

**FEDERAL JUDICIAL CENTER**  
**Annual Report 2013**

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## A MESSAGE FROM THE DIRECTOR

In 2013, the always demanding work of the federal judiciary was made more difficult by fiscal uncertainty and austerity. The effects of sequestration were especially painful, with many courts being forced to lay off long-term employees and reduce or eliminate services. The long budget standoff in Congress added acute anxiety to an environment in which morale already was severely strained. The recent bipartisan budget agreement offers the prospect of a better year in 2014.

The Federal Judicial Center played an important role during this trying time. We offered guidance to chief judges about working collaboratively with court unit executives on budget and personnel issues, and to unit executives about effective implementation of shared administrative services plans. We held the first-ever concurrent conferences of clerk's office executives from both district and bankruptcy courts, much of which focused on the daunting leadership and management challenges presented by the current situation. And we provided numerous in-court programs and consultations to courts on specific issues arising from layoffs and service reductions.

At the same time, we were able to offer almost all of our regular educational programs that help judges and court staff to manage the courts efficiently and resolve cases fairly. We continued our many research projects, most of which are requested by Judicial Conference committees and help to inform the decisions of those committees and the policy recommendations they make to the Judicial Conference. Our history and international relations offices continued to serve significant constituencies despite extremely limited resources. We devoted

several thousand staff hours to the development of a new, state-of-the-art Web portal that will be fully operational early this year and will offer our users easy and immediate access to virtually our entire library of publications and to program materials from recent years. And we used our video streaming capability to offer eleven live webcasts for judges and court attorneys, which were recorded for subsequent online viewing.

We convened two very successful "education summit" meetings as part of our comprehensive review of the work of our Education Division. And several new educational projects are under way, including a mid-career seminar for district judges that will offer participants an opportunity to reflect on where they've been and where they're going. We intend to offer similar programs to circuit, bankruptcy, and magistrate judges in future years.

We've done this despite sequestration, a hiring freeze, and the net loss of eleven positions of our own (nearly 10% of our staff) over the past two years. I cannot begin to express my appreciation and gratitude for the commitment and professionalism of my colleagues, without which none of this would have been possible.



JEREMY D. FOGEL

## 2013 Federal Judicial Center Staff

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# 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 provides education and training for judges and employees of the federal courts and conducts empirical and exploratory research into various aspects of judicial administration, including case management and potential changes to the federal rules of procedure. This annual report, mandated by statute, describes the Center’s activities in calendar year 2013.

## Governance

The Chief Justice of the United States chairs the Center’s Board, which by statute also includes two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge who are elected to four-year terms by the Judicial Conference of the United States, and the director of the Administrative Office of the U.S. Courts, who serves *ex officio*. The Board oversees the Center’s activities, and its members serve on standing committees on education and research and on advisory committees on judicial education programs (listed on pages 15–16).

In March 2013, the Judicial Conference elected Magistrate Judge Jonathan W. Feldman, of the U.S. District Court for the Western District of New York, and Chief Judge C. Ray Mullins, of the U.S. Bankruptcy Court for the Northern District of Georgia, to the Center’s Board, replacing Magistrate Judge John M. Facciola, of the U.S. District Court for the District of Columbia, and Chief Judge James B. Haines, Jr., of the U.S. Bankruptcy Court for the District of Maine, whose terms expired. In addition, Judge John D. Bates, of the U.S. District Court for the District of Columbia, became a member of the Center’s Board by virtue of his appointment in 2013 as director of the Administrative Office of the U.S. Courts.

The Board appoints the Center’s director and deputy director; the director appoints the Center’s staff. All but one of the Center’s ten directors have been federal judges, including its current director, Judge Jeremy D. Fogel, of the U.S. District Court for the Northern District of California.

## Organization

The organization of the Center reflects its primary statutory mandates. The Education Division plans and pro-

## Board of the Federal Judicial Center

The Chief Justice of the United States, *Chair*

Judge John D. Bates, Director of the Administrative Office of the U.S. Courts

Judge Catherine C. Blake, U.S. District Court for the District of Maryland

Magistrate Judge Jonathan W. Feldman, U.S. District Court for the Western District of New York

Chief Judge James F. Holderman, Jr., U.S. District Court for the Northern District of Illinois

Judge Michael M. Melloy, U.S. Court of Appeals for the Eighth Circuit

Chief Judge C. Ray Mullins, U.S. Bankruptcy Court for the Northern District of Georgia

Judge Edward C. Prado, U.S. Court of Appeals for the Fifth Circuit

Chief Judge Kathryn H. Vratil, U.S. District Court for the District of Kansas

duces education and training for judges and court staff, including in-person programs, video programs, publications, curriculum packages for in-court training, and Web-based programs and resources. The Research Division examines and evaluates current and alternative federal court practices and policies. This research assists Judicial Conference committees, who request most Center research, in developing policy recommendations. The Center’s research also contributes substantially to its educational mission. The Federal Judicial History Office helps courts and others study and preserve federal judicial history. The International Judicial Relations Office provides information to judicial and legal officials from foreign countries and assesses how to inform federal judicial personnel of developments in international law and other court systems that may affect their work. Two units of the Director’s Office—the Information Technology Office and Communications Policy & Design Office—support Center missions through technology, editorial and design assistance, and organization and dissemination of Center resources.

