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FEDERAL JUDICIAL CENTER



AGENDA D
October 1972

THE FEDERAL JUDICIAL CENTER
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September 29, 1972

TO: The Judicial Conference of the United States

FROM: Alfred P. Murrah, Director
 The Federal Judicial Center

SUBJECT: ANNUAL REPORT OF THE FEDERAL JUDICIAL CENTER

At the direction of the Board of The Federal Judicial Center, I am pleased to transmit herewith the Annual Report of the Center. The Report offers a brief description of the major elements of the Center's current program. Fuller detail is available wherever the Conference may desire more information.

The Center is now in its fifth full year of operation. During these years many tasks have been undertaken with a variety of results. Some have proceeded immediately and directly to the desired goal, such as the project to produce a valid and current weighting index for district court filings. Some have failed to meet our high expectations for them, such as the project on paperwork management in clerks' offices. But the majority of the work falls into a middle category comprising those efforts that have been carried on for several years and are just now beginning to yield their fruits. Here we would include the development of court management information systems and the studies of delay in criminal cases in metropolitan courts. The most important part of this middle category is our training program. Four years of planning, organizing and conducting training for every level of judicial personnel are just now beginning to have significant effect on the operations of the courts. In many instances, judges and clerks who were trained four years ago are just now meeting the opportunity to put into practice what they have learned from their colleagues during seminars and conferences. Sometimes the opportunity arises from an advance in seniority, but more often it arises out of the accretion of enthusiasm that has emerged from the tremendous inspiration and motivation generated by these training sessions in which participants share their common problems and exchange the best of their rich and varied experience.

Despite everyone's desire for immediate impact, we must recognize that our most important results will be achieved through a long-range program that adds increments of progress to sustain a constant forward movement. To the extent that we have made progress, the Center is deeply indebted to the unstinting cooperation of the members of the judicial family who participate so fully and so enthusiastically in all the undertakings that comprise the Center's program. Thus, in a very real sense, this Report of Center activity is a report of their activity.

The spirit and dedication that has been so markedly displayed in all those with whom the Center works is fully mirrored within the staff family of the Center. Because we find so much joy and reward in the work and in working with each other, the Center has been able to broaden and deepen its program without significant increases in personnel. With your continued support and participation, we hope to do even more.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Alfred P. Murrah', with a stylized flourish at the end.

ALFRED P. MURRAH
Director
The Federal Judicial Center

1972 ANNUAL REPORT
of
THE FEDERAL JUDICIAL CENTER

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INTRODUCTION

Time is a three-fold present: the present as we experience it, the past as a present memory, and the future as a present expectation. -St. Augustine

By that criterion, the world of the year 2000 has already arrived, for in the decisions we make now the way we design our environment and thus sketch the lines of constraint, the future is committed. The future is not an overarching leap into the distance; it begins in the present.

--Daniel Bell, Chairman, The Commission
on the Year 2000; The American Academy
of Arts and Sciences, 1967

From its inception, the Federal Judicial Center has been acutely sensitive to the needs for a sustained drive to overtake tomorrow. It is not enough to cope with our problems as they exist today. All such limited efforts are obsolescent before they begin; but coping with today's problems must always be a part of the program of any vital institution. Accordingly, the activities described in this Annual Report reflect the efforts of the Center to make use of all that we know from the past in confronting our problems of the present with full knowledge that we are shaping our future.

This three-fold approach, properly pursued, actually yields a single cohesive effort to improve the administration of justice. Statistical analysis (the study of our preserved past) joins with surveys of current operating procedures (the study of our present experience) to provide the means for developing a forecasting capability (the systematic expression of our expectations for the future). Thus, all of the discrete projects completed, in progress or being planned, are complementary; each one provides a better appreciation of the best that we know, and out of that appreciation grows our search for better answers.

This convergence of effort on overtaking tomorrow is not an exercise in futuristic speculation; it is the very core of coping with today's problems today. Because we have not had the capability to anticipate our future, the

judiciary has for generations been reduced to wrestling today with yesterday's problems. We have obtained new procedures and new manpower with a five-year lag between the emergence of the need and the realization of the means for responding to the need. That disheartening cycle can only be broken by anticipating needs so that the capability to respond can be provided on a timely rather than belated basis. Otherwise, delay and backlog will remain a part of our daily lives.

The Center increasingly joins its efforts with those of the courts, the Judicial Conference, and the Administrative Office to assure that achievement of this goal is in the near rather than the distant future.

I. ORGANIZATION AND GENERAL SERVICES

During the past year the Center engaged in a modest expansion of its facilities, reflecting the growing maturity of the organization and the expansion of its activities. The size of the Center's permanent staff remained the same, however, consistent with the basic principle that its staff and facilities should be relatively small and that many of its functions should be performed through temporary and intermittent increases in its resources, by contract and similar means.

A. The Center Board. Two United States district judges were selected by the Judicial Conference of the United States in April to join the Center's Board, the Center's governing body. Chief Judge Walter E. Hoffman of the Eastern District of Virginia will serve a full four-year term, replacing Judge Harold R. Tyler, Jr., of the Southern District of New York, whose term had expired. Judge Marvin E. Frankel of the Southern District of New York will serve a two-year term, the unexpired portion of the term of Judge Gerhard A. Gesell of the District of Columbia, who had resigned during the past year. United States Circuit Judge Wade H. McCree, Jr., was elected by his fellow Board members to serve as Vice Chairman under the Chief Justice of the United States, who, as provided by statute, is permanent Chairman of the Board. It should be noted that, as provided by statute, the Board is denominated, simply, "Board," and not "Board of Directors" or "Board of Trustees."

