

Programs & Materials for New District Judges

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Federal Judicial Center

Introduction

This pamphlet describes programs and materials for new district judges that supplement the orientation programs offered by the Federal Judicial Center (i.e., the initial seminar for small groups of judges near the beginning of a judge's tenure, and the one-week Washington seminar during the judge's first year on the bench), as well as programs that the Administrative Office offers to acquaint new judges with its services.

The pamphlet is in two parts. Part I describes programs that some courts have for new judges. It presents a range of approaches to creating such programs and suggests relevant considerations with respect to each. Part II is an outline of subjects that are common sources of problems. It serves as a guide to a new judge seeking assistance. It is annotated with references to written and audiovisual materials available from the Center, the Administrative Office, and other agencies.

Mentor programs and the materials listed in this pamphlet can demystify those parts of the work that may be foreign to the new judge's experience. They can provide

- quick access to help when and where the judge needs it;
- an opportunity to ask questions (including questions the judge might hesitate to ask in a group setting); and
- an opportunity to observe and discuss live proceedings.

Part I: Court-Based Mentor Programs

Court-based mentor programs supplement existing orientation programs by providing new judges with an opportunity to watch experienced home-court colleagues in action, to ask questions, and to learn about important features of the work, practices, and policies of the court. The programs help new judges avoid potential pitfalls, identify options, and learn how some judges in the district handle particular tasks and why they do things the way they do.

Some courts have such mentor programs. Courts that do not have mentor programs may want to consider fashioning such programs in light of the suggestions that follow, the experiences of other courts, and their own particular situation. Those courts that now have mentor programs may want to consider refining them in light of the following suggestions:

- The program should be *offered* to new judges as a recommended option. Making the program mandatory may set the wrong tone.
- The program should be available early, if possible before the judge becomes immersed in his or her caseload.
- To suit local needs and circumstances, planning and implementation of each program should be in the hands of the court, under the direction of the chief judge, a committee of judges, or a judge designated by the chief judge.
- The court may wish to designate a standing mentor judge or panel of judges, or make ad hoc assignments as the need arises. In selecting the mentor judge or judges, courts typically consider these factors:
 1. the availability of judges (having more than one mentor judge exposes new judges to a variety of techniques and spreads the burden);
 2. the experience of the judges to be designated and their records and accomplishments as trial judges and case managers;
 3. the judges' ability to serve and interest in serving as mentors; and
 4. the new judges' preferences.
- Alternatively, new judges may be scheduled to spend time with and observe each of the court's judges (who want to participate). Small districts may want to make arrangements for exchanges with nearby districts to supplement their resources and broaden the exposure to different approaches.
- In any event, new judges should observe courtroom proceedings and chambers activity, including chambers conferences and interaction with chambers staff (law clerks and courtroom deputy).
- The program should provide new judges with the opportunity to observe several critical proceedings (conducted by the mentor judges or arranged through them), such as jury empanelment; civil and

criminal motion calendars; Rule 16, final pretrial, and settlement conferences; suppression hearings; plea taking; and sentencing proceedings. Ideally, new judges should observe most of the important types of proceedings within the first two weeks on the bench.

- The program should give new judges a hands-on introduction to chambers organization and management, including, where feasible and appropriate, introduction to the use of computers (probably provided by the court's automation support staff).
- The program should introduce new judges to the various departments of the court—the magistrate judges, the bankruptcy court and its judges, the clerk's office, and the chief probation and pretrial services offices—and provide an opportunity to learn where they are, who they are, and what they do. The judges should also consider meeting the U.S. attorney, the U.S. marshal (for a security briefing), the federal public defender, and persons who administer any court-wide alternative dispute resolution programs. A walk-through of the various departments will help new judges familiarize themselves with each department's work.

The outline in Part II is a checklist of subjects from which the mentor program and new judge can develop a framework tailored to the new judge's needs.

Part II: Subject Outline

This outline is a checklist of subjects on which new judges most commonly need information and guidance. Its annotations provide references to available materials that bear on the particular subject. Some of these materials are included in the shipments routinely sent to newly nominated district judges by the Center and the Administrative Office, and they are so identified, and some of the video programs listed in the outline are shown to new judges at the initial orientation seminar. Other materials are available on request. Unless otherwise noted, all written and audiovisual materials listed in this outline are Federal Judicial Center products and may be ordered from the Center's Information Services Office. An order form for Center products follows this outline. Administrative Office publications are specifically identified as such. Further questions about Administrative Office publications should be directed to its Article III Judges Division at (202) 502-1860. Many of the documents cited below, as well as other relevant information for new judges, can also be found on the Center's site on the judiciary's intranet at jnet.fjc.dcn and on the Judges' Corner of the J-Net at jnet.ao.dcn/judgescorner/index.html. Both of these sites are accessible to federal judiciary users only.

