

ANNUAL REPORT 1973





Public Law 90-219
90th Congress, H. R. 6111
December 20, 1967

An Act

To provide for the establishment of a Federal Judicial Center, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FEDERAL JUDICIAL CENTER

SEC. 101. Title 28, United States Code, is amended by inserting, immediately following chapter 41, a new chapter as follows:

“Chapter 42.—FEDERAL JUDICIAL CENTER

“§ 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.

* * * * *

Functions of the Federal Judicial Center, extracted from Public Law 90-210

FEDERAL JUDICIAL CENTER

ANNUAL REPORT
1973

Dolley Madison House
1520 H Street, N.W.
Washington, D.C. 20005

FEDERAL JUDICIAL CENTER

Board

Honorable Warren E. Burger, Chairman
The Chief Justice of the United States

Honorable Walter E. Hoffman, Vice-Chairman
Judge, United States District Court
for the Eastern District of Virginia

Honorable Ruggero J. Aldisert
Judge, United States Court of Appeals
for the Third Circuit

Honorable Griffin B. Bell
Judge, United States Court of Appeals
for the Fifth Circuit

Honorable Marvin E. Frankel
Judge, United States District Court
for the Southern District of New York

Honorable Adrian A. Spears
Chief Judge, United States District Court
for the Western District of Texas

Honorable Rowland F. Kirks
Director, Administrative Office of the United States Courts

FEDERAL JUDICIAL CENTER

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Honorable Alfred P. Murrah
Senior Judge
United States Court of Appeals
for the Tenth Circuit

Director Emeritus

Honorable Tom C. Clark
Justice (Ret.)
United States Supreme Court

Deputy Director

Richard A. Green

Division Directors

Kenneth C. Crawford, Continuing Education & Training

Joseph L. Ebersole, Innovation & Systems Development

William B. Eldridge, Research

Alice L. O'Donnell, Inter-Judicial Affairs & Information Services

THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE
1520 H STREET, N.W.
WASHINGTON, D. C. 20005

OFFICE OF
THE DIRECTOR

August 1, 1973

TELEPHONE
202/393-1640

TO: The Chief Justice and Members of
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. As noted in the Introduction, the Report is somewhat fuller this year than in prior years. Nonetheless, the activities are covered only briefly. Complete detail is available wherever the Conference may desire more information.

The activities reported here reflect much more than the Center's program. The Report is really a summation of a year of interaction by the Center and the entire judicial family. The impressive list of training sessions speaks not only of our activity in preparing and offering these opportunities but also of the thousands of man days devoted to them by the many participants throughout the system. The results of research efforts reflect not only our activity in gathering and analyzing information but also of the tremendous labors that our studies and reports only describe. The institution of new systems and procedures shows not only where we have been able to lend some assistance but also demonstrates the willingness--indeed, the eagerness--of our courts to expend every effort to utilize the best that contemporary technology can offer.

It is with pride in the entire judicial system that this Report is tendered.

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ANNUAL REPORT

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INTRODUCTION

The past year in the life of the Federal Judicial Center was one of both progress and consolidation of gains. It largely witnessed completion of or substantial movement in programs initiated in previous years and integration of the experience from and impact of these prior programs into planning the Center's future. From this has emerged the outlines of four principal avenues along which it appears the Center will be traveling for years to come.

First, with respect to matters affecting appellate litigation, the comprehensive program initiated during the latter part of 1971 has reached fruition in time to provide substantial input into the work of the Commission on Revision of the Federal Court Appellate System established by the Congress. The Center's future work in this area will no doubt be determined by the needs of the federal courts in adapting to such of the Commission's legislative proposals as are enacted by the Congress and otherwise implementing its recommendations, including those suggestive of further research and study.

Second, with respect to the district courts, several activities of the Center—conferences and seminars, as well as research and development projects—while themselves a stimulus to improving the judicial system, have revealed the need, and provided clues, for more deeply penetrating study of the operations and environment of the district courts. The primary questions requiring attention are: What are the significant factors accounting for differences in performance between superficially comparable courts? To what matters can strategies for change be most effectively applied? Starting with a few selected courts, this study, as it expands, is expected to occupy a large portion of the Center's energy and resources for several years.

Third, the Center's educational program has consisted almost exclusively to date of presentations of short courses and seminars to various kinds of personnel in the judicial system—judges, magistrates, clerks, probation officers, etc.—drawn together from all parts of the nation, and of development of materials for individual study, e.g., texts of lectures in both book form and cassette tapes. While programs of this kind will be continued, particularly for orientation of new personnel, the experience from these programs—both that

of judicial personnel through their participation and that of the Center in developing them—indicates that it is now time to apply Center resources in support of local educational programs. Such programs can be designed to meet particular needs and interests of the involved federal court and, when organized by subject matter rather than nature of occupation, can provide an educational experience to all interested personnel of the court at the same time. Pilot efforts in this direction have been juror utilization workshops (held for the Eastern and Southern Districts of New York and for the Middle, Northern and Southern Districts of Florida) involving judges, clerks of court and jury commissioners, for which the Center not only prepared the agenda but also, either directly or by contract, conducted studies beforehand on juror-usage methods in the courts involved.

Finally, the Center will continue to monitor or develop new tools for improving judicial administration and to satisfy the need for a continuing flow of information on the general subject and for betterment of relations with state courts and other concerned institutions. The former is exemplified by the Center's expanding efforts to develop automated data processing of local court management information (COURTRAN) and a methodology for forecasting the caseload of the system. The latter needs are reflected in *The Third Branch* (the monthly bulletin published by the Center and the Administrative Office), the Center's Information Services, its interest in state-federal councils and its liaison with other organizations working toward improvements in the courts.

Interest in improved judicial administration has shown a marked increase during the years since the Judicial Center was created. We do not take credit for it; indeed, the Center is in large measure a product of the increased interest rather than the producer of it. But this fortunate welling up of enlightened concern provides us with unparalleled opportunity and inescapable responsibility to act judiciously, decisively, and promptly to achieve many of the goals that for years have eluded us. Of course, we do not have all the answers to our problems, nor all the resources that we need. We do have, however, one answer and one resource without which all others would be useless—the splendid dedication of the personnel of the judicial branch to making our system work for the benefit of all. Over and over again, the studies conducted by the Center demonstrate the nature and extent of that dedication in every type of court and at every level of endeavor.

With that kind of dedication within and constructive concern without, obstacles will give way one by one.

I. ORGANIZATION AND GENERAL SERVICES

A. **The Center Board.** In October 1972, U.S. Circuit Judge Ruggero J. Aldisert of the Third Circuit was selected by the Judicial Conference of the United States to fill the unexpired four-year term as Board member of U.S.

