

# THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE  
1520 H STREET, N.W.  
WASHINGTON, D.C. 20005

OFFICE OF  
THE DIRECTOR

TELEPHONE  
202/393-1640

October 1, 1971

TO: The Judicial Conference of the United States

FROM: Alfred P. Murrah, Director  
The Federal Judicial Center

SUBJECT: ANNUAL REPORT OF THE FEDERAL JUDICIAL CENTER

At the direction of the Board of the Federal Judicial Center, I am happy to transmit herewith the Annual Report of the Center. The report speaks for itself in delineating the major directions of the Center's activity during the past year. It is as concise as we can make it commensurate with providing essential information for the Conference to assess our programs. Explicit detail on each and every program would result in a burdensomely long document. We are prepared, however, to provide such additional detail as the Conference or any of its members may deem useful.

Let me take this opportunity to add a personal note. This report covers the first full year of my stewardship as Director of the Center. It has been a year like no other I have ever experienced, but it has been a good year. I have been blessed with tremendous cooperation from the judiciary, from the Board, and from an outstanding and dedicated staff. There have been, and will continue to be, many frustrations, but they largely stem from the fact that the opportunities to serve the judicial system are so many and so diverse that we cannot answer every need at once. As our varied activities continue to grow and coalesce into programs of carefully considered action, more and more of these opportunities will be met. If one must experience frustration, how much better that it arise out of too much to do rather than too little.

The very existence of the Center and the constant expansion of its activities are the testament to our belief that each problem can be met, some today and some tomorrow.

We believe that it is possible to reduce the time between indictment and termination of criminal cases to an interval of 60 days and that a large portion of that reduction can be accomplished with the resources we have.

We believe that it is possible to accelerate the flow of all court business through the intelligent use of supporting personnel without in any degree abdicating the judicial decision-making responsibility.

We believe that it is possible to vastly streamline the clerical operations of our courts through the application of modern business methods -- to the mutual benefit of the courts, the bar, the litigants, and the public.

With your continued support these beliefs will be vindicated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred P. Murrah', with a stylized, flowing script.

Alfred P. Murrah  
Director  
The Federal Judicial Center

AGENDA D  
October 1972

**THE FEDERAL JUDICIAL CENTER**  
DOLLEY MADISON HOUSE  
1520 H STREET, N.W.  
WASHINGTON, D.C. 20005

OFFICE OF  
THE DIRECTOR

TELEPHONE  
202/393-1640

September 29, 1972

TO:           The Judicial Conference of the United States

FROM:         Alfred P. Murrah, Director  
              The Federal Judicial Center

SUBJECT:     ANNUAL REPORT OF THE FEDERAL JUDICIAL CENTER

At the direction of the Board of The Federal Judicial Center, I am pleased to transmit herewith the Annual Report of the Center. The Report offers a brief description of the major elements of the Center's current program. Fuller detail is available wherever the Conference may desire more information.

The Center is now in its fifth full year of operation. During these years many tasks have been undertaken with a variety of results. Some have proceeded immediately and directly to the desired goal, such as the project to produce a valid and current weighting index for district court filings. Some have failed to meet our high expectations for them, such as the project on paperwork management in clerks' offices. But the majority of the work falls into a middle category comprising those efforts that have been carried on for several years and are just now beginning to yield their fruits. Here we would include the development of court management information systems and the studies of delay in criminal cases in metropolitan courts. The most important part of this middle category is our training program. Four years of planning, organizing and conducting training for every level of judicial personnel are just now beginning to have significant effect on the operations of the courts. In many instances, judges and clerks who were trained four years ago are just now meeting the opportunity to put into practice what they have learned from their colleagues during seminars and conferences. Sometimes the opportunity arises from an advance in seniority, but more often it arises out of the accretion of enthusiasm that has emerged from the tremendous inspiration and motivation generated by these training sessions in which participants share their common problems and exchange the best of their rich and varied experience.

Despite everyone's desire for immediate impact, we must recognize that our most important results will be achieved through a long-range program that adds increments of progress to sustain a constant forward movement. To the extent that we have made progress, the Center is deeply indebted to the unstinting cooperation of the members of the judicial family who participate so fully and so enthusiastically in all the undertakings that comprise the Center's program. Thus, in a very real sense, this Report of Center activity is a report of their activity.

The spirit and dedication that has been so markedly displayed in all those with whom the Center works is fully mirrored within the staff family of the Center. Because we find so much joy and reward in the work and in working with each other, the Center has been able to broaden and deepen its program without significant increases in personnel. With your continued support and participation, we hope to do even more.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Alfred P. Murrah', with a stylized flourish at the end.

ALFRED P. MURRAH  
Director  
The Federal Judicial Center

THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE  
1520 H STREET, N.W.  
WASHINGTON, D. C. 20005

OFFICE OF  
THE DIRECTOR

August 1, 1973

TELEPHONE  
202/393-1640

TO: The Chief Justice and Members of  
The Judicial Conference of the United States

FROM: Alfred P. Murrah, Director  
The Federal Judicial Center

SUBJECT: ANNUAL REPORT OF THE FEDERAL JUDICIAL CENTER

At the direction of the Board of the Federal Judicial Center, I am pleased to transmit herewith the Annual Report of the Center. As noted in the Introduction, the Report is somewhat fuller this year than in prior years. Nonetheless, the activities are covered only briefly. Complete detail is available wherever the Conference may desire more information.

The activities reported here reflect much more than the Center's program. The Report is really a summation of a year of interaction by the Center and the entire judicial family. The impressive list of training sessions speaks not only of our activity in preparing and offering these opportunities but also of the thousands of man days devoted to them by the many participants throughout the system. The results of research efforts reflect not only our activity in gathering and analyzing information but also of the tremendous labors that our studies and reports only describe. The institution of new systems and procedures shows not only where we have been able to lend some assistance but also demonstrates the willingness--indeed, the eagerness--of our courts to expend every effort to utilize the best that contemporary technology can offer.

It is with pride in the entire judicial system that this Report is tendered.

THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE  
1520 H STREET, N.W.  
WASHINGTON, D. C. 20005

TELEPHONE  
202/393-1640

August 14, 1974

TO: The Judicial Conference of the United States

FROM: Alfred P. Murrah, Director

SUBJECT: Annual Report of the Federal Judicial Center

At the direction of the Board of the Federal Judicial Center, I am pleased to transmit herewith the Annual Report of the Center. As in prior years, the activities are only briefly described in the report. Full detail will be made available wherever the Conference or its committees may desire further information.

This is my last opportunity to report to the Conference as Director of the Center. Pursuant to the statutory requirement, I will relinquish the position in October 1974. But I will not be through with the Center; I expect to work with it as long as I can be help. It was my privilege to be one of the judicial midwives who helped to bring the Center into life. The fledgling institution, embodying so much of our hope for improved judicial administration, was delivered to the tender wardship of Mr. Justice Clark. Under his careful guidance, hope began to become reality. Despite the fact that he had less than two years as director, Justice Clark built it into an organization capable of assuming a substantial role in the quest for better institutions and improved procedures.

By the time I was called to be director, the Center had passed its infancy. The question was no longer what it was and what it would do. Very quickly the question had become how to choose among all the needs and opportunities that daily arose. Justice Clark had engendered such a strong measure of respect for the Center and confidence in its work that my job was made much easier. Because of that solid beginning, these four and a half years have been among the most satisfying and fruitful of my life. The annual reports for those years chronicle our accomplishments in terms of projects and seminars

and new developments. The judiciary can be justly proud of those accomplishments, for they are not simply the work of the Center. They are the work of the whole judicial family. What the reports do not show is the growth of a healthy and happy institution within the third branch that is just beginning to realize its capabilities. I could not hope to leave to my successor a better legacy than the potential of the Federal Judicial Center with its three major assets--a hardworking and dedicated staff, a concerned and supportive Board, and an involved and cooperative judiciary.

Godspeed them all.

THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE  
1520 H STREET, N.W.  
WASHINGTON, D. C. 20005

OFFICE OF  
THE DIRECTOR

TELEPHONE  
202/393-1640

August 22, 1975

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL CONFERENCE  
OF THE UNITED STATES

Subj: Annual Report of the Federal Judicial Center

At the direction of the Board of the Federal Judicial Center, I am honored to transmit herewith the Center's Annual Report for fiscal year 1975. The report provides a brief description of the major elements of the Center's current program. Complete details on each of our activities is available whenever the Conference or its committees may desire further information.

This year has been one of great promise for the judiciary and the Center. As one example, Congress has provided funds for starting the implementation of the Center developed computerized local court management information system called COURTRAN II on a national basis. We hope that this technology will ultimately enable the Administrative Office and the Center to not only expedite statistical reports thereby enabling all courts to obtain timely information on the status of their dockets but also add a new dimension to effective case management techniques on the local level.

Let me take this opportunity to add a personal note. This report is my first as Director of the Center. It has been a continuing challenge and great privilege to follow in the footsteps of Justice Tom C. Clark and Judge Alfred P. Murrah, both of whom did so much to develop the Center and many of the programs described in this report. I have also been blessed with tremendous cooperation and support from the Board, the judiciary, and a dedicated staff. I would like to express my appreciation to all of those who have been a part of the Center's work, particularly to Judge William J. Campbell and Judge Murrah who have continued to contribute so significantly to our educational programs.

It is with great pride in the entire judicial system that this report is tendered.

Respectfully submitted,



Walter E. Hoffman  
Director



JUDICIAL CONFERENCE  
AGENDA D

THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE  
1520 H STREET, N.W.  
WASHINGTON, D. C. 20005

OFFICE OF  
THE DIRECTOR

TELEPHONE  
202/393-1640

August 23, 1976

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL CONFERENCE OF THE  
UNITED STATES

SUBJ: Annual Report of the Federal Judicial Center

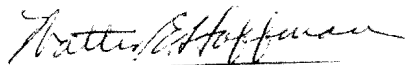
At the direction of the Board of the Federal Judicial Center and pursuant to the provisions of 28 USC 623, I am again honored to submit herewith the Center's Annual Report for Fiscal Year 1976 (through September 30, 1976).

This Report summarizes our activities and project work since the last submission. Specific details on any facet of our programs will, of course, be made available to you and your committees upon request.

The past year has been one of expanded activity at the Center which reflects both our attempt to provide greater service to the Federal Judiciary and an increase in the resources generously provided by the Congress for this purpose. I believe our stewardship of the funds provided is meeting the objectives set out for the Center. This has been possible because of the cooperation and assistance we have received from members of the Judicial Branch. We would like to express our special appreciation to Judge William J. Campbell who has continued to contribute so significantly to our educational programs.

During the year just past, we have attempted to refine and expand our relationship with your Conference and its committees. We are now working on several Conference requested projects. I wish to take this opportunity -- in this my last official report to your distinguished body -- to express our gratitude for your confidence and tell you that we will increase our efforts to support the Conference and the entire Federal Judiciary in any way that we can.

Faithfully yours,



Walter E. Hoffman  
Director

Attachment

THE FEDERAL JUDICIAL CENTER  
DOLLEY MADISON HOUSE  
1520 H STREET, N.W.  
WASHINGTON, D. C. 20005

A. LEO LEVIN  
DIRECTOR

August 15, 1977

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL  
CONFERENCE OF THE UNITED STATES

SUBJ: Annual Report of the Federal Judicial Center

At the direction of the Board of the Federal Judicial Center and pursuant to the provisions of 28 U.S.C. § 623, I am honored to submit herewith the Center's annual report for fiscal year 1977.

This report summarizes our activities and project work since the last annual report and describes the work projected through September 30, 1977, the formal end of the fiscal year. Specific details on any facet of our programs will, of course, be made available to you and your committees upon request.

This report chronicles the achievements of the Federal Judicial Center under the leadership of Judge Walter E. Hoffman, who served as its director until July 18, 1977, when he reached the age of mandatory retirement. The report recognizes and pays tribute to him for his enormous contribution to the Center. Judge Hoffman was the third in a line of distinguished directors of the Center and I count it a rare privilege to be allowed to follow in that succession. I wish to take this opportunity--in this my first official report to your distinguished body--to express the gratitude of the entire Center staff for your confidence and tell you that we will increase our efforts to support the Conference and the entire federal judiciary in any way that we can.

Respectfully yours,

  
A. Leo Levin

Attachment

THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE  
1520 H STREET, N.W.  
WASHINGTON, D. C. 20005

A. LEO LEVIN  
DIRECTOR

TELEPHONE  
202/633-6311

August 21, 1978

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL CONFERENCE  
OF THE UNITED STATES

RE: Annual Report of the Federal Judicial Center

At the direction of the Board of the Federal Judicial Center and pursuant to the provisions of 28 U.S.C. § 623, I am again honored to submit herewith the Center's annual report for fiscal year 1978.

This report summarizes our activities since the last annual report and describes the work projected through September 30, 1978, the formal end of the fiscal year. Further details on any facet of our programs will, of course, be made available to you on request.

The submission of this report provides a fitting occasion to acknowledge the debt of gratitude that the Center owes to the Congress for its interest in and support of our work. We are particularly indebted to the Judicial Conference and its committees for stimulus, guidance, and sustained interest in the programs of the Center. Without the active participation of the Conference, and indeed of federal judges generally, we could not fulfill our mission. Finally, we would be remiss if we did not record the gratitude of the entire Center staff to the Center's Board. We are the beneficiaries of the active participation of the Chief Justice, chairman of that Board, in every phase of the Center's activities and of the contribution of the other members of the Board, each of whom has participated actively in various aspects of our work.

We count it a privilege to be of service to the federal judiciary. Be assured that in the next year we will continue our efforts with no less dedication.

Respectfully submitted,

  
A. Leo Levin

THE FEDERAL JUDICIAL CENTER  
DOLLEY MADISON HOUSE  
1325 H STREET, N.W.  
WASHINGTON, D. C. 20005

A. LEO LEVIN  
DIRECTOR

August 20, 1979

TELEPHONE  
202/633-6311

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL CONFERENCE  
OF THE UNITED STATES

Pursuant to the provisions of 28 U.S.C. § 623, I respectfully submit the Federal Judicial Center's Annual Report for fiscal year 1979.

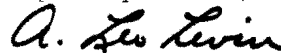
This report summarizes our activities since the last annual report and describes the work projected through September 30, 1979, the formal end of the fiscal year. Further details on any facet of our programs will, of course, be made available to you on request.

This letter provides once again an appropriate and genuinely welcome occasion to express gratitude to the Congress for its support of the work of the Center, evidenced in many forms, not the least of which is interest in the products of the Center's work. Once again, the Judicial Conference and its committees, the judges, and the other constituent elements of the federal judicial system have favored the Center with their requests for service, their suggestions for improvement and their many concrete contributions to our programs.

The staff of the Center is in the particular debt of the Chairman and the other members of our Board for their sustained interest in our work and for the consistent support they have provided.

We count it a privilege to be of service to the federal judicial system. Be assured that in the next year we will continue our efforts with no less dedication.

Respectfully submitted,

  
A. Leo Levin

THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE  
1320 M STREET, N.W.  
WASHINGTON, D. C. 20005

A. LEO LEVIN  
DIRECTOR

TELEPHONE  
202/633-8311

August 25, 1980

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL CONFERENCE  
OF THE UNITED STATES

Pursuant to the provisions of 28 U.S.C. § 623, I respectfully submit the Federal Judicial Center's Annual Report for fiscal 1980. The report summarizes our activities since the last annual report and describes the work projected through the formal end of this fiscal year. Further details on any aspect of our programs will, of course, be made available to you on request.

