federal judicial center annual report 2016

Contents

1 A Message from the Director

2 2016 Federal Judicial Center Staff

3 About the Federal Judicial Center
- Statutory Mission
- Governance
- Organization
- Board
- Coordination Within the Judicial Branch
- Staffing and Appropriation
- Senior Staff

4 2016 at a Glance

5 Education and Training
- Judicial and Legal Education
- Programs for Federal Judiciary Attorneys
- Online Resources for Judges and Attorneys
- Executive Education
- Management and Professional Development Education
- Probation and Pretrial Services Education

10 Research
- Bankruptcy Courts
- Civil Litigation
- Criminal Litigation
- Multidistrict Litigation
- Other Center Research

11 Federal Judicial History

12 International Judicial Relations

13 Resources
- Websites
- Publications
- Media Library
- Information Services

14 Federal Judicial Center Foundation

15 Advisory Committees

A MESSAGE FROM THE DIRECTOR

Although judges have a broad range of judicial philosophies, the judiciary at its core is a conservative institution. Its essential mission—to uphold the rule of law and protect fundamental rights—requires stability and predictability. Its legitimacy depends upon independence, impartiality, and accountability. At the same time, every institution, including the judiciary, needs to adjust and grow with the times. Change is inevitable, and stability cannot become stagnation.

The Federal Judicial Center has a special place within the judicial branch. Our statutory mission is "to further the development and adoption of improved judicial administration in the courts of the United States." We explicitly are charged with fostering managed change, by helping the courts and the people who work in them not only to perform effectively but also to discover and implement new ways to serve the public. While we do not formulate, dictate, or enforce policy, we do seek to provide ideas and information that aid the development of thoughtful practices and policy decisions. Our research, education, judicial history, and international judicial relations programs all strive to emulate and reinforce the judiciary's fundamental values.

Like the judiciary itself, the Center must adapt and grow even as it adheres to its own core principles of independence, rigor, and objectivity. Changes in technology, science, the economy, demographics, and other aspects of our society affect both what we study and how we do our work. For example, the digital revolution has greatly impacted the discovery process in litigation, resulting in significant amendments to the Federal Rules of Civil Procedure in December 2015. In 2016, the Center undertook research and developed educational programs and resources to address these reforms and the cultural changes necessary to implement them. These efforts were part of a much larger ongoing project of developing comprehensive curricula, based on established principles of adult learning, for all groups within the judiciary.

To maintain high standards while at the same time being flexible, creative, and open to new ideas is a challenging task. Diminished resources make this even more difficult: since I became director five years ago, both our staff and our inflation-adjusted appropriation have decreased in size. Yet we have grown significantly as an organization because of the outstanding capabilities of the people who work here. We haven't filled every vacancy, but we have been fortunate to hire thirty new colleagues who have brought a rich diversity of skills, experiences, and ideas. They joined what already was a highly talented and dedicated group, many of whom have been here for decades. Together we learn from one another and push each other to be better, to provide the highest quality support to the courts we are privileged to serve. More than any single program, project, or publication, I am most proud of these people and their capacity to grow and to meet the most pressing needs of the courts.

Of course, none of this would be possible without the guidance and support of our Board and our advisory committees, and the cooperation of our colleagues in the Administrative Office, the Sentencing Commission, and the courts themselves. For all of that, I am most grateful.

JEREMY D. FOGEL

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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 2016.

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 2016, the Judicial Conference elected Judge George Z. Singal, of the U.S. District Court for the District of Maine, and Judge David S. Tatel, of the U.S. Court of Appeals for the District of Columbia Circuit, to the Center's Board, replacing Judge Catherine C. Blake, of the U.S. District Court for the District of Maryland, and Judge Michael J. Melloy, of the U.S. Court of Appeals for the Eighth Circuit, whose terms expired.

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 produces education and training for judges and court staff, including in-person programs, video programs, publications, curriculum packages for in-district 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 programs. 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 informs 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 the Editorial & Information Services Office—support Center missions through technology, editorial and design assistance, and organization and dissemination of Center resources.

Board of the Federal Judicial Center

The Chief Justice of the United States, *Chair*

Judge Curtis L. Collier, U.S. District Court for the Eastern District of Tennessee

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

Judge Kent A. Jordan, U.S. Court of Appeals for the Third Circuit

Judge Kimberly J. Mueller, U.S. District Court for the Eastern District of California

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

Judge George Z. Singal, U.S. District Court for the District of Maine

Judge David S. Tatel, U.S. Court of Appeals for the District of Columbia Circuit

James C. Duff, Director of the Administrative Office of the U.S. Courts

Coordination Within the Judicial Branch

Many 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 2016 appropriation of $27,719,000, and it employed 124 people at the end of calendar year 2016. The Center's 2017 appropriation had not been determined when this report was prepared. 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