B. Budget. Again the House and Senate have each approved appropriation of funds in the amount requested by the Center. When enacted, the appropriation for fiscal year 1973 will be \$1,512,000, an increase of \$257,000 over the previous fiscal year. During fiscal year 1972

approximately one-third of the appropriation was expended on activities connected with continuing education and training, approximately forty percent on research and development activities, approximately five percent on matters related to inter-judicial affairs, and approximately twenty percent on general supervision, administration and planning.

C. Staff. Other than replacement of personnel on levels below that of division directors, the major staff change at the Center was the addition of an information scientist/librarian. The Director of Administration resigned to accept appointment as Marshal at the Supreme Court. His former division was dissolved as such on an experimental basis and its functions divided between the Office of the Deputy Director and the Division of Continuing Education and Training.

D. Facilities. Following the move of the last of the Administrative Office personnel from the former Cosmos Club building (adjacent to the Dolley Madison House), the Center undertook to adapt those facilities to its needs, including the establishment of modest library facilities and the creation of additional meeting rooms. The Center acquired, on loan from the White House, a portrait of Dolley Madison, which hangs at a focal point in the parlor of the Dolley Madison House, a handsome, high-ceilinged room which overlooks, on one side, Lafayette Park and, on the other, the courtyard fronting the new structure housing the Court of Claims and Court of Customs and Patent Appeals. In addition to being furnished in a manner consistent with the restoration of the Dolley Madison House as a site of historical interest, the parlor is used for a variety of Center activities.

E. Information Service. An Information Service dealing primarily with the area of judicial administration was formally established in the latter part of June, and is still in the formative stage. While one of the purposes of the Service is to collect and maintain documents, reports, pamphlets and publications in the subject area, a comprehensive library in the traditional sense is not contemplated. Rather, the primary purpose of the Service is to know, or be of assistance in learning, where materials can be located and to act as a center for disseminating current information to interested persons throughout the United States who may have questions about federal courts and their procedures. It is also planned that the Service will be a clearinghouse for Center studies and publications.

In process is an effort to index and make available unpublished material of a "fugitive" nature which may be buried in files, but which may be helpful to someone, and therefore avoid a duplication of effort. Future plans call for automated indexing and retrieval methods. Also being considered is the feasibility of providing microfilmed literature, on a loan basis, for the convenience of persons outside the Washington area.

F. The Third Branch. The Center continues to publish each month 6000 copies of The Third Branch, a bulletin designed to afford the federal judges and their supporting personnel a medium for keeping abreast of developments related to the courts. Those receiving the publication include justices and personnel of the Supreme Court federal judges and supporting personnel, circuit executives, House and Senate Judiciary Committees, state supreme court justices, deans of law schools, law librarians, and many others. Since its first edition in December 1968, The Third Branch has grown in size and frequency from a four-page bi-monthly to an eight-page monthly publication.

Future plans include a step-up in page numbers, frequency, scope of coverage, use of photography and layout sophistication to increase the publication's appeal and meet broader informational needs. Among its regular features are a brief message from the Chief Justice, a calendar of federal judicial system events, announcement of changes in personnel and a report on the status of pending legislation affecting the judicial system. With each issue, The Third Branch is more fully attaining one of its primary goals -- that of providing a forum for the interchange of useful information. The placement of highly skilled executives at the circuit level, who will provide information of circuit activity as part of their statutory mandate, should add greatly to the news input from which to sift and report.

II. PROGRAM ON APPELLATE LITIGATION

During the past year, the Center inaugurated and concluded some phases of a comprehensive program to aid in the solution of major problems in the area of appellate litigation. Among other things, during the fall of 1971 the Center was instrumental in the formation of the Advisory Council for Appellate Justice (a diverse group of scholars, judges, and lawyers who have evinced special interest and expertise in dealing with critical problems in the appellate process), whose purpose is to render assistance to the Federal Judicial

Center, National Center for State Courts, and others interested in judicial administration, while retaining its free-lance character. Cooperation between the Advisory Council and the Federal Judicial Center has been a factor in several aspects of the Center's Appellate Litigation Program.

A. Supreme Court Litigation. A special committee of the Center, chaired by Professor Paul Freund of Harvard Law School, has been studying current problems of the Supreme Court and their aggravation in the future by its rapidly increasing workload. Matters being considered by the committee range from reform of internal operating procedures to jurisdictional changes and restructuring of the federal appellate process. The work of the committee is nearing completion, and its report is expected to be issued before the end of the calendar year.

B. Comparison of Internal Operating Procedures of Courts of Appeals. The Center's in-depth comparative study of the internal operating procedures of all 11 United States courts of appeals is nearing completion. The purpose of the study, requested by the chief judges of these courts, is to present in a systematic fashion, for evaluation by the courts themselves, the differences and similarities among them in the way they conduct their business and in the manner in which resources are available to and used by them. A pilot study of three courts, conducted primarily in order to design a study plan to be followed in surveying all 11 courts, was concluded during early 1972. Pursuant to that study plan, an additional six courts have already been studied. The methodology of the study includes: collection and orderly arrangement of data concerning the organization, administration, and operation of the courts by means of interviews with various personnel, observation of processes and collection and study of sample records and reports, data analysis and data reporting. Preliminary draft reports on several of the courts are currently being examined for completeness and accuracy by the courts themselves; and it is anticipated that the findings of the study will start becoming generally available by early 1973.