The referenced materials are not exhaustive, nor are there materials for all subjects suggested in the outline. For example, the Center from time to time publishes periodicals such as *Guideline Sentencing Update*. Because they deal with matters on which the law may change fairly rapidly, they are not specifically referenced.

The Center will update the references in this outline periodically, as its catalogs are updated. Note, however, that this outline is a general guide and introduction, not a compendium of recent legal developments; in some respects, the law may have changed since some of the referenced material was prepared.

A. General Information for New District Judges

(The primary source of reference for general information of the type in Section A is the office of the clerk of court. The monograph *Getting Started as a Federal Judge: An Administrative Guide to Assist New Judges During Their First Year on the Bench* covers a wide range of topics important to new judges. *Getting Started* is available from the Administrative Office and on the Judges' Corner of the J-Net. For additional references, contact the Administrative Office's Article III Judges Division at (202) 502-1860.)

1. Organization of the Judicial Branch

*The Judicial Conference of the United States**

The Judicial Conference and Its Committees (available from the Administrative Office)

MANUAL: *Judges Manual*, Vol. III-A, Ch. C-I through X (automatically sent to new district judges by the Administrative Office)

*Automatically sent to newly nominated district judges.

MONOGRAPH: Wheeler & Harrison, *Creating the Federal Judicial System* [2d ed. 1994, 28 pp.]*

MONOGRAPH: Wheeler, *Origins of the Elements of Federal Court Governance* [1992, 24 pp.]*

VIDEO: *A Word of Welcome to the Federal Judicial System* [1716-V/99 (1999) (10 mins.)]

VIDEO: *An Introduction to the Federal Courts* (a multipart orientation program about federal court case processing for new clerk's office employees that is also helpful to new judges) [1832-V/91 (1991) (29 mins.)]

2. Compensation and Benefits

Life and health insurance, survivor benefits, etc.

MONOGRAPH: *Senior Status for Senior Judges, Judges Information Series* (available from the Administrative Office)

MANUAL: *Judges Manual*, Vol. III-A, Ch. C-I (automatically sent to new district judges by the Administrative Office)

3. Administrative Procedures

Travel, reimbursement, etc.

MANUAL: *Judges Manual*, Vol. III-A, Ch. C-V (automatically sent to new district judges by the Administrative Office)

4. Ethics and Judicial Conduct

a. Codes of conduct—conflicts, relations with former firm or office, judicial conduct and ethical obligations, recusal

MANUAL: *Guide to Judiciary Policies and Procedures*, Vol. II, Ch. 1 (automatically sent to new district judges by the Administrative Office)

MANUAL: *Judges Manual*, Vol. III-A, Ch. C-II (automatically sent to new district judges by the Administrative Office)

VIDEO: *Judicial Ethics: An Overview of Ethical Rules in the Federal Judicial System and the Role of the Codes of Conduct Committee* [1602-V/96 (1996) (31 mins.)]

AUDIO: *Judicial Ethics* [3930-A/99 (1999) (1 tape)]

AUDIO: *Ethics and Disclosure: An Update on Recusal, Financial Disclosure, and Related Concerns by Members of the Judicial Conference Committees* [3886-A/99 (1999) (1 tape)]

b. Ethics legislation and regulations

MANUAL: *Guide to Judiciary Policies and Procedures*, Vol. II, Ch. 6 (automatically sent to new district judges by the Administrative Office)

MANUAL: *Judges Manual*, Vol. III-A, Ch. C-II (automatically sent to new district judges by the Administrative Office)

c. Financial reporting

MANUAL: *Guide to Judiciary Policies and Procedures*, Vol. II, Ch. 6 (automatically sent to new district judges by the Administrative Office)

*Automatically sent to newly nominated district judges.