## Coordination Within the Judicial Branch

Numerous programs and projects described in this annual report involve coordination, cooperation, and consultation with committees of the Judicial Conference, the Administrative Office, the U.S. Sentencing Commission, the U.S. Judicial Panel on Multidistrict Litigation, and the courts. Advisory committees of judges, court staff, and others help in planning and producing education programs and publications. These committees are listed on pages 15–16.

## Staffing and Appropriation

The Center had a fiscal 2013 appropriation of \$25,588,000, and it employed 120 people at the end of calendar year 2013. The Center's 2014 appropriation is \$26,200,000. Approximately 75% of Center expenditures support its education and training activities, with the remainder devoted almost entirely to its research activities.

## Senior Staff of the Federal Judicial Center

Hon. Jeremy D. Fogel, Director

John S. Cooke, Deputy Director

Bruce M. Clarke, Director, Education Division

Esther DeVries, Director, Information Technology Office

James B. Eaglin, Director, Research Division

Mira Gur-Arie, Director, International Judicial Relations Office

Bruce A. Ragsdale, Director, Federal Judicial History Office

Sylvan A. Sobel, Director, Communications Policy & Design Office

## 2013 at a Glance

In 2013, the Center

- completed 13 major research and evaluation projects, continued work on 41 others, and responded to 11 other requests for short-term research assistance
- provided 214 in-person and technology-based educational programs for some 13,295 federal judges, legal staff, and court employees and helped to design, conduct, and teach another 13 programs, produced by other organizations, for 765 court staff participants
- produced 17 new educational video programs, either for online delivery or for use in other education and training programs
- published or updated 15 reports, manuals, monographs, or reference guides
- distributed 29,937 printed copies of its publications, as well as 2,052 audio, video, and multimedia programs
- published the first 2 volumes of a 3-volume documentary history of debates on the federal judiciary
- hosted 640 visiting foreign judges, court officials, and attorneys from 71 different countries

# EDUCATION AND TRAINING

The Center designs its overall curriculum, and the programs and resources that it comprises, to meet the greatest needs of judges and court personnel. It does so in coordination with its Board and advisory committees. The Center also works closely with subject-matter experts from the courts, with scholars, and with staff from other government agencies to provide instruction on substantive legal topics, case and court management, and leadership development.

The Center uses a variety of formats for its programs and products. These formats include in-person seminars and workshops as well as distance-education methods, including Web conferences, e-learning programs, audio-conferences, videos, and other online resources.

In 2013, the Center delivered 43 programs for 2,675 federal judges and 171 programs for 10,620 legal and court staff. (“Programs” includes both in-person and distance-education programs.) The tables on page 9 contain detailed statistical information listed by program type. Center staff also assisted in the development and delivery of 13 programs produced by other organizations and attended by 765 court staff.

## Orientation Programs for New Judges

The Center provides orientation programs for all new federal judges. Small groups of new district, bankruptcy, and magistrate judges, respectively, attend week-long Phase I orientation seminars led by experienced judges who facilitate interactive discussions on case management, trial proceedings, evidence, and substantive legal issues, often presented in the form of realistic scenarios. The role and demeanor of the judge, ethics, and judicial security are also covered at Phase I orientations, as well as other topics germane to the specific jurisdictions and roles of each type of judge. For example, Phase I for new district judges includes sessions on sentencing, including group discussion of sentencing hypotheticals.

After district, magistrate, and bankruptcy judges have been on the bench for approximately twelve months, they attend week-long Phase II orientation seminars, which cover case management, judicial ethics, and the role of the judge, as well as common legal and practical problems. New court of appeals judges attend an orientation program that includes sessions on chambers management, collegiality, and a joint program with the district

judges on areas of common concern, including judicial ethics, opinion writing and editing, and using information technology to manage cases.

## Continuing Education for Judges

### *Special-Focus Seminars*

In 2013, the Center conducted fourteen special-focus seminars on the following subjects: neuroscience (three programs); employment law; intellectual property; the humanities and science; law and genetics; law and society; law and terrorism; mediation skills; patent litigation; e-discovery; environmental and natural resources law; and effective use of mobile devices.

### *Workshops*

Every twelve months, most judges are offered the opportunity to attend one workshop. Each workshop covers a broad range of legal topics, judicial skills, and other topics, such as neuroscience, cultural bias, and computer technology, that are relevant to the work of judges. In 2013, the Center conducted two national workshops each for bankruptcy and magistrate judges, a workshop for Article III judges of the Eighth Circuit and one for Article III judges of the Ninth Circuit.

A conference for chief district judges addressed the impact of the sequester and budget cuts on the operation of the courts and on morale. It also examined leadership and management issues and provided an opportunity for judges of similar-sized courts to confer and discuss issues of common concern.

### *Webinars*

The Center produces webinars on current topics for judges and posts recordings of these for subsequent use on FJC Online, the Center’s website on the judiciary’s intranet. The Center offered webinars on the legal, administrative, and practical issues surrounding BitTorrent litigation in the federal courts; the impact of the National Mortgage Settlement on bankruptcy courts; the *Case Management Manual for United States Bankruptcy Judges, Second Edition*; recent developments in patent litigation; and recurring issues in False Claims Act litigation. Two webinars on the use of tablet computers also were held for judges.

