

Federal Judicial Center
Annual Report
1996

Board of the Federal Judicial Center

The Chief Justice of the United States, *Chair*

Judge Pasco M. Bowman II, U.S. Court of Appeals for the Eighth Circuit

Judge Bruce M. Selya, U.S. Court of Appeals for the First Circuit

Chief Judge Marvin E. Aspen, U.S. District Court for the Northern District of Illinois

Judge Thomas F. Hogan, U.S. District Court for the District of Columbia

Chief Judge Richard P. Matsch, U.S. District Court for the District of Colorado

Judge Elizabeth L. Perris, U.S. Bankruptcy Court for the District of Oregon

Leonidas Ralph Mecham, Director of the Administrative Office of the U.S. Courts

a message from the director

For the Federal Judicial Center, 1996 marked the start of two important ventures. This fall, from our Washington, D.C., studios, we broadcast two satellite seminars and a two-way videoconference. These programs helped judges and court personnel across the country learn about changes in habeas corpus law and helped staff attorneys learn about changes in habeas law, prison litigation procedures, and recent Supreme Court decisions that could affect their work. The programs also helped appellate clerk's office staff in the headquarters city of each appellate court to learn about one another's policies and techniques for processing and closing case records and to develop approaches for meeting their rising workloads.

Just as important, these programs began our lessons in opening up new ways for members of the federal court system to communicate with one another and with others about changes in the law, about different points of view, and about successful techniques.

We know that "live" seminars must remain an important part of Center education and that video education is not a matter of simply broadcasting what we might otherwise have presented in a seminar room. But it is also apparent that video communication can provide the federal judicial system with methods of exchange and mutual assistance that are unique to the medium and that free us from the restrictions of traditional methods. Our challenge is to find the best uses for each medium, using, as the Chief Justice said in his 1996 year-end report, "Center expertise in video production and curriculum design" to "enable the entire third branch to make good use of this form of communication and education."

From our surveys last summer and from other consultation with the courts, we know there is enthusiasm about this new technology. Because the best Center education stems from partnerships with the courts, we have assembled a small advisory group of judges, court staff, and Administrative Office and Sentencing Commission users to help us experiment. I am grateful to the Executive Committee of the Judicial Conference, which, on the recommendation of Administrative Office leadership, allocated almost \$2 million to provide satellite downlinks in courts throughout the country.

A second venture that the Center began in 1996 is a planning process to help ensure that from among the many issues in the Center's statutory charge, we give priority to those that will contribute most to our basic mission: "to further the development and adoption of improved judicial administration in the courts of the United States." The Board of the Center endorsed the idea of a strategic planning process last May.

Planning, if done right, is a somewhat uncomfortable process, challenging old assumptions and forcing adjustment to new realities. The alternative, however, is stagnation or worse. I look forward very much to the recommendations of our planning com-

mittee, comprising the six current judge-members of our Board and Chief Judge Michael M. Mihm of the Judicial Conference Executive Committee.

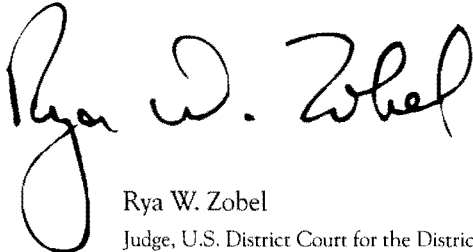
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An annual report is an occasion for an organization to reflect on its history. Judge Walter E. Hoffman of the Eastern District of Virginia, who died last November, strengthened the Center through service on its Board and then as its third director from 1974 to 1977. Under his leadership, the Center began its District Court Studies Project, which has shed empirical light on many aspects of federal civil procedure. In the 1980s, he provided a generation of judges their introduction to the third branch—and the example of a powerful role model—by moderating the week-long “video seminars” that constitute the first phase of Center orientation for district judges.

Judge Hoffman was a giant within the federal judiciary. In the 1950s, for example, he demonstrated a fierce independence in upholding Supreme Court school desegregation mandates in the face of intense opposition and threats to his personal safety. He received the Devitt Distinguished Service to Justice Award in 1983.

Judge John C. Godbold of the Eleventh Circuit received the Devitt Award this year. Judge Godbold was the Center’s fifth director, from 1987 to 1990, and, like Judge Hoffman, had served previously on the FJC Board. He came to the Center from a distinguished judicial career, having served as chief judge of the old Court of Appeals for the Fifth Circuit and then managing the birth of the new Eleventh Circuit as its first chief judge. As Center director, he did much to encourage Center education to adapt to new needs and to use new methods of teaching, stressing the importance of education not simply for judges but for the courts’ non-judge personnel.

As the Devitt Award citation put it, “Judge Godbold’s long career demonstrates that judicial independence fosters the originality, creativity, commitment, and diligence that all federal judges seek.”

A handwritten signature in black ink, reading "Rya W. Zobel". The signature is fluid and cursive, with the first name "Rya" being particularly prominent and stylized.

Rya W. Zobel

Judge, U.S. District Court for the District of Massachusetts

About the Federal Judicial Center

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;
- studying and developing recommendations about the operation of the federal courts;
- providing planning and research assistance to the Judicial Conference of the United States and its committees; and
- providing information and assistance to foreign judicial and legal personnel.

The statute requires the Center’s Board 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 1996 describes Center activities in furtherance of its statutory duties.