MANUAL: *Judges Manual*, Vol. III-A, Ch. C-II (automatically sent to new district judges by the Administrative Office)
Forms, instructions and computer programs are sent annually to all judges by the Administrative Office
Forms, instructions and computer programs are available on the Judges' Corner of the J-Net

5. Security (including ensuring the privacy and safety of the judge and the judge's family)

MANUAL: *Judges Manual*, Vol. III-A, Ch. C-VI (automatically sent to new district judges by the Administrative Office)

VIDEO: *Judicial Security* [18 mins.] (available from the U.S. Marshal's Office)

AUDIO: *Security at Home and at Work* [2902-A/95 (1995) (1 tape)]

AUDIO: *Update on Security After Oklahoma City* [3098-A/96 (1996) (1 tape)]

AUDIO: *Security Issues for Judges: An Update on Threat Management and Risk Assessment* [3858-A/99 (1999) (1 tape)]

6. Media Relations

AUDIO: *Judges and the Press—Rules for Engagement* [3933-A/99 (1999) (1 tape)]

B. Setting Up Chambers

1. Arrangements for Induction Ceremony

2. Personnel

a. Secretaries

MANUAL: *Chambers Handbook for Judges' Law Clerks and Secretaries* [1994, 184 pp.]*

MANUAL: *Judges Manual*, Vol. III-A, Ch. D-I (automatically sent to new district judges by the Administrative Office)

VIDEO: *Court Officers and Support Personnel: Resources for the District Judge* [1723-V/96 (1996) (30 mins.)]

b. Law clerks

GUIDE: *Conducting Job Interviews: A Guide for Federal Judges* [1999, 29 pp.]*

MANUAL: *Chambers Handbook for Judges' Law Clerks and Secretaries* [1994, 184 pp.]*

VIDEO: *Court Officers and Support Personnel: Resources for the District Judge* [1723-V/96 (1996) (30 mins.)]

3. Space and Facilities

a. Procurement (library, furniture, etc.)

MANUAL: *Judges Manual*, Vol. III-A, Ch. D-II (automatically sent to new district judges by the Administrative Office)

b. Chambers automation

MANUAL: *Manual for Litigation Management and Cost and Delay Reduction* at 66–67 [1992, 352 pp.]*

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4. Managing the Paper Flow

Filing systems, file and document retention, etc.

MANUAL: *Guide to the Preservation of Federal Judges' Papers* [1996, 83 pp.]*

C. Components of the District Court

1. Bankruptcy Court

MANUAL: *Case Management Manual for United States Bankruptcy Judges* [1995, 646 pp.]*

MONOGRAPH: Warren, *Business Bankruptcy* [1993, 178 pp.]

MONOGRAPH: *Bankruptcy Basics* (2000) (available from the Administrative Office)

AUDIO: *Review of Bankruptcy Jurisdiction* [3929-A/99 (1999) (1 tape)]

VIDEO: *Organization and Jurisdiction of the U.S. Bankruptcy Courts* [971-V/99 (1999) (37 mins.)]

2. Magistrate Judges—arrangement of duties and obligations

MONOGRAPH: *Inventory of United States Magistrate Judge*

Duties (available from the Administrative Office)

MONOGRAPH: *A Constitutional Analysis of Magistrate Judge Authority* [1993] (available from the Administrative Office)

MONOGRAPH: *A Guide to the Legislative History of Federal Magistrate Judges System* [1995] (available from the Administrative Office)

VIDEO: *Criminal Litigation Before Magistrate Judges—Part I: Complaints, Search Warrants, and Arrest Warrants* [2107-V/93 (1993) (45 mins.)]

VIDEO: *Criminal Litigation Before Magistrate Judges—Part II: Pretrial Services, Appointment of Counsel, Initial Appearance, Preliminary Examination, Pretrial Release, and Detention and Removal* [2108-V/93 (1993) (60 mins.)]

VIDEO: *Criminal Litigation Before Magistrate Judges—Part IV: Misdemeanors, Guilty Pleas, Sentencing, Revocation of Probation and Supervised Release* [2110-V/93 (1993) (34 mins.)]

VIDEO: *Central Violations Bureau: How it Helps Magistrate Judges Process Petty Offenses* [2109-V/96 (1996) (29 mins.)]

VIDEO: *The Role of the U.S. Magistrate Judge* [2461-V/98 (1998) (21 mins.)]

AUDIO: *Civil Litigation Before United States Magistrate Judges* [3691-A/98 (1998) (3 tapes)]

3. Clerk's Office

Court assignment plan, courtroom deputies, court reporters

MANUAL: *District Court Clerks Manual* (Vol. IV of the *Guide to Judiciary Policies and Procedures*) (describes duties of district court clerk) (available from the Administrative Office)

VIDEO: *Perspectives on the Role of the Courtroom Deputy in the District Courts* [2069-V/92 (1992) (30 mins.)]

VIDEO: *Taking the Interpreter's Oath to Heart* [3910-V/99 (1999) (29 mins.)]

*Automatically sent to newly nominated district judges.