Judge Jeremy D. Fogel, Director

John S. Cooke, Deputy Director

Clara Altman, Director, Federal Judicial History Office

Dana Chipman, Director, Education Division

Esther DeVries, Director, Information Technology Office

James B. Eaglin, Director, Research Division

Mira Gur-Arie, Director, International Judicial Relations Office

Nancy Payne, Director, Office of Administration

2016 at a Glance

In 2016, the Center

- completed 13 major research and evaluation projects and continued work on 50 others;
- provided 232 in-person and technology-based educational programs for some 22,000 federal judges, legal staff, and court employees and helped to design, conduct, and teach another 24 programs, produced by other organizations, for 1,453 judges and court staff participants;
- produced 17 new educational video programs, either for online delivery or use in other education and training programs;
- published or updated 23 reports, manuals, monographs, or reference guides;
- distributed 17,941 printed copies of its publications, as well as 1,439 audio, video, and multimedia programs;
- conducted the eleventh annual teacher institute on historic cases in the federal courts; and
- hosted 664 visiting foreign judges, court officials, and attorneys from 77 different countries.

EDUCATION AND TRAINING

The Center produces educational programs and resources for the judges and court staff of the federal judiciary. In consultation with the Board and education advisory committees, Center staff identify competencies (knowledge, skills, and attributes) for judges and other positions, and prioritize learning needs. Center staff work with subject-matter experts within and outside the judiciary to design and produce effective programs and materials. The Center delivers education in various formats, including in-person seminars and workshops; video, audio, and e-learning programs; and self-study courses. Online resource collections, online forums for information sharing, publications, and other materials in hard copy and electronic versions complement programs.

In 2016, the Center provided

- 34 orientation and continuing education programs for 1,874 judges
- 15 programs for 11,772 legal staff
- 21 programs for 1,640 executives, including chief judges, clerks and deputy clerks of court, and probation and pretrial services chief deputies and deputy chiefs
- 148 programs for 5,144 supervisors, managers, and court staff
- 7 programs for 297 senior probation and pretrial services officers
- 17 new videos and 23 new publications
- 8 e-learning programs for at least 1,096 managers, supervisors, legal staff, and court staff
- educational components for 24 programs produced by the Administrative Office, individual courts, and other organizations, attended by 1,453 court staff and judges.

The figures listed above include both in-person and distance-education events. The tables on page 9 contain detailed statistics organized by audience and delivery method.

On request, the Center also provides organizational consulting for projects such as strategic planning, leadership development and coaching, organizational development, and problem solving. Education Division staff conducted four such in-district projects in 2016.

Judicial and Legal Education

In 2016, education for judges and attorneys emphasized cybersecurity and managing discovery. Perennial topics include case management, ethics, and sentencing.

Orientation Seminars for New Judges

During their first year on the bench, new district, bankruptcy, and magistrate judges attend two orientation seminars—Phase I and Phase II, each one week in duration.

In 2016, the Center provided five Phase I seminars (two for magistrate judges, two for bankruptcy judges, and one for district judges). These programs focused on the knowledge, skills, and attributes new judges need early in their tenure, including the art of judging, chambers management, case management, court technology, ethics and codes of conduct, and evidence. The Center provided two Phase II seminars (one for magistrate judges and one for bankruptcy judges). The Phase II seminars covered substantive legal topics, judicial ethics, and case management.

The Center conducted a two-day orientation program for new court of appeals judges that addressed chambers management, case management, collegiality, judicial ethics, opinion writing, wellness, and managing caseloads using information technology.

Continuing Education Workshops and Seminars for Judges

National workshops cover multiple topics. Workshops for magistrate judges addressed electronic surveillance, dealing with defendants who have mental illnesses, using information technology, and judicial security. Workshops for bankruptcy judges covered valuation, the role of the judge, and decision making. Workshops for district judges addressed national security, judicial independence, sentencing, and election litigation.

Special-focus seminars were conducted on the following topics: employment law; electronic discovery; environmental law; intellectual property; law and society; managing settlement in complex litigation; the humanities and science; emerging issues in neuroscience (twice); law and the biosciences; mediation skills; and patent law. District judges with at least five years on the bench attended a mid-career seminar. Topics included the expectations of judging; effective strategies for dealing with frustrations that judges face; judges as leaders; and the challenges of social and technological complexity. The Southern Region Inter-court Conference brought together federal and state judges to learn about the future of litigation, access to justice, national security and civil liberties, and law enforcement.

An in-district program on pretrial release and detention decision making for magistrate judges provided sce-

nario-based discussions among judges, pretrial services experts, and faculty.

The Federal Judicial Center and the U.S. Department of Justice co-hosted the Smart on Crime Implementation Workshop, which brought together executive-level decision makers from several districts to discuss pretrial decision making.

The Center produced continuing education workshops for judges of the First and Seventh Circuits.

Programs for Federal Judiciary Attorneys

Federal defenders and federal judicial branch attorneys (appellate staff attorneys, district court pro se and death penalty law clerks, circuit and district mediators, circuit librarians, bankruptcy administrators, and chambers law clerks) attended Center programs.