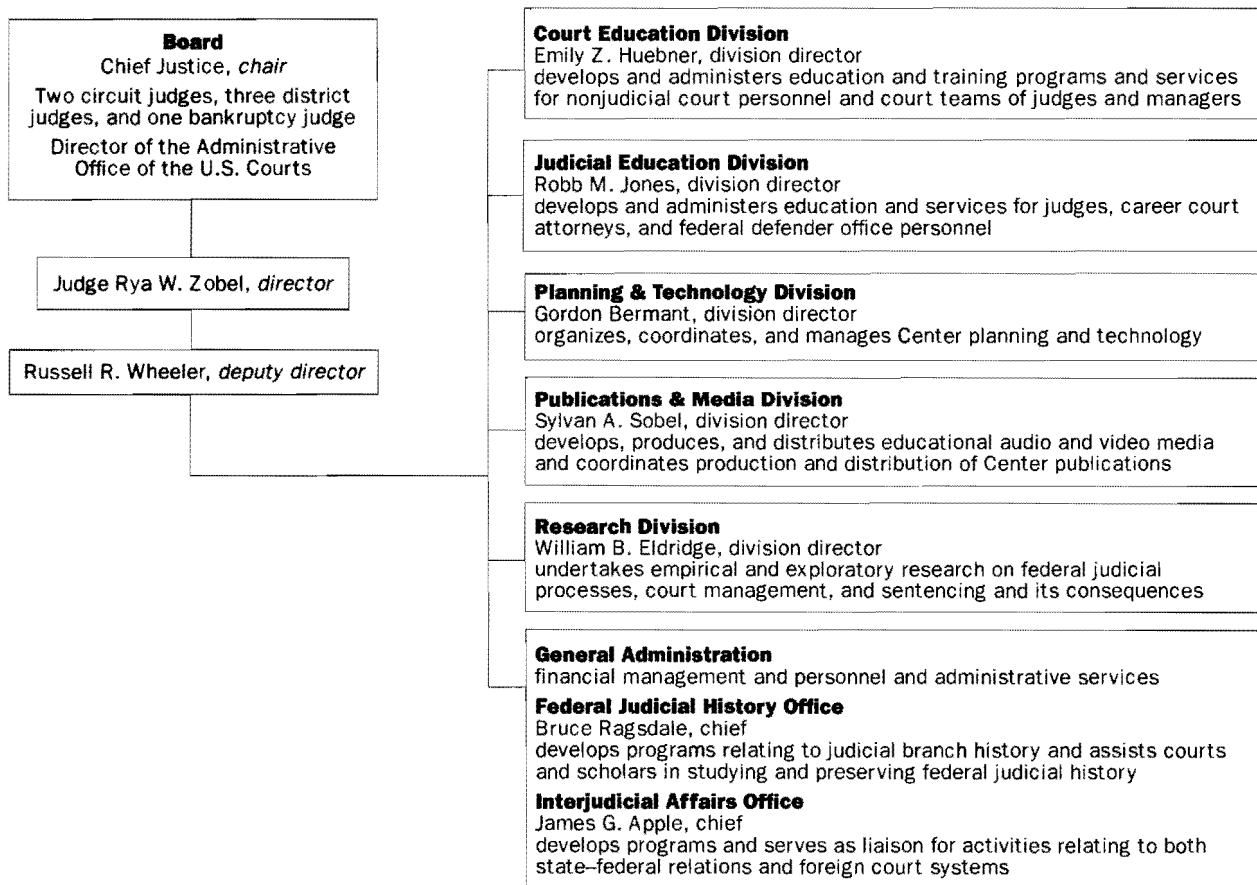
Origin and Purpose

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 of the U.S. Courts. First, they recognized that the kind of objective—and even at times critical—analysis and education about problems of judicial administration that was needed would be unlikely if the persons performing those tasks were also responsible for the everyday operations of the courts. Second, they saw 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.

Time and experience have affirmed the efficacy of the statutory structure adopted by the Center's judicial and legislative branch creators. The Judicial Conference recently observed that the Center, as an independent agency within the judicial branch, "provides education and training for judges and judiciary staff, and conducts and stimulates research for the Judicial Conference and the courts, thus ensuring that judges and staff in their court work and judges in their policy-making functions may be informed by a range of perspectives."

Organization chart of the Center



Governance

By statute, the Chief Justice of the United States chairs the Center's Board, which also includes two circuit judges, three district judges, and one bankruptcy judge elected by the Judicial Conference, and the director of the Administrative Office of the U.S. Courts as an *ex officio* member. An October 1996 amendment to the Center's organic statute adds a magistrate judge to the Board and makes senior judges eligible for Board membership.

In March 1996, the Judicial Conference elected Judge Pasco M. Bowman II (8th Cir.) and Judge Thomas F. Hogan (D.D.C.) to membership on the Center's Board, replacing Judge J. Harvie Wilkinson III (4th Cir.) and Chief Judge Michael A. Telesca (W.D.N.Y.), whose terms expired.

The Board appoints the Center's director and deputy director; the director appoints the Center's staff. Judge Rya W. Zobel (D. Mass.) is the Center's seventh director.

At its May meeting, the Center Board endorsed Judge Zobel's recommendation that the Chief Justice appoint a strategic planning committee to help assign priorities to the various functions that the Center performs. The planning committee, chaired by Chief Judge Marvin E. Aspen (N.D. Ill.), comprises the six judges on the Board and Chief Judge Michael M. Mihm (C.D. Ill.), a member of the Judicial Conference's Executive Committee. The planning committee will report to the full Board in mid-1997.

In addition to determining the Center's basic policies, the Board oversees the Center's activities through standing committees on education and research.

Organization

The Center carries out its missions through the coordinated work of five divisions and two offices. This organizational structure reflects the expertise of Center staff in court-related adult education, empirical and historical research, telecommunications, and media and multimedia development. In practice, as this report illustrates, the various education, research, technology, and planning activities complement one another in seeking ways to improve the administration of justice and to teach judges and court staff about methods that are found to be effective.

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 orientation and continuing education programs and services for judges, career court attorneys, and federal defender office personnel.

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 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 to provide information to help improve the administration of justice in foreign countries.

Coordination Within the Judicial Branch

Numerous programs and projects described in this annual report involve coordination, cooperation, and consultation with the Administrative Office, including assistance to the Judicial Conference and its committees. The agencies operate under agreements that spell out their respective responsibilities in automation and in education and training in order to avoid unnecessary duplication and to promote further economies.

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 26–28.

Staffing and Appropriation

The Center's staff—138 permanent positions—provides education and training for the 29,000 judges and employees of the federal courts and research on judicial administration. Its fiscal 1997 appropriation of \$17,495,000 represents a 2.3% reduction from its fiscal 1996 appropriation of \$17,914,000, and a 7.4% reduction from its appropriations high point of \$18,895,000 in 1992. The Center has reduced its staffing by 13% since 1992.

Federal Judicial Center Foundation

Congress established the Federal Judicial Center Foundation in 1988 as a private, non-profit corporation to receive gifts to support the work of the Center. It 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 foundation has sole authority to decide whether to accept gifts offered to support the work of the Center, and thereby to determine the suitability of would-be donors. The foundation may not accept earmarked funds for projects not previously approved by the Center Board, and the Center has sole control over the design and conduct of research or education programs supported by donations to the foundation. This year, the Center Board adopted policies to guide the Center staff if approached by would-be donors, in order to allow the staff to provide information to prospective donors about the nature of the Center's work and to gather information that may help inform the boards of the foundation and the Center as they exercise their respective statutory responsibilities.

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., San Francisco, California

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

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

The Center is required by statute to include in its annual report a description of the purposes for which gifts were used during the year covered by the report. Grants to the foundation last year provided important financial help for programs in specialized areas. Specifically:

- A grant from the Carnegie Corporation helped support science and technology education programs.
- A grant from the Henry J. Kaiser Family Foundation supported a seminar for judges on health care issues.
- A grant from the National Institute of Certified Public Accountants supported training to help judges understand financial statements.
- Through an agreement with the Center and foundation boards and the Judicial Conference, the foundation receives funds to support international judicial education programs sponsored jointly by the Center and the Judicial Conference Committee on International Judicial Relations. In 1996, the Department of Commerce made a grant to support a seminar for judges and legal officials from the Russian Federation and Ukraine on protection of intellectual property, and a U.S. Agency for International Development grant supported a seminar on case management, judicial education, and other issues for judges from Latin America. The Center also used unrestricted gift funds for part-time staff to assist in planning and conducting seminars and conferences for foreign judges and legal officials.
- A gift from the American Society of International Law helped to defray some of the mailing expenses of the *International Judicial Observer*.

1996 at a glance

In 1996 the Center

- provided 1,500 educational programs for more than 38,000 federal judge and court participants
- completed twenty-seven research or planning projects and continued work on seventy others
- responded to more than 170 informal requests for research assistance from courts, Judicial Conference committees, and others
- published or updated six manuals, monographs, or similar reference books and published two reports
- produced two satellite videoseminars and one educational videoconference, and produced or updated fourteen media programs
- completed ten curriculum packages or training guides
- distributed more than 97,500 publications, including periodicals, and more than 2,000 audio, video, and multimedia programs
- answered nearly 2,000 information requests from judges, court staff, and others
- was host to 438 visitors from foreign judicial systems representing eighty-nine countries

Education and Training

Programs for Judges and Legal Staff

The Center's 1996 programs reached more than 3,000 judge participants, as shown in the summary below.

