

**Federal Judicial Center
Annual Report**

1980

1980 ANNUAL REPORT
FEDERAL JUDICIAL CENTER

FEDERAL JUDICIAL CENTER

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Honorable Walter E. Hoffman, Director Emeritus

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October 27, 1974 to July 18, 1977

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August 25, 1980

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL CONFERENCE
OF THE UNITED STATES

Pursuant to the provisions of 28 U.S.C. § 623, I respectfully submit the Federal Judicial Center's Annual Report for fiscal 1980. The report summarizes our activities since the last annual report and describes the work projected through the formal end of this fiscal year. Further details on any aspect of our programs will, of course, be made available to you on request.

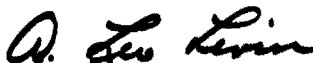
The organization of this report differs somewhat from that of earlier reports, which described the work of the Center in chapters devoted to each of its divisions. This report, however, describes the Center's work in terms of the various constituent units of the federal judicial system that we serve. Increasingly, the Center's divisions work together on various projects. Therefore, this report includes separate chapters on the Center's programs for trial courts, sentencing and probation functions, and appellate courts, as well as programs of system-wide application.

A significant change in the senior staff of the Center occurred during the past year. Joseph L. Ebersole, Deputy Director of the Center, resigned to return to private industry after a decade of dedicated service to the Center. The new Deputy Director is Charles W. Nihan, formerly Director of the Division of Innovations and Systems Development.

It is appropriate once again to take note of the Center's debt to the Judicial Conference and its committees and to the judges and the supporting personnel in the courts themselves who have favored the Center with their contributions to our programs, with requests for our services, and with their suggestions on how our work might be improved. Similarly, we have continued to benefit from the interest in our work shown by Members of Congress and their staffs.

It is a privilege to be of service to the federal judicial system. We will continue our efforts in the next year with no less dedication.

Respectfully submitted,



A. Leo Levin

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INTRODUCTION

The primary purpose of an annual report is to describe the activities of an organization as they have unfolded over the course of a given year. This annual report also serves to keep the Congress “fully and currently informed” concerning the activities of the Center. It is an instrument of accountability. In addition, however, it provides occasion to pause and to reexamine the premises that lie behind our basic mission.

The Center was created as the research and development organization of the federal judicial system. It is charged with developing new mechanisms to help federal courts discharge their responsibilities efficiently and expeditiously. It is also charged with providing continuing education on a wide range of subjects for federal judicial personnel. These efforts seek the same end—a more effective, more efficient judicial system.

With courts, as with industry, research and development is the engine for innovation, for new approaches to allow us to make progress; and continuing education is the mechanism of transmitting research developments, of explaining new processes and procedures so that they may be put to practical use. Even for those who do not accept “progress” as a goal, research and development, together with the concomitant educational efforts, offer at least some hope of coping with the uncontrolled and often uncontrollable forces that will surely overwhelm us if we do nothing.

We read much about research and development in industry and defense. For example, persuasive studies assert that this country’s share of the world’s research and development has declined; the percentage of the total federal budget for research and development declined from approximately 7.24 percent in fiscal 1972 to 5.95 percent in fiscal 1980.

The implications of the data are viewed as clear enough. We have a fairly clear understanding of what we expect of research and development in industry. They and continuing education are properly viewed as necessary ingredients of improved productivity. And improved productivity, if the national consensus is correct, holds the key to the future.

Carta, common law lawyers have recognized that the law shares “with nature the capacity for growth and adaptation.” The history of seven and a half centuries, he continued, “demonstrate[s] that change is a fundamental law of life and even our need for stability and continuity must yield to that immutable law.”

The activities reported in the pages that follow reflect our efforts to achieve changes that serve the interest of justice.

I. TRIAL COURTS

Trial courts constitute the bulk of the federal judicial system, and they receive a correspondingly large share of the resources of the Federal Judicial Center. The varied and complex nature of trial court operations requires that the Center's work in support of the trial courts be multifaceted, drawing upon the work of personnel in each of its divisions. The Center's programs of continuing education, research, and systems development in support of the United States district judges, bankruptcy judges, magistrates, and supporting personnel are described in this chapter and in the next chapter, which deals with sentencing and probation.

Requests and suggestions for Center work come from numerous sources, including committees of the Judicial Conference of the United States and the courts themselves. These various sources are described in further detail throughout this report. Other projects are generated within the Center, building upon previous work and reflecting needs articulated by the courts.

Special mention should be made of the Center's close relationship with the Conference of Metropolitan District Chief Judges, composed of the chief judges of the thirty-one federal district courts with six or more authorized judgeships. In 1979, these courts accounted for almost 64 percent of the total case filings in federal district courts. The Conference, which meets semi-annually to deal with the problems of the larger federal courts, has suggested a wide range of research, educational, and development activities for the Center's agenda, and it is a valuable forum for feedback and commentary on the Center's plans and programs. The Director Emeritus of the Center, Senior Judge Walter E. Hoffman of the Eastern District of Virginia, is the chairman of the Conference, and Charles W. Nihan, the Center's Deputy Director, serves the Conference as its secretary.

A. Continuing Education and Training

Perhaps the single best known activity of the Federal Judicial Center is its seminars for newly appointed district judges. However, these seminars represent only one facet of the Center's programs. In fact, they are only one aspect of its educational programs. Trial judges and magistrates, as well as supporting personnel, participate in the full range of educational services the

Center has developed for the entire judicial system, which are summarized in chapters four and five. Those services include seminars and workshops, developed under the guidance of Senior District Judge William J. Campbell, Senior Chairman, Center's Seminar Programs. They also include local educational programs and media services to serve specific local court needs. Trial court personnel benefit also, with Center support, from specialized courses relevant to their work that are offered by educational institutions.

Orientation Programs for Newly Appointed District Judges. The Center's seminars for newly appointed district judges, held at the Dolley Madison House in Washington, D.C., provide an intensive week's treatment of topics crucial to the new federal trial judge. Techniques of trial processes, the management of civil and criminal cases, the Federal Rules of Evidence, sentencing, and special problems of the jury and nonjury trial are all included. The seminars also offer a framework for analyzing such subjects as class actions, Title VII of the Civil Rights Act of 1964, and judicial ethics.

Seminars are held when the number of new judges is large enough to constitute a class of approximately thirty—normally, about once a year. However, appointments to the 117 new district judgeships created by the 1978 Omnibus Judgeship Act, as well as to vacancies created by normal attrition, led the Center to offer two seminars in fiscal 1979 and three in fiscal 1980.

Because newly appointed judges may serve for several months before a seminar is offered, the Center has also developed an "in-court orientation program" designed to help the district courts fulfill their traditional role in assisting newly appointed district judges. A committee of district judge members of the Center's Board has prepared suggestions and checklists that are provided to each newly appointed judge and each chief judge.

Other Educational Programs for United States District Judges. In addition to orientation for newly appointed district judges, the Center provides continuing education programs for the judges of the United States district courts. The most prominent among those programs are the workshops for district judges, which are generally two-day seminars held in the various circuits. The curriculum for each circuit's workshop is developed by a planning committee of judges of the circuit in consultation with the director of the Center's Division of Continuing Education and Training. The division also provides planning and logistical assistance.

Although orientation seminars typically stress managerial and administrative subjects, the workshops increasingly emphasize developments in substantive

legal areas (such as constitutional torts and antitrust) and include law school professors as faculty. The workshops also address special topics. For example, in fiscal 1980, several circuits heard Dr. Walter Menninger, a nationally known psychiatrist, discuss stress as it affects those in high-pressure positions, such as federal judges.

At the request of chief judges of courts most likely to be affected by the Crude Oil Windfall Profits Tax Act of 1980, the Center has also scheduled a special two-day seminar to familiarize judges with the relevant provisions of the act.

District judges, like all personnel of the federal judicial system, participate in the Center's program of tuition support to attend courses offered by both local and national institutions (see chapter four). As part of this program, for two years the Center has sponsored, on an experimental basis, attendance of a number of federal district and appellate judges at the Harvard Law School's Summer Program of Instruction for Lawyers. The program is an intensive, two-week treatment of such subjects as federal jurisdiction, tax, and administrative law.

Requests for Center sponsorship at the Harvard program have been very heavy. Because the Center is able to accommodate only a small number of the judges who have sought to participate, the Center's Board has directed that the Center develop its own programs of intensive treatment of substantive legal areas for federal judges. Such programs are being designed under the guidance of a committee of the Board, which will arrange for recognized experts in the subject areas to prepare materials and conduct the courses.

Bankruptcy Judges. The Bankruptcy Reform Act of 1978 mandated the creation of separate bankruptcy courts in each of the federal judicial districts, effective October, 1979. The act provides that numerous changes be implemented in phases through 1984. The Center has continued to develop in-depth seminars and workshops to familiarize bankruptcy judges with the provisions of the new legislation and to equip them to meet their responsibilities. The Center provided intensive training in this area in fiscal 1979, and held one such program in 1980.

Magistrates. As it does for district and bankruptcy judges, the Center provides both advanced and orientation seminars for United States magistrates. In fact, when Congress created the position of magistrate, it specifically directed the Center to provide such programs, including introductory programs within one year of the magistrates' appointments (28 U.S.C. § 637). The Center held two advanced seminars for magistrates in fiscal 1980, one primarily for Ninth Circuit magistrates, and one for magistrates of the Fourth and Fifth Circuits. In the latter case, programs were held concurrently

for full-time and part-time magistrates to allow a more effective and efficient use of the faculty and to provide the magistrates an opportunity to discuss common problems. The subjects covered at the seminars included, for full-time magistrates, the Rules of Evidence, expediting pretrial procedures and trial conduct and, for part-time magistrates, preliminary criminal matters and misdemeanor trials.