The national conference for appellate staff attorneys and clerk's office attorneys covered First and Second Amendment litigation, ethics, legal issues related to drones, and mental health.

Career law clerks attended the annual judicial clerkship institute and learned about summary judgment motions, effective management in support of the judge and chambers, and the psychology of litigation.

The Center conducted an orientation seminar for new assistant federal defenders, a national seminar for federal defenders with at least three years of experience, and a capital habeas unit conference. These programs covered substantive federal criminal law, trial tactics, evidence, computer technology, ethics, and sentencing issues.

Online Resources for Judges and Attorneys

The Center produces and hosts online educational resources on FJC.dcn, the Center's intranet site (formerly known as FJC Online). Resources include webcasts, forums, videos, documents, special topic webpages, and e-learning programs.

The Center educates chambers law clerks through the online Interactive Orientation for Federal Judicial Law Clerks. Portions of the program are available to new clerks before they formally begin employment, while other materials become accessible after they report to chambers.

Court Web is distributed monthly via webcast. Topics included character evidence and impeachment, *Johnson v. United States*, and ethics.

Online forums hosted at FJC.dcn give judges, court staff, and Center staff a place to exchange ideas and share information on a variety of topics.

In 2016, the Center produced the following judicial and legal educational videos:

- *A Review of Eighth Circuit Bankruptcy Decisions*
- *A Review of Ninth Circuit Bankruptcy Decisions*
- *Hague Convention Video Tutorial Series* (six videos)
- *Restitution in Human Trafficking Cases* (used for sentencing scenarios at national workshops for district judges)
- *Scenarios on Civil Rules Changes* (used for national workshops for district judges)
- *Supreme Court: The Term in Review (2015–2016)*
- *The 2015 Civil Rules Amendments: Implications for Case Management*
- *The Judiciary Budget and Work Measurement Process*

The following publications were printed in 2016 and are also available on FJC.dcn:

- *Anatomy of a Patent Case, Third Edition*
- *Mindfulness and Judging*
- *Overseas Voting: The Uniformed and Overseas Citizens Absentee Voting Act*
- *Patent Case Management Judicial Guide, Third Edition*
- *Pro Se Case Management for Nonprisoner Civil Litigation*
- *Survey of Harm to Cooperators: Final Report*
- *Video Recording Courtroom Proceedings in United States District Courts: Report on a Pilot Project*

The Center posted the following new or updated online publications and resources on FJC.dcn in 2016:

- *A Study of Civil Case Disposition Time in U.S. District Courts*
- *Consumer Law Update* (quarterly updates through 2016)
- *Overview of Section 1983 Litigation* (quarterly updates through 2016)
- *Recent Developments in Bankruptcy Law Compilation* (cumulative through October 2016)
- *Section 1983: Qualified Immunity* (quarterly updates through 2016)

Curated online collections of Center resources cover particular topics of interest. The following special topic webpages were available on FJC.dcn:

- 1980 Hague Convention on International Child Abduction: A Resource for Judges
- Bankruptcy Pro Se Debtors and Creditors: Resources for Parties, Court Staff, and Judges
- District Court Pro Se Litigation: Resources for Litigants, Court Staff, Attorneys, and Judges
- Election Litigation
- Illustrative Forms of Class Action Notices

- Legal Issues in Pandemic-Related Litigation
- Managing Capital Cases
- Mindfulness and Judging
- National Security Cases
- Probation and Pretrial Services
- Rules of Practice and Procedure
- Technology in Litigation

Chambers Online Automation Training (COAT) is a collection of online training modules designed to teach judges and chambers staff how to use court technology effectively.

Executive Education

For executives in the judiciary—chief judges, court unit executives, and deputy court unit executives—leadership education covers competencies identified as most important for each group. Center staff design, develop, and deliver programs and resources relevant to executives across all court units.

Programs for Chief Judges

At separate national conferences, chief district and chief bankruptcy judges studied their leadership and management roles.

At the Leadership Seminar for New Chief District Judges, eleven teams of new and soon-to-be chief district judges and their unit executives learned about the leadership and management responsibilities of the court, approaches to court governance, working with internal and external stakeholders, and holding difficult conversations with colleagues.

Programs for Court Unit Executives

The Center hosted a one-day workshop for new court unit executives followed by a three-day national conference for all unit executives from district and bankruptcy courts. The national conference covered leadership competencies identified for this group. Participants engaged in leadership study tours and learned about the role of purpose in modern organizations, mindfulness, and how to create a culture of leadership.

Programs for Deputy Court Unit Executives

In the Institute for New Deputy Court Unit Executives, participants studied their transition from supervisory to executive roles, assessed their own leadership strengths and challenges, and worked to translate their vision of leadership into strategies for working within various court cultures.

Programs Addressing Space and Facilities

Throughout the year, the Center participated in Phase I of the National Service Validation Initiative, a joint effort with the Administrative Office and the General Services Administration. This collaboration used workshops for 1,020 executives in twelve locations to identify best practices and achievable solutions, working with the judiciary's national space-reduction program.

