual property; law and genetics; law and neuroscience; law and society; law and terrorism; law and media; the humanities and science; Section 1983 litigation; and using information technology to manage cases and chambers more efficiently.

The Center provided fifteen in-court workshops in 2009. Titles included: Assessing the Founding Fathers; The First Judicial Appointments (under Presidents Washington, Adams, Jefferson, and Madison); Origins of the Three Branches of Government; Procedural Fairness; The Founders on the Founders; Thomas Paine and Thomas Jefferson; and Law and the Holocaust.

### **Programs for Legal Staff**

Programs for legal staff offered in 2009 included a national seminar for appellate staff attorneys and a workshop for circuit mediators.

### **Programs for Federal Defenders**

Federal defenders attended a national seminar, a writing workshop, a sentencing workshop, and a law and technology program. In addition, the Center offered three workshops and conferences for defender administrators, assistant federal defenders, and federal defender investigators and paralegals.

### **FJC Online, Publications, and Media Resources for Judges and Staff**

#### *Online Resources*

The Center posted the following on FJC Online:

- An Offender Reentry Programs and Resources website. This site uses Web 2.0 technology to provide information to judges and court staff about existing district reentry programs and continuing education opportunities.
- A Bankruptcy Best Practices Forum website, which allows bankruptcy judges to identify and share information about effective practices.

#### *Publications*

In 2009, the Center published a brief overview of patent litigation entitled *Anatomy of a Patent Case* and a more comprehensive *Patent Case Management Judicial Guide*. In collaboration with the Judicial Panel on Multidistrict Litigation, the Center published *Ten Steps to Better Case Management: A Guide for Multidistrict Litigation Transferee Judges*. Other publications included *Managing Class Action Litigation: A Pocket Guide for Judges (2d ed.)*; *A Guide to the Judicial Management of Bankruptcy Mega-Cases (2d ed.)*; *A Primer on the Jurisdiction of the U.S. Courts of Appeals (2d ed.)*; and *Immigration Law: A Primer*.

#### *Media Resources*

The Center produced fifteen new videos. Most were broadcast on the FJTN and made available on FJC Online. The titles or subjects include:

- *Supreme Court: The Term in Review (2008–2009)*
- *Advanced Guideline Issues: Criminal History*
- *Organization and Jurisdiction of the U.S. Bankruptcy Courts*
- *A Review of Fourth Circuit Bankruptcy Decisions*
- *A Review of Eighth Circuit Bankruptcy Decisions*
- *A Review of Ninth Circuit Bankruptcy Decisions*
- *Basics of Employment Discrimination Law for Law Clerks (updated)*
- *Court to Court* (four programs—March, June, September, and December 2009)
- *Judicial Demeanor and Courtroom Control Practices*
- *Sentencing and Guidelines: New Amendments for 2009*
- *Called to Serve* (orientation for petit jurors)
- *Defendant/Offender Workforce Development for U.S. Probation and Pretrial Services Officers*

### **Programs for Judges and Staff**

One Executive Team Development workshop was held for new chief district judges and their clerks of court. The Center developed this program in response to requests by courts to assist them in managing transitions following the appointment of new chief judges and new clerks. The Center also conducted an Executive Institute for chief bankruptcy judges and their clerks of court on effective court leadership and management practices. Teams examined historic case studies based on President Lincoln's leadership during the Civil War and explored parallels to today's court-management challenges.



Two strategic planning workshops were conducted, one for district courts and one for bankruptcy courts. The workshops helped courts develop plans to meet the challenge of providing superior services with fewer available resources.

The Center introduced Facilitating Offender Reentry to Reduce Recidivism: A Workshop for District Teams, a special-focus program on productive reentry practices for offenders. The program is designed for teams of judges, probation and pretrial services officers, assistant U.S. attorneys, and defense attorneys.

