



**FJC**

# Federal Judicial Center

*Annual Report 2017*

50

Celebrating half a century of service  
to the federal judiciary and the public

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## A MESSAGE FROM THE DIRECTOR

Annual reports are by nature retrospective. My comments this year are especially so, because this year the Federal Judicial Center is celebrating fifty years of service to the judiciary and the public.

President Lyndon Johnson signed the legislation creating the Center on December 20, 1967. The law stated that the Center's purpose "shall be to further the development and adoption of improved judicial administration in the courts of the United States."

To achieve this goal, the Judicial Conference of the United States and Congress deemed it important to make the Center a separate entity within the judicial branch. Several reasons were given for this unusual degree of independence: to keep the Center's resources focused on its specific missions and not diverted to regular operational functions in the Administrative Office; to enable the Center to develop special expertise in research, education, automation, and related fields; and to give the Center the latitude and detachment to examine and, when appropriate, question existing practices and policies. The Center was given no authority to make or enforce policy for the judiciary; from the beginning, its influence has depended on the significance, quality, and integrity of its work in support of the federal courts.

The Judicial Conference elected the first Board members on February 27, 1968, and the first Board meeting, chaired by Chief Justice Earl Warren, was held on March 2, 1968. At that meeting, the Board appointed retired Justice Tom C. Clark as the Center's first director. In the ensuing months, the Center went from concept to reality, as Justice Clark hired staff, established advisory committees, located a building to house the Center, and oversaw the first educational programs the Center offered.

From these beginnings, the Center grew to become what it is today, playing a critical role in helping the federal courts adapt to growing caseloads and new laws, as well as changes in science and technology, the economy, politics, social attitudes and trends, and more. The Center has changed in many ways, too. But throughout its existence it has benefitted from strong leadership by its Board, the assistance and support of the entire judiciary, and a consistently talented and dedicated staff. Coupled with its independence and an unwavering commitment to excellence and integrity in all it does, these qualities have made the Center a trusted and valued part of the finest judicial system in the world.

For more about the Center's first fifty years, I encourage readers to go to the Center's website, [www.fjc.gov](http://www.fjc.gov), where we have posted a collection of articles and materials about our history.

Of course, in 2017 the world continued to turn and the Center had plenty to do, as the summaries in this report reflect. I note four highlights in particular. First, we launched a newly revised public website, with more information about the Center in a more attractive and user-friendly format. The new site provides expanded information and includes features that will be of particular value for those interested in caseload data and federal judicial history. Second, we made great progress in establishing comprehensive curricula for judges and other constituencies in the courts. This will help us ensure that we meet the most pressing educational needs of the judiciary notwithstanding our limited resources. Third, our Research Division produced several new manuals and guides, on topics from Chapter 9 bankruptcy to best practices in carrying out seizures under new federal trade secret legislation. Such publications provide judges and others clear, concise information and suggestions, often in relatively unexplored areas of law.

Finally, among many valuable and interesting programs in 2017, in September we held a Symposium on Civil Discourse attended by judges and people who work in academia, public education, media, and government. Attendees came from across the political spectrum. Although one event hardly was a cure for social divisions, it was encouraging that such a disparate group enthusiastically participated and discussed ways to engage in healthy debate about difficult issues with respect and civility.

I will close with a personal note. My seven-year term as director will end in September.

As I have in past years, I want to express my most sincere thanks to the Center's Board for its support and confidence. I also am deeply grateful to the judges and staff of the federal judiciary; it has been a privilege to serve them and to serve with them. And most of all, I want to acknowledge the magnificent people who work at the Center and who have made being their director the best job I've ever had.



JEREMY D. FOGEL

## 2017 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 2017.

## 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 2017, the Judicial Conference elected Magistrate Judge Tim A. Baker, of the U.S. District Court for the Southern District of Indiana, and Chief Judge Barbara J. Houser, of the U.S. Bankruptcy Court for the Northern District of Texas, to the Center’s Board, replacing 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, 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 Di-

## Board of the Federal Judicial Center

The Chief Justice of the United States, *Chair*

Magistrate Judge Tim A. Baker, U.S. District Court for the Southern District of Indiana

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

Chief Judge Barbara J. Houser, U.S. Bankruptcy Court for the Northern District of Texas

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

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

vision 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.