Management and Professional Development Education

The Center educates managers, supervisors, and staff on management competencies as well as competencies common to many positions in the courts.

Programs About Management

The New Supervisors Development Program helps participants develop skills for their new positions by starting with a self-directed and self-paced component, followed by an in-person workshop, and completed with a self-directed online component.

Experienced supervisors and managers attend the Management Development Program. A combination of webinars and in-person programming offers opportunities to identify managerial strengths and areas for improvement; develop skill in critical thinking, team building, and conducting challenging conversations; and evaluate strategies for fostering a great workplace.

In 2016, forty-six employees completed a five-phase, two-year Federal Court Leadership Program. In a blended-learning approach, participants acquired management and leadership knowledge, skills, and attributes.

The Probation and Pretrial Services Leadership Development Program conducted an in-person seminar. Participants studied emotional intelligence for leaders, considered their own leadership vision, learned from one another's in-district projects, and developed a plan of action for continuing their leadership development through the remainder of the three-year program and beyond.

In-district programs for supervisors and managers addressed managing organizational transition, performance management, succession planning, and workforce management.

Programs About Common Competencies

The Center trains a skilled cadre of court employees who deliver packaged programs for the Center in courts nationwide. In 2016, these in-district programs addressed

the code of conduct, dealing with difficult situations, respect in the workplace, understanding personality temperaments, preventing workplace harassment, structured writing, project management, time management, and trust in the workplace. The court trainers received instruction in presentation skills, designing learning experiences, assessing training requests, working with consultants, negotiating agreements, and managing training events as well as instruction on the courses they teach. In addition, 265 court staff enrolled in the Foundations of Management self-study program.

The Center produced six videos to educate court employees about procedures, innovations, and developments in the courts. These programs included *How Civil Cases Move Through the District Courts* and five videos in the *Court to Court* series: *Cognitive Behavioral Interventions; Why Use Staff Training Aimed at Reducing Re-Arrest (STARR)*; *Implementing STARR Successfully* (two parts); *Solving Caseload Management Problems*; and *U.S. Courts Libraries Today and Tomorrow*.

Probation and Pretrial Services Education

Probation and pretrial services officers who have completed basic training are eligible to attend Center leadership and management programs in addition to those programs designed specifically to address probation and pretrial services work.

Participants in Treatment Services: Negotiating Pathways and Supporting Successful Transitions learned about the latest research on substance abuse and mental health disorders, treatment services in the community, and development of job-related skills. The program has an online course open to all interested members of the judiciary and an in-person seminar for probation and pretrial treatment specialists only.

The What Works and Why workshop on pretrial justice was attended by ten interdisciplinary federal court teams—composed of a judge, pretrial services officer, prosecutor, and defense attorney—for advanced education on pretrial research topics, including screening, assessment, insights from neuroscience and behavioral science, evidence-based interventions, collaborative problem solving approaches, and intervention models.

Four court teams participated in the year-long Quality Improvement in Federal Problem-Solving Courts program. This program consists of a two-day seminar preceded by a one-hour online Web conference session and followed by eleven monthly, one-hour phone consultations with each team.

The in-district Coaching for Problem-Solving Courts Workshop introduces new federal problem-solving court teams to the research and practice principles related to evidence-based problem-solving court operations and provides one year of expert consultation. The year-long blended learning program includes an in-person workshop, participation in an online forum, ten monthly phone consultations, and an onsite observation.

The year-long Supervising Officers in an Evidence-based Environment in-district program is designed to ensure that supervising probation officers follow evidence-based practice. The program consists of three phases: a week-long assessment of supervisors' specific needs; a week-long session on connecting the federal risk/needs-assessment instrument results to supervision strategies; and a year-long phase consisting of quarterly review of participant skill practice.

Judicial Education Programs

	Number of Programs	Number of Participants
Orientation for newly appointed circuit judges	1	3
Orientation for newly appointed district judges	1	12
Orientations for newly appointed bankruptcy judges	3	24
Orientations for newly appointed magistrate judges	3	97
National workshops for bankruptcy judges	2	307
National workshops for district judges	2	340
National workshops for magistrate judges	2	401
Circuit workshops	2	99
Special-focus seminars	14	453
In-district programs	4	138
TOTAL	**34**	**1,874**

Legal Staff Education Programs

	Number of Programs	Number of Participants
Judicial clerkship institute for career law clerks	1	53
National conference for appellate staff attorneys	1	82
National seminar for federal defenders	1	475
Orientation seminar for assistant federal defenders	1	126
Capital habeas unit national conference	1	171
TOTAL	**5**	**907**

Programs for Executives, Managers, Supervisors, Probation and Pretrial Services Officers, and Staff

	Number of Programs	Number of Participants
Leadership and management programs for chief judges, court unit executives, and deputy court unit executives	21	1,640
Programs for supervisors, managers, court staff, and trainers	11	741
Programs specific for probation and pretrial services officers	7	297
In-district programs for supervisors, managers, court staff, and trainers	137	4,403
TOTAL	**176**	**7,081**

Distance-Education Programs

	Number of Programs	Number of Participants
Technology-based programs (e-learning programs, videoconferences, audioconferences, and online conferences) for judges and legal staff	11	11,040
Technology-based programs for court unit executives, deputy unit executives, supervisors, managers, staff, and trainers	6	1,096
TOTAL	**17**	**12,136**
GRAND TOTAL*	**232**	**21,998**

*Does not include programs developed with other organizations.