## Education Programs and Resources for Court Staff

The Center's virtual campus, the Professional Education Institute (PEI), is an online resource that provides court staff with easy access to an extensive, integrated curriculum that identifies and helps them develop key management and leadership practices. Distinct sections of PEI are designed to serve staff in court unit executive offices and in probation and pretrial services offices.

The national conference for appellate clerks, bankruptcy appellate panel clerks, and chief deputy clerks examined current leadership and management challenges and policy initiatives, and their potential effect on court operations.

The Institute for New Court Unit Executives provided participants the opportunity to review feedback from a leadership assessment survey completed by their staffs and their peers, and to create a personal development plan to enhance their leadership and management skills.

The Center conducted two workshops on leadership for recently appointed (within the last three years) court managers and supervisors from clerks' offices, circuit librarians' offices, and staff attorneys' offices. Three workshops were held for more experienced court managers from these offices.

The Federal Court Leadership Program, a two-and-a-half-year program delivered in four phases, conducted a phase II seminar in June. This program develops participants' leadership skills through a combination of face-to-face workshops, computer instruction, teleconferences, and self-directed projects.

A Leadership Institute brought together chief deputy clerks and deputy chief probation officers to study leadership lessons from the Civil War.

## Probation and Pretrial Services

New chiefs of probation offices and pretrial services offices participated in an audioconference to discuss challenges and to obtain management tips from experienced chiefs.

An executive team seminar enabled probation and pretrial services chiefs and their deputy chiefs to work together on strategic plans to shape the culture of their districts.

The Center twice offered a new program for new deputy chief probation and pretrial services officers and assistant deputy chiefs on key leadership practices employed by outstanding chief deputies.

Experienced Supervisors Seminar: Targeting Leadership Excellence was another new program offering in 2009. The program emphasized staff development and conflict management.

Newly appointed probation and pretrial services supervisors attended the Building Outstanding Supervisors program, which was offered three times. This workshop is part of the new supervisors program—a two-year program that includes self-study, web audioconferences, a face-to-face seminar, and the development and implementation of a selected project.

Two workshops on *Monograph 109: The Supervision of Federal Offenders* were conducted in collaboration with the Administrative Office to help districts develop strategies to implement the monograph's new treatment services policy.

Members of Class IX of the Leadership Development Program for Probation and Pretrial Services Officers completed their three-year program requirements during the concluding seminar in May. The seminar taught participants leadership skills through a combination of formal instruction, project-based learning, and one-on-one interaction with faculty mentors. Class X commenced earlier in 2009.

## In-Court and Technology-Based Programs

The Center's in-court programs include curriculum packages, which contain instructor and participant materials and are taught by Center-trained court staff; in-district planning programs; and self-study programs. Center-produced packaged programs are used to deliver training locally. In 2009, 161 Center-packaged programs were used by a total of 5,651 court staff. The most frequently used of those programs were code of conduct, management excellence, performance management, and sexual

harassment awareness. The Center conducted a training-for-trainers workshop for a new in-district code of conduct program, which was made available to judiciary employees in April.

Web conferences in 2009 included five introductory and three advanced PEI sessions for court managers; two workshops for new court trainers; and one program on offender and defendant substance abuse issues for probation and pretrial services officers. In addition, nine web conferences were conducted for segments of the new supervisor and experienced supervisor programs described above.

The new Dynamics of Leadership e-learning and web conference program includes both self-study material and instructor-facilitated discussion. This course also serves as a prerequisite for the new court managers and supervisors workshop.

The *Bankruptcy eReference* contains the Federal Rules of Bankruptcy Procedure, the Bankruptcy Code, and the Federal Rules of Civil Procedure, and it enables court staff to access these sources in a user-friendly electronic format.

The Center offered customized versions of Foundations of Management, a forty-hour self-study program, for court staff and probation and pretrial services staff.