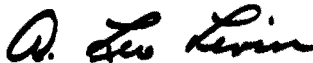
The organization of this report differs somewhat from that of earlier reports, which described the work of the Center in chapters devoted to each of its divisions. This report, however, describes the Center's work in terms of the various constituent units of the federal judicial system that we serve. Increasingly, the Center's divisions work together on various projects. Therefore, this report includes separate chapters on the Center's programs for trial courts, sentencing and probation functions, and appellate courts, as well as programs of system-wide application.

A significant change in the senior staff of the Center occurred during the past year. Joseph L. Ebersole, Deputy Director of the Center, resigned to return to private industry after a decade of dedicated service to the Center. The new Deputy Director is Charles W. Nihan, formerly Director of the Division of Innovations and Systems Development.

It is appropriate once again to take note of the Center's debt to the Judicial Conference and its committees and to the judges and the supporting personnel in the courts themselves who have favored the Center with their contributions to our programs, with requests for our services, and with their suggestions on how our work might be improved. Similarly, we have continued to benefit from the interest in our work shown by Members of Congress and their staffs.

It is a privilege to be of service to the federal judicial system. We will continue our efforts in the next year with no less dedication.

Respectfully submitted,



A. Leo Levin

THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE  
1520 M STREET, N.W.  
WASHINGTON, D. C. 20005

A. LEO LEVIN  
DIRECTOR

TELEPHONE  
202/633-6311

August 24, 1981

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL CONFERENCE OF  
THE UNITED STATES

Pursuant to the provisions of 28 U.S.C. § 623(a)(3), I respectfully submit the Federal Judicial Center's Annual Report for fiscal 1981. The report summarizes our activities since the last annual report and describes the work projected through the formal end of this fiscal year. Further details on any aspect of our programs will, of course, be made available to you on request.

This report is designed to provide more than a mere description of what the Center has done in the preceding twelve months; it places those activities in the context of the Center's work over the last several years. In one sense, this is necessary because much of the Center's work extends over long periods of time, but beyond that, a broader compass provides perspective and helps illumine how the Center undertakes to fulfill its mission.

The Center's program owes much to the sustained interest and substantial contributions of the members of its Board. The range of our activities and their quality both reflect the dedicated service of those who have served and those who are serving as Board members. A major contribution is also made to the Center by the Judicial Conference and its committees and by the judges and the supporting personnel in the courts themselves. Their contributions to our programs, requests for our services, and suggestions on how our work might be improved are invaluable. Similarly, we have continued to benefit from the interest in our work shown by Members of Congress and their staffs.

It is a privilege to be of service to the federal judicial system. We will continue our efforts in the next year with no less dedication.

Sincerely,



A. Leo Levin

**THE FEDERAL JUDICIAL CENTER**

**DOLLEY MADISON HOUSE  
1520 H STREET, N.W.  
WASHINGTON, D. C. 20005**

August 23, 1982

**TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL  
CONFERENCE OF THE UNITED STATES**


Pursuant to the provisions of 28 U.S.C. § 623(a)(3), I respectfully submit the Federal Judicial Center's Annual Report for fiscal 1982. The report summarizes the Center's activities since the last annual report and describes the work projected through the end of the current fiscal year. Further details on any aspect of our programs will, of course, be made available to you on request.

This report is designed to place the activities of the last twelve months in the context of the Center's overall purposes and goals and to relate current projects both to work that has preceded and to work that is intended to follow. In one sense, this is inevitable, because many of our projects extend over a long period of time. Beyond that, however, a broader compass provides perspective and helps illumine how the Center undertakes to fulfill its mission.

Both the range of our activities and their quality owe much to the sustained interest and substantial contributions of the members of the Center's Board. Their dedicated service is reflected throughout the pages of this report. We are indebted, too, to the Judicial Conference and its committees; to the courts, including judges, magistrates, and supporting personnel. Their contributions to our programs, requests for our services, and suggestions on how our work might be improved are invaluable. Similarly, we have continued to benefit from the interest in our work shown by members of Congress and their staffs.

It is a privilege to be of service to the federal judicial system. We will continue our efforts in the next year with no less dedication.

Sincerely,

A handwritten signature in cursive script that reads "A. Leo Levin".

A. Leo Levin

THE FEDERAL JUDICIAL CENTER  
DOLLEY MADISON HOUSE  
1520 H STREET, N.W.  
WASHINGTON, D. C. 20005

August 22, 1983

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL  
CONFERENCE OF THE UNITED STATES

Pursuant to the provisions of 28 U.S.C. § 623(a)(3), I respectfully submit the Annual Report of the Federal Judicial Center for fiscal 1983. The report summarizes the Center's activities since the last annual report and describes the work projected through the end of the current fiscal year. My colleagues and I would be pleased to make further details concerning any aspect of our programs available to you on request.

The Center's annual reports attempt to relate current projects to the work that has preceded, and this is particularly true this year. Thus, the introduction to this report focuses on the 1983 amendments to the Federal Rules of Civil Procedure, which were approved by the Conference a year ago and which became effective on August 1. Center research reports have been cited extensively in the Advisory Committee notes to these amendments. The research on which these reports are based was undertaken under the leadership of Judge Walter E. Hoffman during his tenure as director of the Center, and that work continues to be influential. We count ourselves privileged to be involved in projects that are of interest to the Advisory Committee on Civil Rules as well as to other committees of the Judicial Conference of the United States.

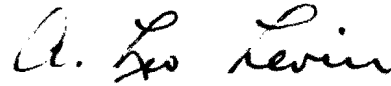
Both the range of our activities and their quality owe much to the sustained interest and substantial contributions of the members of the Center's Board. Their dedicated service is reflected throughout the pages of this report. We are also indebted to the members of the Judicial Conference and its committees, and to the courts, including judges, magistrates, and supporting personnel. Their contributions to our programs, requests for our services, and suggestions on how our work might be improved are invaluable. Similarly, we have continued to benefit from the interest in our



work shown by members of Congress and the Executive Branch,  
and their staffs.

It is a privilege to be of service to the federal judicial system. We  
will continue our efforts in the next year with no less dedication.

Sincerely,

A handwritten signature in cursive script that reads "A. Leo Levin". The signature is fluid and elegant, with the first name "A." and last name "Levin" clearly distinguishable.

A. Leo Levin

**THE FEDERAL JUDICIAL CENTER**

**1520 H STREET, N.W.**

**WASHINGTON, D. C. 20005**

August 17, 1984

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL  
CONFERENCE OF THE UNITED STATES

Pursuant to the provisions of 28 U.S.C. § 623(a)(3), I respectfully submit the Annual Report of the Federal Judicial Center for fiscal 1984. The report summarizes the Center's activities since the last annual report and describes the work projected through the end of the current fiscal year.

Developments in the area of computer-aided support for the federal judicial system have been particularly important during this fiscal year. The Judicial Conference of the United States has assumed a new policy role with regard to automation, one which we welcome warmly. These developments are chronicled in the present report, which also describes our efforts to discharge the other responsibilities assigned to us by the Congress.

Both the range of our activities and their quality owe much to the sustained interest and substantial contributions of the members of the Center's Board. Their dedicated service is reflected throughout the pages of this report. We are also indebted to the members of the Judicial Conference and its committees, and to the courts, including judges, magistrates, and supporting personnel. Their contributions to our programs, requests for our services, and suggestions on how our work might be improved have this year once again proved invaluable. Similarly, we have continued to benefit from the interest in our work shown by members of Congress and the Executive Branch, and their staffs.

It is a privilege to be of service to the federal judicial system. We can do no less than reaffirm our pledge to continue our efforts and to do so with renewed dedication.

Sincerely,

A handwritten signature in black ink that reads "A. Leo Levin". The signature is written in a cursive, flowing style.

A. Leo Levin

THE FEDERAL JUDICIAL CENTER

1520 H STREET, N.W.

WASHINGTON, D. C. 20005

August 20, 1985

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL  
CONFERENCE OF THE UNITED STATES

Pursuant to the provisions of 28 U.S.C. § 623(a)(3), I respectfully submit the Annual Report of the Federal Judicial Center for fiscal 1985. The report summarizes the Center's activities since the last annual report and describes the work projected through the end of the current fiscal year.

This year, as in the past, we have benefited immeasurably from assistance given us by the judges, magistrates, and supporting personnel of the federal judicial system. Virtually no Center activity reported in the pages that follow has failed to benefit from the interest and generous support they have provided. We are, indeed, grateful.

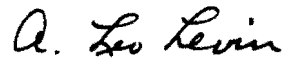
We are particularly indebted to the members of the Center's Board, chaired by the Chief Justice. Many of our most important projects are the direct result of the Board's creativity and its desire to experiment. The members of the federal judiciary are the beneficiaries of their efforts.

This year the Center welcomed three new members to its Board. Periodic change in the composition of the Board was intended by the Congress when it created the Center. The governing statute provides that six of the eight Board members shall be elected by the Judicial Conference for nonrenewable four-year terms. Two positions, however, are ex officio and hence without terms—that of the Chief Justice as chairman and that of the director of the Administrative Office.

The intent of the statute with respect to the director of the Administrative Office is clear: It was to ensure close cooperation between that agency and the Center. We have been fortunate in the nature of that relationship over the years and are grateful to William E. Foley, former director of the Administrative Office, who did so much to foster effective cooperation. Director L. Ralph Mecham has already expressed his desire that there be the closest cooperation in the future. Our agencies share the same goal—that of serving the federal judicial system. To that end, we at the

Center pledge to continue our efforts and to do so with renewed dedication.

Sincerely,

A handwritten signature in cursive script that reads "A. Leo Levin". The signature is written in black ink and is positioned to the left of the printed name.

A. Leo Levin

THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE  
1520 H STREET, N.W.  
WASHINGTON, D. C. 20005

A. LEO LEVIN  
DIRECTOR

TELEPHONE  
202/633-6311

August 19, 1986

TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL  
CONFERENCE OF THE UNITED STATES

Pursuant to the provisions of 28 U.S.C.  
§ 623(a)(3), I respectfully submit the Annual Report  
of the Federal Judicial Center for fiscal 1986.  
The report summarizes the Center's activities since  
the last annual report and describes the work  
projected through the end of the current fiscal  
year.

This year brought the announcement by Chief  
Justice Warren E. Burger that he is retiring from  
the Supreme Court. In consequence, he is also  
relinquishing his position as chairman of the Board  
of the Federal Judicial Center. The pages that  
follow make some attempt to assess the pervasive,  
beneficent influence of the Chief Justice, who has  
headed the Center's Board virtually throughout its  
existence. Judge Frank Coffin, a former member of  
the Board, captured the essence of the Chief  
Justice in describing him as "a unique institutional  
leader as well as a constant friend and supporter."

As the statutory deadline for submission of  
this report approaches, we look forward to working  
under the leadership of our new chairman, and to  
new achievements in the coming year. It is an  
appropriate time to pledge to continue our efforts  
and to do so with renewed dedication.

Sincerely,

A handwritten signature in dark ink, appearing to read "A. Leo Levin". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

A. Leo Levin

**THE FEDERAL JUDICIAL CENTER**

**DOLLEY MADISON HOUSE**

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**OFFICE OF  
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August 21, 1987

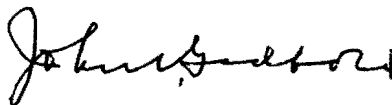
TO THE CHIEF JUSTICE AND MEMBERS OF THE JUDICIAL  
CONFERENCE OF THE UNITED STATES

I am pleased to send you the Federal Judicial Center's Annual Report on the activities of the Center in fiscal year 1987.

As noted in the report, the Center's twentieth year was one of transition. This marked the first full year under the leadership of its new Chairman, Chief Justice Rehnquist. And, on July 31, Professor A. Leo Levin retired after serving as the Center's Director for more than a decade.

The pages that follow reflect the Center's efforts to fulfill its statutory mandate to further the development and adoption of improved judicial administration in the federal courts. We shall seek to continue and improve these efforts in the years ahead.

Sincerely,

A handwritten signature in dark ink, appearing to read "John C. Godbold", written in a cursive style.

John C. Godbold

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# Introduction

This was the year of case management. The Federal Courts Study Committee endorsed “the trend toward more vigorous case management by district judges” and encouraged “additional training of judges in appropriate techniques of case management.” The Judicial Conference of the United States reaffirmed its support of active judicial case management by adopting a statement of principles in its “Program to Address the Problems of Costs and Delay in Civil Litigation and to Improve Case Management.” And there was legislative interest in case management, spurred in part by the Brookings Institution study *Justice for All*, leading to the introduction of the Civil Justice Reform Act of 1990, intended to mandate case management procedures in the federal courts to reduce litigation costs and delays.

Yet case management is nothing new to the federal judiciary or the Center. Case management has been at the heart of the Center’s mission since its creation in 1967. The years preceding that event had seen caseloads burgeon and their complexity increase. Voluminous antitrust litigation spurred the development of effective pretrial procedures by committees of the Judicial Conference, culminating in the preparation in 1960 of the *Handbook of Recommended Procedures for the Trial of Protracted Cases*, and demonstrated the need to prepare the judiciary for more active intervention in the management of cases. To respond to that need, the Judicial Conference initiated a series of ad hoc seminars for new judges.

Recognizing the need for a more systematic and comprehensive approach to education and research on judicial administration, Chief Justice Earl Warren, as chairman of the Judicial Conference, asked President Johnson to propose legislation creating the Federal Judicial Center. The legislation, as endorsed by the Conference, was adopted in 1967. Chief Justice Warren’s motivation is reflected in his observation, made shortly after the Center’s creation, that “the most important job of the courts today is not to decide what the substantive law is, but to work out ways to move the cases along and relieve court congestion.”

The federal courts have done that job. As the Federal Courts Study Committee concluded: “The past two decades have seen a virtual revolution in the role of federal district judges. Their early involvement and active role in the management of litigation . . . helps explain the federal district courts’ ability to keep abreast of their increased workload.” The Federal Judicial Center has played a major role in stimulating that revolution.

The Center helped the federal judiciary develop the conceptual basis of case management and regularize its practice. Its seminars for newly appointed district judges—taking their cue from the call in Rule 1 of the Federal Rules of Civil Procedure for the “just, speedy, and inexpensive determination of every action”—taught that lawsuits were the business of the courts and the public as much as that of the parties and their lawyers. Center workshops introduced successive waves of judges, old and new, to such essential and now well-established management techniques as the individual assignment calendar and the setting of firm dates for cut-off of discovery and for trial.

Center research analyzed the effect of case management, providing empirical validation of such practices as early and active judicial intervention. Its research contributed to revisions of the Federal Rules of Civil Procedure intended to invigorate judicial case management. The Center was the catalyst

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in the preparation of the *Manual for Complex Litigation*. And the Center played a major role in harnessing technological innovation and systems development to increase productivity in the courts.

As the federal courts enter the 1990s, case management is no longer an option. It is a necessity. Faced with an unprecedented and growing volume of increasingly complex litigation—civil and criminal—the judiciary needs to employ management as never before to make the most of its limited human and material resources. That need exists not only for judicial officers at all levels but for supporting personnel throughout the system.

To meet that need, the Center has made a renewed commitment to offer case management education and support; to provide programs and information that will assist judges and supporting personnel to meet growing responsibilities and perform increasingly complex and demanding tasks; to ensure that automation keeps pace with new technology; to pursue research that will provide information needed for effective reform and fairly assess the impact of innovation on the operation of the courts; and to further understanding of case management as the path to the “just, speedy, and inexpensive determination” of litigation.

A handwritten signature in black ink, reading "William W. Shwartz". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.