Circuit Judge Frank M. Coffin, who, as new Chief Judge of the Court of Appeals of the First Circuit, became a member of the Judicial Conference and thus ineligible to serve on the Center's Board. Judge Aldisert's term extends to 1975. In April 1973, the Judicial Conference selected U.S. Circuit Judge Griffin B. Bell of the Fifth Circuit to serve a four-year term, replacing U.S. Circuit Judge Wade H. McCree, Jr., of the Sixth Circuit, whose term had expired. Judge Walter E. Hoffman of the Eastern District of Virginia was elected by his fellow Board members to serve as Vice Chairman under the Chief Justice of the United States, who is permanent Chairman of the Center's Board.

B. Budget. The House and Senate have approved appropriation of funds for fiscal year 1974 in the amount of \$2,000,000. This amount was \$62,000 less than requested but represents an increase of \$456,000 over the fiscal year 1973 appropriation. During fiscal year 1973, approximately one-third of the Center's appropriation was expended on activities related to continuing education and training, approximately 40 percent on research and development, approximately 5 percent on inter-judicial affairs, and approximately 20 percent on general supervision, administration and planning.

C. Staff. There were no major personnel changes during the year, other than replacement of staff at levels below that of division director. During the past year, the Center's facilities expanded slightly, keeping pace with its intensified and more extensive activities. Nevertheless, the staff growth was modest, as the Center has striven to maintain a relatively small cadre of permanent employees and wherever possible to have many functions, particularly special projects, performed by temporary and intermittent personnel. At the end of fiscal year 1973, the permanent staff numbered 33.

II. PROGRAM ON APPELLATE LITIGATION

The Center's appellate research projects, initiated about two years ago, reached or neared fruition in several areas, *e.g.*, the Freund Committee and Advisory Council for Appellate Justice reports on Supreme Court and circuit court caseloads, the Center's comparative studies on the appellate courts' internal operating procedures and on other aspects of appellate litigation, and the Third Circuit time study. The Center's past and ongoing studies in the appellate area are enabling the recently-established Commission studying revision of the federal appellate court system to proceed with its work in accelerated fashion.

A. Study Group on the Caseload of the Supreme Court. In late 1972, the Chief Justice of the United States, as Chairman of the Center's Board, appointed a distinguished committee of seven scholars and lawyers headed by Professor Paul Freund of Harvard Law School to assess and grapple with the

problems caused by the rapid increase in Court business. The Committee rendered its Report in December 1972; and it was made public at a press conference at the Center. The Report called for the establishment by statute of a National Court of Appeals, with a membership of seven judges drawn on a rotating basis from the federal courts of appeals and serving staggered three-year terms; the Court would screen all petitions for certiorari and appeals that would at present be filed in the Supreme Court, referring the most review-worthy to the Court and denying the rest, and retain the decision on the merits some cases of conflict between circuits. The Report also recommended the elimination of most three-judge district courts and direct review of their decisions in the Supreme Court; the elimination of direct appeals in Interstate Commerce Commission and antitrust cases; and the substitution of certiorari for appeal in all cases where appeal is now the prescribed procedure for review in the Supreme Court. The Report further recommended the establishment by statute of a non-judicial body whose members would investigate and report on complaints of prisoners, both collateral attacks on convictions and complaints of mistreatment in prison. Finally, the Report urged increased staff support for the Supreme Court in the Clerk's office and the Library, and improved secretarial facilities for the Justices and their law clerks. The Center's Board has taken no position on any of the recommendations, but the Center does continue to monitor public discussion on the Report and distribute copies upon request.

B. Commission to Reorganize the Circuits. The Commission on Revision of the Federal Court Appellate System, created by Act of Congress, became operative near the end of June 1973. Its mandate is to: (1) present a plan to realign the circuits in accordance with demographic and resultant changes since the last circuit court alignments; and (2) study and report on the structure and procedures of the federal courts of appeals system. The Center provides research support to the Commission in a variety of areas as requested.

C. Federal Appellate Structure. The Center continues to work with the Advisory Council for Appellate Justice, an independent group which the Center, along with the National Center for State Courts, helped to establish. The Council, chaired by Professor Maurice Rosenberg of Columbia Law School, has been considering various proposals for a National Court of Appeals but from the point of view of establishing a court which could add to the quantity of national law rather than for screening of petitions to the Supreme Court. Under the aegis of the Center, a joint meeting of the Study Group on the Caseload of the Supreme Court and the Advisory Council was held at the Dolley Madison House on January 6th, at which the two groups discussed the former's Report. In recent months, the Advisory Council and its subcommittees have also been considering special procedures for processing criminal appeals.

D. Appellate Courts' Internal Operating Procedures. The Center's study of internal operating procedures of U.S. courts of appeals has been completed, and the final reports have been published. Reports were of two types: (1) descriptions of the operating procedures and characteristics of each court of appeals (11 separate reports); and (2) a comparative report analyzing the differences and similarities among the courts.

The study included visits to each court of appeals followed by preparation of summary descriptions which were submitted to each court for criticism to assure accuracy. The comparative report was based on these descriptions. In order to assure maximum usefulness, a preliminary draft of the comparative report was given to each circuit for review. After comments were received, the final comparative report was published and distributed to the Commission on Revision of the Federal Court Appellate System, appellate judges, circuit executives, circuit clerks, and other interested persons.

As part of its appellate court studies, the Center provided support to projects by two staff members of the Political Science Department of the Johns Hopkins University. Reports which have been prepared on matters supportive to the Center's study of the courts of appeals are as follows:

1. *Measuring a Rate of Appeal* describes a methodology for computing the proportion of appeals filed in relation to appealable district court decisions. After a review of the leading authorities interpreting the "final judgment" rule, it was possible to sort previously unpublished district court data on type of disposition into appealable and non-appealable categories. In general, civil appeals will lie from terminations by contested judgment; and criminal appeals will lie from defendants found guilty after trial. This report also illustrates the ability to develop a relatively precise measure of litigious interaction between district and circuit, using data that have been stored and unused in the last decade. Additional applications of similarly stored but unused Administrative Office data are contemplated as another consequence of this report.
2. The phenomenal growth in appellate business—often referred to as one facet of the law explosion—has been ascribed to a greater propensity to appeal from decisions at the trial level. This purported explanation can now be tested by using the new method for measuring rates of appeal. The application of the rate of appeal methodology to 1969 and 1970 data is detailed in *Rate of Appeal Report*. Rates of appeal for individual districts and circuits show considerable variation; but continuities over time are also apparent. For example, a comparison of total civil rate of appeal in 1951 and in 1970 indicates only a slight shift from .20 to .24. In contrast, the criminal rate of appeal increased from .14 in 1951 to .55 in 1970. The

combined effect of civil and criminal rate of appeal in 1951 was .19; and, the combined civil and criminal rate in 1970 was .28. The geometric increase in appellate filings since 1950 cannot be explained by the comparatively slight increase in appeal rates. The source of the appellate explosion seems to result from a sharp increase in appealable district court decisions rather than from a sharp increase in the propensity to appeal appealable decisions.