An orientation seminar for newly appointed full-time magistrates was held at the Center in April, 1980, and optional workshops for newly appointed part-time magistrates were scheduled in conjunction with the seminar for the Fourth and Fifth Circuits.

Clerks of Court and Other Supporting Personnel. About half the personnel in the federal judicial system have some direct contact with one or more of the Center's educational programs each year. The many management and administrative functions required to maintain the federal judicial system are affected by new requirements imposed by statute and by directive of the Judicial Conference. Consequently, the Center's educational services for administrative and operational support personnel are diverse.

The Center provided two seminars in fiscal 1980 for clerks of court, both designed to assist the clerks with their executive and managerial responsibilities. Those seminars focused special attention on the model equal employment opportunity plan announced by the Judicial Conference at its March, 1980 meeting.

The Center also provided specialized programs for chief deputy clerks and deputy clerks, who are responsible for the effective execution of the courts' numerous administrative activities. The range of administrative functions handled by these officers shapes the curriculum of the seminars, which in 1980 included financial management, procurement, and juror utilization.

Manuals and Handbooks. The Center published two manuals for supporting personnel in 1980. The *Handbook for Federal Judges' Secretaries*, containing suggestions for office procedures and describing the organization and process of the federal courts, was distributed to federal judges for use by their secretaries.

Also distributed in 1980 was *Guidelines for Docketing Clerks*, a manual compiled by court personnel and others who served as faculty at eight workshops presented for docketing clerks in 1978 and 1979. The manual reflects comments, suggestions, and locally devised forms and practices in various clerks' offices across the country.

Since 1977, the Center has also provided judges with the *Law Clerk Handbook* for their law clerks' use.

Public Defenders, Panel Attorneys, and Public Defenders' Investigators. Federal public defenders, their assistants, and investigators are compensated by funds administered within the federal judicial budget and are part of the Center's training responsibility. In fiscal 1980, a seminar for all federal public defenders dealt with ethics and administrative management problems. Three regional seminars emphasizing the Federal Rules of Evidence were held for trial attorneys.

B. Bench Book for United States District Court Judges

Several years ago the Center undertook the production of a new *Bench Book for United States District Court Judges*, designed to replace one issued early in the Center's history. The *Bench Book* will include information federal district judges have found most useful for immediate bench or chambers reference. When completed, the *Bench Book* will include sections on such topics as assignment of counsel, taking guilty pleas, model sentencing forms, standard voir dire questions, findings and conclusions, standard jury instructions at the beginning and end of a case, and oaths.

The *Bench Book* is being prepared under the supervision of a committee composed of present and past district judge members of the Center's Board. The committee, in turn, has sought the assistance of experienced judges from throughout the system in preparing the various sections of the *Bench Book*. This project is a responsibility of the Center's Division of Inter-Judicial Affairs and Information Services.

The *Bench Book* is published in loose-leaf format, with each page dated to facilitate supplementation and revision. Portions of material for the new *Bench Book* were mailed to all federal district judges, bankruptcy judges, and magistrates, in November and December, 1979 and July, 1980.

C. Criminal Litigation Research and Development

The Speedy Trial Act of 1974 has had a profound impact on criminal, and even civil, case processing in the federal courts. All divisions of the Federal Judicial Center have devoted considerable resources to helping the courts meet the planning, reporting, and monitoring requirements imposed by the act.

The act itself directs the Center to "advise and consult with the planning groups and the district courts in connection with their duties" under the act (18 U.S.C. § 3169). Pursuant to this mandate, the Research Division has provided extensive advice to the various district courts, in the form of mail advisories and individual consultation, as the courts seek to implement the act. Moreover, the division worked closely with the Administrative Office of the United States Courts to provide advice and consultation as the 1979 amendments to the act were being considered by Congress.

Legislative History of the Speedy Trial Act. In anticipation of the final dates for implementation of the Speedy Trial Act, the Research Division began in late 1978 to prepare a legislative history of the relevant sections of Title I of the act to assist judges called upon to interpret it in litigation. When the act was amended in the summer of 1979, the changes were taken into account in the legislative history, which was then in production. By the summer of 1980, the book was completed and ready for production. The legislative history contains extensive references to the floor debates, committee reports, and hearings on the several provisions of the act; it also includes a narrative description of the legislation's evolution in the Congress.

Courtran Support for Criminal Case Management. Courtran is a general, descriptive term for a wide range of computer-based applications for court and case management and for administrative support, developed by the Center's Division of Innovations and Systems Development. The specific applications are in various stages of development and testing and are described in this annual report under the particular components of the judicial system that they are designed to serve. Summary information on the overall Courtran system is provided in chapter five.

During fiscal 1980, one important Courtran application, INDEX, has been expanded substantially. INDEX is easy to operate, readily producing analytical reports useful to court personnel. INDEX accepts information not only on criminal cases, but also on civil, magistrate, and bankruptcy cases filed in a given district. INDEX records such basic information as parties' names, case filing dates, the number of defendants in any specific case, and the judge to whom the case has been assigned. Additional information, such as termination date and judge reassignment, can also be entered into the INDEX system. The information is used to prepare monthly statistical reports on case activity and judges' pending cases.

INDEX has thus far been implemented or is being implemented in thirty courts, which account for more than 50 percent of the total federal criminal and civil case load.

During fiscal 1980, two additional steps, detailed below, were undertaken to test further possible benefits of the Criminal Case-Flow Management System,

the best known of the Center's computer efforts. The Criminal Case-Flow Management System is a full docketing system, developed in cooperation with a users group of district court clerks. Its primary utility has been in assisting eleven specially chosen Courtran pilot courts with implementing the Speedy Trial Act. The pilot courts, whose filings last year accounted for about 30 percent of the national criminal defendant felony filings, were selected to allow the Center to test the effect of automation on courts that differ in size, geographic dispersion, and management methods.

Deputy clerks in each pilot court enter all docket sheet information into the main Courtran computers in Washington, using terminals in their courts that are connected by high-speed transmission lines to the Courtran computers. Each court's input can then be processed rapidly to meet the court's requests for information and for a variety of reports indicating the status of that court's—and each judge's—criminal cases in terms of Speedy Trial Act deadlines. Moreover, as the system is further developed and more courts are included, the data base stored in the Courtran computers will facilitate the quick and accurate generation of planning and management reports on national case flow activity.

It was possible in 1980 to develop and test two further procedures for efficient court management. First, seven of the pilot courts, with Judicial Conference approval, have eliminated the need for clerical personnel to record docket sheet information on paper stored in the courthouse. Instead, the information is electronically recorded in the main Courtran computers in Washington, D.C., thus creating the official dockets of their cases. The Courtran system can provide instant paper printouts of the docket on demand. In addition, the docket information maintained in the computer is regularly provided to the courts on microfiche, from which paper dockets also can be generated at any time.

As a second development, five of the pilot courts are having the computer automatically prepare their official criminal case statistical reports to the Administrative Office—a development that promises significant economies both in the courts and in the Administrative Office.

STARS (Speedy Trial Accounting and Reporting System) is a simplified Courtran application designed to provide assistance specifically with Speedy Trial matters. It was developed to supplement standard court procedures to aid in meeting the reporting and monitoring requirements of the act. STARS was developed in 1979 and offered to the thirty courts that had processed more than 250 felony defendants the previous year and that were not already supported by Courtran; thus, the system was made available to the courts most needing automation as the final implementation dates for the Speedy Trial Act drew near. During fiscal 1980, thirty-four district courts were using

one or more Courtran applications, and it is already clear that this number will soon increase. Approximately 60 percent of federal felony defendants are before courts with either the Criminal Case-Flow Management System or STARS. The vast bulk of the remaining federal felony defendant case load is found in a large number of small courts in various parts of the country.

Courtran Support for Central Violations Bureaus. Additional assistance to federal trial courts, especially magistrates, is provided by the automation of several large courts' Central Violations Bureaus (CVBs). The CVBs handle hundreds of thousands of relatively minor offenses, such as traffic violations on federal lands, that are processed by federal courts. Indeed, the volume of such cases dwarfs what is usually reported as the federal case load. For the twelve-month period ending June 30, 1980, well over 440,000 such tickets were issued, and payments to the CVBs totaled more than \$5 million.

Five districts—Eastern Virginia, Maryland, Colorado, Central California and, most recently, Western Texas—are successfully using the Courtran CVB system to monitor minor offense citations issued by federal agencies. The system automatically produces warning letters to violators when fines are not received within a specified period and assures that other follow-up action will be taken as required. The importance of follow-up is demonstrated by the fact that fewer than two-thirds of the cases were disposed of by payments made by mail; more than one-third of the cases required some action beyond the original notice of violation. The Courtran CVB system reduces the amount of clerical effort required to deal with citations ignored by violators. As a by-product, the system facilitates preparation by the clerks' offices of statistical information for the Administrative Office and materially assists the courts in managing their own CVB operations.

D. Civil Litigation Research and Development

In fiscal 1980, the Center continued to develop its research and development program on civil litigation. The program was built upon a series of projects begun several years earlier, and those projects themselves branched out into new areas of interest and concern to the federal district courts. Given the current reexamination of the federal procedural rules in light of concern over possible abuse of procedures and high litigation costs, the Center's research program is coordinated with the work of the Judicial Conference Advisory Committee on Civil Rules.