Judicial Education Seminars and Workshops, January 1–December 31, 1996

Type of Program	Number of Programs	Number of Participants
Orientation for Newly Appointed Circuit Judges	1	4
Orientation for Newly Appointed District Judges	5	81
Orientation for Newly Appointed Bankruptcy Judges	1	9
Orientation for Newly Appointed Magistrate Judges	3	61
Workshops for Circuit and District Judges	9	598
Conference for Chief District Judges	1	90
National Workshop for Bankruptcy Judges	3	287
Regional Workshop for Magistrate Judges	3	302
Special Focus Workshop	21	454
Traveling Seminar	15	239
Local Training Program	13	208
Videoseminar	1	239
ALI-ABA Program (includes two videoseminars)	6	380
Prisoner Pro Se Litigation Workshop	1	102
TOTAL	83	3,054

The Center also held six programs for 903 federal defenders and staff as well as a satellite videoseminar for 189 staff attorneys; more than 1,400 staff attorneys, defenders, and law clerks attended the satellite videoseminar on changes in habeas corpus law. The Center's efforts to use satellite broadcasts and two-way videoconferencing to expand its education and training curriculum are described on page 14.

Highlights

- More than 100 experienced district judges, magistrate judges, and pro se staff attorneys attended the prisoner pro se litigation workshop to explore ways to manage prisoner litigation more effectively. For more information on efforts to help courts manage pro se and prisoner cases, see page 20.
- A 1996 seminar helped the six circuits that are establishing bankruptcy appellate panels with advice on designing, organizing, and operating such panels. An on-line computer conference let participants continue their exchange of information. Rep-

representatives from the First, Second, Sixth, Seventh, Eighth, and Tenth Circuits participated; judges from the Ninth Circuit served as faculty.

- A seminar on health care and the legal system brought together twenty federal and ten state judges to examine health law issues that concern both court systems, such as ethical issues, areas for potential future litigation, state initiatives in health care reform, and evolving theories of liability. The program was supported in part by a grant to the FJC Foundation by the Henry J. Kaiser Family Foundation.
- To help judges who might receive breast implant cases pursuant to the removal order in that multidistrict case by the transferee judge, Chief Judge Sam C. Pointer, Jr. (N.D. Ala.), the Center produced a video in which Judge Pointer, Chief Judge J. Frederick Motz (D. Md.), and Judge Janice Holder (Circ. Ct. of Shelby County, Tenn.) describe developments in the litigation and techniques for managing these cases effectively. The Center is also furnishing technical support for a World Wide Web page created and maintained by Chief Judge Pointer, which provides regularly updated information, including significant opinions and orders, to other federal and state courts and to attorneys. The Web address for the page is <<http://www.fjc.gov/mdl926.html>>.
- Eleven new judges without previous trial judge experience participated in *Judicial Trial Skills*, a program in which the judges were videotaped while conducting a portion of a simulated drug trial in the Center's media studio courtroom and then critiqued by an experienced federal trial judge. The Center offers this program twice each year. Experienced prosecutors and defense attorneys trying the "case" are in-

Improving jury selection and juror comprehension

After the revolution in nuclear physics that he created, Albert Einstein reportedly said, "Everything has changed but the way we think." In the wake of several high-profile cases, many are suggesting the same comment applies to juries. Several recent books have questioned the way the present jury system operates. Countless articles raise the pros and cons of the jury, and it's also been a hot topic on the lawyers' seminar circuit. The Judicial Conference and its committees have also debated rules changes and have asked the Center to do more to educate judges about aspects of jury selection.

The Center responded by creating a pilot program, *Improving Jury Selection and Juror Comprehension*, which was held in conjunction with the Institute of Judicial Administration at New York University Law

School. The forty federal trial judges who attended learned from experts and demonstrations on jury selection and communication, augmenting their own experience with the experts' insights. In 1997, the Center will offer the jury program at one of its national workshops for district judges and will produce a videotape on jury selection to accompany the program. The program developed for these purposes can be used for other Center training as well.

These efforts in judicial education complement the Center's continuing efforts to improve the operation of the jury system through its education programs on juror utilization for teams of judges, clerks of court, and jury administrators, and its 1996 video, *Called to Serve*, which many district courts use to orient prospective jurors to their duties and responsibilities.

structed to push beyond ordinary courtroom conduct to pose additional challenges for the new judges.

- At the request of and with financial underwriting by the Department of Justice, and in response to requests by judges in the western United States, the Center conducted a conference on the adjudication of child sexual abuse cases occurring in Indian Country. The conference was the first of its kind for the Center and provided an opportunity for federal judges from Arizona and New Mexico and judges of the Tribal Court–Department of Justice Partnership Projects to learn about each other's judicial systems and to address the problems that arise in these difficult cases in which both federal and tribal courts have jurisdiction.
- Twenty-one special focus workshops responded to more specific needs of particular numbers of judges. Most were on litigation specialties such as civil litigation and intellectual property, but there was also treatment of cutting-edge issues such as law and biology (in a program cosponsored with the Nelson A. Rockefeller Center for the Social Sciences at Dartmouth College, the Gruter Institute for Law and Behavioral Research, and the Vermont Law School).

Education on State–Federal Judicial Cooperation

The Center continues to promote judicial federalism through assistance to state–federal judicial councils and publication of the *State–Federal Judicial Observer*, a quarterly newspaper on topics of mutual interest to state and federal judges. Last year, a special issue on technology highlighted new developments in electronic filing in federal and state courts. The Center also completed its joint publication with the National Center for State Courts of a manual of state–federal cooperative activities and protocols. State judges also attended Center judicial education programs, but without incurring expenditures from the Center's appropriation.

Assistance to Foreign Judiciaries

In carrying out its statutory charge to further improvement in the courts of foreign countries, the Center 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 in coordination with the Judicial Conference Committee on International Judicial Relations. Last year, the Center assisted in seminars for groups of judges and legal officials from the Russian Federation, Argentina, Bolivia, the Bahamas, the People's Republic of China, and Norway. It joined with the Center for Democracy, a Washington-based nonprofit organization, in sponsoring a conference for leading judges from the highest courts of appeal of several eastern and central European countries. The Center also played a major role in an experimental educational program for teams of judges from El Salvador, Guatemala, Honduras, Panama, and Paraguay. It coordinated the visit of a team of federal judges and court officials to Egypt as part of the United States–Egypt judicial exchange program, in

which the Center participated with the Elliott School of International Affairs at George Washington University, and began planning a legal exchange with South Africa. The Center also provided shorter briefings on the U.S. judicial system and the work of the Center to 278 foreign judicial and legal officials. In all, representatives from 89 countries attended seminars or conferences or received briefings, and during the past five years, more than 2,100 judges and legal officials from 145 different countries have visited the Center. Several Center video programs have been translated with foreign language subtitles to facilitate their use in educational programs and briefings for visitors.