4. Probation and Pretrial Services

An Introduction to Federal Sentencing, Probation and Pretrial Services
(available from the Administrative Office)

VIDEO: *Federal Probation and Pretrial Services Officers: Who • What • Why*
[3271-V/96 (1996) (30 mins.)]

AUDIO: *Overview of Fourth Amendment Issues; Detention and Pretrial Services* [3055-A/95 (1995) (1 tape)]

5. Marshal's Office

VIDEO: *Judicial Security* [18 mins.] (available from the U.S. Marshal's Office)

D. The Civil Litigation Process

1. General Introduction to the Process

VIDEO: *How Civil Cases Move Through the District Courts* [2784-V/95 (3hrs. 40 mins.)] (an orientation program for new clerk's office employees that is also helpful to judges without experience in civil cases)

2. Maintaining and Managing the Civil Calendar

3. Civil Case Management (including appropriate treatment of reassigned cases and newly assigned cases)

a. General

MANUAL: *Manual for Litigation Management and Cost and Delay Reduction* [1992, 352 pp.]*

VIDEO: *Case Management and Civil Pretrial Procedure* [1717-V/98 (1998) (33 mins.)]

AUDIO: *Civil Case Management: Panel Discussion* [3801-A/99 (1999) (2 tapes)]

AUDIO: *Thoughts on Avoiding Reversible Error* [3293-A/96 (1996) (1 tape)]

b. Determining subject-matter jurisdiction

VIDEO: *Removal Jurisdiction: Hot Topics* [3957-V/90 (2000) (56 mins.)]

AUDIO: *Federal Jurisdiction* [3798-A/99 (1998) (2 tapes)]

c. Scheduling

AUDIO: *Scheduling: Panel Discussion* [3602-A/98 (1998) (1 tape)]

d. Conducting Rule 16 conferences

MANUAL: *Manual for Litigation Management and Cost and Delay Reduction* at 5–21, 25, 29–34 [1992, 352 pp.]*

VIDEO: *Case Management and Civil Pretrial Procedure* [1717-V/98 (1998) (33 mins.)]

AUDIO: *Pretrial Resolution of Cases by Dispositive Motions* [3106-A/96 (1996) (1 tape)]

AUDIO: *Civil Case Management: Panel Discussion* [3801-A/99 (1999) (2 tapes)]

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- e. Discovery management and control
 - MANUAL: *Manual for Litigation Management and Cost and Delay Reduction* at 21–25 [1992, 352 pp.]*
 - VIDEO: *Case Management and Civil Pretrial Procedure* [1717-V/98 (1998) (33 mins.)]
 - AUDIO: *Management and Control of Discovery* [1380-A (1 tape)]
 - AUDIO: *Electronic Documents: New Challenges for District Judges in Civil Discovery and Case Management* [3885-A/99 (1999) (1 tape)]
- f. Motions
 - Management, hearings, and decisions
 - MANUAL: *Manual for Litigation Management and Cost and Delay Reduction* at 25–29 [1992, 352 pp.]*
 - VIDEO: *Case Management and Civil Pretrial Procedure* [1717-V/98 (1998) (33 mins.)]
 - Summary judgment, etc.
 - MONOGRAPH: Schwarzer, Hirsch & Barrans, *The Analysis and Decision of Summary Judgment Motions* [1991, 98 pp.]*
 - AUDIO: *Summary Judgment After Eastman Kodak* [2276-A/93 (1993) (1 tape)]
- g. Final pretrial conferences
 - MANUAL: *Manual for Litigation Management and Cost and Delay Reduction* at 29–34 [1992, 352 pp.]*
- h. Rules of evidence
 - MONOGRAPH: Capra, *Advisory Committee Notes to the Federal Rules of Evidence That May Require Clarification* [1998, 48 pp.]
 - VIDEO: *Overview of the Federal Rules of Evidence* [1722-V/93 (1993) (154 mins.)]
 - AUDIO: *Overview of Evidence Issues* [3917-A/99 (1999) (1 tape)]
 - AUDIO: *Evidence: A Discussion of Some of the Key Challenges Facing the Trial Courts* [3846-A/99 (1999) (1 tape)]
- 4. Special Proceedings
 - a. Alternative dispute resolution procedures
 - MANUAL: *ADR and Settlement in the Federal Courts: A Sourcebook for Judges and Lawyers* [1996, 308 pp.]
 - MANUAL: *Judge's Deskbook on Court ADR* [1993, 101 pp.]
 - PERIODICAL: Wiggins, Willging & Stienstra, *Special Issue on Alternative Dispute Resolution* [FJC Directions, No. 7, Dec. 1994, 28 pp.]
 - VIDEO: *The ADR Act of 1998: What it Means for the Courts* [3808-V/99 (1999) (56 mins.)]
 - b. Temporary restraining orders and injunctions—procedure and standards
 - MANUAL: *Benchbook for U.S. District Court Judges* § 7.03 [4th ed., 2000 rev., 244 pp.]*
 - c. Habeas corpus petitions
 - VIDEO: *New Developments in the Federal Law of Habeas Corpus* [3160-V/96 (1996) (4 hrs.)]