Research on Discovery and Pretrial Procedures. The Center continued work in fiscal 1980 on several projects related directly to the processing of civil cases.

The third and final report in the District Court Studies Series, *Judicial Controls and the Civil Litigative Process: Motions*, is an extension of Center work reported earlier in *Case Management and Court Management in United States District Courts* (1977) and *Judicial Controls and the Civil Litigative Process: Discovery* (1978). The data base for all three reports was derived from a sample of 3,000 cases in six federal courts. The detailed information from those cases was supplemented by interviews and observation in the courts. The research was designed to shed light on common, current assumptions about the nature of federal civil litigation and the effectiveness of various devices and approaches to facilitate its timely and just disposition.

The motions report suggests that the oral proceedings, motions-day practice, coupled with limited opinion writing, may well be the preferred method for prompt case disposition and conservation of resources.

A further outgrowth of the District Court Studies Project was an analysis of high-volume discovery cases in one of the studied courts, the District of Maryland. Analysis of those data is currently being reviewed within the Center.

The Center also completed a case study of litigation that was thought by the participants to involve particular discovery problems. A small number of cases were selected for intensive analysis to explore the varying attitudes of the participants toward the nature of discovery and to learn whether the Federal Rules of Civil Procedure, or other causes, were at the root of the perceived problems.

At the request of the Judicial Conference Advisory Committee on Civil Rules, the Center's Research Division has been exploring the operation of several districts' local rules that might be adopted nationally. Those rules cover such subjects as pretrial conferences and communication among members of a class in a class action suit.

A report on sanctions for violations of the Federal Rules of Civil Procedure was completed for the Center by the Thomas J. White Center at the Notre Dame Law School. The report analyzes federal case law as a means to determine how available sanctions have been used by federal district judges in efforts to contain excesses in the discovery process.

Attorneys' Fees. Two reports on attorneys' fees, undertaken as "reports to the Center" at the Center's request, were submitted in fiscal 1980 for review prior to publication.

One report, by Professor Arthur Miller of Harvard Law School, addresses the subject of attorneys' fees in class action cases. The subject is of particular concern to courts that are charged with fixing such fees in a variety of com-

plex cases. Based on extensive analysis of the case law, examination of case files, and selected interviews with judges and lawyers, Professor Miller's study sought to learn how courts use available methods of calculation to determine fee awards.

In another project, Professor Robert Aronson of the University of Washington School of Law analyzed all statutes, decisions, and other rules concerning the awarding or setting of attorneys' fees, and explored the role of the court in the fee-setting process.

Manual for Complex Litigation. The Center has supported the work of the Board of Editors of the *Manual for Complex Litigation* since the *Manual's* inception. This year, the Center undertook two different projects to revise the *Manual*. First, a draft of the fifth edition has been prepared and circulated for comment. Perhaps more significant is a two-year effort to analyze the use and effect of the *Manual*, in preparation for considering whether major restructuring is warranted. The Center's Research Division is working with Professor Arthur Miller of Harvard Law School in an effort not only to review the literature of complex litigation, but also to interview judges and lawyers to determine how the present *Manual* is being used and to gather suggestions for changes.

Research on Arbitration and Other Alternatives to Traditional Civil Litigation Processes. In recent years, there has been heightened interest in alternatives to traditional forms of litigation. The usual objectives are simple enough: reducing the burden on litigants and judges, shortening the time to disposition, and even improving the quality of the result. In actual operation, however, such alternatives tend to have both varied and complex effects.

While most of the activity in this area has been in state rather than in federal courts, due in large measure to the nature of their respective jurisdictions, there have also been significant efforts to modify or create alternatives to traditional civil litigation procedures in federal courts. In several instances, the Center has been asked to evaluate the effects of those innovations.

In 1978, the Center began a two-year evaluation of three district courts' local rules providing for court-annexed, nonbinding, mandatory arbitration in certain classes of civil cases. The Center, working in cooperation with the three courts, acted at the request of the Justice Department, which was interested in learning the results of arbitration experiments in a limited number of courts as a prelude to possible legislative authorization of local arbitration on a broader scale.

The three districts participating in the experiment—Connecticut, Eastern Pennsylvania, and Northern California—adopted generally similar rules.

The rules provide that certain classes of cases—generally personal injury or contract actions in which no more than \$100,000 is demanded—be submitted to a panel of three arbitrators, chosen from the local bar. After the arbitration award is announced, the parties may take the case to the district court for a trial *de novo*. Otherwise, the panel's award becomes the judgment of the court. The stated purposes of the rules are to reduce the time and costs of litigants and to lessen the need to deploy the full panoply of judicial resources in certain cases.

In two of the districts (Northern California and Eastern Pennsylvania), the Research Division compared the disposition processes of cases subject to the arbitration rule with those of similar cases disposed of before the imposition of the rule. Those data were supplemented by questionnaires to attorneys, judges, and other participants in the process, to learn the effect of the rules and the degree of satisfaction among those participants. In the District of Connecticut, the division conducted a controlled experiment in which all cases eligible for arbitration under the rule were placed in a pool and assigned randomly to either arbitration (the experimental group) or the traditional process (the control group). Random assignment allows a more accurate judgment than would otherwise be possible of the specific effects that can be attributed strictly to the evaluated treatment (in this case, the arbitration rule), since the arbitrated and the nonarbitrated cases differ from each other only in that the rule is imposed upon the experimental group of cases.

In the summer of fiscal 1980, the Center distributed for comment a draft of its final report on the experiment. It would appear, pending analysis of all comments, that the rules have served primarily to shorten the time from filing to disposition of the cases subject to the rule, stimulating quicker settlement than would otherwise occur. In more than half of the arbitrated cases, however, the parties requested a trial *de novo* after the arbitration award was announced. Of course, such requests do not mean that a trial will in fact take place; settlements may still be arranged, and the Center continues to monitor the process.

The Center has also undertaken other, more modest analyses of procedures proposed or implemented in various federal trial courts as alternatives to normal litigation procedures. At the invitation of a judge in the Northern District of Ohio, for example, the Center is observing and evaluating the effects of a procedure instituted by local rule for a "summary jury trial." Under the procedure, in certain cases that otherwise appear destined to go to trial, the judge provides counsel a jury to which they may present summary arguments. The stated purpose of the procedure is to give attorneys and parties a sense of how a real jury might react were the case to go to trial, and thus provide a more accurate basis for comparing the advantages of settlement and the costs of a trial. The attorneys may, and sometimes do, stipulate

that the jury's findings will be binding. Trial de novo, of course, is otherwise available.

The Center, at the request of the Senate Judiciary Subcommittee on Improvements in Judicial Machinery, has analyzed a proposed small claims procedure for the United States Customs Court. The procedure was proposed by various parties that have been active in the legislative consideration of the Customs Court Bill of 1979, which would expand that court's jurisdiction and rename it the United States Court of International Trade. The report was submitted at the request of the subcommittee to help it evaluate the various arguments.

Courtran Civil Case Management Support. As indicated previously, development and testing of Courtran programs for case management have focused mainly on criminal litigation, given the special reporting and accounting requirements imposed by the Speedy Trial Act of 1974. For some time, various chief judges and court clerks have been urging the Center to provide support in the area of civil case management as well, and the Division of Innovations and Systems Development has done so. For example, the INDEX system described previously is already available to support some aspects of civil case management. INDEX contains summary information on civil as well as criminal cases, and produces a variety of reports both for the court as a whole and for individual judges.

In addition, a functional description of a more comprehensive civil case management system is now in the final stages of redrafting. This functional description, written in the language of court personnel, is in effect a thorough definition of the support that the system will provide, including the reports it will produce, the data elements it will contain, and the procedures to be followed by court personnel in making use of the system.

After approval by the users group of district court personnel that assisted the Center in producing it, the functional description will be used to develop the precise technical configurations that will constitute the system. Implementing a civil case management system is contingent upon adequate funding.

E. Jury Projects

The federal trial jury is an object of Center attention for three reasons. First, the Center has been asked to develop programs to help courts ensure that juries are representative of the general population of the jurisdiction in which they serve. Second, federal courts seek to achieve maximum utilization of citizens called for jury duty. The objective is to have a sufficient number of jurors available to allow trials to start when the participants are ready, with-

out calling many more than will be used promptly. Otherwise, jurors must wait long hours before serving, if they serve at all. Finally, Center research can provide information relevant to such basic questions as how best to select and instruct the jury, and even whether the traditional jury is suited to the full range of tasks presently assigned to juries, a topic of current interest in the context of complex litigation.

Education and Training. Techniques of juror utilization are a common topic at the Center's seminars for clerks of court and deputy clerks. Special training on juror utilization has been provided in recent years for bankruptcy clerks, in anticipation of their new responsibilities for jury trials under the Bankruptcy Reform Act of 1978. Furthermore, the seminars for newly appointed district judges include presentations on the management of jury trials. The Center's media library also includes seminar presentations on juror utilization, which are provided on request to court personnel.

Juror Utilization Research. The Center's Research Division has undertaken a variety of projects to analyze current juror utilization methods and efforts to ensure random selection of the jury pool. It has developed a computer program that analyzes data, provided to the Administrative Office by court personnel, on the composition of the jury pool. The program produces reports to the various courts comparing each court's jury pool with the demographic makeup of the general population in the district. The Center has been maintaining the program and will transfer it to the Administrative Office with a manual to facilitate its operation there.

