

**Federal Judicial Center  
Annual Report**

**1982**

**1982 ANNUAL REPORT**  
**FEDERAL JUDICIAL CENTER**

# FEDERAL JUDICIAL CENTER

## Board

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

Honorable John D. Butzner  
*Judge, United States Court of Appeals  
for the Fourth Circuit*

Honorable Cornelia G. Kennedy  
*Judge, United States Court of Appeals  
for the Sixth Circuit*

Honorable Donald S. Voorhees  
*Judge, United States District Court  
for the Western District of Washington*

Honorable William S. Sessions  
*Chief Judge, United States District Court  
for the Western District of Texas*

Honorable Warren K. Urbom  
*Chief Judge, United States District Court  
for the District of Nebraska*

Honorable Lloyd D. George  
*Bankruptcy Judge for the  
District of Nevada*

Honorable William E. Foley  
*Director  
Administrative Office of the United States Courts*

# FEDERAL JUDICIAL CENTER

## Director

A. Leo Levin

## Deputy Director

Charles W. Nihan

## Assistant Director

Russell R. Wheeler

## Division Directors

Gordon Bermant

*Innovations and Systems Development*

Kenneth C. Crawford

*Continuing Education and Training*

William B. Eldridge

*Research*

Alice L. O'Donnell

*Inter-Judicial Affairs and Information Services*

---

## Past Directors of the Federal Judicial Center

Honorable Tom C. Clark

Justice (Ret.), United States Supreme Court

March 27, 1968 to September 23, 1969

Honorable Alfred P. Murrah

Senior Judge, United States Court of Appeals  
for the Tenth Circuit

May 1, 1970 to October 27, 1974

Honorable Walter E. Hoffman, Director Emeritus

Senior Judge, United States District Court for the  
Eastern District of Virginia

October 27, 1974 to July 18, 1977

**THE FEDERAL JUDICIAL CENTER**

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

August 23, 1982

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

Pursuant to the provisions of 28 U.S.C. § 623(a)(3), I respectfully submit the Federal Judicial Center's Annual Report for fiscal 1982. The report summarizes the Center's activities since the last annual report and describes the work projected through the end of the current fiscal year. Further details on any aspect of our programs will, of course, be made available to you on request.

This report is designed to place the activities of the last twelve months in the context of the Center's overall purposes and goals and to relate current projects both to work that has preceded and to work that is intended to follow. In one sense, this is inevitable, because many of our projects extend over a long period of time. Beyond that, however, a broader compass provides perspective and helps illumine how the Center undertakes to fulfill its mission.

Both the range of our activities and their quality owe much to the sustained interest and substantial contributions of the members of the Center's Board. Their dedicated service is reflected throughout the pages of this report. We are indebted, too, to the Judicial Conference and its committees; to the courts, including judges, magistrates, and supporting personnel. Their contributions to our programs, requests for our services, and suggestions on how our work might be improved are invaluable. 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.

Sincerely,

A handwritten signature in cursive script that reads "A. Leo Levin".

A. Leo Levin

## TABLE OF CONTENTS

INTRODUCTION: CONTAINING THE COST OF LITIGATION.....	1
I. TRIAL COURTS .....	5
A. Continuing Education and Training Programs .....	6
B. Desk and Research Aids for United States District Courts .....	12
C. Automated Case and Court Management Support for District Courts .....	14
D. Management of the District Courts .....	19
E. Research on the Trial Litigative Process .....	21
F. Jury Projects.....	23
G. Improvement of Advocacy in Federal District Courts...	26
H. Implementation of Judicial Orders in Institutional Reform .....	27
II. FEDERAL SENTENCING AND PROBATION.....	29
A. Continuing Education and Training.....	29
B. Probation and Sentencing Research .....	32
C. Probation Information Management System .....	34
III. APPELLATE COURTS .....	35
A. Continuing Education and Training Programs .....	35
B. Research and Development on Appellate Court and Case Management .....	36
C. Automated Appellate Information Systems .....	41
IV. CENTER ACTIVITIES WITH SYSTEM-WIDE IMPACT..	43
A. Continuing Education and Training.....	43
B. Assessing the System's Future Needs for Judgeships and Other Resources .....	46
C. Information and Liaison Activities.....	48
V. THE ORGANIZATION OF THE CENTER AND ITS FOUR DIVISIONS .....	51
A. The Board of the Center.....	51

B. Division of Continuing Education and Training.....	52
C. Division of Innovations and Systems Development.....	54
D. Division of Research.....	55
E. Division of Inter-Judicial Affairs and Information Services.....	56
VI. CENTER PUBLICATIONS.....	57
INDEX.....	61

## INTRODUCTION: CONTAINING THE COST OF LITIGATION

Last year the popular press reported Commerce Department figures showing that legal fees had jumped from \$18.6 billion in 1977 to \$23.4 billion in 1980—constituting almost 1 percent of the gross national product. This dramatic increase continues a trend that has been in evidence for some years. As a result, the costs of legal services, particularly of litigation, have become a source of serious concern to litigants, to judges, and certainly to lawyers, who would appear at first glance to benefit from high legal fees.

Litigation costs are not limited to the costs that litigants bear; the public resources that keep the federal courthouse doors open are hardly inconsiderable. “Every working day of every judge,” noted last year’s annual report, “including the cost of staff and chambers, courtroom and courthouse, not to mention supporting services, must by even the most conservative calculation run into costs in four figures, and the cost of a day of jury trial is certainly higher.” Understandably, this drain on the public fisc is an added reason for concern with the escalating cost of litigation.

At least two factors account for this phenomenon, especially in the federal system. First, as a society we have referred more and more disputes to the courts. For example, Congress continues to create new causes of action, and civil filings continue to mount. Second, pretrial procedures have become far more extensive and more expensive, particularly discovery in complex litigation. It was wisely observed long ago that solutions tend to spawn their own problems, and it is useful to remind ourselves that both increased recourse to courts and greater use of pretrial procedures represent efforts to deal with problems that are serious and pervasive. Whenever the Congress legislates, it does so in response to a perceived need. Congress may have been too willing, as some charge, to defer problems to the courts. Few would deny, however, that much of the past decade’s legislation that has added to the courts’ business has been a considered response to conditions affecting the well-being of our so-

ciety and its individual members. And, it is important to remind ourselves, the entire constellation of pretrial mechanisms developed some fifty years ago in the federal courts and widely copied in the states represented a significant improvement over litigation as it was previously conducted.

That contemporary problems can be traced to the solution of yesterday's difficulties hardly exempts them from critical analysis. Even the prognosis, born of repeated experience, that the solutions to today's problems will eventually spawn their own progeny of difficulties provides no reason for failing to attempt to improve the present situation.

The Center has for some years been concerned with the cost of litigation, and its efforts to deal with the problem have taken several forms. The nature of the Center and the variety of expertise available in its four divisions have made possible a multifaceted approach, each aspect complementing the others. There has been empirical research to assess the reality of litigative experiences in the federal courts and to document what case management techniques produce what results. The Center's District Court Studies Project, begun in the mid-1970s, examined numerous conditions and approaches thought to affect the expeditious management of cases to a just resolution. The basic message of that research effort has received general credence, a point captured in the Note of the Judicial Conference's Advisory Committee on Civil Rules, commenting on its proposed rule 16 for a discretionary pretrial conference:

Empirical studies reveal that when a trial judge intervenes personally at an early stage to assume judicial control over a case and to schedule dates for completion by the parties of the principal pretrial steps, the case is disposed of by settlement or trial more efficiently and with less cost and delay than when the parties are left to their own devices. S. Flanders, *Case Management and Court Management in United States District Courts* 17 (Federal Judicial Center 1977).

This basic message has become a consistent element in the Center's programs of education and training. Indeed, it was a basic message in its seminars for new judges even before the publication of the reports of the District Court Studies Project. Given the heightened interest in case management, moreover, the lessons discovered or confirmed by the Center's research have been incorporated into its training for supporting personnel and transmitted by the Clerk's

Division of the Administrative Office in its regular operational dealings with court personnel.

The Center's seminars often set techniques of case management in the context of the substantive law. The objective is to help judges cut to the heart of the issues that a case actually presents. More than a few of the district judges who attended the Center's 1981 seminar linking the law of antitrust and the management of antitrust cases commented that what they learned enabled them to save considerable time from filing to disposition. One judge said, "After returning from the seminar, I was able to make a pretrial determination that no antitrust matters actually existed in a relatively complex franchising case. Ultimately, this pretrial determination reduced the anticipated trial time from approximately three months to less than three weeks." In a similar vein, another judge recently reported to us, "In at least three antitrust suits that I had last year, I am sure that what I learned at [the Center seminar] accounted for the settlements that were arrived at."

The range of automatic data-processing capabilities developed by the Center for use by the district courts have added a new element to the panoply of activist case management strategies. The INDEX system, described in this report, provides judges and clerks with complete listings of cases on the docket, showing their relative ages and indicating which deserve attention. INDEX produces reports that promptly identify trends in the development of backlogs or success in eliminating them. This capability should help the courts adhere to the Judicial Conference's March 1982 request that district courts develop efficient case management systems and should help the Administrative Office, especially the Clerk's Division, meet the Conference's directive that it work with courts that seek help to improve the operation of their case management systems.

Case management is only one tool available to federal courts in the effort to reduce the cost of litigation. Increased use of sanctions, imposed on attorneys as well as litigants, is another, one that the Advisory Committee on Civil Rules and the Judicial Conference's Standing Committee on Rules of Practice and Procedure have found to be of particular promise. Developing disincentives to abuse of discovery is a popular way of characterizing this approach. Again, Center research has been utilized, and cited, by the above committees in the effort to amend the applicable rules to encour-

age judicial imposition of sanctions; once again, when the rules are promulgated the Center's educational program will have an important role to play.

Moreover, the Center has developed a publications program by which the results of its research—and its programs of continuing education—reach the federal judiciary, the Congress, and the research community. Some are of broad dimension, such as the District Court Studies Project publications noted above. Others, such as the report on attorneys' fees in class actions, focus more narrowly, providing practical recommendations for dealing with discrete problems of large impact.

All this is not to suggest that federal litigation costs will soon subside dramatically or that whatever diminution that occurs will be traceable directly to the Center's programs. Indeed, to slow the rate of growth would in itself be an achievement. Moreover, as is true with respect to so many phenomena in our society, a wide range of factors, from the health of the economy to the course of legislative and executive policies, will all play their role. We at the Center, though, firmly believe that the programs described above will make a difference, in individual judges' chambers and in federal courtrooms, and through that difference, help to mitigate the burden that excessive litigation costs impose on our system of justice and our society.

## I. TRIAL COURTS

The Federal Judicial Center serves ninety-five district courts that have much in common but are still a varied group. In geographic composition alone, their variety is striking—ranging from districts in the eastern United States that cover only part of one large metropolitan center to western districts that comprehend the whole of states such as Montana, Nevada, or Alaska. They also vary in case-load. The district courts terminated almost 180,000 civil and 30,000 criminal cases from July 1980 to June 1981. In addition, the bankruptcy courts received more than 519,000 new filings in 1981 and closed more than 321,000. Filings ranged, however, from 222 civil and criminal filings per judgeship in one district to 624 in another. Of the 1,292 private antitrust actions brought in 1981, one district received 144 and another received only 1. Of the 15,639 prisoner civil rights suits (private cases) brought in 1981, one district received 1,318 and another received 6. Moreover, the courts vary in numbers of personnel. In 1981 approximately 500 federal district judges, and about 150 senior judges performing substantial judicial service, served in ninety-five districts with judgeships ranging in number from one to twenty-seven. These districts are assisted by almost 500 magistrates, both full-time and part-time. Some districts have only 1 full-time magistrate, and others have as many as 7. There is also a bankruptcy court in each district, with from 1 to 12 judges. Nationwide, in 1981, there were 241 bankruptcy judges and 1,810 clerical personnel. The needs of these judicial officers, as well as of the more than 10,500 supporting personnel who serve them, vary considerably.

Some Center programs are designed with national purposes in mind and seek to meet needs found generally in all the district courts; other research projects are more particularized. Efforts such as the Center's research program on the civil litigative process or on juror utilization are often suggested by the committees of the Judicial Conference of the United States, and occasionally by circuit councils, as well as by units of the Administrative Office of the United States Courts and from within the Center by its Board and its staff. Some Center programs of continuing education are

national seminars designed to meet national needs, but many training sessions are designed to meet particular needs in particular courts. The computerized court and case management systems the Center has developed are not tailored to individual districts, but their specific configuration in individual courts varies with local needs and practices. Some courts, in fact, have relatively little need for any computer services; others are served as satellite courts by a regional data input center in one court, as are many courts' Central Violations Bureaus.

The Center's programs for the trial tier of the federal judiciary are designed, in short, to serve a national judicial system while remaining sensitive to particular local needs and conditions.