## 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 year 2017 appropriation of \$28,335,000, and it employed 122 people at the end of calendar year 2017. The Center’s 2018 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

## 2017 at a Glance

In 2017, the Center

- completed 14 major research and evaluation projects and continued work on 51 others;
- provided 314 in-person and technology-based educational programs for over 27,000 federal judges, legal staff, and court employees and helped to design, conduct, and teach another 33 programs, produced by other organizations, for 4,227 judges and court staff participants;
- produced 28 new educational video programs, either for online delivery or use in other education and training programs, and 5 new podcasts;
- published or updated 25 reports, manuals, monographs, or reference guides;
- distributed 15,503 printed copies of its publications, as well as 1,145 audio, video, and multimedia programs;
- conducted the twelfth annual teacher institute on historic cases in the federal courts; and
- hosted over 400 visiting foreign judges, court officials, and attorneys from 52 different countries and jurisdictions.

# EDUCATION AND TRAINING

The Center delivers educational programs and resources designed to meet the learning needs of the judges and staff of the federal judiciary. Center staff work in consultation with the Board and education advisory committees to select and prioritize learning needs related to relevant competencies (areas of knowledge, skills, and attributes) for each group. The Center works with subject-matter experts within and outside the judiciary to craft educational programs that help learners improve proficiency in a given area. Programs take a variety of formats—from in-person to online, self-directed to instructor-led—to best address the specific purpose and learning objectives of each program. Often, the Center makes recordings of in-person programs, which are made available on the Center’s intranet site (FJC.dcn) for later viewing and reference.

In 2017, the Center provided

- 35 orientation and continuing education programs for 1,891 judges
- 18 programs for 17,265 legal staff
- 14 programs for 385 executives, including chief judges, clerks and deputy clerks of court, and probation and pretrial services chief deputies and deputy chiefs
- 218 programs for 6,459 supervisors, managers, and court staff
- 13 programs for 257 senior probation and pretrial services officers
- 25 new or updated publications
- 28 new videos
- 5 new podcasts
- 17 e-learning programs for at least 1,490 managers, supervisors, legal staff, and court staff
- educational components for 33 programs produced by the Administrative Office, individual courts, and other organizations, attended by 4,227 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 provides organizational consulting for such projects as strategic planning, leadership development and coaching, organizational development, and problem solving. Education Division staff conducted four such in-district projects in 2017.

## Judicial and Legal Education

The Center produces orientation and continuing education programs and resources on judging, case management, substantive and procedural law, and other topics relevant to the work of federal judges and court attorneys.

### *Orientation Seminars for New Judges*

New district, bankruptcy, and magistrate judges attend two orientation programs during their first year on the bench.

In 2017, the Center provided five Phase I orientation seminars (two for magistrate judges, two for bankruptcy judges, and one for district judges). These seminars address the competencies new judges need early in their tenure, including the art of judging, chambers management, case management, court technology, ethics and codes of conduct, evidence, and subjects relevant to the specific type of judge, such as sentencing for district judges. At Phase II orientation seminars, the Center covered additional substantive legal topics, ethics, and court management and introduced judges to resources available through the Administrative Office. In 2017, the Center provided two Phase II programs, one each for bankruptcy and magistrate judges.

### *Continuing Education Workshops and Seminars for Judges*

Participants at national workshops attend plenary and elective sessions. Workshops for magistrate judges examined constitutional and civil liberties, bail reform, problem-solving court models, ethics, and emotional regulation. Workshops for bankruptcy judges addressed mental health issues in bankruptcy, discovery and e-discovery, evidence and trial skills, and ethics. In their triennial symposium, court of appeals judges examined judicial decision making, ethics, civil discourse, and civil rights. The Center also produced continuing education at circuit judicial workshops held by the Second, Fourth, Sixth, Eighth, Ninth, and Eleventh Circuits.