### *Other Programs for Court Staff*

Center staff worked with the Administrative Office to develop and present a series of programs on performance management and new compensation policies adopted by the Judicial Conference of the United States. These included seven training-for-trainers programs to prepare trainers to deliver in-district programs, and eleven subsequent in-court programs that Center staff helped to design and teach.

Two training-for-trainers workshops enabled court staff from five districts to learn how to teach the judges in their districts how to better use information technology.

Center staff developed Web-based training programs for two Administrative Office programs: Continuity of Operations Planning (COOP) circuit-based workshops for circuit executives; and the Office of Facilities and Security circuit-based workshops for court unit executives, court staff, and managers.

Center staff also gave training presentations at eighteen circuit, district, and association conferences, including the annual meetings of the Federal Court Clerks Association, the American Probation and Parole Association, and the Federal Probation and Pretrial Services Officers Association.

## Seminars & Workshops for Judges, Jan. 1–Dec. 31, 2009

	Number of Programs	Number of Participants
Orientation for newly appointed circuit judges	1	1
Orientations for newly appointed district judges	2	37
Orientations for newly appointed bankruptcy judges	2	11
Orientations for newly appointed magistrate judges	3	62
Conference for chief district judges	1	101
Workshops for circuit judges	6	422
National workshop for bankruptcy judges	1	265
National workshops for magistrate judges	2	341
Special-focus workshops	17	588
In-court seminars	15	230
<b>TOTAL</b>	<b>50</b>	<b>2,058</b>

The Center held 4 programs for 654 federal defenders; 3 workshops for 477 defender administrators, assistant federal defenders, federal investigators, and paralegals; and 2 programs for 101 appellate staff attorneys and circuit mediators.

## Education & Training Programs for Court Staff, Jan. 1–Dec. 31, 2009

	Number of Programs	Number of Participants
<b>Seminars and Workshops (national and regional, but not including programs developed with other organizations)</b>		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, court librarians	9	566
Probation and pretrial services officers and personnel	12	440
Personnel in several categories*	7	224
<b>TOTAL</b>	<b>28</b>	<b>1,230</b>
<b>In-Court Programs (programs using curriculum packages, training guides, and computer-assisted instructional programs, but not including programs developed with other organizations)</b>		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	91	2,970
Probation and pretrial services officers and personnel	60	1,919
Personnel in several categories	10	762
<b>TOTAL</b>	<b>161</b>	<b>5,651</b>
<b>Technology-Based Programs (e-learning programs, videoconferences, audioconferences, and online conferences, but not including FJTN broadcasts and programs developed with other organizations)</b>		
Clerks of court, clerk's office personnel, chambers staff, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	14	599
Probation and pretrial services officers and personnel	14	457
Personnel in several categories	2	143
<b>TOTAL</b>	<b>30</b>	<b>1,199</b>
<b>GRAND TOTAL</b>	<b>219</b>	<b>8,080</b>

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

# RESEARCH

Throughout its history the Center has conducted studies and evaluations of important issues involving federal judicial administration, case-management innovations, and the operation of the federal rules of procedure, most often at the request of the committees of the Judicial Conference of the United States. The Center's empirical research assists the federal judiciary to identify effective approaches to managing and resolving issues and problems in matters of procedure, case management, court operations, and allocation of resources facing the federal courts.

In 2009, a substantial amount of the Center's research focused on three areas: creating new case weights, to replace those that have been used in the bankruptcy courts since 1991, for the Committee on the Administration of the Bankruptcy System; designing and conducting a major study, for the Court Administration and Case Management Committee, of scheduling and use of bankruptcy courtrooms as a follow-on to the Center's study (completed in 2008) of courtroom use in the district courts; and conducting multiple, large-scale national surveys of federal judges, court executives, and attorneys to generate empirical data on important topics and issues being considered by various committees of the Judicial Conference.

## Appellate Courts

Center staff began updating the manual *Case Management Procedures in the Federal Courts of Appeals*, which was published in 2000. In late 2009, at the request of the Advisory Committee on the Appellate Rules, the Center commenced a study of the frequency with which Native American tribes file amicus briefs by consent of the parties, file amicus briefs with court permission, or are denied leave to file amicus briefs.

