

1995
Annual Report

Federal Judicial Center

The Federal Judicial Center

Board

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A Message from the Director

The federal courts are assessing operations and procedures ever more strictly as resources continue to tighten. Likewise, the other branches of government and the public are increasingly interested in knowing the nature and extent of problems and whether current responses to them are worth their cost. How much, for example, is the work of the federal courts actually growing, what are the components of the growth, and how are different procedures and techniques allowing the courts, as the federal rules put it, “to secure the just, speedy, and inexpensive determination of every action”?

Measurement is a basic tool for such assessment, as revealed in this report on the Center’s 1995 activities. Developing and presenting programs of continuing education and training, for example, requires a constant assessment of the educational needs and preferences of judges and supporting personnel, participants’ satisfaction with Center programs, and, as best we can measure it, the impact of those programs on their ability to do their jobs.

In conducting “research and study of the operation of the courts,” the Center this year assessed the extent of class action activity in four districts, measured the impact of different case types on the increase in appellate caseloads, surveyed the attitudes of judges and lawyers toward changes in sanction and fee-shifting rules, and analyzed the relationships between offender characteristics and the amount of supervision offenders require. Data it gathered from ten district courts showed there is more to pro se filings than simply prisoners’ civil rights suits and debtors’ bankruptcy actions.

The Center is a consumer as well as a generator of data. As a consumer, it makes constant use of the statistical reports of the Administrative Office of the U.S. Courts and the underlying data that federal court personnel supply for those reports. Conceived and developed by Judge Charles Clark in the 1940s and 1950s, and refined through the years, the Administrative Office’s compilation of judicial administration data is the most comprehensive in the world—the standard of comparison for other judicial systems.

We are, though, in an “information age,” which the Judicial Conference recognized when it approved this year the *Long Range Plan for the Federal Courts*. Recommendation 73 of that plan calls on the federal courts to “define, structure, and, as appropriate, expand their data-collection and information-gathering capacity.” The Center has a pervasive interest in court data so it can meet its statutory responsibilities to educate third branch personnel, to provide research to Judicial Conference committees and the courts, and to stimulate and coordinate research and education by others. These responsibilities give it a unique vantage point from which to assist in the implementation of Recommendation 73.

Implementation presents two challenges. One is determining what information to gather; the other is to determine how to accommodate legitimate information needs in a data collection strategy. The first question is largely one of audience. Who are the users, what are their questions, and how important is it to learn the answers? Consumers and would-be consumers of information about the third branch and its work are many, varied, and often quite vocal about why their needs for data deserve accommodation. Judges and administrators, and Congress, want statistics that measure how courts do their work and the amount of resources they use—the space they occupy, the personnel and equipment they need, and the dollars they spend.

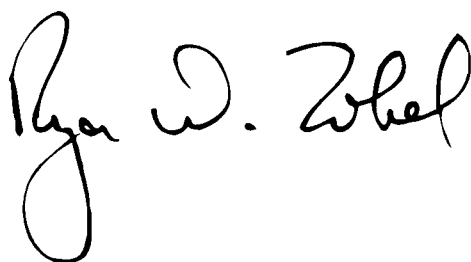
Researchers outside the courts—and journalists—also have legitimate interests in court data. Judges and administrators have an understandable reluctance to store and release information on court and judicial performance when that information is subject to misuse or misunderstanding based on lack of knowledge of the system. But the *Long Range Plan’s* call for assessment and appropriate expansion of federal court data collection is of a piece with the plan’s recognition that accountability is one of the “core values” that motivate society’s faith in the federal courts. The challenge is to collect accurate information in a context sufficiently complete to allow an accurate picture of what this public institution is doing and how.

It is not enough, though, to identify the potential consumers of data, or even to make difficult judgments about which demands the judiciary should honor. It is also necessary to identify the best means of gathering

data to serve varying purposes. Even if information about some aspect of judicial operations is worth having, that does not mean the information must be gathered from every federal court in the system forever. For some purposes, completeness is essential. For personnel management, for example, the judiciary's information systems must be able to account for every employee in the system, but they need not maintain detailed demographic information about each clerk's office in order to help the courts plan for changes occasioned by the increasing diversity of the work force in the federal courts. Samples will do that job as well.

An appropriately comprehensive court data operation does not come free, but not collecting data can also be expensive, either in the effects of lack of information to guide policy decisions by the courts or Congress, or in the costs of having to amass data sets one at a time. The need here is to sort out which data merit regular collection and which can be gathered on an as-needed basis, and the relative costs of doing either.

The British physicist and engineer Lord Kelvin warned one hundred years ago that "when you can measure what you are speaking about, and express it in numbers, you know something about it; but when you cannot measure it, when you cannot express it in numbers, your knowledge is of a meager and unsatisfactory kind." It is well to keep in mind, though, that even in the information age, information is but the means to an end. The challenge faced by the federal courts is to gather the quantitative information essential for adequate measurement and to blend what the numbers indicate with the qualitative data of experience and insight of system participants and observers. That blending enhances both kinds of knowledge and aids in crafting the most responsible policies for the judiciary.

A handwritten signature in black ink that reads "Ryan W. Zobel". The signature is written in a cursive style with a large, looping initial 'R'.

Overview of the FJC

Statutory mission

Congress created the Federal Judicial Center in 1967 “to further the development and adoption of improved judicial administration” in the courts of the United States. The Center’s statutory authority is codified at 28 U.S.C. §§ 620–629; the many specific statutory duties of the Center and its governing Board fall into a few broad categories:

- conducting and promoting orientation and continuing education and training programs for federal judges, court employees, and others;
- conducting and promoting research on federal court organization, operations, and history;
- developing recommendations about the operation and study of the federal courts;
- providing planning and research assistance to the Judicial Conference of the United States and its committees;
- providing information and assistance to foreign judicial and legal personnel.

The Center’s Board is required to make an annual report to the Judicial Conference, and copies of all reports and recommendations submitted to the Conference must also be sent to Congress and to the Attorney General. This annual report for calendar year 1995 describes Center activities in furtherance of its statutory duties.

Role in the judicial branch

The concept of a separate judicial branch agency that would study and develop solutions to the pressing problems of federal judicial administration and provide orientation and continuing education for judges and court staff originated in the Judicial Conference, as a way to help courts manage larger and more complex caseloads brought on by increasing crime rates and complex civil litigation. In 1967, a special Judicial Conference committee chaired by retired Justice Stanley Reed recommended creation of an independent Federal Judicial Center—“an organization controlled and operated by judges”—to conduct the judiciary’s programs of continuing education, training, and research. Judicial branch and congressional leaders instrumental in the Center’s creation advanced two reasons for establishing a judicial branch agency with a governance structure and mission separate from the Administrative Office: First, recognition that the kind of objective—and even at times critical—education and analysis about problems of judicial administration would be unlikely if the persons performing those tasks

were also responsible for the everyday operations of the courts, and, second, the need to insulate resources for research and training programs from being absorbed into the judicial branch's regular administrative tasks. Thus, the Judicial Conference endorsed the Reed Committee's proposed legislation creating a Center with its own autonomous board and an executive responsible to that board, and in 1967 Congress established the Center as a separate organization within the judicial branch.

Governance

By statute, the Chief Justice of the United States chairs the Center's Board, which also includes six judges elected by the Judicial Conference, and the director of the Administrative Office of the U.S. Courts as an ex officio member. In addition to determining the Center's basic policies, the Board oversees the Center's activities through standing committees on education and research. In 1995, the Conference elected Judge Bruce M. Selya of the U.S. Court of Appeals for the First Circuit and Chief Judge Richard P. Matsch of the U.S. District Court for the District of Colorado to membership on the Center's Board, replacing Judge Edward R. Becker of the U.S. Court of Appeals for the Third Circuit and Judge Martin L.C. Feldman of the U.S. District Court for the Eastern District of Louisiana, whose terms expired.