Special-focus seminars addressed active case management, antitrust judicial law and economics, civil discourse, constitutional law, electronic discovery, employment law, faculty development, intellectual property, law and biosciences, law and society, and neuroscience. The Center also hosted a seminar for experienced district judges to discuss strategies for addressing challenges

judges face, leadership, and the impact of social and technological complexity on judicial decision making, among other topics.

### *Programs for Federal Judiciary Attorneys*

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

Federal court mediators studied dispute resolution methods, listening, ethical dilemmas, and understanding the importance of cultural differences among parties to mediation. Pro se and death penalty attorneys enhanced their knowledge of sentencing issues, prisoner civil rights, mental health issues in capital cases, and challenges posed by social media. Career law clerks explored such topics as Article III standing, the psychology of litigation, and the nuances of national security cases.

Programs for federal defenders included an orientation seminar for assistant federal defenders, a national seminar for federal defenders who have been practicing criminal law for at least three years, a national conference for the capital habeas unit, and an appellate writing workshop. These programs covered substantive federal criminal law, trial tactics, evidence, legal writing, case management, forensics, ethics, and sentencing issues.

### *Online Resources for Judges and Attorneys*

The Center optimizes its resources by providing online content, including webcasts, online forums, videos, written materials, special topic webpages, and e-learning programs.

For example, the Center supports judges in educating and mentoring their chambers law clerks through the online Interactive Orientation for Federal Judicial Law Clerks. Portions of the program are available to new clerks before they report to chambers, while other materials become accessible after they formally begin their clerkships.

Monthly *Court Web* broadcasts provide current information on science, law, ethics, and other subjects. Topics in 2017 included cybersecurity, Social Security disability law, and workplace harassment. Programs are recorded and made available on FJC.dcn for viewing at a later date.

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

In 2017, the Center produced the following judicial and legal educational videos:

- *Amendments to the Federal Rules of Practice and Procedure: Evidence 2017—Self-Authenticating Electronic Evidence*
- *Bankruptcy Judges Phase I Orientation*
- *Chapter 9 Online Repository Videos* (four videos)
- *District Judges Phase I Orientation (Sentencing Scenarios)*
- *In re Judith Miller—National Security and the Reporter's Privilege*
- *New Chief Judges' Tool Kit*
- *A Review of Eighth Circuit Bankruptcy Decisions*
- *A Review of Ninth Circuit Bankruptcy Decisions*
- *Supreme Court: The Term in Review (2016–2017)*

The following titles were printed in 2017 and are also available on FJC.dcn:

- *Annual Report 2016*
- *Compensatory Damages Issues in Patent Infringement Cases, Second Edition*
- *The Elements of Case Management, Third Edition*
- *Enhancing Cooperation Through State–Federal Judicial Councils*
- *International Human Rights Litigation*
- *Law Clerk Handbook, Third Edition*
- *Managing Discovery of Electronic Information, Third Edition*
- *Navigating Chapter 9 of the Bankruptcy Code*
- *Remote Participation in Bankruptcy Court Proceedings*

The Center posted the following new or updated online publications and resources on FJC.dcn in 2017:

- *Consumer Law Update* (quarterly updates)
- *Overview of Section 1983 Litigation* (quarterly updates)
- *Recent Developments in Bankruptcy Law Compilation* (cumulative through July 2017)
- *Section 1983: Qualified Immunity* (quarterly updates)
- *Securities Litigation*
- *Technology-Assisted Review for Discovery Requests: A Pocket Guide for Judges*
- *Trade Secret Seizure Best Practices Under the Defend Trade Secrets Act of 2016*



Curated online collections of Center resources cover particular topics of interest. The Center made the following special topic webpages available on FJC.dcn in 2017:

- Complex Civil Litigation
- Complex Criminal Litigation
- Federal and State Court Cooperation
- Judicial Performance Surveys for Bankruptcy Judges
- Scientific Evidence Resources

## **Executive Education**

The Center provides education on leadership competencies for chief judges, court unit executives, and deputy court unit executives. Because leadership cuts across all court units, executives from circuit, district, and bankruptcy courts often learn together.

