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FIRST REVISION - 26 MARCH, 1971

FOREWORD

The Federal Judicial Center was established by Public Law 90-219 on 20 December 1967. Its purpose, as stated in the Law, is "to further the development and adoption of improved judicial administration in the courts of the United States." We interpret this as mandating a goal to be achieved, namely - to produce the highest quality of justice in the shortest possible time at the lowest possible cost.

To date, there has been no published document that gives an insight into how the Center functions in order to accomplish the mission assigned to it by law. The information presented here will provide the reader with a knowledge of how the Center is organized, how it operates, and what end-results we must achieve by doing the best we can with what we have.


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Director

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1 March 1971

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I. FUNCTIONS

Section 620, Chapter 42, Title 28, United States Code, established the functions of the Federal Judicial Center as follows:

Section 620. Federal Judicial Center

"(a) There is established within the judicial branch of the Government a Federal Judicial Center, whose purpose it shall be to further the development and adoption of improved judicial administration in the courts of the United States.

"(b) The Center shall have the following functions:

"(1) to conduct research and study of the operation of the courts of the United States, and to stimulate and coordinate such research and study on the part of other public and private persons and agencies;

"(2) to develop and present for consideration by the Judicial Conference of the United States recommendations for improvement of the administration and management of the courts of the United States;

"(3) to stimulate, create, develop, and conduct programs of continuing education and training for personnel of the judicial branch of the Government, including, but not limited to, judges, referees, clerks of court, probation officers, and United States commissioners; and

"(4) insofar as may be consistent with the performance of the other functions set forth in this section, to provide staff, research, and planning assistance to the Judicial Conference of the United States and its committees.

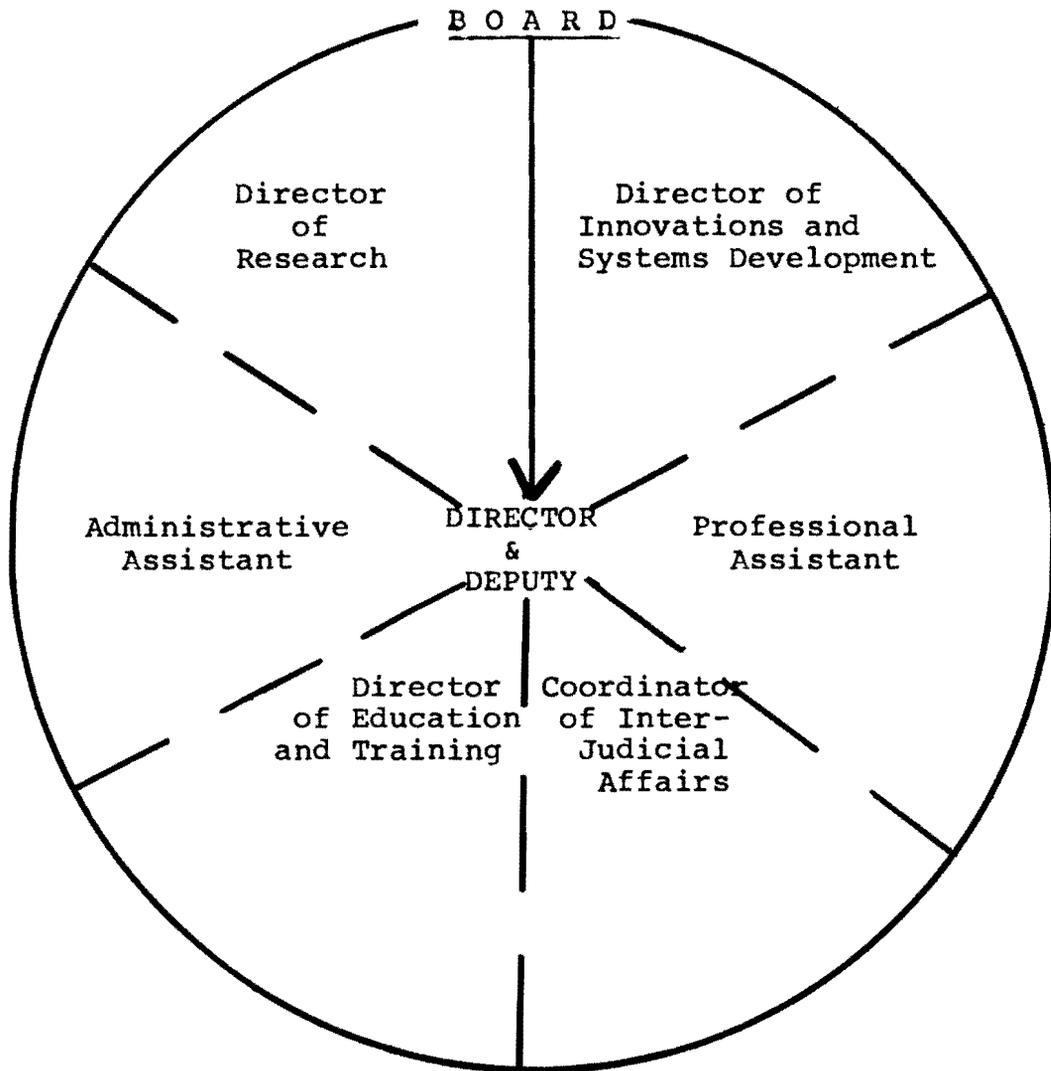
II. SUPERVISION

The Center is supervised by a Board of seven members: The Chief Justice of the United States, who is the permanent Chairman of the Board; the Director of the Administrative Office of the United States Courts; and five members elected by the Judicial Conference of the United States - two active judges of the United States Courts of Appeals and three active judges of the United States District Courts. The Act creating the Center directs the Board to establish policies and develop programs for the Center, to recommend methods for improving judicial administration in the United States courts including the training of their personnel and management of their resources, and to study and determine ways in which automatic data processing and systems procedures may be applied to the administration of the courts of the United States.

The director of the Center is selected by the Board and serves at their pleasure. He is compensated at the same rate as the Director of the Administrative Office of the United States Courts; however, any Director who is a justice or judge of the United States in active or retired status shall serve without additional compensation. The Director shall be retired from that office upon attainment of the age of seventy years.

III. ORGANIZATION

ORGANIZATION CHART
OF THE
FEDERAL JUDICIAL CENTER



It will be noted that the Board deals only with the Director. However, all staff members have free access to each other, and the Director, for counsel and coordination of their working matters. This freedom of action is encouraged and has resulted in a high degree of proficiency. The organization of the Federal Judicial Center involves a network of closely-related functions. Each staff member is allowed a wide latitude of flexibility in his working relationships with others on the staff. For this reason, the traditional "box and line" organizational chart does not present a true picture of the Center as an organizational entity. The "environmental circle" shown above more accurately portrays the actual management structure.

In addition to performing the manifold tasks of coordinating assigned staff matters within the Center, each member has the added responsibility of assuring that work plans for his particular specialty are organized and prosecuted as efficiently as possible. For example - the Director of Research must issue "Requests for Proposals" to government and commercial agencies that are capable of conducting detailed studies pertaining to the courts. He must also decide which agency is best qualified to perform the studies decided upon, outline the plan for them to follow during their research and then constantly monitor and evaluate the results of their work as the study

progresses. The Director of Innovations and Systems Developments works in a similar manner on programs and projects which pertain to his area of responsibility. Others do likewise.

BOARD: Establishes policy for implementation by the Director.

Chief Justice Warren E. Burger, Chairman	United States Supreme Court, Washington, D. C.
Judge James M. Carter	Ninth Circuit Court of Appeals, San Diego, Calif.
Chief Judge Edward J. Devitt	District of Minnesota St. Paul, Minnesota
Judge Gerhard A. Gesell	United States District Court, District of Columbia
Judge Wade H. McCree, Jr.	Sixth Circuit Court of Appeals, Detroit, Michigan
Judge Harold R. Tyler, Jr.	Southern District of New York, New York
Mr. Rowland F. Kirks	Director, Administrative Office of U. S. Courts Washington, D. C.

DIRECTOR: Judge Alfred P. Murrah

Implements policy established by the Board and coordinates the functions of the Center.

DEPUTY DIRECTOR: To be selected.

Acts for the Director in his absence.

DIRECTOR OF RESEARCH: William B. Eldridge

Responsible for conducting studies and evaluating results of research efforts which may improve the efficiency of the judicial system.

DIRECTOR OF INNOVATION AND SYSTEMS DEVELOPMENT: Joseph L. Ebersole

Responsible for conducting studies of innovative procedures and management systems which may be applicable to the court environment.

DIRECTOR OF EDUCATION AND TRAINING: To be selected.

Responsible for the design and conduct of education and training programs for court personnel.

COORDINATOR OF INTER-JUDICIAL AFFAIRS: Alice L. O'Donnell

Responsible for coordinating judicial matters which inter-relate between Federal and State courts.

ADMINISTRATIVE ASSISTANT TO THE DIRECTOR: Frank M. Hepler

Responsible for providing administrative assistance to the Director as necessary.