## Bankruptcy Courts

In addition to the projects described above to update the bankruptcy case weights and to assess bankruptcy courtroom use, the Center continued to work on other bankruptcy-related projects, most of them at the request of the Committee on the Administration of the Bankruptcy System. Along with a group of bankruptcy judges and clerks, as well as staff of the Administrative Office, Center staff continued efforts to update the *Bankruptcy Case Management Manual*, published in 1995. The up-

dated manual will be published in 2010. The Center also conducted several surveys for the Bankruptcy Committee covering bankruptcy forms modernization, long-range planning issues facing the bankruptcy system, and efforts by the courts to work with pro se bankruptcy debtors and creditors.

## Civil Litigation

Center and Administrative Office staff completed revisions to the *Civil Litigation Management Manual* published in 2001. Plans are to publish the updated manual in 2010 under the auspices of the Court Administration and Case Management Committee.

At the request of the Standing Committee on the Rules of Practice and Procedure, the Center commenced a study of the effects of the U.S. Supreme Court's decisions in *Ashcroft v. Iqbal* and *Bell Atlantic Corp. v. Twombly*.

In support of plans of the Advisory Committee on the Civil Rules for a May 2010 civil litigation review conference, the Center conducted several major national surveys regarding the cost of discovery and the incidence of electronic discovery in the federal courts.

## Criminal Litigation

At the request of the Advisory Committee on Criminal Rules, the Center began a qualitative study of a sample of districts that have local rules that require additional disclosure of possible exculpatory information beyond the requirements of Rule 16 of the Federal Rules of Criminal Procedure.

Center staff, along with staff of the Administrative Office, continued to assist six Judicial Conference committees with efforts to examine the processing of habeas corpus petitions in capital cases. The Center also completed a revision of its Web-based materials for federal judges on managing capital habeas cases. At the request of the Committee on Defender Services and in cooperation with Administrative Office staff, the Center also continued its evaluation of the multiyear case-budgeting project being piloted in the Second, Sixth, and Ninth Circuits.

The Center continued research on other projects on aspects of federal criminal justice administration, including an evaluation of one district court's prison mediation program, an assessment of special case-management challenges in litigation related to national security, and a manual for federal judges on recurring case-management

problems in national security cases. The Center began a multiyear study requested by the Criminal Law Committee of reentry programs for federal offenders.

### **Courtroom and Litigation Technology**

The Center completed an evaluation of the Judicial Conference-authorized pilot project that allowed public access via PACER to digital audio records of federal court proceedings in selected districts. The study was requested by the Court Administration and Case Management Committee. The Center also began updating its 2007 *Managing Discovery of Electronic Information: A Pocket Guide for Judges*.

### **Other Center Research**

At the request of the chair of the Judicial Panel on Multidistrict Litigation and in collaboration with researchers at the Vanderbilt University School of Law, the Center

commenced a study of multidistrict litigation (MDL) case processing, including an analysis of MDL cases pending for three or more years.

At the request of the chair of the Privacy Subcommittee of the Standing Committee on the Rules of Practice and Procedure, the Center conducted a national survey of judges, court executives, and a sample of attorneys regarding matters of interest to the subcommittee. On another project, requested by the Rules Committee's Subcommittee on Sealed Cases, Center staff completed their analysis of sealing practices in matters that were completely sealed in the federal courts. The final report, *Sealed Cases in Federal Courts*, was submitted to the subcommittee late in 2009 and posted on FJC Online.

The Center also continued working with the National Academies to produce a two-volume third edition of the *Reference Manual on Scientific Evidence*, which is expected to be published in late 2010.

## **FEDERAL JUDICIAL HISTORY**

The Center's statute directs it to conduct, coordinate, and encourage programs relating to the history of the judicial branch.

