

FEDERAL JUDICIAL CENTER
Annual Report 2012

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A MESSAGE FROM THE DIRECTOR

2012 was an eventful year for the Federal Judicial Center. In addition to maintaining our full array of ongoing education, research, and other activities, we undertook two major initiatives to make our services to the judicial branch more accessible and more cost effective. Both of these efforts are well along and should be completed early in 2013.

The first initiative is a restructuring and redesign of our online presence. Given the great importance of technology as a means both of making resources more widely available and of containing costs, our goal is to make our websites serving the judiciary and the public as versatile and as user friendly as possible. Led by our information technology, editorial, and information services staff, we've rebuilt our website infrastructure, simplified navigation, and enhanced our search capacity, all of which will facilitate access to our extensive library of books, articles, program materials, and audio and video recordings. Among other things, users will be able to search and register for in-person educational programs and access a wide variety of Web-based presentations both in real time and at their convenience. We also expect to have a Web application for tablets and smartphones available within the next several months.

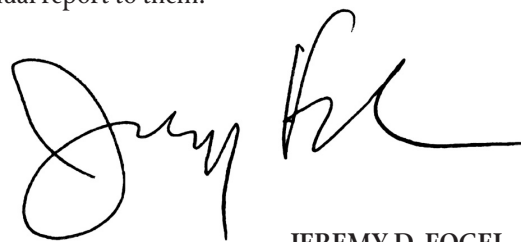
The second initiative is a top-to-bottom review of our educational programs. One obvious purpose of such a review is cost containment, an objective that always has been important to us. However, another major reason for this project is to assess thoroughly what we're doing and how we're doing it, to ensure that our programs meet the needs of our users and are delivered in the most appropriate ways. These objectives are related: our ultimate goal is to contain costs without sacrificing the opportunities for personal contact and interaction that are so meaningful to our constituents. We think that the most effective way to achieve that goal is to identify the optimal mix of in-person programs and educational technology.

Another major accomplishment of the Center during 2012 was our research division's design and distribution, at the request of the Executive Committee of the Judicial Conference, of a comprehensive judicial needs assessment survey. The Executive Committee and the Judicial Conference will use the survey's results for both long-range planning and short-term decision making. Given the importance and sensitivity of the subject matter, the expertise and experience of our research professionals

were particularly valuable. More than two-thirds of judges at all levels of the federal judiciary responded to the survey.

The Center's history and international judicial relations offices, which are responsible for the majority of our interactions with individuals and organizations outside the federal judiciary, also had a busy and productive year.

I'm most impressed by the fact that everything I've just described was achieved despite our implementation of exceptional cost-containment measures, including a decision to leave a number of key positions unfilled in anticipation of a lengthy period of budget austerity. Everyone at the Center has had to work harder and take on additional responsibilities. They have done so with steady and admirable professionalism, and I am pleased to dedicate this annual report to them.



JEREMY D. FOGEL

2012 Federal Judicial Center Staff

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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 2012.

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 pages 15–16).

In March 2012, the Judicial Conference elected Judge Catherine C. Blake, of the U.S. District Court for the District of Maryland, and Judge Michael M. Melloy, of the U.S. Court of Appeals for the Eighth Circuit, to the Center’s Board, replacing Chief Judge Loretta A. Preska, of the U.S. District Court for the Southern District of New York, and Judge Susan H. Black, of the U.S. Court of Appeals for the Eleventh Circuit, whose terms expired.

The Board appoints the Center’s director and deputy director; the director appoints the Center’s staff. All but one of the Center’s ten directors have been federal judges, including its current director, Judge Jeremy D. Fogel of the U.S. District Court for the Northern District of California.

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, online video programs, publications, curriculum packages for in-court training, and Web-based programs and resources.

Board of the Federal Judicial Center

The Chief Justice of the United States, *Chair*

Judge Catherine C. Blake, U.S. District Court for the District of Maryland

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

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

Chief Judge James F. Holderman, Jr., U.S. District Court for the Northern District of Illinois

Judge Michael M. Melloy, U.S. Court of Appeals for the Eighth Circuit

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

Chief Judge Kathryn H. Vratil, U.S. District Court for the District of Kansas

Judge Thomas F. Hogan, Director of the Administrative Office of the U.S. Courts

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 Information Technology Office and the Communications Policy & Design Office—in using print 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, the U.S. Sentencing Commission, and the Judicial Panel on Multidistrict Litigation, 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 pages 15–16.