The Board appoints the Center's director and deputy director; the director appoints the Center's staff. In 1995, Judge Rya W. Zobel of the U.S. District Court for the District of Massachusetts took office as director of the Center, succeeding Judge William W. Schwarzer of the U.S. District Court for the Northern District of California, who reached the statutory age of retirement as Center director. Six of the Center's seven directors have been federal judges.

Organization

The Center carries out its missions through the coordinated work of five divisions and two offices.

The *Court Education Division* develops and administers education and training programs and services for nonjudicial court personnel, such as those in clerks' offices and probation and pretrial services offices, and management training programs for court teams of judges and managers.

The *Judicial Education Division* develops and administers education programs and services for judges, career court attorneys, and federal defender office personnel. These include orientation seminars, continuing education programs, and special focus workshops.

The *Planning & Technology Division* supports the Center's education and research activities by developing, maintaining, and testing technology for information processing, education, and communications. The division also supports long-

range planning activity in the Judicial Conference and the courts with research, including analysis of emerging technologies.

The *Publications & Media Division* develops and produces educational audio and video programs and edits and coordinates the production of all Center publications, including research reports and studies, educational and training publications, reference manuals, and periodicals. The Center's Information Services Office, which maintains a specialized collection of materials on judicial administration, is located within this division.

The *Research Division* undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, often at the request of Judicial Conference committees, the courts themselves, or other groups in the federal system.

The *Federal Judicial History Office* develops programs relating to the history of the judicial branch and assists courts with their own judicial history programs.

The *Interjudicial Affairs Office* serves as clearinghouse for the Center's work to promote judicial federalism and educational programs for foreign judicial visitors to the United States.

Coordination within the judicial branch

Time and experience have affirmed the efficacy of the statutory structure adopted by the Center's judicial and legislative branch creators. The Center and the Administrative Office, as Chief Justice Rehnquist has observed, operate as "two separate but mutually reinforcing support agencies" that "provide the courts and the Judicial Conference complementary services and, on occasional major matters of policy, diverse perspectives that benefit the decision-making process." Numerous programs and projects described in this annual report involve coordination, cooperation, and consultation between the Center and the Administrative Office, including assistance to the Judicial Conference and its committees. The agencies operate under agreements that spell out their respective responsibilities in

Profile of 1995 achievements

In 1995 the Center

provided 1,226 educational programs that reached 26,875 federal judges and court staff;

completed 25 research or planning projects and continued work on more than 60 others;

responded to more than 150 informal requests for research assistance from courts, Judicial Conference committees, and others;

published 6 reports or papers and published or updated 4 manuals, monographs, or similar reference books;

produced or updated 22 video programs; completed 13 curriculum packages or training guides;

distributed more than 132,000 publications, including periodicals, and more than 4,700 audio, video, and multimedia programs;

answered nearly 2,000 information requests from judges, court staff, and others;

hosted more than 470 visitors from foreign judicial systems representing 93 countries.

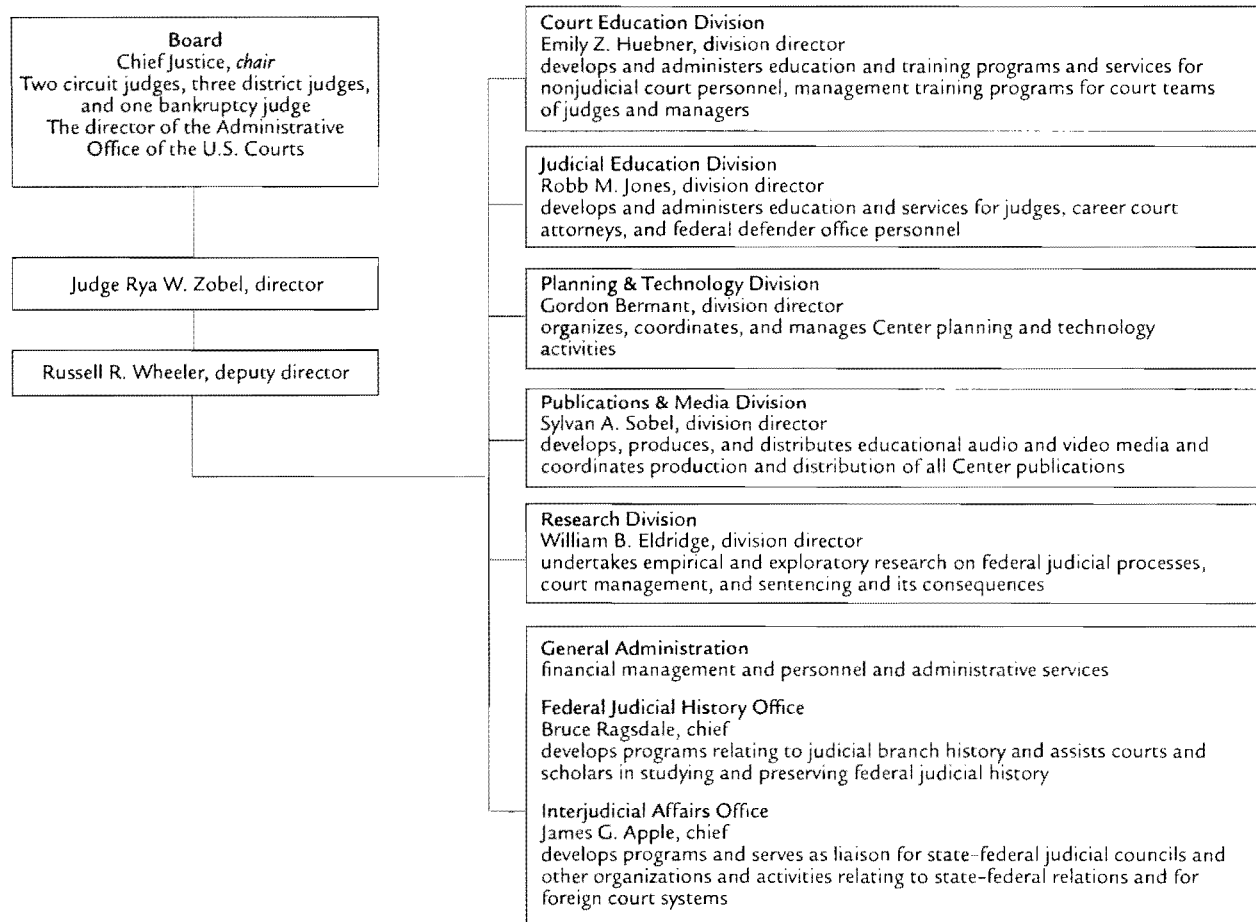
automation and in education and training in order to avoid unnecessary duplication and to promote further economies.

In May 1995, the chair of the Senate Judiciary Subcommittee on Administrative Oversight and the Courts asked the General Accounting Office to determine whether Center and Administrative Office programs “are duplicative or offer substantially the same services.” The GAO analyzed Center and Administrative Office operations and reported in September 1995 that it found virtually no duplication of services.

The Center also works closely with the U.S. Sentencing Commission through regular staff coordination under a jointly developed protocol to avoid duplication in meeting their respective statutory mandates to provide education and research on sentencing to federal court personnel.

The Center relies on advisory committees of judges, court staff, and others in planning and producing education programs and publications. These committees are listed on pages 28–30.

Organization of the Center



Staffing and appropriation

The Center's staff of fewer than 150 employees provides research on judicial administration and education and training for some 28,000 judges and employees of the federal courts. Its fiscal 1996 appropriation of \$17,914,000 represents a 5% reduction from its fiscal 1995 appropriation of \$18,828,000.

Education & Training

Programs for Judges and Legal Staff

The Center's 1995 programs reached more than 2,500 judge participants, as shown in the summary below.

<i>Type of program</i>	<i>Number of programs</i>	<i>Number of participants</i>
Orientations for newly appointed circuit judges	1	15
Orientations for newly appointed district judges	5	115
Orientations for newly appointed bankruptcy judges	3	28
Orientations for newly appointed magistrate judges	3	84
National workshop for circuit judges	1	111
National workshops for district judges	3	501
Conference for chief district judges	1	104
National workshops for bankruptcy judges	2	215
Regional workshops for magistrate judges	3	313
Special focus workshops	15	537
ALI-ABA programs (includes one nation-wide teleconference)	7	232
Traveling seminars	7	129
Local training programs	15	174
TOTAL	66	2,558

In addition, the Center held two programs for 63 staff attorneys and four programs for 650 federal defenders and staff.