In 2009, the Center published a second edition of its *Guide to the Preservation of Federal Judges' Papers* and compiled a guide to research on the history of the federal judiciary. The research guide surveys the full range of government records related to the judiciary, as well as the case-related records of the courts, and will support individual federal courts in efforts to reconstruct their histories.

In partnership with the American Bar Association Division for Public Education, the Center held a fourth annual Teacher Institute on Historic Cases in the Federal Trial Courts. History teachers from across the country met with federal judges, scholars, and curriculum experts to examine three cases: the Susan B. Anthony trial, a nineteenth century Chinese exclusion case, and the court-

ordered desegregation of New Orleans public schools. The teachers also attended a Supreme Court session and met with Justice Ginsburg. The institutes are based on the Center's Teaching Judicial History project that provides educators with extensive background on famous federal trials and related public debates. The Center also redesigned its popular History of the Federal Judiciary website to facilitate use of its historical reference materials and to include curriculum activities and support for judicial outreach related to the Teaching Judicial History project.

Among other historical projects, the Center initiated work on a second volume of a documentary history of debates on the federal judiciary, developed new reference materials for biographical research on former judges, and compiled records of appropriations for the judiciary since 1789. Center staff also continued to consult with judges and court staff about the preservation of court history.



# PROGRAMS FOR FOREIGN JUDICIAL OFFICIALS

The Center's statute directs it to assist agencies of the federal government and other appropriate organizations to provide information to representatives of foreign judiciaries who are interested in learning about judicial education and administration in the United States. The Center hosts visiting delegations, providing information about the U.S. court system and the Center's judicial education and research programs. In 2009, the Center conducted 46 briefings for 448 judges, court officials, and attorneys from some 75 different countries and territories (see box below).

On a limited basis, Center staff provide technical assistance abroad by advising on judicial reform projects, developing educational programs, and participating in international conferences. Recent projects included programs for judges, judicial educators, and lawyers in Bahrain, Egypt, Liberia, the Netherlands, Slovenia, Uganda, and the United Arab Emirates. The Center also participated in the Conference of the Supreme Courts of the Americas, hosted by the Supreme Court of Argentina,

and in the Fourth International Conference on the Training of the Judiciary, held at the National Judicial College of Australia in Sydney. Funding for these international exchanges comes from non-Center sources, including other agencies of the U.S. government, international organizations, and hosting judiciaries.

Under the auspices of its Visiting Foreign Judicial Fellows Program, the Center invites judicial officers and scholars from abroad to be "in residence" at the Center. With the assistance of Center staff, judicial fellows work on research projects and are invited to observe Center programs and to visit local courts. In 2009, the Center hosted a judge from Brazil who completed a research project on case management in intellectual property cases, a lawyer from Kosovo preparing a report for her country's new Constitutional Court, and a judge and court information technology specialist from South Korea undertaking a study of the U.S. experience with implementing electronic filing and case-management systems.

## Visitors to the Center in 2009 came from:

Afghanistan	El Salvador	Moldova	Singapore
Albania	France	Morocco	South Africa
Algeria	Ghana	Nepal	Sri Lanka
Argentina	Haiti	Nicaragua	St. Lucia
Armenia	Hong Kong	Nigeria	Sudan
Bolivia	India	Oman	Syria
Brazil	Indonesia	Pakistan	Tanzania
Brunei	Israel	Palestine/West Bank	Thailand
Bulgaria	Italy	Panama	Trinidad
Burkina Faso	Jamaica	Paraguay	Turkey
Cambodia	Japan	Philippines	Uganda
Cameroon	Jordan	Portugal	Ukraine
Cape Verde	Korea	Qatar	United Arab Emirates
Chile	Kuwait	Republic of Azerbaijan	United Kingdom
China	Lebanon	Republic of China (Taiwan)	Venezuela
Colombia	Liberia	Russia	Vietnam
Cote d'Ivoire	Malawi	Rwanda	Zambia
Dominican Republic	Malaysia	Serbia	Zimbabwe
Ecuador	Mexico	Sierra Leone	