## Introduction

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This year marks the twenty-fifth anniversary of the creation of the Federal Judicial Center. Responding to the strongly felt perception that a crisis existed in the federal courts, Congress in 1967 adopted legislation establishing the Center. Chief Justice Earl Warren had long sought a separate and independent research and education agency for the federal courts to help bring about what he had called for in a speech to the American Bar Association in 1958: "improved methods of adjusting caseloads, dispatching litigation for hearing, resolving complicated issues, eliminating non-essential ones, increasing courtroom efficiency, and . . . dispatch in decision making and appeal."

In 1966, the Judicial Conference of the United States had authorized "a study of the possible need for congressional authorization of a broad program of continuing education, training, research and administration" for the federal courts. A special committee of judges appointed by the Chief Justice and chaired by retired Justice Stanley Reed drafted the legislation. President Johnson included it in a crime bill at Chief Justice Warren's request (and, it is said, in appreciation for Warren's willingness to head the commission to investigate the assassination of President Kennedy). Congress adopted the legislation in 1967.

The Center began work in the spring of 1968 under its first director, retired Justice Tom C. Clark, operating out of his Supreme Court chambers until it moved to the Dolley Madison House on Lafayette Square later that year. In the years that followed, the Center expanded to

three locations with over 140 employees. In October 1992, it will move once again to the newly constructed Federal Judiciary Building near the Capitol.

When the Center came on the scene, the federal courts stood on the threshold of a new era that would bring civil and criminal litigation unprecedented in volume and complexity. Although congestion and delay in the courts were a concern then, no one could foresee what lay ahead: the rapid growth of civil rights, class action, mass tort, and other forms of new and complex litigation; the emergence of drugs and associated crime as a major component of the workload; and a plethora of new substantive and procedural law, including vast amounts of new legislation, that profoundly changed the work of the federal courts.

In the years that followed, the Center sought to respond to the resulting challenges posed and opportunities presented. Chief Justice Warren's words spoken in 1958 have resonated as a theme of Center activity as it worked to fulfill its statutory mission of furthering "the development and adoption of improved judicial administration in the courts of the United States." From rudimentary beginnings have grown extensive, sophisticated, and effective education programs and innovative research projects.

Center education programs, once provided by a staff of two, now occupy a staff of some fifty-five professionals—educators, lawyers, and administrators. The Center has moved from the traditional lecture to using panels, participatory discussions,

problem-based presentations, and sophisticated aids such as video. Specialized units in the Center develop and present programs for different groups of judicial officers, for probation and pretrial services officers, for employees of clerks' offices, and for other supporting personnel. Specialists develop management training programs and curricula for in-court training. These programs are augmented and supported by videos and publications produced by writers, producers, and technicians at the Center.

The Center's education programs have responded to the evolving needs of judicial branch personnel. One theme that has remained constant is case management—at all levels of the judicial system. The Center was an early leader in developing and teaching methods of judicial case management, and this remains a major emphasis of Center programs, particularly now as it becomes the object of legislative initiatives. Supporting personnel education also stresses case management. Constant and dramatic changes in the law have created needs for extensive, substantive education programs. Court supporting personnel, who have now increased to almost 25,000, require a broad range of programs, from training probation and pretrial services officers in new sentencing and supervision procedures, to preparing clerks' office personnel to perform duties formerly centralized in Washington, to developing management skills for senior personnel.

Center research activities have also responded to the

changing needs of the judicial branch. The growth in the size and complexity of the caseload of federal courts created new sets of problems. Studies were directed at evaluating case management practices, at the operation of the Federal Rules of Civil Procedure, and at developing innovative ways of expediting appellate dockets. The Center developed formulas and collected information to determine case weights and accurately assess the caseload burdens of courts. In numerous projects, large and small, the Center identified problems, collected data, and evaluated solutions to the problems confronting the administration of justice in the federal courts. Now the Center's research agenda embraces new issues, such as evaluation of criminal sentencing alternatives, long-term planning methods and techniques for the federal courts, and means for dealing with issues of science and technology in the courts.

Technology has undergone revolutionary change since 1967. When the Center was created, automation in the courts was little more than a small cloud on the horizon. Now it plays a dominant role in the administra-

tion and management of the courts. The Center's role too has changed, from system design and development to focusing on applications to support education and research and long-range research into prospective technologies.

The Center is a small agency, but its impact on the administration of justice in the federal courts has been significant. This impact is in no small part due to the close working relationships between the Center, the Administrative Office of the U.S. Courts, the Judicial Conference of the United States and its committees, and, more recently, the Sentencing Commission. While the Center is separate and independent, it does not stand alone or isolated. Its purpose is to serve the judicial branch, and it provides that service through those institutions as well as directly to the personnel of the branch, frequently in response to direct requests.

Although the Center's mission is directed at the federal courts, its presence reaches beyond to the state systems and abroad. It contributes to the development of more effective relationships between the state and federal court systems. It participates in research with

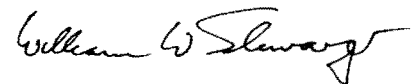
other interested groups and persons. To those around the world concerned with the administration of justice, the Center is widely known as a unique institution and a source of information and counsel.

The accomplishments of the Center are testimony not only to a diligent, committed, and highly competent staff, but also to the contributions by many outside the Center—lecturers and discussion leaders, authors, planning committee members, and others. Its achievements also bespeak the interest and leadership provided by the men and women who served on its Board. The Center is particularly grateful for the leadership of Chief Justice Warren E. Burger, who carried forward his commitment to judicial modernization while chairing the Board for some nineteen years. And since 1986, Chief Justice William H. Rehnquist has given the Center his strong and unstinting support.

The Center has been blessed by outstanding directors, beginning with Justice Tom C. Clark, an early proponent of improved judicial administration, Judge Alfred P. Murrah of the Tenth Circuit (1970–1974), a forceful (and by now legendary)

advocate of effective civil and criminal pretrial procedures, Judge Walter E. Hoffman of the Eastern District of Virginia (1974–1977), a pioneer of various case management methods, Professor A. Leo Levin of the University of Pennsylvania Law School (1977–1987), a strong supporter of the application of empirical analysis to court procedures, and Judge John C. Godbold of the Eleventh Circuit (1987–1990), who introduced major innovations into the Center's education program.

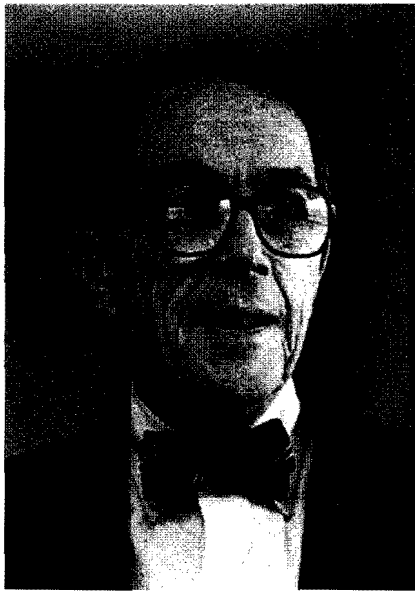
As the Center enters its second quarter-century, we look forward confidently to the challenges and opportunities ahead.



January 1992



# a message from the director



WILLIAM W. SCHWARZER

A central fact about litigation today is that the knowledge explosion has reached the courtroom—more and more decisions of cases rest on subject matter inherently unfamiliar to the decision maker. Liability determinations often turn less on the defendant's behavior—whether the defendant used due care or acted in a reasonable fashion—than on the characteristics and effects of products or substances. The question often is not whether a manufacturer or designer acted reasonably but rather whether a product increased the risk of harm; a question of pilot or controller error, for example, can become one about whether the air traffic control software was defective.

These kinds of questions present new challenges to the trier of fact and to judges conducting the trial. The traditional role of the jury has been to bring community standards to the decision of cases; the experience and common sense of jurors was the measure of the community's expectations. The issues presented for decision fell within a shared context of experience that enabled jurors to evaluate the events and the conduct of the parties out of which the controversy arose. But experience and common sense provide no guidance when the resolution of controversies turns on arcane questions of science and technology. Even though jurors are undoubtedly better educated and more sophisticated than in the past, scientific knowledge is always a few steps ahead.

Nor are judges necessarily better qualified than jurors to resolve such controversies. Federal judges are generalists. Their training does not prepare them, nor does their workload generally permit them, to engage in the intensive study of highly technical subject matter before them that is often necessary to make informed rulings on evidence or on the merits of a case. And so the system has become increasingly dependent on experts.

The Center is responding to these challenges. In pursuit of its mandate to use research and education to improve the administration of justice, it has undertaken a multipronged science and technology project, partially funded by the Carnegie Corporation, to help courts deal with science-intensive cases. The Supreme Court's decision in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 113 S. Ct. 2768 (June 28, 1993), underscores the importance of this effort by directing that "the trial judge . . . ensure that any and all scientific . . . evidence admitted is not only relevant, but reliable."

The principal purpose of the Center's project is to help judges perform their responsibility to assess the admissibility of scientific





evidence and to assist juries in arriving at informed decisions. Opinions of persons qualified on the matter in dispute have long been admitted into evidence if thought to be helpful to the trier of fact. But there has been a subtle change in the role of the expert. Traditionally experts dealt with subjects that were generally objective and verifiable: the identification of handwriting, the ballistic analysis of a weapon, the cause of death of an accident victim, the speed of a vehicle which left skid marks on the pavement. Today, however, experts also testify on matters that are often on the outer limits of established science: the risk of harm from dioxin, silicon implants, and lead paint, the probabilities of a match of DNA samples, the presence of novel psychological syndromes and immunological deficiencies.

The difference is that while judges and jurors could generally comprehend the testimony of the conventional expert—handwriting experts, for example, based their opinion on facts represented on charts jurors could follow and evaluate—today's expert often deals with matters difficult if not impossible for lay persons to comprehend, much less assess. When an expert testifies on whether a person's liver cancer was caused by exposure to

PCBs, for example, there may be little for the judge to go on in assessing the validity and reliability of the evidence. And the jury, though it knows that an injury has been sustained and presumably has some cause, may have much difficulty in finding solid ground in the expert's analysis on which to bottom a decision. In such cases, rulings and decisions will often become an act of faith.

The problem is, of course, that in the modern world of science and technology, all of us must frequently operate on faith. Not too long ago, most people had at least a rudimentary understanding of how the world around them functioned. All that is changed. We now live in a world of such incredible scientific and technological complexity that we do not even try to understand; for the most part we have to accept what we are told, and if we were given an explanation we would not understand it. And the explanation we might receive today would probably change tomorrow.

When judges and jurors approach their task as decision makers in that frame of mind, there is good reason for concern about the quality of justice. This concern motivated the study by the Carnegie Commission's Task Force on Judicial and Regulatory Decision Making. Its final report, issued in 1993, concluded:

The courts' ability to handle complex science-rich cases has recently been called into question, with widespread allegations that the judicial system is increasingly unable to manage and adjudicate science and technology issues. Critics have objected that judges cannot make appropriate decisions because they lack technical training, that jurors do not comprehend the complexity of the evidence they are supposed to analyze, and that the expert witnesses on whom the system relies are mercenaries whose biased testimony frequently produces erroneous and inconsistent determinations. If these claims go unanswered, or are not dealt with, confidence in the judiciary will be undermined as the public becomes convinced that the courts as now constituted are incapable of correctly resolving some of the most pressing legal issues of our day. [*Science and Technology in Judicial Decision Making: Creating Opportunities and Meeting Challenges, A Report of the Carnegie Commission on Science, Technology, and Government* 11 (March 1993)]

Much of the problem arises out of a lack of fit between scientific knowledge and legal truth. As the Carnegie report described it:

Scientists regard [the] gradual evolution of their theories through empirical testing as the pathway to "truth." In the legal system, however, all of the players are forced to make decisions at a particular moment in time, while this scientific process is going on. Given the indeterminacy of science, how can the judicial system make the best use of a scientific "fact"? [*Carnegie Report* at p. 12]

The Center's science and technology project, with the support of the Carnegie Corporation, is proceeding on several fronts to help courts make better

# Science in the

use of scientific evidence. The Center's reference manual on scientific evidence will help judges perform the gate-keeping responsibilities imposed on them under the Federal Rules of Evidence. The manual, scheduled for late-1994 release, will provide guidance on standards for admissibility and management of expert testimony and on special procedures appropriate for extraordinary cases, such as the use of special masters and court-appointed experts. It will break down the methodology of specific areas of forensic science in which expert evidence commonly presents difficult issues through outlines of issues critical to admissibility supplemented by explanatory commentary. The protocols will explain the methods and the reasoning of the science, identify the issues most commonly in dispute, and illuminate their analysis. Protocols will be made available to the bar, and parties will be encouraged to supplement the protocols with material that is relevant to the particular case. The protocols currently being prepared will cover epidemiology, toxicology, survey evidence, statistical inference, multiple regression analysis, forensic analysis of DNA, and estimation of economic loss.

The Center will also conduct a series of seminars and workshops to demonstrate the use of

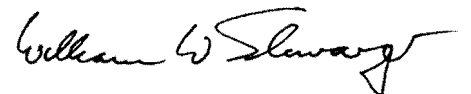
the manual and assist federal judges in dealing with complex issues of science and technology. The manual, together with supporting teaching materials such as videotapes and syllabi, will be made available to state courts as well as to the bar.

The reader may ask how all this fits in with the adversary process: Is it not up to the lawyers to sort out the scientific evidence and present it in admissible form? True, and that is why the Center Board, in approving the project, emphasized that it should not "preempt the presentation of issues through the normal course of the adversary process." The premise of the Center program is that the judge has the duty to rule on admissibility and conduct a fair trial. The adversary process will not invariably throw light on the pivotal issues or otherwise lead the judge to make an informed ruling. The Center's materials will address the principles and methodology of science, not the conclusions generated by scientific studies. These materials will help the judge identify the issues, a judicial responsibility in litigation management contemplated by the Federal Rules of Civil Procedure. Reference to the materials in the manual will help the judge grasp the logical framework of the subject of the expert evidence, identify the critical issues and their compo-

nents, and engage the parties in an informed discussion concerning the basis of the expert opinion. For example, reference to the DNA protocol will identify the four categories of pivotal issues and the material considerations concerning each: the acceptance of the theory and technique, the quantity and quality of the sample, the performance of the specific sample analysis, and the determination of a match and the probability of a coincidental match. With this kind of information, the judge will be able to narrow the dispute, focus the lawyers' arguments, stimulate a thorough exchange with the parties, and come to a speedier and more informed ruling.

#### *A final note*

Some might worry that the Center is pursuing this project at the expense of education and research on matters some judges may consider to have wider application in the federal courts. In fact, the science and technology project is underwritten in substantial measure by a series of grants by the Carnegie Commission to the Federal Judicial Center Foundation, which Congress established in 1988 for just such purposes.



## a message from the director

The story is told of the Emperor Kangxi, one of the greatest of the Manchu Emperors, who received a petition complaining about corruption and tyranny in the courts. After reflecting on it for a while, he concluded that improving the quality of justice would only increase the number of lawsuits, and therefore decreed

that those who have recourse to the courts should be treated without any pity and in such a manner that they shall be disgusted with law and tremble to appear before a magistrate.

In this manner the evil will be cut up by the roots: the good citizens who may have difficulties among themselves will settle them like brothers by referring to the arbitration of some old man or the mayor of the commune. As for those who are troublesome, obstinate and quarrelsome, let them be ruined in the law courts; that is the justice that is due to them.

