

FEDERAL JUDICIAL CENTER

ANNUAL REPORT

2010



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A MESSAGE FROM THE DIRECTOR

On behalf of the Board of the Federal Judicial Center, I am pleased to submit to the Judicial Conference of the United States this annual report of the Center's activities, 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.

In September 2010, the Judicial Conference approved the *Strategic Plan for the Federal Judiciary*. The plan recognizes that the judiciary's mission is to provide "fair and impartial justice within the jurisdiction conferred by the Constitution and Congress," and it identifies six core values: Rule of Law; Equal Justice; Judicial Independence; Accountability; Excellence; and Service. The plan identifies seven strategic issues, and states goals within those issues, in order for the judiciary to preserve its values and achieve its mission.

The mission of the Federal Judicial Center is to "further the development and adoption of improved judicial administration in the courts of the United States," through research and education. The Center contributes directly to accomplishing many of the *Strategic Plan's* specific goals, as well as its general aims.

For example, the *Strategic Plan* identifies the pursuit of improvements in the delivery of justice through effective case management. Center research identifies effective case-management procedures and techniques, which are disseminated through Center educational programs and publications. The *Strategic Plan* emphasizes use of technology to enhance efficiency; in 2010, the Center expanded training of court personnel to assist judges to use technology more effectively in their daily work. The *Strategic Plan* specifically states as a goal "increased training" for judges and staff on security of judges, staff, and courts; as reflected later in this report, one of the most widely used and attended programs the Center offered in 2010 was on security in the courtroom and personal security for judges.

The *Strategic Plan* stresses the importance of effective decision making in managing the courts, and the need for "meaningful leadership and development programs." The Center conducts in-person programs for court leaders and managers at all levels, from chief judges to new supervisors, and these are complemented by a wealth of distance-learning tools and online resources.

And the *Strategic Plan* seeks to "ensure that court rules, processes and procedures meet the needs of lawyers and litigants in the judicial process." Much of the Center's re-

search examines the effectiveness of such rules and processes. Most of this research is conducted at the request of committees of the Judicial Conference, and Center research helps those committees make informed, empirically based decisions about rules changes or recommended practices.

The *Strategic Plan* strives to enhance public understanding, trust, and confidence, by ensuring high standards of conduct and integrity for judges and staff and by accessibility to information about the judiciary. Center educational programs continually emphasize ethics. Working with the Codes of Conduct Committee, we make the Codes a part of all orientations and most large workshops for judges. The Center provides trainers who deliver code of conduct classes in local courts on request—these were extensively used again in 2010. Moreover, the Center's Internet site—and particularly the Federal Judicial History and International Judicial Relations components of the site—provide important information about the history, functions, and values of the federal judiciary; these are the most frequently visited parts of our site.

These are but a few examples of the many ways the Center contributes not only to the elements of the *Strategic Plan*, but to the daily work of the federal judiciary.

• • •

This will be my eighth, and last, message in these reports. As my term of office has come to a close, I plan to step down as the Center's Director by the end of 2011.

Along with my twenty-five years of service as a United States district judge for the Western District of Washington, serving as the Director of the Federal Judicial Center has been the high point of my professional career. As the Center's Director, I have been privileged to lead an organization with a national, and an international, scope. The Center's work affects our courts, and those who work or appear in them, across the country. The Center plays a vital role in identifying and disseminating the best ways to carry out the administration of justice in the courts. It also plays a significant role in educating the American public and judicial officials around the world about our federal court system.

The Center's placement as a distinct agency within the judicial branch is a most important asset. As part of the judicial branch, we enjoy access to and an understanding of the courts and how they operate. The Center's indepen-

dence, carefully preserved by our Board, and respected throughout the judiciary and beyond, enables it to search for solutions without preconceived ideas.

As you review the pages that follow in this report, I know that you will be impressed with the breadth of activities carried on at the Center. The Center receives great support and assistance—from the legislative and executive branches, from the practicing bar and academia, and, especially, from within the judicial branch.

I express particular gratitude to two groups of people. First, our Board and the judges and court staff who serve on our advisory committees; they are a tremendous source of wisdom and we could not tackle some of the difficult issues we do without their unswerving support.

And, second, the Center's own employees—an amazing collection of talented, dedicated, and caring people with whom I consider it a privilege to work. Their names, along with the names of the Board and committee members, are elsewhere in this report. If you chance to meet any of these people, I hope that you will extend to them the appreciation I so often receive about the Center's work. They are the ones who make it happen.

A handwritten signature in cursive script that reads "Barbara J. Rothstein". The signature is written in black ink and is positioned above the printed name.

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 potential changes to the federal rules of procedure. This annual report, mandated by statute, describes the Center’s activities in calendar year 2010.

