

# THE FEDERAL JUDICIAL CENTER OFFERS TRAINING AND RESEARCH

**U.S. DISTRICT JUDGE BARBARA ROTHSTEIN** of the Western District of Washington was appointed director of the Federal Judicial Center in 2003. *The Federal Lawyer* asked her to give readers a closer look at the agency of the judicial branch that she leads.



**Q:** *How old is the Federal Judicial Center? How did it come about, and why?*

**A:** Congress created the Federal Judicial Center (FJC) in 1967, acting on the Judicial Conference's recommendation that a separate agency in the judicial branch be responsible for conducting research on the operations and procedures of the federal courts and for providing orientation and continuing education to judges and court employees.

I am biased, but I have to say that creating the center was a great decision. As a separate agency, the Federal Judicial Center has been able to focus on and excel in its limited missions and to develop special expertise about the courts, while staying detached and maintaining objectivity that serve the courts well. We pride ourselves in these qualities.

**Q:** *What are the center's major missions?*

**A:** The statutory purpose of the Federal Judicial Center is "to further the development and adoption of improved judicial administration in the courts of the United States." Its functions are listed in 28 U.S.C. §§ 620–629. The center has two major missions: (1) to conduct and promote research and study of the operations of the federal courts and (2) to develop and conduct continuing education and training programs for federal judges, court employees, and others.

The center's statute also mandates that it conduct, coordinate, and encourage programs relating to the history of the judicial branch and also cooperate with and assist agencies of the federal government and other appropriate organizations in providing information and advice to further improvement in the administration of justice in the courts of foreign countries.

**Q:** *How large is the FJC, and can you explain for us its organizational structure?*

**A:** The FJC, with a staff of about 130 employees, is quite small for a federal government agency. We may be small, but staff members are highly talented: more than half of our employees have advanced degrees in law, education, and the social sciences. The staff is also dedicated. I am continually amazed at, and grateful for, all the work that

this group of people accomplishes.

Our organizational structure reflects our primary statutory mandates. The Education Division plans and produces education and training programs and materials for judges and court staff. The Research Division examines and evaluates operations and procedures of federal courts—most often at the request of the Judicial Conference and its committees in order to help them develop policy recommendations. The research conducted by FJC staff also contributes substantially to our educational programs.

The Federal Judicial History Office helps courts and others study and preserve federal judicial history and also develops curricula and provides information about the judiciary for presentation to members of the public. The International Judicial Relations Office, which provides information to judicial and legal officials from foreign countries, offers programs that inform federal judges about developments in international law and other court systems that may affect their work.

We also have staff dedicated to developing new means of using print, broadcast, and online media to deliver education and training and to disseminate the results of center research.

**Q:** *Many newly appointed federal judges have had no previous experience on the bench. Does the FJC have any programs that can help them make the transition from practitioner to judge? If so, what is the focus of these programs?*

**A:** Yes, we invite new district, bankruptcy, and magistrate judges, respectively, to attend two orientation seminars during their first year on the bench: (1) a seminar held for small groups of new judges and (2) a program for groups of about 30 judges at our education center in Washington, D.C. The curriculum differs, of course, for each type of judge, but in general the seminars focus on acquisition of skills unique to judging: trial management, calendar management, judicial ethics, opinion writing, and, for district judges, the criminal sentencing process. Substantive law covered during the orientation process is limited to complex areas of statutory and constitutional law that arise frequently in federal litigation (such as employment discrimination and habeas corpus for district and magistrate judges).

The first phase of the orientation cycle takes place within a few months of the judge's appointment and typically includes eight to 12 new judges in a week-long seminar. The program uses a mentoring model: two experienced judges lead a series of discussion sessions throughout the week. During the program, participants hear live and recorded presentations by experienced judges on such topics as case management, jury trial administration, and ethics. These presentations, which are a starting point for group discussions led by the mentor judges, give participants an opportunity to ask questions that reflect their interests and



ATRIUM OF THE THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING. PHOTO COURTESY OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

needs. The orientation program for district judges also includes a visit to a federal prison, allowing new judges to view firsthand the conditions that defendants they sentence will confront.

The second phase of the orientation takes place at the center and brings together two or three groups from the earlier orientation programs. Over the course of a week, sessions are held on a variety of subjects, including ethics, case and chambers management, and substantive legal topics.

The orientation program for newly appointed federal appellate judges is different. The FJC invites new appellate judges with no experience as district judges to attend the first phase of our district judge orientation program. We also conduct a two-day program for new appellate judges in Washington, D.C., which covers topics such as ethics, collegiality, and opinion writing. The staff also arranges for new appellate judges to attend the orientation program for federal and state appellate judges coordinated by the Institute of Judicial Administration at New York University School of Law.