### **A. Continuing Education and Training Programs**

The Center provides a wide range of educational services to district judges, bankruptcy judges, magistrates, and supporting personnel. These services are described throughout this report and summarized in chapters 4 and 5. Seminars and workshops, printed instructional materials, local programs, and a circulating collection of videotapes, films, and audio cassettes treat problems of national scope in some instances and specific local needs of courts in others. Trial court personnel also benefit from the Center's program of support to attend courses offered by other educational institutions, which supplement the services that the Center develops itself. A major portion of its seminar and workshop effort is directed toward judicial officers, with the expectation that every judge shall have an opportunity to attend at least one program each fiscal year. Given the much larger number of supporting personnel, and limits on the Center's staff and resources, that goal is not realistic for them. Moreover, given the diverse nature of their responsibilities, national or regional seminars are less likely to meet their needs than are more specialized training programs.

**Orientation Programs for Newly Appointed District Judges.** Orientation seminars to help newly appointed district judges meet the demands of their new office reflect the realization that the skills essential for success in the practice of law, on the state bench, or in legal education do not necessarily prepare one to handle all the demands of the federal trial bench. Seminars are held when the number of new judges is large enough to constitute a class of ap-

proximately thirty—normally, about once a year, unless special circumstances such as the Omnibus Judgeship Act of 1978 dictate otherwise. In fiscal 1982, as in fiscal 1981, one seminar for new judges was held, this year in May. The seminars are held at the Dolley Madison House in Washington, D.C., and provide an intensive week-long 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, special problems of the jury and nonjury trial, and judicial ethics are all included. The seminars also offer a framework for analyzing such subjects as antitrust litigation, class actions, and Title VII of the Civil Rights Act of 1964.

Seminars are typically held no more than once a year, but judges come on the bench continuously and thus may serve many months before a seminar is scheduled. This creates a need for orientation that the annual seminars are unable to meet in full. Newly appointed district judges are assisted by the Center's audiovisual media capabilities. The holdings in the Center's media library have always been available to new judges, as well as to others, to use on equipment in their home courts. Starting in fiscal 1982, however, new judges in groups of four or five have also met under the tutelage of an experienced judge to view videotapes of earlier seminars. In the eight video orientation programs held this year, the judges benefited from presentations viewed in an informal atmosphere and the opportunity to interrupt with questions as necessary. Providing the new judges with this review of past orientation seminars has allowed refinement and sophistication in the week-long seminar itself; new material has been added to the seminar, and other topics can be treated in greater depth. Moreover, the early video orientation seminar gives the participants some familiarity with colleagues sitting in nearby districts. All but six judges in the May 1982 orientation seminar at the Center's headquarters had attended a regional video orientation seminar, and a video program was made available in Washington immediately prior to the week-long seminar for those who had not.

Of course, judges sitting in the district to which the new judge is appointed provide, as they always have, significant help to the new judge, and the Center has tried to assist this process in several ways. An in-court orientation program was developed by district judge members of the Center's Board. Those judges developed a checklist of items with which new judges might be unfamiliar, de-

signed to be used by the new judge and the chief judge of the district in structuring the informal orientation program that is typical in each federal district court. This checklist is sent upon the judge's nomination, along with a variety of materials from previous Center educational programs. (In 1982 the Center's Board, aware that the program had been in place for about five years, suggested that the Center's Research Division undertake an evaluation of the in-court orientation program to learn how the program has been used. That review is currently under way.)

**Continuing Education Programs for United States District Judges.** Implicit in the name of the Continuing Education and Training Division is recognition of the need to provide all judges and supporting personnel with exposure to new developments throughout their careers. The Center's programs for United States district judges are designed to meet this goal.

The most obvious manifestation of this goal is seen in the workshops for United States district judges that the Center sponsors in cooperation with the judges of each circuit. Planning groups of district judges, appointed by the chief circuit judge, work with the Center to develop the programs for the workshops, some of which are held in conjunction with the annual circuit conferences. Typically, the judges in each circuit are provided a wide selection of presentations, and each judge selects those topics that are likely to be most helpful and of greatest interest—increasingly, the judges have sought substantive law matters. The “ballots” are then returned to the Center, where they are tabulated, and a workshop program is developed around those topical areas receiving the most “votes.” The workshops, however, also provide judges with education that has been deemed critical by such national bodies as the Judicial Conference of the United States. Thus, for example, in response to the Judicial Conference's efforts to improve federal courts' juror utilization, a program on juror utilization was added to the list of workshop offerings. Circuits that wished to use continuing education as a means to improve juror utilization could thus do so, and indeed several workshops held this year included such a program. For similar reasons, the Judicial Conference's program on equal employment opportunity for court personnel was one of the items added to the agenda in earlier years.

**Conference of Metropolitan District Chief Judges.** The Conference of Metropolitan District Chief Judges is a vehicle for continuing

education as well as a source of advice and suggestions for Center programs for trial courts. Attended by the chief judges of district courts with six or more authorized judgeships, the semiannual meetings of the conference provide an opportunity for advice and suggestions, as well as an opportunity to alert the chief judges to particular problems relevant to urban courts. The programs in fiscal 1981 included treatment of current federal judicial administrative problems such as court reporting, juror utilization, prisoners' litigation, and court security as it is affected by judicial and nonjudicial agencies. Current issues in federal criminal justice administration and corrections were other conference topics, as were legislative developments and computer-based technology in the federal courts. The chairman of the conference is currently the Center's director emeritus, Judge Walter E. Hoffman of the Eastern District of Virginia. The Center's deputy director serves as the executive secretary of the conference.

**Special Summer Programs.** The Center has been experimenting with various ways to provide enhanced educational programs to judges during summer months. In 1979 and 1980, a limited number of judges received Center support to attend the Harvard Law School's Summer Program of Instruction for Lawyers. In 1981 the Center explored a different approach by sponsoring a week-long seminar on antitrust law and the management of antitrust cases, open to any judge who wished to attend. For 1982, the Board of the Center decided to support an increased enrollment of judges at the Harvard Summer Program of Instruction and a smaller number of judges at a similar program sponsored by Columbia University Law School. Moreover, the Board encouraged law schools in other parts of the country to develop similar programs.

The Center's programs each summer benefit from the experiences of past summers. For example, one of the chief benefits of the 1981 antitrust program—highlighted, in fact, in the introduction to last year's annual report—was the value of providing judges with case management instruction in the particular substantive law area of the seminar. Referring to that program, last year's annual report noted, "The judge, in other words, can increase expedition by being able to identify the key legal issues on which the case will turn and, with that identification, taking the case management steps best designed to sharpen and resolve them." This precedent was used for the judges at the 1982 Harvard program. In light of the heavy enrollment of judges in courses dealing with federal jurisdic-

tion, constitutional law, and civil procedure, the Center arranged an optional workshop for the judges that examined the case management aspects of requests for attorneys' fees. The object was to help judges with the particular practical problems presented in cases in which attorneys' fees are requested.

**Education and Training Publications.** The Center has increased its efforts to distill especially well received seminar presentations into its series of publications. Moreover, the Board of the Center has encouraged the production of publications in areas of special educational need. Thus, in fiscal 1981 the Center published *The "Rule of Reason" in Antitrust Analysis: General Issues*, by Professor Phillip Areeda, who had lectured at the 1981 antitrust seminar. It also published, for example, *The "Black Lung" Act: An Analysis of Legal Issues Raised Under the Benefit Program Created by the Federal Coal Mine Health and Safety Act of 1969 (as amended)*, by Professor Ernest Gellhorn. This treatise was specially commissioned because of requests for such an analysis by judges with heavy case-loads in this area. Preparation of another monograph intended to aid judges in understanding and dealing with the complexities of statistics and statistical evidence was commissioned this year. The monograph will also contain an annotated bibliography.

**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 for numerous changes to be implemented in phases through 1984. Upon its passage, the Center developed in-depth seminars and workshops to familiarize bankruptcy judges with the provisions of the new legislation and to equip them to meet their responsibilities.

In fiscal 1982, two video orientation seminars for newly appointed bankruptcy judges treated fundamental bankruptcy topics such as the debtor, fees and allowances, and creditors; selected sections of the bankruptcy code; the administration of the bankruptcy court system; and effective case management. New judges viewed these tapes under the guidance of an experienced bankruptcy judge. In addition, four regional seminars for bankruptcy judges focused on chapters 11 and 13 of the bankruptcy code, the trial of the civil jury case, consumer-related problems, the Federal Rules of Evidence, and judicial ethics.

**Magistrates.** When Congress created the position of United States magistrate, it specifically directed the Center to provide educational programs, including introductory programs within one year of the magistrate's appointment (28 U.S.C. § 637). Orientation seminars for newly appointed full-time and part-time magistrates in all circuits were held in March and May of 1982. The Center held four advanced seminars for magistrates in fiscal 1982, one at the same time as the orientation seminars. Collectively, these seminars reached magistrates in all twelve circuits. Holding concurrent programs for full-time and part-time magistrates, with some joint sessions, allows a more effective and efficient use of the faculty, provides the magistrates an opportunity to discuss common problems, and at the same time, preserves an opportunity for sessions tailored to more specific needs.

The subjects at the orientation seminars included the magistrates' managerial and administrative duties and a review of federal criminal procedural rules, with discussion of recent court decisions. The advanced courses dealt with such topics as the Federal Rules of Evidence; new developments in discovery and other procedural rules; review of Social Security cases; sentencing techniques and options; the conduct of jury trials; case management techniques; and the operation of Central Violations Bureaus, which process notices and citations for minor federal offenses, such as traffic violations on federal land.

**Clerks of Court and Other Supporting Personnel.** The myriad of management and administrative functions required to operate and maintain the federal judicial system are affected by evolving patterns of civil and criminal violations, by new legislation such as the Federal Courts Improvement Act of 1982, and by requirements imposed by directives of the Judicial Conference. About half the support personnel in the federal judicial system have some direct contact with one or more of the Center's educational programs each year. Furthermore, the Board of the Center, in an effort to focus the Center's resources most efficiently, has determined that the Center should not provide educational programs for certain categories of personnel. In 1982 the Center scheduled thirteen seminars for clerks of court, chief deputy clerks, and deputy clerks. Topics included personnel management, fiscal procedures and internal security records management, procurement, the impact of changes in the Federal Rules of Appellate Procedure, the impact of technological advances on information and records management, and case

and calendar management. In response to the Judicial Conference policy on juror utilization mentioned earlier, the Center sponsored three regional workshops for selected clerical personnel with jury utilization responsibilities. The goal of the workshops is not only to provide education for those attending but also to use the discussions at the workshops as the basis for developing suggested juror utilization practices that can be distributed more widely to appropriate personnel.

**Federal Public Defenders, Assistants, and Investigators.** Federal public defenders, assistants, and investigators are compensated by funds administered within the federal judicial budget and fall within the scope of the Center's training responsibilities. (Assistant United States attorneys, by contrast, are provided intensive instruction in trial advocacy by the Department of Justice.)

In fiscal 1982, three programs were developed for assistant federal public defenders. A June seminar addressed a wide range of topics related to the sentencing process, including sessions on probation and parole revocation, psychiatric considerations, the presentence report, and prisoner problems. The Center also authorized assistant defenders to participate in trial advocacy training institutes. One group took part in the advocacy program offered in January by the University of Virginia School of Law. Another group enrolled in the summer session of the National College for Criminal Defense in Houston. These institutes, in addition to providing traditional instruction, put participants in mock trial situations designed to improve advocacy skills for both criminal and civil litigation. The Center also developed and sponsored two seminars for federal public defender investigators. Program segments dealt with the various aspects of developing evidence in the defense of criminal cases, including elements of federal criminal offenses, principles of interviewing, methods of authenticating questioned documents, and related forensic investigative aids. (The Center makes these seminars available to federal community defenders when appropriate.)

## **B. Desk and Research Aids for United States District Courts**

**Bench Book and Bench Comment.** The Center's *Bench Book for United States District Court Judges* is designed, as the name suggests, to provide information that federal district judges have found

useful for immediate bench or chambers reference during the course of litigation before them. It is not an administrative manual; certain volumes of the *Guide to Judiciary Policies and Procedures*, published by the Administrative Office, fill that need. The *Bench Book* has or will have sections on such topics as assignment of counsel, taking guilty pleas, model sentencing forms, standard voir dire questions, drafting findings and conclusions of law, and standard jury instructions at the beginning and end of a case, as well as compendiums of practical information such as lists of federal correctional facilities, mortality tables, conversion tables, and official holidays. A committee composed of present and past district judge members of the Center's Board is supervising the preparation of the *Bench Book*. The committee, in turn, has sought the assistance of experienced judges throughout the system in preparing various sections of the book. This project is a responsibility of the Center's Division of Inter-Judicial Affairs and Information Services.

To date, thirty-seven of the projected forty-four sections have been distributed, published in loose-leaf format, with each page dated to facilitate supplementation and revision. The Center's Board has determined that the *Bench Book* should be provided only to federal judges and magistrates.