Staffing and Appropriation

The Center had a fiscal 2012 appropriation of \$27,000,000, and it employed 126 people at the end of calendar year 2012. The Center's 2013 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 the Center's research activities.

Senior Staff of the Federal Judicial Center

Hon. Jeremy D. Fogel, Director

John S. Cooke, Deputy Director

Bruce M. Clarke, Director, Education Division

Esther DeVries, Director, Information Technology 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

2012 at a Glance

In 2012, the Center

- completed 18 major research and evaluation projects, continued work on 44 others, and responded to 15 other requests for short-term research assistance
- provided 427 in-person and technology-based educational programs for 18,124 federal judges, legal staff, and court employees and helped to design, conduct, and teach another 19 programs, produced by other organizations, for 2,564 court staff participants
- produced 18 new educational video programs, either for online delivery or for use in other education and training programs
- published or updated 25 reports, manuals, monographs, or reference guides
- distributed 30,684 printed copies of its publications, as well as 2,156 audio, video, and multimedia programs
- initiated a project to produce the first-ever narrative history of the federal judiciary
- hosted 54 delegations consisting of 493 judges, court officials, and attorneys from 57 different countries

EDUCATION AND TRAINING

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

The Center designs and produces educational programs and products using in-person seminars and workshops as well as distance-education methods, including Web conferences, e-learning programs, audioconferences, videos, and other online resources.

In 2012, the Center delivered 63 programs for 3,585 federal judges and 364 programs for 14,539 legal and court staff. (“Programs” includes both in-person and distance-education programs.) The tables on page 9 contain detailed statistical information listed by program type. Center staff also assisted in the development and delivery of 19 programs produced by other organizations and attended by 2,564 court staff.

Education Programs and Resources for Judges

Orientation Programs

The Center provides orientation programs for all new federal judges. Orientations are scheduled when needed, according to the pace of confirmations and appointments. Small groups of new district, bankruptcy, and magistrate judges, respectively, attend week-long Phase I orientation seminars. Experienced judges serve as mentors and lead interactive discussions on case management, trial proceedings, evidence, ethics, and judicial security, as well as topics germane to each type of judge.

New court of appeals judges attend an orientation program on ethics, opinion writing and editing, collegiality, and chambers management. The Center also funds the attendance of new court of appeals judges at an orientation seminar for new appellate judges.

After district, magistrate, and bankruptcy judges have been on the bench for approximately 12 months, they attend week-long Phase II orientation seminars, which cover case management, judicial ethics, and the role of the judge, as well as common legal and practical problems.

Continuing Education for Judges

In 2012, in-person continuing education programs included national workshops for district, magistrate, and bankruptcy judges, respectively; conferences for chief district judges and chief bankruptcy judges; and special-focus seminars for all judges. The Center also supported four circuit workshops for Article III judges in the First, Fourth, Fifth, and Eleventh Circuits. All national workshops included sessions on judicial ethics, new developments in the law, case and court management (often including electronic discovery and use of information technology to manage cases), and judicial security.

In coordination with the Judicial Conference’s Criminal Law Committee, the Center conducted a National Sentencing Policy Institute. The Federal Bureau of Prisons, the Office of Probation and Pretrial Services of the Administrative Office, and the U.S. Sentencing Commission participated in planning the agenda for the Institute.

Special-Focus Seminars

In-Person Workshops

In 2012, the Center delivered 15 in-person special-focus programs on the following topics: environmental and natural resources law; e-discovery; neuroscience (two programs); employment law; intellectual property; Internet technology; law and genetics; law and society; mediation skills; effective use of information technology (two programs); water-rights litigation; humanities and science; and law and terrorism. Several of these seminars were conducted in collaboration with law schools or other educational institutions.

Webcasts

The Center also uses Web-based distance-learning technology to deliver programs for judges on specific topics. Judges at up to 200 sites can register online and “attend” a webcast. All webcasts are recorded and made available on FJC Online, the Center’s site on the judiciary’s intranet. Seven webcasts were delivered: Mortgage Issues for District and Magistrate Judges; Game Changes in Federal Jurisdiction, Venue and Expert Practices; The Implications of *Stern v. Marshall*; Patent Claim Construction in District Courts; Emergency Election Litigation Issues; and Using Tablet Computers at Work (two programs).