RESEARCH

The Center conducts empirical and legal research on judicial processes and court administration. Most of the research is carried out at the request of committees of the Judicial Conference of the United States (Judicial Conference). Center studies often assess the operation of the rules of federal procedure, and increasingly the Center is asked to conduct studies of court programs that aim to reduce the time and cost of litigation. This year, the Center completed thirteen major projects and continued work on fifty others.

Bankruptcy Courts

At the request of the Committee on the Administration of the Bankruptcy System, the Center organized a roundtable with judges, clerks of court, attorneys, and others involved with recent Chapter 9 (municipal insolvency) cases to explore major case-management and legal challenges that often arise in these cases. The roundtable generated information that will be included in a guide for judges on the management of Chapter 9 cases.

Work continues on the multiyear evaluation of the Judicial Conference-approved bankruptcy judgeship vacancy pilot.

Civil Litigation

In 2016, the Judicial Conference authorized two pilot projects to implement potential changes to the Federal Rules of Civil Procedure. The Center, along with staff of the Administrative Office, is working closely with the Judicial Conference's Committee on Rules of Practice and Procedure and the Advisory Committee on Civil Rules on the pilot projects. The Center will evaluate the experiences of the pilot districts.

The Center drafted four pocket guides in 2016: *Securities Litigation*; *Managing Discovery of Electronic Information, Third Edition*; *Technology Assisted Review for Discovery Requests*; and a supplement to the Center's 1997 *Manual for Cooperation Between State and Federal Courts*, requested by the Conference's Committee on Federal–State Jurisdiction (Fed–State Committee), providing a brief history of federal–state judicial councils. Also at the request of the Fed–State Committee, the Center completed a survey of chief judges of the district courts to identify cooperative efforts made by federal and state courts outside of any formal activities by their federal–state judicial councils. Work continues on an update to the fourth edition of the Center's *Manual for Complex Litigation*.

The Center delivered its report on the digital video recording of civil proceedings pilot program to the Court Administration and Case Management Committee, which requested the study.

The Center completed the five-year mid-point report in its congressionally mandated evaluation of the ten-year patent pilot program that is being conducted in thirteen pilot districts. The Center also continued the evaluation of the Judicial Conference-approved court law clerk pilot program.

Criminal Litigation

The Center concluded its multiyear study of an experimental evidence-based practices reentry program model that was implemented in three study districts. The study was conducted at the request of the Judicial Conference's Criminal Law Committee.

The Center completed its report of a survey of district judges, federal probation officers, federal prosecutors, and federal defenders regarding instances of threats or harm to defendants, offenders, and witnesses in criminal cases as a result of their cooperation with the government. The survey was conducted at the request of the Court Administration and Case Management Committee, the Committee on Criminal Law, and the Committee on Defender Services.

At the request of Court Administration and Case Management Committee, the Center is designing an evaluation of the Federal Bureau of Prisons (BOP) Inmate eFiling Pilot. The BOP has entered into agreements with certain states to allow federal inmates to file state court documents electronically from prison. Under the pilot, that inmate efiling system will be expanded to the federal courts.

Multidistrict Litigation

The Center is working on several projects requested by the U.S. Judicial Panel on Multidistrict Litigation (MDL). The first focuses on litigation funding agreements, under which litigants obtain financial assistance from third-party funders in exchange for shares in the potential recovery. The second project will produce a pocket guide on common benefit funds to assist judges to address attorney fee issues that frequently arise in multidistrict and class action litigation. The third is part of the periodic rounds of Center surveys of transferee judges in recently concluded MDL cases to gather information about their experiences with the litigation.

Also at the request of the MDL Panel, the Center compiled a comprehensive database of all cases in MDL proceedings before 1992.

Other Center Research

Based on several years of data collection and analyses, the Center submitted new case weights to the Statistics Subcommittee of the Judicial Resources Committee to replace the 2004 district court case weights. The new case weights were approved at the March 2016 meeting of the Judicial Conference.

The Center completed the third publication, *The Uniformed and Overseas Citizens Absentee Voting Act*, in its trilogy of guides for judges on special election statutes. The two previously published guides focused on the Help America Vote Act and the National Voter Registration Act. The Center completed the sixth edition of its *National Security Case Studies*.