C. Circuit Judges' Time Study. During August 1972, the active judges of the court of appeals for the Third Circuit and their law clerks completed a full year of keeping records indicating the nature of the matters and the particular case on which they expended their time. The Center aided the court in designing the project and has been processing and analyzing the information reported.

The reports now in preparation should provide insights not only as to the percentages of judge-time occupied by particular activities but also as to relative time occupied by particular kinds of cases. Such insights are expected to indicate where innovations aimed at conserving judge-time can be most productive.

D. Federal Appellate Structure. The increasing volume of federal appeals and the problems which have been seen to arise therefrom have prompted proposals for changes in appellate structure, ranging from inserting a modified form of review between the district court and the court of appeals so that appeals to the latter could then become discretionary to, in effect, eliminating the concept of circuit law and creating a national court of appeals to resolve differences between decisions by three-judge panels. The Center has been working with the Advisory Council for Appellate Justice to consider the need for and to evaluate the strengths and weaknesses of these various proposals. The basis for urging some restructuring proposals is the alleged need for more nationally-authoritative decisions than can be made by an already over-burdened Supreme Court. While this alleged need does not yield easily to objective documentation, the Center, together with the Administrative Conference of the United States, is sponsoring an effort to determine whether any light can be shed on the subject beyond the opinions of experienced lawyers and judges.

E. Publication of Opinions. As a result of the collection and evaluation of information by the Center on various rules, procedures, and techniques being followed in state and federal courts to curtail the printing and publication of opinions, the Center Board last April recommended to the Judicial Conference that it request the various circuit councils to adopt appropriate rules on the subject. This proposal was referred to a Judicial Conference committee. While this committee has had the matter under consideration, the Center has been working with the Advisory Council for Appellate Justice to develop guidelines for the drafting and implementation of such a rule; and the preliminary report emanating from this joint effort has been made available to the Judicial Conference committee.

F. Communication Among Circuit Judges. The Center is sponsoring an experiment in the Temporary Emergency Court of Appeals of the United States with the use of communicating magnetic card typewriter equipment. The

project is designed to determine the utility of this equipment in the preparation and circulation of appellate opinions when the members of the court are scattered geographically. The anticipated benefits of the program are basically two: a reduction in the time needed to circulate a proposed opinion among a panel of judges and to prepare necessary revisions of the opinion; and to increase staff efficiency in preparing all kinds of typed materials which require revisions and updating. Installation of the equipment and training of secretaries in its use have just recently been completed. Usage logs are being established to provide data for evaluation of the program; and control panels of judges will be used to permit comparison in productivity and time lapses with and without the equipment.

G. Supporting Personnel in the Courts of Appeals. As reported earlier, the Center developed a project to experiment with and evaluate the utilization of staff attorneys in the operation of intermediate appellate courts. This was shared with the National Center for State Courts with a view toward parallel experimentation. Since introduction of this project in a United States court of appeals during this past year did not prove to be feasible, the Center is presently monitoring the projects inaugurated by the National Center for State Courts in various states and hopes to be able to evaluate their findings for application in the federal system.

H. Transcription of Records. As reported earlier, a comparative study of court reporting systems, sponsored jointly by the Center and LEAA and conducted by the National Bureau of Standards, was completed and the final report issued during late 1971. The primary purpose of the study was to compare the speed, accuracy and cost of conventional stenotype reporting and transcription with stenotype reporting connected with a computer for transcription purposes. Although affirming feasibility of the computer transcription process, the report indicated the need for further development. The Center continues to monitor and evaluate the process, as being developed by private enterprise, in order to make appropriate recommendations for the federal system. Since the Center Board is not yet convinced by available evidence that technological advances warrant radical changes in the present federal court methods of reporting and transcription, efforts are being directed toward improving the quality of existing court reporting services (see Part III (B), infra).

III. PROGRAM ON TRIAL COURT LITIGATION

The current emphasis of the Center's Program on Trial Court Litigation is to identify and find ways to eliminate the causes of avoidable delay in the processing of cases, both by research and through a series of conferences of chief judges of 22 metropolitan district courts, where more than half of the cases in the system are filed. Integral to this emphasis -- and other areas of concern with respect to trial court litigation -- are components of other Center programs, e.g., the local court management information project (see Part V (A), infra) and subjects addressed in various seminars (see Part VII, infra). The Center is currently studying the feasibility of a comparative study of the operating procedures of the district courts similar to that underway with respect to the courts of appeals (see Part II (B), supra).

(General)

A. Juror Utilization. During the past several years, a number of studies have been made of juror utilization in individual courts, and many courts have experimented with innovative jury management procedures. The emphasis of the Center this past year was on compiling and disseminating the lessons learned so that change can be implemented in the field.

In January 1972, the Center supported a juror utilization workshop for the judges and clerks of the Southern and Eastern Districts of New York. The workshop -- called by the Judicial Council for the Second Circuit, conducted by the Institute of Judicial Administration (which had, under contract with the Center, made a study of those districts) and planned in cooperation with the Judicial Conference Committee on the Operation of the Jury System -- involved the judges in discussion and presentation of the findings of research in their courts and suggestions for improvements in juror utilization. As a result of the study and workshop, there have already been substantial savings in juror costs.