In-Court Programs

The Center provided faculty to deliver a limited number of programs for judges in their own districts. Programs last year were presented on Procedural Fairness; Science and the Founders; Improving the Editing and Writing of Opinions; Law, Justice, and the Holocaust; and Slavery and the American Revolutionary Era.

Programs for Judges and Staff Together

The Center's program on the Leadership Role of the Chief District Judge, presented for the second time in 2012, helps new chief judges to fulfill the demanding leadership and management responsibilities of the position. Attendees' clerks of court were also invited to the program.

The Juror Management and Utilization Workshop for district courts examined strategies for effective juror management.

Three national strategic planning workshops (two for district and one for bankruptcy teams) helped 30 teams of judges and senior court staff develop strategic initiatives to enhance operations in their courts.

Chief district judges and clerks of court attended the Executive Institute, which fosters strategic thinking and leadership.

Judges, federal defenders, probation and pretrial chiefs, and representatives from the Department of Justice and the Bureau of Prisons participated in the Southeast Regional Reentry Executive Leadership Workshop.

Continuing Education for Legal Staff

The Center conducted a national seminar, an orientation seminar, and an appellate writing workshop for federal defenders. In addition a workshop for defender investigators and paralegals was held in cooperation with the National Defender Investigator Association.

The National Workshop for Appellate Staff Attorneys focused on performance management, habeas corpus, prisoner civil rights, sentencing, and immigration cases. The Center also provided support for a limited number of career law clerks to attend a judicial clerkship seminar.

In 2012, the Center launched a series of live webcasts for court attorneys on the following topics: recent Supreme Court decisions; the psychology of litigation; an update on Section 1983 litigation; and changes in federal jurisdiction and venue. These webcasts were recorded and available for later viewing on FJC Online.

Education Programs and Resources for Court Staff

Leadership and Management Programs for Clerks' Office Staff

The Center's Institute for New Court Unit Executives helped participants set a clear direction for their court unit and improve their ability to achieve their management goals.

The final workshop of the 2010–2012 Federal Court Leadership Program was held. This certificate program uses online learning, in-person workshops, and self-directed projects to develop participants' management and leadership skills.

Programs for Court Personnel in Several Categories

In 2012, the Center launched the Judiciary Executive Leadership Program for a small group of senior executives drawn from district, bankruptcy, and appellate courts, circuit executive offices, and probation and pretrial services offices. The 18-month program began with an in-person workshop followed by a series of webcasts. The program teaches participating unit executives the latest thinking on adaptive leadership, evidence-based management, and organizational development.

A symposium for appellate clerks, bankruptcy appellate panel clerks, and chief deputies focused on the implementation of national policies affecting administration of the appellate courts. Bankruptcy administrators' staff attended a symposium that addressed how to meet fiscal and human resource challenges.

The Conference for Circuit Librarians and Deputy Circuit Librarians covered legal issues, managing change, and the potential benefits and problems of shared administrative services.

In the Institute for Chief Deputy Clerks, Deputy Chief Probation and Pretrial Services Officers, and Circuit Staff in Comparable Positions, participants studied working with limited resources, mastering new technologies, and working with a diverse workforce.

A redesigned New Supervisors Development Program was delivered to recently appointed supervisors in clerks, circuit executives, circuit librarians, staff attorneys, and bankruptcy administrators offices.

Leadership and Management Programs for Probation and Pretrial Services

The 2012 biennial National Conference for U.S. Probation and Pretrial Services Chiefs included sessions on fostering innovation, implementation of evidence-based

practices, motivating staff, guideline sentencing issues, and data-driven decision making. A preconference seminar was held for new chiefs.

Probation and pretrial chiefs and their deputies attended the 2012 Executive Team Seminar. Teams of chiefs and deputies analyzed their district's values and productivity, and formulated a plan to implement targeted changes.

In June 2012, participants in the Leadership Development Program Class XI entered Phase Two, the midpoint of their three-year program commitment.