3. *Decision-Making Procedures in the U.S. Courts of Appeals for the Second and Fifth Circuits* summarizes how the judges of these two circuits assess two significant characteristics of their tribunals, viz., the memorandum system of deliberation in the Second Circuit and the 15-judge size of the Fifth Circuit. The views of the circuit judges concerning the utility of these procedures reveal broad areas of agreement and disagreement. Summaries of interview responses are provided in support of the response patterns discussed in the report.
4. The successful operation of any court system rests in large measure upon the judges of that system who are vested with the authority and the responsibility to maintain coherent national law in the process of rendering prompt justice to litigants. Fashioning improvements for a court system hinges on an understanding of how the participants themselves comprehend their job and its problems. *Role Perceptions in the U.S. Courts of Appeals for the Second, Fifth and D.C. Circuits* examines the functions of judging through views of "judicial role" as related in off-the-record interviews with judges from the three circuits. Responses to specific questions were tabulated along similar dimensions in order to assess similarities and differences of judge-articulated reflections upon the proper tasks for circuit court judges. The report describes and analyzes how the judges of the three circuits perceive three aspects of their roles as appellate judges: (1) the primary purposes or missions of their tribunals; (2) how their tasks differ from those of district judges and Supreme Court Justices; and (3) the permissible range of their discretion to make law.

E. Publication of Opinions. The Center continued to work with the Advisory Council for Appellate Justice in development of guidelines for the publication of opinions. All the circuits have now adopted plans on the subject, pursuant to a Judicial Conference recommendation. The final report of the Advisory Council, *Limiting the Publication of Judicial Opinions*, will soon be available through the National Center for State Courts and the Federal Judicial Center,

F. Communication Among Emergency Court of Appeals Judges. The Center's pilot project on communicating magnetic card typewriters is now complete, and the final report has been published. The project involved

experimenting with automatic typewriters which could be used to transmit an opinion draft from the writing judge to the chambers of the other two judges on a given panel. It was determined that this communications capability is not useful for courts of appeals, in that speed of transmission does not have a demonstrable effect on the time required for preparation of a final opinion. In those instances where speed of transmission is important, it was found that there are alternatives which are better than communicating via the magnetic card selectric typewriters.

The automatic typing capability was found to be valuable and had a significant impact on the productivity of a majority of the judges' secretaries who participated in the project. The Center's examination concluded that the cost of such equipment is justified for any judge's secretary whose typing load is clearly excessive and who wants to use such a machine.

G. Circuit Judges' Time Study. The time study involved the keeping of daily records by Third Circuit active judges and their law clerks during the full year from August 15, 1971, through August 15, 1972. The objectives were to determine: (1) the real time resources available to the court and the allocation of that time among the various tasks for which the judges are responsible; (2) the allocation of court resources between the two major functions of (a) review for the correction of error and (b) law declaring and policy setting; and (3) relationships, if any, between real time consumption and elapsing of calendar time.

Available time resources were reported to be in excess of 2300 hours for the average judge year. This figure considerably exceeds commonly accepted notions of the productive hours to be expected of professional personnel engaged in comparable or even less demanding work. The most frequently mentioned norm for lawyers appears to be about 1800 "billable" hours per year, although not including all job-related hours.

Judge time was divided on a 60 percent case-related to 40 percent non-case-related basis over the entire year. The three periods of the year covered by the report exhibited variation in the ratio, but the variation was due to increase in hours spent in case-related activities. Judge hours spent on non-case-related activities remained fairly constant in each period. This suggests that, as the pressure to clear calendars mounts during the court year, the pressure is met by devoting additional hours to case work rather than a cutback in non-case activities.

Non-case time, 40 percent of all judge time, is largely devoted to judicial administration. Seventeen percent of all judge hours is involved with operations of the circuit court. While it is a figure that can doubtless be reduced by more effective procedures and the use of supporting personnel, the figures accord

reasonably well with such other data as the Center has on administration responsibilities in judicial operations.

Case time, 60 percent of all judge time, was primarily spent in two activities: preparation for argument or conferences and the preparation and clearance of opinions. Nearly 30 percent of all judge time was devoted to opinions.

Patterns in allocation of judge time to preparation for argument, conference and opinion preparation do not vary significantly among the major types of cases. Therefore, if different types of cases present differing responsibilities and opportunities in terms of the two basic functions of error correction and law declaring (such as error correction in prisoner petitions and law declaring in federal question cases), the court has not developed patterns of time usage responsive to the functions.

Evaluation of the relationship between expended judge time and elapsed calendar time was performed by correlation analysis. The analysis failed to yield clearcut correlation on a case-by-case, or case type by case type basis. However, a weighting analysis demonstrated some overall relationships between judge time and calendar time.

One significant finding was that a substantial portion of elapsed calendar time occurred between the ready date supplied by the clerk, and the first time expenditure by a judge.

Those and other findings which were related to the Court of Appeals for the Third Circuit, have been used by the Court in restructuring certain procedures in order to use available resources more efficiently and to reduce the elapsed time from appeal to termination.

H. Conference of Chiefs of Circuits. The Center continued to host the semi-annual meetings of the chief judges of the courts of appeals. These meetings, among other things, provide an opportunity for the Center to consult with these chief judges on how the Center can meet their needs. From such meetings emerged the request of the chief judges for a comparative survey of the internal operating procedures of their courts, recently completed (see II (D), *supra*).

III. PROGRAM ON TRIAL COURT LITIGATION

The Center's efforts in the district court area during this past year were largely devoted to consolidation and expansion of projects initiated in prior years, *e.g.*, juror utilization, use of videotape, court reporting, and to the planning and preparation for projects to be commenced during the coming

year, e.g., in-depth studies of various operations of district courts, and a comprehensive bail survey. Various pilot studies have been conducted as an aid to careful planning.

A. Juror Utilization. Over 800 copies of the Center-prepared *Guidelines for Improving Juror Utilization in U.S. District Courts* have now been distributed. Requests for copies have been coming in at the rate of approximately 50 per month from both federal and state courts.

During June 1973, the Center was the site of a workshop on juror management and selection sponsored by the ABA Commission on Standards of Judicial Administration, and a meeting of the advisory group on an LEAA-funded juror utilization study in selected state courts. Center staff participated in both activities; and the experience of the federal courts is being used extensively in both projects.

During June 1973, the Center also conducted juror utilization studies in the three Florida districts, in preparation for a joint workshop held on June 30, 1973. The Center prepared an agenda for the workshop, and a staff member participated as speaker and reporter. Additional studies are planned for the fall of 1973 in preparation for workshops to be conducted for other district courts.

B. Court Reporting. At the request of the D.C. District Court, the Center administered one of its Court Reporter Qualifications Tests to 15 applicants for a position open in that court. This was the first test of its kind presented via videotape. The videotape was produced at the Center on May 1st and used for the test on May 5th in a courtroom in the D.C. Court. This technique assures test accuracy and standardization and reduces the logistical costs normally associated with such tests. Of the 15 applicants, all completed the language comprehension test, but only 11 attempted transcription of the videotaped performance test. Three individuals passed the test, and the person scoring highest has now been employed as an official reporter. It is significant to note that four of the top eight were "voice-writers" who had received only six weeks of training prior to the test. (Of the three passing the test, two were stenotypists and one a "voice-writer" trainee.) These results appear to add to the proof of the efficacy of the "voice-writing" technique and its potential for helping to solve transcript delays. The trainees were from a class of 25 who were provided training under an LEAA grant. Subsequent to this test—and after completion of the training course—all of the trainees passed one of the Center-developed qualification tests.