In fiscal 1981, the Center began another service, *Bench Comment*, to assist federal district judges and magistrates. The Board approved the *Bench Comment* project on an experimental basis, in view of the fact that trends in appellate treatment of practical procedural problems do not always come to the attention of busy federal trial judges as quickly as would be desirable. The proper handling of these problems—particularly problems of criminal procedure—could prevent reversal and, accordingly, the time and expense of another trial. Some *Bench Comments* are prepared by judges; others are prepared by the staff of the Center's Inter-Judicial Affairs and Information Services Division. For each *Comment*, however, the division seeks review of the draft by several judges regarded as especially knowledgeable about the particular topic. *Bench Comments* in no way represent official policy; they are provided to federal judges for their information only. *Comments* in fiscal 1982 dealt with such topics as verbatim adoption of proposed findings of fact and conclusions of law, procedures to follow when potentially prejudicial publicity occurs during a criminal trial, and

the role of the judge in admitting or excluding co-conspirators' statements under the Federal Rules of Evidence.

The Center's *Chambers to Chambers* series was inaugurated in fiscal 1982; it is, in a sense, a management analogue to *Bench Comment*. *Chambers to Chambers* is designed to provide judges occasional advisories on case and office management techniques that other judges have found helpful. Like *Bench Comment*, *Chambers to Chambers* in no way represents official Center policy; likely candidates for inclusion are reviewed by federal judges. In 1982, the first *Chambers to Chambers* discussed techniques in the use of conference calls for handling various matters, such as pretrial motions, that might otherwise be heard in chambers or decided on the pleadings.

**Manuals and Handbooks for Supporting Personnel.** The various manuals and guidelines the Center has developed since 1977 reflect the reality that continuing education can take many forms. One outgrowth of a successful seminar series are manuals outlining practices and procedures shown to have been effective, which supporting personnel might consider. *Guidelines for Docket Clerks*, for example, published in 1979, drew on a series of docket clerk workshops to share ideas and provide specific recommendations useful in processing both civil and criminal cases. Since 1977, the Center has also provided judges with the *Law Clerk Handbook* for their law clerks' use. In 1980 it produced a *Handbook for Federal Judges' Secretaries* and, in fiscal 1982, completed production of a manual on employment interviewing.

### **C. Automated Case and Court Management Support for District Courts**

In 1982 the Center continued its intensive program of developing computer-based applications for federal courts. The work has been centered largely, but not exclusively, in the Center's Division of Innovations and Systems Development. The wide range of specific applications, designed to assist in court management, case management, and administrative support, is known collectively as Courtran. Specific Courtran applications are in various stages of development and testing. The Administrative Office of the United States Courts, as the operational arm of federal judicial administration, assumes responsibility for these computer applications once they

have moved out of the developmental stage, thus freeing Center resources for new developmental work. The planning for the initial transfer of certain applications to the Administrative Office began in 1979, after the Center had evaluated several computer-assisted legal research tools. A major step was taken on October 1, 1981, with the transfer of operational responsibility for the computational resources supporting six major Courtran court or case management applications. Transfer of responsibility for the software maintenance of these systems will be effected on October 1, 1982.

Summary information on the overall Courtran system is provided in chapter 5. Specific Courtran applications are described in this report under the particular components of the judicial system they are designed to serve. 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.

In fiscal 1982, seventy-seven courts—eight of the twelve appellate courts and sixty-nine of the ninety-five district courts—were using and testing, and at the same time benefiting from, one or more Courtran applications. Thirty-nine of the district courts actually have Courtran computer terminals, which they use for their needs and also to support the thirty district courts that do not have their own terminals. (These consolidated operations are explained in the following pages.) The extent of Courtran coverage is best measured, however, by the percentage of the entire federal caseload it serves, rather than by the number of courts it serves, because the caseloads of the district and appellate courts vary significantly. The details are provided below. In the case of INDEX, for example, some 70 percent of the national caseload is currently being supported and the figure is growing.

**Felony Applications.** Two Courtran applications were developed for felony case processing in light of the requirements of Title I of the Speedy Trial Act of 1974 as amended. The first-developed and best-known Courtran application is the Criminal Case-Flow Management System, although it is not the most widely used. Developed in cooperation with a users group of district court clerks, its primary utility has been in assisting specially chosen Courtran pilot courts—now twelve in number—to implement the Speedy Trial Act and to test Courtran innovations in docketing and statistical reporting. The second Courtran application for felony case-

processing support is the Speedy Trial Act Accounting and Reporting System (STARS), which is in experimental use in twenty-two courts. These two Courtran applications provide automated case management assistance to courts accounting for over 40 percent of federal felony case filings. The vast bulk of the remaining felony caseload is found in a large number of smaller district courts in various parts of the country.

Deputy clerks in each pilot court enter all docket sheet information into the main Courtran computers in Washington, D.C., using terminals in their courts that are connected by high-speed transmission lines to the Courtran computers. Each court's input can then be immediately processed 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. The specific needs that these automated services meet are in part a function of the size of the courts and the complexity of their dockets.

STARS is a simplified Courtran application, developed specifically to supplement standard court procedures for meeting the Speedy Trial Act's reporting and monitoring requirements. It 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 supported by the Criminal Case-Flow Management System. Thus, the system was made available to courts most needing automation as the final implementation dates for the Speedy Trial Act drew near.

In ten of the pilot criminal courts, clerical personnel no longer record docket sheet information on paper stored in the courthouse. With Judicial Conference approval, the information is instead electronically recorded in the main Courtran computers in Washington, D.C., thus creating the official dockets of the cases, paper printouts of which are available on demand. This docket information is also regularly provided to the courts on microfiche, from which paper dockets can be generated at any time. Ten of the pilot courts are also having the computer automatically prepare their official criminal case statistical reports to the Administrative Office. This promises significant economies both in the courts and in the Administrative Office.

**INDEX.** INDEX, another Courtran application, accepts information not only on criminal cases but also on civil, magistrate, and bankruptcy cases filed in a given district, and allows courts to replace card or other paper means of inventorying their caseloads. INDEX can record and retain the retrieval numbers that identify court records stored at Federal Records Centers. It also provides the courts with automated support in recording petitions for naturalization.

INDEX is easy to operate, readily producing reports that can be used not only by court personnel but by the general public as well. 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, judge reassignment, and judgments, can also be entered; for judgments, INDEX can show the amount of the judgment, to which party the judgment is owed, and when it was satisfied. These same data are used to prepare monthly statistical reports on case activity and judges' pending cases, as well as the index of all cases and parties appearing before the court, as required by statute and by rule 79(c) of the Federal Rules of Civil Procedure.

INDEX thus far has been implemented or is being implemented in fifty-three district courts, which account for approximately 70 percent of the total pending federal caseload, criminal and civil. Two additional courts plan to implement INDEX later this year, and eight bankruptcy courts have their INDEX data entered by the corresponding district court.

**Automated Support for Civil Case Management.** The Civil Case Management System was developed by the Center to assist district courts in the management of their increasing civil caseloads. It is currently in use in six districts: Central California, District of Columbia, Northern Georgia, Eastern Michigan, Arizona, and Oregon. The civil system is scheduled for transfer to the Administrative Office in fiscal 1984, after the completion of experiments designed to determine how the automated civil system can be used more efficiently for civil case management. The system is extremely flexible and can often be tailored to the exact requirements of a district court. It automatically prepares statistical reports for submission to the Administrative Office and can also generate notices to attorneys in cases before the court.

**Bankruptcy.** The Center's Innovations and Systems Development Division is also working closely with the Administrative Office to implement a noticing system for the bankruptcy courts, that is, an automated method of alerting all creditors and other parties in a bankruptcy suit to upcoming events in the case. A case- and party-indexing facility will also be produced as a by-product of the noticing system. The Center is providing technical expertise in the areas of telecommunications and computer systems design and development.

**Automated Roll of Attorneys.** The Center is experimenting with a number of methods to provide automated support for the attorney rolls maintained by each district and appellate court, which list the attorneys admitted to practice before them. One district court and three circuit courts have conducted tests of four varieties of interactive attorney roll systems developed at the Center. Having learned a great deal from these experiments, and also from a test involving storage of the data on magnetic tape for preparation of attorney enrollment information on microfiche, the Center plans to pursue the development of an automated attorney roll facility that will be of general utility to district and appellate courts desiring this support.

**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 petty 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 caseload. For the twelve-month period ending June 30, 1982, well over 535,000 such tickets were issued, with payments to the CVBs totaling almost \$6.75 million.

Eight districts—Eastern Virginia, Maryland, Eastern New York, Western Kentucky, Colorado, Central and Northern California, and Western Texas—are successfully using the Courtran CVB system to monitor petty-offense citations issued by federal agencies. To serve courts too small to need their own installations, and to achieve economies in deployment of computer hardware, the CVB operations in the smaller courts are being processed in a consolidated fashion in courts with automated CVB operations. The Central District of California is providing this service for Southern

California, Arizona, Western Washington, Oregon, and Eastern California. Colorado is providing this service for the eight other districts of the Tenth Circuit, as well as for Nevada, Montana, Alaska, and Idaho in the Ninth Circuit and for Eastern and Western Arkansas, Western Missouri, and Southern Iowa in the Eighth Circuit. The Western District of Texas is providing service for the three other districts of Texas, Northern Alabama and Northern Georgia, and the several districts in Mississippi and Florida. The Eastern District of New York will offer the service to all courts in the First, Second, and Third Circuits. Western Kentucky will do the same for the districts of the Sixth and Seventh Circuits, and Eastern Virginia will provide the service for the Fourth Circuit. On the basis of these plans, it is anticipated that by the end of fiscal 1983, more than 90 percent of the citations issued by federal agencies will be processed by the Courtran automated Central Violations Bureau service. Seven of the eight main CVB courts use a "store-and-forward" technology, whereby the data are entered into terminals in the court during the day and then are automatically called up for transmission at night, during hours of reduced activity, to the central Courtran computers in Washington, D.C.

#### **D. Management of the District Courts**

**Role of the Chief District Judge.** A prime example of the stimulus to the Center's work provided by the Conference of Metropolitan District Chief Judges is the Center's research on the management of the district courts, designed to assist chief district judges in that task. A 1979 proposal of the Chief Justice to provide for district court executives in the larger metropolitan courts has since been implemented on an experimental basis. Spurred by that proposal, the conference requested the Center to review and document the various administrative practices and structures found in the federal district courts with fifteen or more judgeships. The conference reviewed the resulting report at a later meeting, and the Center published it in fiscal 1982 as *Administrative Structures in Large District Courts*.

In the course of this activity, the conference gave its support to a broader Center effort to provide assistance to the chief judges of all district courts, metropolitan and otherwise. Thus, every chief district judge, upon elevation, is now invited to visit both the Administrative Office and the Center to become better acquainted with the aspects of the work of the two agencies that affect the chief

judge of the district court. The Center also neared completion in fiscal 1982 of a Desk Book for chief district judges, conceived as somewhat of a parallel to the Center's *Bench Book* for all district judges. The Desk Book has been prepared in close consultation with sitting and former chief district judges and is designed not only to chronicle the numerous duties that attach to the office of chief district judge but also to capture the accumulated experience of chief district judges on how to deal with the wide range of problems that come to them.

**Local Rules.** Although the Federal Rules of Civil and Criminal Procedure provide a national framework for court and case management in United States district courts, procedures in any district court will reflect local preferences and practices, which are often embodied in local rules promulgated by the particular district. Although there has been intense debate on the desirability of some of these local rules, their existence is a fact of federal judicial administration. Local rules were considered in the Center's District Court Studies Project and other research efforts, and they have been the subject of programs at the Conference of Metropolitan District Chief Judges. More recently, the Clerk's Division of the Administrative Office has produced a detailed index of all local rules by subject. The Center's Information Services, moreover, attempts to maintain a complete and current collection of local rules.

In fiscal 1982, several courts asked for the Center's assistance in an outside analysis of their local rules, not only concerning their substance and internal consistency but also concerning their consistency with the national rules and with local rules in other courts. As this service grows, the Center hopes to be able to use the cumulative research in replying to requests for specific assistance from the courts and also to provide assistance to national bodies responsible for overall federal court rules.

**Court-Reporting Methods.** The Federal Courts Improvement Act of 1982, signed April 2, 1982, includes numerous provisions in addition to those creating the United States Court of Appeals for the Federal Circuit. One important provision amends 28 U.S.C. § 753(b) to give district judges discretion to use electronic sound-recording or other methods rather than stenotype as the official court-reporting method in their courtrooms. Any use of electronic sound recording is to be governed by the discretion of the particular judge, subject to Judicial Conference regulations, as called for by the statute. The

regulations may not become effective before October 1, 1983, and the amendment to 28 U.S.C. § 753(b) is not to take effect until the regulations do. The legislation also mandates that in the one-year period following enactment, the Judicial Conference is to "experiment with the different methods of recording court proceedings." The Center, with support from the Administrative Office, began that experiment for the Conference in fiscal 1982.

Electronic sound-recording equipment will be tested in a small number of courtrooms selected to represent the major variables that might reasonably be expected to affect the use of electronic sound recording. The electronic sound-recording method will be tested for its ability to provide all the services expected of the stenotype-reporting method, including timely transcript production and the full range of court-reporting functions in the courtroom and wherever else proceedings are held. The results of the test will indicate the feasibility of electronic sound recording in federal district courts and will also be available for the development of the Judicial Conference regulations called for by statute.

In a related project, the Center will continue its analysis of computer-aided transcription, updating and subjecting to more direct analysis the information published last fiscal year in *Computer-Aided Transcription: A Survey of Federal Court Reporters' Perceptions*.