In 1996, five visiting foreign judicial fellows from Tanzania, Australia, Japan, and Egypt (two) were in residence at the Center for periods ranging from one to six months to perform independent research on topics such as judicial education, alternative dispute resolution, and the role of the judiciary in protecting human rights. The Center provides office space and research guidance; all visiting fellows and scholars are supported by grants from private foundations or government agencies.

Manuals, monographs, and other educational publications for judges

One way the Center's research and education activities combine is in the development of manuals, monographs, and desk references to give judges the tools they need to handle both routine and complex procedural and substantive issues. Among the manuals the Center published in 1996 were new editions of two of its most popular reference works: the *Benchbook for U.S. District Court Judges* and the *Manual on Recurring Problems in Criminal Trials*.

The fourth edition of the *Benchbook* contains outlines, checklists, and other reference materials to help judges manage such courtroom proceedings as taking a guilty plea, selecting a jury, and sentencing. Like its predecessor editions, the new *Benchbook* contains material that has been prepared and reviewed by experienced federal trial judges. The judges on the Benchbook Committee are appointed by the Chief Justice in his capacity as chair of the Center's Board. New with this edition is an electronic version that has been distributed on disk along with the print edition to all district, bankruptcy, and magistrate judges; it is on standard word-processing software and allows judges to search, update, annotate, and otherwise customize the book to their liking.

The *Manual on Recurring Problems in Criminal Trials*, also now in its fourth edition, summarizes Supreme Court and lead-

ing appellate case law to help judges research issues that frequently arise in criminal cases, such as dealing with recalcitrant witnesses and admissibility of witness testimony and other evidence. Many judges, as well as federal defenders and Criminal Justice Act panel attorneys, have found this book to be an invaluable resource. So, too, have prosecutors. The Department of Justice reprints copies of the manual to distribute to its attorneys. Originally prepared by a former Center Board member, the late Judge Donald S. Voorhees of the U.S. District Court for the Western District of Washington, the last two editions of the manual have been updated by Center staff.

Center monographs on substantive areas of law also help introduce judges to subjects in which they may have had little previous experience. These monographs, written specifically for judges by professors and lawyers who are recognized as experts in the subject at hand, give judges a brief overview of the substantive law and a bibliography of other useful sources. In 1996 the Center published *Major Issues in the Federal Law of Employment Discrimination* (3d ed.), by Professor George Rutherglen. Other monographs in the Center's series include titles on patent law, copyright, business bankruptcy, securities litigation, and immigration law.

In further support of its assistance to foreign judiciaries, the Center published, with the American Society of International Law, two editions of the *International Judicial Observer*, a four-page insert to the *State-Federal Judicial Observer*, dealing with international judicial activities and international law. The *Observer* included articles on the new Organization of the Supreme Courts of the Americas, legal reform in Estonia and Bulgaria, dispute resolution in the new World Trade Organization, and the international war crimes tribunal for Bosnia. The Center also assisted the *St. Louis University Law Review* in publishing this year the proceedings of last year's Conference of the Supreme Courts of the Americas.

Education and Training Programs for Court Staff

The Center provided 1,410 programs for 32,682 clerk's office personnel, probation and pretrial services officers, and other court employees in 1996. As shown in the summary below, 92.5% of these participants—30,207 court employees—attended local training programs in their own courts and had minimal or no associated travel costs. Sixty such nontravel-based training programs are now available for courts to present as they wish, including packaged programs (in which the Center provides the materials and a Center-trained court employee serves as an instructor), Center-produced training guides, computer-assisted instruction on CD-ROMs and diskettes, audioconferences, and on-line conferences (in which participants use computers and modems to connect to the meeting "site," and use electronic mail to receive instruction and communicate with faculty and other participants). New programs released in 1996 include

- a checklist for new probation and pretrial services supervisors, officers-in-charge, and team leaders to help orient them to their new management and administrative responsibilities;
- a packaged program for court employees to teach them how to handle potential conflicts of interest and other ethical issues they might face on the job, in light of the new Code of Conduct for Judicial Employees, which the Judicial Conference adopted in January 1996;
- a computer-assisted reference guide for court employees with supervisory responsibilities, which provides instruction, job aids, tips from court supervisors, and additional resources on management and leadership issues that may confront court managers;
- an on-line conference on communication skills for administrative personnel in probation and pretrial services offices. The June–September conference featured a one-week on-line tutorial and an eleven-week *Workshop on Effective Communication in the Workplace*.

To deliver such a large volume of training directly in the courts, the Center relies on the 366 court employees who serve as court training specialists in court units throughout the judicial branch. The Center works closely with the specialists to develop educa-

tion and training programs customized to meet the needs of individual court units and to help court staff do their jobs better, and it provides written materials, media programs, tips on training programs in other courts, and other resources to help training specialists bring training to their court units. Each of the experienced training specialists had an opportunity to attend one of several continuing education workshops that the Center

**Education
on the air:
satellite
broadcasts and
videoconferencing**

The Center is increasing its use of satellite broadcasts and two-way videoconferencing to bring timely education and training programs directly into the courthouse and to expand the audience for its programs. In 1996 the Center produced three educational teleconferences for more than 2,000 judges and court employees, who watched the programs at locations near their offices. Satellite and videoconferencing technologies offer exciting new educational possibilities for the Center, while conserving resources for in-person educational programs that require bringing judges and court staff together.

In September, the Center presented a four-hour satellite broadcast on changes in habeas corpus law to more than 1,700 judges, law clerks, staff attorneys, defenders, and other public- and private-sector attorneys at more than seventy satellite receiving sites on the ALI-ABA American Law Network. The satellite broadcast from the Center's studio in the Thurgood Marshall Federal Judiciary Building allowed it to reach a much larger audience than would have been possible through travel-based training, and without the travel costs.

A two-day satellite videoseminar in November offered staff attorneys a review of recent Supreme Court decisions, expert analysis of the 1996 habeas corpus and prison reform legislation, and a workshop on effective writing. More than 200 staff attorneys viewed the broadcast from sites in circuit headquarters cities and at two court locations that used their own satellite downlink antennas to tune into the broadcast. Center travel-based seminars for staff attorneys can typically reach only about forty participants.

In addition to satellite broadcasts, the

Center also used two-way videoconferencing technology to present a three-day conference on appellate case closing procedures for 112 appellate court clerk's office personnel at sites in the twelve circuit headquarter cities. The two-way video technology allowed participants to see, hear, and learn from one another without leaving their cities. In preparation for the videoconference, the Center conducted a series of four audioconferences on records management, Supreme Court rules, case calendaring, and other subjects that complemented the topics that were explored in depth during the videoconference. At least six clerk's office employees attended from each circuit, doubling the number who would have been funded to attend a travel-based workshop.

The Administrative Office, the Center, and the Sentencing Commission are planning a judiciary-wide satellite broadcast network to increase the information and education available to the courts. The Judicial Conference Executive Committee, on recommendation of the Administrative Office, has authorized funding to acquire downlink antennas for the courts to allow them to receive broadcasts. Current plans are to start equipping the courts with downlinks in 1997. The Center is designing education programs to take advantage of this new network and is also expanding its media studios to add more satellite broadcast and videoconferencing facilities. The facilities will be available for programs of the Administrative Office and Sentencing Commission, to whom the Center has offered its expertise in presenting video-based education to help both agencies develop and produce their programs and avoid duplication of effort.

conducted in 1996. The Center presented two orientation workshops for new training specialists.