During the past year, the Center has continued to monitor improvements in computer transcription systems. LEAA has provided funds to the National Center for State Courts for a commercial feasibility test of computer transcription services. The Center is planning to participate in this project and is considering adding additional funds to the test so that federal court reporters

will have an opportunity to participate. This project will help to determine the feasibility of using such systems in federal district courts as a method for reducing transcript delays.

C. Jury Representativeness. The Center continued to assist the Administrative Office and the Judicial Conference Committee on the Operation of the Jury System in a study to determine how the list of persons drawn under the random jury selection plans compare on the basis of race and sex to the census statistics for the area covered. The analyses were presented to the Committee during July 1973.

D. Delay in Criminal Cases. Final analyses are nearly completed in the Center's project to identify the sources of delay in the processing of criminal cases. Motions practice, recorded with other criminal trial information collected in the summer of 1971, is being examined in order to identify any possible features that may contribute to the delay of criminal case progress.

Evaluation of data relating to criminal case terminations in fiscal 1970 and 1972 demonstrated significant progress in the speed of criminal case terminations in many major metropolitan district courts. Almost all of the 18 metropolitan districts studied experienced a large increase in the absolute number of cases terminated, with some districts closing over 100 percent more criminal cases in fiscal 1972 than in fiscal 1970.

Concurrent with the increase in absolute numbers of cases terminated, was an equivalent or increased percentage of cases closed in 3, 6, and 12 months. Correlative to this is a decrease in the percentage of cases terminated in the longer time periods—24 and 36 months, and over 36 months. This indicates that all but a few courts, in the face of massive increases in caseload, at least maintained their earlier rates of disposition; and some surpassed significantly their earlier rates of disposition.

E. Delay in Civil Cases. The civil case data collected in the summer of 1972 have been the subject of preliminary analysis through data-processing programs developed in the Center's project on local court management information systems. (See V(A), *infra*.) The data were first displayed for each district in numbers of cases closed in less than 3 months, 3-6 months, 6-12 months, 12-24 months, 24-36 months, and more than 36 months. Once an overall picture of each district was created, various types of jurisdiction, nature of suit, and disposition were broken down into the various time intervals. The results show that the patterns of speed in a court seem to remain the same, in relation to other courts, no matter what nature of suit, jurisdiction, or disposition the cases have. These findings were presented to the Metropolitan Chief Judges Conference in March 1973.

Prepared for presentation to the Metropolitan Chief Judges in August 1973 was further analysis of the same type. The distribution of cases by types of jurisdictions, nature of suit and dispositions in a court which disposes of cases at a more rapid rate than the average, and in a court which disposes of cases at a slower rate, was projected onto all other metropolitan courts. The projection demonstrates that the particular combinations of types of cases may have some effect on the relative "speed" a court demonstrates, but that the projection does not significantly alter the ranking of courts according to their relative speeds of disposition.

The preparation of matrices showing the relationships between various types of jurisdictions, nature of suit, and disposition provided a basis for correlation analysis which tends to show that not only do "slow" case types tend to appear in "slow" courts, but that other slow characteristics appear in combination with each other in the slow courts. Therefore, in light of all these findings, it is safe to say that the particular attributes of the cases filed have some impact on the speed in which a court disposes of its cases, but do not alone account for the difference between districts and the speed with which cases are closed.

The search to identify the other factors having an impact on the rates of disposition of a case is presently being conducted by an examination of the individual events in the cases in the data file. The COURTRAN program (see V(A), *infra*) serves to identify the named elements, retrieve them, and perform requested calculations. Analysis of the data should allow the testing of various hypotheses concerning factors which may affect the actual progress of a case.

F. Board of Editors—Manual for Complex Litigation. The revised manual was sent to various interested publishing houses during the latter part of January. The Commerce Clearing House, West Publishing Company, and Clark Boardman and Callahan & Co. have their editions available for sale.

G. Video Technology. The videotape pilot project, designed to implement, evaluate, and establish guidelines for the use of video technology in trial procedure, has been expanded from one to four district courts. The Center has evaluated facilities requirements for each pilot court, prepared equipment standards, and initiated procurement of the required equipment. Two videotape training workshops have been conducted to provide court supporting personnel with the skills necessary to pre-record testimony and to play back the resulting videotape at trial. A manual of techniques and procedures is being prepared to formulate operational standards and provide a reference guide for videotaping a deposition.

As the pilot projects move into operation, the Center will be evaluating the impact of this technology on court administration. Some of the results to date have included the elimination of trial delays caused by the unavailability

of expert witnesses. The Center will also be concerned with the effect on judge time, the effect on costs to litigants, the effect on case disposition time, and the impact on constitutional rights associated with trial procedure. The major application will be in civil cases; but where appropriate and where procedures to protect constitutional guarantees are utilized, it is expected that use will be made of this technology in criminal cases.

At present, there are several methods used for ruling on objections and eliminating inadmissible testimony for playback at trial. The Center has developed a new technique for handling this problem which will result in reduced judge time and the assurance that inadmissible testimony will not be seen or heard by the jury. The new technique allows precise editing without the distractions which are sometimes associated with current techniques.

The Center is also studying other applications of video technology in court administration. These include such things as use of closed-circuit TV for unruly defendants or for remote appearance of witnesses. The possibility of using a combination of video equipment and long-distance transmission capability for presentation of oral argument to an appellate court is also under consideration.

H. Bail Study. In its planning stages, at the Center, is a study of the extent and kind of usage of bail alternatives provided by the Bail Reform Act of 1966. The study contemplates the collection of data from all 94 districts, and from all sources that might produce relevant records, such as defendant case files, magistrates' records, and United States Attorneys' records. The broad geographic range and disparateness of bail records involved in the study will require the cooperation and assistance of a variety of groups and persons. The information collected will go not only to details concerning the imposition of bail conditions or its alternatives, but also to the subsequent behavior of defendants under bail or personal recognizance conditions, to the extent feasible.

I. Interpreting Services. The Center has conducted preliminary investigations into the nature of interpreting services in the federal courts to see whether significant problems exist in the provision of such services to non-English-speaking persons. A meeting was held in June 1973 of various involved persons to obtain help in identifying some possible problem areas. The process of collecting information is continuing.