## Programs for Court Attorneys

The Center produces educational programs for federal defenders, staff attorneys, and other attorneys who work in the courts. In 2013, the Center conducted a workshop for circuit mediators and a national conference for pro se law clerks, and funded the attendance of forty career law clerks at the Pepperdine University School of Law's Wm. Matthew Byrne, Jr., Judicial Clerkship Institute. The law clerk orientation seminar, which is an e-learning course for federal judicial law clerks on FJC Online, advised new judicial law clerks of the ethical responsibilities of their position and provided guidance on legal writing and editing. Webinars on substantive legal topics for court attorneys covered the following topics in 2013: sentencing; the 2013 Supreme Court term; ethics; evidence; the *Gideon v. Wainwright* decision; and Social Security litigation.

## Leadership and Management Education

Center leadership and management programs help chief judges, court unit executives, and other court managers to enhance their ability to manage the business of the courts. Some of these programs are conducted for teams of judges and senior court managers. Others help prepare new court leaders.

### *For Teams of Judges and Court Staff*

Eighteen teams of new and soon-to-be chief judges and their clerks of court attended the Center's workshop on the Leadership Role of the Chief District Judge. Attendees examined the leadership and management responsibilities of the position, including financial management, personnel matters, and working with court unit executives to manage the core functions of the court. The Executive Institute for Chief Bankruptcy Judges and Clerks of Court helped participants develop strategies for building effective court teams and strengthen management practices.

The Center's Quality Improvement Seminar for Federal Drug and Reentry Courts (cosponsored with George Mason University) was held for four district court teams seeking to improve their drug and reentry court programs. Teams from each attending district will participate in a two-year follow-up effort to refine their internal processes. Teams of district court judges and staff at the Juror Utilization Workshop learned strategies for effective juror management, shared effective practices, and formulated local action plans to improve juror management and utilization.

### *For Court Staff*

The Center conducted national conferences concurrently for senior managers of district and bankruptcy courts. Meeting in joint sessions and separately in sessions devoted to each type of court, district court clerks and chief deputy clerks, district court executives, bankruptcy court clerks and chief deputies, Bankruptcy Appellate Panel (BAP) clerks, and bankruptcy administrators examined leadership and management challenges facing the courts today, including budget cuts, ideas for maximizing limited resources, and possibilities for sharing administrative services.

The Institute for Chief Deputies, Deputy Chiefs, and Circuit Staff in Comparable Positions improved leadership skills through the study of leadership challenges faced by President Lincoln, his Cabinet, and his commanding officers and comparing them to challenges faced by today's leaders in the federal judiciary.

Participants in the Judiciary Executive Leadership Program studied the ideas of leaders from other federal agencies and the private sector on current leadership, management, and organizational development issues. This eighteen-month program for court unit executives helps participants enhance their coaching and mentoring skills and their ability to develop potential executives among people in their units. The program consisted of two in-person seminars and a series of webinar and reading assignments.

The Institute for New Court Unit Executives trained participants to develop strategies for leading in times of challenge and change, build a culture that supports their strategy, assess their own leadership strengths and weaknesses, and develop the resiliency needed to lead through hard times.

Participants in the New Supervisors Development Program learned about the legal responsibilities of supervisors; how to document direct reports' performance and provide meaningful feedback; appropriate "manager-direct report" boundaries; effective coaching techniques; and strategic planning.

The Federal Court Leadership Program (Class 2012/2014), helped participants to develop research and writing skills, enhance problem-solving and decision-making skills, and build the leadership skills that would enhance individuals' abilities to assume greater responsibility.

A workshop for facilitators on shared administrative services trained new faculty to help courts prepare for



sharing services by consulting with the court leadership team, developing or refining a specific implementation plan, and managing the human side of change and transition as shared administrative services are implemented.

The Center also launched a virtual training series for experienced managers in the offices of clerks, circuit executives, circuit librarians, staff attorneys, and bankruptcy administrators. It examines important leadership matters, such as leadership style diversity, training in a limited budget environment, resilient leadership, motivation and engagement at work during tough times, and the human impact of downsizing.

### ***For Probation and Pretrial Services***

Teams of probation and pretrial services chiefs and their deputies attending the Executive Team Seminar learned how to instill a positive organizational culture. Each team analyzed survey feedback from their district and formulated a strategic plan that included the development of shared values, goals, and practices within their district.

Newly appointed probation and pretrial services supervisors taking part in the New Supervisors Program attended the Building Outstanding Supervisors program to build on the knowledge gained from a prior self-study program and three related webinars. A program for new deputy chiefs examined key leadership practices.

The Leadership Development Program held a final seminar for the eighty participants in the eleventh class of the three-year program. Participants analyzed leadership principles and how they could be applied in their districts. They also shared results of their in-district improvement projects.

A program for experienced supervisors taught participants leadership practices exhibited by outstanding supervisors and strategies to improve their supervision and dispute resolution skills.