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- AUDIO: *Federal Habeas Corpus Relief for State and Federal Prisoners* [3931-A/99 (1999) (2 tapes)]
- d. Pro se litigation and appointment of counsel
 MANUAL: *Resource Guide for Managing Prisoner Civil Rights Litigation* [1996, 172 pp.]*
 VIDEO: *Prison Litigation Reform Act* [3894-V/99 (1999) (2 hrs., 7 mins.)]
- e. Social Security cases
 MONOGRAPH: Liebman, *Disability Appeals in Social Security Programs* [1985, 45 pp.]
 AUDIO: *Social Security Issues* [3881-A/99 (1999) (1 tape)]
 VIDEO: *Social Security: Process and Problems* [3965-V/00 (2000) (1 hr., 43 mins.)]
- f. Sanctions
 AUDIO: *Sanctions Under Rule 11* [1363-A (1 tape)]
 MONOGRAPH: Willging, *The Rule 11 Sanctioning Process* [1988, 200 pp.]
 PERIODICAL: Wiggins, Willging & Stienstra, *Special Issue on Rule 11* [FJC Directions, No. 2, Nov. 1991, 40 pp.]
- g. Contempt, civil/criminal
 MANUAL: *Benchbook for U.S. District Court Judges* § 7.01 (criminal), § 7.02 (civil) [4th ed., 2000 rev., 244 pp.]*
 MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* at 51–74 [4th ed. 1996, 162 pp.]*
 AUDIO: *Use of Contempt and Other Sanctions* [2914-A/95 (1995) (1 tape)]
- h. Attorneys' fees awards
 MONOGRAPH: Hirsch & Sheehey, *Awarding Attorneys' Fees and Managing Fee Litigation* [1994, 167 pp.]*
 MONOGRAPH: Willging & Weeks, *Attorney Fee Petitions: Suggestions for Administration and Management* [1985, 94 pp.]
 MONOGRAPH: Willging, *Judicial Regulation of Attorneys' Fees: Beginning the Process at Pretrial* [1984, 58 pp.]
 AUDIO: *Attorneys' Fees Update* [3231-A/96 (1996) (1 tape)]
- i. Recusal motions
 AUDIO: *Ethics and Disclosures: An Update on Recusal, Financial Disclosure, and Related Concerns by Members of the Judicial Conference Committees* [3886-A/99 (1999) (1 tape)]
- j. Naturalization
 MANUAL: *Benchbook for U.S. District Court Judges* § 7.06 [4th ed., 2000 rev., 244 pp.]*
- k. Bankruptcy appeals
 AUDIO: *Review of Bankruptcy Jurisdiction* [3929-A/99 (1999) (1 tape)]
 VIDEO: *Organization and Jurisdiction of the U.S. Bankruptcy Courts* [971-V/99 (1999) (37 mins.)]

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5. Settlement and Mediation

MANUAL: *Manual for Litigation Management and Cost and Delay Reduction* at 16; 36–39 [1992, 352 pp.]*

MONOGRAPH: Provine, *Settlement Strategies for Federal District Judges* [1986, 103 pp.]*

AUDIO: *Settlement Conference Techniques and ADR in Federal Courts* [3111-A/96 (1996) (1 tape)]

6. Jury Trials

a. Jury selection, voir dire, management

MANUAL: *Benchbook for U.S. District Court Judges* §§ 6.03, 6.04 [4th ed., 2000 rev., 244 pp.]*

MANUAL: Bermant, *Jury Selection Procedures in U.S. District Courts* [1982, 60 pp.]*

VIDEO: *The Civil Trial* [1718-V/98 (1998) (46 mins.)]

VIDEO: *Administration of the Jury System and Selection of a Jury* [2892-V/95 (1995) (29 mins.)]

VIDEO: *Called to Serve* (orientation video for prospective jurors—judges should check their district’s policy, if any, on its use) [2980-V/95 (1995) (19 mins.)]