**Q:** *Your Education Division provides continuing education for judges. What kind, and where does this training take place?*

**A:** Most education programs for judges are presented

in person in order to facilitate discussion. We develop our programs and written materials in consultation with advisory committees of judges, and we emphasize practical skills and new developments in the law.

In addition, every 12 months, we conduct a series of national or regional workshops for district, bankruptcy, and magistrate judges, respectively. National programs for appellate judges are held every three years. These programs cover a broad range of legal topics and judicial skills, usually including new legal developments, case management techniques, updates on ethics, and less traditional subjects such as legal history or science and technology. We also conduct annual programs for chief district judges on leadership and management.

The Federal Judicial Center offers smaller seminars in such fields as intellectual property, employment law, environmental law, and law and technology, as well as a skills-based program in mediation. These two- to three-day programs are presented to district and appellate judges, bankruptcy judges, or magistrate judges at locations around the United States, often in cooperation with law schools and other institutions.

In addition to in-person educational workshops and conferences, we provide information to judges through publications, television broadcasts, video and audio recordings, and Web-based materials. We publish a variety of manuals and other materials in hard copy and electronic

form, and we are developing more Web-based tools specifically for judges on FJC Online, our site on the federal judiciary's Intranet.

**Q:** *What training is available for others who work for the federal judiciary?*

**A:** The center provides educational programs for clerks of court and their staffs, probation and pretrial services officers and their staffs, federal defenders, and other court staff. These programs include instruction on court management and case management as well as training in leadership and change management.

We conduct many programs for court staff in person and also make extensive use of distance education technologies, including satellite television broadcasts on the Federal Judicial Television Network (FJTN) and audio-, video-, and Web-based materials, tutorials, and conferences. The FJTN is a valuable tool for providing training to help court staff meet their job responsibilities and learn about new developments in court practice. Many FJTN programs also are available as streaming videos on FJC Online. We often use a multimedia approach for staff training: an FJTN broadcast and accompanying written materials, followed by an online telephone or Web conference allowing court employees to explore issues in greater depth with an instructor.

Many federal courts have extensive local training programs, which are often coordinated by a court training specialist, who is usually a court staff member responsible for training in addition to other responsibilities. The FJC supports in-court training efforts in a number of ways, including conducting train-the-trainer workshops and developing curricula and training materials that include guides for instructors and participants as well as audiovisual aids.

The center works closely with the Administrative Office of the United States Courts and with staff in the courts to develop its curricula and plan its programs for staff.

**Q:** *Tell us about some of the current or recent projects tackled by your Research Division.*

**A:** It's difficult to know where to start describing them, because the center typically has 40 to 50 research projects going on at any given time. The projects deal with many different aspects of court operations. I'll mention a few.

In 2006, the Judicial Conference's Court Administration and Case Management Committee (CACM) asked the center to study courtroom usage in the district courts to help respond to a request from Congress. The center submitted its report to CACM last year, which used it in preparing its report to the Judicial Conference. Center staff continues to document and archive the huge amount of project data that were collected and analyzed for the district courtroom use study. As a follow-up to that study, the Judicial Conference directed CACM to conduct a study of bankruptcy courtroom use. At CACM's request, we are now working on this study that will closely mirror our research on district courtroom use.

FJC researchers are also conducting a national study to update the bankruptcy case weights that have been in use

since 1990. The study is being done at the request of the Committee on Administration of the Bankruptcy System. Case weights are used to determine the relative workload that different types of cases typically involve. Using case weights along with data on the number and types of cases filed in a court helps the judiciary identify judgeship and related resource needs. Data collection was completed in May 2009, and the center's staff is currently organizing and analyzing the data.

Another major research effort is preparation of the third edition of the *Reference Manual on Scientific Evidence*, one of our most widely used publications. We are working with a group of judges and the National Academy of Sciences, and the new edition is expected to be published in 2010.

We have many other ongoing research efforts. Let me briefly mention three of them. The FJC is working with the Judicial Panel on Multidistrict Litigation (MDL) on a study of MDL case processing, including an analysis of cases that have been pending for three or more years. In addition, the Advisory Committee on Criminal Rules has asked the center to help the committee examine the experiences of district courts in circuits that require the court to give notice of its intention to impose a variance sentence under the Sentencing Guidelines. Finally, the FJC is assisting the Advisory Committee on Civil Rules in conducting a survey of attorneys regarding discovery, electronic discovery, and related costs in civil cases.

I have to add how much we rely on, and are grateful to, judges, clerks of court, other court administrators and staff, and attorneys—all of whom respond to our surveys, arrange for us to review data, and devote time from their busy schedules to help us compile the information we need to perform meaningful and balanced empirical research.