## **E. Research on the Trial Litigative Process**

The Center has maintained a wide-ranging research program to analyze litigation processes in federal district courts and to evaluate and develop tools that might contribute to more effective and efficient case management. The Center's research on federal civil procedure is seen most prominently in the results of its District Court Studies Project, begun in 1975 and producing three reports between 1977 and 1980. Given that focus, which parallels the interest of the Judicial Conference rules committees, the Center has directed its attention to other aspects of the federal civil litigative process.

**Civil Rules Sanctions.** Fiscal 1982 saw the publication of *Sanctions Imposable for Violations of the Federal Rules of Civil Procedure*, prepared by Professors Robert Rodes, Kenneth Ripple, and Carol

Mooney of the Thomas J. and Alberta White Center of Notre Dame Law School. The report contains an exhaustive review of the case law to determine the sanctions district judges have imposed and the patterns of their imposition. The typical pattern of sanctioning, the authors conclude, is "one in which the delay, obfuscation, contumacy, and lame excuses on the part of litigants and their attorneys are tolerated without any measured remedial action until the court is provoked beyond endurance." At that point, the court frequently punishes one side or the other with a swift and final termination of the lawsuit by dismissal or default. The authors make specific recommendations on how to counter this "all or nothing" approach to sanctions and propose several amendments to the rules.

**Manual for Complex Litigation.** The Center also continued its support to the Board of Editors of the *Manual for Complex Litigation*, produced under Center auspices. The fifth edition of this frequently cited work was published in 1982, after extensive editorial and logistical support from the Center. Furthermore, the Center lent support to the Board as it considered what, if any, basic revisions in the format or subject matter of the *Manual* should be undertaken.

**Alternatives to Litigation.** The Center continued another element of its civil research focus in 1982 when it published *Summary Jury Trials*, an evaluation of a technique developed by Judge Thomas Lambros in the Northern District of Ohio. A summary jury trial allows attorneys in a case that appears likely to go to trial to present the basic elements of their respective positions to a jury selected for that presentation alone. The procedure is streamlined, expeditious, and stripped of technicalities. The summary jury's response to the controversy is intended to give the attorneys a better insight into the advantages of settlement. Another alternative to traditional civil litigation procedures, court-annexed arbitration, was discussed in the 1981 Center report *Evaluation of Court-Annexed Arbitration in Three Federal District Courts*. In 1982 the Center analyzed data from the experiments concerning arbitration's effect on trial rates—data on the progress of arbitrated cases that were unavailable when the original report was produced. Analyzing the arbitrated cases that were taken to trial de novo, the research concluded that the arbitration programs reduced the incidence of trials by as much as half.

**Telephone Conferences in Civil Litigation.** The Center undertook and completed in 1982 a modest analysis of the use of telephone conferences for various litigation matters that might otherwise to heard in chambers or decided with no hearing. Typically, telephone conferences involve civil cases, given the constitutional presumption of a defendant's right to be present at all stages of a criminal proceeding. Although the use of telephones to hear motions is simple from a technological standpoint, federal judges use them relatively infrequently, paralleling the situation in the states. The Center's inquiry was designed to share information from experienced judges about the use of the telephone for such matters. As noted earlier, the Center's first *Chambers to Chambers* was on teleconferencing and drew substantially on this research.

**Role of United States Magistrates.** The office of United States magistrate was established by Congress in 1968 to replace the old system of commissioners. The magistrates' role has developed in widely varying ways from district to district during the slightly more than ten years that the system has been in full operation. In light of that diversity, the Center undertook in fiscal 1982 to describe systematically the work of the magistrates in the various districts in an effort to portray the common tasks they perform as well as the variations in their roles.

## F. Jury Projects

The Center's attention to the jury as a vital institution in the administration of federal justice has taken two basic forms during the Center's history. First, the Center has worked with the Judicial Conference and the Administrative Office to help meet the statutory mandate that juries be drawn from "a fair cross section of the community" (28 U.S.C. § 1861); second, it has worked to help the courts achieve efficient "juror utilization." To the former end, the Center in 1981, for example, developed a computer program and manual to aid the Administrative Office in providing the district courts with analyses of data submitted by the courts on the demographic characteristics of those persons included in the jury wheels.

**Juror Utilization.** "Efficient juror utilization" describes methods to ensure that sufficient jurors are available when the participants are ready to start trial, without calling many more citizens than

will be used promptly. In response to its own analyses as well as to a report of the General Accounting Office, the Judicial Conference, at its fall 1981 meeting, asked each circuit council to undertake to improve its juror utilization record. Education in juror utilization was one of the options suggested by the Conference. The Center, working with the Clerk's Division of the Administrative Office, developed programs in juror utilization and made them available for the district judges' workshops held in each of the circuits. Recognizing that supporting personnel as well as judges must be familiar with these techniques, however, the Center also sponsored three juror utilization workshops early in fiscal 1982 for clerical personnel primarily responsible for juror utilization. Material developed during these workshops will be used in a subsequent manual containing examples of juror utilization guidelines whose success in some districts may warrant their consideration by jury clerks and support personnel.

The Center also published in 1981 a report analyzing experiments undertaken in eight districts to test the effectiveness and economy of different methods of summoning jurors.

**Voir Dire.** In recent years the Center's work with the Judicial Conference Committee on the Operation of the Jury System has produced two reports on voir dire activity. This work has led to interest on the part of the committee and others in the feasibility of a judicial training program on the conduct of the voir dire, and the Center's Research Division has been working to develop such a program.

A related but more immediate effort, also growing out of the Center's accumulated expertise in the voir dire process, was the publication in 1982 of *Jury Selection Procedures in United States District Courts*, a manual for judges on conducting voir dire and managing challenge activity. Several judges, including members of the jury committee's voir dire subcommittee and two district judges on the Center's Board with a special interest in voir dire, prepared brief descriptions of their voir dire practices. These descriptions were combined with results from other Center research based on observation of voir dire in practice. The procedures described in the manual are consonant with the policies of the jury committee.

**Jury Instructions.** Since 1978, the Center's Research Division has been providing assistance to a Center committee of three district

judges considering revisions in criminal jury instructions used in federal courts. The committee's objective was to produce instructions comprehensible to jurors; for that purpose, the Center has advised the committee about the results of psycholinguistic research on jury instructions and has arranged for a law professor and a journalism professor with experience covering courts to work as a drafting team for the committee. The committee's product has also benefited from various circuits' efforts to develop pattern instructions.

The committee was initially appointed to plan for the major task of preparing jury instructions that would be consistent with the then-anticipated revision of the federal criminal code; passage of the proposed code revision would have rendered many currently used instructions obsolete. Given the uncertainty of the code revision, however, the committee undertook 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 committee's instructions, along with explanatory materials the Center prepared to describe the standards used in preparing them, were completed in fiscal 1982 for distribution to bench and bar in a variety of forums.

The Center's Board has directed the Center to undertake further development of pattern jury instructions in other areas, working with the Judicial Conference Committee on the Operation of the Jury System and taking note of the work of various circuit committees that are developing pattern instructions.

**Possible Alternatives to Juries in Protracted Litigation.** For the last three years, the Center's Research Division has provided staff assistance to the Judicial Conference Subcommittee on Possible Alternatives to Jury Trials in Protracted Civil Cases. The subcommittee, consisting of two circuit and three district judges appointed by the Chief Justice in 1979, has considered, among other subjects, whether service in protracted cases poses undue hardship on jurors, jurors' ability to comprehend complex matters presented in protracted civil litigation, and possible alternatives to the traditional jury. The utility of alternatives, of course, will depend in part on

the developing case law on the Seventh Amendment's provision for right to trial by jury in civil cases. Should the courts determine that juries cannot be denied even in complex civil cases, litigants and judges may be interested in alternatives to use on a voluntary basis.

The Center's support for the subcommittee includes interviews with judges, lawyers, and jurors who have participated in protracted cases and determination of the meaning of "complexity" in the context of this subject. A report on this aspect of the research, *Protracted Civil Trials: Views from the Bench and the Bar*, was published in fiscal 1982.

In its research for the subcommittee, the Center has also sought to identify any differences between jurors who serve on protracted cases and other jurors. Analyses of specially qualified juries and administrative or legislative tribunals, and of the literature on group problem solving as it relates to jury operations, were published in fiscal 1981.

### **G. Improvement of Advocacy in Federal District Courts**

At its meeting in September 1979, the Judicial Conference authorized the Implementation Committee on Admission of Attorneys to Federal Practice to oversee 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 recommendations include a system of peer review of lawyers, with assistance for those in need of help; entrance examinations to test knowledge needed for practice in the federal courts; a trial experience requirement; and rules providing for law students to practice in the federal courts. The implementation committee, chaired by Judge James Lawrence King of the Southern District of Florida, works primarily with the fourteen district courts that are testing the proposals. The committee met in April 1982 with representatives from the pilot courts to share observations about their experiences to date and to identify the status of the various programs selected by the courts.

The Center serves the committee and the pilot courts by monitoring the efforts in the courts, collecting copies of local rules and other relevant documents, functioning as a clearinghouse, and providing written documentation of the committee's progress.

The Center and the committee also monitor the implementation of an additional Devitt Committee recommendation, namely, court-sponsored continuing education programs for the bar on federal practice and trial advocacy. Several of the pilot courts are sponsoring such programs, as are many other trial and appellate courts. Finally, the Center and the committee maintain a continuing interest in the "American Inns of Court" program, which had its genesis at the J. Reuben Clark Law School at Brigham Young University and provides law students and faculty, lawyers with various levels of experience, and judges with a forum for practical efforts to improve trial advocacy.

## **H. Implementation of Judicial Orders in Institutional Reform**

For several years, the Center has been studying the roles played by courts in the implementation of their orders in cases involving large-scale, systemic changes in institutions such as prisons and mental hospitals. The implementation of the orders, issued to redress widespread violations of constitutional rights, often requires unique and innovative procedures. The courts have sought the help of the Center's Research Division to assist both the courts and those persons appointed as special masters in effecting the implementation of the decrees.

One judge suggested that the Center document the experience in a case before him involving a state prison. 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 on implementation is expected to produce a manual to assist judges and special masters; it 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.



## II. FEDERAL SENTENCING AND PROBATION

Training of probation officers was one of the educational missions anticipated for the Center at the time of its creation, and one of the Center's earliest research reports—an analysis of sentencing disparity undertaken at the request of the judges of the Second Circuit—is still one of its most widely referenced.

The Center provides research and training support to judges and magistrates who exercise the sentencing function and to those who supervise defendants who are convicted but not incarcerated. Its expertise is also called upon by those who deal with national policies on sentencing, namely, the Judicial Conference Committee on the Administration of the Probation System. The work of the Center's Research Division, especially, has thus been closely attuned to congressional interest in revising the federal criminal code and includes proposals for restructuring the sentencing discretion of federal judges.

The Divisions of Research and of Education and Training work jointly to provide continuing education on sentencing and probation to judges and probation officers, and the Divisions of Research and of Innovations and Systems Development are both involved in the effort to meet the Judicial Conference's request for an automated Probation Information Management System (PIMS).

### A. Continuing Education and Training

**Sentencing Institutes.** In 1958, Congress authorized the Judicial Conference to convene sentencing institutes at the request of either the attorney general or, as is more typical, a circuit's chief judge (28 U.S.C. § 334). Since 1974, the Center, at the request of the Judicial Conference Committee on the Administration of the Probation System, has been involved in the planning, administration, and evaluation of the institutes.

In fiscal 1982, the Center helped organize and present two sentencing institutes, one for the judges of the Second Circuit and the other for the judges of the Eighth and Tenth Circuits. The institutes included one-day tours of the federal correctional facilities at Otisville, New York, and Springfield, Missouri. In a departure from earlier institutes, newly appointed judges from nearby circuits were invited to attend to gain the benefit of an institutional visit, as well as exposure to discussions of the sentencing function. Although the sentencing function is treated at seminars for newly appointed judges, it is covered in greater depth and detail at the institutes. Planning committees in the circuits, working with the Research Division, developed agendas and located qualified speakers. The Center's education and training budget includes the costs of attendance by judges and other judicial branch personnel.

**Law and Policy Changes Affecting Judges' Sentencing Options.**

One of the objectives of both the sentencing institutes and the Center's orientation seminars for newly appointed district judges is to keep judges abreast of important case law affecting the sentencing process and aware of the current policies of the Parole Commission and the Bureau of Prisons. Those Justice Department agencies are responsible for many offenders after sentencing, and their policies—especially those of the Parole Commission—can have a major effect on the actual time served under a sentence of imprisonment, regardless of the sentence imposed.

A major contribution to the dissemination of this information is a Center report, revised as necessary to reflect the agencies' policy changes, entitled *The Sentencing Options of Federal District Judges*. This report was most recently revised at the time of the May 1982 seminar for newly appointed district judges. The Center periodically provides judges with the revisions in the report, which the Probation Division of the Administrative Office and the Department of Justice distribute to probation officers and United States attorneys' offices.