The Center commenced work on a best practices guide as required by Section 6 of the Defend Trade Secrets Act of 2016 (Pub. L. No. 114-153, 130 Stat. 376, May 11, 2016). The Act requires the Center to develop best practices regarding the seizure and securing of information and media storing the information when an owner of a trade secret requests the seizure of property to prevent dissemination of the trade secret.

In response to a request from the Court Administration and Case Management Committee, the Center completed its multiyear study of caseload and other qualitative data from courts in districts designated as congested or expedited.

The Center, along with staff of the Administrative Office and an outside expert group, continued to assist a cost-containment subcommittee comprising members from several Judicial Conference committees to evaluate structural and organizational cost-containment proposals.

FEDERAL JUDICIAL HISTORY

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

In partnership with the Supreme Court Historical Society, the Center worked with a team of distinguished authors to complete the first-ever narrative history of the federal judiciary, which was published by Oxford University Press in 2016. The Center also continued the preparation of a third and final volume of *Debates on the Federal Judiciary: A Documentary History*, which is planned for publication in 2017.

The Center convened a conference of legal historians, federal judges, and Center staff to discuss major issues in the history of the judicial branch with the goal of fostering research on important topics in the history of the courts and the judiciary. The Center is working on a volume of essays based on the conference.

The Center continued to expand the historical reference materials available on the History of the Federal Judiciary section of its websites on the Internet and the federal judiciary's intranet. This includes the development of interactive timelines on the structure, administration, and jurisdiction of the courts, as well as on significant cases that have shaped the judiciary. It also includes charts and graphs related to the demographics of the judiciary over time, and interactive maps that show changes in judicial circuits and in authorized judgeships over time. These new materials will be available on the Center's Internet site (www.fjc.gov) in 2017.

The Center also continued its efforts to increase knowledge of the history of the federal courts through outreach and public education. The Center's Twitter account, @FedJudicialHist, includes tweets with links to material on the History of the Federal Judiciary section of the Center's website, and facts about the history of the federal courts and judiciary. The Center contributed short essays on the history of the federal judicial appointments process and the history of the Court of Claims to the magazines *Social Education* and *The Federal Lawyer*, respectively, to increase education about the history of the courts among social studies teachers and members of the Federal Bar Association.

In partnership with the American Bar Association Division for Public Education, the Center held the eleventh annual teachers institute on historic cases in the federal courts. History teachers from across the country met with federal judges, scholars, and curriculum experts to examine the trial of Susan B. Anthony, the Debs case, 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 twelfth teachers institute in Washington, D.C., in June 2017. The institutes are based on the Center's online Teaching Judicial History project.

INTERNATIONAL JUDICIAL RELATIONS

The Center's International Judicial Relations Office hosts visiting delegations at its Washington, D.C., office and serves as a resource for international rule of law programs coordinated by other U.S. government agencies. In 2016, 664 judges, attorneys, and government officials from 77 different countries and jurisdictions came to the Center for informational briefings and programs. They represented the countries and jurisdictions listed below:

> Algeria, Argentina, Armenia, Australia, Azerbaijan, Bahrain, Bangladesh, Benin, Bosnia, Botswana, Brazil, Bulgaria, Burkina Faso, China, Colombia, Congo, Egypt, Eritrea, Estonia, Ethiopia, Finland, Gambia, Georgia, Greece, Guatemala, Guinea, India, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kosovo, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Liberia, Malaysia, Mali, Mauritania, Moldova, Mongolia, Montenegro, Morocco, Namibia, Nepal, Netherlands, Nigeria, Pakistan, Palestinian Territories, Papua New Guinea, Philippines, Romania, Saudi Arabia, Senegal, Serbia, Sierra Leone, South Africa, South Korea, South Sudan, Swaziland, Taiwan, Tajikistan, Tanzania, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, Uzbekistan, Vietnam, Zambia

International programs at the Center vary in content and scope. For example, a delegation from the Legal Training and Research Institute of Japan spent three days with staff, discussing best practices in curriculum development and strategies for using technology to deliver training. At the request of the Supreme Court of Bangladesh, the Center developed a week-long program for judges and court officials that included sessions on judicial independence, case management, and alternative dispute resolution, and visits to local courts. The Center also continued its work with the judiciary of Uzbekistan; representatives from the Uzbek Supreme Court, Ministry of Justice, Justice Training Center, and Presidential Administration participated in meetings addressing judicial independence, transparency, ethics, and court administration.

On a limited basis, Center staff travel abroad to participate in conferences and technical-assistance projects. These programs are funded by other U.S. government agencies or international organizations. With the support of the U.S. Embassy in Namibia, the Center's director led a delegation to Windhoek for an exchange focusing on recent reform initiatives. Other programs included a judicial education project in the Philippines, conferences in Argentina and Turkey, and a program with Pakistan's Lahore High Court that took place at the Central and Eastern European Legal Institute in Prague, Czech Republic.

The Visiting Foreign Judicial Fellows Program offers judges, prosecutors and attorneys from other countries the opportunity to be "scholars in residence" at the Center. In 2016, the Center hosted judges from China, South Korea, and Turkey, as well as a prosecutor from Brazil. The Fellows conducted research on case management, plea bargaining, and the relationship between the media and the judiciary.