**Q:** *You mentioned being asked by various Judicial Conference committees to perform research. Is any of the FJC's research self-inspired?*

**A:** We generate some of our research projects in-house, but most of our research is performed at the request of the Judicial Conference and its committees and also at the request of individual courts.

**Q:** *What does the Federal Judicial History Office do?*

**A:** The History Office carries out the center's mandate to conduct research on the history of the judicial branch. Perhaps its most visible activity is maintaining an online reference source for judicial history, including a biographical directory of all life-tenured federal judges, legislative histories of all federal courts, a variety of historical documents and notes, and reference guides to judicial history. The history materials are popular on FJC Online and on our Internet site, [www.fjc.gov](http://www.fjc.gov). In addition, the office develops educational materials to encourage the study of the history and role of the federal judiciary. In June, the Judicial History Office held its fourth annual teachers institute in collaboration with the American Bar Association to assist high school teachers in incorporating the study of federal courts

into their curriculum. The office also supports history programs in individual federal courts.

**Q:** *Does the FJC have any dealings with state court systems?*

**A:** The center does not work directly with the court systems of individual states, but many of our educational materials and research reports are available to the state courts as well as the general public via [www.fjc.gov](http://www.fjc.gov). We have also collaborated with the National Center for State Courts on developing a manual on state-federal judicial cooperation and prepared materials to help courts start and maintain state-federal judicial councils.

**Q:** *Does the FJC have any dealings with courts in foreign nations?*

**A:** Yes, consistent with our statutory mission, our International Judicial Relations Office conducts informational briefings for visiting foreign delegations and provides materials that explain the U.S. judicial system and the work of the center. The center has also developed seminars for foreign audiences on such topics as judicial branch education, court administration, case management, alternative dispute resolution, and judicial ethics. The center's staff members have visited foreign courts and judicial training centers to provide technical assistance. We also conduct a Visiting Foreign Judicial Fellows Program, which provides an opportunity for foreign judges, court officials, and scholars to conduct research at the center and examine topics related to judicial administration, often with the assistance of center staff. Most of their activities are coordinated through the U.S. State Department or organizations like the World Bank. Travel and other direct costs of foreign education programs, including the Visiting Foreign Judicial Fellows Program, are funded by outside sources.

**Q:** *Does the FJC have a governing board and, if so, what is its role?*

**A:** The center's statute creates a governing board charged with directing and supervising the center's activities. The board is chaired by the Chief Justice of the United States and consists of two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge who are elected to four-year terms by the Judicial Conference. The director of the Administrative Office of the United States Courts serves as an ex officio member of the board. Board members carry out their oversight duties through regular board meetings and by serving on standing committees on education and research as well as on advisory committees on judicial education programs. Board members often participate in center programs.

**Q:** *What is your role as director?*

**A:** My role is to provide direction and guidance to the center's staff, which involves making sure that our programs

focus on the needs of the judges and court staff. On a day-to-day basis, that means keeping on top of the many programs and projects that we have running at any given time, meeting often with the center's managers and staff, appointing staff to carry out the center's duties, supervising their activities, and performing other duties as assigned by the board. I also attend as many of our educational programs as I can and represent the center at circuit judicial conferences and other judiciary events.

Meeting face to face with judges and court managers helps me to assess how our programs are working and to determine what more the center can do to help judges and court staff do their jobs—all of which I convey to the staff. The FJC is a small operation that functions quickly and efficiently. My door is always open, as are the doors of all the center's division and office heads. When we get a good idea from the courts, we get the people together quickly who can carry it out.

I often say that I have the best job in Washington. I get to accept the compliments that we so often receive from judges, court leaders, and others outside the courts who commend the work of the center's remarkable staff. It is really an extraordinary, dedicated, and committed group of people, and I am honored to work with them.

**Q:** *What are some of the things lawyers might find useful on the FJC's Web site?*

**A:** Many of the resources we produce for judges and court staff are available to lawyers, academics, teachers, and other members of the public at [www.fjc.gov](http://www.fjc.gov). These materials include manuals on scientific evidence, complex litigation, alternative dispute resolution, recurring problems in criminal trials, and other aspects of case management, as well as monographs on substantive topics such as bankruptcy, civil rights litigation, copyright, employment discrimination, patent law, and securities litigation.

Our federal judiciary history site is popular among lawyers and the news media for its biographical database of federal judges as well as for its educational materials about the role and history of the courts. Attorneys who are speaking to school and civic groups might find some of the materials on our history site particularly helpful in describing the role and importance of the independent federal judiciary. We also have information on our International Judicial Relations page that will help attorneys who are traveling abroad or participating in international legal exchange programs. We know that many of the resources produced by the Federal Judicial Center have value to lawyers and other interested members of the public, and the Internet has helped us make these resources more visible and accessible. **TFL**