**Seminars and Workshops for United States Probation Officers.**

The Division of Continuing Education and Training sponsored a series of seminars for probation officers and supporting staff during fiscal 1982. The series included ten regional seminars for probation officers, four seminars for supervising probation officers, six crisis intervention workshops, and three programs providing skills training for officers assigned the sensitive task of supervising probation-

ers and parolees in the witness protection program administered by the Department of Justice. The regional seminars for probation officers conducted this fiscal year were planned and conducted in large part by officers in the participating districts, a shift from previous practice whereby the major developmental effort in any program was a function of Center staff. This recent shift reflects two fundamental objectives of the Center's role in serving the court system. First, the Center is committed to developing and sponsoring programs and services that respond to regional and even local training needs, recognizing that seminars with a national scope often do not address such needs. Second, by eliciting the assistance of field personnel in planning, logistical, and development tasks, to which the response has been uniformly enthusiastic, Center staff have more time to devote to long-range planning, curriculum development, research, and evaluation. To the extent that program development and sponsorship have become joint undertakings, the level of their success and acceptance has increased markedly.

Another new program recently introduced is the supervisory skills seminar. Designed for officers designated as supervising United States probation officers, the seminar provides a curriculum of on-site training supplemented by pre-session and post-session components. A supervisor who enrolls develops a set of individual vocational goals with his or her chief probation officer. These are modified at the on-site training program, reevaluated with the chief probation officer, and then implemented by the attendee. Completion of the goals is certified by the chief probation officer before the Center awards a certificate of course completion.

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 with a specialization in probation and parole practice. The program, which has been in operation for six years, is conducted primarily by correspondence and includes a one-week residential seminar each semester. Forty-one of the program's seventy-four graduates have been United States probation officers—the majority line officers—representing fifteen states. The first graduated in fiscal 1979, and seven were awarded the degree at Fordham's May 1982 commencement exercises. During fiscal 1982, forty-three 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. The Research Division also maintains a close working relationship with the Probation Division of the Administrative Office.

**Statistical Risk Classification System.** In fiscal 1982, the Center published *A Validation and Comparative Evaluation of Four Predictive Devices for Classifying Federal Probation Caseloads*. Various probation offices had developed "base expectancy" or "risk prediction" scales to use in classifying probationers as to the likelihood of their violating the terms of their probation, including the commission of other offenses while on probation. The hope was that these scales would provide a more accurate estimate of risk than the intuition on which officers must otherwise depend. Moreover, a reliable classification system would allow a more accurate allocation of probation officer resources: Officers would know with greater certainty the intensity of supervision they would likely have to provide the probationers assigned to their caseloads.

The Center report referenced above describes research conducted in 1979 and 1980 to assess four risk prediction scales in use in federal probation offices. The Research Division recommended that the scale found to have the best balance of reliability and administrative ease be used as a caseload classification tool by all United States probation officers. This recommendation was adopted by the probation committee of the Judicial Conference of the United States. A pilot field test resulted in minor modifications of the recommended scale, and all probation officers began use of the reformatted device, called Risk Prediction Scale 80 (RPS 80), in January 1981. Since the implementation of RPS 80, the Research Division has continued to collect and analyze data on its use in selected probation offices. Members of the division have participated in a number of RPS 80 training sessions as part of the Center's ongoing seminars for probation officers and have explored with the Probation Division the possibility of further validation studies. RPS 80 has also been adopted by several state and local probation authorities.

**Prisoner Litigation.** The Center has continued its work on prisoners' civil rights by assisting the Ad Hoc Subcommittee on Prison-

ers' Litigation, a subcommittee of the Judicial Conference Committee on Court Administration. Previous annual reports have noted the work of the Center's Prisoner Civil Rights Committee, which was discharged by the Chief Justice after the completion in 1980 of its final report, *Recommended Procedures for Handling Prisoner Civil Rights Cases in the Federal Courts*. At its March 1982 meeting, the Judicial Conference, at the request of the Committee on Court Administration, recognized the significance of this publication and acted to increase its utilization by federal judges. The committee noted that the report, while often cited with approval, enjoyed no formal status except that it was the "suggestion of a Center committee." For that reason the Judicial Conference "formally recognized the significance of this report and urged the district courts to implement the procedures and the suggested forms contained therein." The Center also continues to provide judges with the *Compendium of the Law on Prisoners' Rights*, by Magistrate Ila Jeanne Sensenich, who was a member of the Center committee; in 1981 the Center published an update of the *Compendium*.

**Prisoner Petition Administration Automation.** The Center developed the Prisoner Caseload Management System in response to a request from the Southern District of Texas for automated assistance in managing its substantial prisoner petition caseload. The clerk's office uses this system to provide judges and magistrates with reports on the procedural status of more than one thousand pending prisoner cases, on the types of defendants and issues involved in each case, and on motions pending. The system also provides statistical reports on filings and disposition of prisoner cases.

**Drug Aftercare Program Evaluation.** The Center's last several annual reports have noted that recent legislation transferred responsibility for providing aftercare services to drug-dependent probationers and parolees from the Federal Bureau of Prisons to the Administrative Office. Offenders enrolled in the aftercare program may receive a total of twenty-three varied services, including individual, group, or family counseling, urinalysis, ambulatory detoxification, and methadone maintenance.

At the request of the Probation Division of the Administrative Office, the Center has undertaken a long-range formal evaluation of the aftercare program. The ultimate evaluation objective is to determine the overall effectiveness of the various methods of service delivery. During the past year, a preliminary process-oriented

evaluation of the program was conducted in a sample of ten federal probation offices. The results of this initial evaluation will be discussed in a forthcoming Center report.

### **C. Probation Information Management System**

In fiscal 1982, the Center's Divisions of Research and of Innovations and Systems Development continued to work with personnel from the Administrative Office's Divisions of Probation and of Systems Services, as well as a probation office users group, to design a Probation Information Management System (PIMS). PIMS refers to the automated management information system recommended by the Judicial Conference probation committee and approved for development by the 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 through the Center, the Administrative Office, and the probation committee.

When completed, PIMS will contain nationwide information on sentences imposed for various offenses and kinds of offenders. Judges may consult this information when considering a sentence to impose. PIMS will also provide essential planning and management information for probation officers to use in tracking and analyzing their caseloads; for probation office administrators' budget and personnel needs; for management planning; and for research.

Fiscal 1982 saw the completion of the PIMS functional description that defines the services that its potential users want PIMS to 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 next phase of the project also drew to a close in fiscal 1982, providing comparative cost estimates of both the manual and the projected automated information systems, as well as an assessment of projected intangible benefits to which dollar savings cannot be attached. The software design and development phase of PIMS has begun in preliminary fashion, with the Center's Systems Division having primary responsibility for the development, user training, and implementation of PIMS in three pilot courts.

### **III. APPELLATE COURTS**

Last year's annual report noted that "the United States courts of appeals have in one sense borne a much heavier burden of increased caseload than have the district courts." Filings per judgeship continued to increase at a much greater rate on the appellate than on the trial level. Cases per appellate panel grew from 450 in 1972 to 599 in 1981, or 33 percent, while filings per district judgeship grew from 362 to only 410, 13 percent. However necessary the creation of additional judgeships to alleviate this disproportionate increase in workload, it is also true that adding judgeships is not without a price. The large increases in the federal appellate bench that would be necessary to keep cases per panel constant pose a potential threat to the collegiality essential for federal appellate review, as well as to the maintenance of the national law's uniformity.

Accommodating this increased workload thus requires developing different procedures appropriate for different types of cases, technological innovations to conserve judicial time, and educational programs to ease the judges' burden of maintaining knowledge of the substantive matters that come before them in litigation. The Center's efforts to these ends are described below.

#### **A. Continuing Education and Training Programs**

The Center's continuing education program has long included seminars every two or three years specifically for appellate judges. The first seminar exclusively for newly appointed circuit judges was offered in 1980. In fiscal 1982, the Chief Justice appointed a committee chaired by Judge John Butzner of the Fourth Circuit, a member of the Center's Board, to plan the next seminar, tentatively scheduled for December 1982, for appellate judges newly appointed since the 1980 seminar.

In November 1981 the Center sponsored a seminar for the clerks of the courts of appeals and the national appellate courts. The semi-

nar provided an opportunity for reports on Center research and development, including the Courtran systems for appellate case management and proposed changes in the Federal Rules of Appellate Procedure. As before, the seminar provided an opportunity for status reports by each of the clerks in attendance and, in a new development, an opportunity for the clerks, meeting as a committee of the whole, to present to senior personnel of the Administrative Office their perceptions of likely developments in appellate case management and the needs of the clerks of court.

## **B. Research and Development on Appellate Court and Case Management**

A clear measure of the increase in appellate caseload is heightened interest in the variety of research and technological assistance that the Center and the Administrative Office might provide to those courts. These new services stem in a sense from early Center efforts: its 1977 analysis of the Second Circuit's Civil Appeals Management Plan, the CALEN9 computer program devised in 1978 to prepare calendars pursuant to Ninth Circuit policies, and the word-processing and electronic-mail application that the Center tested in cooperation with the Third Circuit Court of Appeals in 1977 and 1978. Requests for similar assistance have come to the Center, and in the case of those applications since declared operational, to the Administrative Office.

**Appeals Expediting Systems.** In 1982 the Center published *Appeals Expediting Systems: An Evaluation of Second and Eighth Circuit Procedures*. The Eighth Circuit judicial council had asked the Center to document and evaluate the appeals expediting system it had developed, whereby an employee of the clerk's office monitored the progress of appeals up to the point of submission to the court. Typically in appellate courts, it is in this interval that the greatest amount of time from filing to disposition tends to occur. In fiscal 1981 the Center provided the Eighth Circuit with a documentation and set of manuals and forms for its use and for review by other courts. *Appeals Expediting Systems* compares the Eighth Circuit's appeals expediting system with the Second Circuit's somewhat similar plan to expedite the processing of appeals.

The Tenth Circuit judicial council, aware of the Center's work in the Eighth Circuit, asked for support in designing its own appeals

expediting system, building on the Eighth Circuit's experience. That the Tenth Circuit was then serving as one of the two pilot courts for the Courtran Appellate Information Management System (AIMS) was an additional incentive for designing an expediting system for the circuit. A case management system for the Tenth Circuit has been designed, and a computer simulation, developed initially to allow the Tenth Circuit to determine the impact of changes in case-flow management plans, has been modified to permit its use in other circuits.

**Procedures for Preargument Case Disposition and Oral Argument.** Several circuits have followed the lead of the Second Circuit in establishing procedures to subject cases, at some stage prior to oral argument or even submission of briefs, to a conference that might result in lessening the subsequent burdens of time and effort of the parties, the attorneys, and the court. In the mid-1970s, the Center was asked to evaluate the Second Circuit's Civil Appeals Management Plan, one objective of which was to identify cases that, with a conference, might settle without oral argument. The results of the first evaluation, published in 1977, were inconclusive.

In 1981, however, the Center analyzed data from a second controlled experiment that the court began in 1978. This analysis suggested a different conclusion. In a modified procedure, appeals were randomly divided among the two staff counsel and a control group. The Center's analysis shows that the plan has had a statistically significant effect in reducing the number of appeals that reach argument. Although the data do not permit precise measurement of the magnitude of that effect, they suggest that programs of this type may have the potential for dramatically reducing the number of appeals that reach argument. Analysis of other possible effects of the program is continuing, and completion of a report is anticipated late in fiscal 1982.

As noted above, other courts have established preargument programs. In 1982 the Center published *The Seventh Circuit Preappeal Program: An Evaluation*, undertaken at the request of the Seventh Circuit in 1978, when that circuit instituted a preargument conference program. The Seventh Circuit's goal was not the settlement of cases prior to argument, but rather a reduction in the size of the briefs and the number of motions. Moreover, the court wanted to determine if these effects would vary between settlement conferences held by a judge and a staff attorney and those held by a staff

attorney alone. The Center's evaluation showed a reduction in motions, albeit not as a direct effect of the procedure. It indicated furthermore that settlements were not in fact fostered by the program and that the expectation of reduced brief size was not achieved. Finally, the evaluation showed no differences resulting from the presence of the judges at the conference.

Preargument programs have since been instituted in the Sixth Circuit and, upon the Center's recommendation, in the Ninth Circuit.

Other programs have also been instituted, such as an "appeals without briefs" procedure begun by the Ninth Circuit in June 1980. The object of the Ninth Circuit's project was to learn whether extending the oral argument period and limiting written submissions to a short statement rather than a formal brief could lessen the amount of judge time, with substantial cost savings for litigants. The project applied only to certain types of cases and only to those filed from certain district courts and administrative agencies. The court decided earlier this year to terminate the project sooner than expected, but the Center, whom the court had asked to evaluate it, will proceed to determine what can be learned from the effort, on the basis of data provided until the termination.

**Automated Appellate Court Calendaring and Paneling Systems.** A pervasive management problem faced by courts of appeals is the assignment of cases to the three-judge panels that hear the great majority of cases. Typically, cases for hearing are grouped together into "calendars," often according to criteria designed to ensure a mix of cases. By another process, judges are grouped into "panels" and a schedule of panels is developed for sittings throughout the year. The calendars are then distributed to the prearranged panels, usually on some random basis lest there be any concern over purposeful assignment of specific cases to specific panels of judges. Moreover, courts have policies in place to govern how often judges sit with other judges and to ensure geographic or other diversity.