Highlights

- More than 240 new judges attended Center orientation programs in 1995. The Center introduced a computer-based interactive program for instructing judges on evidentiary rulings and a pilot trial skills training program for new district judges without previous experience as trial judges.
- The Center's national workshops for district judges contained sessions on sentencing, techniques for managing federal class action and pro se litigation, recent developments in scientific evidence, and other such fundamental topics for more than 500 trial judges. More than 200 of the judges participated in optional fourth-day programs that offered more concentrated study of subjects such as alternative dispute resolution.
- Two workshops for 150 circuit and district judges introduced the Center's *Reference Manual on Scientific Evidence*. Evaluations of these and other programs on scientific evidence revealed a need for more assistance in man-

Tension has been building in the courtroom all morning. The prosecuting and defense attorneys have barely disguised their animosity despite numerous admonitions by the trial judge. The defendant has glared menacingly from his chair. Now the defense attorney erupts.

"Listen, I've had it with your interruptions."

"Learn how to try a case and I'll stop interrupting," the prosecutor taunts, inches from his adversary.

"Hey!" shouts the defendant bolting from his chair. "Back off!"

A typical occurrence in court? No, but a real problem when it happens, the type of problem presented in the Center's trial skills training for new district judges, a pilot program in 1995.

Adults learn best by doing—by being actively engaged in a learning activity and in evaluating their experiences, pro and con. Traditionally, new federal trial judges have had no opportunity for training before they preside over their first trials. Although most are experienced advocates, more than half have no judicial experience on other courts before becoming a federal judge.

The Center's pilot program offered three new judges without previous trial judge experience a chance to conduct a portion of a simulated drug trial under somewhat exaggerated conditions. "This is our version of a

flight simulator," said Robb Jones, director of the Center's Judicial Education Division, in introducing the program to the first participants. "In the movie *Apollo 13*, you saw how astronauts spent time in the simulators rehearsing for every disaster they could conceive. Well, we're going to try to simulate at least some of the pitfalls that could arise in trial."

Center staff developed a drug case scenario for the trial exercise, based on an actual case, which confronted the judges with a number of thorny evidentiary and courtroom decorum issues. Experienced criminal trial attorneys and actor-witnesses were instructed to push beyond the ordinary courtroom conduct in order to pose challenges to the judge. Center media staff videotaped the exercise, which took place in the courtroom soundstage in the Center's media studio. Following completion of the exercise, an experienced mentor judge watched the tape with the new judge and critiqued the performance. As one participant wrote in the program evaluation: "Lots of close calls . . . an excellent, no-risk learning experience."

The trial skills training program applied many of the techniques used in training conducted by the National Institute of Trial Advocacy for trial lawyers. It underscored the versatility of the Center's media studio by converting it into a moot courtroom/classroom.

**Learning by
Doing:
judicial trial
skills training**

aging quantitative evidence, particularly statistical concepts. In response, the Center designed an in-depth January 1996 seminar for thirty district judges on quantitative evidence. The science manual has been republished by several legal publishing companies and by the Government Printing Office for public sale.

- A workshop on managing prisoner civil rights litigation helped district judges, magistrate judges, and pro se staff attorneys determine cost-effective ways to manage prisoner pro se litigation and to process these cases to fair conclusions.
- The Center gave financial support and planning assistance to several courts to conduct local education programs for some 174 judges. For example, bankruptcy judges in the Seventh Circuit have for several years held an annual session to examine developments in bankruptcy law and administration. The Center has provided limited funding to help maintain this impor-

**Meeting the
Challenge:
prisoner pro se
litigation
workshop**

Lawsuits filed by prisoners, mostly pro se (without counsel) and usually claiming violations of constitutional rights, are placing growing demands on the federal courts. Between 1990 and 1994, the percentage of pro se filings increased from about 10% of all civil filings to almost 27%, according to figures reported in the *Annual Report of the Director of the Administrative Office*. A few districts have reported to the Center that nearly half of their total civil filings involve cases with at least one self-represented party. As this report is written, Congress is considering legislation that would substantially alter existing law affecting such prisoner pro se litigation.

A Center special focus workshop last year brought together more than 100 experienced judges from all twelve regional circuits and more than sixty districts, plus a smaller number of pro se staff attorneys, to exchange practical approaches and procedures for effective case management of prisoner pro se cases. Participants sought to identify the most efficient ways to handle these cases fairly and to make the optimum use of court resources by examining two approaches that courts now use: A "paper-driven" case-management system that relies on administrative reports to keep track of case developments, and a "face-to-face" system that uses closed-circuit television, telephone hearings, and trips by judicial officers to prison sites.

As expected, the three-day workshop gener-

ated a diversity of views, approaches, and procedures. While participants generally agreed that the majority of pro se prisoner cases they have seen did not present valid constitutional claims, many also believed that most plaintiffs nevertheless alleged real wrongs. Some were of the opinion that the federal courts are performing a valuable function in giving inmates a forum to address these wrongs. Others thought that identifying legitimate, albeit nonconstitutional, prisoner grievances and resolving them should not be the role of the federal courts and should instead be turned over to the states or administrative proceedings.

A draft of the Center's forthcoming *Resource Guide for Managing Prisoner Civil Rights Litigation* helped illuminate critical case-management issues and provided a medium for the exchange of useful experiences and ideas. The Center will incorporate comments, suggestions, and ideas from the participants into the finished manual, which will also reflect now-pending congressional action on legislation affecting prisoner litigation.

The Center presented a brief summary of the workshop at each of the three regional workshops for magistrate judges in 1995. Many judges who could not attend the prisoner pro se program itself because of budgetary and other constraints asked that the program be offered again, so we have scheduled another workshop and will also conduct a training session after the manual is published.

tant program. Seven traveling seminar programs, in which Center faculty conduct a program in individual districts, reached an additional 129 judges. These enrichment programs complement the many nuts-and-bolts topics the Center covers in its other seminars and workshops. Education programs like these, delivered directly in the courthouse, help reduce Center travel costs and enable more judges and court staff to participate.

- Each of the national workshops for bankruptcy judges contained an add-on day of management topics, attended by a total of sixty-nine chief bankruptcy judges.

Programs for Court Staff

The Center provided 1,154 programs for 23,604 clerk's office personnel, probation and pretrial services officers, and other court employees in 1995. As shown in the summary below, 1,094 of these programs, with 21,329 participants, were delivered in local training programs and had minimal or no associated travel costs (see related story on page 13).

Seminars and Workshops (national and regional)

	<i>Number of programs</i>	<i>Number of participants</i>
Clerks of court and clerk's office personnel	3	220
Probation and Pretrial Services Officers and personnel	20	694
Programs for personnel in several categories	37	1,361
TOTAL	60	2,275

In-court programs

*programs using FJC curriculum packages and financial support
(includes on-line conferences)*

	<i>Number of programs</i>	<i>Number of participants</i>
Clerks of court and clerk's office personnel	42	1,411
Probation and pretrial services officers and personnel	331	6,386
Programs for personnel in several categories	721	13,532
TOTAL	1,094	21,329

Highlights

- The Center trained 194 new probation and pretrial services officers on topics such as supervising offenders, presentence investigations and reports, and pretrial services.
- Over 200 selected probation and pretrial services officers at the Center's newly introduced System Impact Seminars learned how to help their offices manage system-wide matters of concern such as substance abuse treat-

ment and guideline sentencing. The participants were experienced officers chosen by their chief officers to attend one of four regional seminars. The seminars train officers to identify and analyze problems in their districts and to develop action plans for solving them. Although districts are in the early stages of implementing action plans developed at the seminar, more than half of the districts represented at the first seminar have already reported increased efficiencies and operational improvements such as streamlined procedures for developing sentencing guideline recommendations, more cost-effective supervision for offenders, and additional local training programs.