The division is completing a project analyzing experiments undertaken in eight districts to test the effectiveness and economy of different methods of summoning jurors. The project compared the use of ordinary mail to certified mail, as well as differing procedures to include the juror questionnaire with the summons or to send the summons alone. A report has been prepared describing the results of the experiments and identifying certain statutory changes that may be necessary to implement the indicated improvements. The report will be submitted initially to the Judicial Conference Committee on the Operation of the Jury System.

Research on Voir Dire Activity. On the basis of two earlier Center reports on voir dire practice in federal courts, the Jury Committee has asked the Center to analyze the feasibility of a judicial training program on the conduct of voir dire. Several judges on the committee have participated in a project in which the Research Division, with the consent of the attorneys involved, has tape-recorded voir dire conducted in several federal district courts. On the basis of this research, the division hopes to develop a training program, which would be presented by the Division of Continuing Education and Training in seminars and workshops.

Jury Instructions. During the past year, the Research Division has been providing assistance to a Center committee appointed to consider revisions in criminal jury instructions used in federal courts. The committee was initially appointed as a planning committee for the major task of preparing new jury instructions under a new federal criminal code, since passage of the proposed code revisions would render most currently used instructions obsolete.

Pending final action to revise the code, however, the committee had undertaken to develop pattern instructions in areas not dependent on the fate of the proposed revision. Those areas include credibility of witnesses, appropriate inferences from established facts, matters not to be considered by the jury, and a number of miscellaneous matters, such as instructions concerning jury deliberation itself.

The purpose of the research has been to devise instructions that are comprehensible to laymen; for that purpose, the draft instructions are subjected to standard psycho-linguistic tests. The committee is reviewing the draft instructions, and a completed package is expected in the fall.

The Center's research has also benefited from various circuits' efforts to develop pattern instructions.

Possible Alternatives to Juries in Protracted Litigation. During fiscal 1980, the Center's Research Division has provided staff assistance to the Judicial Conference Subcommittee on Possible Alternatives to Jury Trials in Protracted Court Cases. The subcommittee will consider, among other subjects, whether service in protracted cases poses undue hardship on jurors, and the ability of jurors to comprehend complex matters presented in protracted civil litigation.

The Center's support for the subcommittee includes extensive interviews with judges and lawyers who have participated in protracted cases, analysis of the meaning of complexity in this context, analysis of "blue ribbon" jury panels, and assessment of literature on group problem solving as it relates to jury operations.

F. Implementation of Judicial Orders in Institutional Reform

In recent years, the courts have found it necessary to issue orders for large-scale, systematic changes in institutions such as prisons and mental hospitals in order to redress widespread violations of constitutional rights. Special masters appointed by the courts to oversee the implementation of such orders have provided a significant aid in such cases, but the use of special masters

can involve procedures as unusual as the cases themselves. The Research Division has continued to study the role of the master in one large case; the study was undertaken at the suggestion of the judge involved.

That study has led to a larger project analyzing the many aspects of implementation of judicial decrees directed at institutions of total confinement. The project produced a paper published in 1979 and is expected to produce two further reports. The first will be a manual to assist judges and special masters, and will include an overview of the theory and practice of implementation of court orders in extended-impact cases, with emphasis on reform in institutions of total confinement. The second will be a documented study of the single case the division has been observing; its publication will await termination of the case.

G. Management and Administration of the District Courts

In the broadest sense, attention to management and administration of the trial courts pervades almost all aspects of the Center's work. Certain discrete research and development projects, however, focus directly on court and case management in district courts, and, to a lesser degree, bankruptcy courts.

Research and Analysis of Federal District Court Management. At the request of the Conference of Metropolitan District Chief Judges, the Center's Research Division conducted two studies of court management practices in the district courts.

The Conference, in considering various proposals for district court executives in the larger metropolitan courts, asked the Center to describe and analyze the varying administrative needs and practices in federal district courts with ten or more authorized judgeships. The study, to be presented to the Conference at its meeting in October, 1980, is based on extensive interviews and observations and is designed to provide basic information on varying court management patterns.

At its meeting in October, 1979, the Conference heard a report of a Research Division survey, undertaken at the Conference's request, to learn of district court practices in adjusting chief judges' case load assignments to compensate for their additional administrative burdens. (Report of a similar survey of courts of appeals is scheduled for presentation to the Conference of Circuit Chief Judges at its September, 1980 meeting.)

Peremptory Challenge Rules. At the request of the Judicial Conference Advisory Committee on Criminal Rules, the Research Division has studied

proposals to amend the federal criminal rules to allow each party in a criminal case one peremptory challenge of the judge assigned to the case. Such provisions are found in various state rules and statutes, and some observers have suggested that a similar provision would be appropriate as a means of ensuring fairness to the parties in federal courts. Others believe such a provision is unnecessary and, indeed, poses serious threats to the litigants' right to well-administered, expeditious case processing.

The Center recently broadened its analysis to include proposed legislation that would, in both civil and criminal cases, authorize peremptory challenges of district judges, magistrates, and bankruptcy judges. The Center's report will be provided to the Criminal Rules Committee and made available to other interested parties.

H. Improvement of Advocacy in Federal District Courts

At its meeting in September, 1979, the Judicial Conference authorized appointment of an Implementation Committee on Admission of Attorneys to Federal Practice. The committee, chaired by Judge James Lawrence King, is charged with overseeing the implementation, on an experimental basis in a limited number of pilot courts, of the major recommendations put forth by the Judicial Conference Committee to Consider Standards for Admission to Practice in the Federal Courts, known as the Devitt Committee. These include a system of peer review of lawyers in each district, entrance examinations to test knowledge needed for practice in the federal courts, and a trial experience requirement.

Fourteen district courts have tentatively agreed to serve as pilot courts to work with the Implementation Committee in testing one or more of the major Devitt Committee recommendations. A seminar has been scheduled for September 22 and 23 at the Center, at which the committee and the pilot courts will review the recommendations, identify specific steps the courts must take to put the tests into actual operation, and review methods for the Center to observe and evaluate the projects.

II. Federal Sentencing and Probation

Throughout its history, the Center has worked closely with the federal district courts, their probation offices, and the Judicial Conference Committee on the Administration of the Probation System to provide assistance in the sentencing and supervision of convicted defendants. In recent years, the Center's work in sentencing and probation has become increasingly inter-divisional, drawing upon personnel in the Division of Continuing Education and Training, the Research Division, and more recently, the Division of Innovations and Systems Development. The Research and Education Divisions work jointly on education of judges and probation officers, and the Research and Systems Divisions are both involved in the effort to meet the Judicial Conference's request for an automated Probation Information Management System (PIMS). These and other projects are described below.

During the past several years, the Research Division has given close attention to congressional interest in revising the federal criminal code, including proposals for restructuring the sentencing discretion of federal judges.

A. Continuing Education and Training

Sentencing Institutes. In 1958, Congress authorized the Judicial Conference to convene sentencing institutes at the request of either a circuit's chief judge or the Department of Justice (28 U.S.C. § 334). The purpose of the sentencing institutes is to develop more uniform sentencing practices and procedures. Since 1974, the Center, at the request of the Judicial Conference, has been involved in the planning, administration, and evaluation of the institutes, providing information on new research developments in the area of sentencing.

In fiscal 1980, the Center organized and presented a sentencing institute for the judges of the Fifth Circuit in October, 1979, and one for the Third and Sixth Circuits in May, 1980. Each institute included a one-day tour of a federal correctional facility. The curriculum for the institutes covered such topics as alternatives to incarceration, the roles of the federal probation system, policies and procedures of the Parole Commission, the role of counsel in the sentencing process, and status of legislation dealing with sentencing.

Research on Justice Department Policies Affecting Judges' Sentencing Options. As part of the curriculum of the Center's orientation seminars for newly appointed judges, the Research Division prepares a description and analysis of the current policies of the Parole Commission and the Bureau of Prisons. Those Department of Justice agencies are responsible for the offender after sentencing, and their policies, especially those of the Parole Commission, can have a major effect on the actual sentence served, regardless of the sentence imposed.

The information prepared by the division, which was presented at each of the three seminars for newly appointed district judges held in fiscal 1980, is also contained in a report, updated as necessary to reflect the agencies' policy changes. The most recent edition of the report is *The Sentencing Options of Federal District Judges* (April, 1980). An earlier version of the paper was reprinted in 84 Federal Rules Decisions 175 (1980), and bulk copies were provided on request to the Administrative Office Probation Division and the Department of Justice, as well as to federal judges.

Seminars and Workshops for United States Probation Officers. The Division of Continuing Education and Training sponsored a series of seminars for probation officers during fiscal 1980. The series included three seminars for supervising probation officers, one for chief probation officers in small districts, and two orientation seminars for newly appointed line probation officers. The programs shared some common curriculum elements, adapted to the needs of the officers in attendance. One point of major emphasis was case management; another was investigation and report writing, a presentation structured to take account of practices and problems revealed during last year's seminars for line probation officers. The seminar for chief probation officers of small districts also included an extra day devoted to the special problems of those officers, who often do not have line probation officers serving with them.

In fiscal 1980, the probation seminars increasingly involved Research Division projects and personnel. Seminars were used to acquaint probation officers with a device the division developed to predict the level of supervision probationers would need. The Research Division also prepared a distillation of relevant findings from its presentence disclosure report for use in future probation seminars. (Both projects are described in section B of this chapter.)

The Center also held two seminars to instruct all probation officers on drug aftercare procedures, responsibility for which was transferred from the Bureau of Prisons to the federal judicial system by statute on October 1, 1980. Those seminars addressed such topics as aftercare contracting, detoxification measures, and urinalysis procedures.