# RESOURCES

## Websites

The Center's website on the judiciary's intranet, FJC Online (<http://cwn.fjc.dcn>), provides a convenient and accessible place for judges and court staff to find information on the Center's research, education, history, and international programs and activities and to find print, online, and media materials. Many Center video programs and audio recordings of conferences and workshops are also available for streaming on FJC Online. Most Center publications, and some other resources, are available to the public on the Center's Internet site (<http://www.fjc.gov>).

## Publications

Center manuals, monographs, and research reports are described throughout this report. In 2009, the Center distributed 25,281 printed copies of its publications. 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 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 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. Others are

The following publications were printed in 2009 and are also available online:

- *Anatomy of a Patent Case*
- *A Guide to the Judicial Management of Bankruptcy Mega-Cases, Second Edition*
- *A Guide to the Preservation of Federal Judges' Papers, Second Edition*
- *Immigration Law: A Primer*
- *Managing Class Action Litigation: A Pocket Guide for Judges, Second Edition*
- *Patent Case Management Judicial Guide*
- *A Primer on the Jurisdiction of the U.S. Courts of Appeals, Second Edition*
- *Ten Steps to Better Case Management: A Guide for Multidistrict Litigation Transferee Court Clerks*

The Center posted the following new or updated online publications in 2009:

- *Bankruptcy eReference: Bankruptcy Rules, Code, and Fed. R. Civ. P.*
- *Federal Judicial Center National, Case-Based Civil Rules Survey: Preliminary Report to the Judicial Conference Advisory Committee on Civil Rules*
- *Sample Advisory on Protecting Privacy of Personal Information in Electronic Transcripts*
- *Sealed Cases in Federal Courts*
- *A Study of the Role and Impact of Special Masters in Patent Cases*

educational video programs recorded in the studios, recorded portions of in-person educational conferences, and 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 many are also available as streaming videos on FJC Online. In 2009, the FJTN broadcast 67 programs, 5 of which were live. The Center produced 37 of these programs, including 14 new programs, 2 of which were live. The *FJTN Bulletin*, a program guide produced by the Center every other month and published on FJC Online, provides broadcast schedules, program descriptions, and other news about the network.

### **Media Library**

The media library contains 3,624 audio and video programs, including Center-produced educational video programs, video recordings of Center broadcasts on the FJTN, audio recordings of seminars and workshops, and

709 commercially produced video programs. In 2009, the media library loaned 933 programs to federal judges and judicial branch personnel on request and sent some 4,157 Center-produced 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 resource for information on federal judicial administration. During the year it answered numerous requests for information from judges and court staff, congressional staff, other government agencies, academics, researchers, the media, and others.

# FEDERAL JUDICIAL CENTER FOUNDATION

The Federal Judicial Center Foundation is a private, non-profit 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 2009 were:

Fern M. Smith, San Francisco, Cal., *Chair*  
Richard D. Casey, Sioux Falls, S.D.  
Laurie L. Michel, Washington, D.C.  
Sally M. Rider, Tucson, Ariz.  
Robert K. Walsh, Winston-Salem, N.C.  
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 Founda-

tion gifts were used in the relevant year. The Center used the following Foundation gifts in 2009:

- Funds provided by the Foundation for the Advancement of an Independent Judiciary to cover the partial cost of conducting an institute for high school teachers on teaching judicial history (described on page 11).
- Funds provided by the Lewis & Clark Law School to cover the partial cost of conducting an environmental law seminar.
- Funds provided by the American Association for the Advancement of Science to cover travel expenses for federal judges to attend one seminar on emerging issues in neuroscience.
- Funds provided by the Gruter Institute to cover travel expenses for federal judges to attend one seminar on emerging issues in law and neuroscience.
- Non-earmarked grants provided travel expenses for one U.S. judge to speak at a Washington, D.C., conference on Russian judicial reform.
- Non-earmarked grants provided partial support for a judicial seminar on the humanities and science at Princeton University (the "Harold Medina Seminar").