Previous annual reports have described the CALEN9 computer application, developed by the Center's Research Division. CALEN9 groups cases into calendars using such criteria as balancing the difficulty of the cases, keeping a variety of subject matter, and grouping by the district court or agency from which the appeal was taken. Although CALEN9 is capable of assigning judges to the various panels, it has not been used for that purpose; the circuit ex-

ecutive continues to make the assignments. In 1981 the Research Division designed a major revision of the calendaring system, which was implemented by the Ninth Circuit's Office of Staff Attorneys and renamed the Staff Attorneys Data Base (SADB). SADB provides such additional capabilities as consistency in the order in which cases are heard, without regard to the division of origin, and compatibility with the Appellate Record Management System, which the Center developed for use in the Ninth Circuit's clerk's office.

The success of CALEN9, and the obvious need for automated procedures for calendar and panel preparation, has led to requests for the Center's help in developing programs to meet the particular needs of courts of appeals in the Third, Fifth, and Sixth Circuits. Most recently, Court of Customs and Patent Appeals Chief Judge Howard Markey made such a request in anticipation of his assuming the position of chief judge of the United States Court of Appeals for the Federal Circuit, which comes into existence on October 1. Judges of the Court of Customs and Patent Appeals and of the Court of Claims do not sit in panels, but the new court, which they will constitute, is authorized to sit in panels of three or more anywhere in the country.

**Administrative Assistance to Circuit Executives.** One task that has increasingly fallen to circuit executives is responsibility for monitoring district court case filings, pending cases, and terminations. At the request of the circuit executive of the Eighth Circuit, the Center has developed a small system that permits the monitoring and reporting of such statistics. With minimal clerical data entry, the system produces monthly reports that highlight problem areas in the district courts for which the circuit executive has the responsibility for monitoring, as determined by his or her judicial council. When all district courts in the Eighth Circuit have adopted the Courtran INDEX system, the computer will generate these reports with no redundant data entry.

**Impact of Administrative Agency Appeals.** In the summer of 1981, the Center undertook a focused analysis of the widely held view that appeals from administrative agencies impose on circuit courts of appeals a much greater burden than other types of appeals. The Center, in cooperation with the United States Court of Appeals for the District of Columbia Circuit, developed various measures of "burden" that cases might be said to impose on judges and sought

to measure the burdens comparatively across a range of cases. The report, *The Cases of the United States Court of Appeals for the District of Columbia Circuit*, was available in the summer of 1981 and is scheduled for publication in 1982. Its findings, not unexpectedly, confirm basic assumptions about the heavier-than-usual demands imposed by administrative agency appeals, but also present several exceptions to the conventional view. Moreover, the report presents a methodology for empirically measuring these burdens. On the average, for example, agency cases had 5 briefs filed, as compared with an average of fewer than 3 for all other cases examined, except for United States civil cases (3.9); the briefs in agency cases averaged 182 pages, as compared with fewer than 100 in all other cases, except for United States civil cases (126). These are only two of the many comparative factors analyzed in the research to date.

**Chief Judge Administrative Duties.** Prompted by the research reported in *Administrative Structures in Large District Courts*, described above, the Conference of Chief Judges asked the Center to undertake an analysis of how the chief judges of the circuit courts exercise their administrative responsibilities. The Conference of Chief Judges is currently composed of the chief judges of each of the circuit courts of appeals, of the Court of Claims, and of the Court of Customs and Patent Appeals. The conference was of the view that a series of field visits and interviews would be more productive than any written questionnaire that the conference might distribute among its members, and sought the report to gain a broad overview and specific factual basis for analyzing how the circuits are administered. The research is based primarily on a series of interviews with each of the chief circuit judges and other judges, as well as with the circuit executives and other supporting personnel. The report, *Administering the Federal Judicial Circuits*, includes a range of descriptive materials on the numerous duties that fall to chief judges because of their office. The report also notes that the administrative burdens of the chief circuit judges are probably greater than even the chief judges themselves realize. The circuits, the report suggests, may be in a period of transition characterized by an effort to retain the personal qualities of administration that typically characterize collegial federal appellate courts while at the same time providing for greater delegation in light of increased responsibilities.

The report was presented to the conference at its September 1981 meeting, and publication is scheduled for fiscal 1982.

### **C. Automated Appellate Information Systems**

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, Seventh, and Tenth Circuits. The use of AIMS in these courts has increased, with direct support provided by the Center to address a spectrum of case management problems. The Third, Eighth, and Eleventh Circuits are also considering plans to implement AIMS. The Appellate Record Management System (ARMS) was developed specifically on a priority basis for the Ninth Circuit to help that court deal with an especially pressing caseload.



## IV. CENTER ACTIVITIES WITH SYSTEM-WIDE IMPACT

Some Center activities are best understood as directed toward the federal judicial system as a whole, rather than at a specific function or level of court.

### A. Continuing Education and Training

Not all of the education and training needs created by the diversity of court management problems and procedures can be met by the Center's programs of seminars and workshops. In some cases, the training needs come from only a few personnel, and holding seminars for them, with the attendant costs, would be uneconomical. Moreover, the Center's annual appropriation for travel has not risen commensurately with the increase in the size of the federal judicial system or with the spiraling increase in the costs of travel. Thus, even with judicious site selection for regional seminars and careful attention to the availability of reduced fares, the search for alternative training forums is more and more important.

**In-Court Training and Education Programs.** In-court training refers to educational programs in which personnel participate in the program in their local court. Every fiscal year, the Center structures numerous in-court training sessions at the request of a particular court or court unit; at times, the Center alerts the court to an area needing improvement that has come to its attention through a variety of sources. In fiscal 1982, the Center conducted eighty-eight in-court workshops on such topics as office management, group dynamics, psychological testing, supervisor-employee relationships, staff development, and word processing. Typically, an experienced official from another court is brought in to conduct the training, or an expert in the subject area from the academic or professional community is made available. Occasionally, a Center staff member provides the instruction.

To coordinate local training services and maintain close contact with the courts, the Center has encouraged each court to designate a training coordinator from among its staff. In addition to their assigned duties, training coordinators help structure and promote training programs for the personnel within their courts. Through special workshops for training coordinators, the Center provides instruction on new training techniques and methods. During fiscal 1982, five such workshops were conducted. In addition, a monthly Center newsletter, *What's Happening?*, alerts training coordinators to new materials and programs available through the Center.

One example of in-court training is a series of programs established for the Eastern District of New York, the Southern District of New York, the District of New Jersey, the Court of International Trade, and the Second Circuit Court of Appeals. The eleven training coordinators serving these courts, working with Center personnel, surveyed first-line supervisors in their jurisdictions and, on that basis, scheduled a series of monthly seminars devoted to separate supervisory topics. Sessions were held in New York City from February through June, each repeated either two or three times to accommodate individual work schedules. To date, 382 persons have participated at an average cost of \$2.68 per person per session. A similar series was conducted in Washington, D.C., for first-line supervisors in the United States District Court, the Supreme Court, and the Administrative Office. These programs—attended to date by 295 persons—have required no special funds, since Center staff have served as instructors.

**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 specific interest to them at their convenience. Most of the library's holdings are recordings made at Center seminars and workshops.

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 that have been replaced by current offerings. More than 1,200 audio cassettes covering a wide range of specialized topics are currently available. In addition, the collection includes more than 100 films and 230 video cassettes. In late 1979, a revised *Educational Media Catalog* was published,

and in 1982 a new edition, designed for continual updating through the use of replacement sections, was readied for publication. More recent acquisitions are listed in occasional supplemental bulletins attached to issues of the *What's Happening?* newsletter.

The value of the media library has grown as the costs of bringing people to seminars have escalated. It produces other benefits as well, however. As the Center's seminars and workshops treat more complex subjects, participants benefit from being able to review similar presentations prior to attendance, as in the case, for example, of newly appointed district and bankruptcy judges. They also value the opportunity to review, in a more leisurely setting, programs they attended 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 Center's Media Services Unit is also available to meet special needs. For example, the historic ceremonies marking the division of the Fifth Circuit Court of Appeals into the new Fifth and new Eleventh Circuits—events whose precursors are lost to history—were videotaped and edited by the Center and are now available for archival purposes.

Finally, with the aid of Center staff, the Media Services Unit is capable of producing in-house training programs on videotape. These programs are circulated to the courts and provide the nucleus of training sessions organized by training coordinators.

**Supplementary Training.** Another Center program gives all qualifying personnel the opportunity to receive tuition support to attend courses in job-related subjects at local, and occasionally at national, educational institutions. Employees enroll in courses whose subject matter normally is not available through the regular Center seminars. These include courses of one or more days' duration in specific office management skills, specialized topics in corrections and law enforcement, substantive legal issues, and advocacy skills. From October 1981 through July 1982, the Center provided tuition support to 1,712 individuals, who attended 1,733 courses at an average tuition per course of \$207.35. Total funds obligated were \$359,341, or about 12.9 percent of the Center's total education budget. The funds were distributed to various categories of personnel as shown in the following table.

## Tuition Support Program

	<i>Percentage of Funds</i>
Judges	28.3
Offices of clerks of court	20.8
U.S. probation officers	16.7
Bankruptcy courts	15.9
Federal public defenders	5.6
Secretaries	4.3
Staff attorneys	3.4
Magistrates	2.5
Circuit executives	1.1
Librarians and others	1.4

### **B. Assessing the System's Future Needs for Judgeships and Other Resources**

In fiscal 1982, 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. The Congress and the Conference have also been interested in ways to anticipate the trends of future case filings, in order to allow improved planning.

Several courts have expressed concern to the Center that the process of judgeship creation does not give sufficient consideration to the question of how many cases a judge should be able to handle, focusing too heavily on how many cases judges currently are handling. This question is in a sense a normative one that is not susceptible to empirical analysis. However, the Subcommittee on Judicial Statistics, when advised of these queries by the Center, asked for the Center's assistance in several related projects that might eventually touch on the larger one. Consequently, the Center has studied the effect on total available judge power of vacancy patterns in the various courts. Recurring vacancies due to death and retirement and the delay in replacement can account for significant loss of judge power.

With data analyzed for the Judicial Conference Committee on Judicial Vacancies, the Center showed, for example, that the average

time lag from the 1978 creation of the 117 new district judge positions to the filling of them was 15.8 months. The time lag from when the Judicial Conference *recommended* the creation of the new positions to the filling of them averaged 60.6 months. This means that delay in filling positions authorized by Congress accounted for more than 1,848 judge-months and in filling recommended positions, for more than 7,090 judge-months.

The Center's work in the development of case weights for United States district courts, and in the development of reliable tools for forecasting future caseloads, has been described in earlier annual reports. In 1981 the Center began a study to develop weights for bankruptcy cases, in order to measure the bankruptcy judge time required to dispose of a given caseload. The primary purpose of this study is to provide the Judicial Conference a basis for determining, according to statutory mandate, the number of bankruptcy judges that will be needed in the judicial districts after the new bankruptcy code becomes fully effective in 1984. This study is similar to the 1979 district court time study; it also involves a sample of one hundred judges keeping records of their time expenditures for a twelve-week period. The bankruptcy study, however, will produce absolute, rather than relative, measures of the time consumed by particular types of cases—that is, measures of the number of judge-hours consumed by an average case of a given type, rather than the ratio of time consumed by cases of a particular type to that consumed by the average case. It will also produce information regarding the amount of time that bankruptcy judges spend on different types of activity, such as administrative duties, travel, and case work.

The preliminary study, completed in the fall of 1981, will be used by the Judicial Conference Committee on the Bankruptcy System to develop recommendations for the number of bankruptcy judgeships that will be necessary when the Bankruptcy Reform Act of 1978 achieves final implementation. Should the Congress amend that act in the interim, the data will be valuable in the implementation of virtually any alternative, because the research addresses a basic problem in the operation of the law of bankruptcy.

### C. Information and Liaison Activities

The Center, through a variety of forums, serves as a clearinghouse and disseminator of information within the federal court system. It does so through a variety of bulletins and advisories described elsewhere in this report. Other means are less formal. For example, several years ago the Center offered to serve as a clearinghouse to which judges might send judicial opinions in which they note defects or gaps in statutes and rules that dictate or compel results at odds with what the Congress or the rule-making body probably intended. The Center was spurred to make this offer by a concurring opinion of the late Judge Harold Leventhal of the Court of Appeals for the District of Columbia Circuit, which called for a statutory remedy to a problem presented in a case dismissed for want of jurisdiction because it had been filed in the wrong court. (Congress provided that remedy in the Federal Courts Improvement Act of 1982, which added section 1631 to title 28, authorizing transfer of a civil action or an appeal if, after notice or filing, the court "finds that there is a want of jurisdiction.") As a clearinghouse, the Center does not take an advocacy position on such suggestions, but can channel them to the appropriate Judicial Conference committee, including advisory rules committees. (Such opinions should be sent to the director of the Center.) The Center also maintains contact in a variety of ways with other organizations that have similar interests or objectives. The Center's director is a statutory member of the Advisory Board of the Justice Department's National Institute of Corrections. Center staff work with other Justice Department projects, 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 judicial continuing 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, and she is also active in the Institute of Judicial Administration and 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 copublished by the Center and the Administrative Office. This bulletin 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, legislative developments, and other events affecting the administration of justice. In fiscal 1982, *The Third Branch* continued its special emphasis on a series of in-depth interviews with chief judges of the courts of appeals, other jurists, officials of the Justice Department, and members of the House and Senate Judiciary Committees, seeking their views on subjects of particular concern to the federal judicial system.