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).

In March 2010, the Judicial Conference elected Judge Edward C. Prado of the U.S. Court of Appeals for the Fifth Circuit to the Center’s Board, replacing Chief Judge William B. Traxler, Jr., of the U.S. Court of Appeals for the Fourth Circuit.

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 online 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

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

Judge Edward C. Prado, U.S. Court of Appeals for the Fifth Circuit

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

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 2010 appropriation of \$27,328,000, and it employed 130 people at the end of calendar year 2010. The Center's fiscal 2011 appropriation had not been determined when this report was prepared. Approximately 75 percent 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

2010 at a Glance

In 2010, the Center

- provided 367 in-person, in-court, and technology-based educational programs for some 15,400 federal judges and court employees and helped to design, conduct, and teach another 27 programs, produced by other organizations, for over 2,000 court staff participants
- completed 12 major research and evaluation projects, continued work on 45 others, and responded to more than 26 other requests for short-term research assistance
- produced 19 new educational video programs, either for online delivery and broadcast on the Federal Judicial Television Network (FJTN) or for use in other education and training programs
- broadcast 67 programs on the FJTN for the Center, the Administrative Office, and the U.S. Sentencing Commission, 4 of which were live
- published or updated 15 reports, manuals, monographs, or reference guides
- developed 3 new e-learning programs and updated 2 Web-based resources for FJC Online, the Center's site on the courts' intranet
- distributed 19,133 printed copies of its publications, as well as 4,275 audio, video, and multimedia programs
- coordinated 65 briefings for 649 judges, court officials, and attorneys from 76 countries

2010 Federal Judicial Center Staff

Adrian Alvarado	Hieu Duong	Carol Krafka	Maisha Pope
Marlene Annoni	Trung Duong	Jennifer Krause	Marilyn Queen
Chuck Arberg	Jim Eaglin	Elizabeth Lambert	Bruce Ragsdale
Norman Baker	Geoff Erwin	Hai Le	David Rauma
Brenda Baldwin-White	Rebecca Eyre	Marie Leary	Tim Reagan
Osmani Banos-Diaz	Charles Fenaoui	Emery Lee	Joy Richardson
Jo Ann Barnes	Kim Fisher	Frank Leidy	Robin Rowland
Jared Bataillon	Jane Fuller	Angelia Levy	Steve Saltzgeber
Linda Beavers	Sarah Garrison	Ed Liberatore	Matt Sarago
Rozzie Bell	Corrin Gee	Dwayne Livingston	Mark Sherman
Catherine Borden	Jody George	Tom Lo	Michael Siegel
Craig Bowden	Vashty Gobinpersad	Toni Loftin	Deena Smith
Patricia Breen	Samuel Golant	Pat Lombard	Jessica Snowden
Anthony Brownlow	Dexter Green	Angela Long	Syl Sobel
Jim Buchanan	Mary Greiner	Marianne Lockett	Karen Sparkes
Myrt Burge	Michael Gross	Kate Lynott	Rhonda Starks
Catherine Cardno	Krishna Gunupati	Mark Maggio	Angie Stewart
Joe Cecil	Mira Gur-Arie	Kris Markarian	Donna Stienstra
Jim Chance	Mark Hannan	David Marshall	Fran Toler
Garbo Cheung-Jasik	Phil Hart	Rich Marshall	Mark Trimble
Jackie Clark	LaVerne Heade	Ursula Maurer	Paul Vamvas
Bruce Clarke	Jessica Heller	Susie Merchant	Marilyn Vernon
Ted Coleman	Stephanie Hemmert	Dean Miletich	Deborah Von Drak
John Cooke	Marquita Henry	Doug Mitchell	Trudy Walter
Brian Corcoran	Andrea Henson-Armstrong	Mark Mitchell	Clint Wang
George Cort	Marland Holloway	Lori Murphy	Frank Washington
Tyeika Crawford	Daniel Holt	Christopher Murray	Yvonne Washington
Adrian Dales	Laural Hooper	Denise Neary	Beth Wiggins
Dick Dargan	Beth Johnson	Bob Niemic	Tom Willging
Kerry DeRiggs	Molly Johnson	Matt Nixon	Margaret Williams
Esther DeVries	Roger Karr	Lorraine Nue	Jefri Wood
Nathan Dotson	Jane Kazman	Mayur Patel	LaTonja Wright
Nathan Douglas	Tracy Keels	Nancy Payne	Michael Zeitzmann
Phyllis Drum	Martha Kendall	Donna Pitts-Taylor	
Meghan Dunn	David Kolm	Gloria Pleasure	

EDUCATION AND TRAINING

The Center's educational programs and resources are produced in coordination with its Board and advisory committees. The Center also works closely with subject-matter experts from the courts, scholars, and staff from other government agencies to provide instruction on substantive legal topics, case and court management, and leadership development.