Court Staff Education and Training Programs, January 1–December 31, 1996

Type of Program & Participant	Number of Programs	Number of Participants
<i>Seminars and Workshops (national and regional)</i>		
Clerks of Court and Clerk's Office Personnel	10	564
Probation and Pretrial Services Officers and Personnel	18	841
Programs for Personnel in Several Categories	26	1,070
TOTAL	54	2,475
<i>In-Court Programs (programs using Center curriculum packages and financial support, including audioconferences and on-line conferences)</i>		
Clerks of Court and Clerk's Office Personnel	24	959
Probation and Pretrial Services Officers and Personnel	311	6,911
Programs for Personnel in Several Categories	1,021	22,337
TOTAL	1,356	30,207

Other Highlights

- The *Workshop on Appellate Capital Case Issues* alerted appellate clerk's office staff to operating procedures and effective practices for processing appeals of habeas and federal death penalty cases. Center education and research activities to help courts manage capital cases are described on page 18.
- The Center trained 240 new probation and pretrial services officers at national orientation seminars on topics such as presentence investigations and supervising offenders. In addition, 6,911 probation and pretrial services personnel participated in the 311 programs that were offered in their districts.
- The Center began a two-year, self-directed management training program for seventy-five managers and technical specialists in district, bankruptcy, and appellate courts who would like to prepare for positions of increased responsibility in the federal judiciary. The first phase of *Federal Court Manager Leadership Program* was conducted on line, resulting in significant cost savings. The on-line conference provided (1) instruction on problem-solving, a core component of the leadership training; (2) access to subject-matter experts who serve as trainers and coaches; and (3) a communication link for participants who are working on similar in-district projects, all with the convenience of desktop participation and without the costs of participant travel to one central location. The Center developed this program based on the success of its *Leadership Development Program for Probation and Pretrial Services Officers*, which began in 1992 and has graduated 139 officers, some 35 of whom have been promoted to chief officers or other supervisory positions.

Returns on training investments

Congress and the taxpayers have a right to ask "So what?" about the Center's education and training programs. Do they produce tangible benefits? While some education results are inherently unmeasurable, participants in Center programs report cost and time savings as a result of their training, some of them substantial.

For example, for three years court unit managers have had the option of participating in the Center's *Maximizing Productivity* program, which offers training in three management strategies that private-sector organizations have used successfully to improve their work processes and thereby increase productivity. Each of these strategies—Total Quality Service, Team-Based Management, and Process Improvement—involves bringing employees at all levels of a court unit together to design better ways to get their work done. Tangible results reported by court units include the following:

- A bankruptcy court that refined its work processes under Total Quality Service was able to (1) absorb a 20% increase in filings while operating at a 68.2% staffing level, (2) cut its operating budget by \$600,000 over a three-year period, and (3) increase the percentage of documents docketed within twenty-four hours of receipt from 70% to 95%.
- A probation and pretrial services office that adopted Team-Based Management was able to operate at less than a 70% staffing level. Combined with other cost-cutting measures, this saved \$141,000, yet the office maintained workload and high staff morale.
- A bankruptcy court using Process Improvement reduced its processing time for claims assignments by 70%.

Whether a court can actually save money depends on numerous factors; some bankruptcy courts, for example, have high proportions of Chapter 7 cases, which are more amenable than other cases to automation and the savings it allows. But these programs bring more than cost savings. After implementing *Maximizing Productivity*, said one chief deputy clerk, "There is a sense of enthusiasm and optimism that

wasn't here before. Staff take much more responsibility for the overall condition of the office and its success."

The Center encourages its program participants to "take the training home"—to share what they have learned with their court colleagues to reinforce the training and to expand its reach and impact. For example, experienced probation and pretrial services officers are selected by their chiefs to attend the Center's Systems Impact Seminars for the specific purpose of receiving training and returning to their districts to produce a broader impact on the system. The Center has conducted nine such seminars since 1995, at which officers learn how to identify and analyze potential problems in their districts, and to develop solutions, in matters such as providing cost-efficient and effective substance-abuse treatment and identifying potentially violent offenders.

A participant at a seminar program on effective use of drug-treatment money helped her district to implement changes such as new treatment determination procedures, in-house drug education classes, and improved assessment of offender's ability to pay all or part of treatment costs. These changes resulted in \$34,000 in treatment savings within the first six months of implementation; the district expects continued savings in the future. Another probation office has adopted a new drug-use analysis program that will save approximately \$28,000 annually, based on ideas that an attendee developed at a Systems Impact Seminar.

The Center has also conducted juror utilization and management seminars, at which teams of chief judges (or jury judges), clerks of court, and jury administrators from selected district courts learn techniques for efficient juror utilization from Administrative Office and Center experts. In 1996 the Administrative Office recognized savings of more than \$350,000 in juror fees in the five districts that participated in a juror utilization seminar in 1995 and more than 5,000 jurors not being called into the courthouse unnecessarily. The cost of the seminar was less than \$30,000.

Research and Planning

Federal Judicial Center research and evaluation provides the Judicial Conference and its committees and the Congress with empirical bases to enhance their consideration of policy questions. Typically, the questions involve innovations, procedures, or problems with system-wide implications. Most of the major research work is in response to requests from Judicial Conference committees. The staff generates some inquiries as a result of earlier projects—often to anticipate committee needs. In 1996, the Center completed twenty-seven research or planning projects, continued work on seventy others, and responded to 173 informal requests from courts, Judicial Conference committees, other agencies of the federal government, and others for research-related assistance.

The Center makes its research available within and outside the judiciary and transmits reports of its research to the Judiciary Committees of both the House and the Senate. (See pages 24–25 for information on the distribution of research reports through standard publication and placement on the Internet and in other databases in 1996.)

Civil Litigation

In 1996, the Center published the full report of the class action study requested by the Judicial Conference Advisory Committee on Federal Rules of Civil Procedure (*Empirical Study of Class Actions in Four Federal District Courts*) and presented to the committee its final report on the use of protective orders under Rule 26(c). In response to the committee's late 1996 request for assistance in its upcoming comprehensive review of discovery practices, a multifaceted Center investigation will provide an annotated bibliography, reports of surveys of judges and attorneys concerning current practices, a critical review of empirical studies on discovery cost and fairness, identification and description of cases with excessive or problematic discovery, and identification of possible rules changes.

The Center's support this year for the Court Administration and Case Management Committee included preparation of its report about the case management and alternative dispute resolution projects in the Civil Justice Reform Act's five "demonstration" districts, which the Act directed the Judicial Conference to evaluate, an assignment delegated to the Center. Other projects involving forms of alternative dispute resolution are discussed at page 21.

Criminal Law and Procedure

In several ways in 1996, the Center helped the Judicial Conference Committee on Criminal Law and the U.S. Sentencing Commission assess the federal Sentencing Guidelines and statutory provisions. A major study yielded information about the experiences of district and circuit judges and chief U.S. probation officers under the guidelines and views about specific guidelines issues that the committee or the commission are considering. The survey, to be published in 1997, also provided data for the January 1997 sentencing institute that the Center, along with the committee, the commission, the

Federal Bureau of Prisons, and the Administrative Office, designed as a forum at which judges could help the commission with its reassessment of the guidelines.