## **Education and Training for Court Staff**

Most of the Center's training for court staff is delivered to participants in their own courts through various means of distance learning, including curriculum packages, webinars, and e-learning.

Curriculum packages use Center-prepared instructional materials and are delivered in court by faculty who are usually trained by the Center. Examples of these programs are Preventing Workplace Harassment; Structured Writing; Code of Conduct; Time Management; Managing Organizational Transition; Strategic Planning; and

a self-study course, Foundations of Management. The Center developed a new program, Shared Administrative Services, to assist districts that are considering or implementing shared services, and it updated a program titled Managing the Human Impact of Downsizing.

Webinars, which combine audio or video presentations with online interaction and are delivered to personal computers, are often a component of blended-learning programs that combine in-person workshops, Web-based sessions, and self-study assignments, and are offered to a targeted group of participants.

E-learning courses are offered as "open enrollment" programs, affording all interested court personnel an opportunity to take the course online at their own pace.

## **Additional Training and Curriculum Development**

The Center's Judges Information Technology Training: Training for Court Teams workshops, cosponsored with the Administrative Office, taught court teams (one judge and four staff members for each team) how to work collaboratively to incorporate sound educational principles into local IT training initiatives, with the goal of implementing an effective IT training plan for judicial officers and chambers staff in their respective districts.

The Center provided curriculum design support for the finance and budget e-learning modules of the Personnel Projection System. Center staff provided similar support for the Administrative Office's national space and security workshops and emergency preparedness training. Upon request, Center staff consulted with individual districts on performance management issues.

Center staff facilitated discussions between Administrative Office staff and their circuit-based GSA counterparts at Circuit Space and Facilities Workshops. The workshops focused on updates to service level agreements, future capital security work, ongoing issues and concerns regarding GSA services, proposed solutions to ongoing problems, and tools available to improve project management.

## **Presentations Delivered**

Center staff made presentations at conferences and educational programs held by the Administrative Office, individual courts, and associations of court employees.

## Print and Media Resources

### *Publications and Web-based Resources*

The following titles were printed in 2013 and are also available on FJC Online:

- *Admiralty and Maritime Law, Second Edition*
- *Debates on the Federal Judiciary: A Documentary History, Volume I: 1787–1875*
- *Debates on the Federal Judiciary: A Documentary History, Volume II: 1875–1939*
- *Judicial Writing Manual: A Pocket Guide for Judges, Second Edition*
- *Keeping Government Secrets: A Pocket Guide on the State-Secrets Privilege, the Classified Information Procedures Act, and Classified Information Security Officers, Second Edition*
- *Maintaining the Public Trust: Ethics for Federal Judicial Law Clerks, Fourth Edition*
- *National Security Case Studies: Special Case-Management Challenges*

The Center posted the following new or updated online publications and resources on FJC Online in 2013:

- *Bankruptcy eReference: Bankruptcy Rules, Code of Fed. R. Civ. P.*
- *Benchbook for U.S. District Court Judges, Sixth Edition*
- *The Help America Vote Act*
- *New Bankruptcy Clerks' Orientation Guide* (with the Administrative Office)
- *Patent Case Management Judicial Guide, Second Edition* (draft)
- *Process-Descriptive Study of Judge-Involved Supervision Programs in the Federal System*
- *Pro Se Litigation: Resources for Litigants, Court Staff, Attorneys, and Judges*
- *Recent Developments in Bankruptcy Law*

### *Video Programs*

New or updated video programs released in 2013 for judges, legal staff, and court staff, and made available in streaming format on FJC Online, are listed below.

- *Asset Forfeiture and Bankruptcy Case Coordination*
- *Bankruptcy and Same Sex Couples After Windsor*
- *Called to Serve* (updated)
- *Chambers Management for Judges*
- *Court to Court: Teleworking Every Day*
- *Court to Court: Translating Evidence Based Practice Concepts Into Office Practices*

- *Court to Court: eJuror Electronic Response*
- *Court to Court: CourtSpeak*
- *The Evolution of the Law Through the Book*
- *Fourth Circuit Bankruptcy Law Review*
- *Implementation of Evidence Based Practice in the District of Oregon*
- *Law Clerk Orientation: Every Judge Would Edit Shakespeare*
- *Organization and Jurisdiction of the Bankruptcy Courts*
- *The Patent Process: An Overview for Jurors*
- *A Review of Eighth Circuit Bankruptcy Decisions*
- *Supreme Court: The Term in Review (2012–2013)*
- *Women in the Life and Law of the District of Columbia Circuit Courts*

## Seminars and Workshops for Judges, January 1–December 31, 2013

	Number of Programs	Number of Participants
Orientation for newly appointed circuit judges	1	5
Orientations for newly appointed district judges	4	88
Orientations for newly appointed bankruptcy judges	3	38
Orientations for newly appointed magistrate judges	3	60
Conference for chief district judges	1	100
National workshops for bankruptcy judges	2	282
National workshops for magistrate judges	2	347
Circuit workshops	2	171
Team workshops*	4	170
Special-focus seminars	14	398
Technology-based programs	7	1,016
<b>TOTAL</b>	<b>43</b>	<b>2,675</b>

\*Includes team-management workshops for judges and court unit executives.