PROFESSIONAL ASSISTANT: Mary C. Laurence

Responsible for correspondence and records-management for the Director, and supervision of the secretarial staff.

IV. GOALS AND ACCEPTED PRINCIPLES

The efforts of the Center are directed towards "producing the highest quality of justice in the shortest possible time at the lowest possible cost." We fervently believe that an efficient, speedy and impartial termination of every criminal and civil case is not only desirable, but that it is indeed an attainable goal - through the daily use of the very best we know and the unending search for better answers through research, innovation and training. In terms of time, we believe that a speedy trial means the termination of every ordinary criminal case within 90 days from the day the indictment is returned or the bill of information is filed and the end of litigation in every civil case, except the most complex, within one year of the day the complaint is lodged. Obviously, it also means that many criminal cases would be terminated in much less than three months and many civil cases would be ended in much less than twelve.

A controversy between individuals is their own business until suit is filed. A controversy between an individual and his government concerns only the Executive Department and the private citizen until it ripens to litigation. But once a civil suit is filed or a criminal charge is brought, the matter becomes the business of the courts, which represent the public. It is the inescapable duty of the courts to insure that cases

are properly prepared and speedily brought to trial. The management of litigation cannot be left to lawyers alone. In our adversary system it is the advocates' duty to serve their clients' interest. Delays and procrastination often seem to be to the private benefit of one party or another. But in criminal cases the purposes of our entire system of criminal law are frustrated unless the accused is speedily brought to trial, the innocent acquitted, and the guilty convicted and sentenced. Likewise, in civil cases, the national interest demands that controversy be quickly and fairly adjudicated. Hence, the courts must assume responsibility for the management of litigation from filing to final disposition. In order to discharge this responsibility, we must not only have competent and dedicated Judges; these Judges must be afforded the opportunity, by the exchange of ideas and instruction in new methods, to polish and perfect their skills. Judge-power must be adequate to serve where and when needed. And each Judge must be supported by sufficient parajudicial personnel and by the use of modern equipment and methods.

Sixty per cent of the pending civil cases in the United States are in 19 of the 93 Districts. Eighty-seven per cent of these cases are terminated before a trial begins -- usually in the face of a trial date which will not be continued. Experience teaches us that dilatory preparation, delayed assignment

of cases for trial, and routine or lenient continuances are the principal causes of congestion. Every lawyer and every Judge knows that cases are disposed of fairly only when both parties know all of the strengths and weaknesses of their case, as a result of efficient and orderly preparation, and when prepared cases are promptly set for trial, and continuances are denied unless serious cause can be shown. These purposes can be served, and the congestion of dockets in every district can be relieved by mobilizing the judge-power of the entire system and focusing it on those areas where problems exist. But merely relieving a judicial traffic jam is not enough. The Center is charged with the goal of taking those steps that are necessary to prevent recurrence of these problems in the same places. This means that Judges and their supporting personnel in these congested districts must have the benefit of studies of, and instruction in, methods that will attempt to assure against the possibility of future recurrence of the same problems.

At the appellate level we know that new techniques, now being used by some courts, can expedite the judicial process without affecting the fairness of the system; we know that Judges can give better attention to judicial problems if they have available trained and properly oriented parajudicial personnel to perform these new decision-making tasks. Deciding cases is a judicial responsibility; checking citations, for

example, is not. We need to continue research to determine the maximum use of parajudicial personnel at the appellate as well as the trial level. We need to study new techniques, new methods and new equipment to determine how these can be used by appellate courts to advance justice while fully safeguarding the fairness and integrity of the decision-making process.

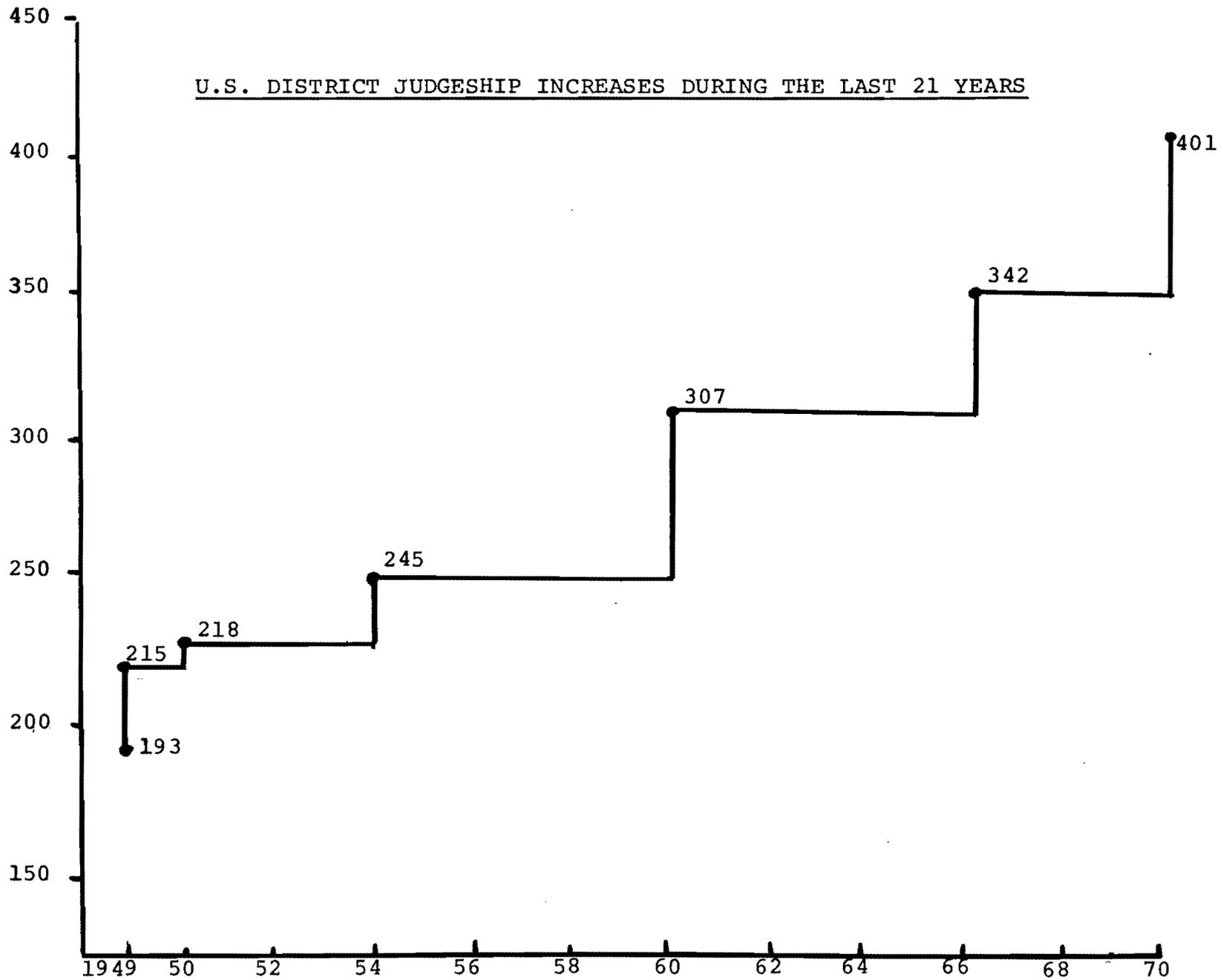
Plans, programs and projects of the Center are designed and directed toward attainment of these goals and the service of these principles.

V. THE CENTER MISSION: PRESENT AND FUTURE

The Center's goal can be achieved only if the present problems of the judiciary are fully analyzed and future problems can be predicted before they occur. Therefore, we must assess what has been done in the last 20 years, the progress that has been made as well as the problems that have been disclosed, in order to understand what we face today and to predict those that we must meet in the future. The Federal Judicial Center plans and programs must be aimed both at solving today's problems and anticipating and developing solutions in advance for the predicted problems of the future.