The Center continued its cooperation with a Fordham University program in which qualifying probation officers participate in a three-year program leading to a master's degree in sociology. The program, conducted primarily by correspondence, includes a one-week residential seminar each semester at a geographically convenient site. Twenty-two officers have graduated from the program with a master of science degree; the first graduated in fiscal 1979. During fiscal 1980, forty-five probation officers participated in the degree program.

B. Probation and Sentencing Research

The Center's research on aspects of federal sentencing and probation is influenced by the agenda and objectives of the Judicial Conference Committee on the Administration of the Probation System, and members of the Research Division work closely with that committee. The division also maintains a close working relationship with the Probation Division of the Administrative Office.

Predicting Needed Probationary Services. A major probation research project has been the development for the Probation Committee of a "base expectancy" or "risk prediction" scale. The scale is a means of classifying federal probationers according to the level of supervision they are likely to require, thus allowing a more accurate allocation of probation office resources.

In fiscal 1980, the Research Division and the committee selected a specific model, referred to as RPS-80, for testing in six districts. Personnel in those courts will collect data necessary to gauge the effectiveness and accuracy of RPS-80. Analysis of those data will proceed through 1980 and 1981. The staffs of both the Research and Education Divisions will also work together to produce a training film on the program to aid in nationwide implementation of RPS-80.

Presentence Report Disclosure. Since 1977, in response to a request from the Probation Committee and the Probation Division of the Administrative Office, the Center has studied the operation of Federal Rule of Criminal Procedure 32(c)(3). The rule provides that, with certain exceptions, the trial court shall permit a defendant or the defendant's counsel to read the probation officer's presentence report and comment on alleged factual inaccuracies prior to sentencing.

The presentence report is the key to the current mode of "individualized" sentencing, in which the trial judge is expected to consider all relevant available information about the defendant, which is presented in the presentence report. The interests of a defendant in assuring the accuracy of the report

are obvious. The purpose of the study was to learn how the rule was in fact operating and how courts were dealing with any problems that might have developed.

This research on the impact of the rule included field studies and questionnaires distributed to federal district judges and probation officers. The questionnaires asked respondents about the methods they used to ensure accuracy and due process in the sentencing decision.

A report based on this research, written by two attorneys who had begun work on the project while on the Center staff, was completed in fiscal 1980 and has been published in the *Harvard Law Review*. The report concludes that the courts have been making significant efforts to meet at least the threshold disclosure requirements in the rule, but there are still widespread practices that defeat full compliance with the spirit of the rule. The presentence report is often made available too close to the sentencing date, and with inadequate notice; furthermore, the information most crucial to the actual sentencing decision is frequently kept from the defendant and the defense counsel.

At the request of the Probation Division, the Center arranged for extensive distribution of reprints of the *Harvard Law Review* article. Recipients included United States probation officers; United States district judges were informed of the article's availability, and many have requested copies. As noted previously, a separate report, summarizing the study's major findings, was also developed for use in probation officer training seminars.

Sentencing Councils. Sentencing councils are a device by which district judges in a court can discuss their sentencing intentions in an effort to curtail unwarranted disparity in sentences handed down within the court. Because of widespread interest in sentencing disparity, the Center analyzed the operation of councils in three district courts with different modes of council operation. The Center compared sentences actually imposed in a period before the introduction of councils with sentences imposed after adoption of the council procedure. Previous research on the councils had examined only the effects of council deliberations on tentative sentencing decisions in individual cases.

The Center study revealed that the councils' effects on disparity varied considerably among courts and types of offenses. Differences in councils' operations are crucial to their effectiveness, and, the study suggests, unless councils engage in wide-ranging, give-and-take discussions, they may increase rather than reduce disparity. Varying attitudes toward the importance of developing a consensus appear to be crucial. The study concludes that sentencing councils can reduce disparity if they are structured to emphasize

development of a consensus; but without such emphasis, they are unlikely to achieve that result.

The study's findings were presented to the Probation Committee at a meeting in the summer of 1980, and they will be published in a staff paper. More extensive data from the study are available for review through the Research Division.

Pretrial Services Agency Data Analysis. In 1979, the Administrative Office asked the Center to provide an extensive analysis of the three-year experience of the pretrial services agencies established under Title II of the Speedy Trial Act of 1974. The material was appended to the Administrative Office's statutorily mandated report to Congress on the agencies. In fiscal 1980, a memorandum with more extensive analysis of the data and expanded interpretation was prepared for distribution to the individuals working in the pretrial services agencies.

C. Probation Information Management System

In fiscal 1980, the Center's Research and Systems Divisions continued to work with personnel from the Administrative Office Probation and Information Systems Divisions to design a Probation Information Management System (PIMS). PIMS is an automated management information system recommended by the Probation Committee and approved by the Judicial Conference. The Center's role in its development was approved by the Board at its meeting in June, 1979, and the effort has been coordinated regularly between the Center, the Administrative Office, and the Probation Committee.

When completed, the system will contain information on sentences imposed for various offenses, and will thus be available for judges seeking consistent sentencing practices nationwide. It will also provide essential planning and management information for probation officers.

Center personnel have worked throughout 1980 with a users group consisting of probation officers from eight districts and staff from the Administrative Office to develop a functional description of PIMS. The functional description will be a thorough description of the services that PIMS will actually provide, including the reports it should produce, the data elements it will need, and the procedures to be followed in entering the data and generating the reports. The description is a necessary first step to the technical design and implementation of the system.

The Probation Committee has been kept fully informed of the development of the system at each stage.

D. Federal Judicial Center Committee on Prisoner Civil Rights

The Center Committee on Prisoner Civil Rights has served since 1973 to advise judges and other court personnel on the best procedures to be used in handling "conditions of confinement" cases filed by prisoners under 42 U.S.C. § 1983. How courts handle these petitions is not a sentencing or probation matter, but it can have a vital impact on the lives of those incarcerated in both state and federal prisons. In thanking the committee for the completion of its task, the Chief Justice, as Chairman of the Center's Board, noted the important service that it had rendered to ensure the fair and expeditious handling of the many section 1983 cases filed each year.

In 1980, the committee authorized publication of its final report, *Recommended Procedures for Handling Prisoner Civil Rights Cases*. Two tentative reports had been published for comment in 1976 and 1977, and the final report was revised to take account of responses and comments. The report includes suggested procedures to enable judges who receive prisoner civil rights complaints to differentiate the meritorious from the unmeritorious case, and to ensure that all meritorious claims are dealt with properly. The report is directed to state court judges as well as federal judges, reflecting the committee's belief that the protection of constitutional rights is a responsibility of the state as well as the federal judiciary.

The Center's Research Division has provided logistical and substantive support to the committee, chaired by Judge Ruggero J. Aldisert, and arranged to have Professor Frank Remington of the University of Wisconsin Law School serve as the committee's reporter.

III. APPELLATE COURTS

Over the last decade, the federal courts of appeals have been adjusting to major, unprecedented increases in workload. Some see that trend as a potential threat to the reflective deliberation and collegiality thought essential to appellate review as it has traditionally been known. Further increases in the size of appellate courts to meet their expanded workload can exacerbate problems of maintaining uniformity of the law and assuring procedures appropriate to the case. Thus, the need to assess alternatives to traditional procedures is compelling.

The Center's work in support of the appellate courts has been characterized by two objectives: to provide continued updating in new areas of the law through educational programs, and to develop technological innovations that will allow appellate judges to husband their time, permitting them to focus their deliberative energies on the disposition of the cases most in need of full appellate review while according proper treatment to all appeals filed.

A. Seminar for Newly Appointed Circuit Judges

In the past, the Center has conducted conferences for circuit judges at intervals of several years, but until 1980 the number of circuit judges appointed at any one time was insufficient to warrant a seminar devoted exclusively to newly appointed circuit judges. However, the thirty-two circuit judgeships created by the Omnibus Judgeship Act of 1978, combined with normal attrition, made such a seminar feasible. A four-day seminar was held in Washington at the Dolley Madison House in March, 1980. Experienced appellate judges and law professors addressed the seminar on such topics as federal appellate jurisdiction, standards for appellate review, statutory construction, scope of review, opinion writing, problems and issues, and judicial ethics and professional responsibility.

B. Research and Development on the Appellate Process

Appeals Expediting Systems. Most delay in the appellate process typically occurs in the interval between filing and the point at which the case is ready

for argument or, where there is no oral argument, for submission for decision. Last year, the Eighth Circuit Judicial Council advised the Center of its appeals expediting system, developed to monitor the progress of criminal appeals up to the point of submission to the court. The council asked the Center for assistance in documenting and evaluating that system.

The Center's work in the Eighth Circuit is nearing completion. Two reports are contemplated as a result of the Eighth Circuit project. One is a documentation and set of manuals and forms—for use primarily by the Eighth Circuit but available for review by other courts. The Center's analysis of the Eighth Circuit system has led to a comparison of the appeals expediting system in that circuit with a similar system that was developed in the Second Circuit; the Center plans to make that report available for distribution.

The Tenth Circuit Judicial Council, aware of the Center's work in the Eighth Circuit, asked for similar support. Unlike the Eighth Circuit, the Tenth Circuit did not have an appeals expediting program in place; it wished to build on the Eighth Circuit experience to design its own appropriate expediting system. Furthermore, the Tenth Circuit is serving as one of the two pilot courts for the Courtran Appellate Information Management System described in section C of this chapter. The presence of that system in the Tenth Circuit was an additional incentive for designing an expediting system for the circuit. The Center is now providing support to the Tenth Circuit in analyzing its appeals process and developing an expediting system.