## 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, Joel Friedman, Laurie Levenson, Ira Robbins, George C. Treister, James M. Wagstaffe, and Elizabeth Warren, and Center staff members James Buchanan, Joe Cecil, Bruce Clarke, Denise Neary, Donna Stienstra, Marilyn Vernon, and Elizabeth Wiggins.

# 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 the *Benchbook* committee, and Center Board members serve on each of these committees. The committees, which typically meet by telephone conference or during other Center programs, had the following membership at the close of 2009.

## **Committee on Appellate Judge Education**

Judge Michael J. Melloy (8th Cir.), *Chair*  
Judge Susan H. Black (11th Cir.), *Center Board Representative*  
Judge R. Guy Cole, Jr. (6th Cir.)  
Judge Emilio M. Garza (5th Cir.)  
Margaret A. Irving (Administrative Office of the U.S. Courts)

## **Committee on Bankruptcy Judge Education**

Judge C. Ray Mullins (N.D. Ga.), *Chair*  
Chief Bankruptcy Judge Dennis R. Dow (W.D. Mo.)  
Bankruptcy Judge James B. Haines, Jr. (D. Me.), *Center Board Representative*  
Chief Bankruptcy Judge Barbara J. Houser (N.D. Tex.)  
Bankruptcy Judge Erithe A. Smith (C.D. Cal.)  
Bankruptcy Judge Eugene R. Wedoff (N.D. Ill.)  
Dean Lawrence Ponoroff (University of Arizona College of Law)  
Francis F. Szczebak (Administrative Office of the U.S. Courts)

## **Committee on District Judge Education**

Judge David H. Coar (N.D. Ill.), *Chair*  
Judge Carol Bagley Amon (E.D.N.Y.)  
Judge Paul J. Barbadoro (D.N.H.)  
Judge Helen Ginger Berrigan (E.D. La.)  
Judge Deborah K. Chasanow (D. Md.)  
Chief Judge Loretta A. Preska (S.D.N.Y.), *Center Board Representative*  
Judge Philip M. Pro (D. Nev.), *Center Board Representative*  
Margaret A. Irving (Administrative Office of the U.S. Courts)

## **Committee on Magistrate Judge Education**

Magistrate Judge Dennis L. Beck (E.D. Cal.), *Chair*  
Magistrate Judge Tim A. Baker (S.D. Ind.)  
Magistrate Judge Gerrilyn G. Brill (N.D. Ga.)  
Magistrate Judge John M. Facciola (D.D.C.), *Center Board Representative*  
Magistrate Judge Margaret J. Kravchuk (D. Me.)  
Magistrate Judge Richard L. Puglisi (D.N.M.)  
Thomas C. Hnatowski (Administrative Office of the U.S. Courts)

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

Chief Judge Irma E. Gonzalez (S.D. Cal.), *Chair*  
Judge Robert Holmes Bell (W.D. Mich.)  
Judge David O. Carter (C.D. Cal.), *Center Board Representative*  
Judge Paul L. Friedman (D.D.C.)  
Judge Ricardo H. Hinojosa (S.D. Tex. and U.S. Sentencing Commission)  
Judge James M. Rosenbaum (D. Minn.)

## **Committee on Court Attorney Education**

Richard Schickele (Career Law Clerk, 9th Cir.), *Chair*  
Pamela Armour (Career Law Clerk, S.D. Fla.)  
Steven Gilman (Career Law Clerk, N.D. Ill.)  
Addie Hailstorks (Pro Se Attorney, D.D.C.)  
Kim Jones (Senior Staff Attorney, 8th Cir.)  
Bob Rack (Chief Circuit Mediator, 6th Cir.)  
Barbara Riegelhaupt (Career Law Clerk, 1st Cir.)  
Lynn Ryan (Career Law Clerk, Bankr. E.D.N.Y.)  
Mike Schneider (Senior Staff Attorney, 5th Cir.)