- Tight budgets make it all the more important to know whether innovations are actually producing their intended results. A program on Evaluating District Court Programs and Procedures helped court staff understand the fundamental principles and methods for conducting evaluations, including the annual assessments required by the Civil Justice Reform Act. Center researchers instructed court staff in methods for measuring the effects of a new program or case management procedure.
- The Center graduated the second class in its Leadership Development Program for Probation and Pretrial Services Officers. The program enhances leadership knowledge and skills for those who supervise other officers and wish to prepare for top management positions in their courts. Much of the three-year program is self-study, in the participant's home district, with materials produced by the Center. Participants work with university faculty and local mentors in preparing a management practices report and an in-district improvement project. A third class will complete course requirements in 1997. The success of this program led to the development of a similar program for court managers that was pilot-tested in the D.C., Federal, and Fourth Circuits. A nation-wide program will begin in January 1996.
- Center planning and court education staff are providing technical planning assistance to four courts. Staff have also conducted planning workshops and educational programs on forecasting and the future of court technologies to groups of judges, federal court managers, and other professional groups connected to the courts.
- A workshop provided hands-on training for court employees who need to produce cost-effective video programs in their courts. Some twenty participants worked with the Center's media production specialists on budgeting, scripting, directing, production, and editing techniques.

The Center has developed a number of innovative training methods and produced course curriculum materials that bring education directly to the courthouse and help court employees do their jobs better. In-district programs eliminate or greatly reduce participant travel costs, the largest expense of traditional national and regional workshops. Of the nearly 24,000 court employees who participated in Center education programs last year, 90% did so in local training programs.

Packaged programs. These self-contained training products consist of instructor's lesson plans, participant guides, and overhead transparencies, most of which are produced by the Center's education specialists. Some of these programs also contain Center-produced videos. For many of these packaged programs, the Center trains a cadre of court personnel to serve as instructors in their courts and nearby districts.

Many courts are finding two of the packaged programs for managers and supervisors helpful in preparing for the implementation of the federal judiciary's new Court Personnel System. The Center also released in 1995 a program to help support staff in probation and pretrial services offices deal with situations that could threaten office security, and a program to help judges' secretaries assist judges in chambers management.

Educational guides. Some educational needs are best met by a combination of court and Center talents. The Center produces educational guides that provide training suggestions, lists of resources, and other pertinent information for courts to use to develop customized educational programs for their employees. For example, educational guides released in 1995 helped probation and pretrial services offices train officers on conducting financial investigations of criminal defendants, search and seizure, and supervising offenders. Center staff serve as technical advisors to assist court training specialists in designing programs on these topics.

The Center's new series of *Effective Practices* guides contain brief descriptions of innovative practices that some probation or pretrial offices have found to be particularly effective.

These include improved methods for handling violations of conditions of supervision, enhanced screening procedures to determine risk factors, and better coordination with halfway houses prior to offenders' release. The guides provide a forum for probation and pretrial services officers to share information and experiences with their colleagues. The response to this series has been enthusiastic—over 1,300 participants have already received training on various suggested practices. Other guides are planned for development in 1996.

Computer-assisted instruction. Center-produced interactive CD-ROM programs on the federal rules of civil procedure and bankruptcy procedure help deputy clerks improve their knowledge of the rules and become more efficient in processing court filings and in responding to questions from the public based on the rules. The bankruptcy program, which the Center developed and pilot-tested in 1995 and will distribute in 1996, features tutorial sections on each of the key events in chapter 7, 9, 11, 12, and 13 bankruptcy cases; quizzes and scenarios; a compilation of all bankruptcy rules, codes, and relevant civil rules; a bibliography; and a glossary.

On-line conferences. Participants in these conferences use computers with modems to connect to the meeting "site" at any time, and to read, review, and respond to faculty instruction and coparticipants' comments through electronic mail. One such conference provided instruction on negotiation and management skills to forty-four chief probation and pretrial services, and it identified experienced chief probation and pretrial services officers who have volunteered to serve as mentors. The conference was on line for five months. Another conference provided follow-up technical assistance to teams of judges, clerks of court, and clerk's office staff who had participated in the Center's *Ensuring Effective Case-Flow Management Workshop* for district teams in the Fifth and Eleventh Circuits. The three-month conference assisted the teams in implementing the action plans they developed at the workshop. Participation in on-line conferences is by invitation only.

In-Court Education: nontravel-based programs

Research & Planning

Federal Judicial Center research helps policy makers assess how current procedures and policies are in fact operating and the impact that changes in those procedures would have on the administration of justice. The Center's statute directs it to undertake "research and study of the operation of the courts of the United States" and to provide "research and planning assistance" to the committees of the Judicial Conference. In addition to conducting discrete research projects, mainly for Conference committees, the Center serves those committees and the courts as a ready source of consultation and advice based on the specialized expertise it has acquired from its analysis and evaluation of the federal judicial process and administration. Thus, in 1995 it completed twenty-five research or planning projects, continued work on more than sixty others, and responded to more than 150 informal requests from courts, Judicial Conference committees, and others for research assistance.

The Center makes its research reports available within and outside of the judiciary and transmits them to the House and Senate Judiciary Committees. (See pages 22–24 for information on research reports made available in 1995, both through standard publication and placement on the Internet and in electronic and other databases.) In consultation with Conference committees, when appropriate, it also provides reports on research in progress to legislators and staff.

Civil Litigation

Much of the Center's work this year again supported the Conference's Advisory Committee on the Federal Rules of Civil Procedure. For example, the Center surveyed a sample of district court judges and federal trial attorneys to ascertain their views about the effects of the sanctioning provisions of Federal Rule of Civil Procedure 11, particularly the 1993 amendments, and examined class action practices in four federal district courts. The Center also examined the effects of possible changes to Rule 68's offer-of-judgment rules and surveyed attorneys' views on such revisions. Congress too has examined both rules with a view to revising them.

The Center continued its support of the Court Administration and Case Management Committee as well as the district courts and their advisory groups under the Civil Justice Reform Act (CJRA). A reference guide, *The Civil Justice Reform Act Expense and Delay Reduction Plans: A Sourcebook*, summarizes the CJRA plans of all districts and organizes the information by specific topics and by dis-

tricts. Work also continued on the congressionally mandated study of the five demonstration programs established by the CJRA. The most ambitious program is a controlled experiment testing the effects of the early assessment procedure used in the Western District of Missouri.

In some areas, particularly Rule 26 disclosure requirements, CJRA plans supplement local rules. A Center report summarizes district and bankruptcy court responses to 1993 amendments to Federal Rule of Civil Procedure 26(a), requiring parties to disclose material in advance of discovery. Under the rule, disclosure requirements vary from district to district, and thus the Center's report has proved useful to both judges and attorneys.

The Center, in conjunction with the Center for Public Resources, is publishing *Federal District Court ADR: A Sourcebook*. Based on surveys of the courts and information contained in their CJRA plans and local rules, the book provides a district-by-district description of ADR programs adopted by the district courts and is intended to assist court administrators, judges, judicial policy makers, and attorneys.

Criminal Law & Procedure

Working with staff from the Administrative Office, the Center assisted the Criminal Law Committee in developing Judicial Conference proposals for the 1995 cycle of amendments to the federal Sentencing Guidelines and in the ultimately

During 1995, the Center conducted a systematic study of class actions, at the request of the Advisory Committee on Civil Rules as it considers changes that judges, legislators, and the bar have proposed to Federal Rule of Civil Procedure 23. The Center examined cases filed as class actions in four federal district courts with high class-action activity, looking particularly at more traditional class-action cases, such as those involving securities or civil rights, to respond to the committee's interest in learning more about such "routine" cases as opposed to the few highly visible, mass tort class-action lawsuits that have prompted some of the proposed changes to Rule 23.