**Information Services.** The Center's Information Services—not a “library” in the usual sense of the word—is a research service and clearinghouse possessing a specialized collection of judicial administration materials relevant to federal courts. Its collection includes standard periodicals, monographs and texts, and local rules of federal courts; it also embraces an extensive array of “fugitive materials” on federal judicial administration—unpublished and otherwise difficult-to-obtain materials such as speeches and reports. These materials are of potential interest to federal court personnel preparing a speech or article or seeking to learn about specific innovations in various courts.

To enable more efficient and expeditious responses to requests for these materials, the Center's Division of Innovations and Systems Development has designed for the Information Services its own automated data retrieval system, the Information Services Index System (ISIS). ISIS allows retrieval of materials collected and indexed by the Center staff and enables more accurate, precise, and complete responses to information requests. The Information Services 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 items' titles. There are currently more than five thousand documents indexed in ISIS.

The staff of the division also borrows extensively from other libraries and uses two commercial data bases to respond to requests for information.

**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 obtain materials 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, government ministers, and others—are frequently referred to the Center during tours arranged and financed by the United States Information Agency and other organizations. They typically seek information concerning aspects of the federal judicial system that have relevance to particular matters related to their own judiciaries. The Division of Inter-Judicial Affairs assembles appropriate materials, conducts briefings, and when necessary, arranges meetings elsewhere. This year, visitors to the Center included appellate and trial judges from Argentina, a Supreme Court advocate from India, the former head of the Senate of West Germany, the president and members of the Council of State from Egypt, judges of all levels from Nigeria, trial judges from Indonesia, and a law professor from Italy.

## **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 from the bankruptcy courts. By statute, the Board selects the director of the Center.

In fiscal 1982, Chief Judge Warren K. Urbom of the United States District Court for the District of Nebraska was elected to serve on the Board to replace Judge Aubrey E. Robinson of the United States District Court for the District of Columbia, whose four-year term expired in March.

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 1982 was \$7,600,000, plus an additional sum of \$170,000 provided for statutorily mandated cost-of-living increases. The Center had ninety-eight authorized personnel positions in fiscal 1982. Assuming congressional approval of the second phase of the transfer of aspects of the Courtran program to the Administrative Office, the Center will have ninety-two authorized positions in 1983. 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 Continuing Education and Training**

The Division of Continuing Education and Training became the largest of the Center's four divisions in terms of budget when the Division of Innovations and Systems Development transferred part of its responsibilities to the Administrative Office on the first day of fiscal 1982. The Education and Training Division is responsible for a wide variety of educational services and support to the more than fourteen thousand individuals who constitute the federal judicial system. The Center's most well known educational programs are its formal seminars and workshops; less publicized are its regional, local, and in-court programs. These are developed to address training needs that are regional or local rather than national in scope. A typical program might be limited to a single court, bringing together persons with similar job responsibilities from the court's various offices. Some programs under this classification might extend to cover several districts, while others might be limited to the personnel employed at a small divisional office. In each instance, the program is tailored to address a specific training need and to provide instruction for those who share that need.

The table that follows classifies the training programs developed by the Center in fiscal 1982. The programs are separated into the two general categories described above.

In planning its seminars and workshops, the Center makes extensive use of planning groups composed of representatives of the personnel categories to be served. Members of the appropriate divisions of the Administrative Office are also included in the planning groups. 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. Needs are identified through the work of planning groups, through suggestions from the field, and through staff review of data that the court provides regularly to the Center and the Administrative Office. The division then prepares programs to meet those needs, in consultation with the planning groups and others. After implementation of the workshop or seminar program, the division uses a variety of evaluation devices to measure its success, including questionnaires administered during the program. For appropriate personnel categories, follow-up questionnaires are distributed some months after the program to measure changes in personnel per-

### Seminars and Workshops

<i>No.</i>	<i>Category</i>	<i>Participants</i>	<i>Faculty</i>	<i>Total</i>
24	Federal circuit and district judges	696	138	834
8	Federal bankruptcy judges	271	38	309
5	Federal magistrates	167	52	219
13	Clerks of court, chief deputy clerks, deputy clerks	689	140	829
6	Federal public defenders, community defenders, defenders' investigators	131	37	168
20	Probation officers	2,045	125	2,170
5	Training coordinators	133	14	147
81		4,132	544	4,676

### Regional, Local, and In-Court Programs

<i>No.</i>	<i>Category</i>	<i>Participants</i>	<i>Faculty</i>	<i>Total</i>
81	In-court training programs	1,877	81	1,968
7	On-the-job technical training programs	129	14	143
88		2,006	95	2,111
168	GRAND TOTAL	6,138	648	6,787

formance over time, and supervisors are contacted to learn of any observable changes in the employees' performance.

In light of escalating travel costs, the division continued to experiment with computer-aided instruction for judges. From 1978 through 1981, groups of newly appointed federal trial judges, while at the Center, received interactive computer-generated instruction dealing with character evidence and hearsay based on the Federal Rules of Evidence. Positive reactions led the Center to enter into contracts to have additional exercises prepared for use by judges, magistrates, and federal public defenders. Existing Courtran computers and terminals are used for the experimentation, making computer-aided instruction especially cost-effective.

In recent years, the division has also explored the potential of satellite teleconferencing. The Center's first experimental satellite video conference, for pretrial services, was held in fiscal 1981. Faculty convened in Washington, D.C., and their presentations were telecast simultaneously to participants assembled in eight locations throughout the country.

In fiscal 1982, the Center produced two satellite video conferences for probation officers. The first, held in May, originated in Dallas, Texas, and was telecast to officers gathered in public television studios in twenty major metropolitan areas around the country; it dealt with various aspects of supervising persons convicted of white-collar and organized-crime offenses. The program was viewed by an audience of more than six hundred officers, including state and local probation personnel with whom federal probation personnel frequently work. The second, held in September, originated in Washington, D.C., and was telecast to officers in twelve major cities; it dealt with the identification and supervision of narcotics offenders.

### **C. Division of Innovations and Systems Development**

The Division of Innovations and Systems Development, through most of the Center's history, has primarily conducted research and development to create Courtran, a diversified computer-based information system for federal case and court management. Courtran has been developed in compliance with the congressional 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 are removed from the Center's development agenda. 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 this committee's work, the Center's Board approved the transfer of certain aspects of Courtran to the Administrative Office. The Board took preliminary action on the transfer in 1980 and gave final approval in 1981 when it approved the Center's proposed fiscal 1982 appropriation request to the Congress. The Center transferred in fiscal 1982 much of the computer hardware that provides operational Courtran support to the courts, the personnel responsible for the operation of that hardware, and significant budgetary responsibility for

computer operations and maintenance. Assuming congressional approval, responsibility for maintaining six major Courtran applications will be transferred, with additional Center personnel, to the Administrative Office on the first day of fiscal 1983. The Center and the Administrative Office have further agreed to a variety of principles by which future computer-based court and case management systems will be developed by the Center in anticipation of eventual operation by the Administrative Office.

Courtran currently consists of several major applications, including Criminal Case-Flow Management, STARS, INDEX, CVB, AIMS, and Word Processing and Electronic Mail, described previously. It also embraces numerous minor applications.

Courtran also includes a number of special-purpose applications. For example, working in cooperation with the Eastern District of Missouri, Systems Division staff are designing and implementing a case management program to aid the court in its control of a complex school desegregation case involving multiple parties and lawyers and a voluminous flow of documents. The court-annexed arbitration project in the Northern District of California, described earlier, relied on a computer program to select the names of attorneys eligible to serve as arbitrators, to prepare letters to the parties concerning panel selection, and to monitor case flow according to local rules. The Systems Division also provides general research support to other divisions of the Center and the Administrative Office.

The Systems 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.

#### **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 the academic or research communities might characterize as typical "research," in the sense of exploration and analysis of questions framed 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 divi-

sion 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, criminal code revision, the Speedy Trial Act, or proposals to restructure judges' sentencing discretion or authorize peremptory challenges of judges. In those instances, the division provides comment to the Judicial Conference committees, to 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 is responsible for a number of major, continuing projects, including *Bench Comment*, the *Bench Book for United States District Court Judges*, and *The Third Branch*.

## 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, and a cumulative *Catalog of Publications* is revised annually for distribution with the printed version of the annual report. Most of the publications listed below, and other publications listed in the *Catalog of Publications*, can be obtained by either writing to the Center's Information Services 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 or are available only on a loan basis. Others, such as the *Bench Book*, are by Board policy available for distribution only to certain groups within the federal judicial system.)

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 1982 are listed below. Other publications mentioned in this report will not be available for distribution in fiscal 1982, but are expected to be available early in fiscal 1983. *The Third Branch* will announce those publications when they are ready for distribution.

## Research Reports and Staff Papers

*Administering the Federal Judicial Circuits: A Survey of Chief Judges' Approaches and Procedures*, by Russell R. Wheeler and Charles W. Nihan

*Administrative Structures in Large District Courts*, by Philip L. Dubois

*Appeals Expediting Systems: An Evaluation of Second and Eighth Circuit Procedures*, by Larry C. Farmer

*The Cases of the United States Court of Appeals for the District of Columbia Circuit*, by Gordon Bermant, Patricia A. Lombard, and Carroll Seron

*A Comparative Study of Jury Selection Systems—An Empirical Analysis of First-Class versus Certified Mail for Service of Summons and Simultaneous versus Separate Delivery of Summons and Qualification Questionnaire*, by John E. Shapard

*The Effects of Sentencing Councils on Sentencing Disparity*

*Protracted Civil Trials: Views from the Bench and the Bar*, by Gordon Bermant, Joe S. Cecil, Alan J. Chaset, E. Allan Lind, and Patricia A. Lombard

*Sanctions Imposable for Violations of the Federal Rules of Civil Procedure*, by Robert E. Rodes, Jr., Kenneth F. Ripple, and Carol Mooney

*The Seventh Circuit Preappeal Program: An Evaluation*, by Jerry Goldman

*Summary Jury Trials in the Northern District of Ohio*, by M.-Daniel Jacobovitch and Carl M. Moore

*A Validation and Comparative Evaluation of Four Predictive Devices for Classifying Federal Probation Caseloads*, by James B. Eaglin and Patricia A. Lombard

### Education and Training Series

*Jury Selection Procedures in United States District Courts*, by Gordon Bermant

*Manual on Employment Discrimination and Civil Rights Actions in the Federal Courts*, by Charles R. Richey (1981 revision)

*Recurring Problems in the Trial of a Criminal Action*, by Donald S. Voorhees (available only to judges)

*The Sentencing Options of Federal District Judges*, by Anthony Partridge, Alan J. Chaset, and William B. Eldridge (May 1982 revision)



## INDEX

### A

- Administering the Federal Judicial Circuits: A Survey of Chief Judges' Approaches and Procedures* (Wheeler and Nihan), 40, 58
- Administrative agency appeals, 39-40
- Administrative Office of the United States Courts, 3, 5, 13-19, 21, 23, 33, 36, 44, 49, 51-52, 54-56
  - Clerk's Division, 2-3, 20, 24
  - director, 51
  - Probation Division, 30, 32-34
  - Systems Services Division, 34
- Administrative Structures in Large District Courts* (Dubois), 19, 40, 58
- American Bar Association, Judicial Administration Division, 48
- American Inns of Court program, 27
- Antitrust cases, 3, 5, 7, 9
- Appeals Expediting Systems: An Evaluation of Second and Eighth Circuit Procedures* (Farmer), 36, 58
- Appeals without briefs, 38
- Appellate courts, 35-41. *See also* Circuits
  - District of Columbia Circuit, 39, 48
  - Federal Circuit, 20, 39
  - Second Circuit, 44
  - Third Circuit, 36, 39
  - Fifth Circuit, 39, 45
  - Sixth Circuit, 39
- Attorneys' fees, 1, 4, 10
- Audio cassettes. *See* Media services
- Audiovisual media. *See* Media services

### B

- Backlogs, 3
- Bankruptcy courts, 5, 10, 17-18, 47
- Bankruptcy judges, 5-6, 10, 45, 47
- Bankruptcy Reform Act of 1978, 10, 45, 47
- Bench Book for United States District Court Judges*, 12-13, 20, 56-57
- Bench Comment*, 12-14, 56
- The "Black Lung" Act: An Analysis of Legal Issues Under the Benefit Program Created by the Federal Coal Mine Health and Safety Act of 1969 (as amended)* (Gellhorn), 10
- Bureau of Prisons, 30, 33