The Center uses a variety of education and training methods, including in-person seminars and workshops, and distance education. Its broad range of distance-education tools includes videos, Web conferences, audioconferences, e-learning programs that participants take at their own pace, and other online resources.

In 2010, some 2,400 federal judges and 13,000 legal and court staff participated in 367 Center-produced programs. The tables on page 10 contain detailed statistical information listed by program type. In addition, Center staff assisted with the development and delivery of 27 programs produced by other organizations and attended by over 2,000 court staff.

The Center also produced 19 new video programs, most of which are available in streaming video format on FJC Online, the Center's website on the judiciary's intranet, and broadcast on the Federal Judicial Television Network (FJTN). Some of these videos were also used in in-person 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

The Center held thirteen orientation programs for new circuit, district, bankruptcy, and magistrate judges. During their first year on the bench, new district, bankruptcy, and magistrate judges attend two 1-week orientations for their respective groups. The curricula for these orientations cover the role of the judge, ethics, case-management practices, evidence, judicial security, financial disclosure requirements, judicial demeanor and courtroom control, and substantive legal topics. District and magistrate judges also have sessions on conducting jury trials and sentencing. New court of appeals judges attend a single orientation program, which covers topics such as ethics,

opinion writing, collegiality, and managing chambers. The Center also funds new circuit judges' attendance at the one-week new appellate judges seminar at the New York University Law School's Institute of Judicial Administration.

The Center conducted national workshops for district, bankruptcy, and magistrate judges, respectively. These continuing education programs examined new developments in the law, case and court management, judicial ethics, judicial security (including Web 2.0 issues and social networking security risks), and other emerging issues affecting the courts.

The Conference for Chief U.S. District Court Judges, held annually, provides information about new Judicial Conference and Administrative Office policies and court-management issues. Roundtable discussions allow chief judges from similar-sized courts to meet and discuss common issues. Similarly, the Conference for Chief U.S. Bankruptcy Judges, held biennially, covered the duties and responsibilities of a chief bankruptcy judge, managing the court's budget, and public outreach issues.

The Center provided sixteen special-focus seminars in 2010. Several of these were conducted in cooperation with law schools and other educational institutions. Seminars were held on the following subjects: advanced patent case management; e-discovery; employment law; financial statements in the courtroom; intellectual property; neuroscience (four seminars); law and genetics; law and society; law and terrorism; humanities and science (the Harold Medina Seminar); statistical concepts; water rights litigation; and perspectives on law, lawyering, and judging.

Each year the Center provides faculty for programs delivered for judges in their own districts. In 2010, these programs were Assessing the Founding Fathers; Law, Justice, and the Holocaust; The Contest to Ratify the Constitution; The Great Virginia Triumvirate; Improving Editing and Writing Opinions; and Literary Perspectives on Justice and Law.

Programs for Legal Staff

Center programs for legal staff conducted in 2010 included one national workshop for pro se law clerks and five national workshops for federal defenders and their

administrators and paralegals. The Center also funded an orientation seminar for assistant federal defenders and provided funding for a limited number of career law clerks to attend a judicial clerkship seminar and for appellate staff attorneys to attend two national conferences.

FJC Online, Videos, and Educational Publications

FJC Online Resources

Center staff made several important improvements to the *Judges Information Technology* (JIT) website on FJC Online, which features tutorials, interviews, blogs, and presentations on technology useful to federal judges.

The Center's *Bankruptcy Best Practices Forum* site is a Web-based resource that allows bankruptcy judges to share information and best practices.

The *Interactive Bankruptcy Online Tutorial* (iBOT) was released in July 2010. iBOT is a self-paced distance-education program for court staff consisting of eight classes of instruction. The curriculum includes a history of bankruptcy law, in-depth coverage of Chapters 7, 9, 11, 12, 13, and 15 of the Bankruptcy Code, and a class on adversarial proceedings in bankruptcy courts.

The Center also launched an updated version of the *Interactive Orientation Seminar for Federal Judicial Law Clerks* (iOLC) in September 2010. This course helps new law clerks understand their responsibilities, including ethical rules, and provides an overview of the resources available to them through the Center.

Another new e-learning course, *Understanding the Dynamics of Domestic Violence*, is for probation and pretrial services officers and managers who encounter domestic violence issues while supervising offenders and defendants. The course includes interactive discussions of video vignettes and other assignments.