The new curriculum for the Experienced Supervisors Seminar: Targeting Leadership Excellence focused on leadership practices of outstanding supervisors.

During the Building Outstanding Supervisors Seminar (part of the two-year New Supervisors Program), new probation and pretrial services supervisors participated in exercises that enhanced their skills in communicating effectively, coaching, empowering others, and managing conflict.

Technology-Based and In-Court Programs

Technology-based programs are a large component of Center-produced programs for court staff. In 2012, the number of Center management and leadership programs incorporating distance-learning components—often referred to as blended-learning programs—increased substantially. In addition, the Center offered a number of distance-education programs that are exclusively delivered online, either as live webinars or as self-paced structured learning, for example, Monograph 111: Improving Lives; Everyday Ethics: A Matter of Choice; the Interactive Online Bankruptcy Tutorial; and Social Networking: What's Your Status?

Workshop for New Court Trainers

The Center's workshop for New Court Trainers has also taken advantage of technology, moving from a five-day in-person training program to a five-session Web-conference format.

In-Court Programs

A wide range of in-court programs, curriculum packages, and self-study programs were delivered to individual districts on request. These programs enable the Center to reach many court employees while conserving limited travel funds. The most frequently requested programs were Managing Organizational Transition, Preventing Workplace Harassment, Structured Writing, and Time Management.

Training-for-Trainers Programs

The Center conducts training-for-trainers workshops to train new faculty to teach or cofacilitate Center-developed in-district programs. In 2012, the Center conducted such workshops for its revised experienced supervisor's curriculum and its Code of Conduct for Judicial Employees program.

Center staff updated the curriculum for the Judges Information Technology Training-for-Trainers workshop, which taught participants how to assess and respond to judges' IT education needs.

Additional Training and Curriculum Development

As in past years, the Center supported the Court Operational Forums (district and bankruptcy) conducted by the Administrative Office. The Center provided curriculum design support for the finance and budget e-learning modules of the Personnel Projection System. Center staff provided similar support for the Administrative Office's national space and security workshops and emergency-preparedness training. Upon request, Center staff consulted with individual districts on performance-management issues.

Presentations Delivered

Center staff made presentations at 19 conferences and educational programs held by the Administrative Office, the U.S. Sentencing Commission, individual courts, or associations of court employees. The presentations were attended by approximately 2,564 court personnel. These figures are not reflected in the statistical tables on page 9.

Print and Media Resources

Video Programs

New video programs produced for judges, legal staff, and court staff, and made available in streaming format on FJC Online, are listed below. *Court to Court* changed from 30-minute programs, consisting of multiple segments, to shorter, single-topic segments that are released more frequently through the year.

- *Bankruptcy eReference: Bankruptcy Rules, Code and Fed. R. Civ. P.*
- *Basics of Employment Discrimination Law* (update)
- *Court to Court: A Conversation with the Clerk of the Supreme Court* (June 2012)
- *Court to Court: Leadership Lessons from Gettysburg* (March 2012)

- *Court to Court: Pro Se Collaboration Services and Structure* (September 2012)
- *Court to Court: Pro Se Services N.D.N.Y.* (November 2012)
- *Courts 2.0: Protecting Your Privacy Online*
- *Courts 2.0: The Dangers of Geotagging*
- *D.C. Historical Society: Madness or Badness: Duran and the Evolution of the Insanity Defense in the D.C. Circuit*
- *A Deeper Look at Patent Claim Construction in the District Courts*
- *The Digital Age Meets the Constitution: Implications of United States v. Jones*
- *Emergency Election Litigation Issues*
- *The Fair Labor Standards Act* (update)
- *Orientation Seminar for Federal Judicial Law Clerks* (update)
- *A Review of Eighth Circuit Bankruptcy Decisions* (2011)
- *A Review of Fourth Circuit Bankruptcy Decisions* (2011)
- *A Review of Ninth Circuit Bankruptcy Decisions* (2011)
- *Sentencing and Guidelines: New Amendments* (2012)
- *Supreme Court: The Term in Review* (2011–2012)

Publications

Among the publications that the Center produced in 2012 and posted on FJC Online were several resources for judges to help them with litigation that might arise from the 2012 elections.

The following titles were printed in 2012 and are also available online unless otherwise indicated.