The Center found, contrary to assumptions behind some of the proposed changes to Rule 23, that settlement and trial rates for cases filed as class actions were not much different from settlement and trial rates for civil cases

generally, though cases that had been certified as class actions settled at a higher rate than cases that did not. It found less litigation than conventional wisdom suggested on the issue of class certification and a greater willingness than had been expected for courts to rule on the merits of a case filed as a class action before ruling on certification. The study also found—apropos of the committee's proposal to create an interlocutory appeal of class certification—that there had been few appeals of certification decisions and that appellants had little success in altering district court decisions.

The Center communicated preliminary findings to Congress during the debate over changes in securities class actions, and the committee used those findings in its discussions with Congress about the legislation.

Evaluation in Support of Rule Making: Center study of class-action activity

successful efforts to modify section 5G1.3 of the Guidelines, simplifying the procedural requirements for sentencing an offender who is subject to an undischarged term of imprisonment.

The Center has developed a new statistical risk prediction tool to help courts identify offenders who present the greatest risk of committing additional crimes while under supervision and therefore require closer supervision by federal probation officers. This new instrument will replace the current RPS 80, which the Center developed nearly sixteen years ago for probation officers to use in classifying their supervision caseloads. The Center has worked with the U.S. Sentencing Commission and the Federal Bureau of Prisons throughout its risk prediction study, and it will begin testing the new risk prediction tool early in 1996 after consultation with the Criminal Law Committee and Administrative Office staff.

The Center also continued to work with the Federal Bureau of Prisons and the U.S. Marshals Service to evaluate the effectiveness of video conferences in conducting hearings for detained defendants in criminal pretrial proceedings. A pilot project is expected to run for eighteen months.

**Capital Case
Clearinghouse:
helping
judges
manage
federal
death
penalty
cases**

With passage of the Federal Death Penalty Act of 1994, federal law now makes the death penalty a sentencing option for over sixty offenses. At this point, however, only a relatively few federal trial judges have presided over capital cases. The Center has taken several steps to help judges manage legal and practical problems that arise in federal death penalty cases.

A new series of the Center's *Chambers to Chambers* periodical draws on the experiences of the small number of judges who handled cases under federal death penalty statutes that were in effect before 1994. The first issue covered appointment of counsel and jury selection; the second was on attorneys' and experts' fees and expenses. Issues planned for early 1996 will address pretrial and trial management and managing the punishment phase of a capital trial. Future *Chambers to Chambers* will update judges on reported decisions on death penalty issues.

As more federal judges conduct death pen-

alty trials, the Center is surveying them about their experiences to expand its collection of information on capital case litigation. Much of this information will be included in a revised chapter of the Center's *Bench Book for U.S. District Court Judges*, a new edition of which will be published in 1996, and in other Center publications.

The Center's Information Services Office serves as a clearinghouse for orders, jury instructions, and other documents that some courts or individual judges have developed. Materials from this collection have been sent to several judges on request, and one judge has visited the Center to review these materials and to discuss capital case management procedures with Center staff working on these projects.

Finally, Center researchers also began a systematic long-term data collection to provide statistical information that can answer policy makers' questions about the implementation of the federal death penalty statute.

Bankruptcy

The Center pursued several projects for the Committee on the Administration of the Bankruptcy System. Working closely with the committee and the Administrative Office, it began a study of the congressionally mandated three-year pilot project to examine the costs and benefits of waiving filing fees in chapter 7 bankruptcy cases for individual debtors who are unable to pay fees. In response to a request from the committee chair, it is developing pattern jury instructions for bankruptcy judges, given new statutory provisions that authorize bankruptcy judges to conduct jury trials in certain circumstances. And the Center and the Administrative Office helped the Bankruptcy Administration Committee produce its *Case Management Manual for United States Bankruptcy Judges*, which describes techniques to assist bankruptcy judges to manage cases and proceedings efficiently.

Upon request from the Advisory Committee on Bankruptcy Rules, the Center has surveyed selected members of the bench and bar on their views about the scope, format, and organization of the Federal Rules of Bankruptcy Procedure. The committee is using the Center's findings as part of its extensive effort to determine necessary modifications to the rules.

The Center has prepared a comprehensive summary of the ADR programs in bankruptcy courts, which is available upon request. It has also provided information and research assistance to bankruptcy courts as they adopt, modify, and evaluate new ADR programs and has assisted the American Bar Association Joint Task Force on Bankruptcy Court Structure and Insolvency Processes in developing "model" local bankruptcy rule provisions on mediation.

Evaluating Judgeship Needs

The Center has long assisted the statistics subcommittee of the Committee on Judicial Resources in assessing needs for additional judgeships. It works with the subcommittee to design the judicial time studies that are the building blocks of empirical assessment of judgeship needs, then conducts the studies and develops case weights from them. Center research surveys typically produce high response rates, and this increases the reliability of the studies. A separate role for an independent research agency in the time-study and case-weight phase of the process helps preserve the integrity of the process by separating empirical research from the broader policy-making and political assessments for which the Judicial Conference and Congress are responsible.

Revised case weights developed by the Center in 1993 from its district court time study data continue to serve as the basis for descriptive statistical summaries of time burdens on judges, magistrate judges, and attorneys in federal civil and criminal cases. The Center is also using the data to help district courts in their

Keeping a Strain on the Line: Center studies on the courts of appeals

From its earliest days, the Center has played a major role in finding ways to help the federal appellate courts cope with mounting caseloads. Center staff assisted the Study Group on the Caseload of the Supreme Court (the Freund Committee) and the Commission on Revision of the Federal Court Appellate System (the Hruska Commission) in the 1970s. In its first two decades, the Center produced some thirty published and unpublished reports concerning the federal appellate courts. Acting on a recommendation of the Federal Courts Study Committee, Congress in 1990 requested that the Center “study the full range of structural alternatives for the Federal Courts of Appeals.” The Center’s report of that study, *Structural and Other Alternatives for the Federal Courts of Appeals*, was delivered to Congress and the Judicial Conference in 1993.

The Center continues to build on its studies of appellate court operations—keeping a “consecutive strain on the line” as the late Professor Maurice Rosenberg envisioned at the 1967 congressional hearings on the Center’s creation—by analyzing changes in caseloads over time, evaluating the effect of current practices, and providing a clearinghouse for techniques that some courts have found effective. The following describes some of these efforts.

Caseload studies. In 1995 the Center published a significant work examining the source of the growing federal appellate civil caseload, *Stalking the Increase in the Rate of Federal Civil Appeals*. The conventional wisdom holds that appellate caseloads have increased sharply not only because of an increase in the number of cases handled by the district courts, but also because of a general increase in the tendency of disappointed litigants to appeal. The Center found, to the contrary, that virtually all of the disproportionate growth in federal civil appeals during the past two decades is attributable to increasing rates of appeal in a few case types, especially prisoner litigation and other civil rights cases. This study, and others that go beyond raw caseload figures, have important implications for judicial administration. For example, efforts to reduce appeal rates might be more profitably directed to particular case types rather than uniformly applied to all types.

As described on page 19, the Center continues to work closely with the statistics subcommittee of the Committee on Judicial Resources to develop better ways to assess the need for new appellate judgeships and to support requests to Congress for such judgeships.

Studies of structure and precedent. In 1995 the Center reported on the number and kinds of intercircuit conflicts left unresolved by the Supreme Court. A second phase of this congressionally mandated study examines in more detail the nature of intercircuit conflicts and their actual effects on later decisions and on the practice of law. Additional work will examine the relationships between legal precedent, the consistency and predictability of the law, and the structure of the federal court system. Such analyses are valuable in predicting the likely effects of proposed structural changes on the work of judges and lawyers.

Appellate case management series. The Center’s forthcoming appellate case management series responds to requests by many circuit judges for a vehicle to exchange information about innovative case-management practices in the courts of appeals. The first report in the series will be a 1996 review and analysis of trends in caseloads and case management, as identified at the Center’s 1995 National Workshop for Judges of the U.S. Courts of Appeals. Consistent with the idea of circuits functioning as “laboratories” for procedural innovation, future publications may address topics such as use of telephone and video conferencing, special procedures for handling appeals in capital cases, and changes in publication practices and the effect of increased availability of opinions on-line.