J. Conference of Chiefs of Metropolitan District Courts. During the past year, the Center sponsored two more meetings (a total of four) of the chief judges of the 21 largest federal district courts. Organized originally to serve largely as an advisory panel to the Center with respect to its research on delays in processing cases in the trial courts, the meetings have proved to be of such mutual benefit that the judges and the Center have agreed to make them a

permanent feature of the Center program. During the past year, the Conference heard reports from all the districts on their "speedy trial" plans, considered analyses of data from the Center's criminal and civil docket studies and discussed utilization of magistrates, local discovery rules and hearing practices in criminal cases.

IV. PROGRAM ON SENTENCING AND PROBATION

Although sentencing and probation are important—and difficult—responsibilities of the judicial system, the problems are basically common to both state and federal systems. The Center's role with respect to research in this area, therefore, has largely been one of monitoring the substantial work being done and supported by others and assuring that the most current wisdom is imparted in the many educational and training courses offered by the Center. Despite the important work being done elsewhere, certain areas of federal experience have been studied by the Center during the past year.

A. Probation Case-Aides. The analysis of the experience and data generated by the probation case-aides project, supported by the Center and the National Institute of Mental Health, has been completed. The final report has been published and is available through the Center.

B. Probation Officers' Time Study. In response to a request from, and in cooperation with, the Administrative Office, the Center planned and conducted a study of probation officers' time usage. The study was based on a month of records kept by a random sample of probation officers, which detailed the allocation of time to various activities involved in day-to-day probation work. Analysis of the information resulted in statements reflecting the distribution of probation officer time, which has been reported to the Administrative Office and the Judicial Conference. The data base, which reflects time breakdown by activity and case-type, is available for further studies responding to the needs of the judicial system.

C. Aid to Sentencing Institutes. The Center continued to provide 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. In April 1973 the Judicial Conference resolved that the Center "shall, in cooperation with the Conference Committee on Probation and the Bureau of Prisons, formulate and prepare for approval by the Judicial Conference all future sentencing institutes. . ." The Center is undertaking to meet this planning responsibility for at least two Institutes, involving the district judges of four circuits, scheduled for 1974.

D. Use and Effect of Indeterminate Sentencing. The Center conducted an analysis of data obtained from the Bureau of Prisons and Board of Parole to determine the use and consequences of 18 U.S.C. 4208(a), which permits an offender sentenced to prison to be eligible for parole at any time, rather than only after the expiration of one-third of his maximum term. The analysis is in the final stages of editing. It is expected that a report will be available in the late fall of 1973.

Preliminary analysis of the use of "4208(a)" revealed that one of the problems with its present operation is that there is no communication between judge and parole officials about their respective intentions and responses to the use of "indeterminate sentences." Both judges and parole officials feel that the lack of communication results in parole decisions without consideration of judges' sentencing objectives, and that the consequence is a failure to use the provisions.

At present the designated means of communication is part of a Department of Justice form to be submitted to the judge by the United States Attorney, in the latter's discretion. A recommendation that there be a judicially-sponsored method for the judge to state his purpose in imposing "indeterminate" characteristics with the sentence has been communicated by the Center Board to the Probation Committee of the Judicial Conference.

E. Sentencing Councils. The sentencing council, used in only a few federal district courts, denotes a formalized procedure by which the sentencing judge confers with two of his colleagues in a multi-judge court before imposing sentence. It is intended not only to enhance the quality of his own decision but also to minimize unjustified disparities among judges in the same court.

Staff of the Center analyzed six years of report forms on the operation of the sentencing councils in the Eastern District of New York to determine the impact of council procedures on the sentencing decisions there. The report is presently in a preliminary-draft stage.

V. PROGRAM ON GOVERNANCE AND MANAGEMENT OF THE JUDICIAL SYSTEM

Perhaps the two most noteworthy projects in the Center's program on governance and management are COURTRAN and forecasting. The former, a Center-developed local court management information system, is operational in two pilot courts, for both criminal and civil cases in one and for criminal cases only in the other. The Center's project to provide a more reliable and broadly-based forecasting methodology for predicting future federal court caseloads is well underway and is scheduled for completion in late 1974.

A. Local Court Management Information Systems. During the past year, the Center continued to refine and improve the capabilities of COURTRAN, which serves 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 design of all system inputs and outputs, as well as the manner in which courts interact with the system, was established by court personnel to insure that the resultant system would be responsive to court needs and would not place an undue operating burden upon them.

Work has been completed on an improved, Phase II version of the COURTRAN criminal case system; and the system has been installed and is now successfully operating in the U.S. District Court for the District of Columbia and the U.S. District Court for the Northern District of Illinois. This system is providing both courts, and related court agencies, with a spectrum of generalized management reports as well as specialized reports to support specific court needs such as the monitoring of individual court criminal speedy trial plans (Rule 50(b)).

To assist individual clerk's offices in conducting in-depth analyses of the operation of their court, the Phase II system allows statistics of court business to be produced on either a defendant basis or a case basis, as well as producing statistical synopses in the form of tables which summarize details of the operations of the court over a specified time period.

A complete COURTRAN civil case system was also developed during the past year to complement the existing criminal system. Due to the modular programming approach utilized in the development of the criminal version, completion of the civil version in a restricted time frame was made possible, since a substantial portion of the central software package utilized by the criminal version was in the civil version. The civil system is now in pilot operation in the U.S. District Court for the Northern District of Illinois. As was the case with the criminal version, the civil version has confirmed the achievement of the design principle of simplicity of operation. All system functions from data coding to actual computer operation are being performed by deputy clerks who had no prior training in the use of automatic data processing equipment.

Two modified versions of the civil system, termed Pre-COURTRAN, were also introduced into district courts during the past year. The first was developed to meet the immediate needs of the U.S. District Court for the Southern District of New York and to assist the clerk of the court in the reorganization of his office. This system is operational; and reports of all pending and terminated cases are being prepared for personnel of the clerk's office as well as for the judges of the court. The second Pre-COURTRAN system is now in pilot operation in the D.C. District Court.

The civil research version of the COURTRAN software was completed this year. This version provided all computer processing for the Center Research Division's civil speedy trial program. Detailed data on approximately 14,000 civil cases were collected from 19 metropolitan federal district courts. This data were successfully processed by COURTRAN software. Initially, the system produced a comprehensive picture of the basis of jurisdiction, nature of suit, method of disposition, and time of disposition for all cases contained in the project data base. A summation of this data was presented to the judges attending the Metropolitan Chief Judges Conference. The system is now being used for processing necessary to support an extremely complex analysis and evaluation of the individual types of events which occur during the life of a case and differences in case procedural flow in an attempt to establish whether or not a given event or sequence of events has a discernible effect on the elapsed time of the case or the method of disposition. This depth and method of analysis would not have been possible without the modular design and structure of the COURTRAN system.

B. Criminal Justice (Statistical Project). The contract to provide support to the Administrative Office in development of a new statistical system has expired. The remainder of the work will be completed by AO staff. A new system is expected to be in operation by November.