- *Anatomy of a Patent Case, Second Edition*
- *Capital § 2254 Habeas Cases: A Pocket Guide for Judges*
- *Case Management Manual for United States Bankruptcy Judges, Second Edition*
- *Confidential Discovery: A Pocket Guide on Protective Orders*
- *Copyright Law* (not available online)
- *The Evolution of U.S. Bankruptcy Law: A Time Line*
- *Guide to Judicial Well-Being*
- *International Commercial Arbitration: A Guide for U.S. Judges*
- *Maintaining the Public Trust: Ethics for Federal Judicial Law Clerks, Third Edition*
- *Major Issues in the Federal Law of Employment Discrimination, Fifth Edition*
- *Managing Discovery of Electronic Information: A Pocket Guide for Judges, Second Edition*
- *The 1980 Hague Convention on the Civil Aspects of International Child Abduction: A Guide for Judges*
- *Patent Law and Practice, Seventh Edition*

The Center posted the following new or updated online publications in 2012.

- *ADR in the Federal District Courts: An Initial Report*
- *Case Management Procedures in the Federal Courts of Appeals, Second Edition*
- *Case Studies in Emergency Election Litigation*
- *Deskbook for Chief Judges of U.S. Bankruptcy Courts* (with the Administrative Office)
- *Early Stages of Litigation Attorney Survey: Report to the Judicial Conference Advisory Committee on Civil Rules*
- *Overview of Section 1983 Litigation*
- *Recent Developments in Bankruptcy Law*
- *Recognition and Enforcement of Foreign Judgments*
- *Section 1983: Qualified Immunity*
- *Selected Sentencing Issues from Recent Appellate Case Law: Extreme Variances, Policy Disagreements, and Child Pornography*
- *Survey of District Court Judges on a Proposed Amendment to Federal Rule of Evidence 801(d)(1)(B) Concerning Prior Consistent Statements*
- *The Use of Courtrooms in U.S. Bankruptcy Courts: A Report to the Judicial Conference Committee on Court Administration & Case Management*

Seminars & Workshops for Judges, Jan. 1–Dec. 31, 2012

	Number of Programs	Number of Participants
Orientations for newly appointed district judges	3	45
Orientations for newly appointed bankruptcy judges	3	49
Orientations for newly appointed magistrate judges	3	90
Conference for chief district judges	1	101
Conference for chief bankruptcy judges	1	65
National workshops for district judges	2	363
National workshops for bankruptcy judges	2	283
National workshops for magistrate judges	2	338
Circuit workshops	4	194
National Sentencing Policy Institute	1	67
Special-focus seminars	15	390
Team workshops*	7	371
In-court seminars**	12	203
Technology-based programs	7	1,026
TOTAL	63	3,585

*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, 2012

	Number of Programs	Number of Participants
National seminar for federal defenders	1	400
Appellate writing workshop for federal defenders	1	53
Orientation seminar for assistant federal defenders	1	137
Seminar for federal defender investigators and paralegals	1	250
Judicial clerkship institute for career law clerks	1	39
National workshop for appellate staff attorneys	1	55
Technology-based programs	9	1,016
TOTAL	15	1,950

Education and Training Programs for Court Staff, Jan. 1–Dec. 31, 2012

	Number of Programs	Number of Participants
Seminars and Workshops (national and regional, but not including programs developed with other organizations)		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, court librarians	5	228
Probation and pretrial services officers and personnel	8	481
Personnel in several categories	4	115
TOTAL	17	824
In-Court Programs (programs using curriculum packages, training guides, and computer-assisted instructional programs, but not including programs developed with other organizations)		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	44	1,101
Probation and pretrial services officers and personnel	88	2,415
Personnel in several categories	136	5,033
TOTAL	268	8,549
Technology-Based Programs (e-learning programs, videoconferences, audioconferences, and online conferences, but not including programs developed with other organizations)		
Clerks of court, clerk's office personnel, chambers staff, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	32	1,599
Probation and pretrial services officers and personnel	22	818
Personnel in several categories	10	799
TOTAL	64	3,216
GRAND TOTAL	427	18,124

RESEARCH

The Center conducts empirical and exploratory research on federal judicial processes and court management, primarily at the request of Judicial Conference committees. Such research helps inform key policy issues in the administration of civil and criminal justice that are facing the federal judiciary. Center research studies also address the challenges confronting the federal courts as they seek to maintain their operations in an era of cost containment. Most of the Center's research reports are posted on its websites, and some are also available in print.