## Education Programs for Legal Staff, January 1–December 31, 2013

	Number of Programs	Number of Participants
Judicial clerkship institute for career law clerks	1	40
Workshop for circuit mediators	1	44
National conference for pro se law clerks	1	93
Technology-based programs	7	1,330
<b>TOTAL</b>	<b>10</b>	<b>1,507</b>

## Education and Training Programs for Court Staff, January 1–December 31, 2013

	Number of Programs	Number of Participants
<b>Seminars and Workshops (national and regional, but not including programs developed with other organizations)</b>		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, court librarians	4	469
Probation and pretrial services officers and personnel	8	473
Personnel in several categories	4	101
<b>TOTAL</b>	<b>16</b>	<b>1,043</b>
<b>In-Court Programs (programs using curriculum packages, training guides, and computer-assisted instructional programs, but not including programs developed with other organizations)</b>		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	53	2,610
Probation and pretrial services officers and personnel	34	1,678
Personnel in several categories	33	1,467
<b>TOTAL</b>	<b>120</b>	<b>5,755</b>
<b>Technology-Based Programs (e-learning programs, videoconferences, audioconferences, and online conferences, but not including programs developed with other organizations)</b>		
Clerks of court, clerk's office personnel, chambers staff, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	16	1,093
Probation and pretrial services officers and personnel	6	221
Personnel in several categories	3	1,001
<b>TOTAL</b>	<b>25</b>	<b>2,315</b>
<b>GRAND TOTAL</b>	<b>214</b>	<b>13,295</b>

# RESEARCH

The Center conducts empirical and exploratory research on federal judicial processes and court management, primarily at the request of Judicial Conference committees. Such research helps inform many of the key policy issues in the administration of civil and criminal justice that are facing the federal judiciary. Center research studies also address the challenges confronting the federal courts as they seek to maintain their operations in an era of cost containment. Most of the Center's research reports are posted on its websites, and some are also available in print.

## Alternative Dispute Resolution

The Center continued a study of alternative dispute resolution programs in the federal courts as requested by the Committee on Court Administration and Case Management (CACM Committee) and the Judicial Resources Committee.

## Appellate Courts

The Center completed a study of class action objector appeals in the three circuits that tend to have the largest number of such appeals, the Second, Seventh, and Ninth Circuits. The study examined a five-year period and found that objector appeals represented less than one percent of the appeals filed in each of the three circuits. The study was done at the request of the Advisory Committee on the Federal Rules of Appellate Procedure as it considers a proposal to amend Rule 42 to require approval from the court of appeals for any dismissal of an appeal from a judgment approving a class action settlement or fee award.

## Bankruptcy Courts

At the request of the Subcommittee on Technology and Cross Border Insolvency of the Advisory Committee on Bankruptcy Rules, the Center collected and reviewed local bankruptcy rules regarding the requirements of retention of original signatures of debtors and others who are not registered users of the Case Management/Electronic Case Files system.

In connection with the efforts of the Advisory Committee on Bankruptcy Rules to evaluate bankruptcy judgeship requests from the District of Delaware and the Southern District of New York, the Center commenced an assessment of the impact of mega-Chapter 11 cases on the judicial workload in those districts, as well as in any other

districts in which such cases are filed. The Center also assisted the committee in evaluating a proposed Model Chapter 13 Plan for use across all districts. The Model Plan is a partial response to a Supreme Court decision that emphasized the affirmative duty of judges to review all Chapter 13 plan components, even if no objection has been raised.

The Center continued to assist an Administrative Office working group that is preparing a report required in 2015 by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. In that connection, the Center reviewed a draft Government Accountability Office (GAO) report on Dodd-Frank and submitted agency comments on the draft to the GAO.

At the request of the Committee on the Administration of the Bankruptcy System, the Center initiated a study of the use of technology in bankruptcy courts, with an emphasis on how technology might be used to reduce costs.

## Civil Litigation

The Center continued its evaluation of a ten-year Congressionally mandated pilot of the assignment of patent cases to designated judges in fourteen districts, as authorized by Public Law 111-349. The Court Administration and Case Management Committee asked the Center to conduct the evaluation and, in response to a related request, the Center surveyed the designated patent judges in the pilot courts regarding their experiences with the pilot. Also for the CACM Committee, the Center continued its evaluation of a pilot project that permits video recording of courtroom proceedings in civil cases in fourteen district courts. Under the project, judges in the pilot courts are permitted to record courtroom proceedings, with the consent of the parties, and to post the recordings for viewing on the Internet.

The Center produced a guide for judges that covers various election-law-related challenges raised in federal litigation arising out of past national elections. The Center also generated a detailed overview of the provisions of the Help America Vote Act of 2002 (HAVA) that contains brief summaries of relevant cases brought in the federal courts by the U.S. Department of Justice as well as by private, nongovernmental litigants seeking enforcement of HAVA's requirements.

At the request of a subcommittee of the Advisory Committee on Civil Rules, the Center reanalyzed data

from an earlier survey of the incidence of civil cases with more than five depositions per side as the committee considered the possible impact of limiting the number of depositions in federal civil matters.