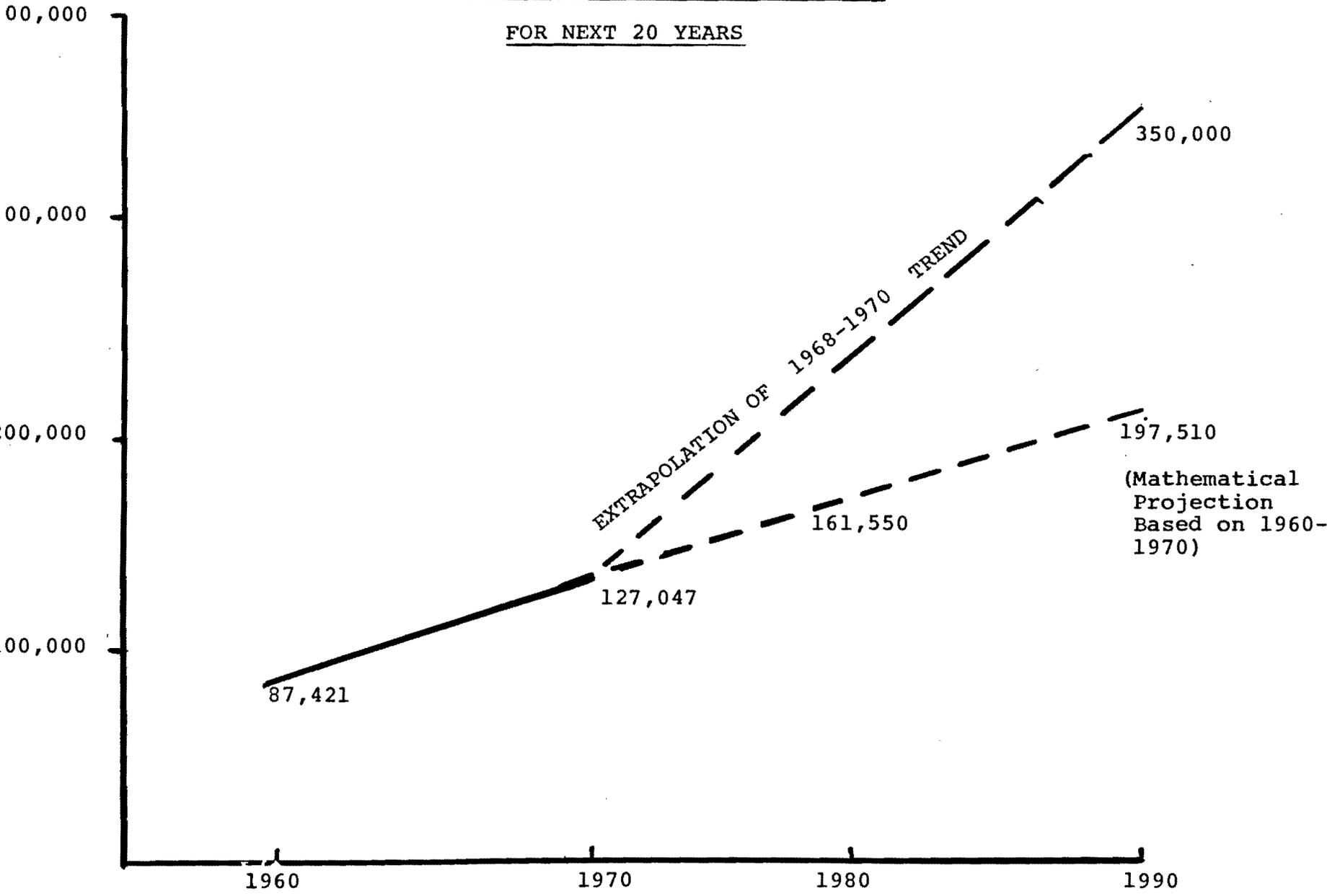
In this context, it is helpful and illuminating briefly to review several charts that show us in general where we have been and where we may be headed. The following charts have this as their purpose. They do not present solutions; instead, they give a general picture of the problems. We first see the history of United States District Judgeship increases during the past 21 years; then a filings forecast followed by a chart showing the possible number of Judgeships that will be required if we stay at our 1969 rate of productivity. We then briefly review the times now required for litigation to be completed and then look at two classes of solutions, viz: increasing productivity and reducing input.

U.S. DISTRICT JUDGESHIP INCREASES DURING THE LAST 21 YEARS



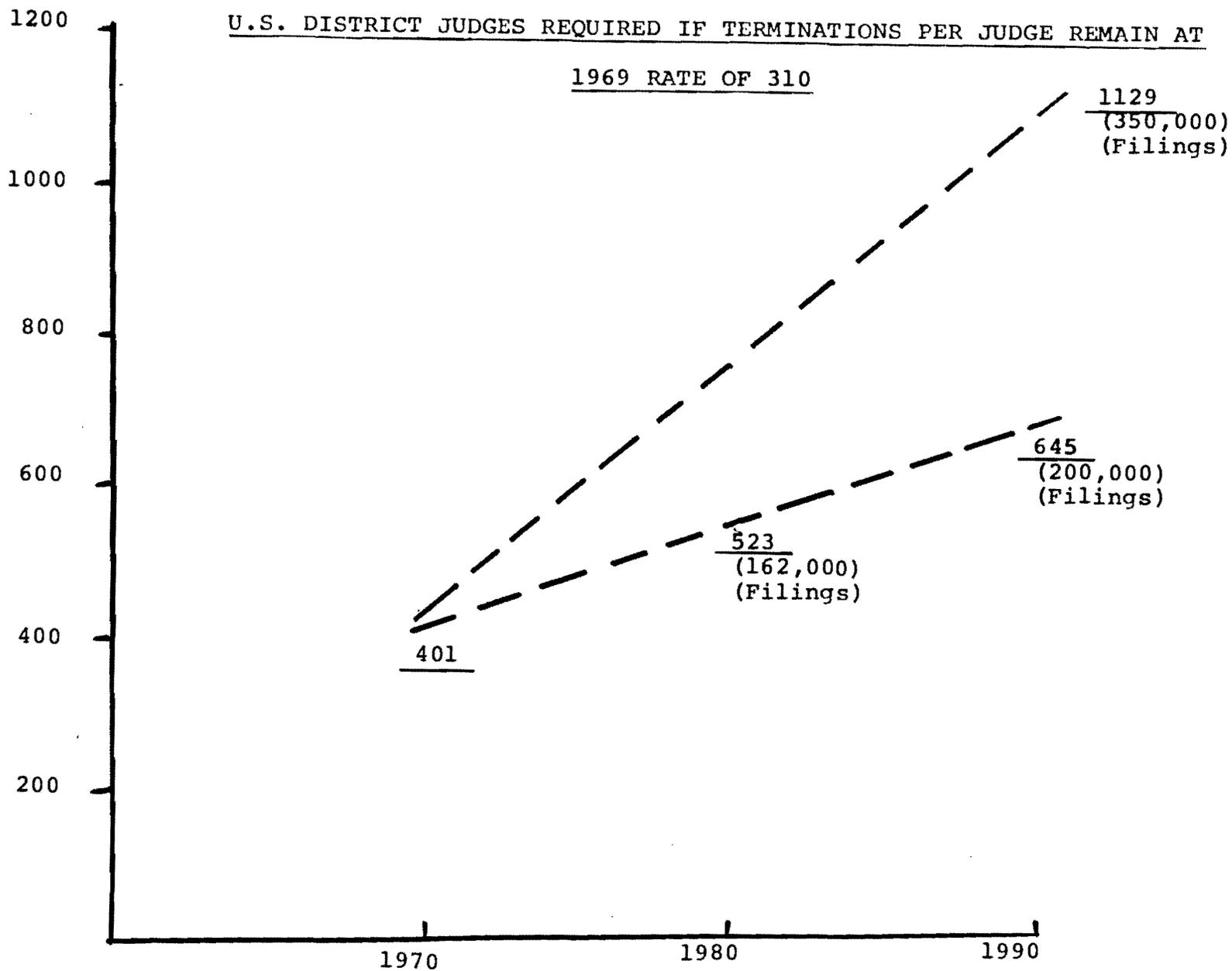
FILINGS FORECAST - (1970-1990)

FOR NEXT 20 YEARS



U.S. DISTRICT JUDGES REQUIRED IF TERMINATIONS PER JUDGE REMAIN AT

1969 RATE OF 310



HOW ARE WE DOING NOW?

CIVIL:

42% of all pending cases are over one year old.

50% of all cases that go to trial take more than 18 months from filing to termination.

10% of all cases that go to trial take more than 46 months to terminate.

CRIMINAL:

out of all criminal defendant dispositions . . .

DISMISSALS - 50% take more than 6 months from filing to termination.

GUILTY PLEAS - 50% take more than 1.7 months from filing to termination

COURT TRIALS - 50% take more than 4 months from filing to termination

JURY TRIALS - 50% take more than 5 months from filing to termination.

TWO SOLUTIONS, WITHOUT INCREASING JUDGESHIPS

1. INCREASE PRODUCTIVITY OF EXISTING JUDGES

- A. Use More Effective Judicial Techniques
- B. Delegate More Work to Parajudicial Personnel

(How much of the judicial process can be achieved outside the Judge's presence without straining the quality of justice?)

2. REDUCE WORK INPUT

For Example:

- A. Reduce Diversity Jurisdiction
- B. Eliminate 3-Judge Courts
- C. Eliminate Auto Accident Litigation
- D. Reduce Triable Offenses

The judicial system can utilize only the first method. Whether or not the total amount of judicial business should be reduced is a Congressional decision. The courts must not only remain open to adjudicate all disputes within their statutory jurisdiction; they must do so justly and promptly.

Increasing the number of Judges alone would mean more courthouses, more appropriations, more personnel, etc. This, by itself, is no solution.

VI. STATUS OF CURRENT PROJECTS

Center programs must be planned to suggest ways to deal with the general types of problems presented in the preceding charts. To do this, the Center must also achieve continuity with, and build on, the base of current Center programs. Under the leadership of Mr Justice Tom C. Clark, the Center moved into a number of programs. Some of these are now reaching their fruition. They show the wisdom and vision of the first Center Director in terms of the priorities he selected and the programs he conceived and implemented. The following is a brief summary of recent activities and accomplishments on the more significant current Center programs. This shows the status of these programs as of February 1971.