To help federal probation officers decide how much supervision an offender requires,

Capital case projects help judges, courts handle habeas and federal death penalty cases

The Center's Board determined that helping judges and courts manage federal death penalty cases and habeas appeals of death penalty cases from state courts should be one of the Center's top priorities. In 1996, this produced several education programs and publications on capital case management and a systematic effort to collect and disseminate materials describing procedures that some courts have found effective in handling capital cases. For example:

- Almost all circuit-based education programs for judges in 1996 included sessions on capital case litigation. A videotape presentation on federal death penalty cases at the Fourth Circuit workshop and an audiotape of a program at the Tenth Circuit workshop are both available to judges and court staff on request.
- A capital case management workshop for clerk's office staff brought together participants from each circuit and from a large number of districts within each circuit to exchange ideas on methods for handling death penalty habeas appeals at the circuit level.
- An orientation seminar for new assistant federal defenders included sessions on both the federal death penalty and capital habeas.
- To inform judges and other judicial branch personnel of selected federal court decisions interpreting the habeas-related provisions of the Antiracketeering and Effective Death Penalty Act of 1996, the Center began publishing a newsletter, *Habeas & Prison Litigation Case Law Update*, shortly after the legislation was enacted.

In addition to traditional workshops, the Center also produced a satellite videoseminar on the new habeas legislation, with special analysis of provisions affecting habeas appeals of capital cases. (See page

14 for more information on this and other Center educational videoseminars.)

During the past two years Center staff have interviewed judges who have handled federal death penalty cases and have collected jury questionnaires, orders, jury instructions, verdict forms, and other materials that the judges used in these cases. Several Center publications draw on this information to aid judges and court personnel.

- A three-part *Chambers to Chambers* series, based largely on the experiences of judges who were among the first to try capital cases under the new federal death penalty laws, addresses appointment of counsel and jury selection issues and presents techniques for managing the trial and penalty phases of a federal death penalty case.
- The new edition of the *Benchbook for U.S. District Court Judges* contains an expanded section on handling death penalty cases, based largely on the death penalty information that the Center has obtained.
- A longer report, slated for completion in 1997, will describe in more detail the case-management procedures used by judges in death penalty cases and their observations about how these cases differ from more routine criminal actions.

The Center also supplies copies of the capital case materials that it has collected to judges on request.

In 1997 Center staff will begin collecting policies and procedures that courts are using to manage capital habeas appeals at the district and circuit court levels, with an eye toward compiling and summarizing the information for courts to use in developing or revising their procedures, and for use in future education programs.

the Center has developed a statistical risk prediction instrument to identify offenders who present the greatest risk of committing additional crimes and therefore require closer supervision. The Criminal Law Committee has endorsed the risk prediction instrument for use by all probation officers and is recommending Judicial Conference approval at its March 1997 meeting. A comprehensive computer-based and video training package will teach probation officers how to use the new instrument.

Electronic Courtroom Project

In cooperation with the Electronic Courtroom Project sponsored by the Administrative Office, the Center is beginning a study of the effects of electronic testimony and evidence presentations on fact finders, including both juries and judges. The study will concentrate largely on animations, graphics, and other media that depend on presentation software for their construction and display.

Bankruptcy

The Center continues to perform several projects to assist the Judicial Conference's Committee on the Administration of the Bankruptcy System. The Center is nearing the midpoint in its study of the congressionally mandated three-year pilot project to examine the costs and benefits of waiving filing fees in Chapter 7 cases for individual debtors who are unable to pay. Much of the work in 1996 involved program monitoring and data collection in the six pilot districts. Responding to a request from the Bankruptcy Committee and in consultation with the Administrative Office, the Center also undertook and completed a survey about the U.S. Trustee Program. The Executive Committee of the Judicial Conference asked the Bankruptcy Committee to develop recommendations for improving the program, assuming for now that it would remain within the Department of Justice. The committee asked the Center to survey judges and clerks, as well as Chapter 7 and 13 trustees, about the program.

Early in 1996 the Center reported to the Bankruptcy Committee on its analysis of mega Chapter 11 cases. (Mega cases are those involving extremely large assets, a high level of creditor involvement, complex litigation, a significant amount of related litigation, or a combination of these factors.) The report proposed an approach, consistent with the Center's 1988-1989 Bankruptcy Time Study, for evaluating judgeship requests from districts in light of large Chapter 11 filings, which the committee adopted. The committee also asked for empirical information on the issue of venue selection in large Chapter 11 cases, particularly information bearing on a proposed change to the venue statute to reduce forum shopping by corporate debtors. The Center surveyed all bankruptcy judges for specific factual information and viewpoints on corporate venue selection and transfer, and reviewed in detail cases of corporate debtors emerging from Chapter 11. After considering the Center's report, the committee determined that the data now available do not clearly support the need for a statutory change.

The Advisory Committee on Bankruptcy Rules asked for an estimate of the number of motions or other requests for Rule 2004 examinations during fiscal 1995 and for information on bankruptcy judges' current practices related to these examinations. The

Center's survey of judges and clerks of bankruptcy courts revealed considerable variations in practice and views, and the committee appointed a subcommittee to develop a recommendation for amending Rule 2004.

Evaluating Judgeship Needs

Center staff continued to assist the statistics subcommittee of the Committee on Judicial Resources in its efforts to determine the proper number of judgeships for the courts of appeals. To help it decide how, if at all, the subcommittee's revised approach to considering requests for circuit judgeships should be applied to the D.C. Circuit Court of Appeals, the subcommittee has asked the Center, in consultation with the Administrative Office, to study the differences between the work of the D.C. Circuit Court of

Pro se litigation: new legislation, new challenges

Federal courts are handling an increasing number of pro se cases (that is, cases in which litigants represent themselves). A Center study of almost 60,000 pro se cases filed over a four-year period in ten district courts found that between 1991 and 1994, pro se cases constituted 21% of all filings in these courts and that nine of the ten districts in the study experienced increases in the number of pro se filings during this time period. Lawsuits filed by prisoners made up almost two-thirds of the pro se cases filed in these districts. Several projects in progress last year helped the courts deal with growing amounts of pro se and prisoner civil rights litigation and took on added salience with April's passage of the Prison Litigation Reform Act.

- More than 100 experienced district judges, magistrate judges, and pro se staff attorneys at a Center workshop formulated ways to manage prisoner litigation more effectively.
- Forms and procedures for managing prisoner litigation that were developed at a similar workshop in 1995 on prisoner pro se litigation helped the Center compile its *Resource Guide for Managing Prisoner Civil Rights Litigation*. The resource guide also examines provisions of the Prison Litigation Reform Act and suggests how courts might adapt their procedures to the requirements of

the legislation. The guide replaces an earlier Center publication, *Recommended Procedures for Handling Prisoner Civil Rights Cases in the Federal Courts*.

- A special issue of the Center's occasional publication *FJC Directions* featured articles on pro se filings in ten district courts, a description of the District of Nevada's early hearing or "triage" program for handling state prisoner civil rights complaints, a proposal for a small stakes and pro se calendar to expedite case processing in district court, and information on videoconferencing in state prisoner cases.

To promote continuing education and information-sharing between pro se staff attorneys on ways to manage pro se litigation, the Center produced a directory of pro se attorneys in the district courts listing their names, addresses, and phone numbers. Copies of the directory have been sent to all of the district courts, and future updates and distributions will be made electronically.