We have no reports on the efficacy of the emperor's edict, but it appears to have found no converts in the Western world as the desired road toward improving judicial administration. Certainly it is not the path we have chosen in the United States, and that is why we have the Federal Judicial Center. Its statutory charge is "to further the development and adoption of improved judicial administration in the courts of the United States." This subject has received much attention during the past five years—the period during which I have been privileged to serve as the Center's director—and there has probably never been a time of more discussion, controversy, and action concerning it. So this has also been a time of challenge and opportunity for the Center. Here are some of the highlights on how it has responded.

## **Education and training**

The Center's first responsibility is education and training for the judicial branch. As the jurisdiction and work of the federal courts increase in scope and complexity and their administration becomes more demanding, education and training are more important than ever. Almost 2,000 judges participate in Center programs that provide orientation for new judges, continuing education for all, and special focus programs on a wide range of topics for those who are interested.

The Center's largest single operation is the training of court personnel in clerks' offices and probation and pretrial services offices. This work has acquired new importance and urgency as a result of the budget squeeze. Because fewer staff members must process more cases and other work, training to enhance productivity is crucial. Moreover, the duties of many of these people, especially probation officers, have become more complex and demanding, requiring new and greater skills.

To meet training needs with declining funds, the Center has refined and adapted "distance learning" to federal court needs with innovative alternatives that reduce the need for travel-based programs. Some seminars and workshops remain essential, but the Center is now able to reach large numbers of staff through in-court training—more than 16,000 people last year—most using Center-developed curriculum packages on

many topics administered by Center-trained specialists from many courts. Assistance is also provided to training activities undertaken by various circuits, including programs to address gender and racial fairness in the courts.

## **Research and planning**

Center research and planning activities cover many areas. Much of this work is in support of committees of the Judicial Conference of the United States. For example, the Center has been doing research for the rules advisory committees on possible amendments. It became heavily involved in assisting the Committee on Court Administration and Case Management in the implementation of the 1990 Civil Justice Reform Act in all of the district courts, providing training to advisory groups, supplying each court with an annual analysis of its docket, helping to develop a model civil justice expense and delay reduction plan, and evaluating programs under the district plans. It has been studying ADR programs and assisted courts in various ways in the selection of appropriate programs, training neutrals, monitoring performance, and evaluating the operation of such plans.

Support of the judiciary's long-range planning activities has included the publication of a series of substantial discussion papers and assisting the Committee on Long Range Planning in preparing its draft plan

for the federal judicial system. The Center has also assisted long-range planning activities of other committees and of circuit conferences and councils.

At the request of Congress, the Center undertook major studies and published reports on alternative structures for the courts of appeals and on intercircuit conflicts, and it studied the operation of the Judicial Conduct and Discipline Act of 1980 for the National Commission on Judicial Discipline and Removal.

## **Publications and media**

An integral part of the Center's education and training activity is its publications and media productions. On moving to the Thurgood Marshall building, the Center acquired state-of-the-art video production and editing facilities. They have made it possible to increase the quantity and quality of video programs that provide effective training aids for judges and court staff. The Center's media catalog lists several hundred audio and video tapes, many produced by the Center, others commercially produced and selected by the Center's education specialists.

Particularly exciting has been the application of new technologies

to support the Center's mission. The Center produced its first interactive computer-based multimedia program—this on the Federal Rules of Civil Procedure—and delivered it to each court last fall. Others will follow; they give judges and staff not only a quick and convenient reference aid but also a means to test their knowledge of the rules.

Publication activity has substantially increased. It includes a series of important manuals and monographs: the *Manual on Litigation Management and Cost and Delay Reduction* (1992), the *Manual for Complex Litigation* (3d ed.)

(forthcoming spring 1995), the *Reference Manual on Scientific Evidence* (1994), the *Case Management Manual for*



Judge William W. Schwarzer, Director of the Center,  
and Russell R. Wheeler, Deputy Director



*United States Bankruptcy Judges* (forthcoming spring 1995), and monographs on the use of court-appointed experts (1993) and the award of attorneys' fees (1994).

### **Interjudicial affairs**

While the Center has always had an interest in and statutory responsibility for cooperative ventures with the state court system, activity in this area has increased substantially. It includes cosponsorship with the State Justice Institute, the National Center for State Courts, and others of the first national conferences on judicial federalism and, recently, on mass torts. These conferences for state and federal judges, lawyers, and academics give significant impetus to improved working relationships between state and federal courts.

The Center is increasingly called on to provide briefings to foreign judicial visitors, and it participates with public and private agencies in efforts to strengthen the rule of law abroad. Among other things, it helped organize a series of seminars on judicial independence and jury trials for legal officials from the Russian Federation and neighboring states.

### **Judicial history**

The Center's history office conducts programs to preserve the history of the federal judicial branch, includ-

ing helping preserve chambers papers, developing guidelines for oral histories, conducting oral histories of retired Supreme Court justices and of women judges appointed during the 1960s and 1970s, and creating a computerized biographical database of all men and women who have served on federal district and appellate courts.



This message marks the end of my service as director of the Center. I look back with pride and satisfaction on the accomplishments of the Center. My report has necessarily touched only on the highlights; a complete accounting would exceed the allotted space. But it is indicative of how the Center's role has expanded, its stature has grown, and its work has served the Center's mission to bring improved judicial administration to the federal courts. If that is an accurate assessment, credit is due to its dedicated, creative, and productive staff. Led by the Center's deputy director Russell Wheeler, they have responded to the challenge, given their best, and made good things happen. I extend my grateful appreciation to all of them.

A handwritten signature in cursive script, reading "William W. Stewart".

# A Message from the Director

The federal courts are assessing operations and procedures ever more strictly as resources continue to tighten. Likewise, the other branches of government and the public are increasingly interested in knowing the nature and extent of problems and whether current responses to them are worth their cost. How much, for example, is the work of the federal courts actually growing, what are the components of the growth, and how are different procedures and techniques allowing the courts, as the federal rules put it, “to secure the just, speedy, and inexpensive determination of every action”?

Measurement is a basic tool for such assessment, as revealed in this report on the Center’s 1995 activities. Developing and presenting programs of continuing education and training, for example, requires a constant assessment of the educational needs and preferences of judges and supporting personnel, participants’ satisfaction with Center programs, and, as best we can measure it, the impact of those programs on their ability to do their jobs.

In conducting “research and study of the operation of the courts,” the Center this year assessed the extent of class action activity in four districts, measured the impact of different case types on the increase in appellate caseloads, surveyed the attitudes of judges and lawyers toward changes in sanction and fee-shifting rules, and analyzed the relationships between offender characteristics and the amount of supervision offenders require. Data it gathered from ten district courts showed there is more to pro se filings than simply prisoners’ civil rights suits and debtors’ bankruptcy actions.

The Center is a consumer as well as a generator of data. As a consumer, it makes constant use of the statistical reports of the Administrative Office of the U.S. Courts and the underlying data that federal court personnel supply for those reports. Conceived and developed by Judge Charles Clark in the 1940s and 1950s, and refined through the years, the Administrative Office’s compilation of judicial administration data is the most comprehensive in the world—the standard of comparison for other judicial systems.

We are, though, in an “information age,” which the Judicial Conference recognized when it approved this year the *Long Range Plan for the Federal Courts*. Recommendation 73 of that plan calls on the federal courts to “define, structure, and, as appropriate, expand their data-collection and information-gathering capacity.” The Center has a pervasive interest in court data so it can meet its statutory responsibilities to educate third branch personnel, to provide research to Judicial Conference committees and the courts, and to stimulate and coordinate research and education by others. These responsibilities give it a unique vantage point from which to assist in the implementation of Recommendation 73.

Implementation presents two challenges. One is determining what information to gather; the other is to determine how to accommodate legitimate information needs in a data collection strategy. The first question is largely one of audience. Who are the users, what are their questions, and how important is it to learn the answers? Consumers and would-be consumers of information about the third branch and its work are many, varied, and often quite vocal about why their needs for data deserve accommodation. Judges and administrators, and Congress, want statistics that measure how courts do their work and the amount of resources they use—the space they occupy, the personnel and equipment they need, and the dollars they spend.

Researchers outside the courts—and journalists—also have legitimate interests in court data. Judges and administrators have an understandable reluctance to store and release information on court and judicial performance when that information is subject to misuse or misunderstanding based on lack of knowledge of the system. But the *Long Range Plan’s* call for assessment and appropriate expansion of federal court data collection is of a piece with the plan’s recognition that accountability is one of the “core values” that motivate society’s faith in the federal courts. The challenge is to collect accurate information in a context sufficiently complete to allow an accurate picture of what this public institution is doing and how.

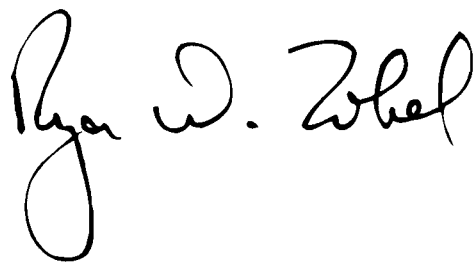
It is not enough, though, to identify the potential consumers of data, or even to make difficult judgments about which demands the judiciary should honor. It is also necessary to identify the best means of gathering

data to serve varying purposes. Even if information about some aspect of judicial operations is worth having, that does not mean the information must be gathered from every federal court in the system forever. For some purposes, completeness is essential. For personnel management, for example, the judiciary's information systems must be able to account for every employee in the system, but they need not maintain detailed demographic information about each clerk's office in order to help the courts plan for changes occasioned by the increasing diversity of the work force in the federal courts. Samples will do that job as well.

*a message from  
the director*

An appropriately comprehensive court data operation does not come free, but not collecting data can also be expensive, either in the effects of lack of information to guide policy decisions by the courts or Congress, or in the costs of having to amass data sets one at a time. The need here is to sort out which data merit regular collection and which can be gathered on an as-needed basis, and the relative costs of doing either.

The British physicist and engineer Lord Kelvin warned one hundred years ago that "when you can measure what you are speaking about, and express it in numbers, you know something about it; but when you cannot measure it, when you cannot express it in numbers, your knowledge is of a meager and unsatisfactory kind." It is well to keep in mind, though, that even in the information age, information is but the means to an end. The challenge faced by the federal courts is to gather the quantitative information essential for adequate measurement and to blend what the numbers indicate with the qualitative data of experience and insight of system participants and observers. That blending enhances both kinds of knowledge and aids in crafting the most responsible policies for the judiciary.

A handwritten signature in black ink, reading "Ryan W. Zohel". The signature is fluid and cursive, with a large loop at the end of the last name.

## **a message from the director**

For the Federal Judicial Center, 1996 marked the start of two important ventures. This fall, from our Washington, D.C., studios, we broadcast two satellite seminars and a two-way videoconference. These programs helped judges and court personnel across the country learn about changes in habeas corpus law and helped staff attorneys learn about changes in habeas law, prison litigation procedures, and recent Supreme Court decisions that could affect their work. The programs also helped appellate clerk's office staff in the headquarters city of each appellate court to learn about one another's policies and techniques for processing and closing case records and to develop approaches for meeting their rising workloads.

Just as important, these programs began our lessons in opening up new ways for members of the federal court system to communicate with one another and with others about changes in the law, about different points of view, and about successful techniques.

We know that "live" seminars must remain an important part of Center education and that video education is not a matter of simply broadcasting what we might otherwise have presented in a seminar room. But it is also apparent that video communication can provide the federal judicial system with methods of exchange and mutual assistance that are unique to the medium and that free us from the restrictions of traditional methods. Our challenge is to find the best uses for each medium, using, as the Chief Justice said in his 1996 year-end report, "Center expertise in video production and curriculum design" to "enable the entire third branch to make good use of this form of communication and education."

From our surveys last summer and from other consultation with the courts, we know there is enthusiasm about this new technology. Because the best Center education stems from partnerships with the courts, we have assembled a small advisory group of judges, court staff, and Administrative Office and Sentencing Commission users to help us experiment. I am grateful to the Executive Committee of the Judicial Conference, which, on the recommendation of Administrative Office leadership, allocated almost \$2 million to provide satellite downlinks in courts throughout the country.

A second venture that the Center began in 1996 is a planning process to help ensure that from among the many issues in the Center's statutory charge, we give priority to those that will contribute most to our basic mission: "to further the development and adoption of improved judicial administration in the courts of the United States." The Board of the Center endorsed the idea of a strategic planning process last May.

Planning, if done right, is a somewhat uncomfortable process, challenging old assumptions and forcing adjustment to new realities. The alternative, however, is stagnation or worse. I look forward very much to the recommendations of our planning com-

mittee, comprising the six current judge-members of our Board and Chief Judge Michael M. Mihm of the Judicial Conference Executive Committee.

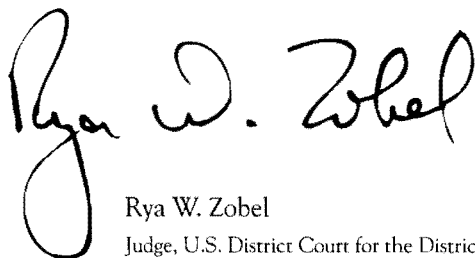
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An annual report is an occasion for an organization to reflect on its history. Judge Walter E. Hoffman of the Eastern District of Virginia, who died last November, strengthened the Center through service on its Board and then as its third director from 1974 to 1977. Under his leadership, the Center began its District Court Studies Project, which has shed empirical light on many aspects of federal civil procedure. In the 1980s, he provided a generation of judges their introduction to the third branch—and the example of a powerful role model—by moderating the week-long “video seminars” that constitute the first phase of Center orientation for district judges.

Judge Hoffman was a giant within the federal judiciary. In the 1950s, for example, he demonstrated a fierce independence in upholding Supreme Court school desegregation mandates in the face of intense opposition and threats to his personal safety. He received the Devitt Distinguished Service to Justice Award in 1983.

Judge John C. Godbold of the Eleventh Circuit received the Devitt Award this year. Judge Godbold was the Center’s fifth director, from 1987 to 1990, and, like Judge Hoffman, had served previously on the FJC Board. He came to the Center from a distinguished judicial career, having served as chief judge of the old Court of Appeals for the Fifth Circuit and then managing the birth of the new Eleventh Circuit as its first chief judge. As Center director, he did much to encourage Center education to adapt to new needs and to use new methods of teaching, stressing the importance of education not simply for judges but for the courts’ non-judge personnel.

As the Devitt Award citation put it, “Judge Godbold’s long career demonstrates that judicial independence fosters the originality, creativity, commitment, and diligence that all federal judges seek.”

A handwritten signature in black ink, reading "Rya W. Zobel". The signature is fluid and cursive, with the first name "Rya" being particularly prominent and stylized.

Rya W. Zobel

Judge, U.S. District Court for the District of Massachusetts

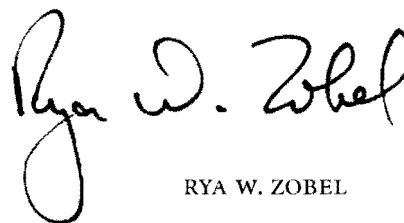
# FROM THE DIRECTOR

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This report gives a summary account of the Federal Judicial Center's activities in calendar year 1997.

The most important development in 1997 was the Board's approval of a strategic plan to guide the Center for the foreseeable future. The plan was developed by a committee that the Board created on my recommendation in 1996 to propose priorities for the Center's various missions. The Chief Justice appointed the six judges then on the Board and Chief Judge Michael M. Mihm, then a member of the Judicial Conference's Executive Committee. Chief Judge Marvin E. Aspen chaired the committee, which unanimously adopted fourteen recommendations and presented them to the Board. The Board subsequently approved the report and adopted the recommendations.