CURRENT PROJECTS STATUS REPORT

Geographic Reorganization of the Circuits.

This project has been advanced by staff work on the relationship between geographic structure and the administration of federal courts. Basic data that will be needed has been collected and organized. The criteria for an acceptable solution has been previously identified and formulated. This activity has been coordinated with the Subcommittee on Judicial Statistics so that any criteria used will not be in conflict with standards in use or being developed by the Subcommittee and the Administrative Office. We have explored our requirements with several research organizations capable of carrying out the work called for in the basic design. A contract has been let calling for preliminary realignment proposals by the first of May.

Refinement and Analysis of Functions of the Center and its Relationships with the Administrative Office and the Judicial Conference.

An initial draft of a study covering Center functions and its relationships with the Administrative Office and the Judicial Conference has been prepared. Recommendations for the approach to the broader part of the study, i.e., an analysis of the Circuit Councils and an overall study of the governance of the judicial systems, are being prepared.

Corrections.

Pursuant to request of the Board, a staff memorandum has been prepared outlining the proposed role of the Center in the field of corrections. The supportive role of the Center was discussed with personnel of the Probation Division in the course of preparation. Activity in established projects such as Probation Case Aide Study in the Northern District of Illinois has continued and expanded. Further proposals here are under consideration. Other probation activity includes support for a study of caseload management being carried out by the Administrative Office Probation Division. We have conducted exploratory study of the presentence report as a key to the variety and extent of resources needed by the corrections system.

Time Studies.

The initial program of time studies covering the work of the U.S. District Courts, namely the development of a new set of weights for the weighted filings index, has been completed and reported to the Subcommittee on Judicial Statistics and to the Administrative Office. Other recommendations concerning the use of the weights have been reported and adopted by the Subcommittee. Several other analytical reports have been prepared based on the time data. Further studies to test the validity of the present method of substantive classification of

District Court cases are being advanced.

The question of time studies at the circuit level continues to receive attention by staff and others. The relationship of circuit time studies to other circuit activities such as geographic reorganization and forecasting judgeship needs have been considered by staff and with Judges. Design problems have been identified and possible solutions explored.

The district time study has been thoroughly documented so that it will be of maximum use in interpreting existing data and for designing other time studies for judicial activities in the future, including studies for supporting personnel.

Prisoner Petition Task Force.

Center staff has collected and presented statistical data, at the request of a task force, to delineate the dimension of problems arising out of prisoner petitions. The research support has attempted to identify specific courts that are experiencing difficulties and to pinpoint the nature of those difficulties as far as quantitative data will permit. Center staff will assist the task force to carry out future programs now being considered.

District of Columbia Reorganized Court.

The Center has worked with the staff of the new court to

prepare benchbook materials to smooth the transition to new responsibilities. Further assistance will be provided to the court as further steps in the reorganization process permit.

District Court Benchbook.

Under a contract with the Institute of Judicial Administration, acts of Congress and decisions of the Supreme Court are monitored to identify needed changes in the Benchbook to insure that its materials are current and accurate. The Benchbook has been printed and distributed by the Administrative Office, but the Center presently retains the responsibility for keeping the materials current and correct.

Studies of the Jury System.

The Institute of Judicial Administration has started work under a contract with the Center on a project to improve juror utilization. The initial phase of work on this project will cover the U. S. District Courts for the Southern District of New York, Eastern District of New York and the District of Connecticut. This project is being coordinated with a jury operations research study of the Law Enforcement Assistance Administration and with measures being taken by the U. S. District Courts for the Northern District of Illinois and the District of Columbia.

A study of the judge-time required for jury trials compared to the judge-time required for non-jury trials is

partially completed. A report based on data from the Time Study has been prepared. The study will extend to comparison within certain types of cases as classified by the Administrative Office.

Systems and Automatic Data Processing Applications to Court Administration.

The initial phase of a computer system for court management information is now in operation in the District of Columbia District Court. A total of eight separate reports are being prepared monthly. Two additional reports were initiated in February. This system will continue to be developed and revised as part of the Center's statutory requirement to determine the ways in which automatic data processing can be used to improve court administration.

A Magnafax system has been installed for use by the Panel on Multidistrict Litigation.

The Center project on the use of closed circuit television for depositions has now been transferred to the Western District of Pennsylvania.

Training and Continuing Education.

Two seminars for newly appointed District Judges have now been scheduled and the curriculum is in its final stage of development.

A survey of the need for courtroom deputy training has

been conducted by the Center and the responses are now being evaluated. The Institute for Court Management has been asked to develop a course for training courtroom deputies. Once the survey is completed, schedules for the training classes will be established. The actual training will be conducted by the Institute for Court Management under contract with the Center.

A program for tuition reimbursement for approved courses taken by court supporting personnel is now in the experimental stage. Five courses have been approved for deputy clerks in two districts. During the remainder of fiscal 1971, tuition reimbursement for approved courses for deputy clerks in other districts will be provided. Eleven probation staff members have attended courses or conferences in such fields as narcotic addict supervision, group treatment programs, research design and volunteers in probation service.

Court Reporters.

A test of electronic recording and computer transcription techniques for court reporters is being conducted on a joint basis with the Law Enforcement Assistance Administration, the contract work being performed by the National Bureau of Standards.

A system and statistical analysis of bottlenecks in preparation of records on appeal is in the development stage. The approach to the study has been worked out, but its actual conduct will depend upon Board-assigned priorities.

Improving Paperwork Management

The contract work by the National Archives Records Service was completed in October 1970. Since that time, testing of the new forms by the District Court for the Northern District of California has been continued with a representative from the Administrative Office acting as Project Leader. The testing period will end in March 1971. Several of the forms developed by NARS were not workable, while a number of others have proved to be acceptable for use in the Clerk's Office. The court has agreed to use, on a permanent basis, a number of the new procedures and new forms developed under this project. The San Francisco Court will continue to be used as a testing ground for new forms developed for use throughout the courts.

VII. PLANS, PROGRAMS AND PROJECTS

To this point we have looked briefly at the problems of today, the forecast of the future, and the current programs of the Center. Based on these three factors, and the functions of the Center as defined by its statute, we have developed a group of twenty-four programs aimed at meeting the goals expressed in Section IV. Some involve only one project, while others may involve a series of projects which extend over a number of years.

We must also have a structure for these programs. We have therefore divided them into those that are aimed at (1) improving efficiency, (2) those aimed at increasing the resources of the judiciary, (3) and those aimed at reducing or modifying input. Some of the programs can be initiated on current knowledge; others will require further study before they can be implemented. The following two pages show some general types of efforts under each of the three categories and lists all of the twenty-four programs in terms of this structure. These programs are then summarized in sequential order.

IMPROVE
EFFICIENCY

By the more efficient use
of our presently available
resources -

Instruct judges.
Instruct and motivate
parajudicial personnel.

Determine what judicial
matters can be delegated to
paraprofessionals.

INCREASE
RESOURCES

Through a diligent search
for new and better methods.

By analysis of the recently
completed Time Study to
determine the effects of
delegation and by evaluating
the results.

By suggesting methods for
maximizing the functions
of Magistrates.

By providing guidelines for
the effective use of Court
Executives at the circuit and
district levels.

By conducting management
administrative audits based
on statistical and personnel
evaluations.

By use of an Advisory Council of
Business Executives.

REDUCE OR
MODIFY
INPUT

Explore, research, study,
evaluate and recommend the
adoption of measures and
programs for the reduction
or modification of input
to the courts.

Develop and propose re-
structuring of the entire
federal judicial system.

IMPROVE
EFFICIENCY

INCREASE
RESOURCES

REDUCE OR
MODIFY
INPUT

IMPLEMENT
NOW AND
CONDUCT
EVALUATION

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> 1. Geographic reorganization of the circuits. 5. Better use of parajudicial personnel. 6. Systematic dissemination of information on effective techniques. 9. Use of judicial task forces. 13. Jury utilization methods. 14. Time study. 18. Court reporting. 16. Training. | <ul style="list-style-type: none"> 5. Development and training of parajudicial personnel. 7. Development and evaluation of court executive mission. | <ul style="list-style-type: none"> 19. ALI report on change in federal jurisdiction. 24. Recommend modification or elimination of three judge courts. |
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CONDUCT STUDIES
TO DEVELOP
NECESSARY
KNOWLEDGE AND
PLANS -
IMPLEMENT LATER
EVALUATE AND
MODIFY AS
NEEDED

- | | | |
|---|--|---|
| <ul style="list-style-type: none"> 4. Time profiles in criminal cases. 10. Differential treatment of civil cases. 17. Comparative studies of motion practice. 8. Corrections studies. 15. System and data processing for court administration. 14. Time Study. 21. Impact of local rules. 20. Paperwork management. | <ul style="list-style-type: none"> 3. Forecasting. 2. Governance of judicial system. 11. Predicting impact of new legislation. 8. Corrections studies. 15. System and data processing for court administration. | <ul style="list-style-type: none"> 11. Predicting impact of new legislation. 13. Reduction of jury trials. 12. Narrowing jurisdiction for post conviction review. 22. Emergency Court of Appeals for Selective Service cases. 23. Restructure judicial system <ul style="list-style-type: none"> a. Provide for selective appeals as by certiorari. b. Vitalize the magistrate function by uniform rules having the force of law. |
|---|--|---|

PROGRAM - SUMMARIES

1. Geographic Reorganization of the Circuits. (Board Priority No. 1)

This project will function at several levels. Its first objective will be to redistrict the circuits, as soon as practicable, into units more evenly balanced in terms of workload, numbers of Judges and territorial extent. Further effort will be devoted to determining the demographic events that are antecedent to the filing of lawsuits. When these events have been determined and their impact on caseload quantified, a procedure can be developed for reorganizing the geographic jurisdiction of courts automatically when the appropriate indicators alert us that workload will outstrip resources.