Videos

The Center released nineteen new video programs for judges and staff. Most of these programs were made available on FJC Online in streaming video format and broadcast over the FJTN. The titles or subjects are:

- *Advanced Guideline Issues: Multiple Counts*
- *Bankruptcy Chapter 13 Orientation* (for use in in-person programs only)
- *Basics of Employment Discrimination Law for Law Clerks* (2010 update)

- *Charter for Excellence* (for U.S. probation and pre-trial services personnel) (for use in in-person programs only)
- *Court to Court* (three programs: June, September, and December 2010)
- *Court 2.0? The Use and Impact of Social Media in the Federal Judiciary*
- *Defendant/Offender Workforce Development for U.S. Probation & Pretrial Services Chiefs and Managers*
- *Defendant/Offender Workforce Development for U.S. Probation & Pretrial Services Officers*
- *The Fair Labor Standards Act* (2010 update)
- *Habeas Review of State Capital Convictions*
- *How Great Leaders Prevent Problems Before They Happen*
- *Malcolm Gladwell on Why People are Successful*
- *Orientation Seminar for Federal Judicial Law Clerks* (2010 update)
- *A Review of Eighth Circuit Bankruptcy Decisions* (2010)
- *A Review of Ninth Circuit Bankruptcy Decisions* (2009)
- *Sentencing and Guidelines: New Amendments for 2010*
- *Supreme Court: The Term in Review (2009–2010)*

In addition to streaming educational video programs on FJC Online, the Center operates the FJTN—a judiciary-wide, satellite broadcast network with viewing sites in more than 300 federal court locations—to transmit video programming from the Center, the Administrative Office, and the U.S. Sentencing Commission. In 2010, the FJTN broadcast sixty-seven programs, four of which were live. The Center produced thirty-six and coproduced five of these programs, including all four live broadcasts. Some Center-produced video programs are available to the public through the Federal Judiciary Channel on YouTube, which the Center and the Administrative Office launched in 2010.

Publications

The Center published five educational monographs, manuals, and pocket guides, both in print and online, and five online-only outlines and reference guides. See page 14 for a complete list of Center publications in 2010.

Programs for Judges and Staff

Two executive team development workshops (one for district courts and one for bankruptcy courts) brought together new chief judges and their clerks of court. These workshops enhance a court's administrative effectiveness and efficiency through implementation of a team approach to management.

The leadership institute for chief district judges and clerks of court teaches participants how to create a vision for their court, to communicate effectively with diverse groups of employees, to build effective teams, and to assess their own leadership strengths and identify areas for development.

The Center conducted a workshop, Facilitating Offender Reentry to Reduce Recidivism, for teams of judges, probation officers, prosecutors, defenders, and treatment providers. The curriculum focuses on defining the roles of team members; group dynamics; organizational change, and other aspects of implementing evidence-based practices in reentry courts that are conducting programs to help offenders prepare to return to society after their sentences end.

The Center conducted two strategic planning workshops (one for district and one for bankruptcy teams) to help teams of judges and senior court staff identify needed improvements or initiatives in their courts and to develop and implement plans for making such improvements.

Education Programs and Resources for Court Staff

Programs for Clerks' Office Staff

The Federal Court Leadership Program, a two-and-one-half-year program delivered in four phases, conducted its phase IV seminar in 2010. This certificate program provides court staff with the leadership and management tools necessary for their professional development and to make a greater contribution to the efficient operation of the courts.

A symposium for appellate clerks of court, chief deputy clerks, and bankruptcy appellate panel clerks provided a forum for appellate court leaders across the country to discuss common issues, address leadership and management challenges, share best practices, and improve specific aspects of judicial administration in their courts.

The Bankruptcy Administrator Program enabled bankruptcy administrator offices to share ideas, identify emerging challenges, and plan how best to prepare for them. Participants also learned leadership and manage-

ment skills necessary to implement the amendments to the Bankruptcy Rules in their offices.

The Center conducted two workshops on leadership for newly appointed court managers and supervisors from clerks' offices, circuit librarians' offices, and staff attorneys' offices, and two workshops were held for more experienced court managers from these offices.

Programs for Court Personnel in Several Categories

The biennial National Conference for District Executives, Clerks, and Chief Deputies of the U.S. Courts concentrated on national policy initiatives and their potential effect on court operations. The conference equipped participants with information and tools that will help them to implement these policy initiatives in their courts.

An institute for chief deputies, deputy chiefs, and circuit staff in comparable positions taught participants the leadership skills needed to implement changes in their districts.

A workshop for new court trainers enabled participants to build upon their skills and acquire the knowledge required to develop and deliver training programs that fulfill the training needs of their courts.

Court unit executives from the nation's ten largest districts attended Managing in the Mega Court Environment, a seminar to exchange experiences and strategies on addressing management issues unique to the larger courts.