Alternative Dispute Resolution

The Center commenced a study of the effectiveness and costs of alternative dispute resolution programs in the district courts in response to requests from two Judicial Conference committees.

Bankruptcy Courts

The Center, along with staff of the Bankruptcy Judges Division of the Administrative Office and with contributions from bankruptcy judges and bankruptcy court staff, updated the *Case Management Manual for United States Bankruptcy Judges*.

Center staff assisted an Administrative Office Working Group on a report to Congress that was required by the Dodd-Frank Act.

Civil Litigation

The Center assisted several Judicial Conference committees on projects to reduce litigation costs and delays.

- At the request of the Committee on Rules of Practice and Procedure, the Center surveyed chief district court judges to identify local rules and standing orders that are directed at expediting civil litigation.
- In support of a subcommittee of the Civil Rules Committee, the Center surveyed attorneys regarding pretrial cost and delay reduction strategies that are being piloted by the Southern District of New York.
- Also at the request of the Civil Rules Committee, the Center studied the role and use of scheduling orders in civil pretrial case management by district and magistrate judges.

The Center surveyed a sample of judges to assist the Advisory Committee on Rules of Evidence to consider a proposed amendment to Federal Rule of Evidence 801(d)(1)(B) (use of prior statements by a declarant).

Pursuant to a request by the Committee on Court Administration and Case Management, the Center continued to monitor a 10-year congressionally mandated pilot of the assignment of patent cases to designated judges in 14 districts, as authorized by Public Law 111-349.

Also for the Court Administration and Case Management Committee, the Center continued its evaluation of the project that permits video recording of courtroom proceedings in civil cases in 14 pilot district courts.

Criminal Litigation

The Center completed a process-descriptive study of judge-involved supervision programs in the federal courts. The study, requested by the Judicial Conference's Criminal Law Committee, is part of a multiyear experimental study by the Center to investigate how programs modeled on state and local drug and reentry courts operate in the federal system.

Multidistrict Litigation

The Center, with the Administrative Office, convened an expert panel of federal and state court judges to identify ways to increase federal-state coordination of multijurisdiction litigation. A website with resources to improve federal and state court coordination was developed.

Following consultation with staff of the Panel on Multidistrict Litigation, the Center began a prospective study of a sample of active multidistrict litigation (MDL) cases to better inform the Panel on how different types of cases (product liability, employment practices, sales practices, and antitrust) proceed through the MDL process. The Center also continued to conduct quarterly exit surveys of MDL transferee judges in recently closed MDL cases.

Other Center Research

In response to a request from the Executive Committee of the Judicial Conference, the Center surveyed all federal judges to help assess which resources judges need most to carry out their official functions.

The Center continued its work with the Statistics Subcommittee of the Committee on Judicial Resources regarding the need to update some or all of the 2004 district court case weights.

In response to a request from the Court Administration and Case Management Committee, the Center conducted a qualitative study of selected district and bankruptcy courts' efforts to assist pro se litigants.

FEDERAL JUDICIAL HISTORY

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

The Center, in collaboration with the Supreme Court Historical Society, initiated a project to produce the first-ever narrative history of the federal judiciary. The one-volume history will present to a general audience the role of the federal courts within the constitutional system and in the public life of the nation. The Center is providing editorial management of the project and is making its research files available to the authors.

After completing the first two volumes of a documentary history of debates on the federal judiciary, the Center began research on a third volume covering the period since 1939. This documentary history provides a survey of congressional debates, public discussions, and other primary sources for legal historians and other researchers.

The Center continued to expand the historical reference materials available on the History of the Federal

Judiciary section of the Center's websites. It posted information on appropriations for the federal judiciary since 1792 and caseloads from throughout the history of the federal judiciary. The Center also completed reference essays on the history of jurisdictional authorities pertaining to the federal courts. Center staff organized an annual meeting of representatives from federal and state court historical programs.