The Center has now completed a publication, Guidelines for Improving Juror Utilization in United States District Courts. This work consolidates previous research findings into a comprehensive text which describes alternative models for jury management systems, points out the size of court for which each model is most appropriate and suggests techniques for achieving optimum utilization

for each situation. In addition to providing a complete analysis of the advantages and disadvantages of alternative procedures, the Guidebook includes a simplified record-keeping system which can be used to isolate and identify instances where minor changes will improve juror utilization without creating an unreasonable risk of delay. Although Administrative Office and Center assistance is available, the purpose of the Guidebook is to provide a tool which courts can use by themselves.

B. Court Reporting Services. As noted above (Part II (H), supra), one consequence of the Center's evaluation of court reporting problems (which took place after completion of the National Bureau of Standards' study of computer transcription of stenographic notes) was a decision by the Center Board to work toward improvement of present procedures. The Board recommended to the Judicial Conference that it adopt a policy that the needs of effective management of the court reporting function should take precedence over the practice of assigning a particular reporter to a judge, wherever this practice was an obstacle to making optimum use of the total time of a court's reporters, and the individual judge's needs could be satisfied by other methods. In addition, the Board recommended that production and qualification standards should be developed for the court reporting function and followed through by contracting for the development of such standards to be recommended to the Judicial Conference. The project includes development of proposed certification tests and of a procedure for certifying reporters for official positions in the federal courts. These tasks are nearing completion. Two sets of qualifying examinations have to date been prepared and validated; and one has already been used, under observation by officials from various reporter organizations, to test applicants for a position in the U. S. District Court for the District of Columbia.

C. Jury Representativeness. Pursuant to the responsibility assumed by the Judicial Conference under the authority of the Jury Selection and Service Act of 1968 (28 U.S.C. §1863(a)), its Committee on the Operation of the Jury System has been studying the effectiveness of the random jury selection plans devised and implemented in the district courts under that Act. At the Committee's

request, the Center has provided assistance by contracting with the Bureau of the Census to prepare population characteristics reports by jury divisions for the purpose of comparison with the characteristics of the persons selected under the plans.

(Criminal)

D. Delay in Criminal Cases. The Center's project to identify and eliminate the causes of unnecessary delay in the processing of criminal cases reached maturity during the past year as the docket data collected during the summer of 1971 was processed and analyzed and two Conferences of Metropolitan Chief District Judges were held to consider its implications and possible remedies. According to reports from some of the districts involved, this wedding of research and discussion has already led to salutary changes in procedures, e.g., automatic scheduling of events, borne out by comparison of statistics from pre- and post-reform periods. Information revealed by the data analyses included average times consumed by various stages of the criminal process, the effects of non-triable status on such times (on account of fugitivity, mental incompetency, etc.), and numbers and kinds of motions made during the pre-plea or pre-trial period. Matters considered by the Conferences included: use of magistrates, calendaring practices, discovery policies, motion-screening techniques and omnibus hearings, length of pre-sentence reports and procedures for their preparation, and specific district plans for expediting criminal cases (pursuant to new F.R.Cr.P. 50(b)).

(Civil)

E. Delay in Civil Cases. Using and improving upon techniques developed during the previous summer for collecting data from docket entries in criminal cases, the Center this past summer collected data from docket entries in a representative sample of civil cases terminated during fiscal year 1971 in 19 district courts. This data is currently being processed under programs developed in the Center's project on local court management information systems (see Part V (A), infra), not only as an economy measure but also as a means of testing the system's viability for research, as well as management, purposes. When analyzed, the findings will be presented for discussion to the Conference of Metropolitan Chief District Judges, whose members have requested that

their project -- organized initially to deal with criminal case processing -- extend as well to civil case processing.

F. Multidistrict Litigation. The Center has been sponsoring a revision of the Manual on Complex and Multidistrict Litigation, work on which is nearing completion under the direction of the Board of Editors. Work is continuing, under contract with the former staff director of the Multidistrict Litigation Panel, on a history of the development of the procedures used in that project.

G. Videotaping. The Center continues to provide videotape equipment to the United States District Court for the Western District of Pennsylvania for the purpose of determining the usefulness of videotaping the testimony of an expert witness in advance of trial where the unavailability of the witness would otherwise cause a delay in a scheduled trial. Various problems which have surfaced in the testing of this technique have been resolved; and the court is now experiencing a steadily increasing use of this equipment. It is contemplated that a demonstration and discussion of this technique will become a part of future Center seminars for district judges. The Center is continuing to explore other applications of videotaping to court problems.

IV. PROGRAM ON SENTENCING AND PROBATION

In view of the research and development being conducted by others with respect to sentencing and probation, the Center currently allocates most of its research and development resources to other areas of judicial administration but devotes a considerable portion of its education and training resources to courses and programs for probation officers, in which new ideas and developments are discussed (see Part VII, infra).

A. Probation Case-Aides. The action phase of the project in the Northern District of Illinois to test the usefulness of non-professional case aides for federal probation officers having been successfully completed, provision has been made for career slots for such aides in the federal judicial budget. The Center, however, together with the National Institute of Mental Health, continues to support analysis of the information and data generated by this project in order to develop a clear delineation of the responsibilities, qualifications and training requirements for these assistants.

B. Aid to Sentencing Institutes. The Center provided assistance to the Judicial Conference Committee on Probation, charged with the responsibility of conducting sentencing institutes, in evaluating and testing various new approaches to the programs being planned.