2. Refinement and Analysis of Functions of the Center and its Relationships with the Administrative Office and the Judicial Conference. Analysis of the Circuit Councils. Study of the Governance of the Judicial System and Development of Recommendations for Changes in Judicial Conference Procedures and/or Committees. (Board Priority No. 2)

The purpose of this study is to define more precisely the role of the Center and to establish criteria which can be used for determining what types of projects best fit in with the Center's role. A related purpose is to provide a clarification of the Center's role so the members of the judiciary will have a better understanding of the distinction between the Center, the

Administrative Office and Judicial Conference Committees. The analysis will also include a study of the Judicial Councils; how they are constituted, how they function, etc. A separate but related part of this project will be a study of the Judicial Conference itself for the purpose of developing alternative structures and alternative methods for achieving the goals of the Judicial Conference.

3. Forecasting. (Board Priority No. 3)

Planning connotes a prediction of future events and a systematic preparation of anticipated responses to those events. The judiciary must develop out of historical analysis the identification of key events that can be depended upon to indicate changes in the workload and resources of the courts. This capability is an essential part of (1) obtaining the personnel and other resources required for an increasing workload; (2) developing techniques that will be effective under anticipated conditions; (3) preparing training programs for new responsibilities; and (4) modifying organization to meet changed workloads and resources.

4. Accelerating Criminal Dispositions: Analysis of Causes for Criminal Case Delay, Development of Time Profiles, In-Depth Analysis and Development of Solutions for Identified Problems and Determination of the Effect of Changes in Resource Allocation.

The overall purpose of this project is to determine what

changes are necessary in order to reach the goal of holding trials within 60 days of the date of indictment. (With certain exceptions for fugitives, commitment for mental examination, etc.,) This project will: (a) establish by means of objective study, the actual areas and extent of delay in the processing of criminal court cases; (b) identify and analyze in detail the causes of these delays and develop recommended solutions; (c) develop precise standards by which manpower and facilities needed now and in the future can be determined to insure the stated goal is met; and (d) determine through analysis the effect of shifting responsibility among judicial and parajudicial personnel to insure optimal use of resources.

5. The Use of Parajudicial Personnel.

The term "parajudicial personnel" is being used in a broad sense here to include not only Magistrates, courtroom deputies, etc., but also Judges' personal staffs. A number of projects are relevant to this subject:

a) A delineation of all specific functions, administrative decisions and other tasks which can be delegated to parajudicial personnel.

b) Creation of new job descriptions and new professional positions for parajudicial work.

c) Experimentation with and development of new structures for Judges' staffs in both District and Appellate Courts.

d) Improving the organizational structure and functions of Clerks' Offices.

e) Determination of training needs for new or existing parajudicial personnel.

6. Development of Systems for Collecting and Disseminating Both Innovations and Effective Techniques Which Have Been Developed by Judges Throughout the Courts.

This program area will involve several types of projects. Some will be established as permanent mechanisms and others will be ad hoc.

a) The first project, which would be established on a permanent basis, would involve development of a simple system for collecting reports on effective techniques which have been developed by Judges and publishing these in The Third Branch. Judges would be asked to submit their report in the following format:

1) What was your problem? 2) What was your solution? 3) What were the results? These should probably be limited to 300 words or less and would be an effective means for continually disseminating good practices throughout the system. The same thing could be done for Clerks' Offices, Probation Officers, etc. The primary purpose of disseminating this information would be to inform all Judges of things that other Judges have learned about solving particular problems. This type of cross-fertilization often occurs in coffee break discussions at seminars, conferences

and committee meetings, but it has never been established as an institutional mechanism.

The Center should also consider asking for submission of problems which Judges have for which they have no current solutions. These would then be published in The Third Branch (without identifying the Judge who has asked the question) for the purpose of soliciting solutions or suggested solutions from other Judges via letters to the Center and publication in The Third Branch in subsequent issues.

b) Several ad hoc projects involve the development of a composite set of current procedures for certain types of cases or for specific problem areas. The purpose would be to analyze procedures used by various courts, pull out the best of each and develop a composite containing the most effective cluster of techniques. Examples are (1) methods for shortening the time for criminal appeals; (2) methods for handling post-conviction petitions, etc.

7. Realtime Evaluation of the Implementation of the Court Executive Act.

The purpose of this project would be to determine what we can do to assure that Court Executives perform their statutory functions and avoid being just another bureaucratic layer. The adjective "realtime" implies that this will not be an historical study but will be a continuing evaluation of exactly how the

Court Executives Act is implemented in each circuit, the types of functions, the responsibility and authority which are given to him by the Circuit Council, and the way in which he is able to be effective or the problems he encounters which may hamper the performance of his job. Special emphasis will be given to analysis of the functioning of each Judicial Council and whether its role changes as the result of the work of the Circuit Executive or whether the traditional functioning of the Council tends to predetermine the effectiveness of the Circuit Executive. (In technical jargon, a "realtime" study or system is one in which there is the capability to make changes in a process while the process is in motion).

8. Corrections.

This is really an area of responsibility rather than a project. The Judicial Center should undertake a substantial series of projects in support of the Judges in the area of corrections. The projects should aim at providing the Judge and his Probation Officers with better means of matching offenders with effective sentences. This again means a study of what has happened in order to improve our ability to predict what will happen. Work here ought to also assist the Judges in evaluating the proper role for the Judge in the correctional process and to help in developing alternatives to present procedures where it appears

that responsibilities now shouldered by Judges should be met by other means.

9. Judicial Task Forces or Transfer of Cases for Congested Courts.

This program involves the establishment of a permanent institutional mechanism for mobilizing judge-power and supporting personnel to set up accelerated calendars in District Courts designated by Circuit Councils. If court facilities are inadequate, an alternative to the task force would be the transfer of the congested business to areas where courtroom space is available. This will require amending §1404(a) to eliminate venue requirements and provide for transfer of cases by a panel similar to the Panel on Multidistrict Litigation, authorized by §1407.

10. Accelerating Civil Case Dispositions: Development of Methods for Systematic Differentiated Treatment of Civil Cases.

This project will involve an analysis of civil dockets and files to identify the characteristics of those cases which are indicators in predicting groups or types of cases which have a low probability of going to trial. The second step will be to determine the type of institutional pressure or treatment which would be most effective for application to identified groups of cases. For the latter, emphasis will be on the actual functions involved and not on labels (such as pretrial, etc.). In addition to developing techniques for predicting shortly after a case

is filed which cases can be disposed of without trial, the project will involve the study of other variables which may affect case disposition. For example, we need to know on a scientific basis which variables, characteristics or dimensions of a calendaring system really affect case disposition rates. The project will also have to involve a look at attorneys' methods and the effect which attorney concentration or scheduling practices has on civil case disposition rates. The overall goal of the project is to determine methods for reducing the time for disposition of civil cases.

11. Predicting the Impact of New Legislation.

The eventual goal of this project is to develop a legislative litigation analyst who can predict the impact of pending legislation and make Congress aware of the burden it will impose on the judiciary. This will require a study of the impact of legislation during the past. The initial Center project will involve reviewing new legislation over the past five to 15 years and, via the detailed Administrative Office case records, determining the impact which this legislation has had on the courts in terms of numbers of cases. The Time Study will then be used to determine the relative impact in judge-time caused by these cases. This will provide an initial data base for the development of a prediction methodology. The project will also have to include a study

of executive policy re new legislation. (For example, an enforcement oriented policy versus a research oriented policy when new executive agencies are created or when new statutory tools are provided.)

12. Post-Conviction Remedies Impact Analysis.

The purpose of this project is to examine the results of our present post-conviction review procedures. We know the number of petitions filed each year and the number of hearings required. But no study has been made showing the results accomplished by this review process. This study would examine what results are being accomplished in the field of post-conviction review, and would investigate whether it is possible to devise more effective methods to secure judicial review of complaints that require judicial action while eliminating the necessity for extensive judicial effort with regard to matters that present no real justiciable issue. A task force of Judges and corrections personnel, headed by Senior Judge William Campbell, has been researching and studying these problems.