In collaboration with the American Bar Association Division for Public Education, the Center conducted its seventh annual teacher institute focused on historic cases in the federal trial courts. History teachers from across the country met with federal judges, scholars, and curriculum experts to examine *Ex parte Merryman*, a Chinese exclusion case from the 1880s, and the Chicago Conspiracy trial. The institutes are based on the Center's online Teaching Judicial History project.

PROGRAMS FOR FOREIGN JUDICIAL OFFICIALS

Pursuant to its statute, the Center exchanges information about the administration of justice with representatives of foreign judiciaries. These international programs acquaint foreign judges with judicial administration in the United States and also inform the Center's education and research for the federal courts. Funding for this work comes from non-Center sources, mostly other agencies of the U.S. government.

In 2012, the Federal Judicial Center hosted 54 delegations consisting of 493 judges, court officials, and attorneys from the 57 different countries listed below:

Albania, Argentina, Armenia, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Chad, Chile, China, Colombia, Congo, Cote d'Ivoire, Djibouti, Egypt, France, Gabon, Gambia, Georgia, Ghana, Guinea, Indonesia, Iraq, Japan, Kazakhstan, Kenya, Kosovo, Lebanon, Liberia, Malawi, Mali, Mexico, Moldova, Morocco, Namibia, Niger, Nigeria, Pakistan, Peru, Philippines, Romania, Russia, Senegal, Seychelles, Singapore, South Africa, Sri Lanka, Tanzania, Thai-

land, Togo, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Arab Emirates, Zambia

Each year the Center hosts judges and scholars from abroad as part of its Visiting Foreign Judicial Fellows Program. The Center provides Fellows with office space, use of a computer, access to Center resources, and guidance with their research projects, and arranges meetings with Center staff, judges, and others with relevant expertise. In 2012, the Center hosted appeals court judges from Jordan and from Brazil.

On a limited basis, Center staff participate in technical assistance projects abroad, at the invitation of foreign judiciaries or through a U.S. government program. Center staff participated in programs in Bahrain (distance education), Bosnia and Herzegovina (development of a manual on intellectual property rights enforcement), Colombia (data-collection and litigation management), and Spain (judicial education). The Center's director met with his counterparts at the Turkish Justice Academy in Ankara, to discuss judicial education initiatives.

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, video, and audio materials. Audio recordings of many conferences and workshops are available on FJC Online. Most Center publications, and some other resources, are also 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 2012, the Center distributed 30,684 printed copies of its publications. Commercial publishers reprint several Center publications for sale to the public, including the *Reference Manual on Scientific Evidence, Third Edition*; *Manual for Complex Litigation, Fourth*; *Patent Case Management Judicial Guide*; and *Anatomy of a Patent Case, Second Edition*. The Government Printing Office also carries several Center titles in its public sales program.

Media Library

The media library contains 4,990 audio and video programs, including Center-produced educational video programs, video and audio recordings of seminars and workshops, and commercially produced educational video programs. In 2012, the media library loaned 670 programs to federal judges and judicial branch personnel on request and sent some 2,156 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 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 2012 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 the Center, in its annual report, describe the purposes for which Foundation gifts were used in the reporting year. The Center used the following Foundation gifts in 2012:

- Funds provided by the American Association for the Advancement of Science to cover travel expenses for federal judges to attend two programs on emerging issues in neuroscience.
- Funds provided by Fordham Law School to cover travel expenses for federal judges to attend a seminar on the basics of Internet technology.
- Funds provided by Northwestern School of Law of Lewis and Clark College to cover travel expenses for federal judges to attend a seminar on environmental and natural resources law.
- Funds provided by JAMS and the Hewlett Foundation to cover travel expenses for six attendees at an ADR advisory group meeting.
- Non-earmarked grants to provide partial support for a judicial seminar on the humanities and science at Princeton University (the Harold Medina Seminar).

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 2012.