Probation and Pretrial Services

The Center provided Neuroscience and Criminal Behavior, a two-day seminar for probation and pretrial services chiefs and mental health/drug abuse treatment specialists. The workshop featured nationally recognized scientists who updated participants on the latest research and developments in neuroscience relevant to treatment and supervision of defendants and offenders.

The New Chiefs' Seminar provided newly appointed probation and pretrial services chiefs with the resources to make the transition into their new roles. The biennial National Conference for Chief Probation and Pretrial Services Officers addressed leadership, management, new legal and policy developments, and new defendant and offender supervision methods, including implementation of evidence-based practices.

An executive team seminar for probation and pretrial services chiefs and their deputy chiefs helped these participants to work together on strategic plans to make improvements in their districts.

The Center provided a new program for deputy chief probation and pretrial services officers and assistant deputy chiefs, emphasizing leadership principles and practices they will need to apply in their new positions.

Experienced Supervisors: Targeting Leadership Excellence, a workshop emphasizing staff development, managing conflict, and wellness principles, was offered six times in 2010.

Building Outstanding Supervisors, held twice in 2010, helped new probation and pretrial services supervisors to develop their supervisory practices through an applied learning project. This workshop is part of the two-year New Supervisors course of study for supervisors who begin with less than one year of supervisory experience.

Participants in Leadership Development Program Class X attended phase II of the three-year program that teaches and develops leadership skills through a combination of formal instruction, project-based learning, and one-on-one interaction with faculty.

The Center, in combination with the Judicial Conference's Criminal Law Committee and the Administrative Office's Office of Probation and Pretrial Services, is providing education and consulting services to help the five districts that are participating in a study of the effectiveness of evidence-based practices in defendant and offender supervision and offender reentry. Representatives from these districts participated in the Experimental Study of Federal District Court Reentry Programs Training.

In-Court and Technology-Based Programs

This year's 223 in-court programs reached over 6,900 court staff. Most programs were delivered by Center-trained presenters using Center-designed curriculum packages and self-study materials. Programs on the Code of Conduct for Judicial Employees and Sexual Harassment Awareness were of particular interest. Popular management programs included the Management Excellence Survey and Foundations of Management.

In addition, the Center conducted forty-eight technology-based training programs for 3,379 clerks' office staff and probation and pretrial services staff. These programs included Web conferences, e-learning programs, and audioconferences.

Other Training and Curriculum Development

Court Compensation and Performance Management

In collaboration with the Administrative Office, the Center delivered fourteen webinars to 1,087 court staff about new judiciary policies on compensation and performance management. In addition, the Center, with the Administrative Office, provided six customized in-district performance management programs attended by 190 participants, and two training-for-trainers programs.

Court Operational Practice Forums

Some 600 court staff participated in training sessions led by Center staff at the Administrative Office's district and bankruptcy court case management/electronic case filing operational practice forums.

Judges' Information Technology Training-for-Trainers

The Center produced three training-for-trainers workshops on judges' information technology attended by 105 judges and court staff. These workshops, produced in conjunction with the Administrative Office, addressed educational methodologies that will assist court staff in teaching judges in their districts how to use information technology to perform judicial functions more efficiently.

Space and Security Training

The Center continued its support of on-site training requests for circuit-based in-person programs for court unit executives and staff members with responsibilities for space and facilities, including security.

Program Assistance and Presentations at the Request of the Courts and Other Organizations

Center staff, in addition to assisting with the development and delivery of twenty-seven programs produced by other organizations and attended by over 2,000 court staff, made presentations to more than 4,700 participants on a range of topics at fifty-eight conferences, meetings, and other events sponsored by courts, circuits, or associations of court employees. The most frequently requested presentation was on judicial security, privacy, Web 2.0, and emerging technology—this presentation heightens awareness of privacy and security risks associated with using online social media.

Seminars and Workshops for Judges, Jan. 1–Dec. 31, 2010

	Number of Programs	Number of Participants
Orientation for newly appointed circuit judges	1	9
Orientations for newly appointed district judges	4	60
Orientations for newly appointed bankruptcy judges	4	45
Orientations for newly appointed magistrate judges	4	95
Conference for chief district judges	1	90
Conference for chief bankruptcy judges	1	62
National workshops for district judges	3	298
National workshops for bankruptcy judges	2	290
National workshops for magistrate judges	2	367
Special-focus seminars	16	468
Team workshops*	6	242
In-court seminars**	15	398
TOTAL	59	2,424