C. Forecasting Judicial Needs. The Center's project to provide a broadly-based method of forecasting federal court caseloads, in lieu of the currently used linear method based on annual case filings, has reached the point of refined definition and initial proceedings. A contract has been let; and the project is expected to be completed by December 1974. The project is planned to be completed in stages, which will permit maximum efficiency in the use of expertise in a variety of fields and controlled use of the output of each stage. When prepared, the model is expected to be useful in conjunction with readily available data compiled routinely by government and quasi-governmental agencies, and should provide the capability to predict future civil and criminal caseloads at 5, 10, and 20 year intervals. The model will extrapolate and interrelate trends in a variety of measureable "indicators," and will also provide for the interjection of a certain number of predictable future events that may have an impact on the number or types of district court filings.

D. Bar Admission-Discipline Study. At the request of the Judicial Conference Subcommittee on Judicial Improvements, the Center has conducted, by contract, a study of all rules and practices related to admission and discipline of lawyers in the federal courts. This project is designed to determine the advisability of establishing uniform rules of admission in all federal courts, or a procedure which could, through a single admission, admit counsel to practice in all federal courts. Additionally, the study will set out procedures necessary to bring to the federal courts information on suspension, disbarment or other disciplinary procedures brought in all jurisdictions, state and federal.

The study also considers legislation introduced in the Senate which would set up machinery to process disciplinary cases in the federal courts.

An interim report and analysis was submitted to the subcommittee in April 1973, analyzing diverse procedures adopted throughout the federal system, and in June a proposed model rule for admission was submitted.

A final report, due at the end of August 1973, will complete this project.

E. Management Study in the Second Circuit Court of Appeals Clerk's Office. Last October the Center concluded an interagency agreement with the Regional Commissioner of the National Archives and Records Service (NARS) whereby NARS provided professional assistance in the areas of paperwork management and office procedures to the Office of the Clerk of the United States Court of Appeals for the Second Circuit. NARS conducted a detailed administrative workflow study to identify and eliminate possible duplications, unnecessary records, delay points, and bottlenecks as well as reviewed all standardized forms with a view toward creating improved versions. During this effort, NARS trained clerk's office personnel in proper paperwork procedures. A detailed report containing the study results has been completed, recommending, *inter alia*, a more efficient integrated paperwork system that will mesh with a proposed clerical reorganization. The report additionally contains recommended standard operating procedures for use by clerk's office personnel in handling court records.

Several of the recommendations have already been implemented. A program for evaluation and implementation of other recommended changes is now underway.

F. Exploration of Potential Measures of Performance of District Court Clerks' Offices. The initial report on this study has been completed and has been given to the Administrative Office and to the Judicial Conference Subcommittee on Judicial Statistics. The report reveals several areas which require further exploration. Additional studies are being conducted, the results of which will be combined with the initial report in a lay summary for wider distribution.

Two of the findings of the initial report which are of interest are:

1. The relative amount of clerk staffing support based on clerks' costs per weighted filing—does not have any systematic relationship to the median time to disposition. In other words, relatively larger clerks' offices do not appear to result in shorter times to disposition; and
2. There are very definite "size effects" in the federal court system. Clerks' costs per weighted filing in small courts are higher—on the

average--than costs for medium-size courts. The latter, in turn, have higher average costs than the large district courts. These findings indicate that a single standard for all district courts is not feasible.

The data from this effort show significant variations among courts on various measures of performance. Courts which are at the extremes on these measures will be selected for study in order to determine the reason for the differences which exist, with a view toward having those procedures which result in better performance measures adopted in other courts.

G. Proposed Revisions of the Criminal Laws of the United States. At the request of the Judicial Conference Committee on the Criminal Law, the Center engaged a consultant to assist the Committee in its consideration of three pending proposals to revise the federal criminal laws. The consultant prepared comparative reports on the general and sentencing parts of the proposed revisions during the past year and has begun work on the remaining part, dealing with definitions of crimes.

H. Conference of Circuit Executives. Following a seminar for the newly-appointed circuit executives held last October, the Center inaugurated a semi-annual conference for them contemporaneously with the Judicial Conference meeting last April. The conference provides both for consultation of the executives with the Center and the Administrative Office and an opportunity for them to discuss matters of common interest among themselves.

I. Legislating Jurisdictional Change. Major alterations of federal court jurisdiction reflect the operation of social, political, economic and traditional forces. Yet in the periods between major change, legislative alterations of an incremental type affect the jurisdiction of the federal courts. Occasionally, major reform is attempted; less frequently it is successful. The Center is providing some support to a study on *Legislating Jurisdictional Change*, which examines successful and unsuccessful legislative changes in jurisdiction over a 33-year period from 1928 to 1971 in order to determine the forces which impeded or created such changes. The legislative histories of measures altering jurisdiction are viewed in relation to public and private efforts to enact or defeat such legislation. Much of the behind-the-scenes data are gleaned from the deposited papers of federal judges and members of Congress who were identified with attempts to alter the jurisdictional landscape of the federal courts.

VI. PROGRAM ON INTER-JUDICIAL AFFAIRS AND INFORMATION SERVICES

A. **State-Federal Relations.** Efforts have been made to serve the more than 40 functioning state-federal councils by developing information on their activities and organizational procedures, and to record, in a central file, a history of their meetings. A paucity of information from many of them has not made it possible to record as much data as desired, but with added stimulation in this area during the upcoming year it is hoped more information may be gathered. A representative of this Division and a U.S. district judge addressed the Conference of Chief Justices on this subject at its annual meeting in August 1973. In conjunction with the National Center for State Courts, plans are being discussed to hold another State-Federal Conference to be attended by state and federal judges.

B. *The Third Branch.* This eight-page publication, the official bulletin for the federal courts, has increased in production from 4,500 to 6,500 monthly with greater expansion being considered. In the past year the bulletin has adopted a two-color format and has featured interviews with knowledgeable people whose work is related to the federal judiciary. Coverage also includes articles discussing pertinent legislation, new techniques adopted in the courts, activities of the Judicial Conference, reports of special Federal Judicial Center committees, and a column entitled "A Message from the Chief Justice."

The Third Branch will continue to be a medium to exchange information in capsule form helpful to federal judges and their supporting personnel. It is made available without charge to other organizations working in the field of judicial administration including law libraries, state judges, and law schools.

C. **Information Services.** General supervision of the Information Service has been made a responsibility of the Director of Inter-Judicial Affairs. The Division is now called the Division of Inter-Judicial Affairs and Information Services.

The Information Service Office has been in operation for a year. During this time it has expanded its basic book collection to over 2,500 volumes, monographs and periodicals. Primary emphasis of the collection is on works and studies dealing with judicial administration.

Requests have been received from judges and supporting personnel of state and federal courts, libraries, scholars, and other organizations working in related areas. Inquiries range from requests for general information on the federal courts to specific requests for reports on juror utilization, time studies, opinion writing, court management problems, etc. Responses are building up an expansive storehouse of information in special subject areas.