Committee on Appellate Judge Education

Judge R. Guy Cole, Jr. (6th Cir.), *Chair*
Judge Sandra Segal Ikuta (9th Cir.)
Judge Michael J. Melloy (8th Cir.), *Center Board Representative*
Judge Edward C. Prado (5th Cir.), *Center Board Representative*
Judge Thomas I. Vanaskie (3d Cir.)
Michele E. Reed (Administrative Office of the U.S. Courts)

Committee on Bankruptcy Judge Education

Chief Bankruptcy Judge C. Ray Mullins (N.D. Ga.), *Chair*
Bankruptcy Judge Dennis R. Dow (W.D. Mo.)
Chief 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 Paul J. Barbadoro (D.N.H.), *Chair*
Judge Helen Ginger Berrigan (E.D. La.)
Judge Catherine C. Blake (D. Md.), *Center Board Representative*
Judge Curtis Lynn Collier (E.D. Tenn.)
Judge Carol E. Jackson (E.D. Mo.)
Judge Marcia S. Krieger (D. Colo.)
Chief Judge Kathryn H. Vratil (D. Kan.), *Center Board Representative*
Michele E. Reed (Administrative Office of the U.S. Courts)

Committee on Magistrate Judge Education

Magistrate Judge Tim A. Baker (S.D. Ind.), *Chair*
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.)
Magistrate Judge Thomas C. Mummert III (E.D. Mo.)
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 Paul L. Friedman (D.D.C.)
Chief Judge James F. Holderman (N.D. Ill.), *Center Board Representative*
Judge John W. Lungstrum (D. Kan.)
Judge Patti B. Saris (D. Mass. and U.S. Sentencing Commission)

Committee on Court Attorney Education

Delores Simmons, Career Law Clerk, District Judge (D.D.C.), *Chair*
Melissa Benoit, Career Law Clerk, Appellate Judge (5th Cir.)
Jason Brener, Senior Staff Attorney (11th Cir.)
Jill Novak Dalrymple, Career Law Clerk, Bankruptcy Judge (N.D.N.Y.)
Sally R. Doerner, Pro Se Law Clerk, District Judge (E.D. Va.)
Eileen Garcia-Wirshing, Career Law Clerk, Chief District Judge (D.P.R.)
Corrie Long, Career Law Clerk, Magistrate Judge (M.D. Ala.)
Lauren Mandel, Career Law Clerk, District Judge (E.D. Mich.)
Deborah E. Moore, Career Law Clerk, District Judge (N.D.N.Y.)
D. Robert Smith, Death Penalty Law Clerk (N.D. Tex.)
Gloria J. Malkin (Administrative Office of the U.S. Courts)

Defender Services Advisory Group Panel on Defender Education

Jon M. Sands (Federal Public Defender, D. Ariz.), *Chair*
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.)
Marjorie A. Meyers (Federal Public Defender, S.D. Tex.)

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 P. 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

George Prentice (Clerk of Court, Bankr. W.D. Tex.), *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.)
Daniel M. LaVille (Clerk of Court, Bankr. W.D. Mich.)
Margie Lynch (Bankruptcy Administrator, Bankr. E.D.N.C.)
Andrea D. Redmon (Chief Deputy Clerk, Bankr. N.D. Okla.)
Becky Vail (Chief Deputy Clerk, Bankr. S.D. Ind.)
Diane Zech (Clerk of Court, Bankr. D. Neb.)
Mary Louise Mitterhoff (Administrative Office of the U.S. Courts)

Committee on District Court Staff Education

Stephan Harris (Clerk of Court, D. Wyo.), *Chair*
Robert V. Barth, Jr. (Clerk of Court, W.D. Pa.)
Angela Denise Caesar (Clerk of Court, D.D.C.)
Peggy Ann Guernsey (Chief Deputy Clerk, N.D. Ind.)
Frank G. Johns (Clerk of Court, W.D.N.C.)
Marge E. Krahn (Clerk of Court, S.D. Iowa)
David Provines (Chief Deputy Clerk, E.D. Tex.)
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-Lee Moody (Chief U.S. Probation Officer, D. Me.), *Chair*
Shiela Adkins (Chief U.S. Pretrial Services Officer, D. Nev.)
Melissa Alexander (Chief U.S. Probation Officer, M.D.N.C.)
Cindy Bochantin (Chief U.S. Pretrial Services Officer, E.D. Mo.)
Philip Miller (Chief U.S. Probation Officer, E.D. Mich.)
Mary Lee Ranheim (Chief U.S. Probation Officer, D. Neb.)
Connie Smith (Chief U.S. Probation Officer, W.D. Wash.)
Jolene Whitten (Chief U.S. Probation Officer, N.D. Tex.)
Kimberly Mosley Golder (Administrative Office of the U.S. Courts)