If resources are available, we will move beyond descriptive reports of procedures now in use to analyze alternative procedures such as discretionary review, pre-argument issuance of proposed orders or opinions in some cases, two-judge panels, or even district-level appellate review for error.

implementation of the Civil Justice Reform Act. As to appellate courts, in 1995 the Center, working with the subcommittee's Administrative Office staff, continued to help the subcommittee refine its methods for evaluating needs for circuit judgeships, based on a 1993 charge from the Judicial Conference. The Center is revising proposals for an empirical examination of the relative burdens associated with different types of appeals, should the subcommittee determine such a study is necessary.

Long-Range Planning

The Center's direct service as consultants to the Committee on Long-Range Planning effectively ended with the committee's publication of the *Proposed Long Range Plan for the Federal Courts* in March 1995. As part of that support, the Center hosted a conference on assessing the effects of legislation on the workload of the courts, the edited proceedings of which were published in 1995. The Center has eliminated several staff positions that had supported its planning efforts in light of the termination of the committee's work.

In addition to the support stemming from major projects described in this report, the Center provided Conference committees the results of brief inquiries and other types of consultation. For example:

It presented to the Advisory Committees on Civil and Criminal Rules a report on a survey of 150 district judges' voir dire practices, which confirmed that a significant percentage ordinarily allow some direct counsel participation during civil voir dire.

In response to congressional and judicial interest in protective orders issued under Fed. R. Civ. P. 26(c), the Center provided the Advisory Committee with the results of its examination of practices in three district courts and the Texas state courts that restrict access to court records in civil cases.

A requested analysis of the costs and benefits of additional research on the impact of cameras and other electronic media in the courtroom helped the Court Administration

and Case Management Committee formulate its recommendation that the Judicial Conference not pursue additional pilot studies in this area.

For the chair of the Committee on Federal-State Relations, the Center prepared an update of an earlier Center inquiry as to the number of rules imposing partial filing fees on inmates who wish to file litigation.

Several Judicial Conference resolutions have encouraged circuit-based studies of the role of gender and, more recently, of race and ethnicity in court operations. To assist groups created in response to the Conference recommendations, the Center published *Studying the Role of Gender in the Federal Courts: A Research Guide*, which helps judges and lawyers identify research pitfalls and avoid unwarranted inferences. The guide can also serve as a more generic introduction to social science research methods.

**Other
research
assistance to
Judicial
Conference
committees**

Automation & Information

Not too long ago, participating in a Center education program meant getting on an airplane to attend a seminar or workshop; obtaining a report or other written product of the Center meant waiting for a printed copy in the mail. Now Center media and multimedia technology has expanded the range of educational products that judges and court staff can use in their courts or at home, from audio and video tapes to on-line conferences to interactive CD-ROM programs. With modern communications technology, courts, other government agencies, and researchers have quick and cost-effective access to Center reports and other references, from periodicals and manuals available on computer networks to a forthcoming biographical database of federal judges appointed since 1789.

In furtherance of its statutory mandate to study ways in which automation can help the courts, the Center has developed a computer-based program to facilitate judges' note taking on the bench. The program allows judges to enter and retrieve case notes, search these note files using key words, and synthesize information using the program's reporting capabilities. The Center has also developed an "automated assistant" for bankruptcy judges and court staff to use in evaluating lawyers' fee applications.

Educational Media Programs

The Center has for many years used media programs—audio and video tapes and, more recently, interactive CD-ROMs—to provide education without travel. Some Center media programs complement training packages for in-court education programs. Others are distributed directly to the courts or made available through the Center's media library, for judges and court employees to use either on their own or in locally developed training programs. The Center loaned over 4,000 copies of media programs—including commercially produced programs—to federal judges and judicial branch personnel on request and sent more than 700 copies of its media and multimedia programs directly to the courts for them to keep and use in local education and training programs.

In addition to media programs described elsewhere in this report, the Center completed its five-part video orientation series, entitled *Introducing the Federal Courts*, with release of *How Civil Cases Move Through the U.S. District Courts*. Like other programs in the series, the civil video follows a hypothetical case through the court processes to help new court employees better perform their jobs and use the relevant rules of procedure. The series includes an introductory video on the federal courts (also available in an interactive CD-ROM version)

and programs on the criminal, bankruptcy, and appellate processes. Written materials—outlines, sample forms, and glossaries—accompany all of these programs.

Also in 1995, the Center produced *Called to Serve*, an eighteen-minute video designed to orient jurors to the duties and responsibilities of jury service. Judges and clerks of court asked the Center to produce this program because the 1976 juror orientation film that many courts were using was out of date. The program gives an overview of the jury selection process and the trial and describes jurors' responsibilities. It aims to help jurors perform effectively and to conserve time of judges and court staff. In developing *Called to Serve*, the Center consulted with several judges, including a member of the Judicial Conference's Committee on Court Administration and Case Management, and with court and Administrative Office staff.

Center-produced videos form part of the curriculum for its small-group orientation seminars for new district, bankruptcy, and magistrate judges. Keeping these videos current is an ongoing activity. Last year the Center produced new videos on chapter 13 proceedings for new bankruptcy judges and on the role of magistrate judges for use in district judge orientation seminars. Working with the chairman and staff of the U.S. Sentencing Commission, the Center also updated its district judge orientation video on guideline sentencing to reflect amendments to the guidelines.

The Center released training packages that included videos on personnel issues for judges' secretaries and on workplace security for probation and pretrial services office staff.

Declining resources are straining the ability of clerk's staff to keep up with core tasks of processing pleadings and providing case and calendar management support. At the same time, federal courts are recognizing the need to expand services to their customers, particularly the increasing number of litigants not represented by attorneys, many of whom are not knowledgeable about court procedures and need help to complete forms accurately.

The Center is assisting the U.S. District Court for the District of Columbia to use an emerging information technology, the interactive kiosk, to provide better and expanded services to the bench, bar, and general public. The goals of the project—dubbed The Court Connection—are to reduce some of the time that court staff spend responding to litigants' questions and, by improving public access to information about court business, to enhance public perception of the court.

The kiosk will consist of an interactive multimedia computer with an easy-to-use, touch-screen format and digital sound and video, all in a convenient, attractive, and secure enclosure. It will provide:

- information to prospective jurors;
- court docket information;
- the ability to print and dispense forms from an electronic library of forms;
- job announcements and vacancies;
- information on courtroom locations, office phone numbers, and building facilities;
- procedures for filing a pro se petition; and
- a listing of in-court activities.

The D.C. district court will begin evaluating the kiosk in 1996 following installation of a prototype system, and the Center will continue to work with the court to develop and refine the kiosk.

The Court Connection: using technology to enhance customer service in the courts

Judicial Conference committees and the Administrative Office have also called on the Center's media production expertise. At the request of the Committee on Security, Space, and Facilities, the Center is producing *Security Awareness in the Federal Courts*, a video designed to help court employees anticipate and handle situations that could affect their security at work. The Center has also delivered three more videos in a series produced for the Administrative Office for use in training court employees on the federal procurement process.

Publications

This report describes numerous Center publications, which include manuals for judges on aspects of litigation management, monographs and outlines on areas of substantive law, reports of the Center's empirical research, handbooks or other reference guides on federal court administration and history, and catalogs or reports about the Center and its activities.

Several Center publications are reprinted by commercial publishers for sale to the public, including the *Manual for Complex Litigation* (the third edition of which the Center published in 1995), the *Reference Manual on Scientific Evidence*, *Manual for Litigation Management and Cost and Delay Reduction*, and *Chambers Handbook for Judges' Law Clerks and Secretaries*. The Government Printing Office also carries several Center titles in its public sales program.