RESOURCES

Websites

The Center's website on the judiciary's intranet, formerly known as FJC Online, was renamed FJC.dcn in 2016. FJC.dcn provides a convenient 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. Digital recordings of many conferences and workshops are available on FJC.dcn. All federal judicial history and international judicial relations material on FJC.dcn, and most Center publications and some other resources, are also available to the public on the Center's Internet site (www.fjc.gov).

Publications

Center manuals, monographs, and research reports are described throughout this report. In 2016, the Center distributed 17,941 printed copies of its publications. Commercial publishers make several Center publications available for sale to the public, including the *Reference Manual on Scientific Evidence, Third Edition*; *Manual for Complex Litigation, Fourth Edition*; and *Patent Case Management Judicial Guide, Third Edition*.

Media Library

The media library contains 5,600 audio and video programs, including Center-produced educational video programs, video and audio recordings of seminars and workshops, and commercially produced educational video programs. In 2016, the media library loaned 252 programs to federal judges and judicial branch personnel on request and sent 1,187 Center-produced media programs directly to the courts for them to 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 clearinghouse for information on federal judicial administration. During the year it answered 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, nonprofit 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 potential 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 2016 were:

James M. Wagstaffe, San Francisco, Cal., *Chair*
Hon. Rebecca Love Kourlis (Ret.), Denver, Col.
Peter A. Kraus, Dallas, Tex.
Laurie L. Michel, Washington, D.C.
Blake D. Morant, Washington, D.C.
John B. White, Jr., Spartanburg, S.C.
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 2016:

- 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 Electronic Discovery Institute to cover travel expenses for judges to attend a seminar on electronic discovery.
- Funds provided by Vanderbilt University to cover travel expenses for mid-career federal judges to attend a seminar on issues and challenges faced by judges who have served five to ten years on the bench.
- Funds provided by Lewis and Clark Law School to cover travel expenses for judges to attend an environmental and natural resources law seminar.
- Funds provided by the U.S. State Department to cover travel expenses in support of technical assistance to the judiciary in the Republic of Namibia.
- Funds provided from class action settlement litigation to cover travel expenses for judges to attend a seminar on Managing Settlement in Complex Litigation.
- Nonearmarked grants to support a judicial seminar on the humanities and science at Princeton University (the Harold Medina Seminar).

ADVISORY COMMITTEES

Advisory committees provide guidance on curriculum development, 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 advisory committees had the following membership as of December 2016.

Committee on Appellate Judge Education

Judge Sandra Segal Ikuta (9th Cir.), *Chair*

Judge Janice Rogers Brown (D.C. Cir.)

Judge Kent A. Jordan (3d Cir.), *Center Board Representative*

Judge David S. Tatel (D.C. Cir.), *Center Board Representative*

Judge Thomas I. Vanaskie (3d Cir.)

Michele E. Reed (Chief, Judicial Services Office, Administrative Office of the U.S. Courts)

Committee on Bankruptcy Judge Education

Bankruptcy Judge Shelley C. Chapman (S.D.N.Y.), *Chair*

Bankruptcy Judge Mildred Caban (D.P.R.)

Bankruptcy Judge John E. Hoffman, Jr. (S.D. Ohio)

Bankruptcy Judge William J. Lafferty III (N.D. Cal.)

Chief Bankruptcy Judge C. Ray Mullins (N.D. Ga.), *Center Board Representative*

Judge Pamela Pepper (E.D. Wis.)

Troy McKenzie (New York University School of Law)

Michele E. Reed (Chief, Judicial Services Office, Administrative Office of the U.S. Courts)

Committee on District Judge Education

Chief Judge Marcia S. Krieger (D. Colo.), *Chair*

Judge Edward M. Chen (N.D. Cal.)

Judge Curtis Lynn Collier (E.D. Tenn.), *Center Board Representativ*e

Judge Catherine C. Eagles (M.D.N.C.)

Judge Amy J. St. Eve (N.D. Ill.)

Judge George Z. Singal (D. Me.), *Center Board Representative*

Chief Judge William E. Smith (D.R.I.)

Michele E. Reed (Chief, Judicial Services Office, Administrative Office of the U.S. Courts)

Committee on Magistrate Judge Education

Magistrate Judge Lisa P. Lenihan (W.D. Pa.), *Chair*

Magistrate Judge Sonja F. Bivins (S.D. Ala.)

Magistrate Judge Jonathan W. Feldman (W.D.N.Y.), *Center Board Representative*

Magistrate Judge Evelyn J. Furse (D. Utah)

Magistrate Judge David A. Sanders (N.D. Miss.)

Magistrate Judge Cheryl R. Zwart (D. Neb.)

Michele E. Reed (Chief, Judicial Services Office, 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 Irene M. Keeley (N.D. W. Va.)

Judge Ann D. Montgomery (D. Minn.)