## **Defender Services Advisory Group Panel on Defender Education**

Jon M. Sands (Federal Public Defender, D. Ariz.), *Chair*  
Henry J. Bemporad (Federal Public Defender, W.D. Tex.)  
David Beneman (Federal Public Defender, D. Me.)  
Thomas W. Hillier II (Federal Public Defender, W.D. Wash.)  
Henry A. Martin (Federal Public Defender, M.D. Tenn.)

## **Committee on Appellate Court Staff Education**

Betsy Paret (Circuit Executive, D.C. Cir.), *Chair*  
Douglas Cressler (Chief Deputy Clerk, 10th Cir.)  
Molly Dwyer (Clerk of Court, 9th Cir.)  
Elaine Fenton (Circuit Librarian, 11th Cir.)  
Kim Jones (Senior Staff Attorney, 8th Cir.)  
Mary Sharon (Bankruptcy App. Panel Clerk, 1st Cir.)  
Catherine O'Hagan Wolfe (Clerk of Court, 2d Cir.)  
Mark Zanchelli (Chief Deputy Clerk, 4th Cir.)  
Gary A. Bowden (Administrative Office of the U.S. Courts)

## **Committee on Bankruptcy Court Staff Education**

Sean F. McAvoy (Clerk of Court, Bankr. N.D. Iowa), *Chair*  
Linda M. Ball (Chief Deputy Clerk, Bankr. M.D.N.C.)  
David D. Bird (Clerk of Court, Bankr. D. Del.)  
Valrey W. Early III (Bankruptcy Administrator, Bankr. N.D. Ala.)  
Barry K. Lander (Clerk of Court, Bankr. S.D. Cal.)  
David LePauloue (Chief Deputy Clerk, Bankr. D. Me.)  
Andrea Redmon (Chief Deputy Clerk, Bankr. N.D. Okla.)  
Pamela C. Sherry (Clerk of Court, Bankr. C.D. Ill.)  
Paul R. Warren (Clerk of Court, Bankr. W.D.N.Y.)  
Mary Louise Mitterhoff (Administrative Office of the U.S. Courts)  
Glen K. Palman (Administrative Office of the U.S. Courts)

## **Committee on District Court Staff Education**

Lance S. Wilson (Clerk of Court, D. Nev.), *Chair*  
Robert V. Barth, Jr. (Clerk of Court, W.D. Pa.)  
Donna Gregory (Chief Deputy Clerk, M.D. La.)  
Peggy Guernsey (Chief Deputy Clerk, N.D. Ind.)  
Stephan Harris (Clerk of Court, Wyo.)  
Linda L. Jacobson (Clerk of Court, D. Me.)  
Marge Krahn (Clerk of Court, S.D. Iowa)  
Jeff Reinert (Chief Deputy Clerk, S.D. Ala.)  
Robert Lowney (Administrative Office of the U.S. Courts)

## **Committee on Probation and Pretrial Services Education**

Karen Gilman (Chief U.S. Pretrial Services Officer, D. Minn.), *Chair*  
Becky Burks (Chief U.S. Probation Officer, S.D. Tex.)  
Ann Marie Carey (Chief U.S. Pretrial Services Officer, N.D. Ill.)  
Chris Hansen (Chief U.S. Probation Officer, D. Nev.)  
Greg Johnson (Chief U.S. Probation Officer, N.D. Ohio)  
David L. Martin (Chief U.S. Pretrial Services Officer, D. Ariz.)  
Joseph A. McNamara (Chief U.S. Probation Officer, D. Vt.)  
Reginald D. Michael (Chief U.S. Probation Officer, S.D. Fla.)  
Nancy Beatty Gregoire (Administrative Office of the U.S. Courts)



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