### *Programs for Chief Judges*

Participants in the Conference for Chief Judges of United States District Courts examined their leadership and management roles, emphasizing the application of key competencies including composure, integrity, ethics, and organizational savvy to lead the court effectively.

In the Leadership Seminar for New Chief Judges, offered twice in 2017, executive leadership teams from all court types examined the leadership and management responsibilities of the court. These teams examined effective leadership practices, developed strategic agendas, and drafted action plans for implementing their shared vision. In conjunction with these programs, the Center launched the New Chief Judges' Tool Kit, an online resource organized around the major statutory responsibilities assigned to chief judges.

### *Programs for Court Unit Executives*

The Center hosted the year-long Judiciary Executive Leadership Program for experienced court unit executives. Participants examined emerging leadership and management challenges, best organizational practices, and state-of-the-art thinking about organizational development.

### *Programs for Deputy Court Unit Executives*

In the New Deputy Court Unit Executives Program, offered twice this year, participants considered their leadership roles and developed strategies to influence and achieve organizational goals. In 2017, the Center offered an Experienced Deputy Court Unit Executives Program for the first time. Participants focused on developing and applying skills in organizational thinking, strategic staffing, and managerial courage.

## **Management and Professional Development Education**

The Center provides education that develops and strengthens the leadership and management skills and abilities of supervisors and managers throughout the judiciary, and provides court employees with professional development education that builds and strengthens common workplace skills.

### *Management Skills*

In the New Supervisors Development Program, recently appointed supervisors learn to document work performance appropriately, identify how emotions influence decision making, provide meaningful feedback and coaching for direct reports, and delegate effectively. The competencies of work measurement and management, planning and direction, motivation, employee development, and decision quality are addressed.

The Management Development Program helps experienced supervisors better address daily challenges and achieve organizational goals. This program concentrates on the competencies of composure, managerial courage, motivation, team development, and work measurement and management.

The two-year Federal Court Leadership Program's Phase I Workshop covered exemplary leadership, career development, project management, emotional intelligence, and ethics. Applying a blended-learning approach, the program teaches management and leadership knowledge, skills, and attributes.

The Probation and Pretrial Services Leadership Development Program (LDP) Class XIII finished its three-year course with a concluding seminar focused on leadership effectiveness in the courts, strengths-based leadership, negotiation skills, and career development. LDP Class XIV launched in February 2017; in Phase I of LDP, participants study management practices, complete an in-district project, and explore options for a temporary duty assignment to be completed in 2018.

### *Training on Common Competencies*

The Center works with a cadre of court trainers who deliver packaged training programs in courts nationwide. In 2017, these in-district programs included the code of conduct, dealing with difficult situations, meet on common ground, the personality temperament instrument, time management, preventing workplace harassment, structured writing, performance management, and presentation skills. New court trainers received instruction

in designing learning experiences, assessing training requests, working with consultants, negotiating agreements, and managing training events.

The Center produced four videos as part of the *Court to Court* series: *S.T.E.P—Workforce Development and Education*; *Shared Administrative Services*; *Limited Scope Pro Bono Representation for Pro Se Litigants*; and *Inmate Early Mediation*.

## Probation and Pretrial Services Education

After probation and pretrial services officers complete basic training, they may attend Center programs. In addition to the leadership, management, and common competency-based workshops described above, the Center designs programs tailored for probation and pretrial services work.

In the Supervising Officers in an Evidence-Based Environment in-district program, supervisors learn how to incorporate evidence-based principles into their case management and daily interactions with officers. The goal is to reduce risk in the community. Three districts participated in the program in 2017.