C. Use and Effect of Indeterminate Sentencing. The Center is currently analyzing data obtained from the Bureau of Prisons and Board of Parole to determine the use and consequences of authority available to district judges, under 18 U.S.C. §4208(a)(2), to allow an offender sentenced to prison to be eligible for parole at any time, rather than only after serving one-third of the maximum term. An aspect of this study will be the feasibility of providing continuous "feedback" of information of this sort to sentencing judges.

V. PROGRAM ON GOVERNANCE AND MANAGEMENT OF THE JUDICIAL SYSTEM

A major effort of the Center is to fashion new tools and to improve old ones to permit more effective management of the judicial system. Among these tools are information systems, both those useful in managing the day-to-day operations of the courts and those having system-wide applications, such as the statistical reports prepared by the Administrative Office. Management also includes planning; and the Center is exploring the development of new and better ways of anticipating future needs of the system.

A. Local Court Management Information Systems. The Center is now completing developmental work for pilot operation of an automatic data processing system, COURTRAN, designed to serve as a tool for supporting operations to increase the effectiveness of and provide better assistance to judges in managing the business of the courts. The system provides information on the operations of the court and the flow of individual cases, and types of cases, through the court processes. Experience gained in the actual operation of the COURTRAN system has shown that significant assistance can also be provided to other personnel associated with the judicial process such as prosecutors, U. S. marshals and probation officers.

COURTRAN in its present form evolved out of the lessons learned by the Center in the development of

both the Louisiana Eastern Pilot Computer Project and the Experimental Criminal Case Management System which has been in operation for the past year in the U.S.D.C. for the District of Columbia and the U.S.D.C. for the Northern District of Illinois. This fact of evolutionary development based upon prior efforts and actual court operating experience appears to have made the resultant COURTRAN system more responsive to the actual information needs of court personnel than would normally be the case with a new system.

At the initiation of a case, all identifying information -- including the judge to whom the case is assigned, attorneys of record, etc. -- is then collected on each event that occurs in the life of a case. The system keeps track of each case and each party and prepares status reports, reports on scheduled actions, case inventories, various indices for clerk's office use, and special reports required for evaluation or research purposes. In addition, "exception" reports are issued for any case which has exceeded a given time (set by the court) within a case stage or in which a scheduled event did not occur.

Three major principles have been guiding the development efforts associated with COURTRAN. First, the system had to be flexible enough to enable it to respond to different court environments, and to be able to adapt to change within any given environment. Second, the system had to be simple for the user to operate, and third, it had to be economical to operate.

COURTRAN is achieving these goals. Its flexibility has been demonstrated by its successful operation, utilizing the same central software package, in the two previously cited district courts. Each court was able to utilize its existing internal paperwork flow to provide all required information to the system, for COURTRAN is paperwork independent; and each court was able to tailor the system output reports to its own needs without making any significant modification to the COURTRAN software. The flexibility of the system is also demonstrated by the fact that neither court is now committed to procedures presently in use, for as problems in the courts change, the COURTRAN system can be modified to respond to the change.

The goal of simplicity of operation from the users viewpoint appears also to have been achieved since the court personnel now successfully operating the system had no prior exposure to automatic data processing equipment and to date have encountered no major difficulty with any system procedures or operations. However, it should be noted that apparent simplicity of operation from the users' viewpoint is inversely related to developmental difficulty.

The COURTRAN system also appears to be meeting the objective of economy of operation. Additional economy has been achieved by providing the COURTRAN civil system with a capability to handle data for the civil speedy trial project (see Part III (E), supra), thereby avoiding the computer programming costs which would otherwise have been incurred.

During the next twelve months, the Center hopes to introduce the COURTRAN system into one or two additional metropolitan federal district courts for pilot operation, and to conduct analysis of the historical case flow data which will have been generated as a normal by-product of COURTRAN system operation. Work will also continue on upgrading the capacity of the COURTRAN civil system and preparing documentation for the overall system.

B. System-Wide Statistical Information System. Pursuant to an inter-agency agreement with the Law Enforcement Assistance Administration, a project is underway (largely conducted by the Administrative Office) to evaluate and improve the existing system-wide statistical information system with respect to criminal statistics maintained by the Administrative Office to serve, among other things, as a model for systems to be established by the various states. Under assessment are not only the needs of the users of such statistical reports but also means by which information can be obtained and generation of the reports can be accelerated.

C. Forecasting Judicial Needs. During the past year, the Center launched a project to determine the feasibility, design, and cost of developing improved methods for predicting the volume of business in the federal courts. Currently the only means employed by the judicial system is the rising curve reflecting the growth from year to year in the number of case filings. In other areas of the nation's life, efforts are being made to develop a more scientific methodology for forecasting future needs. Initially, a consortium of experts is preparing a design to bring experience

gained in many other fields to bear on the problems of developing such a capability for the courts.

D. Weighting Caseloads. The Center is currently engaged in a project to assist the Judicial Conference Committee on Court Administration in developing more simplified yet adequate means of determining the relative weight to be assigned to various kinds of cases in order to permit more accurate comparison of caseloads. This project will make continued use of the data collected in the study of how the time of district judges is distributed, conducted by the Center during 1970.

E. Bar Admissions and Discipline. In cooperation with a subcommittee of the Judicial Conference Committee on Court Administration, the Center has been conducting a study of the rules and practices of the various United States courts with respect to bar admissions and discipline and making an analysis of the strengths and weaknesses of various proposals for change, including uniform rules, single admissions to all courts and a unitary disciplinary procedure.