AUDIO: *Improvements and Trends in Jury Trials and Jury Administration* [3027-A/96 (1996) (1 tape)]

b. Jury instructions and verdict forms

MANUAL: *Benchbook for U.S. District Court Judges* §§ 6.05, 6.06, 6.07 [4th ed., 2000 rev., 244 pp.]*

Circuit manual on model/pattern jury instructions (where available)

VIDEO: *The Civil Trial* [1718-V/98 (1998) (46 mins.)]

VIDEO: *Administration of the Jury System and Selection of a Jury* [2892-V/95 (1995) (29 mins.)]

c. Trial management

MANUAL: *Manual for Litigation Management and Cost and Delay Reduction* at 41–43, 45–46, 61, 67–68 [1992, 352 pp.]*

MANUAL: *Benchbook for U.S. District Court Judges* § 6.01 [4th ed., 2000 rev., 244 pp.]*

Inventory of United States Magistrate Judge Duties (available from the Administrative Office)

VIDEO: *The Civil Trial* [1718-V/98 (1998) (46 mins.)]

AUDIO: *Managing the Trial in Progress* [3604-A/98 (1998) (1 tape)]

7. Bench Trials

AUDIO: *Efficient Management of Bench Trials* [3605-A/98 (1998) (1 tape)]

a. Findings of fact and conclusions of law

MANUAL: *Manual for Litigation Management and Cost and Delay Reduction* at 46–47 [1992, 352 pp.]*

MANUAL: *Benchbook for United States District Court Judges* § 6.02 [4th ed., 2000 rev., 256 pp.]*

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- b. Use of written direct testimony
- 8. Handling Unusual or Complex Cases
 - a. Complex and class actions
 - MANUAL: *Manual for Complex Litigation, Third* [1995, 568 pp.]*
 - MANUAL: *Reference Manual on Scientific Evidence, Second Edition* [2d ed. 2000, 634 pp.]*
 - MONOGRAPH: Willging, Hooper & Niemic, *An Empirical Study of Class Actions in Four Federal District Courts: Final Report to the Advisory Committee on Civil Rules* [1996, 200 pp.]
 - AUDIO: *Management of a Complex Civil Case* [1845-A/91 (1991) (1 tape)]
 - AUDIO: *Mass Tort Litigation* [2913-A/95 (1995) (1 tape)]
 - b. Patent/copyright/trademark litigation
 - MONOGRAPH: Schwartz, *Patent Law and Practice, 2d ed.* [1995, 187 pp.]
 - MONOGRAPH: Gorman, *Copyright Law* [1991, 156 pp.]
 - AUDIO: *Enforcement of Patent—Part I* [2432-A/93 (1993) (1 tape)]
 - AUDIO: *Enforcement of Patent—Part II* [2433-A/93 (1993) (1 tape)]
 - AUDIO: *Trademark Practice* [2436-A/93 (1993) (1 tape)]
 - AUDIO: *Copyright Practice* [2438-A/93 (1993) (1 tape)]
 - AUDIO: *Update on Trademark and Copyright Law* [3050-A/96 (1996) (1 tape)]
 - AUDIO: *Intellectual Property and the Challenges Posed by New Technology* [3888-A/99 (1999) (1 tape)]
 - AUDIO: *Issues Relating to Jury Trials Involving Intellectual Property Rights* [2434-A/93 (1993) (2 tapes)]
 - c. Section 1983 litigation
 - MONOGRAPH: Blum & Urbonya, *Section 1983 Litigation* [1998, 127 pp.]
 - MANUAL: *Resource Guide for Managing Prisoner Civil Rights Litigation* [1996, 172 pp.]*
 - AUDIO: *Overview of Section 1983 Issues* [3920-A/99 (1999) (2 tapes)]
 - AUDIO: *The Section 1983 Prima Facie Case and Due Process* [3934-A/99 (1999) (2 tapes)]
 - d. Employment discrimination litigation
 - MONOGRAPH: Rutherglen, *Major Issues in the Federal Law of Employment Discrimination* [3d ed. 1996, 157 pp.]
 - AUDIO: *An Overview of Discrimination Litigation* [3932-A/99 (1999) (2 tapes)]
 - AUDIO: *Discovery Issues in Employment Cases* [3873-A/99 (1999) (1 tape)]
 - e. Antitrust litigation
 - VIDEO: *The Architecture of Antitrust* [3895-V/92 (1992) (1 hr., 13 mins.)]

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f. State-federal judicial relations

MANUAL: Apple, Hannaford & Munsterman, *Manual for Cooperation Between State and Federal Courts* [1997, 248 pp.]

