

Orientation Seminar for Newly Appointed District Judges



**Washington, DC
November 13-17, 1995**

**The Federal Judicial Center
Presents an
Orientation Seminar for
Newly Appointed District Judges**

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Honorable Rya W. Zobel
Director, Federal Judicial Center
Washington, DC

Robb M. Jones
Director, Judicial Education Division
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Washington, DC

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FJC Committee on District Judge Education

Honorable D. Brock Hornby, Chair
District of Maine

Honorable James C. Cacheris
Eastern District of Virginia

Honorable William T. Hart
Northern District of Illinois

Honorable Anna Diggs Taylor
Northern District of Michigan

Honorable Stephen V. Wilson
Northern District of California

Monday, November 13, 1995

Chair for the Seminar: Honorable D. Brock Hornby

District of Maine

Chair, FJC Committee on District Judge Education

8:30 Greetings and Introductions

Honorable Rya W. Zobel

Director, Federal Judicial Center

Robb M. Jones

Director, Judicial Education Division

8:40 Civil Case Management: Panel Discussion

Panelists

Honorable Marvin E. Aspen (Chair)

Northern District of Illinois

Judge Hornby

Honorable Ann C. Williams

Northern District of Illinois

Honorable William G. Young

District of Massachusetts

Commentator

Dianne M. Nast, Esq.

Lancaster, Pennsylvania

8:40 Scheduling: Status and scheduling conferences—Rule 16 issues; discovery control and management—Rule 26 issues, local rule limitations, use of magistrate judges, etc.

Discussion Leader

Judge Hornby

9:00 Comments and Questions

- 9:30 **Pretrial Resolution of Cases by Dispositive Motions:** How to prepare for, hear, and decide dispositive motions. Dealing with motions to dismiss, motions for summary judgment, and sanctions.
- Discussion Leader
Judge Young
- 9:50 Comments and Questions
- 10:20 **Intermission**
- 10:35 **Case Management:** Final pretrial conferences, anticipating trial problems, pretrial rulings on evidence, Rule 104 hearings, motions in limine, etc.
- Discussion Leader
Judge Williams
- 10:55 Comments and Questions
- 11:25 **Managing the Trial in Progress:** Juror utilization, selection, and management; control of evidence offered at trial, enhancing juror comprehension, jury instructions, etc.
- Discussion Leader
Judge Aspen
- 11:45 Comments and Questions
- 12:15 **Intermission**
- 12:30 **Catered Lunch/Roundtable Discussions**
Training Rooms A, B, and C (*see list*).
- 1:30 **Intermission**

- 1:45 **Efficient Management of Bench Trials: Use of proposed findings, narrative statements of evidence, bench rulings, etc.**

Discussion Leader

Judge Hornby

- 2:05 **General Discussion with Audience Participation**

- 2:30 **Thoughts on Avoiding Reversible Error**

Presenter

Honorable Gerald B. Tjoflat

Chief Judge, U.S. Court of Appeals for
the Eleventh Circuit

- 3:30 **Intermission**

- 3:45 **Settlement Conference Techniques and ADR in Federal Courts:** An overview of the forms of ADR, with an emphasis on settlement conference techniques including format, whether to require parties to be present, prehearing conference, opening statement by court, ethical concerns, private caucuses, dealing with difficulties, gap-closing, breaking impasse, closure, and enforcement.

Presenter

Professor Eric Green

Boston University School of Law

- 4:30 **General Discussion with Audience Participation**

- 5:00 **Adjournment**

- 6:30 **Opening Reception—Outside the Auditorium.**
to 8:00

Tuesday, November 14, 1995

8:30 Habeas Corpus

Presenter

Professor Ira P. Robbins

Washington College of Law, American University

10:15 Intermission

**10:30 Overview of Section 1983 Litigation and
Supreme Court Update**

Presenter

Professor Kathryn Urbonya

Georgia State University School of Law

12:15 Intermission

12:30 Catered Lunch/Roundtable Discussions
Training Rooms A, B, and C (*see list*).

1:30 Intermission

1:45 *Pro Se* Litigants - Panel Discussion: Panel will focus on *pro se* litigation in criminal and civil cases, including the right of criminal defendants to proceed *pro se* and the use of standby counsel in criminal cases. Civil *pro se* litigation will also be discussed with an emphasis on case trends and case management techniques in prisoner civil rights cases. The Center's current efforts to develop a manual for managing prisoner civil rights cases will also be highlighted.

Panelists

Honorable Charles R. Wolle (Chair)
Chief Judge, Southern District of Iowa

James B. Eaglin
Assistant Director, Research Division
Federal Judicial Center

Professor Robbins

2:45 **Intermission**

3:00 **Discrimination Litigation: Including Title VII, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Civil Rights Act of 1991.**

Presenter

Professor Martha E. Chamallas
University of Pittsburgh School of Law

5:00 **Adjournment**

Wednesday, November 15, 1995

8:30 The Criminal Process: Panel Discussion

Panelists

Honorable George P. Kazen (Chair)
Southern District of Texas

Honorable Wm. Terrell Hodges
Middle District of Florida

Honorable Anna Diggs Taylor
Eastern District of Michigan

Commentators

A. J. Kramer
Federal Public Defender
District of DC

Thomas E. Zeno
Assistant U.S. Attorney
District of DC

- 8:30 1. Special Defense Requests and Counsel**
Issues: Appointments of counsel,
investigators, experts; CJA issues; conflicts;
withdrawal; defense requests to identify and
interview confidential informants; subpoenas;
psychiatric evaluations; ethical issues affecting
defense lawyers and prosecutors; etc.