Treatment Services: Negotiating Pathways and Supporting Successful Transitions helps participants understand the latest research on substance use and mental health disorders, treatment services in the community, and development of job-related skills. It focuses on the competencies of confidence in decision making, supervision for success, everyday leadership, and resilience. The program consists of an online course open to all interested members of the judiciary and an in-person seminar available by application for probation and pretrial treatment specialists only.

Tailoring Justice: Science-Informed Decision Making focuses on helping federal criminal justice stakeholders improve the way they work with justice-involved individuals (offenders and defendants) with mental health and substance use disorders. This program brings teams consisting of a district judge, magistrate judge, pretrial services officer, presentence officer, defense attorney, and prosecutor to learn how research can be applied at key criminal case decision points.

Three new federal problem-solving court teams learned about the research and practice principles related to evidence-based problem-solving court operations through the in-district Coaching for Problem-Solving Courts Workshop. Participating teams also received one year of expert consultation. This program helps problem-solving court teams apply research principles to their practice and improve defendant/offender outcomes. The program addresses the competencies of supervision for success, proactive planning, and team orientation.

The Center produced five episodes of its criminal justice podcast *Off Paper*. One episode featured a conversation with federal defenders on holistic indigent criminal defense and the role of the defender in (1) building and sustaining a multistakeholder, district-wide reentry infrastructure and (2) developing and implementing collaborative, problem-solving courts. Another episode discussed treatment approaches for substance use and mental health disorders for justice-involved individuals. The final episodes examined trends in federal and state pretrial justice.

## Judicial Education Programs

	Number of Programs	Number of Participants
Orientations for newly appointed circuit judges	1	3
Orientations for newly appointed district judges	1	11
Orientations for newly appointed bankruptcy judges	3	28
Orientations for newly appointed magistrate judges	3	65
Symposium for Circuit Judges	1	118
National workshops for bankruptcy judges	2	253
National workshops for magistrate judges	2	454
Circuit workshops	6	496
Special-focus seminars	14	443
In-district programs	1	10
<b>TOTAL</b>	<b>34</b>	<b>1,881</b>

## Legal Staff Education Programs

	Number of Programs	Number of Participants
Appellate writing for federal defenders	1	47
National conference for pro se law clerks	1	130
National seminar for federal defenders	1	550
Judicial clerkship institute	1	47
Workshop for federal court mediators	1	41
Orientation seminar for assistant federal defenders	1	111
Capital habeas unit national conference	1	166
<b>TOTAL</b>	<b>7</b>	<b>1,092</b>

## Programs and Planning Meetings 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	14	385
Programs for supervisors, managers, court staff, and trainers	10	960
Programs specific for probation and pretrial services officers	13	413
In-district programs for supervisors, managers, court staff, and trainers	208	5,499
<b>TOTAL</b>	<b>245</b>	<b>7,257</b>

## 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	16,173
Technology-based programs for court unit executives, deputy unit executives, legal staff, supervisors, managers, court staff, and trainers	16	961
<b>TOTAL</b>	<b>27</b>	<b>17,134</b>
<b>GRAND TOTAL*</b>	<b>313</b>	<b>27,364</b>

\*Does not include programs developed with other organizations.

# RESEARCH

The Center conducts empirical and legal research on a broad range of issues facing the administration of the federal courts. Nearly all of the research is carried out at the request of committees of the Judicial Conference of the United States. This year, the Center completed 14 major projects and continued work on 51 others. Many of the Center's research reports and descriptions of research projects underway can be found on the Center's Internet site, FJC.gov.

## Bankruptcy Courts

At the request of the Committee on the Administration of the Bankruptcy System (Bankruptcy Committee) the Center continued to monitor and collect data from the courts participating in two multiyear Judicial Conference-approved pilots: the bankruptcy judgeship vacancy pilot and the horizontal consolidation of bankruptcy clerks' offices pilot. As a follow up to the successful roundtable on Chapter 9 (municipal) bankruptcy held in late 2016, the Center published *Navigating Chapter 9 of the Bankruptcy Code*. The Center also published *Remote Participation in Bankruptcy Court Proceedings*. Also for the Bankruptcy Committee, the Center conducted a small follow-up survey of judges and other participants in the committee's December 2017 Diversity Symposium entitled Pathways to the Federal Bench: Who Me? A Bankruptcy Judge?