9. Judicial Writing

MANUAL: *Judicial Writing Manual* [1991, 41 pp.]*

AUDIO: *Opinions: Effective Writing, Effective Editing* [3807-A/99 (1999) (2 tapes)]

E. The Criminal Litigation Process

1. General Introduction to the Process

MANUAL: *Legal Manual, Magistrate Judges* (available from the Administrative Office)

MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* [4th ed. 1996, 162 pp.]*

VIDEO: *How Criminal Cases Move Through the District Courts* (an orientation program for new clerk's office employees that is also helpful to judges without experience in criminal cases) [1618-V/99 (1999) (3 hrs., 45 mins.)]

2. Arraignment

MANUAL: *Benchbook for U.S. District Court Judges* § 1.07 [4th ed., 2000 rev., 244 pp.]*

VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]

VIDEO: *Criminal Litigation Before Magistrate Judges-Part II: Pretrial Services, Appointment of Counsel, Initial Appearance, Preliminary Examination, Pretrial Release, and Detention and Removal* [2108-V/93 (1993) (60 mins.)]

AUDIO: *The Criminal Process: Panel Discussion* [3803-A/99 (1999) (2 tapes)]

3. Pretrial Release/Detention/Bail

MANUAL: *Benchbook for U.S. District Court Judges* §1.03 [4th ed., 2000 rev., 244 pp.]*

MONOGRAPH: *The Bail Reform Act of 1984* [2d ed. 1993, 82 pp.]

VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]

AUDIO: *Overview of 4th Amendment Issues* [3915-A/99 (1999) (1 tape)]

AUDIO: *Criminal Pretrial* [3608-A/98 (1998) (1 tape)]

4. Counsel

a. Criminal Justice Act—appointment of counsel, federal and community defender, and panel counsel

MANUAL: *Benchbook for U.S. District Court Judges* § 1.02 [4th ed., 2000 rev., 244 pp.]*

AUDIO: *Special Defense Requests and Counsel Issues* [3607-A/98 (1998) (1 tape)]

b. Conflicts

MANUAL: *Benchbook for U.S. District Court Judges* §1.08 [4th ed., 2000 rev., 244 pp.]*

VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]

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- c. Waiver and advisory counsel
 - MANUAL: *Benchbook for U.S. District Court Judges* §§ 1.02, 1.08 [4th ed., 2000 rev., 244 pp.]*
 - MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* at 1–8 [4th ed. 1996, 162 pp.]*
 - VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
- 5. Competency Hearings
 - MANUAL: *Benchbook for U.S. District Court Judges* § 1.12 [4th ed., 2000 rev., 244 pp.]*
 - VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
 - AUDIO: *Competency to Stand Trial and the Insanity Defense* [1583-A/90 (1990) (1 tape)]
- 6. Motions—Motions to Suppress, Motions in Limine, etc.
 - VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
 - AUDIO: *Overview of 4th Amendment Issues* [3915-A/99 (1999) (1 tape)]
- 7. Guilty Pleas and Plea Bargains
 - a. Rule 11 procedure
 - MANUAL: *Benchbook for U.S. District Court Judges* §§ 2.01, 2.02 [4th ed., 2000 rev., 244 pp.] (contains outline for plea taking colloquy)*
 - VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
 - AUDIO: *Guilty Pleas* [2029-A/92 (1992) (1 tape)]
 - b. Guideline problems
 - AUDIO: *Guideline Sentencing: Impact on Guilty Pleas* [2635-A/94 (1994) (1 tape)]
- 8. Criminal Pretrial Conferences
 - VIDEO: *Criminal Pretrial Proceedings* [1720-V/92 (1992) (68 mins.)]
 - AUDIO: *Criminal Pretrial* [2028-A/92 (1992) (1 tape)]
- 9. Trial
 - a. Generally
 - MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* [4th ed. 1996, 162 pp.]*
 - MANUAL: *Benchbook for U.S. District Court Judges* §§ 2.03–2.11, 5.01–5.05 [4th ed., 2000 rev., 244 pp.]*
 - VIDEO: *Criminal Trial Procedures* [1721-V/92 (1992) (60 mins.)]
 - AUDIO: *The Criminal Process: Panel Discussion* [3803-A/99 (1999) (2 tapes)]
 - AUDIO: *Special Trial Problems* (panel discussion) [3609-A/98 (1998) (1 tape)]
 - b. Jury selection, voir dire, and juror challenges
 - MANUAL: *Benchbook for U.S. District Court Judges* §§ 2.05, 2.06 [4th ed., 2000 rev., 244 pp.]*
 - MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* at 11–18 [4th ed. 1996, 162 pp.]*