To reduce the amount of court staff time needed to assist pro se litigants in filing their cases, Center staff worked with the District Court for the District of Columbia to develop and introduce a pilot court information kiosk, which is described on page 23.

Appeals, with its large concentration of appeals from decisions of administrative agencies, and the work of the other regional courts of appeals.

Strategic Planning

The Center concentrates its long-range planning work on training and providing continuing support to individual courts as they form their own strategic plans. To date, the Center has helped more than fifty district and bankruptcy courts and one court of appeals to establish a long-range plan and to put it into action. Several of these courts are now reviewing and refining specific goals in light of a year's experience under their planning model. Strategic planning has become part of the culture of these courts, to their benefit.

Partly in response to the Civil Justice Reform Act and the advisory groups created under the Act, many district courts now provide alternative dispute resolution assistance to litigants, with mediation emerging as the preferred ADR procedure. In the appellate and bankruptcy courts, as well, ADR development is proceeding apace.

As court interest in ADR continues to expand, the Center has concentrated its research and education efforts in two directions: compiling and disseminating information on ADR procedures currently in effect in federal courts and helping courts establish additional ADR procedures. Last year the Center published *ADR and Settlement in the Federal District Courts: A Sourcebook for Judges and Lawyers*, which provides the first complete compilation of federal district court ADR programs. The sourcebook, which the Center undertook as a joint project with the Center for Public Resources Institute for Dispute Resolution, presents district-by-district descriptions of ADR procedures such as types of cases referred to ADR, the qualifications required of "neutrals" (persons appointed by the courts to mediate or otherwise help the parties resolve disputes), and whether parties must pay fees for the service. The sourcebook also summarizes the status of ADR in the district courts after a decade of ADR development. Especially noteworthy among the findings are the large number of courts with ADR programs and

the central role of judges as catalysts for ADR use.

The Center will soon publish a second ADR sourcebook, on mediation and conference programs in the courts of appeals. Pursuant to Federal Rule of Appellate Procedure 33, all thirteen courts of appeals have implemented, or will soon implement, programs that help parties resolve appeals without judicial involvement. The sourcebook will help courts and attorneys learn more about this approach to case resolution. It also responds to requests from appellate courts for more information about case-management practices in other circuits. To complete its series on court-based ADR programs, the Center is preparing a sourcebook on ADR programs in the bankruptcy courts. Like the appellate and district court ADR sourcebooks, the bankruptcy sourcebook will profile each bankruptcy court's ADR procedures.

To help courts establish ADR programs, the Center held its second workshop for courts new to ADR. The workshop, attended by teams of judges and court staff from twenty-three district and bankruptcy courts, examined questions and problems courts face when establishing a court-based ADR program, including how to recruit and train neutrals, how to select cases for referral to ADR, and how to manage an ADR program effectively. The ADR implementation workshops give courts practical advice on each step of setting up an ADR program.

Helping courts with alternative dispute resolution

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 provides judges, court staff, and court historical societies with information on the history of the federal courts and with other assistance long made available by history offices in the executive departments and agencies and in Congress.

Researching Judicial History

As part of the development of a judicial biographical database, the Center completed research on the lives and careers of all judges who have served on federal district and appellate courts and the Supreme Court since 1789. The database will be the first step in the creation of on-line historical reference services, including information on the institutional history of each federal district and appellate court.

The Center concluded work on a series of oral history interviews with retired Supreme Court justices. The Supreme Court Historical Society requested the series and provided funding through the FJC Foundation. In 1996 the Center completed editing and annotating transcriptions of interviews with Justice Thurgood Marshall and Justice Harry A. Blackmun.

Preserving the Record of the Judicial Process

The Center distributed its publication *A Guide to the Preservation of Federal Judges Papers* to federal judges and to manuscript repositories that collect the chambers papers and other personal records of judges. Although chambers papers represent a valuable source of documentary history, they are not preserved as part of the official federal court records. The guide supplements the History Office's frequent consultation with judges and their staff regarding the disposition of personal papers and the selection of a proper repository for judicial collections.

Work continues with the National Archives and Records Administration to develop a new records retention schedule for official court records. In order to assist judges and court staff seeking the historical records of an individual court, the Center gathered information on the relevant holdings at the regional facilities of the National Archives.

Promoting the Study of Federal Court History

After an extensive search of printed and electronic indexes and surveys of repositories across the country, the Center has prepared a directory of manuscript collections related to federal judges. The directory, to be published in 1997, will guide researchers to more than 5,000 collections containing the papers of judges. The Center also began compiling a bibliography of published works by and about federal judges and continues to update its directory of oral histories related to the federal judiciary.

The Center offers technical advice and assistance to courts that are initiating history programs and shares the results of its research with the various court historical societies, as well as with other researchers interested in the history of the federal judicial branch.

Technology and Information

This report contains many examples of how the Center uses technology to provide education and information throughout the federal judicial system. From satellite broadcasts, two-way videoconferences, and on-line conferences to computer-based interactive training programs on CD-ROM, traditional media such as video and audio tapes, and computerized databases, the Center's use of telecommunications and media technology has expanded the range of educational, research, and informational products that help judges and court staff do their jobs better, and that inform the public about the federal courts. The Center also maintains an active publications schedule, last year publishing or updating eight reports, manuals, monographs, or similar reference books and distributing more than 97,500 copies of publications, including periodicals.

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 3,095 copies of media programs—including commercially produced programs—to federal judges and judicial branch personnel on request and sent more than 2,000 copies of its media and multimedia programs directly to the courts for them to keep and use in local education and training programs. Many Center-produced media programs are made available to the public through the National Technical Information Service of the Department of Commerce.

The Center and staff of the District Court for the District of Columbia have developed a multimedia information kiosk system to improve public access to information about court business. This system—dubbed *The Court Connection*—combines the features usually associated with information kiosks (maps of courthouse locations, phone numbers, employment opportunities in the court) with direct access to court docket information, capacity to print official forms, and procedures for filing a pro se petition.

Courts—both state and federal—are recognizing the need to expand services to the public and to increase access to information about court business. Last year, for example, the Arizona state courts expanded their *Quickcourt* public information kiosk; many other states have either imple-

mented a kiosk or are in some stage of deploying one.

The Court Connection offers visitors to the District of Columbia federal court an interactive, touch-screen format and digital sound and video, all in a visible and convenient location. By responding to many of the most frequently asked questions about the court and by providing direct access to filing forms and other valuable information, the kiosk is designed not only to improve public access but also to reduce some of the time that court staff spend responding to visitors' and litigants' questions.

The Center will continue to help the D.C. district court staff refine and develop *The Court Connection*.

***The Court Connection:
up and running
in the District of
Columbia***

In addition to media programs described elsewhere in this report, in 1996 the Center produced *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 Judicial Conference's Committee on Security, Space, and Facilities proposed this video for courts and the U.S. Marshals Service to use in security education programs for court employees. The Center also produced *Federal Probation and Pretrial Services Officers: Who, What, Why*, a video for new officers, other court employees, and interested members of the community about the role of probation and pretrial services in the criminal justice process.