See You on the "Net": electronic access to Center publications

The information superhighway is helping the Center conserve costs while making its reports, studies, and other information it produces more accessible to the courts and others. Last year the Center began to make selected publications and other documents available on its home page on the Internet. Twelve such publications are currently listed, and include the *Reference Manual on Scientific Evidence*; the *Manual for Complex Litigation, Third*; *Guideline Sentencing: An Outline of Appellate Caselaw on Selected Issues*; and current issues of *Guideline Sentencing Update*. We will add additional titles as they are published.

Internet users who "visit" the Center's home page can read descriptions of Center publications and obtain copies on screen or printed in an exact replica of the published version. The Center will soon make its home page accessible through the federal courts' Data Communications Network (DCN) for the convenience of courts with DCN access.

Distribution via the Net is not only cost-effective; it also permits quick delivery of time-sensitive publications such as *Guideline Sentencing Update*. Such electronic dissemination also helps the Center to efficiently meet its statutory mandates to stimulate research in judicial administration and to assist foreign judiciaries. For example, researchers abroad have obtained Center publications via the Net, which provides them more immediate access while saving the Center postage and staff time.

The electronic address for the Center's homepage is <http://www.fjc.gov>.

For persons who rely on more traditional forms of computer-assisted research, more than fifty Center publications are available on the WESTLAW service, and more are being added. See also page 24, which lists other sources for information about or copies of Center publications.

Two publications, *Federal Courts and What They Do* and *Welcome to the Federal Court*, were prepared by the Center for the Administrative Office to print and distribute to federal courts for their use with courthouse visitors, schools, and civic groups.

Last year the Center distributed more than 51,000 publications and 81,000 periodicals to judicial branch personnel and others. The following publications were either released or in production in 1995:

Reports and manuals

Alternatives to Litigation: Do They Have a Place in the Federal Courts?

The Civil Justice Reform Act Expense and Delay Reduction Plans: A Sourcebook
Conference on Assessing the Effects of Legislation on the Workload of the Courts:
Papers and Proceedings

Likely Consequences of Amendments to Rule 68, Federal Rules of Civil Procedure
Manual for Complex Litigation, Third

Patent Law & Practice, second edition

A Primer on the Civil-Law System

Report of a Survey Concerning Rule 11, Federal Rules of Civil Procedure

Stalking the Increase in the Rate of Federal Civil Appeals

Studying the Role of Gender in the Federal Courts: A Research Guide

Periodicals

Bench Comment—advisories on appellate trends in civil and criminal procedure
Chambers to Chambers—descriptions of case and chambers management techniques, including a series of special issues on managing death penalty litigation

Connections—a newsletter for court personnel that features examples of local court training and management programs of broad interest, updates on Court Education Division system-wide training initiatives, and tips on training methods and techniques

FJC Directions—a journal describing Center research and education activities.

An issue published in July 1995 reported on the National Mass Tort Conference, which was cosponsored by the National Center for State Courts, the Federal Judicial Center and the Judicial Conference (among others). It included the conference participants' suggestions for pretrial and trial management of mass tort cases and the role of ADR and other settlement techniques
Guideline Sentencing Update—summaries of recent decisions interpreting the Sentencing Reform Act and Sentencing Guidelines. A companion publication, *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues*, is a periodic cumulative outline that synthesizes the cases reported in *Guideline Sentencing Update*

State-Federal Judicial Observer—a quarterly newspaper containing articles and items about judicial federalism of interest to state and federal judges

International Judicial Observer—An insert to the *State-Federal Judicial Observer*, dealing with international judicial activities and international law

The Court Historian—a newsletter on judicial history resources and programs in the federal courts

Information Services

The Center maintains a specialized collection of books and journals and published and unpublished documents on the work of the federal courts. Drawing from these, it serves as a national clearinghouse for information on federal judicial administration. Last year, the Center answered nearly 2,000 written or telephone requests for information from judges and court staff, libraries, government agencies, academic institutions, research organizations, bar groups, and the media.

Outside indexes, databases, catalogs, and commercial publishers

Selected Center publications and media productions are cited in the following indexes, databases, and catalogs.

Current Law Index—Published monthly and available nation-wide in academic, public, and law libraries, it indexes more than 700 legal periodicals, including *FJC Directions*. Current Law Index is also available on-line on LEXIS, WESTLAW, DIALOG, and BRS.

Criminal Justice Abstracts—Published quarterly and available in academic and public libraries, it contains hundreds of abstracts of current books, articles, and reports published worldwide. It is also available on CD-ROM.

Judicial Education Reference, Information and Technical Transfer Project (JERITT)—A clearinghouse supported by the State Justice Institute for information on continuing education for judges and court-support personnel, JERITT lists and provides limited distribution of selected Center publications.

Media Resource Catalog—The catalog lists federally produced audiovisual productions for sale or rent by the National Audiovisual Center, a branch of the National Archives.

GPO Monthly Catalog—Distributed internationally to thousands of government, public, academic, state and national libraries, the catalog lists U.S. government publications printed each month by the Government Printing Office.

National Criminal Justice Reference Service (NCJRS)—This document clearinghouse, a branch of the U.S. Department of Justice, produces a database that provides citations to more than 120,000 documents related to criminal justice.

On-line Computer Library Center (OCLC)—OCLC provides computer-based research services to thousands of libraries worldwide.

U.S. Government Periodicals Index—This service indexes more than 180 federal government periodicals, including *FJC Directions*. It is also available on-line through the CITADEL service.

Vertical File Index—Published monthly and used by academic and public libraries, the index lists inexpensive or free pamphlets, booklets, and leaflets.

WESTLAW—Full texts of more than fifty Center publications are available.

Federal Judicial History

One of the Center's statutory responsibilities is to coordinate and encourage programs relating to the history of the judicial branch of the United States. In 1989, in response to that charge, the Center established a small judicial history office, which has begun to provide the judicial branch with some of the assistance long made available by history offices in the executive departments and agencies and in Congress.

Preserving the records of the judiciary

The Center's *Guide to the Preservation of Federal Judges' Papers* will assist judges in the preservation of their papers and in the search for a suitable repository. The publication supplements the Center's frequent consultation with judges and their staff who seek advice on the disposition of chambers papers. A Center directory to more than 5,000 manuscript collections containing the papers of federal judges will be published in 1996.

The Center continues to work with the National Archives and the Administrative Office in developing a policy for the preservation of official court records that will insure for future generations an accurate representation of the work of the federal courts.

Oral histories

In addition to updating its directory of oral history projects, the Center itself pursued two oral history projects. One project, with retired Supreme Court justices, was done at the request of and with financing by the Supreme Court Historical Society. Interviews with Justice Blackmun were completed in late 1995.

The Center's judicial biographical database represents the most detailed and comprehensive available source on the more than 3,300 men and women who have served on the district and appellate courts and the Supreme Court during the past 206 years. It includes data on judges' education, legal training, political activity, and careers off the bench, as well as detailed information on the nomination and confirmation process and judicial service. Entry of these data into an electronic format allows easy access to information on a specific judge and creates the potential to support broader analytical studies of the federal courts and a variety of topics in legal history research. For instance, the careers of judges have reflected the increasing professionaliza-

tion of the law in the nineteenth century, the greater responsibilities of the federal judiciary in industrial America, and the expansion of opportunities for women and minorities in the second half of the twentieth century.

The judicial biography database will be the first step in the Center's creation of on-line historical reference services, including research guides and data on the administrative history of the federal courts. By reaching the widest possible audience of students, educators, and researchers, as well as the courts, the judicial biographical database will encourage greater awareness of the role of the judiciary and of the duties of the men and women who have served on the bench.

**Biographical Database:
two centuries
of federal
judges**

The Center is transcribing and annotating the interviews, which follow similar oral histories with Justices Brennan, Powell, and Marshall. Also, a visiting Judicial Fellow at the Center interviewed twenty-three judges who were among the first women to serve on the federal bench as the basis for a forthcoming publication examining the advancement of women in the legal profession and the diversification of the federal bench.

Assisting court history programs

The Center offers technical assistance and the results of its own historical research to circuit and district court historical programs and various court historical societies and programs. Its annual newsletter, *The Court Historian*, provides updates of Center history projects, notices of recent publications related to court history, and articles on particular topics of judicial history of interest to historical programs within the federal courts.