We have implemented most of the committee's recommendations, which address current issues and problems concerning each of the Center's statutory responsibilities. Thus, we have terminated the small amount of technical development we performed in response to court and Judicial Conference committee request and are devoting additional technical resources to our growing distance education programs. We have reiterated and reaffirmed our primary commitment to the education of judges and court staff. We have established priorities for the deployment of our research capabilities. As of this writing, two committee recommendations, involving education and the creation of a group to resolve differences between the Center and the Administrative Office, are under consideration by the Judicial Conference.

A handwritten signature in black ink, reading "Rya W. Zobel". The signature is fluid and cursive, with the first name "Rya" and last name "Zobel" clearly legible. The middle initial "W." is smaller and less distinct.

RYA W. ZOBEL

# a message from the director

I wish to use this annual report message—my fourth and last as director—to encourage my colleagues on the bench to work with the Center to exploit the potential of the Federal Judicial Television Network.

The network's structure is in place, thanks to the creativity and hard work of people at the Center, at the Administrative Office of the U.S. Courts and the U.S. Sentencing Commission, and in federal courts throughout the country. All have given much to make the network a reality. Vital as well was the prodding of the Congress, particularly Chairman Harold Rogers of the House Appropriations Subcommittee that determines the Center's budget. This year I implemented a partial reorganization of the Center to enhance our ability to operate the network for the benefit of the federal courts as well as to use it effectively to complement our other educational programs.

The task now is to take the fullest advantage of the network. The result will be not only easily accessible information and education, but also a greater integration of the federal judicial branch.

The federal courts have always been a decentralized system, applying national law, but shaped in their operations and procedures by the pull of individual cultures in each circuit and district. That decentralization, like federalism itself, is a healthy fact. However, there must be counterweights, lest centrifugal forces overwhelm us.

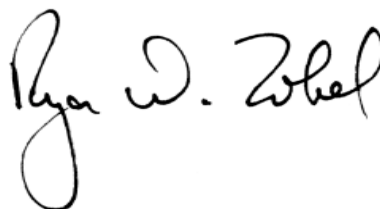
The Federal Judicial Center serves as an integrating force, helping judges and court personnel learn how colleagues in other courts see their jobs and honor their responsibilities, and in so doing, promoting interchange across the boundaries of the decentralized judicial branch. The Federal Judicial Television Network, or FJTN, is another instrument of interchange. In only its first eight months of operation, the FJTN transmitted more than 500 hours of education and information. Those hours included original programs—almost forty from the Center—as well as rebroadcasts of other government agencies' programs.

Programming to date has been primarily for court staff. One reason is that court staff constitute a much greater proportion of the system's total personnel. However, it has also been more difficult to identify the kinds of programs that judges will find beneficial to their work and thus will take time to view and use.

To date, we have broadcast for judges a series on evidentiary problems, and last summer, for the second time, our review of the Supreme Court's just-completed term. We will continue these types of programs, adapting them in light of helpful suggestions we have received. We can hardly claim a corner on creativity, however. On December 16, for example, we broadcast an FJTN program conceived and moderated by Chief Bankruptcy Judge A. Thomas Small (E.D.N.C.), a member of the Center's Board. This live (and lively) interactive program described the recent bankruptcy decisions of the Fourth Circuit's court of appeals and discussed proposals for changes in the Bankruptcy Rules. It enabled judges from throughout the circuit to comment on how they are implementing those recent decisions and what they wanted the Advisory Committee to know about the Rules amendments.

We need more ideas like Judge Small's, to tap the potential of today's video technology—and tomorrow's. The day is not too far off when the federal courts will be able to send and receive video signals by means other than the FJTN, giving circuits and districts the capacity to transmit their own programs, court to court. As in all technology, effective use builds on experience, imagination, and a willingness to try what may at first be unfamiliar and uncomfortable.

With imagination and creativity, video broadcasts and other forms of distance education can take their place alongside the Center's workshops and publications as part of a comprehensive educational program.

A handwritten signature in black ink, reading "Ryan W. Zohel". The signature is fluid and cursive, with a large, stylized 'R' and 'Z'.



## a Message from the Director

Crime and commerce are rapidly becoming more international in scope. Assuming that trend continues, there will be a concomitant increase in the globalization of law, a concept which has until recently been more of a theoretical construct. This phenomenon is now beginning to affect what actually takes place in our courtrooms. Intellectual property rights, jurisdiction and venue related to Internet use, extradition, detention of foreign nationals, international terrorism, immigration, and contract disputes arising from foreign investments and joint ventures are among the obvious areas where international issues may arise. Because the world is not only getting smaller, but also moving faster, at least metaphorically, we can expect the effects of globalization of law to increase dramatically in the coming years, and we should be prepared for them.

Responding to the effects of globalization is directly relevant to the Federal Judicial Center's statutory responsibilities. In 1992, Congress amended the Center's mandate (28 U.S.C. § 620(b)) and authorized it "to cooperate with and assist agencies of the Federal Government and other appropriate organizations in providing information and advice to further improvement in the administration of justice in the courts of foreign countries and to acquire information about judicial administration in foreign countries that may contribute to performing the other functions set forth in this section."

That amendment recognized and explicitly approved of the Center's efforts in the international field. Since that time, the Center has explained the U.S. legal and judicial system or the process of education and research for the federal judiciary and its support staff in short briefings to almost 3,000 foreign visitors and in longer seminars for more than 350 visitors. Many of these activities assist international visitors who are anxious to stabilize the rule of law and promote judicial independence in their own countries. Foreign judges with those goals are intrigued by the concept of an agency like the FJC that is not just a "judicial school," but a true center for learning, teaching, and research on a wide range of issues relevant to the judicial branch.

Our shrinking world demands that we continue to assist colleagues from other countries, and not simply as an altruistic exercise. Such assistance helps promote international security and legal recourse, especially for those who travel outside our borders, physically or technologically, whether for personal, commercial, or governmental reasons.

More recently, globalization has created another challenge. In past years, the Center has not found it necessary to devote many resources in either research or judicial education to areas in which our laws intersect with the laws of others. The growing instances of such intersections have changed that. At a minimum, federal judges should be familiar with the major treaties and conventions that may be at issue in cases that come before them. We have long acknowledged the need for comity in respect to state–federal conflicts; we should now expand our horizons.

This larger perspective might encompass not only substantive judicial education but analysis of practices and procedures as well. Many of our counterparts in other countries are struggling with the same issues that we now confront—increasing dockets and decreasing resources, conflicts over jurisdictional borders, and more frequent disputes arising from both international commerce and international crime. We should learn what we can about how others are dealing with these common problems.

Federal courts are confronting not only the increasing effects of globalization, but the continuing challenges of science as well. The Center is designing two exciting new Federal Judicial Television Network programs that will help explain the sciences of recombinant DNA and other genetic engineering, epidemiology, and toxicology and also demonstrate how such scientific information is best used in courtroom proceedings, such as *Daubert* and *Markman* hearings. We also look forward to developing Web-based programs that will expand our use of distance learning into various areas, providing both judges and staff with the high-quality programs that are the hallmark of the Center and the additional benefit of maximum flexibility.

And so we enter a new year (a new century according to some). As the Chief Justice said in his year-end review of 1999, “FJC research and education helps the judicial branch deal with vexing policy questions created by modern litigation.” We will continue to do so. It will be a time of challenge for the Center and a time of personal excitement for me as I begin my first full year as director. I look forward to what lies ahead.

FERN M. SMITH

# A Message from the Director: Who We Are and What We Do

The mission of the Federal Judicial Center is to educate federal judges and court staff and to contribute to the body of research that furthers judicial efficiency and promotes the rule of law. The Center was established in 1967 because Congress acknowledged that the business of judging had become so complicated that the judicial branch required an in-house agency dedicated primarily to the education of judges and court staff and conducting policy-oriented research. Newly appointed federal judges come from diverse professional backgrounds. Regardless of whether that background is criminal prosecution or defense, commercial litigation, civil rights, antitrust, or any other speciality, however, no judge arrives with experience in all of the substantive areas that make up a federal court docket. And few new judges, if any, are familiar with the multitude of procedural rules and tasks that are the daily fare on any federal judicial menu. So the Center introduces new judges to some of the demands of their new role.

Our mandate does not stop with orientation, however; the need for judicial education is ongoing. New statutes are passed, new cases interpret those statutes, rules are amended, and some judges find innovative ways to do the job of judging better. Throughout our history, the Center has assisted judges in understanding and analyzing changes in such areas as civil rights, habeas corpus, securities law, antitrust, intellectual property, sentencing reform, rules governing evidence, class actions, and approaches to case management.

So the changes keep coming—and not just new judges and new laws. Changes in other fields, such as science and technology, affect the courts, both in the issues litigated before them and in how the courts themselves operate. And the Center responds accordingly, focusing not just on basic concepts, or on “what’s the latest,” but also on “what’s ahead.” Since our creation, the Center has provided federal judges with almost 1,000 separate seminars and conferences, as well as reference manuals and guides. More recently, we have complemented these programs with education through videos and direct satellite broadcasts. Pages 6 through 12 of this report provide details on our offerings this year, for both judges and court personnel.

That is who we are and what we do.

In all of the Center’s judicial education programs, our main goal is to help judges familiarize themselves with the core elements of a subject and sift through the often conflicting points of view as to how they should assess and weigh facts and analyze legal doctrine. Part of our responsibility is to present competing points of view, in an intellectually sound but neutral way, so that judges are assured that

they are getting a complete and unbiased analysis of complicated and often controversial issues. The Chief Justice put it well in his *2000 Year-End Report on the Federal Judiciary*:

Federal judges today face cases involving complicated statutes and factual assertions, many of which straddle the intersections of law, technology, and the physical, biological and social sciences. FJC education programs and reference guides help judges sort out relevant facts and applicable law from the panoply of information with which the adversary system bombards them. The FJC thus contributes to the independent decision making that is the judge's fundamental duty.

About 15 percent of the 1,000 judicial education programs that the Center has presented have been undertaken in cooperation with other institutions, primarily law schools. This collaboration allows us to make maximum use of our limited funds, which have decreased in recent years, and leverage our own expertise. The Center retains control of program design in these joint ventures.

The Center, of course, cannot be federal judges' sole source of education and training, because the needs are too great and our resources too limited. Furthermore, the Center's creation did not end the many ways in which judges learn both individually and through programs organized by their own courts, bench-bar groups, law schools, and others, particularly about matters distinctive to their own districts and states. Although there has been opposition to federal judges' attendance at some privately sponsored seminars, the Center lays no claim that we have pre-empted the field of judicial education. In fact, last October, the Center's Board unanimously opposed legislation, as did the Judicial Conference, that would have prohibited federal judges from attending any privately funded educational programs and would have allowed them to attend non-Center programs at government expense only if the Center's Board approved of the program. It is not the Center's role to decide which non-Center programs judges should attend.

It is the Center's role to provide judges with as many tools as our resources allow to assist them in resolving the difficult questions that confront them in delivering equal justice under law. The Chief Justice observed in his year-end statement that "our courts continue to serve as a standard of excellence around the world." We are proud of the Center's contributions to that excellence.

*Fern M. Smith*

## A MESSAGE FROM THE DIRECTOR

Distance learning—it's been generating a lot of "buzz." But what exactly does the term mean? In general, "distance learning" refers to the delivery of education to a geographically dispersed audience. Typically, the term connotes the use of modern information technologies, such as Web-based training conducted over computer networks, computer-based training using CD-ROMs, satellite broadcasting, and video teleconferencing. While face-to-face seminars are still the main component of Center educational programs for judges, we also use all of these distance learning technologies to provide education, training, and information to larger numbers of judges and court staff than we can reach through in-person programs alone.

But distance learning is not by definition "high-tech." Sometimes, the same old reliable "low" technology that has been around for centuries—specifically, the printed word—is the most effective and cost-efficient way to give judges and court staff the tools they need to help them do their jobs. Over the past year the Center has updated and expanded its collection of manuals, monographs, training guides, and reports with several timely, new publications on emerging issues. It has also issued revised versions of some of its most popular reference works for judges. (A complete list of the Center's 2001 publications is on page 16.)

For example, the Center unveiled two new desk references in 2001. *Guide to Judicial Management of Cases in ADR* helps federal trial and bankruptcy courts decide when and how to refer cases to ADR and how to manage cases so referred. *Effective Use of Courtroom Technology: A Judge's Guide to Pretrial and Trial*, a joint effort of the Center and the National Institute for Trial Advocacy, describes the substantive and procedural considerations affecting counsel's use of their own or the court's electronic equipment to present evidentiary exhibits or illustrative aids during trial.

Along with the Center's *Reference Manual on Scientific Evidence*, a second edition of which was published in 2000, these manuals represent a new generation of Center

reference guides responding to new developments in litigation and case management. They are worthy additions to the Center's core collection of desk references, including the *Manual on Recurring Problems in Criminal Trials*, *Guideline Sentencing: An Outline of Appellate Case Law on Selected Issues*, and *Deskbook for Chief Judges of U.S. District Courts*, new editions of which were produced in 2001 or are forthcoming in 2002.

The Center also worked with the Judicial Conference Committee on Court Administration and Case Management and with the Administrative Office of the U.S. Courts to produce the *Civil Litigation Management Manual*, which Congress directed the Conference to prepare in the Civil Justice Reform Act of 1990. The Conference's manual builds on the Center's 1992 publication, *Manual for Litigation Management and Cost and Delay Reduction*.

In addition to its reference manuals, the Center produces a series of monographs that offer judges quick studies in substantive areas of law in which they may not have had recent experience. This past year the Center made the third edition of *Patent Law & Practice* available to the judiciary through an arrangement with the Bureau of National Affairs and the author. New monographs on international insolvency, on the statutory and case law governing recusal, and on redistricting litigation will be published early in 2002.

Many of the Center's research reports help educate courts on case management techniques that are being used in other courts. *The Use of Visiting Judges in the Federal District Courts: A Guide for Judges and Court Personnel*, produced last year at the request of the Judicial Conference's Judicial Officers Resources Working Group, explains how courts can create visiting judge programs and provides practical suggestions to visiting judges. Another 2001 report, *Neutral Science Panels: Two Examples of Panels of Court-Appointed Experts in the Breast Implants Product Liability Litigation*, explains how the experts were selected, describes panel procedures, and summarizes other issues affecting the appointment of independent panels of experts.

Center educational publications are not for judges and legal staff alone. Using Center-produced training guides, self-study courses, and other "packaged" curriculum materials produced by the Center, almost 22,000 court staff participants received education and training without leaving their own courts last year. New training materials released in 2001 included bulletins on white-collar crime and on women offenders and their children (both part of the Special Needs Offenders series for probation and pretrial services officers), an updated guide for in-district training and development of new probation and pretrial services supervisors, and *Expert Customer Service*, a curriculum packaged program that is taught in-court by Center-trained court employees.

All of the above is not to say that we don't look for opportunities to use new technologies to make our publications more accessible and more valuable. Many of the titles mentioned above are available to judicial branch personnel on the courts' intranet ([jnet.fjc.dcn](http://jnet.fjc.dcn)) and to the public on the Internet ([www.fjc.gov](http://www.fjc.gov)). Indeed, some publications are available only on our Web sites and are not published in hard copy. One example is our *Resource Guide for Managing Capital Cases, Vol. 1: Federal Death Penalty Trials*, which describes the statutes, case law, and policies applicable to federal capital case management, with examples of orders, jury questionnaires,

instructions, verdict forms, and other materials developed by judges who have handled death penalty cases. Issuing the guide exclusively in electronic form enables the Center to update it and add material as new cases emerge. A volume on managing capital habeas cases will be issued in 2002.