## Civil Litigation

The Center completed an evaluation of the court law clerk pilot program. The results of the evaluation were considered by the Statistics Subcommittee of the Judicial Resources Committee at its December 2017 meeting.

The Center continued to work closely with the Committee on the Rules of Practice and Procedure and the Advisory Committee on Civil Rules to evaluate the experiences of the District of Arizona and the Northern District of Illinois with the Judicial Conference authorized mandatory initial disclosure pilot project. The pilot aims to reduce cost and delay in civil litigation in the federal courts.

The Center published or completed work on five guides for judges: *Enhancing Cooperation Through State-Federal Judicial Councils*; *Managing Discovery of Electronic Information, Third Edition*; *Technology-Assisted Review for Discovery Requests*; *Trade Secrets Seizures Best Practices Under the Defend Trade Secrets Act of 2016*; and *Third-Party Litigation Finance*.

## Criminal Litigation

The Center concluded its process-descriptive study of the Central District of California's pretrial diversion program, Conviction and Sentencing Alternatives. In response to a request from the Advisory Committee on Criminal Rules, the Center is developing a special topics webpage focused exclusively on complex criminal litigation to include already existing relevant Center materials and publications.

## Multidistrict Litigation

The Center conducted a survey to assess district judges' interest in serving as multidistrict litigation (MDL) transferee judges. At the requests of the Judicial Resources Committee and the Court Administration and Case Management Committee (CACM), the Center completed an analysis of the impact of MDL cases on a district's overall caseload. Work continued on a pocket guide on common benefit funds highlighting attorney fee issues that frequently arise in multidistrict and class action litigation.

## Other Center Research

In response to a request from CACM, the Center completed its multiyear study of caseload and other qualitative data from courts in districts designated as congested or expedited. As part of that effort, the Center developed a set of dashboards that enables each district to better visualize its own civil and criminal case processing patterns.

The Center completed reports of two surveys undertaken for a special Cost-Containment Subcommittee convened by CACM to evaluate structural and organizational cost-containment proposals.

At the request of the Defender Services Committee and in cooperation with staff of the Administrative Office, the Center is designing a study to assess any differences in representation cost efficiencies between capital habeas units and Criminal Justice Act panel attorneys.

Work continued on the updates and site architecture for the online collection that will replace the current edition of the *Manual for Complex Litigation*. The Center commenced discussions and planning with the National Academies of Sciences to develop the next edition of the *Reference Manual on Scientific Evidence*.

## FEDERAL JUDICIAL HISTORY

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

The Center completed *Debates on the Federal Judiciary: A Documentary History, Volume III: 1939–2005*. The volumes in the *Debates on the Federal Judiciary* series present historical documents related to significant debates about the organization and jurisdiction of the federal judiciary. This concluding volume in the series covers debates concerning the creation of the U.S. magistrate and U.S. bankruptcy judge positions, and structural changes to the federal appellate system. Among other topics, it also covers criminal justice reform, civil justice initiatives regarding diversity jurisdiction, class actions, case management, alternative dispute resolution, and multidistrict litigation. The Center also continued its work on an edited volume of essays on the historical study of significant topics in the history of the courts and the judiciary.

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. These efforts involved projects aimed at presenting existing data in new and more accessible ways including the completion of a relational database export for its Biographical Directory of Article III Federal Judges, as well as interactive timelines on the structure, administration, and jurisdiction of the courts.

The Center also completed new website features containing charts and graphs related to the demographics of the judiciary over time, federal judicial caseloads from 1789–2016, and interactive maps that show changes in judicial circuits and authorized judgeships over time.

The Center 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 website, and facts about the history of the federal courts and judiciary.