F. Circuit Executive Guide. In preparation for the installation of the first circuit executives, the Center, with substantial assistance from the Administrative Office, developed a Circuit Executive Guide to provide them with necessary background information. The Guide stressed the historical development and present roles and relationships in federal judicial administration. In addition, it presented descriptions of the functioning of various judicial subsystems (probation, court reporting, juror utilization, etc.) and the operation of the branches of the Administrative Office and the Federal Judicial Center. The Guide was distributed to all circuit judges and certified candidates for the position of circuit executive. Future revisions and additions to the Guide are contemplated.

G. Benchbook for D. C. Superior Court. Pursuant to the statutory authority conferred upon the Superior Court of the District of Columbia to call upon the Center for assistance on a reimbursable basis, the Court has asked the Center to prepare a judge's benchbook. A contract has been let; and completion of a draft is expected by the end of the calendar year.

VI. INTER-JUDICIAL AFFAIRS

A continuing activity of the Center is the opening and maintaining of lines of communication with institutions and courts having a common interest in the improvement of judicial administration.

A. State-Federal Relations. The Center continues to serve as an agency supporting the more than 40 state-federal councils of judges established in the states through consultations and the distribution of helpful material. In addition, information on the activities of these councils, when provided to the Center, is reported in The Third Branch. Support for state-federal conferences on the order of those sponsored by the Center for appellate judges in 1970 and 1971 is planned for the coming year.

B. The National Center for State Courts. Having assisted in the formation of the National Center for State Courts and having made temporary office space available for its headquarters, the Federal Judicial Center continues to maintain a close working relationship with the State Center on projects of joint interest. In particular, the Federal and State Centers have cooperated in working with the Advisory Council for Appellate Justice in the development of a project to evaluate the use of supporting personnel in appellate courts and on the application of technological advances in judicial administration.

C. Steering Committee. The Center continues to participate in the quarterly meetings of an eight-member committee representing various organizations concerned with improving judicial administration for the purpose of exchanging information and coordinating programs: the American Bar Association (Division of Judicial Administration), American Judicature Society, Institute of Judicial Administration, Institute for Court Management, National Council on Crime and Delinquency, National College of the State Judiciary and the National Center for State Courts. The Center's Coordinator of Inter-Judicial Affairs, Miss Alice L. O'Donnell, was named at the August meeting of the American Bar Association as Chairman-elect of its Division of Judicial Administration.

D. Visiting Judicial Personnel. In cooperation with the United Nations, the State Department and bar associations, the Center receives visitors, both foreign and domestic, to inform them with respect to Center activities. Within recent months "briefings" have been arranged for judges,

lawyers, and court administrators from Afghanistan, Australia, Barbados, Indonesia, Korea, Malaysia, Nationalist China, Trinidad, Viet Nam, and West Germany.

VII. PROGRAM ON CONTINUING EDUCATION AND TRAINING

During the past year, the Center's emphasis in discharging its function with respect to continuing education and training for personnel of the judicial branch was on expansion of the number of its programs. Thirty-two formal educational and training courses were conducted or sponsored by the Center involving a total of 1200 participants, constituting 15 percent of all judicial branch personnel and reflecting a four-fold increase in the number reached over the preceding year.

For the first time, substantial training opportunities were offered to several previously-unaffected categories of judicial personnel. A series of six regional seminars for courtroom deputy clerks, concentrating on the techniques of effective case management and efficient para-judicial support, were conducted throughout the country. A pilot institute for federal court reporters was held at the Center, bringing together a number of recently-appointed reporters as well as individual representatives from each of the circuits. This initial endeavor emphasized procedures and forms for reporting a criminal jury trial in federal court. The original process of educational courses for full-time United States magistrates was expanded and applied in another series of six regional seminars for part-time magistrates throughout the system.

The series of refresher courses, in-service training institutes, and orientation seminars for probation officers, numbering a total of ten during the past year, has been continued under the Center's direction and with the substantial assistance of the Probation Service. The Center was also aided by the Bankruptcy Division of the Administrative Office and the Bankruptcy Seminar Committee in planning the five regional referees' courses sponsored this past year.

As in previous years, a prime concern has been the seminars for newly-appointed district court judges. Two such programs were conducted in October and April of the past year, and brought to Washington 61 judges. The April seminar was extended to 11 full days of sessions ranging from discussions of case management in both civil and

criminal cases, through an intensive examination of the sentencing process, to the recently-proposed Code of Judicial Conduct.

Other activities related to education and training included support for specialized training and preparation and distribution of publications and cassette tapes based upon seminar presentations.

A. Seminars and Short Courses
October 1, 1971 - October 1, 1972

Newly-Appointed District Court Judges

Washington, D. C.