Center-produced videos form part of the curriculum for small-group orientation seminars for new district, bankruptcy, and magistrate judges. Keeping these videos current is an ongoing activity. Last year the Center produced a video for all new judges on judicial ethics and the Judicial Conference Committee on Codes of Conduct; videos for new district judges on the role of magistrate judges and on court officers and support personnel; videos for new bankruptcy judges on calendar management and on discharge and dischargeability; and a video for new magistrate judges about the Central Violations Bureau.

A Center-produced video was also released as part of the *Learning to Lead* packaged training program on supervisory skills for court employees who have less than three years of experience supervising other people's work.

Publications

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

Many publications are available electronically on the Center's homepage on the World Wide Web, and on the WESTLAW research service. (See below.) Several are reprinted

Electronic publications

To help make its reports, studies, and other information more accessible to the courts and others while conserving printing and distribution costs, the Center is making selected publications and other documents available to Internet users on its World Wide Web page. The electronic address is <<http://www.fjc.gov>>. Copies of more than forty-six publications are now listed, including the *Reference Manual on Scientific Evidence*; the *Manual for Complex Litigation, Third*; *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues*; and current issues of *Guideline Sentencing Update* and the *Habeas & Prison Litigation Case Law Update*.

New titles are being added 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.

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.

by commercial publishers for sale to the public, including the *Manual for Complex Litigation*, 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.

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

The following publications were either released or in production in 1996:

Reports, Manuals, and Monographs

ADR and Settlement in the Federal District Courts: A Sourcebook for Judges & Lawyers

Benchbook for U.S. District Court Judges 4th ed.

An Empirical Study of Class Actions in Four Federal District Courts: Final Report to the Advisory Committee on Civil Rules

A Guide to the Preservation of Federal Judges' Papers

Major Issues in the Federal Law of Employment Discrimination 3d ed.

Manual on Recurring Problems in Criminal Trials 4th ed.

Resource Guide for Managing Prisoner Civil Rights Litigation, with Special Emphasis on the Prison Litigation Reform Act

Survey on the Federal Rules of Bankruptcy Procedure

Periodicals

Bench Comment—advisories on appellate trends in civil and criminal procedure

Chambers to Chambers—descriptions of case and chambers management techniques, including a 1995-96 series on managing federal 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; last year's June 1996 special issue on pro se litigation included descriptions of Center research and education activities to help courts manage pro se cases and of techniques that some courts are using to deal with such cases

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*

Habeas & Prison Litigation Case Law Update—a newsletter introduced last year to inform judges and other judicial branch personnel of selected federal court decisions interpreting the 1996 federal legislation on habeas petitions and prison litigation

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

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.

FJC Advisory Committees

The Center calls on advisory committees for 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 1996. In 1996, the Center Board accepted the director's recommendation that Board members should serve on each of the judicial education advisory committees and the Benchbook committee.

FJC Board Committee on Strategic Planning

(comprising the judges on the Center's Board and a representative of the Executive Committee of the Judicial Conference of the United States)

Chief Judge Marvin E. Aspen (N.D. Ill.), *Chair*
Judge Pasco M. Bowman II (8th Cir.)
Judge Bruce M. Selya (1st Cir.)
Judge Thomas F. Hogan (D.D.C.)
Chief Judge Richard P. Matsch (D. Colo.)
Chief Judge Michael M. Mihm (C.D. Ill.), *Judicial Conference representative*
Bankruptcy Judge Elizabeth L. Perris (D. Or.)

Committee on the Benchbook 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.)
Chief Judge Richard P. Matsch (D. Colo.), *Center Board representative*
Judge Aubrey E. Robinson, Jr. (D.D.C.)
Judge Louis L. Stanton (S.D.N.Y.)

Committee on Appellate Judge Education Programs

Judge Kenneth F. Ripple (7th Cir.), *Chair*
Judge Pasco M. Bowman II (8th Cir.), *Center Board representative*
Judge Guido Calabresi (2d Cir.)
Judge Pamela A. Rymer (9th Cir.)
Judge Bruce M. Selya (1st Cir.), *Center Board representative*

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.)
Chief Bankruptcy Judge Thomas E. Carlson (N.D. Cal.)
Bankruptcy Judge Elizabeth L. Perris (D. Or.), *Center Board representative*
Professor Elizabeth Warren (Harvard Law School)
Francis F. Szczebak (Administrative Office of the U.S. Courts), *ex officio*

Committee on District Judge Education

Judge D. Brock Hornby (D. Me.), *Chair*
Chief Judge Marvin E. Aspen (N.D. Ill.), *Center Board representative*
Chief Judge James C. Cacheris (E.D. Va.)
Judge William T. Hart (N.D. Ill.)
Chief Judge Anna Diggs Taylor (E.D. Mich.)
Judge Stephen V. Wilson (C.D. Cal.)

Committee on Magistrate Judge Education

Magistrate Judge Aaron E. Goodstein (E.D. Wis.), *Chair*
Magistrate Judge Celeste F. Bremer (S.D. Iowa)
Magistrate Judge John L. Carroll (M.D. Ala.)
Judge Thomas F. Hogan (D.D.C.), *Center Board representative*
Magistrate Judge Peggy E. Patterson (E.D. Ky.)
Magistrate Judge Joel B. Rosen (D.N.J.)
Thomas C. Hnatowski (Administrative Office of the U.S. Courts), *ex officio*

Defender Services Advisory Group Committee on Defender Education

A.J. Kramer (Federal Public Defender, D.D.C.), *Chair*
Mario G. Conte (Community Defender, S.D. Cal.)
Howard W. Gillingham (Federal Public Defender, W.D. Mich.)
Jenniffer Horan (Federal Public Defender, E.D. & W. D. Ark.)
Michael G. Katz (Federal Public Defender, D. Colo.)

Advisory Committee on Appellate Court Education

Patrick Fisher (Clerk of Court, 10th Cir.), *Chair*
Molly C. Dwyer (Staff Attorney/Chief Deputy Clerk, 9th Cir.)
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.)

Advisory Committee on Bankruptcy Court Education

Bernard F. McCarthy (Clerk of the Bankruptcy Court, D. Mont.), *Chair*
Travis M. Bedsole, Jr. (Bankruptcy Administrator, S.D. Ala.)
Beth A. Ferguson (Clerk of the Bankruptcy Court, N.D. Ohio)
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, 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)

Advisory Committee on District Court Education

Geraldine J. Crockett (Clerk of Court, S.D. Ind.), *Chair*

Robert R. Di Trolio (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.)

Robert D. St. Vrain (Clerk of Court, E.D. Mo.)

Jack L. Wagner (Clerk of Court, E.D. Cal.)

**Training and Education Committee of the
Chief Probation and Pretrial Services Officers' Advisory Counsel**

Joseph A. Giacobbe (Chief U.S. Probation Officer, W.D.N.Y.), *Chair*

Shelia A. Jacoby (Chief U.S. Pretrial Services Officer, S.D. Ala.)

Ellen J. Krause (Chief U.S. Probation Officer, D. Del.)

Robert M. Latta (Chief U.S. Probation Officer, C.D. Cal.)

James Provence (Chief U.S. Probation Officer, E.D. Ky.)

Primitivo Rodriguez, Jr. (Chief U.S. Pretrial Services Officer, N.D. Cal.)

Johnny Dean Still, Jr. (Chief U.S. Probation Officer, N.D. Miss.)

Jerry T. Williford (Chief U.S. Probation Officer, N.D. Ga.)

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