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

** Includes workshops for judges and law clerks.

Education Programs for Legal Staff, Jan. 1–Dec. 31, 2010

	Number of Programs	Number of Participants
National workshop for pro se law clerks	1	101
National workshops for federal defenders and their administrators and paralegals	4	751
Orientation seminar for assistant federal defenders	1	102
Seminar for federal defender investigators and paralegals	1	258
Program for federal defenders staff	1	76
Judicial clerkship institute for career law clerks	1	5
Conference for federal defender administrators	1	116
TOTAL	10	1,409

Education and Training Programs for Court Staff, Jan. 1–Dec. 31, 2010

	Number of Programs	Number of Participants
Seminars and Workshops (national and regional)		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, court librarians	8	365
Probation and pretrial services managers, officers, and other personnel	15	728
Personnel in several categories	4	275
TOTAL	27	1,368
In-Court Programs (programs using Center-developed curriculum packages, training guides, and computer-assisted instructional programs)		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	116	3,468
Probation and pretrial services officers and personnel	62	2,186
Personnel in several categories	45	1,268
TOTAL	223	6,922
Technology-Based Programs (e-learning programs, videoconferences, audioconferences, and online conferences, but not including FJTN broadcasts)		
Clerks of court, clerk's office personnel, chambers staff, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	14	1,242
Probation and pretrial services officers and personnel	24	1,408
Personnel in several categories	10	729
TOTAL	48	3,379
GRAND TOTAL	298	11,669

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 helps the federal judiciary 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.

Appellate Courts

At the request of the Advisory Committee on Appellate Rules, the Center commenced a survey of circuit practices pertaining to the award of administrative costs. The project will examine how often costs have been assessed against an appellee under Federal Rule of Appellate Procedure 39(a)(3).

Bankruptcy Courts

Under the auspices of the Bankruptcy Committee, the Center completed a multiyear study to generate new statistical case weights used in determining judgeship needs in the bankruptcy courts. The new case weights were approved at the September 2010 meeting of the Judicial Conference. The Center also completed a major multi-year study of courtroom use in the bankruptcy courts as a follow-on to its earlier research and report on the scheduling and use of courtrooms in the district courts. Both courtroom-use studies were requested by the Court Administration and Case Management Committee.

The Center developed and conducted two surveys to identify programs and procedures used across the districts to manage district and bankruptcy filings that involve pro se debtors and creditors. Center staff also provided ongoing assistance to the Forms Modernization Subcommittee of the Advisory Committee on Bankruptcy Rules, as it seeks to update forms that are used in bankruptcy litigation.

Civil Litigation

Center research staff continued a study of district court cases involving motions to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure, in light of the Supreme Court's decision in *Ashcroft v. Iqbal* interpreting

the pleading standards that were set out in *Bell Atlantic Corp. v. Twombly*.

The Center assisted the Advisory Committee on Civil Rules in conducting a conference on discovery and the related costs of federal civil litigation. The results of several major Center-conducted national surveys of attorneys helped to inform the substantive discussions at the conference.

Center staff continued to update its online resource guide for judges on habeas litigation; the guide covers management of federal habeas corpus review of state and federal capital convictions. The guide includes a summary of relevant law and current case-management procedures used by federal courts in these cases. See page 14 for a complete list of guides, manuals, monographs, and other publications that the Center printed or posted online in 2010.

Criminal Litigation

At the request of the Advisory Committee on the Criminal Rules, the Center conducted a national survey to help inform the committee's deliberations about the operation of Rule 16 of the Federal Rules of Criminal Procedure and variations in pretrial disclosure practices in criminal cases in the district courts. The survey comprised all federal district and magistrate judges, as well as all U.S. attorney offices and federal defenders, and more than 16,000 defense attorneys of record in a sample of recently closed federal criminal cases.

The Criminal Law Committee asked the Center to conduct a three-year study of federal offender reentry programs. Five districts have committed to participate in the study that aims to assess the impact and cost effectiveness of offender reentry programs implemented under a new policy developed by the Office of Probation and Pretrial Services of the Administrative Office. The study is expected to commence in 2011. The Center also conducted a follow-up to its 2008 survey of the thirty-two districts with already-established federal offender reentry programs.

Other Center Research

The Center began to design a study of the Judicial Conference-authorized three-year pilot program to evaluate the effect of cameras in district court civil proceedings and public release of recordings of these proceedings. The

study is being done at the request of the Court Administration and Case Management Committee.

The Center surveyed a sample of district, magistrate, and bankruptcy judges and clerks of court, as well as a sample of attorneys, regarding the Federal Rules of Civil, Criminal, Bankruptcy, and Appellate Procedure that

were amended in December 2007 to protect the privacy of individuals identified in court documents. The survey results were presented at a conference on privacy and access to federal court files that was sponsored by the Privacy Subcommittee of the Committee on Rules of Practice and Procedure.