Discussion Leader
Judge Kazen

8:50 Comments and Questions

- 9:20 **2. Criminal Pretrial:** Establishing ground rules for the trial; severances; conduct of voir dire and exercise of challenges; preliminary jury instructions; courtroom decorum; exhibit lists, witness lists, and Jencks Act materials; pairing of counsel and joinder in motions; other useful trial management techniques.

Discussion Leader
Judge Hodges

- 9:40 **Comments and Questions**

- 10:10 **Intermission**

- 10:25 **3. Special Trial Problems:** Discussion of various pretrial matters; discovery matters; selection of the jury; and jury problems. Handling the difficult attorney; illness or disability of trial participants during the trial; publicity and how to handle it; importance of keeping detailed bench notes and handling objections during the trial; the charge conference and instructing the jury, and its deliberations; and taking the verdict from the jury at the conclusion of the trial.

Discussion Leader
Judge Taylor

- 10:45 **Comments and Questions**

- 11:15 **The Criminal Process: General Discussion with Audience Participation**

- 12:00 **Intermission**

- 12:15 **Catered Lunch/Roundtable Discussions**
Training Rooms A, B, and C (*see list*).

- 1:15 **Intermission**

1:30

4. Special Problems in Guideline

Sentencing: This portion of the seminar will address special problems in guideline sentencing that have been encountered by judges, including: relevant conduct in multi-defendant cases; acceptance of responsibility; the "safety valve" from mandatory minimums for certain drug defendants; and revocation of supervised release.

Presenters

L. Russell Burress

Principal Training Advisor, U.S. Sentencing Commission

Sharon O. Henegan

Director, Office of Training and Technical Assistance
U.S. Sentencing Commission

Panelists

Judge Hornby (Chair)

Judge Hodges

Judge Kazen

A.J. Kramer

Federal Public Defender, District of DC

Pamela G. Montgomery

Deputy General Counsel, U.S. Sentencing Commission

Judge Taylor

Thomas E. Zeno

Assistant U.S. Attorney, District of DC

3:15

Intermission

3:30

**4. Special Problems in Guideline
Sentencing (con't.)**

4:45

Intermission

5:00 **Judges and the Press — The Rules of
Engagement** (*Spouses are invited to observe
this part of the program.*)

Presenter

Jack Nelson

Washington, D. C., Bureau Chief
Los Angeles Times

5:45 **Adjournment**

Thursday, November 16, 1995

8:30 **Federal Jurisdiction:** Diversity/federal question jurisdiction, preemption, removal and remand, supplemental jurisdiction.

Presenter

James M. Wagstaffe, Esq.
San Francisco, California

10:00 **Intermission**

10:15 **Federal Jurisdiction (Cont'd)**

11:30 **Services of the Administrative Office of the U.S. Courts**

Presenter

L. Ralph Mecham
Director
Administrative Office of the U.S. Courts

12:00 **Luncheon Intermission**

1:30 **Bankruptcy Cases:** What a district judge needs to know about bankruptcy cases and appeals.

Presenter

Honorable Randall J. Newsome
U.S. Bankruptcy Judge
Northern District of California

3:00 **Adjournment**

3:15 **Optional Tour of the U.S. Supreme Court**

4:30 **Conclusion of Tour**

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Supreme Court of the United States

- 6:45 **Reception:** West Conference Room
- 7:30 **Class Picture:** The Lawyer's Lounge
- 8:00 **Dinner:** East Conference Room

Friday, November 17, 1995

8:30 **The Federal Rules of Evidence:**
A problem-oriented approach.

Chair

Honorable John P. Fullam
Senior U.S. District Judge
Eastern District of Pennsylvania

Presenter

Professor David Sonenshein
Temple University School of Law

Scenarios

Bruce M. Clarke
Senior Attorney-Producer
Publications and Media Division
Federal Judicial Center

Mary T. Kelley
Senior Judicial Education Attorney
Judicial Education Division
Federal Judicial Center

10:15 **Intermission**

10:30 **The Federal Rules of Evidence (Cont'd)**

12:00 **Luncheon Intermission**

1:30 **Effective Writing and Editing of Opinions for Judges:** This workshop is designed to hone your skills as a writer and an editor of opinion drafts. (It will deal with organization and style only, not with substance.) To edit effectively, you should be able to predict the problems you are most likely to see, to diagnose them when you see them, and to cure them quickly. The workshop will discuss--and give examples of--common problems and their cures.

Presenter

Stephen V. Armstrong

Director of Professional Development

Shearman and Sterling

New York, New York

- 3:15 **Intermission**
- 3:30 **Effective Writing and Editing of Opinions
for Judges (Cont'd)**
- 5:00 **Adjournment**