In partnership with the American Bar Association Division for Public Education, the Center held the twelfth annual teachers institute on historical cases in the federal courts. History teachers from across the country met with federal judges, scholars, and curriculum experts to examine the Sedition Act trials, the *Olmstead* trial, and the trial of the Chicago Seven. The teachers attended a U.S. Supreme Court session and visited the U.S. District Court for the District of Maryland in Greenbelt. The Center will offer a thirteenth teachers institute in Washington, D.C., in 2018. The institutes are based on the Center's online Teaching Judicial History project, which expanded this year with the completion of new powerpoints and handouts for teachers as well as new materials on the Flag Salute cases and the Muhammad Ali trial.

# INTERNATIONAL JUDICIAL RELATIONS

The International Judicial Relations Office coordinates the Center's exchanges with judges and other justice sector professionals from around the world. The office also collaborates with U.S. government agencies working in the field of international rule of law.

In 2017, the Center hosted over 400 visitors from 52 different countries and jurisdictions. Most of these visits involved informational briefings about the U.S. judicial system and the work of the Center. The countries and jurisdictions represented are listed below:

Afghanistan, Argentina, Armenia, Bangladesh, Belarus, Botswana, Brazil, Chile, China, Czech Republic, Democratic Republic of the Congo, Egypt, Estonia, France, Georgia, Haiti, Italy, Japan, Kazakhstan, Kenya, Kosovo, Kyrgyz Republic, Luxembourg, Malawi, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nigeria, Pakistan, Peru, Philippines, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Sierra Leone, South Korea, Sri Lanka, Taiwan, Tanzania, Tunisia, Uganda, Ukraine, Uzbekistan, Vietnam, West Bank and Gaza, Zimbabwe

Many foreign embassies in Washington, D.C., have legal and judicial attachés on staff to advise on legal issues and coordinate outreach. They sometimes request assistance from the Center. Representatives from the embassies of the European Union, France, Italy, Japan, the Netherlands, Spain, and the United Kingdom visited the Center for an overview of the U.S. legal system, followed

by a visit to the U.S. District Court for the District of Columbia.

Center staff met with judges from Algeria, Argentina, Sierra Leone, Ukraine, and Vietnam, providing more in-depth information about how the Center develops curriculum, publications, and web-based resources for the judicial branch and also about the Center's research projects in support of the Judicial Conference of the United States.

At the request of the Department of State and other government agencies, subject-matter experts from the Center participate in workshops, conferences, and consultations in other countries. These programs are funded by other U.S. government agencies or international organizations. Projects in 2017 included technical assistance for Namibia's new judicial training institute, a program in Tashkent focusing on the use of empirical research to support curriculum development, and a second case management program with Pakistan's Lahore High Court. The Center is also working on a State Department-funded project with the judiciary of Colombia. The first phase, a criminal justice and judicial education assessment, took place in June.

The Center hosts judges and attorneys from other countries as "scholars in residence" under the auspices of the Visiting Foreign Judicial Fellows Program. Fellows engage in research related to judicial and legal reforms underway in their home countries. In 2017, the Center hosted judges from Brazil, Egypt, Japan, South Korea, as well as a prosecutor from Brazil.

# RESOURCES

## Websites

FJC.dcn, the Center's website on the judiciary's intranet, 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 the site. All federal judicial history and international judicial relations material, most Center publications, and some other resources are available to the public on the Center's Internet site (FJC.gov).

### *Integrated Database*

In April 2017, the Center posted its Integrated Database (IDB) on FJC.gov and FJC.dcn. The IDB contains data on civil and criminal cases filed and terminated in the district courts since the early 1970s, as well as information on cases appealed and decided by the federal courts of appeal. The IDB also contains information on bankruptcy cases filed, terminated, and pending in the Bankruptcy Courts since 1996. The FJC receives regular updates of the case-related data that are routinely reported by the courts to the Administrative Office. These data are then processed by the FJC consistent with the policies of the Judicial Conference of the United States governing these data and made publicly accessible via the Center's website. These data can be downloaded as well as searched via the IDB webpage's interactive tools.