### **Criminal Litigation**

As part of a multiyear evaluation of federal offender reentry programs, the Center completed a process-descriptive study of the federal judge-involved supervision programs that have been in operation for the past four years. In a related effort, the Center completed a study of the implementation and resource utilization of the first year of the five judge-involved supervision programs in the Center's multiyear experimental study of federal reentry programs. The study, requested by the Committee on Criminal Law, is part of a larger research project to investigate how programs modeled on state and local drug and reentry courts operate in the federal system.

At the request of the Advisory Committee on the Federal Rules of Appellate Procedure, the Center collected information and data regarding the need for a possible amendment to Rule 4(b) to accord criminal defendants the same thirty-day appeal period that applies to government appeals in criminal cases.

### **Multidistrict Litigation**

The Center continued to conduct periodic exit surveys of multidistrict litigation (MDL) transferee judges in recently closed MDL cases and also continued a prospective study of a sample of active MDL cases to better un-

derstand how different types of cases proceed through the MDL process.

### **Other Center Research**

At the request of the Court Administration and Case Management Committee, the Center conducted a second survey of district court judges to update its 2011 survey of jurors' use of social media during trials and deliberations and attorney use of social media during voir dire.

At the invitation of the Administrative Office, the Center began participating in a District Methods Analysis Program (DMAP) for Pro Se Litigation, launched at the request of the CACM Committee. The goal of the year-long project is to develop best practices for management of prisoner and nonprisoner pro se cases. In a separate but related project, also requested by CACM, the Center surveyed all clerks of district and bankruptcy courts regarding district practices using non-appropriated attorney admissions funds to support better access to the courts by unrepresented litigants.

The Center assisted Administrative Office staff to the Committee on Judicial Security by administering and analyzing the results of a survey of clerks of court regarding security screening procedures at entrances to federal courthouses.

The Center continued its work with the Statistics Subcommittee of the Committee on Judicial Resources regarding updating some or all of the 2004 district court case weights.

## FEDERAL JUDICIAL HISTORY

The Center's statute directs it to conduct, coordinate, and encourage programs relating to the history of the judicial branch.

In collaboration with the Supreme Court Historical Society, the Center continued work on a project to produce the first-ever narrative history of the federal judiciary. Center staff is providing research and editorial support to the team of authors who are under contract with the Society to write a general history of the role of the federal courts within the constitutional system and in the public life of the nation. The Center also coordinated the appointment of a project advisory board composed of judges and scholars. Delivery of the manuscript is scheduled for September 2015.

The Center published two volumes of a documentary history of debates on the federal judiciary and compiled and annotated documents to be included in a third volume covering the period since 1939.

The Center continued to expand the historical reference materials available on the History of the Federal Judiciary section of the Center's websites. It posted online

essays on the history of jurisdictional authorities pertaining to the federal courts, compiled and presented histories of judicial district boundaries since 1789, and published an historical study of the Rosenberg spy trial.

In collaboration with the ABA Division for Public Education, the Center conducted its eighth annual teacher institute on historic cases in the federal trial courts. History teachers from across the country met with federal judges, scholars, and curriculum experts to examine the Susan B. Anthony trial, *Olmstead v. United States*, and the Rosenberg trial. The teachers also attended a Supreme Court session and visited the U.S. District Court for the District of Columbia. The Center will offer a ninth teacher institute in Washington in June 2014. The institutes are based on the Center's online Teaching Judicial History project.

The Center continued to consult with courts about the preservation of their history, organized the annual meeting of representatives from federal and state court historical programs, and met with social studies educators to promote the study of the federal courts in the history curriculum.

## PROGRAMS FOR FOREIGN JUDICIAL OFFICIALS

As directed by its statute, the Center exchanges information about the administration of justice with the judiciaries of other nations. Judges, attorneys, and judicial educators from around the world visit the Center to learn about its work in the fields of judicial education and court administration.

In 2013, the Center hosted 640 visitors from 71 different countries and jurisdictions, listed below:

Afghanistan, Albania, Angola, Argentina, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Cape Verde, China, Colombia, Cote d'Ivoire, Croatia, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, France, Gabon, Greece, Guinea, Hungary, Indonesia, Iraq, Jordan, Kazakhstan, Kosovo, Kyrgyzstan, Lesotho, Malaysia, Maldives, Mauritania, Mauritius, Mongolia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Pakistan, Palestinian Territories, Peru, Russia, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Tajikistan, Togo, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, Uzbekistan, Yemen, Zambia, and Zimbabwe.

These meetings addressed a broad range of topics including strategies for developing distance education, leadership skills for judges, judicial ethics, judicial performance evaluation, alternative dispute resolution, and methods for collecting empirical evidence about court operations.

Under its Visiting Foreign Judicial Fellows Program, the Center hosts judges and court officials as "scholars in residence." Visiting Fellows conduct research in areas related to reform initiatives in their home judiciaries. In 2013, the Center hosted Fellows from the Constitutional Court of Korea, Japan's Kobe District Court, the Egyptian Ministry of Justice, the National Judges College of China, and Poland's Jagiellonian University.

At the invitation of foreign judiciaries, Center staff participate in conferences and provide support for international rule of law projects. Recent exchanges included judicial education seminars in Argentina, China, Germany, India, Peru, and Turkey and court administration programs in New Zealand and Canada. As with all of the Center's international work, these exchanges were funded by other U.S. government agencies or the host country.