Services have included: editorial assistance to the Administrative Office in compiling a general administrative procedures guide for federal court personnel; advising other court librarians; a monthly listing in *The Third Branch* of current articles and books published on judicial administration and the courts generally; and responding to requests from FJC staff. The Information Specialist in charge of this office is cooperating with the Division of Education and Training to plan a Seminar for Federal Court Librarians to be held in Washington from September 6th through 8th.

D. Liaison. The Division Director maintains liaison with other organizations working in the field of judicial administration through membership on a Steering Committee which includes representatives of the National Center for State Courts, the American Bar Association, the National College of the State Judiciary, American Judicature Society, Institute for Court Management, National Council on Crime and Delinquency, and the Institute of Judicial Administration.

Liaison is also maintained with bar associations. The Division Director serves on the National Council of the Federal Bar Association, and this year will be Chairman of the American Bar Association's Division of Judicial Administration, which has 8,000 members, the majority of whom are judges. Five judicial conferences are an adjunct of this Division, one being the National Conference of Federal Trial Judges.

Liaison with the National Center for State Courts is maintained through this Division. The Division Director meets quarterly with the Board of this organization, prepares its minutes and serves as Secretary-Treasurer of the organization.

E. Service. General inquiries by telephone and from unannounced visitors calling at the Center, as well as visiting judges and other court personnel, are received by this Division. In cooperation with the State Department, bar associations and other organizations, arrangements are made to welcome and brief foreign visitors interested in learning about the Center and the federal courts.

VII. PROGRAM ON CONTINUING EDUCATION AND TRAINING

A. Seminar Activities. During fiscal year 1973, the Center provided 34 seminars, short courses, and conferences for personnel of the federal judiciary, with direct program formulation and execution responsibilities and funding support. An additional five Seminars for Bankruptcy Judges have been conducted with the indirect, yet substantive planning assistance and logistical support of the Center. Approximately 1,800 judicial officers, para-judicial, and

supporting personnel participated in these programs - 1,400 as participants and 400 as faculty members and discussion leaders. In addition, 158 personnel of the courts attended individualized self-improvement courses with Center direction and financial aid.

In sum, 58% of the eligible personnel of the judiciary (i.e. permanent and active employees with substantial court responsibilities who did not participate in educational programs during the previous year) received educative exposure during the fiscal year just concluded. And overall, 24% of the total personnel population of the federal court system were involved in the expanding and continuing educational and training programs of the Center.

The Center's educational and training program has been characterized by an increased reliance upon judicial, para-judicial, and academic expert personnel in shaping the content and direction of programs, as well as a broadened application of research findings and innovative developments to course design, implementation, and focus.

Among the highlights of the education and training process during fiscal year 1973 have been:

- continuing seminars for federal appellate court judges.
- inauguration of conferences for district court judges in service five years or more.
- completion of the initial series of seminars for magistrates and the formulation and implementation of more substantive refresher courses and specialized, problem-oriented conferences both for full and part-time magistrates.
- extensive discussion at the appellate judges' seminars of the Third Circuit Time Study research conclusions and their possible system-wide applications.
- expositions and demonstrations of technological innovations (i.e., video tape, COURTRAN, juror utilization, court reporting techniques) at seminars both for judicial and supporting personnel.
- active participation of the circuit executives in a number of seminars, and their progressively evolving liaison role in training development.
- integration of federal probation, Bureau of Prisons, and Board of Parole personnel in multi-disciplinary seminars.
- expanded Center support for specialized training programs.
- broadened reliance upon law school faculty and academic professionals as discussion leaders and resource personnel for seminars at each level.
- the very substantial and extensive contributions of Senior Judge William J. Campbell of the Northern District of Illinois.

1. Appellate Judges

During the last fiscal year, two seminars were sponsored with 43 circuit judges in active attendance. These sessions were designed for those judges who had not participated in the 1970 Conferences offered by the Center, and those appointed since that time. The sessions focused on the effective use of judicial time, both in terms of judicial responsibilities in decision making and opinion writing, and in areas of efficient management techniques. In addition, substantive matters in federal jurisdiction, impact decisions and recent and eminent legislative actions were considered.

2. District Judges

Two conferences with 64 federal trial judges with five years or more tenure were held at the Center during the last fiscal year. These meetings were structured in a modified "Arden House" format, combining plenary sessions with small group seminar discussions and summary reports. The agenda was formulated by a planning committee of eight judges, and contained a progression of discussion topics ranging from the effective use of available personnel and time resources, through technological and systems advances, to an analysis of case management procedures and special problems posed by criminal and civil litigation. The summary reports of the conferences are to be published by West Publishing Company in Federal Rules Decisions in order to maximize the dissemination of the techniques and recommendations discussed by the judges.

3. Newly Appointed District Judges

The series of orientation seminars for recently appointed trial court judges continued with a two-week program held in Washington during the latter part of the fiscal year. Twenty-two judges representing sixteen districts met with a diverse faculty of experienced federal judges, professional experts, and representatives of the criminal justice community to consider a wide range of procedural and substantive topics.

4. Circuit Executives

The eight executives met twice in fiscal year 1973 at the Center, both occasions contemporaneously with the Judicial Conference of the United States. The first program was structured to provide detailed expositions of the operations of both the Administrative

Office and Federal Judicial Center, with liberally interspersed discussion and question periods and in-office visits. The second session was designed flexibly to incorporate executive sessions, a presentation and analysis of the comparative study of the internal operating procedures of all eleven United States Courts of Appeals, and a segment dealing with public and media relations. Both conferences concluded with meetings with the chief judges of the circuits.

5. United States Magistrates

During the past fiscal year, the four seminars for magistrates sponsored involved 104 of these judicial officers in programs conducted in Washington and regionally. As noted above, the initial series of orientation courses required by statute were completed, with every magistrate system-wide having attended at least one session or been offered the chance to do so. One seminar for recently appointed full-time and "full range of duties" part-time magistrates was conducted at the Center in the fall to keep pace with the requirements, personnel changes, and additional positions enacted by Congress. A specialized regional conference for both full and part-time judicial officers was held in the southwest focusing on the particular problems of illegal entry and cross-border smuggling. A new cycle of refresher programs for magistrates was inaugurated with emphasis on substantive legal and procedural questions. Throughout these educational processes, the Center has relied increasingly upon the resources of the Administrative Office Magistrates Division and the magistrates themselves in course planning and execution. A second collection of seminar papers is now being readied for publication and distribution throughout the system.

6. Public Defenders

The second seminar for federal and community public defenders took place in Washington with a complement of 27 lawyers participating. The program integrated discussions by several district judges, a magistrate, and Department of Justice representatives, with emphasis on frequent and pressing substantive and procedural questions confronting the defense bar. Additional treatment was offered for the still evolving administrative and office management policies as delineated by Congress and supervised by the Administrative Office.