The Center's *Guide to In-district Training of New Probation and Pretrial Services Officers*, which features a comprehensive list of information new officers need to know during their first year on the job, is also only available electronically. Districts can download the guide and customize it to meet their unique training needs. Similarly flexible is the Center's deskbook template for chief circuit judges. Available on the courts' intranet and on the Web, the template provides a fairly comprehensive list of activities that chief circuit judges and others undertake. Circuits can use it in preparing their own deskbooks.

We will continue to use all of the means available to us to deliver education, training, and timely information. But even as the technologies become more sophisticated and our resources become ever more easy to access, it's still a good idea to check your bookshelves and your court library, and see what the FJC has in print.

FERN M. SMITH

## A MESSAGE FROM THE DIRECTOR

This annual report is an opportunity for interested persons to review the work of the Federal Judicial Center over the past year. It also creates a permanent record of that work for future reference. It is also an opportunity for those of us within the Center to reflect on what we've accomplished, both individually and as part of the FJC family. Because this is my last full year as Director, I have special reason to look back at our role and to consider how well we've fulfilled it.

The Center's statutory mandate provides the FJC with great opportunity and great responsibility. Let me mention some of the ways in which we respond. As educators, we do orientation and continuing education for judges, probation and pretrial services officers, public defenders, and court managers and their staffs. We cover issues as diverse as scientific evidence, technology in the courtroom, globalization of law, and leadership and management. Our methods include seminars, satellite and Web-based training, audiotape and video programs, and manuals and monographs. As the research arm of the federal courts, we do empirical studies of court operations, practices and procedures, primarily for committees of the Judicial Conference, and promote interest in federal judicial history.

The numbers of seminars, of judges and court staff participants, of manuals and guides, published and unpublished research, and television and video programs produced reveal a lot—but numbers are only a small part of the story, a superficial indicator of success. They tell nothing of how those numbers are reached—of who does the planning, the writing, the producing, the teaching, the creating. They give no indication of the hours and energy spent by the FJC staff, or of the talent and dedication of those individuals. I have been privileged during the past few years to learn the rest of the story—that the credit for the numbers reflected in this report goes to them.

It has been a pleasure and a privilege to serve as the Director of the 137 people who are the FJC. Their contribution to the judiciary is invaluable.

A handwritten signature in black ink, reading "Frank M. Smith". The signature is written in a cursive style with a large, looping "F" and a long, sweeping underline.



## A MESSAGE FROM THE DIRECTOR

As I write this, I have been director of the Federal Judicial Center for four months and at the outset I want to say how grateful I am to the Board of the Center for honoring me with this position. I look forward to the continued direction and guidance provided by the Board and our advisory committees. Four months is hardly enough time to formulate a grand vision or new initiatives for the Center, but it's been an exciting time as each day I learn more about the many facets of the Center's activities and how we work with judges, court staff, and the judicial branch agencies to help the courts.

A large part of learning my way has involved attending circuit judicial conferences as well as FJC educational seminars and programs for judges and court staff. It has been a pleasure to meet judges and court leaders from all over the country, to learn how different courts operate, and to hear new ideas on issues facing the courts today to which the Center can contribute. I am particularly pleased that we are able to restore our basic judicial education programs to a 12-month cycle. While we all recognize the need to conserve funds in these very tight budget times, I continue to believe that bringing judges together for education, especially with our stringent cost monitoring, is a sound investment with many dividends.

I've also become familiar with the Center's many research and educational projects to help the courts. To name a few: A fourth edition of the *Manual for Complex Litigation* is in press and will be sent to judges soon. Center staff have prepared class action notices in English and Spanish to illustrate how judges and lawyers might comply with new requirements for plain language notices. Staff is also working with Judicial Conference committees to develop case weights used to estimate judgeship needs. Another Center project offers expert consultations to courts that would like advice on their ADR programs.

I have been greatly impressed by the Center's use of technology to provide distance education and information to the courts and public. A new resource catalog on the Center's site on the judicial branch's intranet ([jnet.fjc.dcn](http://jnet.fjc.dcn)) will make it easier to find and to order publications, media programs, and other materials. Curriculum units on fifteen famous federal trials are being developed for posting on the Center's Internet site ([www.fjc.gov](http://www.fjc.gov)) to help educators teach about the history of the federal courts. And the Federal Judicial Television Network continues to deliver daily programming from the Center, Administrative Office, and Sentencing Commission to more than 300 court locations. The FJTN is but one way that we work with the AO and the Commission, and I hope our cooperation in all areas can grow even stronger.

I am delighted to work with the Center's talented, dedicated, and versatile staff and impressed at how an organization so (relatively) small accomplishes so much. In time, I will develop my plans, set my goals, and make my contribution. But for now, I am enjoying my education and invite you, too, to learn more about what the Center has to offer and how we can help you.



## A MESSAGE FROM THE DIRECTOR

Just as the courts are facing hard fiscal decisions in these lean budget times, the FJC continues to face budgetary challenges. Over the last ten years our appropriation has increased only 13 percent. But over that same period, the Center has been able to increase its level of service by reducing travel expenditures and staff and through use of innovative technology.

This year the Center's Board committed the Center to continued economizing while still maintaining a full calendar of educational programming, for the basic reason that those programs serve the important purpose of helping judges, managers, and staff do their jobs effectively and efficiently. That, along with our research for Judicial Conference committees, is why the Center exists.

As you read the report that follows you will understand why I am so proud of how much the Center accomplishes while our resources are shrinking. I am also gratified by how many judges and court managers tell me how much they value our educational programs, even as they are pressed for time by the demand to do more with less. We recognize our obligation to ensure that our programs are fiscally responsible and directed to the needs of judges and court employees. We will continue to work closely with our education advisory committees (listed on page 20) to make sure our orientation programs remain valuable, our continuing education programs and materials are timely and responsive, and our management training activities are productive. We will make greater use of Web-based technologies to make more resources available more quickly within and outside of the judiciary. Moreover, we will continue to provide programs to help judges and court managers identify, and share with colleagues, ways to maintain quality services and efficient and effective operations in periods of budget austerity.

I have appreciated the suggestions I have received from many of you as to what programs might be of benefit in the future. With your help, guidance, and continued support the Center will use all of the means available to us to provide vital and cost-effective education, training, and research for the federal judicial system.

A handwritten signature in black ink, reading "Barbara J. Rothstein". The signature is written in a cursive, flowing style.

BARBARA J. ROTHSTEIN

# A MESSAGE FROM THE DIRECTOR

I've heard it said that leverage can help a smaller athlete tackle a larger one, that leverage can help people move masses many times their weight, and leverage can help an investor turn a small nest egg into a substantial sum. That principle applies to education and training as well. The Center is a small agency—125 staff members at the end of 2005—but using multiple kinds of information technology gives us the leverage we need to provide timely, valuable, and diverse forms of education and information to judges and court staff throughout the federal judicial system.

The Center has been operating the Federal Judicial Television Network (FJTN) since 1998, broadcasting programs by satellite from the Center, Administrative Office of the U.S. Courts, and the U.S. Sentencing Commission to judges and court staff in more than 300 courthouses around the country. This year the FJTN proved particularly effective in helping us respond quickly to several major new developments, including the Supreme Court decision in *United States v. Booker*; the Class Action Fairness Act of 2005; and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Now the Center is leveraging its video technology with web technology to make its educational video programs even more accessible. Streaming videos of the class action and bankruptcy programs (as well as several other programs originally broadcast on the FJTN) are available on our intranet site ([cwn.fjc.dcn](http://cwn.fjc.dcn)) for judges and staff to watch on their computers at their convenience. We'll continue to put more educational video programs on our site.

Our website also helps us leverage other types of educational programs, making them valuable not just to the original attendees, but to judges and court staff who need them later. This year we conducted a web-based seminar (a "webinar") for magistrate judges on surveillance of electronic communications. The webinar is now available on our intranet site, so judges and staff can hear the webinar and view the materials as they were presented in the original program. Audioconferences on the new bank-

ruptcy law can also be heard on our site, and we've created an ongoing discussion forum for judges to address changes in the bankruptcy law.

With so much new content and new technology on our site, it needs a new design. A team representing all of the Center's many disciplines is developing a new intranet site, which we will launch in 2006. We want the site to provide fast access to the programs, publications, and other types of resources the Center offers. We will seek guidance and advice from court users as part of the process of developing the site, and we will continue to enhance it even after it goes on line. Nothing gives us greater leverage than the support we've always received from judges and staff throughout the judicial system.

This year marked several transitions in the life of the Center, as noted in the report that follows. One bears particular mention. For 19 years, Chief Justice Rehnquist guided the Center as Chair of its Board. We recall the gentle good humor, grace, and efficiency with which he conducted our Board meetings. He was a strong advocate for an independent education and research agency for the judiciary and worked hard to ensure that the Center received sufficient resources to perform its mission. We will miss his leadership and his friendship. We welcome Chief Justice Roberts to the Chair and appreciate his interest in our many research and educational activities. We look forward to his guidance and support as we continue our service to the judicial branch.



BARBARA J. ROTHSTEIN

## A MESSAGE FROM THE DIRECTOR

This Annual Report sets forth the broad range of programs, materials, and services the Federal Judicial Center produces for the courts and the public, and the variety of ways we deliver them. All of our projects and activities are carefully planned to get the most benefit from our limited resources. Without diminishing the importance of any of our activities, I would like to mention here several projects in which the Center was asked to help the judiciary respond to matters affecting the judicial branch.

**Courtroom use.** Because of concerns about court construction costs, the Chair of the Subcommittee on Economic Development, Public Buildings and Emergency Management of the House Committee on Transportation and Infrastructure asked the judiciary to do a study on the use of courtrooms. The Judicial Conference of the United States referred that request to its Committee on Court Administration and Case Management (CACM), and that committee asked the Center to conduct the study.

This is one of the largest and most complex studies that the Center has ever undertaken. Working closely with staff in twenty-seven sample courts, we will collect comprehensive data about all activity that occurs, or is scheduled to occur, in federal district courtrooms. In addition to collecting data in the sample courts, the Center will survey all district and magistrate judges concerning courtroom use. Upon completion of data collection in mid-2007, the Center will compile the data and, next fall, will submit a report to the CACM Committee, which will, in turn, report to the Judicial Conference. The Center's data will also be made available to Congress. The study is very important for the judiciary and its efforts to be fiscally responsible, and it will help the judiciary determine, and justify, legitimate courtroom needs.

**Habeas corpus.** In response to proposed habeas corpus reform legislation pending in the 109th Congress, a task force composed of chairs of seven Judicial Conference committees asked the Center and the Administrative Office to conduct research on the processing of state capital habeas corpus appeals in the federal courts. Center staff are examining cases filed in the federal courts by state prisoners and will analyze the effect of certain case-related events and issues on disposition times.

**Ethics training.** The Center is undertaking several ethics-related education efforts in coordination with the Administrative Office, in response to recent actions by the Judicial Conference and the report of the Judicial Conduct and Disability Act Study Committee chaired by Justice Breyer (to which the Center provided substantial assistance). The Center will increase the already substantial amount of time we devote to instruction on judicial ethics at our orientations for new district, magistrate, and

bankruptcy judges. At these sessions we will explain new policies requiring judges to use software that helps screen cases for potential conflicts and to disclose their attendance at certain privately funded seminars. We will also provide new judges with a brief explanation of the Judicial Conduct and Disability Act and how it works. The Center produced a video program, which we broadcast on the Federal Judicial Television Network and made available in streaming video on the Center's intranet site, that explains the new ethics requirements and demonstrates how to use the conflicts-screening software.

**Teaching about the courts.** To help improve the public's understanding of the federal courts, the Center's Teaching Judicial History project provides educators with extensive background on famous federal trials and related public debates. Last year the Center joined with the ABA Division for Public Education to conduct an institute that brought together federal judges, scholars, and high school history teachers from across the country to develop curricula on federal judicial history for high school classes. The participants examined three notable cases in the history of the federal courts and ways that teachers can incorporate these cases in their classroom study of significant public policy debates in U.S. history. The Center and the ABA are conducting another such teachers' institute in 2007.

All of these projects originated from requests or suggestions from outside the Center. The projects respond to issues and concerns arising outside the judicial branch and affect how the courts are perceived by the other branches of government and by the public. These requests reflect the Center's reputation for sound, accurate, and independent research and for timely and effective education and training.

Of course, these are just a few of our many programs and services for the judicial branch. We continue to provide a complete schedule of orientation and continuing education conferences, seminars, and workshops, as well as print and online publications; satellite television broadcasts; video and audio programs in tape, disk, and streaming formats; web-based training; and other resources. Judges and court staff can find all of our programs and resources on our website on the judiciary's intranet, which is undergoing a redesign that will be completed in 2007.



BARBARA J. ROTHSTEIN

# A MESSAGE FROM THE DIRECTOR

Forty years ago, on December 20, 1967, President Johnson signed legislation creating the Federal Judicial Center as the research and education agency within the judicial branch. Chief Justice Earl Warren, the Judicial Conference, and Administrative Office Director Warren Olney all worked hard to secure passage of that legislation. The Center's first educational program was an orientation for new district judges in Denver in May 1968, and the first research project was a time study of district courts.

In the forty years since its creation, the Center has produced thousands of educational programs, research reports, and publications. As the judiciary has grown and changed, so has the Center. We have incorporated technology to reach thousands of judges and staff in ways unimagined in 1967. And we have built a reputation for excellence in all that we do.

The pages that follow describe the Center's activities during calendar year 2007. Throughout its history, the Center has had an exceptionally talented and dedicated staff. With help from judges and court employees, a remarkably small number of people (currently 121) accomplish a great deal. Many projects described in this report are worthy of note, but I would like to look at two to illustrate how seamlessly the Center's staff works.

In November 2005, in response to concerns about court construction costs, Congressman Bill Shuster, then chair of the Subcommittee on Economic Development, Public Buildings and Emergency Management of the House Committee on Transportation and Infrastructure, asked the judiciary to do a study on the use of courtrooms. The Judicial Conference referred that request to its Committee on Court Administration and Case Management (CACM), and that committee asked the Center to conduct the study.

Center researchers immediately began designing and conducting one of the largest and most complex studies that the Center has ever undertaken. Their project had two components. First, working closely with staff in twenty-six study courts, they collected comprehensive data about all activity that occurs, or is scheduled to occur, in federal district courtrooms. Second, to examine the views and experiences of judges and attorneys concerning courtroom use, they surveyed all district and magistrate judges and a national random sample of attorneys.

A project of such scope required close collaboration with the courts and the Administrative Office of the U.S. Courts and involved experts from other disciplines on the Center's staff. The project team worked with Center computer scientists to develop a software application that could track courtroom usage and scheduling. To train court staff on data collection and the use of the application, the team enlisted Center training

and curriculum developers and court training specialists. In all, some twenty-five Center staff members worked with six court trainers, a technical advisory group of ten court staff, and thirty-five liaisons from the study courts to collect data involving 603 courtrooms in ninety-one courthouses.

The Center provided its preliminary report to the CACM committee in November 2007, as well as to liaisons from five other Conference committees, and will produce a final report in mid-2008. The study is very important for the judiciary and its efforts to be fiscally responsible, and will help the judiciary to determine, and justify, legitimate courtroom needs.

While the courtroom use study was under way, another interdisciplinary group of Center staff collaborated to create a new Center website. The Center's site on the courts' intranet was last revised in 1998—generations ago by Web standards. It needed updating so court users could find the many new kinds of resources that were not accounted for in the site's earlier design.