## Publications

Center manuals, monographs, and research reports are described throughout this report. In 2017, the Center distributed 15,503 printed copies of its publications. Digitization of out-of-print Center titles is ongoing. 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.*

### *The Third Branch: Bulletin of the Federal Courts (1968–1989)*

From 1968 to 1989, *The Third Branch* was prepared by the Center and the Administrative Office and distributed monthly to judicial branch officials and to other individuals and organizations concerned with judicial administration. It reported matters of interest to the federal judiciary such as legislation, new judicial techniques, Center publications, personnel actions, and upcoming meetings. All volumes of the bulletin published by the Center have been digitized and are now available on the Center's websites.

## 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 2017, the media library loaned 213 programs to federal judges and judicial branch personnel on request and sent 932 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, 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 fiscal year 2017 were:

James M. Wagstaffe, San Francisco, Cal., *Chair*  
Hon. Rebecca L. 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 2017:

- Funds from the American Association for the Advancement of Science paid the travel expenses for federal judges to attend two programs on emerging issues in neuroscience.
- Funds from Vanderbilt University paid the travel expenses to support federal judges' attendance at a workshop for experienced district judges.
- Funds from the Electronic Discovery Institute paid the travel expenses for judges to attend a program on discovery.
- Funds from the Hewlett Foundation paid the travel expenses for judges to attend a program on civil discourse.
- Funds from the Department of State covered travel expenses in providing technical assistance to the judiciary in the Republic of Namibia.
- Restricted settlement funds provided support for a judicial seminar on complex litigation.
- Funds from the American Bar Association Litigation Section paid the travel expenses for federal judges to attend a seminar on antitrust law.



# 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 2017.

## **Committee on Appellate Judge Education**

Judge Sandra Segal Ikuta (9th Cir.), *Chair*  
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)  
Chief Bankruptcy Judge Barbara J. Houser (N.D. Tex.), *Center Board Representative*  
Bankruptcy Judge William J. Lafferty III (N.D. Cal.)  
Troy McKenzie (Professor, New York University School of Law)  
Chief Bankruptcy Judge Cynthia A. Norton (W.D. Mo.)  
Michele E. Reed (Chief, Judicial Services Office, Administrative Office of the U.S. Courts)

## **Committee on District Judge Education**

Chief Judge William E. Smith (D.R.I.), *Chair*  
Judge Edward M. Chen (N.D. Cal.)  
Judge Brian Cogan (E.D.N.Y.)  
Judge Curtis Lynn Collier (E.D. Tenn.), *Center Board Representative*  
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*  
Michele E. Reed (Chief, Judicial Services Office, Administrative Office of the U.S. Courts)

## **Committee on Magistrate Judge Education**

Magistrate Judge Evelyn J. Furse (D. Utah), *Chair*  
Magistrate Judge Tim A. Baker (S.D. Ind.), *Center Board Representative*  
Magistrate Judge Sonja F. Bivins (S.D. Ala.)  
Magistrate Judge Jonathan E. Hawley (C.D. Ill.)  
Magistrate Judge Anthony E. Porcelli (M.D. Fla.)  
Magistrate Judge David A. Sanders (N.D. Miss.)  
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 Ann D. Montgomery (D. Minn.), *Chair*  
Judge Irene M. Keeley (N.D. W. Va.)  
Judge Kimberly J. Mueller (E.D. Cal.), *Center Board Representative*  
Judge Danny C. Reeves (E.D. Ky.)  
Chief Judge Julie A. Robinson (D. Kan.)  
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.)  
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.)  
Andrea Neuman (Supervising U.S. Probation Officer, S.D. Iowa)  
Elisa Martinez (Sr. U.S. Probation Officer/Treatment Specialist, D.N.J.)  
Jennifer Simone (U.S. Pretrial Services Officer Specialist, D. Nev.)  
Wade Warren (Chief U.S. Probation Officer, D.N.D.)  
Cynthia Mazzei (Chief, Training & Skills Branch, Federal Probation and 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)