October 8 - 16, 1971 29 participants

April 3 - 15, 1972 37 participants

Topics covered: The Administrative Office -- How it Can Help You; General Principles of Judicial Administration; Management of the Civil Case Flow; The Civil Jury Trial; The Civil Non-Jury Trial; The Criminal Case -- Arraignment, Plea, and Bail; The Criminal Case -- Pretrial Motions; Discovery, and Omnibus Hearing; Docket Control; The Role of the Judge in the Settlement Process; Federal Habeas Corpus Petitions by State Prisoners, Prisoner Correspondence and Federal Prisoner Petitions; The Judicial Panel on Multidistrict Litigation; Use of Parajudicial Personnel; Judicial Activities and Ethics; Use of Magistrates in the Future; Sentencing Aims and Policy; Proposed Changes in the Federal Rules of Criminal Procedure; Purposes and Philosophy of Sentencing; Plea Discussion in the Sentencing Process; Conducting the Sentencing Hearing; Sentencing As a Human Process; Psychiatry and the Sentencing Process; The Pre-Sentence Report and Sentencing Options; The Federal Bureau of Prisons - A Modern Correctional Program; The U. S. Board of Parole and the Sentencing Process; Sentencing in Tax Cases; Judge-Probation Officer Relationships; Existing Sentencing Alternatives; Management of Misconduct at the Trial; Anti-trust, Admiralty, and Patent-Copyright Cases; Information Systems of the Federal Courts.

United States Magistrates

Regional

December 13 - 15, 1971	30 participants (part-time)
January 10 - 12, 1972	33 participants (part-time)
February 22 - 25, 1972	35 participants (full & part-time)
March 23 - 25, 1972	27 participants (part-time)
May 10 - 12, 1972	27 participants (part-time)
June 12 - 14, 1972	16 participants (part-time)

Topics covered: Search Warrants; The Complaint and Arrest Warrant; Initial Appearance - Bail and Commitment; Conducting the Full Preliminary Hearing; Trial of the Minor Offense; Pretrial in Criminal Cases and Omnibus Hearing*; Forfeiture of Collateral System; Civil Cases - Pretrial Discovery and Pretrial Conference*; Special Assignment*; Screening Prisoner Petitions*; Office Organization and Management; Ethics and Conflicts of Interest.

United States Probation Officers

Chicago, Illinois (Refresher)

Washington, D. C. (Orientation & Management)

Regional (In-Service)

October 18 - 22, 1971	23 participants (R)
November 2 - 5, 1971	32 participants (M)
November 15 - 19, 1971	26 participants (R)
January 24 - 28, 1972	30 participants (O)
February 7 - 11, 1972	27 participants (R)
March 13 - 17, 1972	24 participants (R)
April 17 - 21, 1972	28 participants (R)
April 30 - May 3, 1972	80 participants (I)
May 15 - 19, 1972	26 participants (R)

* In the February course only.

Topics covered: Refresher Courses - Current Developments in the Probation System; Dimensions of the Crime Problem; Workshop - Critique of the Film "The Presentence Investigation"; Current Perspectives of Drug Abuse; Psychiatric and Medical Views; Federal Bureau of Prisons - Current Development; The Criminal Justice System Today; The Role of the United States Magistrate; Panel Discussion - The Case Aide Project; Racism in the Criminal Justice System; The United States Board of Parole; Realisms and Myths of Addiction Modalities; Future Trends in Federal Probation; Excelsior House; Workshop-Interviewing Techniques; Workshop-Analysis of the Film "Crisis"; Workshop on Supervision Problems; Project Newgate; Workshop-The Role of Lawyers in the Federal Probation System; Probation Revocation Decision Making; Corrections in Japan.

Regional Courses -- Continuing Education and Training at the Federal Judicial Center; The United States Magistrate-Relationship with the Probation Officer; The Theory and Techniques of Reality Therapy as Applied to the Problems in Corrections; Research Begins at Home; The United States Board of Parole; The United States Bureau of Prisons; The Excelsior House Program; The Development of Community Resources; Legal Problems Confronting Federal Probation Officers; Workshop on Interagency Relations; Case Load Classification Revisited; Modern Management Techniques; The Role of the Federal Judicial Center; The Indian Offender; Differential Treatment Techniques; An Overview of the NARA Aftercare Program; New Aspects of Federal Criminal Justice, What's Ahead in Federal Probation.

Management Development Institute: "Ghetto"; "Gate Keeping"; Interpersonal Relationships; Group Decision Making; Styles of Management.

Orientation Course: Current Developments in the Probation System; Personnel Administration in the Probation Service; Current Developments and Projected Trends in Corrections and Judicial Research; The Minority Offender and Federal Probation; The Office of the General Counsel - How it Can Help You; Federal Prison System; The Federal Bureau of Prison's Institutional and Community Treatment Programs; The United States Board of Parole; Field Trip to Federal Reformatory, Petersburg, Virginia; Principles of Supervision Counselling and Case Recording; Presentence Investigation - A Workshop; Standards Relating to Probation; An Ex-Offender Looks at Corrections; Racism in the Criminal Justice System.

Referees in Bankruptcy

Regional

October 21 - 22, 1971	41 participants
November 5 - 6, 1971	39 participants
November 18 - 19, 1971	45 participants
February 17 - 18, 1972	51 participants
May 4 - 5, 1972	47 participants

Topics covered: The Administrative Office - How It Can Help You; Chapter XI - A Dialogue; New Rules; Current Views on Commercial Law and Bankruptcy; Recent Cases; Tax Distributions and Procedures as Affected by In Re Halo Metal Products Co.; The Dischargeability Act and Other Recent Amendments; Modern Management Techniques; A Dialogue - Sections 7a and 21a of the Bankruptcy Act and Rule 26 F.R.C.P.; New Legislation and Report of the Administrative Office; Provable Debts; Why Chapter XII?; The Consumer Bankrupt; Discharge and Dischargeability - A Dialogue; Impressions of a New Referee; Innovations - Forms and Procedures in Routine No-Asset Cases; The Proposed New Chapter XIII Rules; Recent Decisions Under the New Dischargeability Rule; Guiding The Administration or How to Make Life Easier for Your Trustees; The New Federal Rules on Evidence and A Review of Recurring Problems Involving Evidence in Contested Matters.