A working group representing the Center's divisions and offices set out to reorganize information on the site in a more user-friendly way. Working group members concluded that judges and court staff who seek information from the Center are usually looking for resources on a particular topic, or for information for people in their position. So they recommended a roadmap for the site organized along two main approaches—by subject matter and by user group.

Our systems development and information services staff labored through the year to implement that vision and launched the new site, FJC Online ([cwn.fjc.dcn](http://cwn.fjc.dcn)), in October. In addition to a new design, FJC Online offers several new forms of content, such as streaming video of FJTN broadcasts, streaming audio recordings of in-person conferences and seminars, and resources for judges on international judicial relations. It also preserves popular components of the previous site, such as the judicial history pages and the online ordering catalog of publications and media programs. FJC Online is a work in progress, as we are adding new content all the time and will continue to refine it to make it easier to get information from the Center.

Like the Center directors who preceded me, I often receive compliments on the Center's work. I am grateful to those in the courts and elsewhere for the kind words you share, and grateful to the Center's staff who make these accomplishments possible.



BARBARA J. ROTHSTEIN



# A MESSAGE FROM THE DIRECTOR

On behalf of the Board of the Federal Judicial Center, I am pleased to submit this report of the Center's activities this past year. I take great pride each year in presenting our annual report, as it recounts the achievements of the Center's staff of dedicated and talented individuals. Calendar year 2008 was no exception. Once again the Center distinguished itself by providing timely and valuable education and training to the judges and employees of the federal court system; by performing essential research on matters of judicial administration for the Judicial Conference and its committees; by assisting foreign judicial officials who sought to improve their own judicial systems; and by producing materials to enrich public education programs about the history of the federal courts. I can highlight only a few of these activities in this message, but trust that they will provide a flavor of what we've accomplished and encourage you to learn more in the pages that follow.

The Center is uniquely positioned to help judges share information about cutting-edge legal issues and new approaches to case management. This past year, at the request of the Judicial Conference Committee on Information Technology and working with staff from the Administrative Office of the U.S. Courts, the Center created a new webpage for judges to share ideas and best practices on ways to use information technology in their day-to-day work. That page was posted on FJC Online, the Center's website on the courts' intranet. FJC Online also provided the home for newly revised Center written materials and videos to help judges protect the rights of crime victims under the Crime Victims' Rights Act of 2004, and for an information exchange and video programs to help courts comply with the retroactive application of the U.S. Sentencing Commission's December 2007 guideline amendment regarding crack cocaine convictions. These new additions to FJC Online join existing Web-based resources for judges on such matters as managing capital case litigation and handling cases that involve terrorism-related and national security issues.

Developing effective leaders and managers has long been part of the Center's mission, and it has only grown in importance as courts deal with increasing workloads, limited resources, new technologies, and an ever-changing workforce. In addition to management and leadership programs for chief judges and court executives and managers, the Center conducts two particularly outstanding programs that prepare future leaders to step in as experienced managers retire:

- The Leadership Development Program (LDP), designed for probation and pretrial services officers. This is a three-year program that teaches leadership skills through a combination of formal instruction, project-based learning, and one-on-one interaction with program faculty and mentors.

- The Federal Court Leadership Program (FCLP), designed for district, appellate, and bankruptcy court staff. This program teaches leadership skills through in-person seminars, Web-based instruction, and special projects.

Both programs are very popular, and hundreds of individuals have participated in them over the years, thus supplying the courts with new leaders. Although completion of the programs does not guarantee promotion, former participants report that the programs provide skills that enhanced their credentials when they competed for higher positions and helped them meet the demands of leadership roles. Participants are also eligible for graduate and undergraduate college credits.

Committees of the Judicial Conference often request empirical research from the Center to help them assess important matters of court administration, including allocation of resources. In response to a request from the Court Administration and Case Management (CACM) Committee, the Center conducted a multiyear study of courtroom use in the district courts which was completed last year. The study enabled CACM to respond to a congressional request for information on how district judges were utilizing their courtrooms. This year, the Center will be conducting a similar study of courtroom use in the bankruptcy courts, again at the committee's request. Center researchers also continued their multiphase study of the impact of the Class Action Fairness Act of 2005 on the resources of the federal courts and issued two reports of preliminary findings. The study was requested by the Advisory Committee on Civil Rules, in consultation with the chairs of five other Conference committees.

The Center's Visiting Foreign Judicial Fellows Program enables judges from abroad, who are funded by their own countries, to serve as "scholars in residence" at the Center. These visiting fellows perform research, attend Center programs, visit local courts, and consult with judges, court managers, and Center staff, all with an eye toward improving the administration of justice in their home courts. In 2008, an Afghan judge in residence at the Center studied the criminal trial process in the U.S. courts and began drafting a criminal trial guide for Afghan judges modeled on the Center's *Benchbook for U.S. District Court Judges*.

Improving public understanding of the history and role of the courts in American society is an important part of the Center's mandate. Last year, in partnership with the ABA Division for Public Education, the Center conducted its third annual institute for history teachers from secondary schools across the country. The educators examined Center-prepared curriculum materials on several historic federal court cases and met with federal judges, scholars, and curriculum experts to help them

develop strategies for incorporating these materials into their teaching.

When I was appointed Director of the Center, I spoke with several of the directors who preceded me, and they all told me the same thing: I would have the pleasure of working with a wonderful, talented staff. They were so right. This report testifies to the accomplishments of the individuals who work closely with judges, court managers, and court staff to serve the Center's multifaceted mission. This year, I want to recognize the

people who worked at the Center during 2008 and who deserve the credit, so below is a list of the names of the staff members responsible for the achievements described in this report. To them, I owe a great deal of thanks.



BARBARA J. ROTHSTEIN

## 2008 Federal Judicial Center staff

Barbara Anderson	Jim Eaglin	Jennifer Krause	Marilyn Queen
Marlene Annoni	Geoff Erwin	Hai Le	Bruce Ragsdale
Chuck Arberg	Rebecca Eyre	Marie Leary	David Rauma
Dara Baker	Emilie Fecteau	Emery Lee	Tim Reagan
Norman Baker	Nancy Filsoof	Frank Leidy	Joy Richardson
Brenda Baldwin-White	Kim Fisher	Angelia Levy	Judy Roberts
Osmani Banos-Diaz	Peggy Fitzgerald-Hobbs	Ed Liberatore	Robin Rowland
Jo Ann Barnes	Jane Fuller	Dwayne Livingston	Steve Saltzgiver
Jared Bataillon	Sarah Garrison	Tom Lo	Matt Sarago
Linda Beavers	Corrin Gee	Pat Lombard	Mark Sherman
David Becker	Jody George	Angela Long	Michael Siegel
Rozzie Bell	Vashty Gobinpersad	Marianne Luckett	Syl Sobel
Craig Bowden	Samuel Golant	Kate Lynott	Karen Sparkes
Stephanie Briscoe	Dexter Green	Mark Maggio	Rhonda Starks
Anthony Brownlow	Mary Greiner	Kris Markarian	Angie Stewart
Jim Buchanan	Michael Gross	David Marshall	Donna Stienstra
Myrt Burge	Krishna Gunupati	Rich Marshall	Fran Toler
Joe Cecil	Mira Gur-Arie	Ursula Maurer	Mark Trimble
Garbo Cheung-Jasik	Mark Hannan	Susie Merchant	Paul Vamvas
Jackie Clark	Phil Hart	Dean Miletich	LaTasha Venable
Bruce Clarke	Tyeika Hartsfield	Doug Mitchell	Marilyn Vernon
Kristy Colbert	LaVerne Heade	Mark Mitchell	Deborah Von Drak
Ted Coleman	Marquita Henry	Lori Murphy	Jonathan Walker
John Cooke	Andrea Henson-Armstrong	Christopher Murray	Trudy Walter
George Cort	Laural Hooper	Denise Neary	Clint Wang
Adrian Dales	Beth Johnson	Wayne Nesbitt	Frank Washington
Dick Dargan	Molly Johnson	Bob Niemic	Nicole Washington
Kerry DeRiggs	Roger Karr	Matt Nixon	Yvonne Washington
Nathan Dotson	Jane Kazman	Lorraine Nue	Jonathan White
Nathan Douglas	Tracy Keels	Zenaida Odom	Beth Wiggins
Phyllis Drum	Mary Kelley	Mayur Patel	Tom Willging
Carolyn Dubay	Martha Kendall	Nancy Payne	Margaret Williams
Meghan Dunn	David Kerem	Donna Pitts-Taylor	Jefri Wood
Hieu Duong	David Kolm	Gloria Pleasure	LaTonya Wright
Trung Duong	Carol Krafka	Maisha Pope	

## A MESSAGE FROM THE DIRECTOR

On behalf of the Board of the Federal Judicial Center, I am pleased to submit this annual report of the Center's activities to the Judicial Conference of the United States, as required by the Center's governing statute. Copies of this report are also being transmitted to Congress and to the Attorney General of the United States, as further required by statute.

Each year in this message I highlight a few programs and projects from among the many that are listed in this report, and then I briefly acknowledge the wonderful people who produce this outstanding body of work.

This year I am shifting the balance and highlighting the people.


The Center has an enormously talented and dedicated staff. On the following page is a list of the names of those who worked here in 2009. They are well educated: over half of our employees have an advanced degree—J.D., Ph.D., or master's degree—and in many cases more than one of these. They are also very experienced: the average tenure at the Center of our staff is fifteen years. We are not only experts in a wide range of academic disciplines, we are also experts in the business of the courts. This deep knowledge about the courts is invaluable in designing and delivering research and education. Equally important, everyone on our staff—regardless how many degrees they may have or how long they have worked here—is committed to providing the best possible service to the courts and to the public.

This report indicates the impressive quantity of products and services the Center provides, but it cannot adequately reflect the outstanding quality of that work. Our programs, reports, and other services and resources helped judges and court staff do their jobs better. We know this not just because our services are in such high demand. We know it from results. The Judicial Confer-

ence and individual courts have adopted or adjusted policies and programs based on Center research and education—for example, new judiciary policies on courtroom construction based on the Center's study on courtroom use, and proposals to amend rules of procedure based on Center research. And individual judges and staff members regularly tell us about practices they have developed or improved based on something they learned at one of our seminars or from one of our research reports or other resources—for example, better uses of information technology to manage cases and dockets, and effective management strategies to improve staff cohesion and productivity.

Of course, we don't do this all by ourselves. We benefit from the active support of our Board and of judges and court staff across the country. We work closely with our colleagues in the Administrative Office of the U.S. Courts and the U.S. Sentencing Commission. And we draw on the expertise and assistance of many others in government, academia, the bar, and elsewhere. To all those with whom we worked this year, I extend my thanks.

In his *2009 Year-End Report on the Federal Judiciary*, the Chief Justice reported that "The courts are operating soundly, and the nation's dedicated federal judges are conscientiously discharging their duties." I am proud to say that the Federal Judicial Center has significantly contributed to that positive report.



BARBARA J. ROTHSTEIN



## A MESSAGE FROM THE DIRECTOR

On behalf of the Board of the Federal Judicial Center, I am pleased to submit to the Judicial Conference of the United States this annual report of the Center's activities, as required by the Center's governing statute. Copies of this report are also being transmitted to Congress and to the Attorney General of the United States.

In September 2010, the Judicial Conference approved the *Strategic Plan for the Federal Judiciary*. The plan recognizes that the judiciary's mission is to provide "fair and impartial justice within the jurisdiction conferred by the Constitution and Congress," and it identifies six core values: Rule of Law; Equal Justice; Judicial Independence; Accountability; Excellence; and Service. The plan identifies seven strategic issues, and states goals within those issues, in order for the judiciary to preserve its values and achieve its mission.

The mission of the Federal Judicial Center is to "further the development and adoption of improved judicial administration in the courts of the United States," through research and education. The Center contributes directly to accomplishing many of the *Strategic Plan*'s specific goals, as well as its general aims.

For example, the *Strategic Plan* identifies the pursuit of improvements in the delivery of justice through effective case management. Center research identifies effective case-management procedures and techniques, which are disseminated through Center educational programs and publications. The *Strategic Plan* emphasizes use of technology to enhance efficiency; in 2010, the Center expanded training of court personnel to assist judges to use technology more effectively in their daily work. The *Strategic Plan* specifically states as a goal "increased training" for judges and staff on security of judges, staff, and courts; as reflected later in this report, one of the most widely used and attended programs the Center offered in 2010 was on security in the courtroom and personal security for judges.

The *Strategic Plan* stresses the importance of effective decision making in managing the courts, and the need for "meaningful leadership and development programs." The Center conducts in-person programs for court leaders and managers at all levels, from chief judges to new supervisors, and these are complemented by a wealth of distance-learning tools and online resources.

And the *Strategic Plan* seeks to "ensure that court rules, processes and procedures meet the needs of lawyers and litigants in the judicial process." Much of the Center's re-

search examines the effectiveness of such rules and processes. Most of this research is conducted at the request of committees of the Judicial Conference, and Center research helps those committees make informed, empirically based decisions about rules changes or recommended practices.

The *Strategic Plan* strives to enhance public understanding, trust, and confidence, by ensuring high standards of conduct and integrity for judges and staff and by accessibility to information about the judiciary. Center educational programs continually emphasize ethics. Working with the Codes of Conduct Committee, we make the Codes a part of all orientations and most large workshops for judges. The Center provides trainers who deliver code of conduct classes in local courts on request—these were extensively used again in 2010. Moreover, the Center's Internet site—and particularly the Federal Judicial History and International Judicial Relations components of the site—provide important information about the history, functions, and values of the federal judiciary; these are the most frequently visited parts of our site.

These are but a few examples of the many ways the Center contributes not only to the elements of the *Strategic Plan*, but to the daily work of the federal judiciary.

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This will be my eighth, and last, message in these reports. As my term of office has come to a close, I plan to step down as the Center's Director by the end of 2011.

Along with my twenty-five years of service as a United States district judge for the Western District of Washington, serving as the Director of the Federal Judicial Center has been the high point of my professional career. As the Center's Director, I have been privileged to lead an organization with a national, and an international, scope. The Center's work affects our courts, and those who work or appear in them, across the country. The Center plays a vital role in identifying and disseminating the best ways to carry out the administration of justice in the courts. It also plays a significant role in educating the American public and judicial officials around the world about our federal court system.

The Center's placement as a distinct agency within the judicial branch is a most important asset. As part of the judicial branch, we enjoy access to and an understanding of the courts and how they operate. The Center's indepen-

dence, carefully preserved by our Board, and respected throughout the judiciary and beyond, enables it to search for solutions without preconceived ideas.

As you review the pages that follow in this report, I know that you will be impressed with the breadth of activities carried on at the Center. The Center receives great support and assistance—from the legislative and executive branches, from the practicing bar and academia, and, especially, from within the judicial branch.

I express particular gratitude to two groups of people. First, our Board and the judges and court staff who serve on our advisory committees; they are a tremendous source of wisdom and we could not tackle some of the difficult issues we do without their unswerving support.

And, second, the Center's own employees—an amazing collection of talented, dedicated, and caring people with whom I consider it a privilege to work. Their names, along with the names of the Board and committee members, are elsewhere in this report. If you chance to meet any of these people, I hope that you will extend to them the appreciation I so often receive about the Center's work. They are the ones who make it happen.

A handwritten signature in cursive script, reading "Barbara J. Rothstein". The ink is dark and the signature is fluid, with a large initial "B" and a stylized "J" and "R".