# RESOURCES

## Websites

The Center's website on the judiciary's intranet, FJC Online (<http://fjconline.fjc.dcn>), provides a convenient and accessible place for judges and court staff to find information on the Center's research, education, history, and international programs and activities and to find print, video, and audio materials. Audio recordings of many conferences and workshops are available on FJC Online. Most Center publications, and some other resources, are also available to the public on the Center's Internet site (<http://www.fjc.gov>).

## Publications

Center manuals, monographs, and research reports are described throughout this report. In 2013, the Center distributed 29,937 printed copies of its publications. Commercial publishers reprint several Center publications for sale to the public, including the *Reference Manual on Scientific Evidence, Third Edition*; *Manual for Complex Litigation, Fourth*; *Patent Case Management Judicial Guide*; and *Anatomy of a Patent Case, Second Edition*. The Government Printing Office also carries several Center titles in its public sales program.

## Media library

The media library contains 4,786 audio and video programs, including Center-produced educational video programs, video and audio recordings of seminars and workshops, and 731 commercially produced educational video programs. In 2013, the media library loaned 448 programs to federal judges and judicial branch personnel on request and sent some 2,052 Center-produced media programs directly to the courts for them to keep and use in local education and training programs.

## Information Services

Drawing from a specialized collection of books, journals, and published and unpublished documents on the work of the federal courts, the Center serves as a national clearinghouse for information on federal judicial administration. During the year it answered numerous requests for information from judges and court staff, congressional staff, other government agencies, academics, researchers, the media, and others.

# FEDERAL JUDICIAL CENTER FOUNDATION

The Federal Judicial Center Foundation is a private, non-profit corporation that Congress established to receive gifts to support the work of the Center. The Foundation has sole authority to decide whether to accept gifts, and thereby to determine the suitability of would-be donors. The Foundation may not accept gifts earmarked for projects that have not previously been approved by the Center's Board, and the Center has sole control over the design and conduct of activities supported by donations.

The Foundation is governed by a seven-person board appointed by the Chief Justice, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. No Foundation Board member may be a judge. Foundation Board members at the close of 2013 were:

James M. Wagstaffe, San Francisco, Cal., *Chair*;  
Richard D. Casey, Sioux Falls, S.D.;  
Dana K. Chipman, Fort Myer, Va.;  
Laurie L. Michel, Washington, D.C.;  
Blake D. Morant, Winston-Salem, N.C.;  
John B. White, Jr., Spartanburg, S.C.; and  
Benjamin L. Zelenko, Washington, D.C.

In creating the Foundation, Congress directed that in its annual report the Center describe the purposes for

which Foundation gifts were used in the reporting year. The Center used the following Foundation gifts in 2013:

- Funds provided by the American Association for the Advancement of Science to cover travel expenses for federal judges to attend two programs on emerging issues in neuroscience.
- Funds provided by the MacArthur Foundation to cover travel expenses for federal judges to attend a seminar on law, neuroscience, and criminal justice at Vanderbilt University Law School.
- Funds provided by Northwestern School of Law of Lewis and Clark College to cover travel expenses for federal judges to attend a seminar on environmental and natural resources law.
- Funds provided by Akron Law School to cover travel expenses for federal judges to attend a seminar on patent litigation.
- Funds provided by JAMS and the Hewlett Foundation to conduct ADR research.
- Non-earmarked grants to provide partial support for a judicial seminar on the humanities and science at Princeton University (the Harold Medina Seminar).



# ADVISORY COMMITTEES

Advisory committees provide guidance on education programs and publications. The Chief Justice appoints the members of the advisory committees on appellate, bankruptcy, district, and magistrate judge education and the *Benchbook* committee, and Center Board members serve on each of these committees. The committees, which typically meet by telephone conference or during other Center programs, had the following memberships as of December 2013.

## Committee on Appellate Judge Education

Judge R. Guy Cole, Jr. (6th Cir.), *Chair*  
Judge Sandra Segal Ikuta (9th Cir.)  
Judge Michael J. Melloy (8th Cir.), *Center Board Representative*  
Judge Edward C. Prado (5th Cir.), *Center Board Representative*  
Judge Thomas I. Vanaskie (3d Cir.)  
Michele E. Reed (Administrative Office of the U.S. Courts)

## Committee on Bankruptcy Judge Education

Bankruptcy Judge Dennis R. Dow (W.D. Mo.), *Chair*  
Bankruptcy Judge Shelley C. Chapman (S.D.N.Y.)  
Bankruptcy Judge John E. Hoffman, Jr. (S.D. Ohio)  
Chief Bankruptcy Judge Barbara J. Houser (N.D. Tex.)  
Chief Bankruptcy Judge C. Ray Mullins (N.D. Ga.), *Center Board Representative*  
Bankruptcy Judge Erithe A. Smith (C.D. Cal.)  
Dean Lawrence Ponoroff (University of Arizona College of Law)  
Michele E. Reed (Administrative Office of the U.S. Courts)