FEDERAL JUDICIAL HISTORY

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

In 2010, the Center published *Guide to Research in Federal Judicial History* to support judges, court staff, and scholars interested in the history of individual courts and the judicial branch. The Center completed compilation of a volume of the documentary history of debates on legislative and constitutional proposals related to the organization, jurisdiction, and administration of the federal courts and expanded its Biographical Directory of Federal Judges to include all life-tenured judges on federal courts of special jurisdiction. Center staff also continued to consult with judges and court staff about the preservation of court history and to assist the National Archives and Records Administration in developing new retention schedules for historical court records.

The Center's online Teaching Judicial History project provides resource materials on the Center's Internet site (<http://www.fjc.gov>) for teachers to use in teaching about the federal courts. In 2010, the Center added a tenth unit, "*Olmstead v. United States: The Constitutional Challenges of Prohibition Enforcement*," to its teaching materials and made available curriculum strategies and resources related to each case in the project. As an outgrowth of this project, the Center, in partnership with the American Bar Association's Division for Public Education, held a fifth 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 trials under the Sedition Act of 1798, the *Ex parte Merryman* case, and the *Olmstead v. United States* Prohibition trial. The Center will offer a sixth teacher institute in Washington, D.C., in June 2011.

PROGRAMS FOR FOREIGN JUDICIAL OFFICIALS

The Center's implementing legislation includes a provision directing the Center to assist agencies of the federal government and other appropriate organizations to help foreign judiciaries interested in learning about judicial education and the administration of justice in the United States. To this end, the Center hosts visiting delegations from around the world, providing information about the U.S. court system and the Center's judicial education and research programs. In 2010, the Center coordinated 65 briefings for 649 judges, court officials, and attorneys from the following 76 countries:

Afghanistan, Argentina, Bangladesh, Benin, Bhutan, Bosnia-Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chile, Colombia, Costa Rica, Cote d'Ivoire, Democratic Republic of Congo, Dominican Republic, East Timor, Ecuador, Egypt, El Salvador, Ethiopia, France, Georgia, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, India, Indonesia, Iraq, Italy, Japan, Kazakhstan, Kosovo, Kuwait, Lebanon, Libya, Malaysia, Maldives, Mali, Malta, Mexico, Montenegro, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, People's Republic of China, Peru, Philippines, Portugal, Romania, Russia, Senegal, Sierra Leone, South Africa, South Korea, Spain, Sri Lanka, Thailand, Togo, Tunisia, Turkey, United Arab Emirates, Uruguay, Uzbekistan, Venezuela, and Vietnam

Center staff also provide technical assistance abroad by advising on judicial reform initiatives, developing educational programs, and participating in international conferences. Recent projects have included work with the Constitutional Court of Kosovo; participation in a workshop on court effectiveness jointly sponsored by the Arab Council for Legal and Judicial Studies and the American Bar Association Rule of Law Initiative; a mediation program in Cambodia; and a symposium hosted by Argentina's National Association of Women Judges. 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, Fellows work on research projects, observe Center programs, visit local courts, and meet with law professors and attorneys. In 2010, the Center hosted six Visiting Fellows: a Philippine judge working in the field of judicial education; a judge from Laos who studied case-management practices; a judge from the Supreme Administrative Court of Turkey who researched a paper on judicial independence; a Chinese judge examining procedural rules for the discovery of electronic evidence; and two judges from the Korean Supreme and Constitutional Courts, both of whom studied different aspects of Supreme Court practice.

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 2010, the Center distributed more than 19,000 printed copies of its publications. Commercial publishers reprint several Center publications for sale to the public, including the *Reference Manual on Scientific Evidence* (2d ed.); *Manual for Complex Litigation, Fourth*; and *Guide to Judicial Management of Cases in ADR*. The Government Printing Office also carries several Center titles in its public sales program.

The following titles were published in print in 2010 and are also available online:

- *Civil Litigation Management Manual* (2d ed.)
- *Guide to Research in Federal Judicial History*
- *Judicial Disqualification: An Analysis of Federal Law* (2d ed.)
- *Managing Class Action Litigation: A Pocket Guide for Judges* (3d ed.)
- *Manual on Recurring Problems in Criminal Trials* (6th ed.)
- *Sealing Court Records and Proceedings: A Pocket Guide*

The Center posted the following new or updated online publications in 2010:

- *Attorney Satisfaction with the Federal Rules of Civil Procedure—Report to the Judicial Conference Advisory Committee on Civil Rules*