Courtroom Deputy Clerks

Regional

October 4 - 7, 1971	36 participants
October 26 - 29, 1971	36 participants
February 7 - 10, 1972	45 participants
March 6 - 9, 1972	40 participants
April 18 - 21, 1972	41 participants

Topics covered: The Role of the Clerk's Office in the Management of Litigation; Organization and Management - Courts and Clerk's Offices; Calendar Control in a Small District; Individual Calendar Control - Large District Courts; Courtroom Duties and Responsibilities in Small District Court; Workshop-Analysis of the Functions of the Courtroom Deputy Clerk.

Federal Court Reporters

Washington, D. C.

January 22 - 23, 1972

32 participants

Topics covered: Techniques and Forms for Reporting a Criminal Jury Trial; Federal Judicial Center Projects; Processing of Transcript Orders; Administrative Office - Transcripts; Discussion of Particular Reporting Problems.

B. Specialized Training Authorizations. To supplement and support its educational capabilities, the Center expanded its policy and activity in the area of specialized training authorizations. This process of individual, or group, dispersals of funds enables petitioning judicial personnel at every level to pursue particularized, job-related learning experiences.

During the past year a total of 83 judicial employees, including clerks, probation officers and secretarial personnel from 21 district or circuit courts participated in various kinds of seminars, courses, conferences, and institutes.

C. Publications. As an adjunct to the structured training programs sponsored or funded by the Center, the Center has attempted to package and disseminate information, specifically prepared for seminars, through publications distributed to course participants and throughout the system.

In the main, these publications have taken two forms -- collections of seminar papers and outlines of presentations. These collections have been prepared and distributed to the following judicial personnel: district clerks, magistrates, referees in bankruptcy, court reporters, and deputy clerks. Two publications designed for judges -- a compilation of

presentations made at recent seminars for newly-appointed district judges and an admiralty primer -- are in the final stages of processing.

D. Cassettes. To maximize the substantive benefits of structured training programs, the Center has, during the past year, begun to compile a cassette library containing recordings made at many of the seminars conducted for judicial personnel.

This library presently contains approximately 100 different cassettes, covering all of the major discussion topics derived from seminars for district court judges, magistrates, referees in bankruptcy, probation officers, and courtroom deputy clerks. These recordings are available on a two-week loan basis to interested federal judicial personnel.

E. Planned Seminars and Short Courses. Plans for the coming year include:

- Two seminars for circuit judges
- One seminar for newly-appointed district court judges
- Two seminars for experienced district court judges
- Six seminars for magistrates (full and part-time)
- Eight seminars for referees in bankruptcy
- Ten courses and institutes for probation officers
- One seminar for public defenders
- Two seminars for clerks of district courts
- Four seminars for courtroom deputy clerks
- Four orientation courses for newly-appointed probation officers
- Four seminars for judges' secretaries

- Two seminar/workshops for circuit executives
- Three courses for court reporters.

Respectfully submitted,

THE BOARD OF THE CENTER

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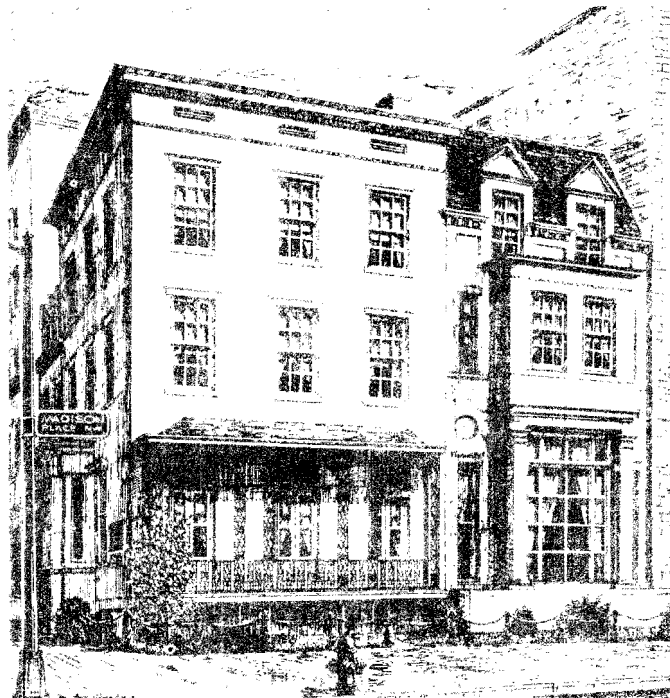
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Administrative Office of the
United States Courts

Dated: September 29, 1972



The Dolley Madison House

One of Washington's most historic buildings, this house was built in 1818 and purchased by President Madison in 1828. Following the death of the President in 1836, Mrs. Madison moved from her Virginia home to return to this house and the Washington life she so much loved. She died here in 1849. From 1851-1881 this was the home of Rear Adm. Charles Wilkes, USN and his family. In more recent years it was occupied by the Cosmos Club, and in 1940 was purchased by the United States Government. Refurbishing was completed in the fall of 1968, and it was formally dedicated as the headquarters of the Federal Judicial Center November 1, 1968, by Chief Justice Earl Warren.