Judge Kimberly J. Mueller (E.D. Cal.), *Center Board Representative*

Chief Judge Patti B. Saris (D. Mass. and U.S. Sentencing Commission)

Judge Robert H. Whaley (E.D. Wash.)

Committee on Court Attorney Education

D. Robert Smith, Staff Attorney (N.D. Tex.), *Chair*

Kimberly Berger, Pro Se Law Clerk (D. Md.)

Lisa Fitzgerald, Senior Staff Attorney (9th Cir.)

Eileen Garcia-Wirshing, Career Law Clerk, Chief District Judge (D.P.R.)

Terees Jenkins, Pro Se Law Clerk (E.D. Tex.)

Jennifer Knight, Career Law Clerk, District Judge (D.D.C.)

Lauren Mandel, Career Law Clerk, District Judge (E.D. Mich.)

Delores Simmons, Career Law Clerk, District Judge (D.D.C.)

Tamala Wayne, Supervisory Staff Attorney (2d Cir.)

Gloria J. Malkin (Attorney Advisor, Court Services Office, Administrative Office of the U.S. Courts)

Henry Wigglesworth (Senior Attorney, Judicial Services Office, Administrative Office of the U.S. Courts)

Defender Services Advisory Group Panel on Defender Education

Jon Sands (Federal Public Defender, D. Ariz.), *Chair*

Denise Barrett (Sentencing Resource Counsel Project)

Lisa Freeland (Federal Public Defender, W.D. Pa.)

Christina Hunt (Federal Community Defender, M.D. Ga.)

David McCann (CJA Panel Attorney Representative, D.S.C.)

Marjorie Meyers (Federal Public Defender, S.D. Tex.)

Anthony Natale (Supervisory Assistant Federal Public Defender, S.D. Fla.)

David Patton (Federal Community Defender, E.D. & S.D.N.Y.)

Gilbert Schaffnit (CJA Panel Attorney Representative, N.D. Fla.)

Carlos Williams (Federal Community Defender, S.D. Ala.)

James Wyda (Federal Public Defender, D. Md.)

Committee on Executive Education

Claudia Bernard (Chief Circuit Mediator, 9th Cir.), *Chair*

Angela Caesar (Clerk of Court, D.D.C.)

James Corpening (Chief U.S. Probation and Pretrial Services Officer, E.D.N.C.)

John Domurad (Chief Deputy, N.D.N.Y.)

Frances McNulty (Chief Deputy, W.D. Va.)

Carol Miyashiro (Chief U.S. Pretrial Services Officer, D. Haw.)

Chief Bankruptcy Judge C. Ray Mullins (N.D. Ga.), *Center Board Representative*

Chief Judge David Nuffer (D. Utah)

Sandra Smith (Chief Deputy, Bankr. E.D. Cal.)

Diane Zech (Clerk of Court, Bankr. D. Neb.)

Leeann Yufanyi (Deputy Chief, Court Services Office, Administrative Office of the U.S. Courts)

Grant Meyers (Probation Administrator, Probation and Pretrial Services Office, Administrative Office of the U.S. Courts)

Committee on Management and Professional Development Education

Katherine Gullo (Clerk of Court, Bankr. E.D. Mich.), *Chair*

Beryl Dixon (Officer of Planning and Personnel Management, Bankr. C.D. Cal.)

Julie Jones (Branch Librarian, 2d Cir.)

Kit Lemon (Deputy Chief U.S. Probation Officer, D. Neb.)

Woodrow Parks (Training Specialist, Bankr. D. Minn.)

Karen Prochniewski (Training Manager, E.D. Wis.)

Eric Storms (Chief Deputy, D. Me.)

Jeffrey Thomason (Chief U.S. Probation Officer, D. Idaho)

Lisa Tidwell (Courtroom Services Supervisor, S.D. Ill.)

William Hicks, Jr. (Probation Administrator, Probation and Pretrial Services Office, Administrative Office of the U.S. Courts)

Gary McCaffrey, (Chief, Operations Division, Administrative Office of the U.S. Courts)

Committee on Probation and Pretrial Services Education

Yador Harrell (Chief U.S. Probation Officer, N.D. Cal.), *Chair*

Douglas Burris (Chief U.S. Probation Officer, E.D. Mo.)

Suzan Contreras (Assistant Deputy Chief U.S. Probation Officer, W.D. Tex.)

Troy Greve (Supervising U.S. Probation Officer, D. Neb.)

Elisa Martinez (Sr. U.S. Probation Officer/Treatment Specialist, D.N.J.)

LaToya Myles (U.S. Probation Officer, M.D. Fla.)

Wade Warren (Chief U.S. Probation Officer, D.N.D.)

Mary Jean Gagnon-Odom (Chief, Training & Skills Branch, Federal Probation & Pretrial Academy, Administrative Office of the U.S. Courts)

Amanda Garcia (Probation Administrator, Probation and Pretrial Services Office, Administrative Office of the U.S. Courts)