13. Studies of the Jury System.

Several projects can be conducted in this program area. Two of these are:

- a) A project to improve juror utilization in the courts. (This project is already started via a contract with IJA).
- b) A study of the judge-time required for jury trials as

compared to the judge-time required for non-jury trials. Part of this data is already available from the Time Study. The other part of the project will involve a study of the Administrative Office judicial statistics files to determine the time differences by type of case.

14. Time Studies.

This program area involves three types of studies:

a) Continuing analysis of the data from the time diaries kept by Federal District Judges. This analysis will be directed at developing a more cohesive and empirically valid structure in which to identify work burdens of the District Courts. The analysis will also be aimed at identifying the best targets for efforts to increase efficiency and effectiveness.

b) Circuit Court workloads must be measured in some systematic way if forecasting and planning are to provide for those courts. Design of circuit time studies requires new techniques but will use the district studies as a methodological base.

c) Time study approaches need to be extended to supporting personnel as soon as resources permit. This becomes especially compelling as we emphasize the increasing shift of responsibilities to parajudicial personnel.

15. Systems and Automatic Data Processing Applications to Court Administration.

This program area involves the continuing development and

evolution of computers and other modern systems for large Federal Courts and the expansion from one District Court to several other large District Courts. All computer systems develop in evolutionary phases. The system developed for the District of Columbia District Court is in its initial operational stage. It now presents approximately 10% of its potential. Based on experience from current reports, we will be making continual evolutionary changes, will be adding new capabilities every several months, will be increasing the frequency of reports so they will be more current and will be testing each output to determine its efficacy for court administration. In most courts the primary users of computer output are the Clerk's Office and other administrative people. A computer system will not necessarily ever be of direct assistance to a Judge. It will not help him decide cases and it will not eliminate the need for certain office records. Its primary impact will be to improve the functioning of supporting operations and, to the extent that improved administrative support adds to judge effectiveness, it will have an impact on case disposition rates.

Consideration is still being given to the possibility of starting a small mechanized system in the Central District of California. The primary focus of this system would be on the mechanical preparation of records and would not involve the use

of computers per se. However, if a project in the Central District of California is approved, it will be designed so that its mechanical records can be used as direct input into the system now being developed in the D.C. Court. This would make it possible to implement the D.C. system in Los Angeles in approximately one year and the mechanical records that would have been created during that period would be directly convertible into the computer system which would then replace the mechanical operation.

This area also includes experimental applications of facsimile transmission devices (e.g., the Magnafax system now being tested by the Panel on Multidistrict Litigation) and the use of closed circuit television for depositions.

16. Training and Continuing Education.

The training program will involve a minimum of the following types of training and continuing education:

- a) Seminars for newly appointed District Judges.
- b) Seminars for active Judges.
- c) Seminars for Magistrates.
- d) Training workshops for Probation Officers.
- e) Training classes for Deputy Clerks.
- f) Tuition reimbursement for approved courses taken by supporting personnel.

17. Comparative Motion Practices.

The purpose of this project will be to determine the effect that types of rules, policies and procedures have upon motion practices and the correlation this has with case disposition rates and judge-time required. The result of the project should be to show which types of motion handling procedures: a) reduce the time to disposition - and by how much; and b) use the least amount of judge-time - and by how much. Out of this will evolve recommendations for changes in local rules and practices.

18. Court Reporting.

This program area involves the development of solutions for reduction of delay in preparation of transcripts for records on appeal. Initially two projects are involved.

a) A comparative test of alternative reporting techniques (electronic recording and computer transcription) and an actual test of the computer transcription techniques by several reporters in trials in selected courts. This project is now underway and is being conducted in conjunction with LEAA.

b) System and statistical analysis of records on appeal. This will involve a study of all stages in preparation of the record and measurement and analysis of the specific causes for delay in preparation of transcripts.

19. Review of ALI Studies on Federal Jurisdiction and Development of Recommendations for Implementation.

The American Law Institute has conducted an extensive, deep, thorough and scholarly study of the jurisdiction of Federal Courts. The study presents several recommendations for modification. The Center plans to review the report and recommend action by the Judicial Conference on its provisions either to endorse them or to reject them for specified reasons. Approval will move the project forward. Rejection will identify shortcomings that have to be met by further work or reconsidered conclusions. Either course will represent progress.

20. Improving Paperwork Management.

The Center is working jointly with the Administrative Office on the development of improved paperwork management systems for Clerks' Offices. Since this is an operation area, it is more appropriate for it to be handled by the Administrative Office. However, because developmental and experimental work is involved, the Center should continue to support projects of this type on a joint basis with the Administrative Office. Since new forms and clerical procedures have a direct and immediate impact upon Administrative Office operations, it is mandatory that they be directly involved in a project of this type.

21. A Study of Local Rules and Their Impact on Case Delay and Congestion.

This would involve a comparative evaluation of local rules

in various courts and the impact the rules have on court effectiveness. A preliminary sample of District Courts has indicated that the median time for disposition correlates with the size of the local rules. In other words, those courts which have more local rules also have more case delay. However, no conclusions can be drawn from this preliminary data since the problem causing delay may have preceded the rule and the rule may be an attempted solution. One objective of this study would be to determine whether rules have been a solution to problems or whether they have created problems by increasing the complexity of litigation and expanding the range for maneuvering on the part of attorneys.

22. Emergency Court of Appeals for Selective Service Cases.

This would involve a study of the feasibility and efficacy of creating an Emergency Court of Appeals for Selective Service cases, patterned after the emergency Courts of Appeals set up for OPA cases after the war. The purpose of this court would be to achieve uniformity in the Selective Service law and to increase the efficiency and reduce the time required for Selective Service appeals via a specialized court.

23. Restructuring the Federal System to Provide for Selective Appeals.

This would involve study to determine the feasibility of reducing appeals of right and instituting a certiorari type of

procedure at the Court of Appeals level. On an historical and evolutionary basis, this could be considered as a step beyond the current screening procedures which are used in many of the Courts of Appeals.

24. Three-Judge Courts.

This would involve a study for the purpose of determining the impact which Three-Judge Courts have upon the federal system and preparing recommended statutory changes for eliminating or reducing drastically the number of Three-Judge Courts required each year.

VIII. SEMINARS, CONFERENCES, AND INTER-JUDICIAL AFFAIRS

SEMINARS

"Conduct programs of continuing education and training for personnel of the judicial branch of the Government." That is a primary mandate in the act establishing The Federal Judicial Center. To meet that mandate, we devote a major portion of our time and effort to a continuing program of seminars for judges and parajudicial personnel.

These seminars help each participant keep alive his determination to be the very best practitioner of his profession. They also cultivate a keener awareness of the responsibility of each man for the smooth functioning of the entire system and the way in which each part of the system depends upon the successful operation of each other part. The seminars are intensive, detailed, provocative and challenging opportunities to learn the technology of judicial administration. Great emphasis is placed on the proper use of known techniques of efficient case management and the development of a receptive attitude toward innovation and experimentation.

All of the training activities of the Center are designed to afford the richest possible experience for Judges and the judicial family. The objective is not to espouse a single method or technique but to bring together those who have developed and successfully used a wide variety of techniques so that

participants will have the opportunity to learn about several methods and to select and use those that have the greatest promise for the particular problems confronting their court.

Seminars vary in length from four to ten days with an average attendance of thirty. The longer seminars continue into weekends in order to provide unbroken continuity of the sessions. The typical day is from 9:00 a.m. to 6:00 p.m. with occasional evening sessions as required by the curriculum. This concentration of effort is essential to cover the material and to reach the numbers of people who must be included in the training programs.

Dolley Madison House, home of the Center, provides a historic setting for the seminars. A welcoming reception for those attending, and their spouses, is usually held at the Center on the evening preceding the first working session. Luncheons are frequently held at the Center to provide additional opportunity for participants to meet contemporaries and exchange working ideas. These occasions are an integral part of the training program, with prominent guest speakers addressing subjects of pervasive concern to these selected audiences.

Enactment of the Circuit Court Executive Act in January 1971 made it advisable for the Center to establish a seminar which will benefit those selected for these positions. It is planned to assemble the Executive Officers soon after they are

selected and orient them in regard to the Supreme Court, the U.S. Courts, The Federal Judicial Center, the Administrative Office of the U.S. Courts, Federal Appellate Rules of Procedure, Judicial Conference procedures, and a detailed review of projects now underway to improve the efficiency of judicial administration. Budgeting considerations, compilation and analysis of meaningful statistics, personnel management and preparation of annual reports will also be included in the curriculum.

The Court Clerk seminars, which have been organized by and for Clerks, have marked a milestone in the Center's efforts to provide education and training to court administrative personnel. All of the faculty members are Court Clerks.

The major emphasis of the seminars is on the Clerk's role as a manager, and the skills and techniques required for him to fulfill this role. Special sessions are devoted to the organizational structure and functions of a Clerk's Office, personnel management and training, and the Clerk's Office role in calendar management under the individual assignment system.