- *Federal Court Decisions Involving Electronic Discovery, January 1, 2009—July 31, 2010* (posted with the permission of The Sedona Conference)
- *In Their Words: Attorney Views About Costs and Procedures in Federal Civil Litigation*
- *A Judge's Guide to Neuroscience: A Concise Introduction* (posted with the permission of the MacArthur Foundation)
- *Litigation Costs in Civil Cases: Multivariate Analysis—Report to the Judicial Conference Advisory Committee on Civil Rules*
- *Managing Habeas Corpus Review of Capital Convictions: Resource Guide, Volume II*
- *National Security Case Studies: Special Case Management Challenges*
- *Recent Developments in Bankruptcy Law*
- *Social Security Numbers in Federal Court Documents*

Media Library

The media library contains 3,846 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 720 commercially produced educational video programs. In 2010, the media library loaned 1,056 programs to federal judges and judicial branch personnel on request and sent some 3,219 Center-produced media programs directly to the courts for them to keep and use in local education and training programs.

Information Services

Drawing from a specialized collection of books, journals, and published and unpublished documents on the work of the federal courts, the Center serves as a national clearinghouse for information on federal judicial administration. During the year, the Center 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. Listed below are the Foundation Board members at the close of 2010:

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 in the Center's annual report it describe the purposes for which Foundation gifts were used in the reporting year. The Center used the following Foundation gifts in 2010:

- Funds provided by the American Association for the Advancement of Science to cover travel expenses for federal judges to attend three programs on emerging issues in neuroscience.
- Funds provided by the Gruter Institute to cover travel expenses for federal judges to attend a seminar on emerging issues in law and neuroscience.
- Funds provided by the Hilsee Group to support judicial education regarding class action noticing.
- Nonearmarked grants to provide 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 2010.

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.)
Judge Edward C. Prado (5th Cir.), *Center Board Representative*
Margaret A. Irving (Administrative Office of the U.S. Courts)

Committee on Bankruptcy Judge Education

Bankruptcy 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)
Amanda L. Anderson (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 Carol E. Jackson (E.D. Mo.)
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 John M. Facciola (D.D.C.), *Center Board Representative*
Magistrate Judge Margaret J. Kravchuk (D. Me.)
Magistrate Judge Lisa P. Lenihan (W.D. Pa.)
Magistrate Judge Robert M. Levy (E.D.N.Y.)
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.)
Chief Judge Ricardo H. Hinojosa (S.D. Tex. and U.S. Sentencing Commission)

Committee on Court Attorney Education

Richard G. R. Schickele, Career Law Clerk, Circuit Judge (9th Cir.), *Chair*
Pamela Armour, Career Law Clerk, Magistrate Judge (S.D. Fla.)
Steven Gilman, Career Law Clerk, District Judge (N.D. Ill.)
Addie Hailstorks, Pro Se Attorney (D.D.C.)
Kim Jones, Senior Staff Attorney (8th Cir.)
Barbara Riegelhaupt, Career Law Clerk, Circuit Judge (1st Cir.)
Lynn Ryan, Career Law Clerk, Bankruptcy Judge (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

Valrey W. Early III (Bankruptcy Administrator, Bankr. N.D. Ala.), *Chair*
Linda M. Ball (Chief Deputy Clerk, Bankr. M.D.N.C.)
David D. Bird (Clerk of Court, Bankr. D. Del.)
Barry Lander (Clerk of Court, Bankr. S.D. Cal.)
George Prentice (Clerk of Court, Bankr. W.D. Tex.)
Andrea D. Redmon (Chief Deputy Clerk, Bankr. N.D. Okla.)
Becky Vail (Chief Deputy Clerk, Bankr. S.D. Ind.)
Paul R. Warren (Clerk of Court, Bankr. W.D.N.Y.)
Diane Zech (Clerk of Court, Bankr. D. Neb.)
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 G. Gregory (Chief Deputy Clerk, M.D. La.)
Peggy Ann Guernsey (Chief Deputy Clerk, N.D. Ind.)
Stephan Harris (Clerk of Court, D. Wyo.)
Linda L. Jacobson (Clerk of Court, D. Me.)
Marge E. 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

Joseph McNamara (Chief U.S. Probation Officer, D. Vt.), *Chair*
Cindy Bochantin (Chief U.S. Pretrial Services Officer, E.D. Mo.)
Chris Hansen (Chief U.S. Probation Officer, D. Nev.)
David Martin (Chief U.S. Pretrial Services Officer, D. Ariz.)
Reginald D. Michael (Chief U.S. Probation Officer, S.D. Fla.)
Philip Miller (Chief U.S. Probation Officer, E.D. Mich.)
Karen Moody (Chief U.S. Probation Officer, D. Me.)
Jolene Whitten (Chief U.S. Probation Officer, N.D. Tex.)
Nancy Beatty Gregoire (Administrative Office of the U.S. Courts)

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