7. Federal Probation Officers

A total of 11 seminars, short courses, and conferences were provided to 494 probation officers during the last year. The basis for this extensive and expanding series of programs continued to be the reliance for planning and cooperative liaison upon the Probation Division of the Administrative Office and the in-field officers. The regional institutes and refresher courses were continued, offering an ongoing, periodic opportunity for each officer to meet both within his region and on a national level to discuss current correctional trends and their implications. These latter courses were refined and integrated more closely with the Bureau of Prisons and Board of Parole, with the cooperation of the Bureau in the use of their training facilities and attendance of prison supervisory personnel. Five orientation seminars were conducted to meet the needs of 131 new officers out of the 168 positions infused into the system by Congressional enactment. Course presentations were broadened to include management and communications skills and psychological and sentencing studies. An orientation manual, prepared by the former Chief of the Probation Division, was distributed late in the year to every probation officer.

8. Court Reporters

The Center sponsored three regional seminars for official court reporters with 114 individuals participating. The central goal in each of these sessions was the improvement of reporting standards and the management of services. As in the past, the core faculty was built around several experienced reporters from the Southern District of New York, with supplemental expertise offered by additional personnel representing small and medium-size districts. Particular focus centered on effective reporting techniques, new innovations, and pooling systems. The Center received cooperative assistance from the Reporters' Association in terms of course content and publicity. As the initial stage in reporting training, the participants in these seminars were primarily those with five years or less federal experience. During the coming year, the process will be broadened to include all remaining reporters.

9. District Court Clerks

Two seminars were conducted during the past year, building upon the 1970 course experience and included, both as participants and faculty members, 79 district court clerks. Extensive utilization, both in the planning and execution of these programs, was made

of the resources of clerks in the field by the use of a planning committee and a questionnaire circulated system-wide. The agenda provided extensive emphasis on management procedures in docketing, personnel, local rules, juror utilization, and fiscal matters. Presentations also included discussions by representatives of the Administrative Office on statistical information and reporting, and the appropriations and budgeting process. Members of the Center staff also offered explanations of recent systems innovations experiments, including COURTRAN. A total of three circuit executives participated in the sessions and presented their ideas and plans in terms of functions and responsibilities affecting the district courts.

10. Courtroom Deputy Clerks

The series of seminars for these supporting personnel continued with three courses offered to 114 deputies on a regional basis. As in past sessions, the emphasis was placed on techniques of maximizing assistance to trial judges and the effective methods of calendar control. The Center plans to provide two additional seminars of this type during fiscal year 1974 to respond to requests from more than 15 districts for training participating deputies beyond the 350 who have attended.

11. Judicial Secretaries

As a part of an expanded educational effort to reach previously unaffected personnel segments of the judiciary, the Center sponsored three pilot seminars for secretaries to district judges, involving a total of 141 judicial assistants in regional courses. Here again, emphasis was given to the ways in which a secretary could maximize assistance to the judge and coordinate this activity with the other members of the judge's staff and court family. In each seminar, intervals for discussion and the exchange of procedures, techniques, and ideas were provided. In conjunction with these formal course offerings, information was gathered for a planned orientation manual for judicial secretaries.

B. Other Educational Services.

1. Special Tuition Authorization Program

The Center policy of providing funding support to individual judicial system employees to attend job-related, educational programs continued on a refined and expanded basis. One hundred and fifty-eight members of the judiciary participated in a similar

number of courses. Funds were distributed by percentile as follows: judges and magistrates - 24.5%; administrative office personnel - 28.0% (primarily related to new automatic data processing systems); probation officers and staff - 16.8%; deputy clerks - 9.3%; public defenders - 8.0%; Federal Judicial Center personnel - 6.4%; miscellaneous (circuit executives, clerks, Supreme Court) - 7.0%.

2. Audio Cassette Program

The Center's library of cassette recordings was expanded this past year to include additional taped seminar presentations on 170 topics of interest and relevance to judicial offices, supporting personnel, law schools and private attorneys. During the year, 650 requests for loan of the various cassettes were filled through the office of education and training. At present, the library is being refined, both technically and in terms of scope, with many additional cassettes being readied for circulation. During the coming year a detailed catalogue, designed for updating, will be prepared for distribution.

3. Video Tape and Film Program

A video tape library was instituted with substantive presentations on matters of particular interest to supporting personnel. Tapes made by the Center's Director were utilized for nearly all regional programs held outside of Washington. Plans are in process to include substantive presentations of both general and particular subject materials by the Administrative Office and Judicial Center staff professionals on expository and informational topics.

The Center also assumed an extensive film library dealing with various aspects of corrections and probation from the Probation Training Center. During the past year, the 14 films at hand were circulated in response to 76 requests from federal probation officers, as well as colleges, state correctional agencies, and high schools.

As a part of the Center's expanding support for cultivating community support resources, particularly in the area of corrections, the office of education and training made available to 51 probation offices an audio-visual kit produced by the United States Chamber of Commerce entitled, "Marshalling Citizen Power to Modernize Corrections."

4. Publications

The Center's collection of educative publications distributed system-wide was increased by the addition of the following materials:

- A compilation of Newly-Appointed District Judges Seminar presentations (the first since 1963).
- An Admiralty Primer.
- Index of Referees in Bankruptcy Seminars Proceedings.
- Office Handbook for Referees' Clerks.
- Treatise on Individual Calendar Control (more than 500 copies distributed at all levels of the Judiciary).
- An Orientation Manual for Federal Probation Officers.

In addition to the various collections of outlines, presentations, and background materials prepared and distributed for particular seminars, the Center offered a broadened basis for informational exchanges by reprinting and disseminating copies of the Circuit Executive Guide to all judges and clerks of court; the Rockwell Management Systems Survey to all district court clerks; and various Federal Rules Decisions articles of pertinent interest to seminar participants.

C. Plans for Fiscal Year 1974.

- The series of Conferences for "Experienced" District Judges will continue with at least three courses planned.
- With the Omnibus Judgeship Bill now pending in Congress, three Newly Appointed Judges' Seminars are contemplated.
- If and when Congress acts, conferences will be scheduled to ventilate the implications of the new rules of evidence.
- The Center will assume a more active role in formulating the Circuit Sentencing Institutes.
- The Center will accept direct programming and funding responsibility for the Referees' Seminars.
- Refresher courses for United States Magistrates (both full and part-time) will be continued, and an orientation seminar will be offered as personnel changes require.
- Conferences for circuit court clerks and their staff will be initiated.
- Programs for supporting personnel in the referees, probation officers, and district clerks' offices will be inaugurated.
- Seminars for public defenders and official court reporters will proceed.
- Conferences or workshops focusing on problems of metropolitan districts encompassing all members of court organization are contemplated.

- Orientation Manuals for federal trial judge law clerks, judicial secretaries, and district deputy clerks will be developed and published.
- The audio cassette program will be enlarged as a formal educational complement to the structured training courses.
- The presentations from the recent Newly Appointed Judges' Seminars and Circuit Judges' Seminars will be edited and published.
- The system of specialized educational assistance for court personnel, enabling them to participate in non-Judicial Center sponsored programs will be improved; particularly with regard to publicity, evaluation, definition of priorities, and coordination with Judicial Center seminars and circuit and district in-house programs.