BARBARA J. ROTHSTEIN

## A MESSAGE FROM THE DIRECTOR

On behalf of the Board of the Federal Judicial Center, I am pleased to submit to the Judicial Conference of the United States this annual report on the Center's activities.

I became the Center's tenth director on October 4, 2011. When I applied for the position last spring, I was familiar with the Center's accomplishments in judicial branch education and research and with its outstanding reputation both within and outside of the judiciary. I did not appreciate fully, however, the breadth of the Center's work or the degree to which the Center supports the judiciary in so many areas of endeavor.

In addition to teaching new judges about their judicial duties—still probably our most important function—the Center through its continuing education and research programs helps to keep all judges abreast of developments in the law and innovations in workload management. The Center also plays a critical role in educating court staff—clerks of court, chiefs of probation and pre-trial services, and other unit executives, senior managers, and professional personnel—about managing the courts in accordance with sound leadership and business principles. The Center assists judiciary policy makers, including committees of the Judicial Conference, in areas ranging from amendment of procedural rules to allocation of resources. Our small but influential judicial history and international judicial relations offices provide invaluable materials that remind the judiciary and inform the public and foreign audiences about the judiciary's heritage and its importance in preserving liberty and the rule of law.

Along with the rest of the judicial branch, the Center will face unprecedented fiscal challenges over the next several years. Yet these very constraints will make the Center's education and research more important than ever, as our work will assist the federal judiciary, using empirical evidence and objective analysis, in finding the best ways to carry out the courts' constitutional responsibilities with limited resources. Like the courts, the Center will have to make difficult choices. We will be guided by what is best for the courts and how best to help them.

We will work hard to preserve our in-person educational programs, which offer unique and critically important opportunities for judges and senior court leaders to share experiences and learn about ideas and methods that will help them to do their demanding jobs well. At the same time, we will place increased emphasis on enhancing and supplementing those programs through the use of state-of-the-art technology. Two of our major objectives for 2012 are a top-to-bottom review and prioritization of all of the Center's educational offerings and a major upgrade of the Center's website, with a particular emphasis on providing smart, interactive, and user-friendly access to the Center's wealth of publications and other valuable resources.

The Center's staff is a highly talented, experienced and dedicated team of professionals with a variety of skills that are well suited to meeting our statutory mission. We also enjoy close working relationships with our colleagues in the courts, the Administrative Office of the United States Courts, the United States Sentencing Commission, and the Judicial Panel on Multidistrict Litigation. We rely upon those with whom we serve for advice and assistance, and I am particularly grateful for the thoughtful support of the Chief Justice and our Board members, and of our advisory committees.

Despite the serious challenges that lie ahead, I am embarking on my tenure as director with great enthusiasm. I am committed to continuing the Center's exemplary service to the judiciary and to maintaining its reputation for excellence and integrity. To all who read this report, I welcome your suggestions and advice. I look forward to working with you to preserve and enhance the judiciary's core values and to deliver fair and impartial justice.



JEREMY D. FOGEL

# A MESSAGE FROM THE DIRECTOR

2012 was an eventful year for the Federal Judicial Center. In addition to maintaining our full array of ongoing education, research, and other activities, we undertook two major initiatives to make our services to the judicial branch more accessible and more cost effective. Both of these efforts are well along and should be completed early in 2013.

The first initiative is a restructuring and redesign of our online presence. Given the great importance of technology as a means both of making resources more widely available and of containing costs, our goal is to make our websites serving the judiciary and the public as versatile and as user friendly as possible. Led by our information technology, editorial, and information services staff, we've rebuilt our website infrastructure, simplified navigation, and enhanced our search capacity, all of which will facilitate access to our extensive library of books, articles, program materials, and audio and video recordings. Among other things, users will be able to search and register for in-person educational programs and access a wide variety of Web-based presentations both in real time and at their convenience. We also expect to have a Web application for tablets and smartphones available within the next several months.

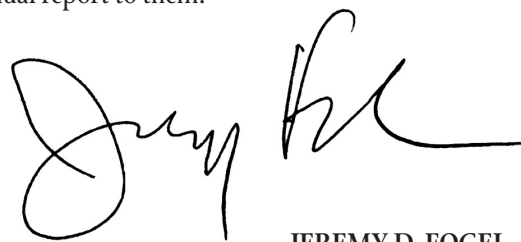
The second initiative is a top-to-bottom review of our educational programs. One obvious purpose of such a review is cost containment, an objective that always has been important to us. However, another major reason for this project is to assess thoroughly what we're doing and how we're doing it, to ensure that our programs meet the needs of our users and are delivered in the most appropriate ways. These objectives are related: our ultimate goal is to contain costs without sacrificing the opportunities for personal contact and interaction that are so meaningful to our constituents. We think that the most effective way to achieve that goal is to identify the optimal mix of in-person programs and educational technology.

Another major accomplishment of the Center during 2012 was our research division's design and distribution, at the request of the Executive Committee of the Judicial Conference, of a comprehensive judicial needs assessment survey. The Executive Committee and the Judicial Conference will use the survey's results for both long-range planning and short-term decision making. Given the importance and sensitivity of the subject matter, the expertise and experience of our research professionals

were particularly valuable. More than two-thirds of judges at all levels of the federal judiciary responded to the survey.

The Center's history and international judicial relations offices, which are responsible for the majority of our interactions with individuals and organizations outside the federal judiciary, also had a busy and productive year.

I'm most impressed by the fact that everything I've just described was achieved despite our implementation of exceptional cost-containment measures, including a decision to leave a number of key positions unfilled in anticipation of a lengthy period of budget austerity. Everyone at the Center has had to work harder and take on additional responsibilities. They have done so with steady and admirable professionalism, and I am pleased to dedicate this annual report to them.



JEREMY D. FOGEL

## A MESSAGE FROM THE DIRECTOR

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

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

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

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

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

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



JEREMY D. FOGEL

## A MESSAGE FROM THE DIRECTOR

After several years of fiscal austerity and the resulting attrition of both staff and services, 2014 was a year of modest growth and increased innovation at the Federal Judicial Center. For the first time since 2010, we were able to fill a small number of long-vacant positions and implement several new educational programs.

In consultation with our education advisory committees, our Education Division worked to identify the specific competencies that will be the basis of a standard curriculum for each of our judicial and court staff user groups. Members of our advisory committees also participated in a two-day faculty-development workshop that provided them with direct personal experience in the fundamentals of interactive adult learning. We introduced several new in-person programs for judges, including a seminar at Vanderbilt Law School for mid-career district judges, a seminar at the National Constitution Center on the judicial legacy of James Madison, and a workshop at NYU Law School on bankruptcy basics for district judges. We also expanded and enhanced our excellent leadership programs for court unit executives and for new managers and supervisors.

Our Research Division produced solid work in support of the various committees of the Judicial Conference of the United States. Among the more than fifty ongoing projects are a congressionally mandated study of the Patent Pilot Program and a critical review of the way in which cases are weighted in determining the need for additional judges. Another significant project is a survey of civic education efforts throughout the federal judiciary. The data from the survey, which were presented at an annual conference for judges and journalists in December, will be invaluable in identifying best practices in this important area.

Our History and International Judicial Relations Offices once again had broad impact that belies their small size. In addition to curating the official biographies of all past and current federal judges and organizing an acclaimed annual training program for secondary teachers, the History Office has worked closely with the Supreme Court Historical Society to produce a comprehensive history of the federal judiciary that is scheduled for publication later this year. The International Judicial Relations Office hosted dozens of visiting delegations and continues to play an important role in supporting the State Department's rule-of-law initiatives.

In addition to producing, updating, and disseminating a wealth of high-quality publications and other resources, our Editorial and Information Services Office and our Information Technology Office have collaborated on a dynamic Web interface that we think will transform the way our end users interact with us. The site should be fully operational by the time this annual report is released.

Going forward, events during the past year have reminded us that the true “end users” of our judicial system—the people who appear in our courts as parties, witnesses, and jurors—often have diverse expectations and assessments of the responsiveness and fairness they experience. We will do what we can to give judges and court staff opportunities to reflect upon and think constructively about the implications of these differing views and to develop thoughtful ways of responding to them.

Finally, I want to acknowledge the retirement of two exemplary members of our senior staff: Education Division Director Bruce Clarke and History Office Director Bruce Ragsdale. Both of them have been an inspiration to their colleagues and to the members of the judicial community who have had the privilege of working with them. We will miss both of them very much, and we wish both of them nothing but the best in the next phase of their lives.



JEREMY D. FOGEL



## A MESSAGE FROM THE DIRECTOR

For nearly fifty years, the Federal Judicial Center has provided independent research, professional education, and other important services to the judicial branch. From the beginning, the Center has enjoyed an outstanding reputation upheld by the service of a talented and dedicated staff. We have received strong and thoughtful support from the leadership of the judiciary and overall have been treated well by Congress, even in difficult economic times.

But even successful institutions must respond to changes in the environment in which they carry out their mission. In the Center's case, these changes include a fundamental shift in the way people acquire information, from printed publications and scholarly lectures to digital media and online learning. We have been challenged to identify the values and practices that we want to preserve and to develop new ways of doing the things that would benefit from innovation.

Two initiatives intended to meet that challenge—the development of a modern, interactive website and the articulation of a comprehensive educational curriculum—saw major progress in 2015. Our revised intranet website, FJC Online, was launched early in the year and has received enthusiastic response. Special thanks are due to our Information Technology and Editorial & Information Services Offices, whose expertise and collaborative spirit were essential in producing this excellent result. Our rebuilt public website, [www.fjc.gov](http://www.fjc.gov), is in the final stages of development and will make its debut in 2016.

The process of building a comprehensive curriculum is not as easy as it might seem. The first step in that process—systematically identifying the knowledge, skills, and attributes that people in each of our constituent groups need to do their jobs well—has involved dozens of conversations and exchanges both within and outside the Center. As a result of many hours of hard work by the staff of our Education Division, and with assistance from our Research Division, this phase is nearing completion. The next step is determining which competencies need to be taught to the people in each group at what point in their careers and determining how best to teach them—what learning objectives to identify, whether to present content in-person or online, what teaching methods and materials to use, and so on.

Of course, while all of this has been going on, we've still offered a full slate of educational programs, including a redesigned workshop for chief district judges that

reflects a greater focus on the competencies of leadership, several new programs intended to inform both judges and probation and pretrial officers about evidence-based practices in criminal justice, new leadership programs for court managers and supervisors, and the second in a series of collaborative programs with the National Constitution Center, this one focusing on the Reconstruction Amendments and their relevance to contemporary social issues.

Our Research Division continues to support committees of the Judicial Conference with empirical studies on the administration of the federal courts. Several of the division's more than sixty major projects also reflect the challenges of technological innovation. Reports completed this year include analyses of cameras in the courtroom, protection of private information in electronic court filings, and use of social media by jurors and attorneys. Other projects include an update of the case-weighting system used to measure the workload of district judges and qualitative studies of alternative dispute resolution and inmate reentry programs.

Because the Research Division often is asked to study controversial issues and practices, it is particularly important that its work product meet the highest professional standards and be as objective as possible. I'm proud to say that the division consistently meets that expectation, and I'm deeply appreciative of the professionalism of our team.

As it has in previous years, our International Judicial Relations Office has hosted numerous foreign delegations and has provided technical assistance to judges and judicial administrators around the world. Important new projects in 2015 included a needs assessment in support of Namibia's effort to establish an independent administrative office of the courts and the initiation of what we hope will be an ongoing engagement with judicial and legislative leaders in Uzbekistan to promote transparency and professional training for judges. In addition to continuing its excellent work maintaining the official biographies of federal judges and developing training materials for high school teachers, our History Office will be using our new Web capabilities to make judicial history and information about the judiciary more accessible to the public generally.

Finally, 2015 marked the arrival of several new staff members and two outstanding additions to our leadership team. Julie Linkins, formerly director of judicial edu-

cation for Maryland, joined us as deputy director of our Education Division and has provided valuable guidance for our curriculum project. Clara Altman, who came to us from the Law, Jurisprudence, and Social Thought faculty at Amherst College, has brought vision, energy, and technological sophistication to our History Office. In January 2016, we will welcome Dana Chipman, formerly Judge Advocate General of the Army, as the new director of the Education Division.

Nothing that I have described would have been possible without the support of our Board and the commit-

ment and daily effort of the people who work here. The FJC is a remarkable organization, and hardly a week goes by that I don't feel grateful for the opportunity to be a part of it.



JEREMY D. FOGEL

## 2015 Federal Judicial Center Staff

Clara Altman  
Adrian Alvarado  
Marlene Annoni  
Chuck Arberg  
Marvin Astrada  
Norman Baker  
Brenda Baldwin-White  
Jo Ann Barnes  
Linda Beavers  
Elia Bendavid  
Catherine Borden  
Craig Bowden  
Jim Buchanan  
Kerry Budd  
Myrt Burge  
Jason Cantone  
Joe Cecil  
Jim Chance  
Garbo Cheung-Jasik  
Jackie Clark  
Jasmin Cook  
John Cooke  
Katharine Corcoran  
George Cort  
Tyeika Crawford  
Missy Cross  
Adrian Dales  
Esther DeVries  
Nathan Dotson  
Phyllis Drum  
Meghan Dunn  
Hieu Duong

Trung Duong  
Jim Eaglin  
Geoff Erwin  
Rebecca Eyre  
Charles Fenaoui  
Kim Fisher  
Brian Foxworth  
Sarah Garrison  
Corrin Gee  
Jody George  
Vashty Gobinpersad  
Samuel Golant  
Dexter Green  
Mary Greiner  
Michael Gross  
Krishna Gunupati  
Naveen Gupta  
Mira Gur-Arie  
Mark Hannan  
LaVerne Heade  
Stephanie Hemmert  
Marquita Henry  
Marland Holloway  
Cassandra Holmes  
Daniel Holt  
Laural Hooper  
Beth Johnson  
Molly Johnson  
Andrew Kaplan  
Tracy Keels  
Martha Kendall  
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David Kolm  
Carol Krafka  
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Ludie LaBoard  
Elizabeth Lambert  
Timothy Lau  
Hai Le  
Marie Leary  
Emery Lee  
Frank Leidy  
Angelia Levy  
Ed Liberatore  
Julie Linkins  
Lee Lipscomb  
Dwayne Livingston  
Tom Lo  
Angela Long  
Kris Markarian  
Richard Marshall  
Ashley Mason  
Ursula Maurer  
Susanna Fix McCrea  
Susie Merchant  
Dean Miletich  
Doug Mitchell  
Lori Murphy  
Christopher Murray  
Denise Neary  
Jane Nelson  
Matt Nixon  
Nancy Payne  
Gloria Pleasure

Maisha Pope  
Dana Przesmitzki  
David Rauma  
Tim Reagan  
Alyssa Rice  
Joy Richardson  
Jennifer Richter  
Robin Rowland  
Christina Ruffino  
Steve Saltzgiver  
Matt Sarago  
Mark Sherman  
Michael Siegel  
Claire Smearman  
Deena Smith  
Jessica Snowden  
Cassandra Snyder  
Syl Sobel  
Rhonda Starks  
Donna Stienstra  
Mark Trimble  
Paul Vamvas  
Danielle Vestal  
Deborah Von Drak  
Trudy Walter  
Clint Wang  
Frank Washington  
Yvonne Washington  
Beth Wiggins  
Margaret Williams  
Jefri Wood  
LaTonja Wright



## 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 comprehen-

sive 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.

A handwritten signature in dark ink, appearing to read "Jeremy Fogel". The signature is fluid and stylized, with a large loop for the "J" and a long, sweeping horizontal line at the end.

JEREMY D. FOGEL

## 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