Preargument Case Expedition Programs. In 1977, the Center published its report on the Second Circuit Civil Appeals Management Plan (CAMP). The Second Circuit instituted the plan in an effort to preserve the opportunity for oral argument in all cases in which oral argument is needed. The plan assumes that a preargument conference with a settlement attorney might allow a case scheduled for argument to be disposed of without submission, thus preserving judicial resources for cases in which oral argument is necessary. The Center's evaluation suggested certain modifications that might make the plan more effective, and the circuit has modified the plan. The Center has provided follow-up advice and observation of the plan's operation, at the court's request.

The Second Circuit plan, and the Center's study of it, led the Seventh Circuit to undertake a similar project, which the court asked the Center to evaluate. The Seventh Circuit program has more variations than the Second Circuit plan. Prior to the program, the court was scheduling predocketing conferences in all civil cases except pro se appeals. Although many attorneys appeared to have benefited from the conferences, some cases were apparently being settled prior to conference as a result of scheduling letters sent to counsel. That fact led the court to consider a program of sending appropriate letters that might

stimulate settlement without conferences, at least in certain types of cases. Such a procedure would produce substantial economies while accomplishing the ultimate ends of the conference: speedier disposition for litigants, reduction in the total amount of time required of attorneys, and reduction of judicial and administrative workloads.

The Seventh Circuit asked the Center to compare the costs and benefits of various types of conferences with those of a form letter covering issues that would ordinarily be discussed at the conferences. The project also seeks to learn the effects of conferences conducted by both the senior staff attorney and a circuit judge, compared with those conducted by a senior staff attorney alone. The project will be completed once the number of cases that have gone through the entire process is sufficient to allow statistical comparisons necessary for the evaluation of a controlled experiment.

A somewhat different project to expedite the submission and disposition process is being undertaken with Center assistance in the Ninth Circuit. Judges of that court thought that extending the oral argument period and limiting written submissions could quicken the disposition of a substantial number of the appeals filed each year, with substantial cost savings. This voluntary "appeals without briefs" project applies only to certain types of cases, and only those filed from certain district courts and administrative agencies. Counsel advised by the court that their cases qualify for the project are asked to submit, in lieu of traditional briefs as required by the Federal Rules of Appellate Procedure, "preargument statements" no more than five pages long.

Throughout the year, at the court's request, the Research Division has provided frequent advice on the design of the project and has constructed a form for the Ninth Circuit to use in gathering evaluation data on the project, which began on June 1. The Center has been asked to continue its technical assistance as the project proceeds.

Automated Appellate Court Calendaring Systems. A pervasive case management problem faced by courts of appeals is the assignment of cases to the three-judge panels that hear the great majority of cases. The Ninth Circuit court of appeals designed a scheme by which cases could be categorized according to subject matter and difficulty, to ensure that particular panels did not receive a disproportionate share of either routine or exceptionally difficult cases. Moreover, the categorization would allow cases with similar subject matter to be argued before the same panel, if the court so desired.

In 1977, at the court's request, the Center's Research Division developed a computer program that automatically assigns cases to the panels, employing the court's criteria. The program, called CALEN-9, is designed to group cases into panel calendars based primarily on the cases' difficulty and subject

matter, and secondarily, according to the district court from which the appeal was taken. CALEN-9 can also summarize and tabulate appeals according to the assignment criteria.

In fiscal 1980, the Center continued to refine this system, which included instituting a more complete reporting system at the request of the circuit's new senior staff attorney. This calendaring capability will eventually undergo further development within the broader framework of the Courtran Appellate Information Management System, described in section C of this chapter.

CALEN-9 is not currently being used to assign judges to the various panels, although the program has that capability. The circuit executive continues to assign judges.

The circuit executive for the Fifth Circuit has asked the Center to help design a variation of CALEN-9 that will randomly assign judges to panels and schedule those assignments for a full year in advance. The circuit has already been provided with a first draft of a hearing schedule for use in fiscal 1981.

Opinion Production. Over a period of several years, the Center and the Third Circuit have tested the efficiency of word processing equipment to reduce opinion production time. The equipment is installed in each circuit judge's chambers located in six different cities. An electronic mail capability allows any chambers to route a document from its word processor, using the Center's Courtran computers, to word processors in any chambers in another city, where the document can be printed immediately.

The Center published the major report of its evaluation of this project in March, 1979. That report documented significant savings to the court in the time required to prepare written opinions, in the total time required to process a case from filing to disposition, and in secretarial productivity. Furthermore, the judges did not have to alter their work style or procedures to use the technology.

Analysis of the electronic mail technology was continued after the publication of the basic report. In 1980, the Center published a follow-up report based on that extended analysis, which showed that electronic mail had achieved wide usage in the court for the transmission of draft opinions and other case-related correspondence, and that it cost less than other priority delivery services. Furthermore, electronic mail allowed the court to make use of automated typesetting, which permitted local commercial printers to produce all Third Circuit published slip opinions in one day (rather than the traditional seven days) at a 20 percent cost reduction.

Opinion Publication. Another Center project is examining a different aspect of appellate opinions: non-publication of opinions in cases in which

the court believes an opinion would not contribute to the body of the law. Working with a contractor, the Research Division is examining appellate cases with unpublished opinions in two circuits, applying to those cases pre-established criteria to assess whether the needs of the appellate process were met without publication of an opinion.

C. Automated Appellate Information System

Courtran's Appellate Information Management System (AIMS) has been designed in cooperation with the personnel of the courts of appeals. The test of an initial version of AIMS continues in the Second and Tenth Circuits. The use of AIMS in these courts has been very successful, with direct support provided to address a spectrum of case management problems. Several other circuits are currently preparing implementation plans and will be implementing AIMS in 1981.

The Appellate Record Management System (ARMS) was developed specifically for the Ninth Circuit to help that court deal with an especially pressing case load. As AIMS is implemented in the Ninth Circuit, it will replace ARMS.

IV. CENTER ACTIVITIES WITH SYSTEM-WIDE IMPACT

Although much of the Center's work is directed at a specific function or level of court, as described previously, other activities are most appropriately viewed as directed toward the federal judicial system as a whole.

A. Continuing Education and Training

In-Court Training and Education Programs. The diversity of skills and procedures needed for the management and administration of various courts produces a spectrum of education and training needs. Not all of these can be met by the Center's programs of seminars and workshops. Moreover, the feasibility of seminars and workshops, even if held regionally, is subject to the increased costs of travel, making the search for in-court education even more important.

Local educational needs are brought to the Center's attention by specific courts' requests or by the Center's independent review of pertinent Administrative Office data and reports. The Center then structures in-court training sessions for such courts. In fiscal 1980, for example, the Center's in-court programs provided training on workload statistics, Chapter 13 of the Bankruptcy Code, office management in probation offices, and rational behavior therapy.

Other programs are available for the acquisition of additional skills and expertise. In 1980, the Center conducted thirteen in-court workshops on effective productivity, treating such topics as effective time management and improved communication. Three sequential programs to improve managerial and supervisory skills are also available.

To coordinate local training services and maintain close contact with the courts, the Center has sought to have a training coordinator appointed in every large and medium-sized federal trial court. The coordinators structure and promote training programs for the various categories of personnel within their courts. The Center helps them with new training techniques and

methods. A monthly Center newsletter, *What's Happening?*, alerts training coordinators to new materials and programs available through the Center.

Media Services. In 1972, the Center established a media library in its Division of Continuing Education and Training so that federal court personnel, using equipment in their own courts, could hear lectures of special interest to them at their convenience. Most of the library's holdings were recorded at Center seminars and workshops, although some tapes were produced commercially.

Originally the library maintained and distributed audio cassettes only. In recent years, the library has expanded its lending resources in both number and kind, adding new titles and discarding items that have been rendered obsolete or replaced by current offerings. More than 750 audio cassettes covering a wide range of specialized topics are currently available. In addition, the collection includes approximately 100 films and 150 video cassettes. In late 1979, a revised *Educational Media Catalog* was published. More recent acquisitions are listed in supplemental bulletins included in the newsletters *The Third Branch* and *What's Happening?*.

The value of the media library has grown as the costs of bringing people to seminars have increased. Also, as the Center's seminars and workshops treat more complex subjects, participants increasingly value the opportunity to review, in a more leisurely setting, programs they heard in person. Videotapes of seminars on the Bankruptcy Reform Act of 1978, for example, have been circulated to various courts and have been used as a nucleus for programs for both judges and the local bar.

The library contains presentations by judges, academicians in law and law-related disciplines, and practitioners in almost all parts of the federal judicial system. They address a broad spectrum of subjects, including many substantive legal areas, civil and criminal case management, and the use of technology. Other topics range from professional responsibility and ethics to effective time management and supervisory techniques.

The Center has also developed specific training modules for supporting personnel in the courts. The Center's network of training coordinators is responsible for the use and distribution of those materials. The Center's videotaping capability has other uses as well. For example, at the suggestion of the Board, the Center has begun to produce videotapes describing the work of the various Center divisions. These will be shown at circuit conferences and other gatherings to inform the participants more fully about the Center's work.

Specialized Training. Another Center program gives all personnel who qualify the opportunity to receive tuition support to attend courses in job-

related subjects at local or national educational institutions. These may include courses in specific office management skills, specialized courses for probation officers, or even special substantive legal courses, such as those offered at the Harvard Law School's Summer Program of Instruction for Lawyers. In fiscal 1980, through August, 1980, the Center provided tuition support to 1,348 individuals, who attended 1,195 courses, at an average tuition per course of \$223. Total funds obligated were \$266,595, or about 10 percent of the total education budget. The funds were distributed as follows to the various categories of personnel.