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- MONOGRAPH: Bermant, *Jury Selection Procedures in U.S. District Courts* [1982, 60 pp.]*
- VIDEO: *Administration of the Jury System and Selection of a Jury* [2892-V/95 (1995) (29 mins.)]
- VIDEO: *Called to Serve* (orientation video for prospective jurors—judges should check their district’s policy, if any, on its use) [2980-V/95 (1995) (19 mins.)]
- VIDEO: *Criminal Trial Procedures* [1721-V/92 (1992) (60 mins.)]
- AUDIO: *Voir Dire in the Federal Criminal Case* [1423-A/90 (1990) (1 tape)]
- c. Jury management
- MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* at 17–38 [4th ed. 1996, 162 pp.]*
- VIDEO: *Criminal Trial Procedures* [1721-V/92 (1992) (60 mins.)]
- VIDEO: *Administration of the Jury System and Selection of a Jury* [2892-V/95 (1995) (29 mins.)]
- d. Jury instructions
- MANUAL: *Benchbook for U.S. District Court Judges* §§ 2.07, 2.08 [4th ed., 2000 rev., 244 pp.]*
- Circuit manual on model/pattern jury instructions (where available)
- e. Closing trial
- MANUAL: *Benchbook for U.S. District Court Judges* § 7.07 [4th ed., 2000 rev., 244 pp.]*
- f. Unruly defendants
- MANUAL: Voorhees, *Manual on Recurring Problems in Criminal Trials* at 73–74 [4th ed. 1996, 162 pp.]*
- MANUAL: *Benchbook for U.S. District Court Judges* § 5.01 [4th ed., 2000 rev., 244 pp.]*
- g. Federal death penalty cases[†]
- MANUAL: *Benchbook for U.S. District Court Judges* § 3.01 [4th ed., 2000 rev., 244 pp.]*
- VIDEO: *Recurring Issues in Federal Death Penalty Cases* [3962-V/00 (2000) (3 hrs.)]
- AUDIO: *The Federal Death Penalty Statute* [3567-A/98 (1998) (1 tape)]
- AUDIO: *Handling Federal Death Penalty Cases* [3685-A/98 (1998) (1 tape)]

[†] The Center is collecting orders and selected case materials from judges who have handled capital cases. Judges seeking information on capital case issues should contact the Center’s Information Services Office at (202) 502-4153.

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10. Sentencing

(An extensive collection of materials on sentencing is available on the U.S. Sentencing Commission website www.ussc.gov, including publications, reports to Congress, guidelines manuals and amendments, guideline training and education materials, and federal sentencing statistics.)

a. Probation officers and presentence report

VIDEO: *The Presentence Process* [1121-V (1989) (34 mins.)]

b. Fashioning sentences—incarceration, fines, probation and alternatives, supervised release, restitution, etc.

MONOGRAPH: Meierhoefer & Hofer, *Home Confinement: An Evolving Sanction in the Federal Criminal Justice System* [1987, 75 pp.]

VIDEO: *Sentencing and Other Criminal Post-Trial Matters* [2783-V/95 (1995) (79 mins.)]

VIDEO: *Restitution: Determining Victims and Harms* [3883-V/99 (1999) (2 hr., 29 mins.)]

c. Conducting sentencing hearings

MANUAL: *Benchbook for U.S. District Court Judges* § 4.01 [4th ed., 2000 rev., 244 pp.]*

AUDIO: *Sentencing Hearings and Presentence Reports* [2637-A/94 (1994) (1 tape)]

AUDIO: *Guideline Sentencing Hearing Procedures* [1099-A (1 tape)]

d. Understanding the Sentencing Guidelines

MONOGRAPH: *An Introduction to Federal Guideline Sentencing* [3d ed. 1997] (available from the Administrative Office)

OUTLINE: *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues* [2000]*

Questions Most Frequently Asked About the Sentencing Guidelines (distributed periodically to judges by the U.S. Sentencing Commission)

VIDEO: *Sentencing and Other Criminal Post-Trial Matters* [2783-V/95 (1995) (79 mins.)]

AUDIO: *Special Problems in Guideline Sentencing* [3123-A/96 (1996) (2 tapes)]

e. Preguidelines offenses

MONOGRAPH: Eaglin, *Sentencing Federal Offenders for Crimes Committed Before November 1, 1987* [1992, 63 pp.]

11. Release Pending Appeal

MANUAL: *Benchbook for U.S. District Court Judges* § 2.11 [4th ed., 2000 rev., 244 pp.]*

MONOGRAPH: *The Bail Reform Act of 1984* [2d ed. 1993, 82 pp.]

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