In addition to the special emphasis on management, a number of technique sessions are included in the seminars. Techniques for scheduling, monitoring and controlling cases and case records are covered both in narrative and graphic presentations. Clerks are challenged to provide a modern, efficient office which will increase support to Judges and reduce the amount of time Judges

spend on administrative tasks. They are urged not to be hesitant to present problems to Judges, but, when they do, they should also propose a solution. In effect, they should adopt the doctrine of completed staff work.

Included as part of the curriculum are a review of circuit rules of procedure, automated jury selection procedures, the Clerk's role in taxation, the impact of the Magistrates Act, the Federal Defender's Office and liaison functions with other governmental agencies.

In accordance with the mandatory provisions of the Federal Magistrates Act, the Center will provide training for more than three hundred Magistrates during Fiscal Year 1972. Full-time Magistrates, and those who are not full-time but devote a considerable portion of their time to this work, will attend a four day seminar at the Center. The remaining part-time Magistrates will attend a two day seminar at regional sites to be selected.

For many years the Federal Probation personnel have received continuing education and training experience through a series of regional in-service institutes and refresher courses at the Chicago Probation Training Center. Beginning with Fiscal Year 1972, this training responsibility will devolve on the Center. With the cooperation of the Probation Division of the Administrative Office, the existing probation training programs will be continued and expanded.

CONFERENCES

State-Federal Conferences

It has become increasingly apparent that the Center has a responsibility to work in harmony with the judiciary of the state courts. To this end, two conferences for state and federal appellate judges were held in Fiscal Year 1971. Attending each of the conferences were twenty judges from the courts of last resort in their respective states, five intermediate appellate court judges and five federal circuit court judges. For four days, these judges discussed matters of mutual concern and concrete results are already in evidence: State-federal councils have been formed in thirty-three states, programs have been initiated to establish data banks of information which will be helpful to both courts (including habeas corpus filings), and an exchange of information on engaged counsel is underway. No measure can be made of the benefits which inured from the better understanding and respect the judges acquired through these two conferences.

As opportunities permit, the Center will continue to render complete cooperation with the state judiciaries and the personnel serving them.

Circuit Conferences

Upon request of the Circuit Chief Judges, the Director or his designated staff representative have attended all of the

circuit conferences. In some instances, specific programs or subjects were assigned. Some have been of a substantive nature, some are on state-federal problems, and some on the work of the Center and how it might assist the judges. In two instances, the Center sponsored a demonstration of modern electronic equipment and how it can be effectively used. As a direct result of one program, deposition equipment is being tested in one of the circuits to evaluate its use in the courts.

National Conference on the Judiciary

At the invitation of the Governor of Virginia, the Center was represented on a committee to plan a National Conference on the Judiciary at Williamsburg, Virginia, March 11-14, 1971. Invitations were extended to six hundred judges, lawyers, legislators, prosecutors, and civic leaders to explore all facets of the work of state and federal courts, to seek improved procedures and how they can be implemented, and, through consensus reports, to recommend specific measures to be adopted. The Director attended and participated in one of the four panel discussions at Williamsburg and offered the complete cooperation of the Federal Judicial Center whenever feasible.

INTER-JUDICIAL AFFAIRS

Inter-Organizational

From a list of over 25 organizations working in the field of judicial administration, six representatives¹ - including a Center staff member - comprise a steering committee to coordinate and exchange information on this subject. This committee meets quarterly, with the chairmanship rotating. Through representation on this committee, the Federal Judicial Center is kept abreast of major projects, programs, publications, etc., which affect the work of the federal judiciary. Currently, there is a conference scheduled at New Orleans which will bring together over sixty representatives of twenty or more groups presently functioning in some manner designed to improve judicial administration. Efforts will be made to further mutual assistance in the work of each group to avoid duplication of programs and to avoid unnecessary expenditures of time and effort. At the request of the steering committee, the conference call was made in the name of the Center Director.

1. The Institute of Judicial Administration, the American Judicature Society, The American Bar Association, the National Council on Crime & Delinquency, the National College of State Trial Judges and the Federal Judicial Center.

National Center for State Courts

A specific proposal made by President Nixon and Chief Justice Burger at the March 1971 Williamsburg Conference was for the establishment of a National Center for the State Courts to serve their needs as does the Federal Judicial Center for the federal judiciary. The staff and facilities of the Federal Judicial Center have been proffered by the Chief Justice as Board Chairman and the Center will cooperate fully to further the purposes of the proposed state organization.

Bar Associations

Center staff members have been active in both the American Bar Association and the Federal Bar Association. The Director has addressed both organizations and has been an active worker on various committees of the associations. The Director of Research is a member of the American Bar Association's Committee on Law and Technology. The Coordinator of Inter-Judicial Affairs serves as a Council member of the American Bar Association's Section of Judicial Administration, is editor of a publication on judicial administration, and is national council member of the Federal Bar.

There is an awareness among the judiciary and the general public that recent developments which have brought about increased litigation require that the courts meet the tasks ahead expeditiously, with the highest possible degree of efficiency and with the lowest possible expenditure of money. This calls for cooperative efforts of all groups. Time and experience have shown that no one organization can function completely alone and that the total problem is not found in one court or in a single aspect of judicial administration. The Federal Judicial Center, though less than three years old, is a major force on the scene, but its role is unmistakable. It is for this reason that projected plans for the Center are made on the assumption that a major portion of its responsibility is to cooperate fully with all groups, to support them when requested and to seek commensurate support from them. By so doing, it can help solve the problems of "deferred maintenance" referred to by Chief Justice Burger in his address to the National Conference on the Judiciary on 12 March, 1971.

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APPENDIX A
DISTRICT JUDGES TIME STUDY

TIME STUDY

This brief report about the Judicial Center time study is offered as an example of the integration of research projects into the goal oriented and solution oriented program of the Center. The time study is a systematic effort to help us see with greater clarity where we are and to point the way toward the most productive places to go.

The study involved more than 250 federal district judges who kept daily time records during the period of October 10, 1969 to February 28, 1970. These time records reflected both case related and non-case related time. Case related time was keyed to docket numbers which meant that we could associate the time records with all the information collected by the Administrative Office concerning those cases. The time was further identified by the reporting judges in terms of the type of activity accounting for the time. Thus it is possible to cross tabulate time study information and Administrative Office information to construct far better pictures than we have ever had concerning the present use of judicial time. The information has enabled us to develop a new table of weights for assessing the burden of new filings in each court since the time study shows the relative time

requirements for each classification of case. Similar work has been done in the past, but for the first time we know what kind of activity accounts for the weights associated with each type of case.

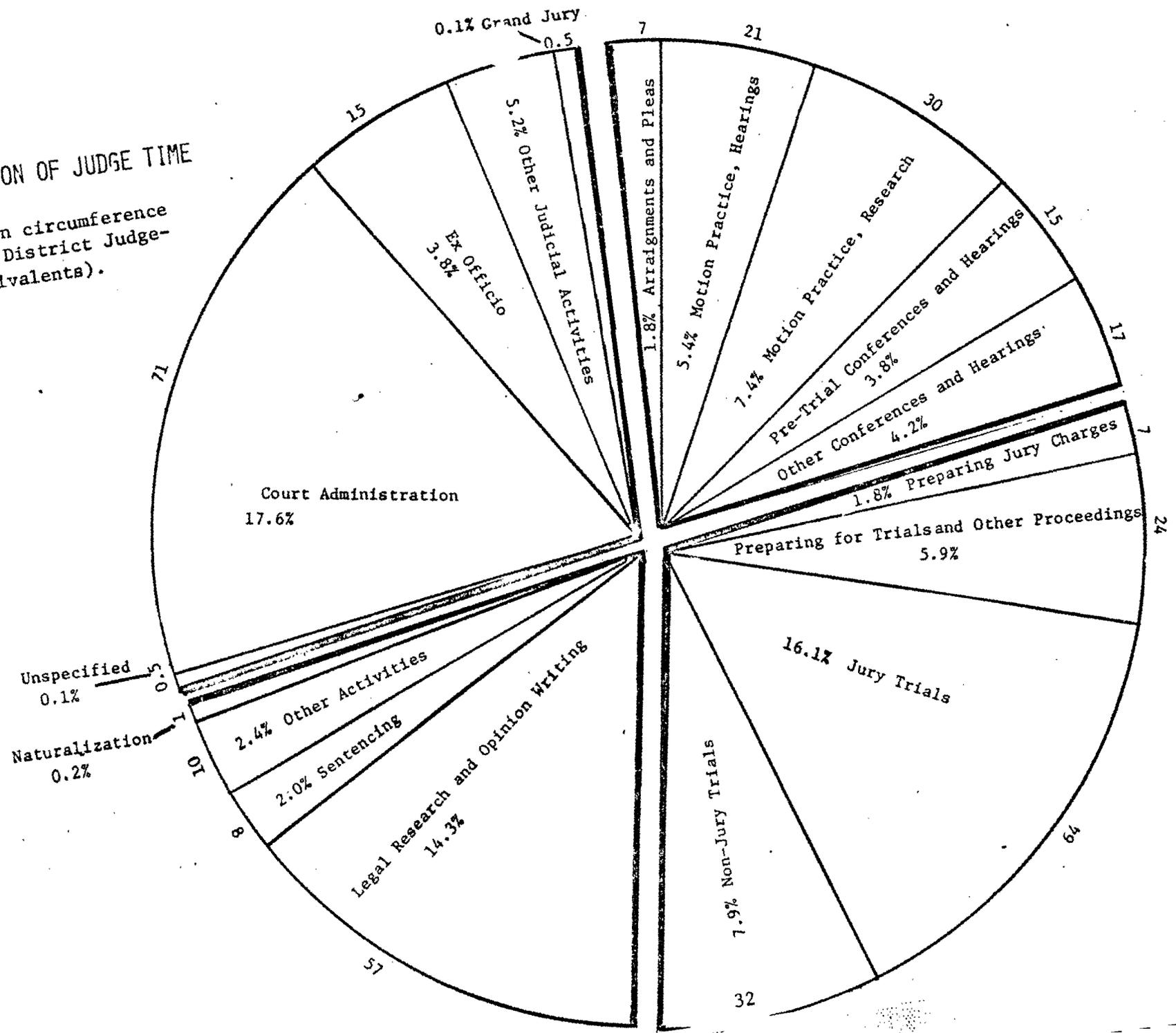
The total effort devoted to various activities is extremely important to the task of improving judicial administration and court management. On the following page is a chart showing the proportion of judge time devoted to each of the activities measured by the study. This depiction of what District Judges are now doing provides the important context in which to study particular types of cases, particular types of courts and particular types of procedures. Even more important, the situation revealed in the chart identifies for us the most productive targets for our efforts to aid the courts to increase productivity. For example, the chart shows that on a national basis 12.8 per cent of judge time is devoted to Motion Practice. In terms of today's district judgeships, that means a total of 51 judges. If, by more efficient procedures or elimination of portions of this activity, we could reduce Motion Practice by fifty per cent, we would in effect be giving the federal judiciary an additional 25 judges without any requirement for additional supporting staff, additional courtrooms or the myriad problems that result from increasing the total number of