	<i>Percentage of Funds</i>
Offices of Clerks of Court	25.2
United States Probation Officers	19.8
Federal Public Defenders	15.0
District and Circuit Judges	12.7
Bankruptcy Courts	10.2
Secretaries	6.7
Magistrates	4.3
Staff Attorneys	1.7
Court Librarians	1.4
Pretrial Services Officers	1.3
Offices of Circuit Executives	0.9
U.S. Court of Claims and Customs Court	0.8

B. Committee on Experimentation in the Law

On occasion, Center research has employed the method of controlled experimentation to assess the changes that may be attributed to a particular innovation. Analysis of the arbitration rule in one district, as well as the evaluations of both the Second and Seventh Circuits' preargument case management projects, have involved subjecting one group of cases to the treatment under study and allowing another group of otherwise identical cases to proceed through the system without that treatment. The controlled experiment is perhaps the most reliable means of identifying whether changes may legitimately be attributed to an innovation. Such identification is important in avoiding the waste of resources and even serious harm that can come from "reforms" supported by little more than rhetoric. Especially when human subjects are involved, however, the differential treatment necessary for a controlled experiment presents problems of fairness, which are compounded in legal institutions with their promise of equal protection.

The legal community has not been as vigorous as other professions in undertaking controlled experimentation or evaluating the problems that experimentation represents. Both the courts the Center serves in its research, and

the Center itself, have been interested in a careful exploration of the ethical tensions inherent in the use of controlled experimentation in legal settings. Consequently, in 1979, the Chief Justice, as Chairman of the Center's Board, appointed a special Center committee of judges, law professors, practicing attorneys, and social scientists to undertake that exploration. Appointment of the Center's Committee on Experimentation in the Law is an effort to help courts and the Center come to terms with the problem. The committee has met several times during the year and has worked through subcommittees to fashion a report that will be of significant value to judges and other court personnel, as well as to researchers.

C. Analysis of Federal Court Rule Making

In his 1979 address of the state of the judiciary, Chief Justice Burger expressed the view, shared by others within and outside the judiciary, that a reexamination of the federal rule-making process may well be in order. In response to this call, the Center has undertaken a broad analysis and description of the current rule-making system, inviting comment as appropriate from members of the Judicial Conference Rules Committees and other participants in the process.

Dean Roger Cramton of the Cornell Law School provided a working "think piece," exploring a variety of issues and options suggested by a review of the current rule-making process. In December, 1979, the Center convened a small conference of judges, lawyers, and law professors, all of whom had voiced opinions on the current rule-making process, to consider Dean Cramton's paper. Representatives of the Rules Committees attended the conference as observers, so as to preserve their freedom to take any action they saw fit without the constraint of having participated in the preparation of any particular recommendations. On the basis of Dean Cramton's paper and its review at the conference, the Center is producing a more lengthy description of current rule making and analysis of perceived weaknesses and strengths in the current process as well as in proposals for change.

D. Assessing the System's Future Needs for Judgeships and Other Resources

In fiscal 1980, the Center began or continued several efforts to refine the dual processes of predicting the need for and creating federal judgeships. Creation of judgeships is, of course, a duty of the Congress. Congress, however, seeks recommendations from the Judicial Conference, whose Subcommittee on Judicial Statistics undertakes a biennial survey of the workload of the district and appellate courts to identify where increased workload appears to justify increases in judgeships.

In 1980, the Research Division presented to the Judicial Statistics Subcommittee a revised set of "case weights," developed at the subcommittee's request, to be used in analyzing relative workload in the various federal district courts. Applying case weights to the filings in the various courts provides a more accurate measure than the raw filings themselves of the relative burden of the courts' case loads. For example, although an antitrust case and a truth-in-lending case each appear as a single filing, an antitrust case typically requires far more judicial resources than a truth-in-lending case. Assigning properly determined weights to the raw filings is a means of differentiating that relative burden.

The case weights were derived from data contained in time sheets that a sample of 100 judges filled out for the Center over a four-week period, recording the time spent every day on the various cases on their calendars. The case weights used by the Judicial Conference in recommending new judgeship positions to the Congress were last revised more than ten years ago. The more recent survey was designed to be much less burdensome to the judges than the earlier surveys.

Case weighting contributes to an informed allocation of scarce resources by examining what has happened in the past and, assuming that substantially the same factors will operate in the same way, what will obtain for at least the near future. The Center has a long-standing interest in developing a method for forecasting future conditions so that resource allocation will not depend solely on that assumption. Initial efforts were aimed at predicting the number of filings of various types (and therefore of various weights) that would be filed in each district during specified periods in the future. That goal is simply beyond the present capability of forecasting technology. More realistic goals presently being pursued are aimed at shorter-term predictions for the system as a whole. If that can be accomplished with satisfactory accuracy, it may be possible to make reasonable estimates for smaller units within the overall system. Such efforts may contribute substantially to a related objective of assessing the impact of certain legislation on court burdens.

The current method of congressional judgeship creation has tended in recent years to produce new judgeships in large numbers and only after long intervals, with attendant logistical and orientation problems. The Center has continued analysis of the methods of judgeship creation used by the various states, to learn whether those methods might be adapted to the federal system.

E. Information and Liaison Activities

The Center's statutory mandate includes several indications of Congress's expectation that the Center would serve a liaison, clearinghouse, and

assistance role in court improvement efforts at both the federal and state levels. Pursuant to that mandate, the Center maintains contact in a variety of ways with other organizations that have similar interests or objectives. By statute, the Center's Director is a member of the Advisory Board of the Justice Department's National Institute of Corrections. The Center is represented on the advisory boards of several research programs of the Department of Justice's Office for Improvements in the Administration of Justice, including its Council on the Role of Courts and major projects studying the cost of civil litigation and federal judges' sentencing practices. The Center maintains regular contact with such organizations as the National Center for State Courts, the Institute for Court Management, and the Institute of Judicial Administration, as well as the National Judicial College, the National Association of State Judicial Educators, and other continuing judicial education organizations.

Much of the Center's interorganizational and liaison work is the responsibility of its Division of Inter-Judicial Affairs and Information Services. The director of that division, for example, has served as the Secretary-Treasurer of the National Center for State Courts since its founding, and she is also active in the American Bar Association's Judicial Administration Division.

Other examples of the division's informational, liaison, and interorganizational work are described in the remainder of this chapter.

The Third Branch. The Center bears major responsibility for *The Third Branch*, a monthly bulletin for the federal courts cosponsored by the Center and the Administrative Office. The newsletter reports to the federal judicial community and other interested parties on the work of the Judicial Conference and its committees, policies and projects of the Center and the Administrative Office, innovations undertaken in various courts, and legislative developments. *The Third Branch* also provides a monthly update of changes in federal judicial personnel. This year, *The Third Branch* gave special emphasis to a series of in-depth interviews with members of the House and Senate Judiciary Committees and officials of the Justice Department, seeking their views on subjects of particular concern to the federal judicial system.

Information Services. The Center's Information Service Office is not a "library" in the typical sense of the word; rather, it is a research service and clearinghouse with a specialized collection of judicial administration materials. Its collection includes standard periodicals and texts and local rules of federal courts; it also embraces an extensive array of "fugitive materials" of federal judicial administration—unpublished and otherwise unattainable sources such as speeches and reports. Those materials are of potential interest to federal court personnel preparing a speech or article, or learning about committee work within the various courts or the Judicial Conference.

The Center's Division of Innovations and Systems Development has designed for the Information Service its own automated data retrieval system, Information Service Index System (ISIS), to allow more accurate, precise, and complete responses to information requests. ISIS allows indexing and cross-referencing of the collection. The Information Service staff has constructed a list of subject headings sufficiently detailed to identify references to topics in major addresses and reports that are not revealed in the item's title. Bibliographical printouts of the material under these subject headings can be produced.

Library of Congress Liaison. Under a cooperative arrangement between the Center and the American-British Law Division of the Law Library of the Library of Congress, federal judges have been offered special research services to provide sources not available at their local libraries, for example, legislative histories. The Library of Congress continues to welcome federal judges' requests for research, which may be made directly or through the Center.

Foreign Visitor Service. Official visitors from abroad—judges, legislators, legal officers, and others—are frequently referred to the Center during tours arranged and financed by the United States International Communications Agency, the State Department, the United Nations, and other organizations. They typically seek information concerning various aspects of the federal judicial system that have relevance to particular matters related to their own judiciary. The Division of Inter-Judicial Affairs assembles appropriate materials, conducts briefings, and, when necessary, arranges meetings elsewhere. This year, visitors to the Center included a delegation of judges of the Supreme Court of the Soviet Union headed by President Smirnov, as well as jurists and others from Austria, Australia, Argentina, Bangladesh, Brazil, Canada, Cyprus, Greece, Lesotho, Malta, Nigeria, Panama, Peru, Spain, and the Yemen Arab Republic.

V. THE ORGANIZATION OF THE CENTER AND ITS FOUR DIVISIONS

A. The Board of the Center

The Federal Judicial Center, established by statute in 1967, is governed by general policies established by its Board. The Board includes the Chief Justice, who serves as Chairman by statute, and the Director of the Administrative Office, who also serves *ex officio*. Six other judicial members are elected by the Judicial Conference—two from the courts of appeals, three from the district courts, and one bankruptcy judge. By statute, the Board selects the Director of the Center.