### C

- Calendar management, 12, 14, 38-39
- CALEN9, 36, 38-39
- Case management, 2-3, 6, 9-12, 14-19, 36
- Case Management and Court Management in United States District Courts* (Flanders), 2
- The Cases of the United States Court of Appeals for the District of Columbia Circuit* (Bermant, Lombard, and Seron), 40, 58
- Case weights, 47
- Catalog of Publications*, 57
- Chambers to Chambers*, 14, 23
- Character evidence, 53
- Chief judges, 8-9, 19-20, 40
- Chief Justice, 19, 25, 33, 35, 51
- Circuit executives, 39
- Circuits. *See also* Appellate courts
  - First, 19
  - Second, 19, 29-30, 36-37, 41

- Third, 19, 41
  - Fourth, 19, 35
  - Fifth, 45
  - Sixth, 19, 38
  - Seventh, 19, 36-37, 41
  - Eighth, 19, 30, 36-37, 39, 41
  - Ninth, 19, 36, 38-39, 41
  - Tenth, 19, 30, 36-37, 41
  - Eleventh, 41, 45
  - Civil Appeals Management Plan (Second Circuit), 36-37
  - Civil cases, 5, 10, 17, 25-26, 39-40
  - Civil Rights Act of 1964, Title VII, 7
  - Civil service regulations, 51
  - Class actions, 4, 7
  - Clearinghouse function, 27, 48-49
  - Clerks, 11-12, 24, 35
  - Collegiality, 35, 40
  - A Comparative Study of Jury Selection Systems—An Empirical Analysis of First-Class versus Certified Mail for Service of Summons and Simultaneous versus Separate Delivery of Summons and Qualification Questionnaire* (Shapard), 58
  - Compendium of the Law on Prisoners' Rights* (Sensenich), 33
  - Complex litigation, 1, 22
  - Computer-aided instruction for judges, magistrates, and federal public defenders, 53
  - Computer-Aided Transcription: A Survey of Federal Court Reporters' Perceptions*, 21
  - Computer support, 3, 5, 9, 14-19, 21, 23, 34, 39, 41, 53-55. *See also* Courtran
  - Conference calls, 14, 23
  - Conference of Metropolitan District Chief Judges, 8, 19-20, 40, 57
  - Conferences. *See* Workshops, seminars, and conferences
  - Congress, 1, 4, 11, 29, 46-48, 54
    - House, Judiciary Committee, 49
    - Senate, Judiciary Committee, 49
  - Constitutional law, 10, 26
  - Constitution (U.S.), Seventh Amendment, 26
  - Consumer-related problems, 10
  - Continuing education and training, 2, 6-12, 29-31, 35-36, 43-46
    - in-court, 43-44, 52-53
  - Cost of litigation, 1-4
  - Council on the Role of Courts (Department of Justice), 48
  - Court management, 6, 14-19
  - Court of Claims, 39-40
  - Court of Customs and Patent Appeals, 39-40
  - Court of International Trade, 44
  - Courtran, 14-16, 51, 53-55
    - Appellate Information Management System (AIMS), 36-37, 41, 55
    - Appellate Record Management System (ARMS), 39, 41
    - Central Violations Bureaus (CVBs), 6, 11, 18-19, 55
    - Civil Case Management System, 17
    - Criminal Case-Flow Management System, 15-16, 55
    - Electronic Mail, 55
    - INDEX, 3, 15, 17, 39, 55
    - Speedy Trial Act Accounting and Reporting System (STARS), 15, 55
    - Word Processing, 55
  - Court reporting, 9, 20-21
  - Court security, 9, 11
  - Criminal cases, 5, 12-13, 15-17, 25, 29
  - Crisis intervention, 30
- D**
- Data processing. *See* Computer support; Courtran
  - Degree programs, 31
  - Department of Commerce, 1
  - Department of Justice, 12, 30-31, 48-49
    - Council on the Role of Courts, 48
    - National Institute of Corrections, Advisory Board, 48
  - Desk Book (for chief district judges), 20
  - Devitt Committee, 26-27
  - Discovery, 1, 11
  - District courts, 5, 14-20, 24, 26-27
    - Alabama, Northern, 19
    - Alaska, 5, 19

Arizona, 17, 19  
 Arkansas, Eastern, 19  
 Arkansas, Western, 19  
 California, Central, 17-19  
 California, Eastern, 19  
 California, Northern, 18, 55  
 California, Southern, 18-19  
 Colorado, 18-19  
 District of Columbia, 17, 44, 51  
 Florida, 19  
 Florida, Southern, 26  
 Georgia, Northern, 17, 19  
 Idaho, 19  
 Iowa, Southern, 19  
 Kentucky, Western, 18-19  
 Maryland, 18  
 Michigan, Eastern, 17  
 Mississippi, 19  
 Missouri, Eastern, 55  
 Missouri, Western, 19  
 Montana, 5, 19  
 Nebraska, 51  
 Nevada, 5, 19  
 New Jersey, 44  
 New York, Eastern, 18-19, 44  
 New York, Southern, 44  
 Ohio, Northern, 22  
 Oregon, 17, 19  
 Texas, Eastern, 19  
 Texas, Northern, 19  
 Texas, Southern, 19, 33  
 Texas, Western, 19  
 Virginia, Eastern, 9, 18-19  
 Washington, Western, 19  
 District Court Studies Project, 2, 4, 20-21  
 District judges, 5-8, 13, 30, 45  
 Docketing, 15  
 Drug aftercare program evaluation, 33-34

## E

*Educational Media Catalog*, 44  
 Education and Training Series, 57, 59  
*The Effects of Sentencing Councils on Sentencing Disparity*, 58  
 Electronic mail, 36, 55  
 Electronic sound recording, 20-21

*Evaluation of Court-Annexed Arbitration in Three Federal District Courts*, 22

## F

Federal Courts Improvement Act of 1982, 11, 20, 48  
 Federal Judicial Center  
 Board, 5, 7, 9-11, 13, 24-25, 34, 51  
 budget, 51  
 Division of Continuing Education and Training, 8, 29-30, 44, 52-55  
 Division of Innovations and Systems Development, 14, 18, 29, 34, 49, 52, 54-55  
 Division of Inter-Judicial Affairs and Information Services, 13, 20, 48-50, 56  
 Division of Research, 8, 24-25, 27, 29-30, 32, 34, 38-39, 55-56  
 Media Services Unit, 45  
 organization, 51-56  
 Prisoner Civil Rights Committee, 33  
 Federal jurisdiction, 9-10  
 Federal public defenders, 12, 53  
 Federal Records Centers, 17  
 Federal Rules of Appellate Procedure, 11, 36  
 Federal Rules of Civil Procedure, 20  
 rule 79(c), 17  
 Federal Rules of Criminal Procedure, 11, 20  
 Federal Rules of Evidence, 7, 10-11, 14, 53  
 Felony cases, 15-16  
 Films. *See* Media services  
 Fiscal procedures, 11  
 Foreign visitor service, 50  
 Forensic investigative aids, 12  
 Fugitive materials on federal judicial administration, 49

## G

General Accounting Office, 24  
 Group dynamics, 43

*Guidelines for Docket Clerks*, 14  
*Guide to Judiciary Policies and Procedures*, 13

## H

*Handbook for Federal Judges' Secretaries*, 14  
Hearsay, 53

## I

Information and liaison, 48-50, 56  
Information and records management, 11, 34  
Information Services Index System (ISIS), 49  
Institute for Court Management, 48  
Institute of Judicial Administration, 48  
Institutional reform, 27  
Instructional materials. *See* Media services; Publications  
Investigators, 12

## J

Joint Development Planning Committee, 54  
Judicial Conference of the United States, 3, 8, 12, 16, 21, 24, 26, 29, 33, 46-49, 51, 55  
Ad Hoc Subcommittee on Prisoners' Litigation, 32-33  
Advisory Committee on Civil Rules, 2-3  
Committee on Court Administration, 33  
Committee on Judicial Vacancies, 46-47  
Committee on the Administration of the Probation System, 29, 32, 34  
Committee on the Bankruptcy System, 47  
Committee on the Operation of the Jury System, 24-25

Committee to Consider Standards for Admission to Practice in the Federal Courts (Devitt Committee), 26-27

Implementation Committee on Admission of Attorneys to Federal Practice, 26

Standing Committee on Rules of Practice and Procedure, 3

Subcommittee on Judicial Statistics, 46

Subcommittee on Possible Alternatives to Jury Trials in Protracted Civil Cases, 25

Judicial ethics, 7, 10

### Juries

alternatives to, 25-26

instruction, 24-25

summary, 22

utilization, 5, 8-9, 12, 23-24

voir dire, 24

*Jury Selection Procedures in United States District Courts* (Bermant), 24, 59

## L

*Law Clerk Handbook*, 14

Library of Congress, Law Library, American-British Law Division, 50

Litigation costs, 1-4

Local rules, 20

## M

Magistrates, 5-6, 11, 13, 17, 23, 53

*Manual for Complex Litigation*, 22

*Manual on Employment Discrimination and Civil Rights Actions in the Federal Courts* (Richey), 59

Media services, 6-7, 10, 44-45, 57

Mental hospitals, 27

Microfiche, 16, 18

## N

Narcotics offenders, 54  
National Association of State Judicial Educators, 48  
National Center for State Courts, 48  
National College for Criminal Defense, 12  
National Institute of Corrections (Department of Justice), Advisory Board, 48  
National Judicial College, 48  
Naturalization, 17

## O

Office management, 43  
Omnibus Judgeship Act of 1978, 7  
Oral argument, 37-38  
Orientation programs, 6-8, 10-11, 30

## P

Paneling systems, 38  
Parole, 12, 30-31  
Parole Commission (U.S.), 30  
Personnel management, 11  
Presentence reports, 12  
Pretrial procedures, 1-3, 14  
Prisoner Caseload Management System, 33  
Prisoner litigation, 5, 9, 12, 32-33  
Prisons, 27  
Probation, 12, 29-34, 54  
    base expectancy scale, 32  
    risk prediction scale, 32  
    supervision, 29-32, 54  
Probation Information Management System (PIMS), 29, 34  
Procedural rules, 11  
Procurement, 11  
*Protracted Civil Trials: Views from the Bench and the Bar* (Bermant, Cecil, Chaset, Lind, and Lombard), 26, 58  
Psychiatric considerations, 12  
Psycholinguistics, 25  
Psychological testing, 43  
Publications, 4, 10, 12-14, 20, 57-59

## R

*Recommended Procedures for Handling Prisoner Civil Rights Cases in the Federal Courts*, 33  
*Recurring Problems in the Trial of a Criminal Action* (Voorhees), 59  
Research, 5, 21-23, 25-26, 32-34, 49, 55-56  
Risk Prediction Scale 80 (RPS 80), 32  
Roll of attorneys, 18  
*The "Rule of Reason" in Antitrust Analysis: General Issues* (Areeda), 10

## S

Sanctions, 3-4, 21-22  
*Sanctions Imposable for Violations of the Federal Rules of Civil Procedure* (Rodes, Ripple, and Mooney), 21-22, 58  
Seminars. *See* Workshops, seminars, and conferences  
Sentencing, 7, 11, 29-34  
*The Sentencing Options of Federal District Judges* (Partridge, Chaset, and Eldridge), 30, 59  
Settlement, 37-38  
*The Seventh Circuit Preappeal Program: An Evaluation* (Goldman), 38, 58  
Social Security cases, 11  
Speedy Trial Act of 1974, 15-16, 56  
Staff Attorneys Data Base (SADB), 39  
Staff development, 43  
Statistical reporting, 15, 39  
Statistics and statistical evidence, 10  
Stenotype reporting, 20-21  
Summary jury trials, 22  
*Summary Jury Trials in the Northern District of Ohio* (Jacoubovitch and Moore), 22, 58  
Summer programs, 9  
Supervisor-employee relationships, 43

Supporting personnel, 2-3, 5-6, 11-12, 14, 24, 30

## T

Tapes. *See* Media services

Telecommunications, 18

Teleconferencing, 14, 23, 53-54

*The Third Branch*, 49, 56-57

Training. *See* Continuing education and training

Travel, 43

Trial advocacy, 12, 26-27

Trial courts, 5-27

Trials

jury, 7, 10-11

nonjury, 7, 25-26

Tuition support, 45-46

## U

United States attorneys, 12, 30

United States Information Agency, 50

## V

A *Validation and Comparative Evaluation of Four Predictive Devices for Classifying Federal Probation Caseloads* (Eaglin and Lombard), 32, 58

Videotapes. *See* Media services

Voir dire, 24

## W

*What's Happening?*, 44-45

Witness protection program, 31

Word processing, 36, 43, 55

Workloads, 35

Workshops, seminars, and conferences, 3, 6-12, 14, 24, 30-31, 43-46, 52-53, 57

appellate judges, 35-36

assistants, 12

bankruptcy judges, 6-7, 10, 45

chief judges, 8-9, 19-20

clerks of court, 11-12, 35-36

district judges, 6-8, 30, 45

investigators, 12

magistrates, 6, 11

probation officers, 29-32

public defenders, 12

statistical summary, 53

supporting personnel, 6, 11-12







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.



**Federal Judicial Center**

Dolley Madison House  
1520 H Street, N.W.  
Washington, D.C. 20005  
202/633-6011