judges. Other segments of the chart indicate areas where the time requirements are predictably large, and some areas where the time expenditure may seem surprisingly small, such as pretrial hearings and conferences which account for less than four per cent of total time. Better than a quarter of the time of federal district judges is devoted to non-case related activities. Much of this is time devoted to the day to day business of running the courts and keeping up with the development of the law, but significant portions of this time can be saved through better use of supporting parajudicial personnel. Each such saving results in more judges being freed for that one activity which cannot be delegated--deciding cases and controversies.

The rich mine of information generated by the time study is also an essential building block for other studies at the Center aimed at developing and increasing the power of the system to forecast future workloads and the specific resources and techniques that will be required to meet that workload. Effective planning can only take place in this context; otherwise we will always be reacting to a crisis that is upon us. The time study has told us what we are doing now. Forecasting is the logical extension to point where we are going and how to get there with the greatest benefit to the system.

DISTRIBUTION OF JUDGE TIME

Numbers on circumference indicate District Judgeship equivalents).



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APPENDIX B

THE FEDERAL JUDICIAL CENTER:
ITS ROLES AND RELATIONSHIPS
(Preliminary Comments)

The Center is one of five institutions within the Judicial Branch whose mission is to work toward improved judicial administration in the Federal Courts. The other four are the Supreme Court of the United States, the Judicial Conference of the United States, the Circuit Councils and Conferences, and the Administrative Office of the United States Courts. Although each has distinct responsibilities, the exact way in which the Center fits into the structure and the way in which it complements the four institutions that were in existence before its creation need additional clarification and definition.

The Supreme Court, in addition to its general supervisory power, has the power to prescribe and amend general rules of practice and procedure. (§§2071-2075). These rules, along with statutory prescriptions of jurisdiction and venue, provide the structural framework within which the Federal Courts operate. The Judicial Conference bears the responsibility for the study and improvement of Federal Court operations. It shares the Supreme Court's rule-making responsibilities and has both investigative and advisory duties with regard to the business and dockets of the United States Courts. Furthermore, each member is bound to "advise as to the need of his circuit or court and as to any matters in respect of which the administration of justice in the courts of the United States may be improved." (§331). The Conference is also responsible for supervision and direction of the

Administrative Office of the United States Courts. (§§604-605). The Administrative Office is generally charged with supervising all administrative matters relating to supporting personnel of the courts, examining the state of the dockets of the courts, determining the courts' need of assistance, preparing budget estimates, and performing other administrative functions required by any large organization.

The general goal of The Center is in a broad sense identical to that of the other four institutions: its purpose is to "further the development and adoption of improved judicial administration in the courts of the United States." (§620(a)). But its mission is a different one: it is the only institution that is not directly involved in the operations of the courts. It is the only institution in the federal judiciary charged solely with research, planning, training and studies.

Center Functions

Review of The Center's Statute (28 USC 620-629) and the Congressional hearings leading to its adoption, indicates several clusters of Center functions as follows:

1. Research and study which has as its purpose the analysis of judicial problems and the development of solutions to them.
2. Research and study which has as its purpose the anticipation of, and planning for, the future needs of the judiciary.
3. Training for all personnel of the Judicial Branch.

4. Study and development of modern administrative techniques and of modern equipment and systems applications for operations of the courts.

5. Proposing and studying basic changes to the judicial system. (This would include changes in jurisdiction, changes in rules of procedure, and changes in the basic structure of the courts.)

Although these functional categories are useful for defining the role of the Center, they are not oriented toward specific goals. For example, some projects may have as their objective reducing the time for disposition of cases. Others might have as their objective improving the efficiency of either judicial activity or supporting activity. However, it cannot be said with any degree of certainty that any given project will achieve demonstrable, measurable results in terms of such goals. For this reason, every Center project must have an evaluation component in order to determine whether the expected results actually occur.

There is very little scientific data on court administration. One function of the Center is to conduct such scientific studies. No other federal judicial institution is designed to do so, because of the characteristics of scientific studies: (1) They often take a long period of time. Only a small project could

be completed within six months. Projects with any significant degree of depth usually require a year or sometimes more to reach fruition in terms of useful results. (2) The contours of most projects cannot be fully defined until they are actually underway. As a problem is studied and more is learned about it, the nature of the problem and our understanding of the problem changes dramatically. We don't always go where we think we are going in a project. (3) The result of each project cannot be predicted. If it could be, the project wouldn't be necessary. Furthermore, the results are often surprising in terms of revealing unsuspected causes or relationships. Thus, there is always a certain amount of risk-taking in starting a scientific project. (4) Any court project -- whether it be research or systems development -- reveals new problems and new vistas which define additional studies and additional goals.

Center Relationship to the Administrative Office.

In some respects, the Administrative Office is a client of the Center. It requests research in problem areas, or training programs for personnel. In other respects, the Administrative Office assists the Center by defining problems, providing statistical data it has collected, and advising on how existing functions are performed and how changes are likely to affect the court system.

How Do Their Functions Differ?

The Senate Committee succinctly stated the basic differences. The Administration Office is the "operations and house-keeping agency of the courts" and the Center is to be "their research and development unit." (1967 U.S. Code Cong. and Adm. News, p.2409).

Both the Center and the Administrative Office are concerned with similar matters: e.g., judicial statistics, probation, Clerk's Offices, uses of parajudicial personnel. It is their function or approach that is different.

The Role of the Director of the Administrative Office as a Member of the Center Board.

Even though the functions of the two organizations can be distinguished, there will always be some problems of potential duplication or competition between them. It is to avoid this possibility and to insure proper coordination and cooperation between the activities of the Center and the activities of the Administrative Office that the Director of the Administrative Office is to be made ex officio a member of the Board of the Federal Judicial Center. (Hearings, p.378, Testimony of Warren Olney III, then Director of the Administrative Office.)

Relationship With Judicial Conference Committees.

Paragraph (4) of §620(b) requires the Center, consistent

with the performance of its research, development, and education functions, to provide staff, research and planning assistance to the Judicial Conference and its committees. However, Senate Committee Report No. 781 states that "Paragraph (4) makes clear that the work for which the Center is established, the programs its Board prescribes pursuant to its research, development, and education functions, take precedence over requests for staff by the Conference."

The existence of the Center may affect the scope of the work of some of the Judicial Conference committees. But its role is neither to eliminate nor to supplant any committee, but to work with the committees. These committees will recommend projects to the Center's Board, will advise the Center in its studies, and will assist the Center by creating a "climate of acceptance" for its recommendations.

Studies of the Center may also result in recommendations for change in the Administrative Office. Since the Judicial Conference committees are the vehicles through which the Conference supervises and directs the Administrative Office, they should prove in the future to be a valuable medium through which to institute recommended changes in Administrative Office structure or operations.

Thus, the Conference committees will serve as sources of project suggestions, as advisors on problems encountered in the

conduct of studies, and as the vehicle by which the Center's study recommendations are put to use. The Center will in turn provide staff, research, and planning assistance to the Conference and its committees.