## Committee on District Judge Education

Chief Judge Marcia S. Krieger (D. Colo.), *Chair*  
Judge Helen Ginger Berrigan (E.D. La.)  
Judge Catherine C. Blake (D. Md.), *Center Board Representative*  
Judge Curtis Lynn Collier (E.D. Tenn.)  
Judge Carol E. Jackson (E.D. Mo.)  
Judge William E. Smith (D.R.I.)  
Chief Judge Kathryn H. Vratil (D. Kan.), *Center Board Representative*  
Michele E. Reed (Administrative Office of the U.S. Courts)

## Committee on Magistrate Judge Education

Magistrate Judge Tim A. Baker (S.D. Ind.), *Chair*  
Magistrate Judge Jonathan W. Feldman (W.D.N.Y.), *Center Board Representative*  
Magistrate Judge Margaret J. Kravchuk (D. Me.)  
Magistrate Judge Lisa P. Lenihan (W.D. Pa.)  
Magistrate Judge Robert M. Levy (E.D.N.Y.)  
Magistrate Judge Thomas C. Mummert III (E.D. Mo.)  
Michele E. Reed (Administrative Office of the U.S. Courts)

## Committee on the *Benchbook* for U.S. District Court Judges

Judge John W. Lungstrum (D. Kan.), *Chair*  
Judge Robert Holmes Bell (W.D. Mich.)  
Chief Judge James F. Holderman (N.D. Ill.), *Center Board Representative*  
Judge Ann D. Montgomery (D. Minn.)  
Judge Robert H. Whaley (E.D. Wash.)  
Chief Judge Patti B. Saris (D. Mass. and U.S. Sentencing Commission)

## Committee on Court Attorney Education

Delores Simmons, Career Law Clerk, District Judge (D.D.C.), *Chair*  
Melissa Benoit, Career Law Clerk, Appellate Judge (5th Cir.)  
Jason Brener, Senior Staff Attorney (11th Cir.)  
Jill Novak Dalrymple, Career Law Clerk, Bankruptcy Judge (N.D.N.Y.)  
Sally R. Doerner, Pro Se Law Clerk, District Judge (E.D. Va.)  
Eileen Garcia-Wirshing, Career Law Clerk, Chief District Judge (D.P.R.)  
Corrie Long, Career Law Clerk, Magistrate Judge (M.D. Ala.)  
Lauren Mandel, Career Law Clerk, District Judge (E.D. Mich.)  
Deborah E. Moore, Career Law Clerk, District Judge (N.D.N.Y.)  
D. Robert Smith, Death Penalty Law Clerk (N.D. Tex.)  
Gloria J. Malkin (Administrative Office of the U.S. Courts)

## Defender Services Advisory Group Panel on Defender Education

Jon M. Sands, Federal Public Defender (D. Ariz.), *Chair*  
David Beneman, Federal Public Defender (D. Me.)  
Thomas W. Hillier II, Federal Public Defender (W.D. Wash.)  
Henry A. Martin, Federal Public Defender (M.D. Tenn.)  
Marjorie A. Meyers, Federal Public Defender (S.D. Tex.)

**Committee on Circuit and Appellate Court Staff Education\***

Betsy Paret, Circuit Executive (D.C. Cir.), *Chair*  
Douglas Cressler, Chief Deputy Clerk (10th Cir.)  
Molly Dwyer, Clerk of Court (9th Cir.)  
Elaine Fenton, Circuit Librarian (11th Cir.)  
Kim P. Jones, Senior Staff Attorney (8th Cir.)  
Mary Sharon, Bankruptcy App. Panel Clerk (1st Cir.)  
Catherine O'Hagan Wolfe, Clerk of Court (2d Cir.)  
Mark Zanchelli, Chief Deputy Clerk (4th Cir.)

**Committee on Bankruptcy Court Staff Education\***

Diane Zech, Clerk of Court (Bankr. D. Neb.), *Chair*  
Daniel M. LaVille, Clerk of Court (Bankr. W.D. Mich.)  
Margie Lynch, Bankruptcy Administrator (Bankr. E.D.N.C.)  
Becky Vail, Chief Deputy Clerk (Bankr. S.D. Ind.)

**Committee on District Court Staff Education\***

Frank G. Johns, Clerk of Court (W.D.N.C.), *Chair*  
Angela Denise Caesar, Clerk of Court (D.D.C.)  
David Provines, Chief Deputy Clerk (E.D. Tex.)

**Committee on Probation and Pretrial Services Education\***

Karen-Lee Moody, Chief U.S. Probation Officer (D. Me.), *Chair*  
Shiela Adkins, Chief U.S. Pretrial Services Officer (D. Nev.)  
Melissa Alexander, Chief U.S. Probation Officer (M.D.N.C.)  
Philip Miller, Chief U.S. Probation Officer (E.D. Mich.)  
Mary Lee Ranheim, Chief U.S. Probation Officer (D. Neb.)  
Connie Smith, Chief U.S. Probation Officer (W.D. Wash.)  
Jolene Whitten, Chief U.S. Probation Officer (N.D. Tex.)  
Kimberly Mosley Golder (Administrative Office of the U.S. Courts)

\*These committees were being reorganized at the end of 2013. The listings here reflect the committees as they were constituted in December 2013, while the reorganization was in progress.