Interjudicial Affairs

The one-person Interjudicial Affairs Office maintains the Center's long-standing promotion of judicial federalism through assistance to state-federal judicial councils and publication of the *State-Federal Judicial Observer*, a newspaper of topics of mutual interest to state and federal judges. The office also continued its work with the National Center for State Courts on a manual of state-federal cooperative activities and protocols to be published in 1996.

Pursuant to a statutory charge, the Center also arranges education programs about U.S. court procedures and judicial administration for foreign officials who come to this country with financial support from other U.S. government agencies, their own governments, or private sources. In these activities, the Center works closely with the Administrative Office and under the auspices of the Judicial Conference Committee on International Judicial Relations. Last year the Center assisted with ten such seminars and conferences, including the U.S.-India Legal Exchange, the First World Wide Common Law Judiciary Conference, the Conference of Chief Justices of the Americas, and seminars for judges and legal officials from the Russian Federation and the Ukraine on organized crime and on protection of intellectual property, as well as programs sponsored by judges' associations in Argentina and Brazil. It also coordinated the visit of the first team of federal judges and court officials to Egypt as part of the U.S.-Egypt judicial exchange program, in which the Center is participating with the Elliott School of International Affairs at George Washington University.

The Center provided shorter briefings to a much larger number of visitors. In all, 476 judicial and legal officials from ninety-three countries visited the Center for briefings or more extended programs on the U.S. judicial system and the work of the Center.

In support of its assistance to foreign judiciaries, the Center published a mono-

graph on the civil-law system for judges and court administrators preparing to provide technical assistance to countries with civil-law systems and completed an article on the history of advocacy for judges and lawyers from the Russian Federation, in cooperation with the American College of Trial Lawyers. The Center also published, with financial and other support of the American Society of International Law, the first edition of the *International Judicial Observer*, a four-page insert to the *State-Federal Judicial Observer*, dealing with international judicial activities and international law.

The Center hosted five visiting foreign judicial fellows from Bulgaria, Mongolia, Uruguay, and Japan (two) and one visiting scholar from Argentina. They were in residence at the Center for periods ranging from one to several months to perform independent research on topics such as judicial education, judicial administration, case management, and alternative dispute resolution. All visiting fellows and scholars are supported by grants from private foundations or government agencies. Center assistance is limited to office space and research guidance.

Congress established the Federal Judicial Center Foundation in 1988 as a private, nonprofit corporation to receive gifts to support the work of the Center. The foundation has sole authority to decide whether to accept such gifts and thereby to determine the suitability of would-be donors. The foundation is governed by a seven-person board appointed by the Chief Justice, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. No board member may be a judge. The members of the foundation's board are:

Philip W. Tone, Esq., Chicago, Illinois, *chair*
E. William Crotty, Esq., Daytona Beach,
Florida

Laurie L. Michel, Esq., Washington, D.C.
Dianne M. Nast, Esq., Lancaster,
Pennsylvania

Robert D. Raven, Esq., Los Angeles,
California

Richard M. Rosenbaum, Esq., Rochester,
New York

Benjamin L. Zelenko, Esq., Washington, D.C.

Grants to the foundation provide important financial assistance for Center programs in specialized areas. A grant from the Carnegie Corporation helps support the Center's science and technology education programs, including the *Reference Manual on Scientific Evidence*. A grant from the National Institute of Certified Public Accountants funds judicial training in financial statements. The Supreme

Court Historical Society helps underwrite the Center's oral history interviews with Supreme Court justices, and a gift from funds remaining in a class action settlement defrayed the costs for federal judicial personnel to attend a National Center for State Courts conference on bias in the courts.

The Center Board entered a memorandum of understanding with the foundation and the Judicial Conference to allow the foundation to receive funds from government and non-government agencies for international programs, described above, that the Center held in cooperation with the Conference's Committee on International Judicial Relations. Under this agreement, the foundation accepted gifts from the U.S. Agency for International Development for the Conference of Chief Justices of the Americas and for a seminar for judges from Argentina; a gift from the American College of Trial Lawyers and the Indo-U.S. Sub-commission on Education and Culture for the India-U.S. legal exchange; and a gift from the Departments of State and Commerce for seminars for judges and legal officials from Ukraine. A gift from the American Society of International Law defrays some of the publication and mailing expenses of the *International Judicial Observer* and funds from the remainder of a class action settlement help provide temporary personnel to assist in the education programs the Center conducts pursuant to statute for foreign judges and legal officials.

**Federal
Judicial
Center
Foundation**

FJC Advisory Committees

The Center calls on advisory committees for advice and guidance when preparing education programs and publications and gratefully acknowledges the assistance they have provided. These committees, which typically meet by telephone conference or during other Center programs, had the following membership during 1995.

COMMITTEE ON APPELLATE JUDGE EDUCATION PROGRAMS

Judge James C. Hill (11th Cir.), *Chair*

Judge Richard D. Cudahy (7th Cir.)

Judge David A. Nelson (6th Cir.)

Judge Dorothy W. Nelson (9th Cir.)

Judge James L. Ryan (6th Cir.)

COMMITTEE ON BANKRUPTCY JUDGE EDUCATION

Chief Bankruptcy Judge Robert F. Hershner, Jr. (M.D. Ga.), *Chair*

Bankruptcy Judge Randolph Baxter (N.D. Ohio)

Bankruptcy Judge Joyce Bihary (N.D. Ga.)

Bankruptcy Judge Thomas E. Carlson (N.D. Cal.)

Bankruptcy Judge Robert J. Kressel (D. Minn.)

Professor Elizabeth Warren (University of Pennsylvania Law School)

Francis F. Szczebak (Administrative Office of the U.S. Courts), *ex officio*

COMMITTEE ON THE BENCH BOOK FOR U.S. DISTRICT COURT JUDGES

Judge A. David Mazzone (D. Mass.), *Chair*

Chief Judge William O. Bertelsman (E.D. Ky.)

Judge William B. Enright (S.D. Cal.)

Judge Aubrey F. Robinson, Jr. (D.D.C.)

Judge Louis L. Stanton (S.D.N.Y.)

COMMITTEE ON DISTRICT JUDGE EDUCATION

Judge D. Brock Hornby (D. Me.), *Chair*

Chief Judge James C. Cacheris (E.D. Va.)

Judge William T. Hart (N.D. Ill.)

Judge Anna Diggs Taylor (E.D. Mich.)

Judge Stephen V. Wilson (C.D. Cal.)

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Magistrate Judge Joel B. Rosen (D.N.J.)

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Michael G. Katz (Federal Public Defender, D. Colo.)

Mary Elizabeth Manton (Federal Public Defender, E.D.N.C.)

Maureen K. Rowley (Community Defender, E.D. Pa.)

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Susan B. English (Circuit Librarian, 3d Cir.)

Robert L. Hoecker (Circuit Executive, 10th Cir.)

Dana C. McWay (Chief Deputy Clerk, 8th Cir.)

Marilyn R. Sargent (Chief Deputy Clerk, D.C. Cir.)

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John M. Greacen (Clerk of the Bankruptcy Court, D.N.M.)

Ellen A. Johanson (Clerk of the Bankruptcy Court, D.N.D.)

Tawana C. Marshall (Clerk of the Bankruptcy Court, N.D. Tex.)

Pam C. Schuster (Chief Deputy Clerk of the Bankruptcy Court, C.D. Ill.)

George A. Vannah (Clerk of the Bankruptcy Court, D.N.H.)

Michael D. Webb (Clerk of the Bankruptcy Court, S.D. Ohio)

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Robert R. Ditrolio (Clerk of Court, W.D. Tenn.)

Nancy Doherty (Clerk of Court, N.D. Tex.)

Stephen P. Ehrlich (Chief Deputy Clerk, D. Colo.)

Nancy Mayer-Whittington (Clerk of Court, D.D.C.)

Robert A. Mossing (Clerk of Court, N.D. Fla.)

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