In fiscal 1980, the Judicial Conference elected to the Board of the Center Judge Donald Voorhees of the Western District of Washington, Chief Judge William Sessions of the Western District of Texas, and Bankruptcy Judge Lloyd George of the District of Nevada. Judge George is the first bankruptcy judge to serve on the Board of the Center, the Board having been expanded to include a bankruptcy judge according to the terms of the Bankruptcy Reform Act of 1978.

For most of its history, the Center has carried out its work through four divisions; summary information on each is provided in the subsequent sections of this chapter.

The budget for the Federal Judicial Center in fiscal 1980 was \$8.5 million, plus an additional sum of \$117,000 provided for statutorily mandated cost-of-living increases. The Center has 117 authorized personnel positions, and its ratio of professional to clerical staff is approximately three to one. Under its governing statute, the Center's professional employees are not subject to standard civil service regulations.

B. Division of Innovations and Systems Development

The largest of the Center's four divisions is the Division of Innovations and Systems Development. For most of the Center's history, the division's major

responsibility has been research and development of Courtran, a diversified computer-based information system for federal case and court management. Courtran has been developed in compliance with the Congress's directive that the Center "study and determine ways in which automatic data processing and systems procedures may be applied to the administration of the courts of the United States" (28 U.S.C. § 623(a)(5)). "Courtran" in fact describes both the Center's computer hardware facilities and the numerous software applications that the Center has developed.

For the Center, Courtran is a research and development project. As the various Courtran applications reach the point at which they can be declared operational, they will be removed from the Center's development agenda. Because that point appears to be growing near, early in fiscal 1980 the Directors of the Center and the Administrative Office appointed a Joint Development Planning Committee to address the conditions under which Courtran applications can be certified as operational and the implications of such certifications. As a consequence of the planning committee's work, the Center's Board voted in 1980 to seek approval from the Judicial Conference Budget Committee and from the Appropriations Committees to transfer funds, in fiscal 1982, from the Center's budget to that of the United States courts. Transfer of additional funding is anticipated in subsequent fiscal years.

Courtran currently consists of twelve major applications—such as Criminal Case-Flow Management, STARS, INDEX, CVB, and AIMS, described previously—as well as more than thirty-six minor applications.

In addition to the major applications, Courtran includes a number of local programming applications. For example, the arbitration project in the Northern District of California relies upon a Courtran computer program, developed in that court, to select the names of attorneys who are eligible to serve as arbitrators, and to generate automatically letters to the parties informing them of the ten attorneys from whom they are to select a three-member panel. The system also monitors case flow according to time limits established by local rules. Courtran also provides general research support to other divisions of the Center and the Administrative Office.

The division, in cooperation with the Division of Continuing Education and Training, trains personnel throughout the courts to use the various Courtran applications available to them. Division personnel travel to the courts for this purpose, and training sessions are also held in Washington as appropriate.

C. Division of Continuing Education and Training

The Division of Continuing Education and Training, the second largest of the Center's four divisions, is responsible for a wide variety of educational

services and support described in the previous pages. Most well known of the Center's educational programs are its seminars and workshops. The following chart provides detail about the seminars and workshops offered in fiscal 1980.

<i>No.</i>	<i>Category</i>	<i>Participants</i>	<i>Faculty</i>	<i>Total</i>
16	Federal Circuit and District Judges	700	163	863
1	Federal Bankruptcy Judges	53	11	64
5	Federal Magistrates	145	46	191
21	Clerks of Court, Chief Deputy Clerks, Deputy Clerks	820	118	938
5	Federal Public Defenders, Community Defenders, Defender Investigators	170	43	213
23	Probation Officers	946	105	1,051
33	In-Court Management Training	819	49	868
5	Instructional Technology	213	25	238
8	Local Training and Technical Assistance	73	5	78
117		3,939	565	4,504

In planning its seminars and workshops, the Center makes extensive use of planning committees composed of representatives of the personnel categories to be served. For example, the planning committee for the newly appointed appellate judges seminar last March was chaired by Judge John Godbold of the Fifth Circuit, a member of the Center's Board. Members of the appropriate divisions of the Administrative Office are also included in the planning committees. Senior Judge William J. Campbell serves as Senior Chairman of the Center's seminar programs.

The planning process is part of a four-phase cycle the division uses to develop, implement, and assess its seminars and workshops. Planning committees, suggestions from the field, and staff review of appropriate Administrative Office data contribute to the identification of needs. The division then prepares programs to meet those needs, in consultation with the planning committees and others. After implementation of the workshop or seminar program, the division uses a variety of evaluation devices, including questionnaires administered at the program, to judge its success. In appropriate personnel categories, follow-up questionnaires are distributed some months after the program to measure changes in personnel performance over time, and supervisors are contacted to learn of any observable changes in the employees' performance.

In recent years, in light of escalating travel costs, the division has explored alternatives to seminars and workshops that require participants to travel. It continued, for example, to experiment with computer-aided instruction for judges. Groups of newly appointed federal trial judges, while at the Center,

participated in a test of computer-aided instruction dealing with character evidence and hearsay based on the Federal Rules of Evidence. The Center has entered into contracts to have additional exercises developed for judges, magistrates, and defenders. Existing Courtran computers and terminals are used for the experimentation, making computer-aided instruction especially cost-effective.

The division has also explored the potential of satellite teleconferencing. It held two experimental teleconference seminars in fiscal 1980. Faculty convened in Washington, D.C., and their presentations were telecast simultaneously to participants assembled in separate locations. For the second program, for example, participants heard the presentations in San Francisco, Chicago, and Atlanta. The communication mode included two-way audio and video interaction, thus allowing discussion among all the groups. Teleconferencing will not replace all the seminars and workshops the Center develops, but it may provide an economical alternative to some of them.

D. Division of Research

The Division of Research undertakes a wide variety of support services and research and development activities for federal court personnel. Only a portion of the division's work fits into what might be narrowly characterized as "research," in the sense of exploration and analysis of questions formed in terms appropriate for empirical study. Members of the Research Division staff work regularly with members of Judicial Conference committees to provide not only requested research of various types, but also advice and information. Members of the division staff also respond to numerous short-term inquiries from individual courts, as well as from personnel in the Administrative Office and other organizations.

The work of the Center's Research Division often involves matters that are subjects of legislative consideration—for example, the Speedy Trial Act or proposals to restructure judges' sentencing discretion. In those instances, the division provides comment to the Judicial Conference committees, the Administrative Office, and, upon specific request, to members of Congress and legislative staff.

E. Division of Inter-Judicial Affairs and Information Services

In addition to liaison and coordination with other court-related organizations and the provision of information services to the federal courts, the Inter-Judicial Affairs Division has also been responsible for major projects

especially appropriate for that division. For example, the division was responsible for the study of federal court libraries requested by the Judicial Conference several years ago. Currently, the division is responsible for the *Bench Book for United States District Court Judges*, described in chapter one.

The Center's responsibility for *The Third Branch* is carried out by this division.

VI. CENTER PUBLICATIONS

The Center disseminates the results of its work through many channels, including individual consultation with the courts themselves, formal presentations to such groups as the Conference of Metropolitan District Chief Judges, and videotapes of educational programs. Publications also play a vital role. Most of the publications listed below, and earlier publications listed in the Center's *Catalog of Publications* (second edition 1980), may be obtained either by writing to the Center's Information Service Office or calling that office at (202) 633-6365 (also FTS). (Although the Center seeks the widest appropriate dissemination of its publications, some are produced in limited quantities for specific audiences and are available only on a loan basis.)

There are four basic categories of Center publications. Center reports contain the results of major research projects. Staff papers include the description of short-term research efforts in response to specific inquiries, as well as works of Center staff that appear, for example, in professional publications and are reproduced as staff papers because of interest in the subject matter. Publications in the Education and Training Series make available selected lectures and other materials presented at Center seminars and conferences. Manuals and handbooks are produced as reference materials for federal court personnel. When appropriate, they are provided to a wider audience, usually on a loan basis.

The various publications produced by the Center in 1980 are listed below. Other publications mentioned in this report will not be available for distribution in fiscal 1980, but are expected to be available early in fiscal 1981. *The Third Branch* will announce those publications when they are ready for distribution.

Research Reports and Staff Papers

Judicial Controls and the Civil Litigative Process: Motions, by Paul R.J. Connolly and Patricia A. Lombard

Discovery Problems in Civil Cases, by Joseph L. Ebersole and Barlow Burke

Follow-up Study of Word Processing and Electronic Mail in the Third Circuit Court of Appeals, by J. Michael Greenwood

Legislative History of Title I of the Speedy Trial Act of 1974, by Anthony Partridge

Attorney-Client Fee Arrangements: Regulation and Review, by Robert H. Aronson

Attorneys' Fees in Class Actions, by Arthur R. Miller

Due Process at Sentencing: An Empirical and Legal Analysis of the Disclosure of Presentence Reports in Federal Courts, by Stephen A. Fennell and William N. Hall, 93 Harv. L. Rev. 1613 (1980)

Education and Training Series

Educational Media Catalog

The Sentencing Options of Federal District Judges, by Anthony Partridge, Alan J. Chaset, and William B. Eldridge

Manuals and Handbooks

(restricted availability)

Guidelines for Docketing Clerks: A Training and Reference Resource for Federal Docket Clerks

Handbook for Federal Judges' Secretaries

Bench Book for United States District Court Judges

Other

Recommended Procedures for Handling Prisoner Civil Rights Cases in the Federal District Courts

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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.

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